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2 Helen K. Santilli - 032441
3 **LANE & NACH, P.C.**
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5 Phoenix, AZ 85016
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10 *Attorneys for David A. Birdsell, Trustee*

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

13 In re:
14
15 CODY JAMES TEARE,
16
17 Debtor.

(Chapter 7 Case)

No. 2:19-bk-04803-DPC

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF PUBLIC
AUCTION OF ESTATE'S INTEREST IN
PERSONAL PROPERTY**

AND

**NOTICE OF MOTION TO SELL
ESTATE'S INTEREST IN NOTE AND
DEED OF TRUST AND APPROVE
BIDDING PROCEDURES**

NOTICE OF AUCTION

18 **NOTICE IS GIVEN** that the Estate's interest in the below-described personal property will be
19 offered to the person making the highest and best bid at public sale by David A. Birdsell, Chapter
20 7 Trustee ("**Trustee**") on Friday, **January 31, 2025**, at **8:30 a.m.**, by telephone, by dialing 1(310)
21 372-7549 wait for prompt – ACCESS CODE # 831482 then press #.

| | |
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| Property to be Sold: | The Estate's interest in the following personal property (" Property "): The December 2023 Promissory Note in the principal balance of \$160,000.00 (" Note "). The makers of the Note are Cody James Teare and Shannon Teare, a married couple to be held jointly and severally liable. The holder of the Note is David A. Birdsell, Chapter 7 Trustee of the Bankruptcy Estate of Cody James Teare, case number 2:19-bk-04803-DPC. The Note is secured by a Deed of Trust recorded with the Maricopa County Recorder on April 3, 2024 at document number 2024-0172162. |
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|---------------------------------|---|---------------------------------|-------|---------------|--------|-----------------------------|-------|-------------------|--------|---------------------------------|-------|
| | <p>The Estate’s interest in the Note and Deed of Trust are being sold together.</p> <p>The Note is secured by a Deed of Trust encumbering the real property located at 2943 E. Fox Street, Mesa, Arizona 85213 (“Property”). Upon information and belief, the Real Property is subject to the following encumbrances in the following priority:</p> <table border="1" data-bbox="584 504 1542 682"><tr><td>AmeriHome Mortgage Company, LLC</td><td>First</td></tr><tr><td>Point Digital</td><td>Second</td></tr><tr><td>Goodleap (solar panel lien)</td><td>Third</td></tr><tr><td>Coastal Community</td><td>Fourth</td></tr><tr><td>Estate’s Note and Deed of Trust</td><td>Fifth</td></tr></table> <p>As of the filing of this Notice, the Trustee has received payments of \$9,264.18.</p> <p>Copies of the Note and Deed of Trust are attached as Exhibits A and B to the Motion and are available upone written request to helen.santilli@lane-nach.com.</p> <p>Any payments received between the filing of this Motion and the close of the contemplated sale shall be retained by the Estate and applied to the balance of the Note. Any payments the Estate receives after the close of the contemplated sale shall be property of the buyer.</p> | AmeriHome Mortgage Company, LLC | First | Point Digital | Second | Goodleap (solar panel lien) | Third | Coastal Community | Fourth | Estate’s Note and Deed of Trust | Fifth |
| AmeriHome Mortgage Company, LLC | First | | | | | | | | | | |
| Point Digital | Second | | | | | | | | | | |
| Goodleap (solar panel lien) | Third | | | | | | | | | | |
| Coastal Community | Fourth | | | | | | | | | | |
| Estate’s Note and Deed of Trust | Fifth | | | | | | | | | | |
| Terms of Sale: | <p>Interested buyers must do their own due diligence to determine the extent of the Estate’s interest in the Note and Deed of Trust. Prospective purchasers are encouraged to personally inspect/perfrom their own due diligence of the Estate’s interest in the Note and Deed of Trust being sold, as the property will be sold on an “AS IS” “WHERE IS” basis, with no warranties, guarantees express or implied.</p> <p>Sale may be subject to sales tax unless the property being sold is tax-exempt or a resale number is used as proof of exemption. The purchaser will be provided an Assignment of the Estate’s interest in the Property. <i>All sales are subject to Trustee’s approval.</i></p> <p>If a party bids, that party is liable for the bid amount. A bidder may not withdraw his or her bid and if the successful bidder fails to pay the successful bid amount, the Estate will seek payment from the back-up bidder, if any, no exceptions. Moreover, the bidder that failed to pay will be liable for any difference in the amount bid and the amount collected. The Trustee shall also accept a backup bid.</p> | | | | | | | | | | |
| Proposed Purchaser: | <p>The Trustee has obtained an offer to purchase the Estate’s interest in the Note and Deed of Trust from Matt Clark or his nominee (“Proposed Buyer”) for a purchase price of \$50,000.00 (“Offer”). The Proposed Buyer shall pay the Offer in full within five calendar days of the sale.</p> | | | | | | | | | | |

