

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

In re:

Case No. GK 17-00984-jtg

PATRIOT SOLAR GROUP, LLC,

Chapter 7

Debtor.

Honorable John T. Gregg

NOTICE OF HEARING

Re: Trustee's Motion to Approve Sale of Assets Free and Clear of
Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363(b)
[Dkt. No. 291]

Please take notice that the court shall hold a hearing on May 19, 2020 at 10:00 a.m. (Eastern) at the United States Bankruptcy Court, U.S. Post Office & Federal Courthouse, 410 West Michigan, Room 114, Kalamazoo, Michigan to consider and act upon the above-referenced motion.

Any response to the motion shall be filed by no later than May 12, 2020.

PLEASE NOTE: The above hearing may be adjourned or continued one or more times by telephonic or written request if no objection is made at the hearing or by oral request at the hearing if no objection is made or if the objection is overruled. The court may also *sua sponte* adjourn or continue the hearing one or more times. If an adjournment or continuance of the above hearing is permitted, parties in interest will not be given written notice of the adjourned or continued date or any subsequent adjournment or continuance. Information regarding the time, date and place of any adjourned or continued hearing may be accessed through the Bankruptcy Court's website (www.miwb.uscourts.gov) provided the person has a PACER login and password, or by visiting the Clerk's Office of the United States Bankruptcy Court located at One Division, N., 2nd Floor, Grand Rapids, Michigan. Information about a PACER login and password may be obtained by either contacting the PACER service center by telephone between 8:00 a.m. and 5:00 p.m. Monday through Friday CST at (800) 676-6856 or via its website at <http://pacer.psc.uscourts.gov>.

Notice returned to Movant for service on requisite parties.

MICHELLE M. WILSON
CLERK OF BANKRUPTCY COURT

/s/

By: Valerie Wyn, Deputy Clerk

April 24, 2020

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

IN RE:

**Patriot Solar Group, LLC,
Debtor.**

**Case No. 17-00984-jtg
Ch. 11 Filed 03/06/2017
Ch. 7 (Converted) 03/13/19
Honorable John T. Gregg
/ U.S. Bankruptcy Judge**

**TRUSTEE'S MOTION TO APPROVE SALE OF ASSETS FREE AND CLEAR OF
LIENS, CLAIMS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363(b)**

The Chapter 7 Trustee, Thomas R. Tibble (“Trustee”), by and through his attorneys, Miller Johnson, as his Motion to Approve Sale of Assets Free and Clear of Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363(b), states as follows:

1. On March 6, 2017 (“Petition Date”) Patriot Solar Group, LLC, (“Debtor”) filed a voluntary Petition under Chapter 11 of the United States Bankruptcy Code.
2. The Debtor’s case was converted to a case under Chapter 7 of the Bankruptcy Code on March 13, 2019.
3. Thomas R. Tibble was appointed and continues to serve as the Chapter 7 Trustee in this case.
4. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
5. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (N) and (O).
6. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
7. The statutory basis for the relief requested herein is 11 U.S.C. §§ 105(a), 363(b), and Federal Rules of Bankruptcy Procedure 2002(a)(2) and 6004.

THE ASSETS

8. Included among the Assets of Debtor's estate are the Debtor's name; all logos from "Patriot Solar Group"; the Debtors phone numbers and email accounts to the extent they still exist; the Debtor's website domain and all content that is currently contained on the website; all drawings, renderings, prints and designs of products of the Debtor's products; all rights to images of the Debtor's products and projects; all other intellectual property owned by the Debtor and the Debtor's customer and vendor lists (hereinafter "The Assets").

TERMS OF THE PROPOSED SALE

9. The Trustee has received an offer from Solar Mounts, LLC ("Solar Mounts") to purchase the Assets for the total sum of Five Thousand Dollars (\$5,000.00), payable in cash or certified funds at closing.

10. The Trustee wishes to offer the Assets for sale in the U.S. Bankruptcy Court, with bidding commencing at the amount of the Solar Mounts' offer (i.e. \$5,000). Thereafter, bidding will be in increments of no less than \$500.

11. The sale of the Assets shall be on a cash basis, as described above, and any further offers for the Assets shall be for cash upon similar terms.

12. The Trustee shall have the right to refuse to recommend confirmation of any bid which does not, in his judgment, insure a monetary return to the estate.

13. The sale of the Assets shall be on an "as is, where is" basis without representation or warranty, expressed or implied, of any kind, nature or description, including, without limitation, any warranty by description or of merchantability, usability or fitness for any particular purpose.

14. The Trustee shall not be required to inspect, test or report on the condition of the Assets being sold or the existence of any possible defects in the same.

PAYMENT OF UNDISPUTED CLAIMS AND EXPENSES

15. All expenses of sale, including administrative and all legal expenses of the bankruptcy proceeding relating to the protection and sale of the Assets, shall be charged against the sale proceeds with priority over all claims.

16. The Trustee is not aware of any liens against the Assets that must be paid at closing.

RELIEF REQUESTED

17. By this Motion, the Trustee seeks authority to sell the Assets pursuant to the terms set forth above or pursuant to a better and higher offer received at a hearing scheduled by this Court, free and clear of all liens, claims and encumbrances, with all valid liens to the extent they exist to attach to the proceeds of the sale.

18. Prospective purchasers may obtain additional information concerning the Property by contacting the Trustee, Thomas R. Tibble, 2813 W Main Street. Kalamazoo, MI 49006, telephone: (269) 342-9482 or email: trusteetibble@tibblecpa.com.

BASIS FOR RELIEF

19. The Trustee believes the sale of the Assets to Solar Mounts as described above is in the best interest of the creditors in this estate for the following reasons:

- a. The Assets are of limited use to any person or entity which is not in the solar panel industry;
- b. Based on the Trustee's investigation, the pending offer is fair and reasonable; and
- c. The Trustee has not received any other offers for the Assets.

WHEREFORE, the Trustee, Thomas R. Tibble, respectfully requests that this Court:

- A. Schedule a hearing on this motion upon notice to all interested parties.
- B. After such notice and hearing enter an Order:
 - i. Approving the sale of the above-referenced Assets on the terms set forth in this Motion pursuant to Federal Rule of Bankruptcy Procedure 2002, 6004, and 9014;
 - ii. Authorizing the Trustee to execute any and all documents necessary to consummate the sale of the Assets;
 - iii. Waiving the stay imposed by Fed.R.Bankr.Proc. 6004(h); and
 - iv. Allowing the sale proceeds to be used (at closing) to pay all undisputed liens against the Property, all closing costs and customary closing expenses and authorizing the Trustee to retain the balance of the proceeds; and
- C. Grant such other and further relief as this Court may deem just, equitable and proper.

Miller Johnson.
Attorneys for Thomas R. Tibble, Trustee

Dated: April 21, 2020

By: /s/ John T. Piggins

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