

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

AMERICAN CONTAINER, INC.

Case No. 16-26399-PJD

Debtor.

Chapter 11

EXPEDITED MOTION TO SELL PROPERTY BY PUBLIC AUCTION FREE AND CLEAR
OF LIENS, CLAIMS AND INTERESTS

The Motion of American Container, Inc., (the "Debtor"), to Sell Property Free and Clear of Liens, Claims and Interests respectfully represents as follows:

1. On July 15, 2016, the Debtor filed a Voluntary Petition for Relief under Chapter 11 of the United States Bankruptcy Code.
2. The Debtor has exercised its sound business judgment in determining that certain items of personal property should be sold, as they are no longer needed for the continued operation of the Debtor and do not contribute significant value to the business as a going concern. This personal property consists of trucks and trailers and is itemized on Exhibit A attached hereto.
3. The proposed method of sale is by public auction conducted by Morris Auction Group on February 10, 2017, or such other date as may be determined to be in the best interests of the Estate. The auctioneer proposes to charge a buyer's premium of 10% and a seller's commission of 10% to be retained by the auctioneer. In addition, the Auctioneer will receive reimbursement for actual expenses subject to approval of the Court at a later date.
4. The sale is proposed to be made free and clear of all liens, claims and interests pursuant to Section 363(f) of the Bankruptcy Code, with such liens, claims and interests

attaching to the proceeds of sale. The Debtor believes that CM Sterling, LLC, holds the only valid, perfected security interest in the subject property.

WHEREFORE, PREMISES CONSIDERED, the Debtor respectfully requests this Honorable Court to approve the proposed sale free and clear of liens, claims and interests, authorize the Debtor to disburse the net proceeds of sale to CM Sterling, LLC, to the extent of its allowed secured claim, and for such other relief as the Court may deem proper.

Respectfully submitted,

BEARD & SAVORY, PLLC

/s/ Russell W. Savory

Russell W. Savory (12786)
Attorney for American Container, Inc.
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901-523-1110

CERTIFICATE OF SERVICE

I, Russell W. Savory, do hereby certify that a true and genuine copy of the foregoing pleading has been served on all parties listed on the Matrix by electronic notice or U.S. Mail, this 13th Day of January, 2017.

/s/ Russell W. Savory

Russell W. Savory

TRAILER	Serial Number	Make	Year	Model
4801	EM083006	Monon	1984	
4802	1GRAA9623GB098427	Great Dane	1986	
4804	1PT02DAH6K9009502	Trailmobile	1989	
4805	1PT02DAH6K9009497	Trailmobile	1989	
4806	1PT02DAH2K9009500	Trailmobile	1989	
5301	1PNV532S1RKB52744	Pines	1993	
 TRUCK				
1	1GDP9C1W2HV522082	GMC	1987	Brigadier
4	1FDXH81E9RVA31033	Ford Bobtruck	1994	CF8000
10	1HTSCAAM9XH577079	International	1999	Bobtruck
11	1M1AA08Y43W027330	Mack	2003	CH6