



ORDERED in the Southern District of Florida on December 13, 2018.

A handwritten signature in cursive script that reads "A Jay Cristol".

A. Jay Cristol, Judge
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov**

In re:

Case No.: 17-23972-AJC

ANSONIA 1692, LLC,

Chapter 7

Debtor. _____ /

**ORDER GRANTING TRUSTEE’S AMENDED MOTION FOR ENTRY OF AN ORDER
(I) AUTHORIZING THE TRUSTEE TO ENTER INTO CONTRACT FOR SALE OF
REAL PROPERTIES AND APPROVING THE FORM THEREOF;
(II) APPROVING PROCEDURES FOR THE AUCTION AND SALE OF THE
ESTATE’S INTEREST IN REAL PROPERTIES; (III) SCHEDULING A FINAL
HEARING TO APPROVE THE SALE OF REAL PROPERTIES;
(IV) APPROVING SALE OF THE ESTATE’S INTEREST IN REAL PROPERTIES,
FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES PURSUANT
TO 11 U.S.C. § 363(f); (V) AUTHORIZING THE TRUSTEE TO SURCHARGE THE
REAL PROPERTIES PURSUANT TO 11 U.S.C. §506(c) AND (VI) APPROVING
PAYMENT OF AUCTIONEER’S COMMISSION [ECF# 101]**

THIS MATTER came before the Court for hearing on Wednesday, December 12, 2018 at 11:00 a.m. (the “Procedures Hearing”) upon *Trustee’s Motion for Entry of an Order (I)*

Authorizing the Trustee to Enter into Contract for Sale of Real Properties and Approving the Form Thereof; (II) Approving Procedures for the Auction and Sale of the Estate's Interest in Real Properties; (III) Scheduling a Final Hearing to Approve the Sale of Real Properties; (IV) Approving Sale of the Estate's Interest in Real Properties Free and Clear of All Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363(f); (V) Authorizing the Trustee to Surcharge the Real Properties Pursuant to 11 U.S.C. § 506(c) and (VI) Approving Payment of Auctioneer's Commission [ECF #101] (the "Sale Motion")¹ filed by Maria Yip, as Chapter 7 Trustee (the "Trustee") of the bankruptcy estate (the "Estate") of Ansonia 1692, LLC (the "Debtor"). The Sale Motion seeks, among other things, to (a) approve the procedures (the "Auction Procedures") for the Auction and sale of the following real properties: a residence (approximately 11,000 sq. ft.) located at **5405 SW 28th Avenue, Ocala, FL 34471** (the "Residence"); a guest house near the Residence located at **5353 SW 28th Avenue, Ocala, FL 34471** (the "Guest House" and together with the Residence the "Single Family Home")²; and a four-plex apartment building located at **2765 NE 48 Court, Ocala, FL 34470** (the "Four-Plex") and (collectively, the "Real Properties"), which are legally described as follows:

a. Residence: 5405 SW 28th Avenue, Ocala, FL 34471;

Lots 45 and 46, Westbury, According to the Map or Plat Thereof as Recorded in Plat Book Y, Page(s) 83 and 84, Public Records of Marion County, Florida. Tax Parcel Identification Number 35351-045-00

b. Guest House: 5353 SW 28th Avenue, Ocala, FL 34471;

Lots 45 and 46, Westbury, According to the Map or Plat Thereof as Recorded in Plat Book Y, Page(s)

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Sale Motion.

² Although the Residence and the Guest House have different physical addresses, they share one tax parcel identification number and therefore will be sold together

83 and 84, Public Records of Marion County,
Florida.
Tax Parcel Identification Number 35351-045-00

c. Four-Plex: 2765 NE 48 Court, Ocala, FL 34470;

Lot 4, THE HAMMOCK, according to the map or
Plat thereof, as recorded in Plat Book F, Page(s) 66,
of the Public Records of Marion County, Florida.
Tax Parcel Identification Number 2420-004-000.

The Sale Motion sought authority for (a) Lamar Fisher and Fisher Auction Company (the “Auctioneer”) to hold a live auction of the Real Properties on **JANUARY 31, 2019** (the “Auction”) and (b) scheduling the Final Sale Hearing on **Wednesday, February 6, 2018 at 2:00 p.m.** to approve the sales of the Real Properties to the persons or entities making the highest and best bids (the “Successful Bidders”). The Court, having reviewed the Sale Motion and having considered the arguments and representations of the Trustee’s counsel at the Procedures Hearing, and for the reasons stated on the record, **FINDS** as follows:

A. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. § 1408 and 1409. The statutory basis for the relief sought herein is Sections 105(a) and 363 of Title 11 of the United States Code.

B. The findings and conclusions set forth herein constitute the Court’s findings of fact and conclusions of law under Rule 7052 of the Federal Rules of Bankruptcy Procedure.

C. The Trustee has demonstrated sufficient grounds for the sale of the Real Properties at the Auction.

D. The proposed marketing and Auction Procedures as set forth in the Sale Motion and this Order are appropriate and reasonably calculated to provide all interested parties with timely and proper notice of the Auction and the sale of the Real Properties.