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| | <p>Proposed Buyer has made its offer on an “AS-IS”, “WHERE-IS” basis and is taking the Estate’s interest in the Note and Deed of Trust without guaranties, warranties, or representations.</p> <p><u>The Sale is subject to Trustee’s final approval.</u></p> <p>The successful bidder shall remit payment to the Trustee within 5 calendar days of the sale. The funds may be a cashier’s check, money order, or personal check and should be made payable to “David A. Birdsell, Estate of Teare”.</p> <p>Offers are subject to higher and better bids.</p> |
| Insider: | The proposed purchaser is not an insider. |
| To Obtain More information: | Contact Helen K. Santilli, attorney for the Trustee, (602) 247-8574 or helen.santilli@lane-nach.com. |
| Description of Interest(s) in the Property: | <p>The Trustee is unaware of any liens, claims, or interests encumbering the Estate’s interest in the Property.</p> <p><u>The Estate’s Interest in the Property is being sold as-is, where-is, with no representations, guarantees, or warranties.</u></p> |
| Appraisals: | The Trustee is not aware of any recent appraisals on the scheduled interest in the Property being sold. |
| Compensation/Fees: | There are no broker’s fees/compensation related to this sale. |
| Motions for stay relief: | There have been no motions for stay relief filed regarding the interest in the Property. |

NOTICE OF MOTION

NOTICE IS FURTHER GIVEN that on November 20, 2024, the Trustee filed a *Motion to Sell Estate’s Interest in Note and Deed of Trust* seeking to sell the Estate’s interest in the Note and Deed of Trust Any person opposing the sale shall file a written objection, specifying the reason therefor, together with a notice of hearing, on or before twenty-one (21) days of the date of this mailing as follows: United States Bankruptcy Court, as follows: (a) by hand-delivery or mail to the Clerk of the Court, 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., at the above-address. If a person timely objects in writing and a hearing is requested but has not yet been conducted by the Court as of the date of the scheduled auction, bids will be taken and the normal sales procedures followed. The closing of the sale remains dependent upon the outcome of the Court hearing regarding the objection. **If there is no timely objection and request for hearing, no hearing will be held, and the Trustee will proceed to sell the Property without further order of the Court.**

RESPECTFULLY SUBMITTED this 20th day of November, 2024.

LANE & NACH, P.C.

By /s/ Adam B. Nach
Adam B. Nach
Helen K. Santilli
Attorneys for Trustee

1 COPY of the foregoing delivered
via first class mail or email to:

2
3 Nathan F. Smith, Esq.
4 Malcom Cisneros
2112 Business Center Drive
Irvine, CA 92612
5 Email: Nathan@mclaw.org
Attorney for Point Digital Finance, Inc.

Point Digital Finance, Inc.
CT CORPORATION SYSTEM
3800 North Central Avenue Suite 460
Phoenix, AZ 85012

6 ACM Alamosa Point 3, LLC
7 Attn: Bankruptcy
One Rockefeller Plaza, 32nd Floor
8 New York, New York 10020

ACM Alamosa Point 3 LLC
C/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

9 Daniel I. Singer, Esq.
10 Sokolof Remtulla
2601 Main Street Suite 1300
Irvine, California 92614
11 Email: DSinger@sokrem.com
Attorney for Coastal Bank

Coastal Community Bank
c/o Northwest Registered Agent, Inc.
2108 N Street, Ste N
Sacramento, CA 95816-5712

12 Aven Financial, Inc.
13 c/o CT Corporation System
3800 North Central Avenue, Suite 460
14 Phoenix, AZ 85012

GoodLeap, LLC
C/o CT Corporation System
3800 N Central Ave, Suite 460
Phoenix, AZ 85012

15 GoodLeap, LLC
16 PO Box 981440
El Paso, TX 79998-1440

GoodLeap, LLC
Email: filings@goodleapsupport.com

17 AmeriHome Mortgage Company, LLC
18 c/o C T Corporation System
3800 N Central Ave Suite 460
19 Phoenix, AZ 85012

AmeriHome Mortgage Company, LLC
C/o United Agent Group Inc.
3260 N Hayden Rd #210
Scottsdale, AZ 85251

