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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:

(Chapter 7 Case)

11 BRIGIT SUE BARTON,

No. 2:21-bk-06358-PS

12 Debtor.

13 **NOTICE OF TRUSTEE'S MOTION**
14 **TO SELL REAL PROPERTY OF THE**
15 **ESTATE FREE AND CLEAR OF**
16 **LIENS, CLAIMS AND INTERESTS**
17 **AND COMPENSATE REAL ESTATE**
18 **BROKER**

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

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

26 **AUCTION INFORMATION AND DEADLINE TO OBJECT**

27 Any objection should be filed in writing no later than **August 16, 2022**, with the U.S.
28 Courthouse and Federal Building, as follows: (a) mail or hand-delivery to 230 N. 1st Ave., Suite
101, Phoenix, AZ 85003; 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., 2001 E. Campbell Ave.,
Ste. 103, Phoenix, AZ 85016. Failure to appear or timely object may result in the requested relief
being granted without further notice to you.

Property to be Sold:	The Estate’s interest 3 vacant real property lots located at (collectively, “ Property ”): a. <u>321 Canyon View, Prescott, Arizona 86303</u> 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
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<p>1</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>Book 4 of Maps, Page 81, records of Yavapai County, Arizona.</p> <p>b. <u>315 Canyon View Street, Prescott, Arizona 86303</u> 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. <u>1311 Moore Place, Prescott, Arizona 86303</u> 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>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</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><u>Online Onsite Auctions:</u> Auction items are sold at onsite online auctions. Auctions begin on a Friday as noticed and will begin to close on Wednesday at 12:00 p.m. for non-titled property.</p> <p><u>Bidder Registration:</u> All bidders are required to register and provide the necessary information requested before bidding. Upon successful registration, each bidder is assigned a bidder number. A major credit card is required to bid online. A \$25 hold will be placed on each bidder’s credit card account, which hold will be reversed if the bidder is not the successful bidder. The hold will remain for successful bidders until payment has been made in full. 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 his/her number.</p> <p><u>Bidding:</u> All auctions are live online. Additionally, starting at 8:30 a.m. MST on the date scheduled for the closing of the auction:</p> <p><u>Payment/Charges:</u> (1) No buyer’s premium will be charged by Auctioneer. (2) Auctioneer does not accept credit/debit cards; Auctioneer accepts cash, cashier’s check, certified funds or wire transfers (with a \$15 fee). Payment is due no later than 2:00 p.m. on the Friday after 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 Arizona State and local sales tax totaling 8.6%. There is no sales tax on real estate. (4) <u>Default:</u> In the event of default, the second highest bidder will be given the option to become the successful bidder at his/her last bid. The bidder in default will be responsible for the difference in the</p>

	<p>bids, or the entire amount of his/her bid in the event that the second highest bidder does not take the option to become the successful bidder. The default bidder will also forfeit his/her deposit. A service charge of 1-1/2% per month, 18% APR, will be added to all overdue accounts. The bidder in default is also liable for all legal and collection fees.</p> <p><u>Auctioneer Warranties:</u> Auctioneer provides <u>no</u> 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>Online bidding will open at or before 4:00 p.m. MST on Friday, September 16, 2022. All bidding will start to close with the commencement of a live auction beginning at 8:30 a.m. MST on Wednesday, September 21, 2022, or at the time listed on the website. Online bidding will be available simultaneously during the live auction.</p> <p>The minimum bid shall be not less than \$42,000.00.</p>
To View the Property or Obtain More information:	<p>For more information contact George Cunningham, (602) 469-4635 or go to https://www.cunninghamauctions.com/</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><u>Deed of Trust:</u> 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><u>Real Property Taxes</u> (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>

	Cunningham & Associates, Inc. is not an insider.
Deadline to Object:	Any objection shall be filed no later than August 16, 2022
Motion for Stay Relief:	There have been no motions for relief filed relating to the Property.

RESPECTFULLY SUBMITTED this 20th day of July, 2022.

LANE & NACH, P.C.

By /s/ MPL 007435
Michael P. Lane
Helen K. Santilli
Attorney for Trustee

COPY of the foregoing mailed/delivered via electronic notification:

Brigit Sue Barton
12814 West Soledad Street
El Mirage, AZ 85335
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Email: Jennifer.A.Giaimo@usdoj.gov
Email: ustregion14.px.ecf@usdoj.gov

Luanne Jackson
1083 La Costa Lane
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By /s/ Sheila Rochin

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