

FILED & ENTERED
DEC 13 2010
CLERK U.S. BANKRUPTCY COURT
Central District of California
BY daniels DEPUTY CLERK

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Chapter 7 Bankruptcy Trustee

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA / SANTA ANA DIVISION

11 In re) Case No.: 8:09-bk-16353-ES
12)
13 PPA HOLDINGS, LLC,) Chapter 7
14)
15 Debtor.) **ORDER GRANTING TRUSTEE'S**
16) **MOTION FOR ORDER APPROVING (1)**
17) **SALE OF REAL PROPERTY (2095 7TH**
18) **Street, Riverside, California) PURSUANT**
19) **TO 11 U.S.C. SECTION 363(b); (2)**
20) **OVERBID PROCEDURE; (3)**
21) **COMPENSATION OF REAL ESTATE**
22) **AGENT; AND (4) DISTRIBUTION OF**
23) **SALE PROCEEDS**
24)
25) Date: December 2, 2010
26) Time: 10:30 a.m.
27) Ctrm: 5A
28)

22 The Motion of Thomas H. Casey, Chapter 7 Trustee, for an Order Approving (1) Sale of
23 Real Property (2095 7th Street, Riverside, California) Pursuant to 11 U.S.C. Section 363(b); (2)
24 Overbid Procedure; (3) Compensation of Real Estate Agent; and (4) Distribution of Sale
25 Proceeds, came on for hearing on December 2, 2010 at 10:30 AM, the Honorable Erithe A.
26 Smith, United States Bankruptcy Judge, presiding.

27 ///

1 Thomas H. Casey, Chapter 7 Trustee, appeared on behalf of the bankruptcy estate. No
2 other appearances were made.

3 The Court having considered the Motion, proper notice having been given and good
4 cause having been shown,

5 **IT IS HEREBY ORDERED** that the Trustee's Motion is granted;

6 **IT IS FURTHER ORDERED** that the Trustee is authorized to sell the real property,
7 legally described as follows:

8 Assessor's Parcel No. 211-171-021-0

9 Lot 82 together with the Westerly 45.00 feet of Lot 81 both of Madison Square, in the
10 City of Riverside, County of Riverside, State of California, as per map recorded in Book
11 5, Page 59 of Maps, in the office of the County Recorder of said county.

12 Excepting therefrom that portion lying within the Southerly 82.6 feet of said Lot 82 and
13 lying within the Southerly 82.6 feet of the Westerly 45.00 feet of said Lot 81.

14 Also excepting therefrom that portion lying within the Northerly 2.50 feet of said Lot 82
15 and lying within the Northerly 2.50 feet of the Westerly 45.00 feet of said Lot 81.

16 ("Real Property")

17 to Mark Gaudio ("Buyer") for the total purchase price of \$105,000;

18 **IT IS FURTHER ORDERED** the payment of compensation to the Trustee's Real Estate
19 Agent is approved as set forth in the Motion;

20 **IT IS FURTHER ORDERED** the reimbursement of costs to the Trustee's Real Estate
21 Agent is approved as set forth in the Motion;

22 **IT IS FURTHER ORDERED** that the distribution of the sale proceeds is approved as
23 follows:

- 24 1. For normal closing costs.
- 25 2. To the County of Riverside, real property taxes in the amount of approximately
26 \$1,045.45 of the net sale proceeds, or pursuant to its demand in escrow, and subject to the
27 Trustee's review and approval prior to distribution.
- 28 3. To the seller's and buyer's Real Estate Agents, a total amount not greater than six
per cent (6%) of the sale price, in accordance with the terms of employment and compensation of

1 the Trustee's Real Estate Agent, subject to the Trustee's review and approval prior to
2 distribution.

3 4. To Clarence Yoshikane of Prudential California Realty, an amount not to exceed
4 \$1,200 of the net proceeds for reimbursement of costs incurred during the marketing of the Real
5 Property, subject to the Trustee's review and approval prior to distribution.

6 5. The remaining net proceeds to the Trustee.

7 **IT IS FURTHER ORDERED** that the Buyer, Mark Gaudio, is deemed to be purchasing
8 the Real Property in "good faith" under 11 U.S.C. Section 363(m).

9 **IT IS FURTHER ORDERED** that the Trustee is authorized to sign any and all
10 documents necessary, and to undertake any non-material amendments and modifications
11 necessary, to complete the sale of the Property without further notice, hearing or order of this
12 Court.

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26 DATED: December 13, 2010


United States Bankruptcy Judge

1 **NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in
2 Category I.
3 Proposed orders do not generate an NEF because only orders that have been entered are placed on the
4 CM/ECF docket.

5 PROOF OF SERVICE OF DOCUMENT

6 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
7 address is:

8 **22342 Avenida Empresa, Ste. 260, Rancho Santa Margarita, CA 92688**

9 The foregoing document described Order Granting Trustee's Motion for Order Approving (1) Sale of Real
10 Property (2095 7th Street, Riverside, California) Pursuant to 11 U.S.C. Section 363(b); (2) Overbid
11 Procedure; (3) Compensation of Real Estate Agent; and (4) Distribution of Sale Proceeds will be served
12 or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)**
13 in the manner indicated below:

14 **I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to
15 controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served
16 by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket
17 for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the
18 Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

19 Service information continued on attached page

20 **II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

21 On December 3, 2010 I served the following person(s) and/or entity(ies) at the last known address(es) in
22 this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed
23 envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service
24 addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be*
25 *completed no later than 24 hours after the document is filed.*

26 United States Bankruptcy Court
27 Attn: Hon. Erithe A. Smith
28 411 West Fourth St., Ste. 5041
Santa Ana, CA 92701

Service information continued on attached page

29 **III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for
30 each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the
31 following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such
32 service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a*
33 *declaration that personal delivery on the judge will be completed no later than 24 hours after the*
34 *document is filed.*

35 Service information continued on attached page

36 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true
37 and correct.