20 Morgan Seegmiller
Legal AZ
432 E. Southern Ave.
21 Tempe, AZ 85282
Email: abutleraz@gmail.com
22 *Attorney for Debtor*

Office of U.S. Trustee
230 North First Avenue
Phoenix, AZ 85003
Email: Larry.Watson@usdoj.gov
Email: ustpregion14.px.ecf@usdoj.gov

23 Matthew Clark
24 Email: mclark@3rdgenrealty.com

All parties on the attached Master Mailing
Matrix.¹

25
26 By: /s/ Aimee Bourassa

27
28 ¹ A copy of the Master Mailing Matrix shall not be mailed with this Notice. Any party interested in a
copy of the Master Mailing Matrix may obtain a counsel by requesting it from Trustee's counsel via
email at helen.santilli@lane-nach.com.

Label Matrix for local noticing
0970-2
Case 2:19-bk-04803-DPC
District of Arizona
Phoenix
Wed Nov 20 10:32:25 MST 2024

AMEX
P.O. Box 981537
El Paso TX 79998-1537

Canvas Credit Union
9990 Park Meadows Drive
Lone Tree CO 80124-6739

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Citicards CBNA
PO Box 6241
Sioux Falls SD 57117-6241

IRS Special Services
P.O. Box 7346
Philadelphia PA 19101-7346

Point Digital Finance, Inc.
c/o RoundPoint Mortgage Servicing Corpor
446 Wrenplace Road
Fort Mill, SC 29715-0200

SYNCB / GAP
P.O. Box 965005
Orlando FL 32896-5005

Verizon
by American InfoSource as agent
PO Box 4457
Houston, TX 77210-4457

MORGAN SEEGMILLER
Legal AZ
432 E. Southern Avenue
Tempe, AZ 85282-5216

STATE FARM BANK
C/O BECKET AND LEE LLP
PO BOX 3001
MALVERN, PA 19355-0701

American Home Mortgage Servicing
P.O. Box 631730
Irving TX 75063-0002

Capital One
10700 Capital One Way
Glen Allen VA 23060-9243

Citi Cards/Citibank
PO Box 6241
Sioux Falls SD 57117-6241

Discover Bank
Discover Products Inc
PO Box 3025
New Albany Ohio 43054-3025

Lending Club
71 Stevenson Street, Suite 300
San Francisco CA 94105-2985

Quantum3 Group LLC as agent for
Velocity Investments LLC
PO Box 788
Kirkland, WA 98083-0788

(p)LOAN SERVICING
LOAN SUPPORT
PO BOX 5961
MADISON WI 53705-0961

CODY JAMES TEARE
2943 E. FOX STREET
MESA, AZ 85213-5443

AMERICAN EXPRESS NATIONAL BANK
C/O BECKET AND LEE LLP
PO BOX 3001
MALVERN PA 19355-0701

Arizona Department of Revenue
Bankruptcy Unit TCS
1600 W. Monroe #710
Phoenix AZ 85007-2612

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Citicards CBNA
PO Box 6190
Sioux Falls SD 57117-6190

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Maricopa County
Division of County Counsel
222 N. Central, #1100
Phoenix AZ 85004-2206

Rocketloans
1001 Woodward, Ste 1750
Detroit MI 48226-1904

U.S. TRUSTEE
OFFICE OF THE U.S. TRUSTEE
230 NORTH FIRST AVENUE
SUITE 204
PHOENIX, AZ 85003-1725

DAVID A. BIRDELL
David A. Birdsell, Bankruptcy Trustee
216 N Center St
Mesa, AZ 85201-6629

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Chase
PO Box 15298
Wilmington DE 19850-5298

(d)Chase Auto Finance
P. O. Box 901003
Fort Worth TX 76101

Discover Financial Services
P.O. Box 15316
Wilmington DE 19850

State Farm Bank
PO Box 2313
Bloomington IL 61702

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

| | | |
|------------------------|---------------------|----|
| (d)STATE FARM BANK | End of Label Matrix | |
| C/O BECKET AND LEE LLP | Mailable recipients | 27 |
| PO BOX 3001 | Bypassed recipients | 1 |
| MALVERN PA 19355-0701 | Total | 28 |