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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 PHOENIX SOLAR INCORPORATED,

15 Debtor.

(Chapter 7 Case)

No. 2:17-bk-15240-BKM

**NOTICE TO CREDITORS AND
INTEREST PARTIES OF TRUSTEE'S
MOTION TO SELL ESTATE'S
INTEREST IN CLAIM AND
APPROVE BIDDING PROCEDURES**

AND

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF PUBLIC
AUCTION OF ESTATE'S INTEREST
CLAIM**

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

19
20 **NOTICE IS HEREBY GIVEN** that on February 14, 2023, the Jill H. Ford, Chapter 7
21 Trustee (“**Trustee**”), by and through undersigned counsel, filed her *Motion to Sell Estate’s Interest*
22 *in Claim and Approve Bidding Procedures* (“**Sale Motion**”). A complete copy is available upon
23 written request to the Trustee’s counsel as indicated above. The pertinent provisions of the Sale
24 Motion are set forth below.

25 **NOTICE IS FURTHER GIVEN** that the Estate’s interest in the below-described Claim
26 will be offered to the person making the highest and best bid at public sale by Jill H. Ford, Trustee,
27 on Friday, March 31, 2023, at 8:30 a.m. To bid by telephone call 1 (310) 372-7549 wait for prompt
28 – ACCESS CODE # 831482 then press #.

Property to be Sold:	The Estate’s interest in an allowed claim in the amount of
	€1,750,000.00 (EUR) in the Phoenix AG German
	insolvency proceeding (“ Claim ”).

1 2 3 4 5 6 7 8 9	Terms of Sale:	Prospective purchasers are encouraged to personally inspect/perform their own due diligence of the Vehicle being sold, as the Claim will be sold "AS IS, WHERE IS", with no representations, guarantees, or warranties, subject to liens, claims, encumbrances, and interests. <u>All sales are subject to Trustee and Bankruptcy Court approval.</u> Trustee makes no representations regarding the condition of the Claim nor does she make any warranties regarding encumbrances, liens or interests. The Estate's interest in the Claim will be transferred by Assignment. At the conclusion of the Auction, the Trustee shall have the sole and absolute discretion to accept the stalking horse bid and/or final bid (collectively "Final Bid") and approve the sale. In the event the Trustee does not approve the Final Bid, then the Claim shall remain property of this Estate.
10 11 12	Proposed Purchaser:	William Reeser has offered to purchase the Estate's interest in the Claim for the sum of \$10,000.00. Payment will be made in certified funds payable to "Jill H. Ford", 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	Description of Interest in the Property:	Trustee is not aware of another entity holding an interest in the Claim being sold. <i>The Claim is 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>
20 21	Appraisals:	The Trustee is not aware of any recent appraisals on the scheduled interest in Claim being sold.
22	Compensation/Fees:	There are no broker's fees/compensation related to this sale.
23 24 25	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 Claim.
26 27	Motion for Stay Relief:	There have been no motions for relief filed relating to the Claim

Any person opposing same shall file a written objection, specifying the reason therefor,

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

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

12 DATED: February 14, 2023.

13 **LANE & NACH, P.C.**

14 By: /s/ Adam B. Nach – 013622
15 Adam B. Nach
16 Kristofer R. McDonald
17 *Attorneys for Trustee*
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