

Form JTG15 (07/15)

**United States Bankruptcy Court  
Western District of Michigan**  
One Division Ave., N.  
Room 200  
Grand Rapids, MI 49503

**IN RE:** Debtor (name used by the debtor in the last 8 years, including married, maiden, trade, and address):

**Upstream Waters Landscape,  
Inc.**  
308 Bell Road  
Niles, MI 49120  
Tax ID: 26-1393864

Debtor

**Case Number 19-04951-jtg**

**Chapter 7**

**Honorable John T. Gregg**

**NOTICE TO PARTIES IN INTEREST OF HEARING**

YOU ARE HEREBY NOTIFIED that a hearing will be held at the United States Bankruptcy Court, Federal Building, U.S. Courthouse, Room 114, 410 W. Michigan Avenue, Kalamazoo, MI 49007 on **April 28, 2020** at **10:00 AM** to consider and act upon the following matter:

**Trustee's Motion for Authority to Sell Personal Property of the Estate (DN 16)**

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

You or your attorney may wish to file a written response to the motion explaining your position. A response shall be mailed to the Clerk of the United States Bankruptcy Court, One Division Ave., N., 2nd Floor, Grand Rapids MI 49503, and should be received by the Clerk at least seven (7) days before the above hearing date. A copy of your response should also be mailed to the opposing party and his/her attorney.

If you or your attorney do not file a written response, the court may decide to grant the relief sought in the motion without the need for a hearing or further notice.

Michelle M. Wilson  
CLERK OF BANKRUPTCY COURT

**Dated:** February 19, 2020

/S/ \_\_\_\_\_  
J. Koerth  
Deputy Clerk

A copy of this notice returned to Trustee for service upon the mailing matrix.

NOTICE IS HEREBY GIVEN THAT THE COURT MAY, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be accessed through the Bankruptcy Court's web site ([www.miwb.uscourts.gov](http://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 Ave., N., 2nd Floor, Grand Rapids MI 49503. Information about a PACER login and password may be obtained by either calling PACER service center between 8:00 a.m. and 6:00 p.m. Monday through Friday, CST at (800) 676-6856 or via its web site at <http://pacer.psc.uscourts.gov>

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

IN RE:

UPSTREAM WATERS LANDSCAPE, LLC

Case No.: 19-04951-jtg

Chapter 7

Filed: 11/27/2019

Debtor(s).

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**MOTION FOR AUTHORITY TO SELL PERSONAL PROPERTY OF THE ESTATE**

NOW COMES Thomas R. Tibble, Trustee by his attorney Stephen L. Langeland, P.C. and moves for a sale of personal property of the estate pursuant to 11 U.S.C. §363 as follows:

1. He is the duly appointed and acting Chapter 7 Trustee in this case filed under Chapter 7 on November 27, 2019.
2. Included in the property of this estate is a 2008 GMC W4500 Truck ("Truck").
3. The Trustee has received an offer to purchase the Truck from the estate by Kachur Tree Service, LLC ("Kachur") for the sum of \$7,000.00. The Trustee believes it is in the best interest of the estate to sell the Truck at a courtroom auction. The Trustee has estimated the value of the Truck to be no more than \$7,000.00 due to its age, mileage and general condition. The Trustee believes that the courtroom auction should be governed by the following terms and conditions:
  - A) The property to be sold is the Truck.
  - B) Sale shall be on a cash basis with the successful bidder being required to make payment in full, in cash or certified funds, at the conclusion of the bidding in open court. No contingent bids shall be received. Bidding will commence with the bid of Kachur in the amount of \$7,000.00 with subsequent bids in not less than \$100.00.
  - C) The property will be sold on an "as is," "where is" basis, without representation or warranty, express or implied, of any kind, nature or description including, but not limited to, any warranty about description or marketability, merchantability, or usability or a fitness for any purposes.
  - D) The Trustee shall not be required to inspect, test, or report on the condition of the property or the existence of any possible defects in the property. The Trustee is unaware of any liens with respect to the property or any other party who has an interest in the property other than the estate.
  - E) The property will be sold free and clear of all liens, encumbrances, and/or claims therein, with said claims, encumbrances and/or liens attaching to the sale proceeds, in the same order of validity, rank and priority as now exists in said property. The Trustee is unaware of any liens with respect to the property or any other party that has an interest in the property.

F) The expenses of custody, protection, insurance on the property, and the expenses of sale, including administrative and all legal expenses of these proceedings relating to the protection and sale of said property, shall be charged against the sale proceeds with priority over all claims.

**WHEREFORE**, the Trustee requests that this Court enter an Order Confirming Sale of the Truck to Kachur for the sum \$7000.00 or to whomever has the highest bid at the Courtroom Auction and that the Court grant such further relief as may be just and equitable under the circumstances.

Dated: 2-18-2020

  
Stephen L. Langeland (P32583)  
Attorney for Trustee