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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:

(Chapter 7 Case)

14 HECTOR DANIEL MARTINEZ,

No. 4:23-bk-08806-SHG

15 Debtor.

**AMENDED NOTICE TO CREDITORS
AND INTERESTED PARTIES OF
TRUSTEE'S MOTION TO SELL THE
ESTATE'S INTEREST IN VEHICLE
FREE AND CLEAR OF LIENS**

AND

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF PUBLIC
AUCTION OF ESTATE'S INTEREST
VEHICLE FREE AND CLEAR OF
LIENS**

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

17 **NOTICE IS HEREBY GIVEN** that on May 20, 2024, Stanley J. Kartchner, Chapter 7
18 Trustee (“Trustee”), by and through undersigned counsel, filed his *Motion to Sell the Estate’s*
19 *Interest in Vehicle Free and Clear of Liens* (“**Sale Motion**”). A complete copy is available upon
20 written request to the Trustee’s counsel as indicated above. The pertinent provisions of the Sale
21 Motion are set forth below.

22 **NOTICE IS FURTHER GIVEN** that the Estate’s interest in the below described property
23 will be auctioned on Friday, **June 28, 2024**, at **8:30 a.m.** To bid by telephone call 1 (310) 372-
24 7549 wait for prompt – ACCESS CODE # 831482 then press #. The high bidder at auction will be
25 deemed the buyer and will close the sale no later than 2:00 p.m. on Wednesday, July 3, 2024.

26 Property to be Sold:

Estate’s interest in the following property:

27 2021 Honda Odyssey, VIN ending in 5962 (“**Vehicle**” or
28

1		“Property”).
2	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 any liens, claims, encumbrances, and interests. <i>All sales are subject to Trustee’s approval.</i>
3		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.
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5		
6		
7		
8	To View the Property or Obtain More information:	To obtain more information contact: adam.nach@lane-nach.com or call (602) 258-6000.
9		
10	Proposed Purchaser:	Debtor for \$20,000.00 or the highest and best bid at auction.
11	Insider:	The proposed purchaser is an insider.
12	Description of Interest(s) in the Property:	The Vehicle was subject to a lien in favor of Capital One Auto Finance a division of Capital One, N.A. (“ Lender ”) in the approximate amount of \$31,054.00 (“ Lien ”). By Order dated May 15, 2024 [Dkt. 37], the Court ruled that the Lien is avoided pursuant to the Trustee’s Chapter 5 avoidance powers and is preserved for the benefit of the bankruptcy estate pursuant to 11 U.S.C. §§ 550, 551.
13		Trustee is not aware of another entity holding an interest in the Vehicle being sold.
14		There has been no stay relief sought as to this Vehicle.
15		<i>Vehicle will be sold “as is, where is”, with no representations, guarantees, or warranties, free and clear of any liens, claims, encumbrances, and interests.</i>
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21	Appraisals:	The Trustee is not aware of any recent appraisals on the Vehicle being sold.
22	Compensation/Fees:	There are no auctioneer fees or costs associated with the proposed sale.
23		
24	Motions for stay relief:	There have been no motions for stay relief filed regarding this Vehicle.

25 Any person opposing same shall file a written objection, specifying the reason therefor,
26 together with a notice of hearing, on or before 21 days of the date of this mailing as follows: United
27 States Bankruptcy Court, as follows: (a) by hand-delivery or mail to the Clerk of the Court, 38
28 South Scott Avenue, Suite 101, Tucson, AZ 85701; 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., at the above-address.

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

8 DATED: May 20, 2024

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

10 By: /s/ Adam B. Nach – 013622
11 Adam B. Nach
12 Kristofer R. McDonald
13 *Attorneys for Trustee*

14 COPY of the foregoing delivered via electronic notification to:

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By /s/ Danica Acosta