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10 *Attorneys for Jill H. Ford, Trustee*

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 In re:

14 LINDA CHRISTINE COOPER,

15 Debtor.

(Chapter 7 Case)

No. 4:21-bk-05805-SHG

NOTICE OF HEARING ON:

**(1) MOTION TO: (1) SELL REAL
PROPERTY OF THE ESTATE
FREE AND CLEAR OF LIENS,
CLAIMS, INTERESTS, AND
ENCUMBRANCES; (2)
COMPENSATE REAL ESTATE
BROKER; AND (3) PAY
DEBTOR'S HOMESTEAD
EXEMPTION; AND**

(2) NOTICE OF SALE/AUCTION

Time: 2:00 p.m.

Date: August 17, 2022

Video: www.Zoom.Gov

Hearing ID: 161 411 6846

Passcode: 656535

TO: ALL CREDITORS AND PARTIES-IN-INTEREST

NOTICE IS HEREBY GIVEN that on July 13, 2022, Jill H. Ford, Chapter 7 Trustee (“Trustee”), by and through undersigned counsel, filed her *Motion to: (1) Sell Real Property of the Estate Free and Clear of Liens, Claims, Interests, and Encumbrances; (2) Compensate Real Estate Broker; and (3) Pay Debtor’s Homestead Exemption* (“**Motion**”). (DE 61). A complete copy is available upon written request to the Trustee’s counsel as indicated herein. The pertinent provisions of the Motion are set forth below.

HEARING AND DEADLINE TO OBJECT

The Court has scheduled a hearing for **August 17, 2022 at 2:00 p.m.** such hearing is to be held before the Honorable Scott H. Gan. Interested parties are expected to appear by

1 videoconference via <https://www.zoomgov.com>. The hearing ID is 161 411 6846 and the
2 passcode is 656535. Alternatively, interested parties may use the following Zoom hearing link:
<https://www.zoomgov.com/j/1614116846?pwd=ckRTdWN6eis5UDU0dHgZU2lLekRXUT09>.

3 Participants are expected to join the videoconference 5 minutes prior to the scheduled
4 hearing time and ensure that their full name (First and Last Name) is displayed for the
5 record. For additional instructions regarding videoconferencing, please visit
www.azb.uscourts.gov to review the Videoconference Hearing Guidelines.

6 Any objection should be filed in writing no later than **August 10, 2022**, with the United
7 States Bankruptcy Court, as follows: (a) by hand-delivery or mail to Clerk of the Court, 38 South
8 Scott Avenue, Suite 100, Tucson, AZ 85701; or (b) electronically at the Court's website:
ecf.azb.uscourts.gov using the Court's electronic filing procedures, with a copy to: Lane & Nach,
P.C., at the above-address. **Failure to appear at the hearing or timely object may result in the
requested relief being granted without further notice to you.**

9 **NOTICE OF MOTION**

Property to be Sold:	The Estate's interest in the real property located at 64 West Viola Street, Casa Grande, Arizona 85122 and legally described as: Lot 187, of DESERT CROSSING, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, recorded in Cabinet D, Slide 62. (" Real Property ").
Terms of Sale:	Interested buyers must do their own due diligence to determine the extent of the Estate's interest in the Real Property. <u>IF SOLD TO THE WILLIS GARY JOHNSON TRUST:</u> The Real Property will be sold As-Is, Where-Is, with No Representations, Guarantees or Warranties , and free and clear of all liens, claims, encumbrances and interests in accordance with 11 U.S.C. § 363, with any valid and enforceable liens to attach to the net sale proceeds and be paid from escrow. <u>IF SOLD TO ANY OTHER BUYER:</u> The Real Property will be sold As-Is, Where-Is, with No Representations, Guarantees or Warranties , and free and clear of all liens, claims, encumbrances and interests in accordance with 11 U.S.C. § 363 <u>EXCEPT</u> the security interest of Aqua Financing, Inc. The buyer may work with Aqua Financing, Inc. to purchase any collateral to which the Security Interest attaches or Aqua Financing, Inc. may retake possession of its collateral. Any buyer must be advised that the sale of the Real Property will be free and clear of all liens <u>except for the Security Interest</u> recorded with the Pinal County Recorder on December 2, 2020 at document number 20-126527. Any buyer must be advised that the Trustee does not intend to pay any funds at the close of escrow to Security Interest. All valid and enforceable liens (except Aqua Financing, Inc.) will attach to the net sale proceeds and be paid from escrow.

