

1 **LANE & NACH, P.C.**
2 2001 East Campbell Avenue, Suite 103
3 Phoenix, Arizona 85026
4 Telephone No.: (602) 258-6000
5 Facsimile No.: (602) 258-6003

6 Stuart B. Rodgers – 025720
7 Email: stuart.rodgers@lane-nach.com
8 Paul M. Hilkert – 028934
9 Email: paul.hilkert@lane-nach.com

10 *Attorneys for Eric M. Haley, Trustee*

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

13 In re:

(Chapter 7 Case)

14 PATSY P. MARQUEZ aka PATRICIA P.
15 MARQUEZ,

No. 2:21-bk-04480-MCW

16 Debtor.

**NOTICE OF HEARING ON
TRUSTEE’S (1) MOTION TO SELL
ESTATE’S INTEREST IN
STRUCTURED SETTLEMENT
ANNUITY; AND (2) APPLICATION
FOR AUTHORIZATION TO
TRANSFER STRUCTURED
SETTLEMENT ANNUITY PAYMENT
RIGHTS TO SUCCESSFUL
PURCHASER**

17 **TO: CREDITORS AND PARTIES-IN-INTEREST:**

18 **NOTICE OF HEARING ON SALE MOTION**

19 PLEASE TAKE NOTICE that Eric M. Haley, Trustee, (the “Trustee”), has filed a *Motion*
20 *to Sell the Estate’s Interest in Structured Settlement Annuity Payment Rights; and (2) Application*
21 *to for Authorization to Transfer Structured Settlement Annuity Payment Rights to Successful*
22 *Purchaser* (“**Motion and Application**”) a complete copy of which is on file with the Court and
available for inspection. The pertinent provisions of the Motion are set forth below.

23 The Court has scheduled a hearing on the Motion for **June 6, 2023**, at the hour of **11:00**
24 **a.m., MST** before the Honorable Madeleine Wanslee. Parties may appear at the hearing either by (1)
videoconference by visiting www.zoomgov.com, Meeting ID: 160 2682 4253, Passcode: 425399 or (2)
telephone by calling (833) 568-8864, Meeting ID: 160 2682 4253, Passcode: 425399.

25 Any person opposing the Motion and Application shall file a written objection, on or
26 before twenty-one (21) days of the date of this mailing, and shall appear at the hearing.
27 Objections to the Motion and Application should be mailed/delivered as follows: Clerk of the
28 United States Bankruptcy Court: (a) by hand-delivery/mail: to 230 North First Avenue, Suite 101,
Phoenix, Arizona 85003-1706; 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., Suite 103, Phoenix, AZ 85016. The failure to respond within the foregoing

1 period of time, or to appear at the hearing, may result in the Court approving the Motion and
2 proceeding with the sale without further notice.

3 **NOTICE OF SALE MOTION**

4 Property to be Sold:	Estate's interest in the receipt of payments (" Annuity Payment Rights ") from a Western National Life Insurance Company Annuity Contract (" Annuity ") as follows: Policy Number: 242,007 Annuity Effective Date: April 8, 1987 Measuring Life: Patricia Marquez Age on Annuity Effective Date: 27 Monthly Payment Amount: \$240.50 The Annuity provided for guaranteed payments to be made to the Debtor or the Debtor's beneficiary, whether or not the Debtor was still living, through April 8, 2017. After this date, the Annuity provides that payments will continue thereunder until such time that the Debtor passes away. Based upon the foregoing, the term of guaranteed payments has expired and the payments under the Annuity will only continue until such time that the Debtor passes away.
13 Terms of Sale:	Interested buyers must do their own due diligence to determine the extent of the Estate's interest in the Annuity Payment Rights. The Annuity Payment Rights will be sold As-Is, Where-Is, with No Representations, Guarantees or Warranties , subject to any liens, claims, encumbrances and interests in accordance with 11 U.S.C. § 363(b). Any bid placed on the Annuity Payment Rights, shall be made subject to the condition that the successful bidder will be purchasing the Estate's interest pursuant to a Bankruptcy Court sale order (" Sale Order ") (the proposed form of Sale Order is attached hereto as Exhibit "A"), and subject to the further condition that if any other orders are required to effectuate a transfer of the Annuity Payment Rights to the successful bidder, including orders in a different court or forum, it is the sole responsibility of the successful bidder to seek such relief and the bid and the closing of the sale are not contingent upon the successful bidder obtaining such. <i>All sales are subject to Trustee's approval.</i>
24 Proposed Purchaser:	Structured Asset Sales, LLC or nominee (" Proposed Buyer ") has offered to purchase the Estate's interest in the Annuity Payment Rights for a total purchase price of \$9,200.00 (the " Offer ") The average life expectancy of a U.S. born female is currently 80.2 years according to WorldDate.info as of April 17, 2023. Should the Debtor reach the average life expectancy, the Estate would receive additional payments from the Annuity totaling

	<p>approximately \$49,639.20; however, such amount is speculative and would require the Trustee keep the Estate open for the next 17.2 years. The current federal interest rate is 4.83%, and the present-day value of the projected Annuity payments is \$33,736.05.</p> <p>Payment from the party making the highest and best bid at the Sale (“Successful Buyer” or “Transferee”), which is approved by the Trustee and the Court, will be due the later of five (5) business days after the entry of this Court’s order approving the Motion.</p>
Bidding/Over Bids:	<p>The sale is subject to higher and better bids at sale hearing. Interested parties must attend the hearing to bid.</p> <p>Interested bidders may request information regarding the Estate’s interest in the Annuity Payment Rights from Stuart B. Rodgers at stuart.rodgers@lane-nach.com or by contacting him at 602-258-6000 ext. 319. Parties may be required to sign a non-disclosure agreement to receive the documentation. The Trustee makes no warranties or representations regarding the accuracy of the information that is produced. Interested bidders may not rely on the information in this Notice, or any other documentation provided to them by the Trustee in making an offer and/or bid and must perform their own due diligence to analyze the value of the Estate’s interest in the Annuity Payment Rights.</p>
Insider:	The Proposed 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).
To Obtain More information:	For more information contact Trustee’s counsel, Stuart B. Rodgers, at the above-address/phone number.
Description of Interest(s) in the Property:	Upon information and belief, there are no liens, claims, encumbrances or interests against the Estate’s interest in the Annuity Payment Rights. The Trustee has conducted a UCC filing search with the Arizona Secretary of State, and no liens or encumbrances appear.
Appraisals:	None
Compensation/Fees:	No commissions
Deadline to Object:	Any objection shall be filed within twenty-one days of the date of this mailing.
Motion for Stay Relief:	There have been no motions for relief sought as to the scheduled interest in the Annuity Payment Rights.

DATED: April 27, 2023.

LANE & NACH, P.C.

By: /s/ Stuart B. Rodgers 025720
 Stuart B. Rodgers
 Paul M. Hilbert
 Attorneys for Trustee