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7 *Attorneys for Lothar Goernitz, Trustee*

8 **IN THE UNITED STATES BANKRUPTCY COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

10 In re:

11 BRIGIT SUE BARTON,

12 Debtor.

(Chapter 7 Case)

No. 2:21-bk-06358-PS

**AMENDED NOTICE OF TRUSTEE'S  
MOTION TO SELL REAL  
PROPERTY OF THE ESTATE FREE  
AND CLEAR OF LIENS, CLAIMS  
AND INTERESTS AND  
COMPENSATE REAL ESTATE  
BROKER**

16 **TO: DEBTOR, ALL CREDITORS, AND ALL PARTIES-IN-INTEREST**

17 **NOTICE IS HEREBY GIVEN** that on July 19, 2022, Lothar Goernitz, Chapter 7 Trustee  
18 (“Trustee”), by and through undersigned counsel, filed his *Motion for Order: (1) Authorizing Sale  
of Property of the Estate Free and Clear of All Liens, Encumbrances, and Interests, As-Is, Where-  
19 Is; and (2) Approving Sale and Bidding Procedures* (“**Motion**”). A complete copy is available upon  
written request to the Trustee’s counsel as indicated above. The pertinent provisions of the Motion  
20 are set forth below.

21 **This Notice is being amended to revise the Terms of Sale and Bidding Procedure, as  
more fully set forth below. The Terms of the Sale and Bidding Procedures as delineated in  
22 this Notice shall supersede the Terms of Sale as listed in the previous Notice (DE 64) and in  
the Motion (DE 63). The amended terms are bolded in the below section entitled *Terms of  
23 Sale and Bidding Procedures.***

24 **AUCTION INFORMATION AND DEADLINE TO OBJECT**

25 Any objection should be filed in writing no later than **August 16, 2022**, with the U.S.  
Courtroom and Federal Building, as follows: (a) mail or hand-delivery to 230 N. 1st Ave., Suite  
26 101, Phoenix, AZ 85003; or (b) electronically at the Court’s website: [ecf.azb.uscourts.gov](http://ecf.azb.uscourts.gov) using  
the Court’s electronic filing procedures, with a copy to: Lane & Nach, P.C., 2001 E. Campbell Ave.,  
27 Ste. 103, Phoenix, AZ 85016. Failure to appear or timely object may result in the requested relief  
being granted without further notice to you.

<p>1 Property to be Sold:</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p>	<p>The Estate's interest 3 vacant real property lots located at (collectively, "Property"):</p> <p>a. <b><u>321 Canyon View, Prescott, Arizona 86303</u></b> and legally described as: Lot 2B, as show on Reversionary Plat of record in Book 53 of Maps, Page 81, being a portion of Lot 2, Block G, GREEN MANOR HEIGHTS, according to the amended plat of record in Book 4 of Maps, Page 81, records of Yavapai County, Arizona.</p> <p>b. <b><u>315 Canyon View Street, Prescott, Arizona 86303</u></b> and legally described as: Lot 2A, as show on Reversionary Plat of record in Book 53 of Maps, Page 81, being a portion of Lot 2, Block G, GREEN MANOR HEIGHTS, according to the amended plat of record in Book 4 of Maps, Page 81, records of Yavapai County, Arizona.</p> <p>c. <b><u>1311 Moore Place, Prescott, Arizona 86303</u></b> and legal described as Lot 2C, as: show on Reversionary Plat of record in Book 53 of Maps, Page 81, being a portion of Lot 2, Block G, GREEN MANOR HEIGHTS, according to the amended plat of record in Book 4 of Maps, Page 81, records of Yavapai County, Arizona.</p>
<p>14 Terms of Sale:</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Prospective purchasers may not rely on the information in the Motion in making an offer and/or bid and must perform their own due diligence to analyze the value of this asset. The Property will be sold on an "AS IS" / "WHERE IS" basis, with no warranties, guarantees express or implied.</p> <p>Interested buyers must do their own due diligence to determine the extent of the Estate's interest in the Property.</p> <p><b><u>Online Only Auction</u></b></p> <p><b><u>Bidder Registration:</u></b> All bidders are required to register using the online bidding system. A major credit card is required. Bidders are responsible for all purchases made with his/her bidder number, whether by the registered bidder or by anyone he/she might allow to use the number.</p> <p><b><u>Bidding:</u></b> Online bidding begins Friday as noticed and will close on Thursday at 2:00pm</p> <p><b><u>Payment/Charges:</u></b> (1) No buyer's premium will be charged by Auctioneer. (2) Auctioneer does not accept credit/debit cards as final payment. Only cash, cashier's check, certified funds or wire transfers will be accepted. Payment is due no later than 4:00pm on the Tuesday following the close of the auction. (3) Sales Tax: For general assets and rolling stock, unless an Arizona tax resale license is provided at the time of payment, the purchaser will be required to pay the combined state and city sales tax. There is no sales tax on real estate. (4) Default: In the event of default, the second highest bidder will be given the option to become the successful bidder at</p>