	<p>The Estate's interest in the Real Property shall be conveyed to the prevailing purchaser by Trustee's Deed.</p> <p><i>All sales are subject to Trustee's approval.</i></p>
Proposed Purchaser:	<p>Willis Gary Johnson Trust ("Interested Buyer") made the offer to purchase the Real Property in the amount of <u>\$330,000.00</u> (\$5,000.00 earnest money, an additional deposit of \$28,000.00, and a hard money loan to finance the balance of \$297,000.00) subject to higher and better offers at sale hearing. A copy of the purchase contract and associated counter offers/addenda are attached to the Motion as Exhibit A.</p>
Bidding/Over Bids:	<p>The sale is subject to higher and better bids at sale hearing.</p> <p>To the extent that other parties wish to bid on the Real Property, Trustee requests that interested bidders match the \$5,000.00 earnest money deposit of the Interested Buyer and are required to deliver \$5,000.00 in certified funds, made payable to "Jill H. Ford, Trustee" to the Escrow agent with Pioneer Title, at least one day prior to the hearing on this Motion. Trustee further requests that other bidders provide documentation to Trustee's attorneys evidencing the bidder's access immediate funds to purchase the Real Property at least one (1) business day prior to the sale hearing.</p>
Insider:	<p>Buyer is not an insider and is a good faith purchaser and is entitled to the benefits provided by 11 U.S.C. § 363(m).</p>
To View the Property or Obtain More information:	<p>For more information contact R.O.I. Properties, LLC ("Broker") at 602-319-1326.</p>
Description of Interest(s) in the Property:	<p>Trustee is not aware of any liens or encumbrances on the Real Property, except for the following:</p> <p><u>Mortgage:</u> a mortgage held by Mortgage Electronic Registration Systems, Inc. as nominee for Fairway Independent Mortgage Corporate ("Fairway Mortgage") which was recorded with the Pinal County Recorder on December 21, 2018 at document number 18-194430. Upon information and belief, the approximate balance of the Fairway Mortgage is \$130,000.00;</p> <p><u>UCC Financing Statement:</u> a security interest in a reverse osmosis system allegedly located at the Real Property and recorded with the Pinal County recorder on December 2, 2020 at document number 20-126527 ("Security Interest"). Upon information and belief, the Security Interest is held by Aqua Financing, Inc. and the approximate balance owed is \$5,465.19;</p> <p><u>Homestead Exemption:</u> Debtor's homestead exemption of \$150,000.00 pursuant to A.R.S. § 33-1101;</p> <p><u>Real Property Taxes</u> (upon information and belief, there are no outstanding real property taxes); and</p>

	<p>Utilities – the sale is subject to any utilities or service assessments, including but not limited to water rights, easements, restrictions, reservations, conditions, and set back lines as more fully set forth in Schedule B, Part II – Exceptions of the Commitment for Title Insurance attached as Exhibit B to the Motion.</p> <p>Plunko Enterprises, LLC (disputed interest) – Pre-petition, Debtor filed a quiet title/declaratory judgment action in the Superior Court of Pinal County (case number S-1100-CV-201901105) against Plunko Enterprises, LLC and its mortgagee, Paris Weant as Trustee of Fourth Phase Trust (collectively, “Defendants”). On or around June 25, 2020, the Pinal County Superior Court quieted title in favor of the Debtor. Post-petition, Defendants recorded a Lis Pendens in Pinal County which has now been released. Defendants have not sought stay relief and the Pinal County Superior Court action is stayed pending this bankruptcy proceeding. On the Petition Date, the Real Property was owned by the Debtor. The Real Property is being sold free and clear of this disputed interest.</p> <p><i>Real Property is being sold “as is”/“where is” with no warranties express or implied to Interested Buyer or anyone submitting a higher and better offer at a hearing to approve the sale of the Real Property</i></p>
Appraisals:	Trustee is not aware of any appraisals.
Compensation/Fees:	Trustee also seeks approval to pay Broker’s commission, not to exceed six percent (6.0%) and will be paid from escrow to Trustee’s Broker on behalf of the Estate, which commission may be shared with a buyer’s broker, as is customary in the industry.
Waiver of 14-Day Stay:	Trustee respectfully requests that the Court in the discretion provided to it under Bankruptcy Rule 6004(h), waive the fourteen-day stay of the Order approving the sale of the Real Property.
Deadline to Object:	Any objection shall be filed no later than August 10, 2022
Motion for Stay Relief:	There have been no motions for relief filed relating to the Real Property.
Anticipated Closing Date:	Trustee anticipates that the Sale will close within seventeen (17) calendar days of the date of entry of the Order approving the sale, or on a date agreed to by the Interested Buyer and Trustee.

RESPECTFULLY SUBMITTED this 13th day of July, 2022.

LANE & NACH, P.C.

By: /s/ Adam B. Nach – 013622

Adam B. Nach
Helen K. Santilli
Attorneys for Trustee

1 COPY of the foregoing delivered via first class mail or electronic mail. Copies notated with an (*)
2 were also mailed a copy of the Motion with the Notice:

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7 Debtor, Pro Se

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Email: ustpregion14.px.ecf@usdoj.gov

8 Internal Revenue Service*
9 P.O. Box 7346
10 Philadelphia, PA 19101-7346

Office of the Arizona Attorney General*
Tax, Bankruptcy and Collection Sect.
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11 Pinal County Treasurer
12 31 N. Pinal Street
13 Florence, AZ 85132

Arizona Department of Revenue*
2005 N. Central Avenue, Suite 100
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14 Attorney General of the United States*
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¹ Also sent via certified mail, return receipt requested.

² Also sent via certified mail, return receipt requested.

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4 By: /s/ Danica Acosta
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¹ Mailed with copy of the Motion.