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10 *Attorneys for Stanley J. Kartchner, Trustee*

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

13 In re:

14 KRISTA ANNALEY JOHNSON,

15 Debtor.

(Chapter 7 Case)

No. 4:23-bk-00169-SHG

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

AND

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF PUBLIC
AUCTION OF ESTATE’S INTEREST
VEHICLE FREE AND CLEAR OF
LIENS, CLAIMS, ENCUMBRANCES
AND INTERESTS**

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

17 **NOTICE IS HEREBY GIVEN** that on August 21, 2023, Stanley J. Kartchner, Chapter 7
18 Trustee (“Trustee”), by and through undersigned counsel, filed his *Motion to: (1) Sell the Estate’s*
19 *Interest in Vehicle Free and Clear of Liens, Encumbrances and Interests; and (2) Approve Bidding*
20 *Procedures (“Sale Motion”)*. A complete copy is available upon written request to the Trustee’s
21 counsel as indicated above. The pertinent provisions of the Sale Motion are set forth below.

22 **NOTICE IS FURTHER GIVEN** that the Estate’s interest in the below-described Vehicle
23 will be offered to the person making the highest and best bid at public sale by Stanley J. Kartchner,
24 Trustee, on **Friday, September 29, 2023, at 8:30 a.m.** To bid by telephone, call 1 (310) 372-7549,
25 wait for prompt – ACCESS CODE # 831482 then press #. *All interested bidders must register to*
26 *bid no later than September 22, 2023 by contacting Trustee’s Counsel*
27
28

1 2	Property to be Sold:	The Estate's interest in a 2017 Nissan Sentra, VIN ending in 3737 (" Vehicle ").
3 4 5 6 7 8	Terms of Sale:	Prospective purchasers are encouraged to personally inspect/perform their own due diligence of the Vehicle being sold, as the Vehicle will be sold "AS IS, WHERE IS", with no representations, guarantees, or warranties, free and clear of liens, claims, encumbrances, and interests. <u>All sales are subject to Trustee and Bankruptcy Court approval.</u> Trustee makes no representations regarding the title or condition of the Vehicle nor does he make any warranties regarding encumbrances, liens or interests. The Estate's interest in the Vehicle will be transferred by Bill of Sale.
9 10 11	Proposed Purchaser:	Krista Annaley Johnson, Debtor, has provided an opening bid to purchase the Estate's interest in the Vehicle for \$3,000.00. Payment will be made in certified funds payable to "Stanley J. Kartchner", and remitted within five days of the Sale. The offer is subject to higher and better bids.
12 13	Insider:	The proposed purchaser is an "insider" as defined by 11 U.S.C. § 101(31).
14 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 22 23 24 25 26	Description of Interest in the Property:	Trustee is not aware of another entity holding an interest in the Vehicle being sold. Pursuant to the Order entered on April 21, 2023 [Dkt. 20], the lien encumbering the Vehicle ("Lien") held by Mountain America Credit Union ("MACU") has been avoided and preserved for the benefit of the bankruptcy estate pursuant to 11 U.S.C. §§547, 550, 551. Trustee may sell the Vehicle free and clear of the Lien under 11 U.S.C. §363(f)(4), because at minimum, the matter is subject to a bona fide dispute. Moreover, Trustee may sell the Vehicle free and clear of the Lien under 11 U.S.C. §363(f)(5), because Trustee obtained an Order avoiding the Lien, and MACU could be compelled to accept a money judgment in satisfaction of its interest; namely, through the filing of an allowable proof of claim. <i>Vehicle is being sold "as is"/"where is" with no warranties express or implied, free and clear of liens, claims, encumbrances and interests to anyone submitting a higher and better offer.</i>
27 28	Appraisals:	The Trustee is not aware of any recent appraisals on the scheduled interest in Vehicle being sold.

1 Compensation/Fees:	There are no broker's fees/compensation related to this sale.
2 Waiver of 14-Day Stay:	Trustee respectfully requests that the Court in the 3 discretion provided to it under Bankruptcy Rule 6004(h), 4 waive the fourteen-day stay of the Order approving the 5 sale of the Vehicle.
6 Motion for Stay Relief:	There have been no motions for relief filed relating to the 7 Vehicle

8 Any person opposing the same shall file a written objection, specifying the reason therefor,
9 together with a notice of hearing, on or before 21 days of the date of this mailing as follows: United
10 States Bankruptcy Court, as follows: (a) by hand-delivery or mail to Clerk of the Court, 38 South
11 Scott Avenue, Suite 100, Tucson, AZ 85701; or (b) electronically at the Court's website:
12 ecf.azb.uscourts.gov using the Court's electronic filing procedures, with a copy to: Lane & Nach,
13 P.C., at the above-address.

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

20 DATED: August 21, 2023.

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

22 By: /s/ Adam B. Nach – 013622
23 Adam B. Nach
24 Kristofer R. McDonald
25 Attorneys for Trustee

26 COPY of the foregoing delivered
27 via electronic mail as follows:

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By: /s/ Debbie McKernan