	<p>his/her last bid. The bidder in default will be responsible for the difference in the bids, or the entire amount in the event that the second highest bidder does not take the option to become the successful bidder.</p> <p><b><u>Auction Warranties:</u></b> (use what you have)</p> <p><b><u>Additional Sale Terms:</u></b> This is okay for the template, but for this particular case, there is no preview since the asset is vacant land real estate. Please revise as you see fit.</p> <p><u>Auctioneer Warranties:</u> Auctioneer provides no warranty relating to title, possession, quiet enjoyment, or the like in this disposition. Everything in the auction is being sold “as is – where is” to the highest bidder, without warranty, representation, or guarantee of any kind. Potential bidders must perform their own due diligence.</p> <p><u>Additional Sale Terms:</u> (1) Auctioneer is not responsible for missing or broken items after the auction has ended. There are absolutely no refunds. (2) The property to be auctioned will be available for preview by requesting an appointment with George Cunningham, (602) 469-4635. (3) The sale is subject to Trustee approval. (4) All bids at the auction shall be subject to higher and better bids until close of the auction.</p>
Bidding Procedures:	<p><b>Bidding Procedures: Online bidding will open at or before 4:00pm MST on Friday, September 16, 2022 and will begin to close on Thursday, September 22, 2022 at 2:00pm or at the time listed on the website. This is an online only auction. There will be no live bidding.</b></p>
To View the Property or Obtain More information:	<p>For more information contact George Cunningham, (602) 469-4635 or go to <a href="https://www.cunninghamauctions.com/">https://www.cunninghamauctions.com/</a></p>
Description of Interest(s) in the Property:	<p>Trustee’s counsel obtained and reviewed Title Reports for the Property (copies of which are available from Trustee’s undersigned counsel upon request) and is aware of the following liens, claims, encumbrances, or interests in the Property:</p> <p><b><u>Deed of Trust:</u></b> a Deed of Trust held by Luanne Jackson (“Mrs. Jackson”) which was recorded with the Yavapai County Recorder on May 13, 2019 at document number 2019-0020348. Upon information and belief, the approximate balance of the Mrs. Jackson’s Deed of Trust is \$34,149.52. This Deed of Trust attaches to all three parcels making up the Property.</p> <p>The trustee requests authority to pay \$34,149.52 to Mrs. Jackson in full satisfaction of her Deed of Trust; and</p> <p><b><u>Real Property Taxes</u></b> (upon information and belief, there are no outstanding real property taxes.</p>
Appraisals:	<p>The Trustee is not aware of any recent appraisals of the Property.</p>
Compensation/Fees:	<p>Auctioneer’s fee will be a commission of ten percent (10%) of any sale proceeds subject to further Court Order.</p>

