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10 *Attorneys for David A. Birdsell, Case Trustee*

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

13 In re:

14 KEVIN L. KERNS,

15 Debtor.

(Chapter 7 Case)

No. 2:21-bk-07499-PS

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF
TRUSTEE’S MOTION TO: (1) SELL
ESTATE’S INTEREST IN VEHICLES
SUBJECT TO LIENS, CLAIMS,
ENCUMBRANCES AND INTERESTS;
AND (2) APPROVE BIDDING
PROCEDURES**

AND

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF PUBLIC
AUCTION OF ESTATE’S INTEREST
VEHICLES SUBJECT TO LIENS,
CLAIMS, ENCUMBRANCES AND
INTERESTS**

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

17 **NOTICE IS HEREBY GIVEN** that on December 19, 2022, David A. Birdsell, Chapter 7
18 Trustee (“**Trustee**”), by and through undersigned counsel, filed his *Motion to: (1) Sell Estate’s*
19 *Interest in Vehicles Subject to Liens, Claims, Encumbrances and Interests; and (2) Approve*
20 *Bidding Procedures* (“**Motion**”). A complete copy is available upon written request to the Trustee’s
21 counsel as indicated above. The pertinent provisions of the Motion are set forth below.

22 **NOTICE IS FURTHER GIVEN** that the Estate’s interest in the below-described Vehicles
23 will be offered to the person making the highest and best bid at public sale by David A. Birdsell,
24 Trustee, on Friday, January 27, 2023, at 8:30 a.m. To bid by telephone call 1 (310) 372-7549 wait
25 for prompt – ACCESS CODE # 831482 then press #.

1 2 3	Property to be Sold:	The Estate's interest in a 2005 LT-F250 Suzuki ("ATV") and 2014 Honda Accord Ex-L Sedan ("Honda"). Collectively referred to as "Vehicles"
4 5 6 7 8 9	Terms of Sale:	Prospective purchasers are encouraged to personally inspect/perform their own due diligence of the Vehicles being sold, as the Vehicles will be sold "AS IS, WHERE IS", with no representations, guarantees, or warranties, subject to liens, claims, encumbrances, and interests. All sales are subject to Trustee and Bankruptcy Court approval. Trustee makes no representations regarding the title or condition of the Vehicles nor does he make any warranties regarding encumbrances, liens or interests. The Estate's interest in the Vehicles will be transferred by Bill of Sale.
10 11 12	Proposed Purchaser:	William Reeser has offered to purchase the Vehicles for the sum of \$4,500.00 (\$500.00 for the ATV and \$4,000.00 for the Honda). Payment will be made in certified funds payable to "David A. Birdsell, Trustee", and remitted within five days of the Sale. The offer is subject to higher and better bids.
13 14	Insider:	The proposed purchaser is not an "insider" as defined by 11 U.S.C. § 101(31).
15	To View the Property or Obtain More information:	Contact: Adam B. Nach, attorney for the Trustee, (602) 258-6000 or adam.nach@lane-nach.com.
16 17 18 19 20 21	Description of Interest in the Property:	Trustee is not aware of another entity holding an interest in the ATV being sold. The Honda is believed to be encumbered by a lien in favor of Bridgecrest Acceptance Corporation in the approximate amount of \$6,000.00. <i>The Vehicles are being sold "as is"/"where is" with no warranties express or implied, subject to liens, claims, encumbrances and interest to anyone submitting a higher and better offer.</i>
22	Appraisals:	The Trustee is not aware of any recent appraisals on the scheduled interest in Vehicles being sold.
23	Compensation/Fees:	There are no broker's fees/compensation related to this sale.
24 25 26	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 Vehicles.
27 28	Motion for Stay Relief:	There have been no motions for relief filed relating to the Vehicle

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2 Any person opposing same shall file a written objection, specifying the reason therefor,
3 together with a notice of hearing, on or before 21 days of the date of this mailing as follows: United
4 States Bankruptcy Court, as follows: (a) by hand-delivery or mail to Clerk of the Court, 230 North
5 First Avenue, Suite 101, Phoenix, Arizona 85003-1706; or (b) electronically at the Court's website:
6 ecf.azb.uscourts.gov using the Court's electronic filing procedures, with a copy to: Lane & Nach,
7 P.C., at the above-address.

8 If a person timely objects in writing and a hearing is requested but has not yet been
9 conducted by the Court as of the date of the scheduled auction, bids will be taken and the normal
10 sales procedures followed. The closing of the sale remains dependent upon the outcome of the
11 Court hearing regarding the objection. **If there is no timely objection and request for hearing,**
12 **no hearing will be held, and the Trustee will proceed to sell the property without further order**
13 **of the Court.**

14
15 DATED: December 19, 2022.

16
17 **LANE & NACH, P.C.**

18 By: /s/ Adam B. Nach – 013622
19 Adam B. Nach
20 Kristofer R. McDonald
21 *Attorneys for Trustee*

22
23 COPY of the foregoing delivered
24 via first class mail to:

25 Bridgecrest Acceptance Corp.
26 P.O. Box 53087
27 Phoenix, AZ 85072

28 Bridgecrest Acceptance Corporation
c/o Corporation Service Company
8825 N. 23rd Avenue, Suite 100
Phoenix, AZ 85021

Bridgecrest Acceptance Corporation
Attn: Mary Leigh Phillips, President/CEO
1720 W. Rio Salado Parkway
Tempe, AZ 85281

COPY of the foregoing delivered
via electronic mail to:

Sandra C. Oswalt
Oswalt Law Group, PC
3933 S. McClintock Dr., Ste. 500
Tempe, AZ 85282
Email: sandra@oswaltlawgroup.com
Attorney for Debtor

1 Office of U.S. Trustee
230 North First Avenue
2 Phoenix, AZ 85003
3 Email: Larry.Watson@usdoj.gov
4 Email: ustpreion14.px.ecf@usdoj.gov

4 By: /s/ Debbie McKernan

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