E. The Auction Procedures set forth in this order are fair, reasonable, appropriate and are designed to maximize the sale prices of the Real Properties.

F. Good and sufficient notice of the Sale Motion and the relief sought therein has been given under the circumstances, and no other or further notice is required. A reasonable opportunity to object or be heard regarding the relief provided in this order has been afforded to creditors, and parties in interest.

G. The Trustee has demonstrated a sufficient basis and compelling circumstances requiring the sale of the Real Properties and such actions are appropriate exercises of the Trustee's business judgment and in the best interests of the Estate. The Auction of the Real Properties pursuant to the Auction Procedures is in the best interests of the Estate, creditors, and other parties in interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Sale Motion is **GRANTED** and the Auction Procedures are **APPROVED**. To the extent of any conflict between the Sale Motion and this order, this order shall control.

2. The Auctioneer is authorized, *nunc pro tunc* to the date of his first marketing efforts, to market the **Real Properties for sale at the Auction, which will take place on [REDACTED] January 31, 2019 at the Residence located at 5405 SW 28th Avenue, Ocala, FL 34471.**

3. Any person or entity wishing to participate in the Auction must (a) register with the Auctioneer prior to 11:00 a.m. EST on the date of the Auction, and (b) provide the Auctioneer with a cashier's check in the amount of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) for the Single Family Home or Five Thousand Dollars and 00/100 (\$5,000.00) for the Four-Plex (the "Initial Deposit"), with the memo section reflecting "Maria Yip, as Chapter 7 Trustee" and the property address being bid upon "(the "Initial Deposit"). Any person or entity

who timely complies with these requirements shall be a “Qualified Bidder”, and only Qualified Bidders shall be entitled to participate at the Auction.

4. Immediately after the conclusion of the Auction, the Auctioneer, in consultation with the Trustee and Hutton Ventures, LLC, shall determine and select the person or entity (the “Successful Bidders”) making the highest and best bid (the “Successful Bids”) for Real Properties and the person or entity making the second highest bids (the “Backup Bids”) for the Real Properties (the “Backup Bidders”). In her sole discretion, the Trustee, in consultation with secured creditor, Hutton Ventures, LLC, may choose to reject the Successful Bids or the Backup Bids.

5. Immediately following the Auction, (a) the Successful Bidders and the Backup Bidders shall each fully execute a Real Estate Sales Contract for the purchase of each of the Real Properties (the “Purchase Agreement”), and (b) the Successful Bidders shall make an additional deposit, payable to AGENTIS, PLLC Trust Account via a cashier’s check within 24 hours from Court approval, which together with the Initial Deposit shall equal 10% of the Successful Bid (the “Deposit”), and the full amount of the Deposit shall be nonrefundable in the event that the Successful Bidders fail to timely close. The Trustee shall retain the Initial Deposits for the Backup Bids until the closing of the sales of each of the Real Properties occurs with respect to each of the Successful Bids.

6. The Court will hold a Final Sale Hearing to approve the sale of the Real Properties, pursuant to the Purchase Agreement, to the Successful Bidders on **Wednesday, February 6, 2019 at 2:00 p.m.** at the U.S. Bankruptcy Court, 301 North Miami Avenue, Courtroom 4, Miami, FL 33128.

7. If the Successful Bidders fail to close within seven (7) calendar days from entry of an order approving the sales of the Real Properties to the Successful Bidders, then the Trustee may elect in her business judgment to close the sales of the Real Properties with the Backup Bidders, and if the Trustee so elects, the Backup Bidders shall be obligated to close.

8. The Real Properties shall be sold in its “AS IS”, “WHERE IS” condition and with all faults, with no guarantees, warranties or representations, express or implied, and the Real Properties shall be sold without any financing or other conditions.

9. To the extent that the stay under Bankruptcy Rule 6004(h) would apply to this Order, the stay is waived and this Order shall be effective immediately upon its entry.

10. As previously approved in this Court’s *Order Authorizing Trustee to (I) Employ Lamar Fisher and Fisher Auction Company and (II) Pay Auctioneer* [ECF #97], compensation of the Auctioneer shall be based on an 6% buyer’s premium plus reimbursement for marketing expenses not to exceed \$5,000.00 The Auctioneer will not receive a percentage of the gross revenue.

11. In the event a co-broker participates in the Auction, a 3% co-broker commission will be payable from the buyer’s premium. If there is not a co-broker involved in the Auction on behalf of the Buyer, then the Estate shall retain 1.5% of the final bid price and the Auctioneer receives an additional 1.5% of the final bid price.

12. The Trustee is authorized to take all actions necessary to effectuate the relief granted in this order. Notwithstanding the preceding, the Trustee shall not be required to execute any documents other than a Trustee’s Deed to convey the Estate’s right, title and interest in the Real Properties to the Successful Bidders.

13. The Court retains jurisdiction to enforce the terms of this order.

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Submitted by:

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Copy to: Attorney Helmstetter, who is directed to serve a conforming copy upon all interested parties.