

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

BAKER AND SONS AIR
CONDITIONING, INC.

Case No. 8:18-bk-09333-CED

Debtor.

Chapter 11

**MOTION FOR AUTHORITY TO SELL PERSONAL PROPERTY
OF ESTATE FREE AND CLEAR OF LIENS OR OTHER INTEREST**

COMES NOW, BAKER AND SONS AIR CONDITIONING, INC., the above-named Debtor, and in accordance with 11 U.S.C. 363 (b) and F.R.B.P 6004 moves this Court for an order authorizing the Debtor to sell personal property, other than in the ordinary course of business, and free and clear of liens or other interests, and shows as follows:

1. Movant is the debtor in this case.
2. The Debtor filed its petition under chapter 11 of Title 11 of the United States Bankruptcy Code on October 30, 2018 and since such date has continued in possession of its property and operation of its business as Debtor-in-Possession.
3. Debtor is owner of the following personal property listed on Exhibit "A", which is located at the principal offices of the Debtor, hereafter, "the Property".
4. The Debtor proposes to sell said personal property free and clear of all liens, claims, and encumbrances, out of ordinary course of business, and in accordance with the Fed. R. Bank. P. 6004 and 11 U.S.C. 363(b)(1) and (f).
5. This is a private sale wherein the Debtor proposes to transfer its interest in the Property to misc. bidders who submit the best offer, pursuant to an advertised sale.
6. Pursuant to 11 USC 363(b) and (f), the Debtor desires to sell the Property free and

clear of all valid liens, claims, or encumbrances. The Debtor is informed and believes that the Property may be encumbered by liens in favor of DLI Assets Bravo, LLC, as Successor in interest to Quarterspot, Inc.; CT Corporation System, as Representative; and Iruka Capital Group, LLC. The liens of any secured creditors will be transferred to the proceeds of the sale. Pursuant to Fed. R. Bank. P. 6004, secured creditors will be served with a copy of this Motion.

7. The value of the Property to be sold is between \$3,000.00 to \$5,000.00. The terms of the sale are to be for cash and “as is”.

8. The sale will be advertised through a local newspaper, the Sarasota Herald Tribune, with an advertisement similar to the sample advertisement on the attached Exhibit B. The sale will also be advertised on the internet through “Craigslis” and “Letgo”. The sale will be finally scheduled immediately after approval by the Court.

9. The Debtor believes that the proposed sale for the said property is fair and reasonable and that this proposed sale is in best interests of the bankruptcy estate and of the creditors.

10. Property of the estate may be sold outside the ordinary course of business pursuant to Bankruptcy Code section 11 U.S.C. 363(b). A debtor-in-possession may sell assets, even substantially all of its assets, prior to confirmation of a plan of reorganization. *In re Parkstone Med. Info. Sys.*, 2001 WI 3619822 (Bank. S.D. Fla. 2001). Bankruptcy courts have held that sales should be approved under 363(b)(1) when they are supported by 1) sound business judgment of the debtor 2) interested parties are provided with adequate and reasonable notice 3) the sale is fair and reasonable. *In re Able Body Temp. Servs., Inc.*, 2015 WL 791281, at *5 (M.D. Fla. Feb. 25, 2015), *aff'd*, 632 Fed.Appx. 602 (11th Cir. 2016); *In re Moore*, 608 F.3d 253, 262 (5th Cir.2010); also *In re Schipper*, 933 F.2d 513, 515 (7th Cir.1991); *Stephens Indus., Inc. v. McClung*, 789 F.2d 386, 390 (6th Cir.1986). Here each of the factors are met.

11. The Debtor, in the sound mind of its business judgment, has concluded that the sale of the Property pursuant to the proposed terms presents the best option for maximizing the value of Debtor's estate for its creditors and equity interest holders.

WHEREFORE, the debtor, BAKER AND SONS AIR CONDITIONING, INC. respectfully requests that this Court, after hearing on notice pursuant to F. R. B.P. 2002(a), 6004, and 9014, approve this sale of property as set forth herein and authorize the Debtor to proceed in accordance with the terms proposed above, and that the Debtor have such other and further relief as is just and proper.

DATED this 15th day of February, 2019.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this Motion for Authority to Sell Property of Estate Free and Clear of Liens or Other Interest has been served electronically or by first class United States mail postage prepaid to the United States Trustee, 501 E. Polk Street, Suite 1200, Tampa, Florida 33602; DLI Assets Bravo, LLC, as Successor in interest to Quarterspot, Inc. 550 North Brand Blvd., Suite 2000, Glendale, CA 91203; CT Corporation System, as Representative, 330 N. Brand Blvd., Suite 700, Attn: SPRS, Glendale, AZ 91203; Iruka Capital Group, LLC, 162 Elmora Ave. #211, Elizabeth, NJ 07202; Iruka Capital Group, LLC, c/o Jeffrey Zachter, Esq., Zachter PLLC, 2 University Plaza, Suite 205, Hackensack, NJ 07601; and all creditors and parties-in-interest on Local Rule 1007-2 Parties In Interest list; and the Debtor, Baker and Sons Air Conditioning, Inc., 164 Sarasota Center Blvd., Sarasota, FL 34240 this 15th day of February, 2019.

/s/ Benjamin G. Martin
Benjamin G. Martin
Attorney at Law
1620 Main Street, Suite 1
Sarasota, Florida 34236
(941) 951-6166
Florida Bar No. 464661
skipmartin@verizon.net

EXHIBIT "A"

Matching desk, bookcases and credenza (Brown)

- 1 Built in desk
- 5 Bookcases
- 1 Credenza
- 4 Drawer over cabinet

Chairs - 8

Drafting Table

File Cabinets

- 2- 4 drawer
- 4- 2 drawer

- 3- L shaped desks
- 2- Desks
- 1- Credenza

1 Paper Shredder

1 Copier - Sharp MX2610N

- 4 HP all in one computers
- 3 Computers
- 5 Monitors
- 2 Printers
- 4 Trash Cans
- 2 Steelcase Bookcases/Shelves

Matching Desk, Bookcases, Cabinets

- 1 Built in Desk
- 4 Bookcases (sit on Cabinets Below)
- 5 Cabinets with drawer

1 Neat Scanner

1 couch

Table for 6 plus 6 chairs

end table

Glass Desk - Matches Drafting table

Microwave

3 station call center

Phone system

2 Bookcases

2 metal shelves

1 Fat Tire wagon

Dolly

2 air hoses

1 sand blaster

Kool Duct tools and table

Tools misc

Flex Duct misc sizes

Metal ductwork and components

EXHIBIT "B"

A/C COMPANY RELOCATION
EVERYTHING MUST GO!!!
164 SARASOTA CENTER BL. 34240
2 Office's Full of Custom Furniture
Desks/Tables/Chairs/Assorted A/C
Parts/Trucks/Electronics & More!
Fri. & Sat. ~10a-4p