38 December 3, 2010
Date

Marissa Silva
Type Name

/s/ Marissa Silva
Signature

NOTE TO USERS OF THIS FORM:

- 1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) Order Granting Trustee's Motion for Order Approving (1) Sale of Real Property (2095 7th Street, Riverside, California) Pursuant to 11 U.S.C. Section 363(b); (2) Overbid Procedure; (3) Compensation of Real Estate Agent; and (4) Distribution of Sale Proceeds was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of December 3, 2010 the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- Raymond G Alvarado ralvarado@adorno.com
- Melody G Anderson manderson@hemar.com
- John A Boyd fednotice@tclaw.net
- Brendt C Butler BButler@rutan.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Robert J Campo rcampo@robertcampolaw.com
- Thomas H Casey (TR) msalustro@tomcaseylaw.com, tcasey@ecf.epiqsystems.com

Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid to the following person(s) and/or entity(ies) at the address(es) indicated below:

Debtor

PPA Holdings, LLC
3626 E. Pacific Coast Hwy.
Long Beach, CA 90804

Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s) and/or email address(es) indicated below:

Service information continued on attached page

1 **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):**

- 2 • Michael A Cisneros mcisneros@mac.com
- 3 • Lynsey M Eaton leaton@gglts.com
- 4 • Richard W Esterkin resterkin@morganlewis.com
- 5 • Jeffrey K Garfinkle bkgroup@buchalter.com,
- 6 • jgarfinkle@buchalter.com;lgoodwin@buchalter.com
- 7 • Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- 8 • Michael D Good mgood@southbaylawfirm.com
- 9 • Catherine M Guastello cguastel@quarles.com
- 10 • Robert P Harris robert.harris@quarles.com
- 11 • Paul T Johnson ptj@paultjohnson.com
- 12 • Clifford P Jung clifford@jyllp.com, info@jyllp.com
- 13 • Kelly L Kress kkress@nixonpeabody.com
- 14 • Leib M Lerner leib.lerner@alston.com
- 15 • Adriene Lynch adriene.lynch@alston.com
- 16 • William Malcolm bill@mclaw.org
- 17 • Robert S Marticello Rmarticello@wgllp.com
- 18 • Randall P Mroczynski randym@cookseylaw.com
- 19 • Aron M Oliner roliner@duanemorris.com
- 20 • Penelope Parmes pparmes@rutan.com
- 21 • Eric S Pezold epezold@swlaw.com, dwlewis@swlaw.com
- 22 • Russell H Rapoport rrapoport@prllplaw.com, lgillis@prllplaw.com
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- 26 • Nanette D Sanders becky@ringstadlaw.com
- 27 • Scott A Schiff sas@soukup-schiff.com
- 28 • Philip E Strok pstrok@wgllp.com
- Douglas G Tennant dtennant@frankel-tenant.com
- Wayne R Terry wterry@hemar-rousso.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Kent VanDerSchuit kentv@vanderschuitlawgroup.com, taylorg@vanderschuitlawgroup.com
- Victor A Vilaplana vavilaplana@foley.com
- Michael A Wallin mwallin@sheppardmullin.com
- Jennifer H Wang jwang@cookseylaw.com
- Madeleine C Wanslee mwanslee@gustlaw.com, rstein@gustlaw.com
- Sharon Z Weiss sharon.weiss@hro.com
- Katherine M Windler katherine.windler@bryancave.com

23 **SERVED BY THE LODGING PARTY:**

24 **SERVED BY EMAIL:**

25 stanleyoepstein@aol.com; reps999647@aol.com; rcb@ebslaw.net; stern123@earthlink.net;
26 preamel@aol.com; richmathias@msn.com; bfischer@morganlewis.com; mcnichol@gustlaw.com;
27 sandrkb18@comcast.net; akailesa@cs.com; gberman@dsi.biz; beverlyross@dc.rr.com;
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9 msalustro@tomcaseylaw.com; tcasey@ecf.epiqsystems.com; mstewart@apartmentsamerica.com;
10 kentv@vanderschuitlawgroup.com; mhensley@adorno.com; mark@ptjlaw.com;

7 **SERVED VIA U.S. MAIL:**

8 Clarence Yoshikane
9 2405 McCabe Way, #100
10 Irvine, CA 92614

11 Mark Gaudio
12 1924 Port Bristol Circle
13 Newport Beach, CA 92660

14 Cathay Bank
15 • Hemar, Rousso & Heald, LLP
16 15910 Ventura Blvd., 12th Floor
17 Encino, CA 91436-2802

18 Cathay Bank
19 9650 Flair Drive, 7th Floor
20 El Monte, CA 91731-3005