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5 Attorneys for Debtor-in-Possession

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8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **NORTHERN DISTRICT**

11  
12 In re:

13 DAVE JOHNSON,

14 Debtor & Debtor-in-Possession.

Case no. 9:17-bk-10402-DS

Chapter 11

**DEBTOR-IN-POSSESSION'S  
MOTION FOR ORDER  
AUTHORIZING SALE OF  
PERSONAL PROPERTY OF THE  
ESTATE OTHER THAN IN THE  
ORDINARY COURSE OF  
BUSINESS PURSUANT TO LOCAL  
BANKRUPTCY RULE 9013-1(0)  
[NOTICE AND OPPORTUNITY  
FOR HEARING]; DECLARATION  
OF DAVE JOHNSON IN SUPPORT  
OF MOTION**

[NO HEARING SCHEDULED]

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23 Dave Johnson, Debtor and Debtor-in-Possession ("Debtor"), respectfully submits  
24 the following motion seeking approval and authorization for the sale of personal property  
25 of the estate other than in the ordinary course of business and in support thereof, alleges  
26 as follows:  
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1 The proposed sale price is \$7,500.00, all cash. This is a fair price for the vehicle  
2 considering its age, condition, mileage, etc.

3 The proposed purchaser is Christopher Perez whose address is 3188 Royal Oaks  
4 Drive, Thousand Oaks CA 91367.

5 The vehicle is in average condition. The sale is "as is" with no representations or  
6 warranties of any kind. The current mileage is 74,123. The color of the vehicle is blue.  
7 The vehicle has standard equipment for this model.

8 Attached hereto as Exhibit "1" is a copy of the proposed Bill of Sale for the subject  
9 vehicle. Attached hereto as Exhibit "2" is a copy of the Kelly Blue Book estimate of  
10 value for the vehicle showing the value for this vehicle, in good condition, to be  
11 \$6144.00.

12 The funds received from the sale of the vehicle will be deposited into the Debtor's  
13 Debtor-in-possession bank account.

14 The vehicle is not subject to any liens or encumbrances.

15 The vehicle is not necessary for a successful reorganization.

16 The sale is not subject to overbid. As set forth in the attached Declaration of Dave  
17 Johnson, he has not received any other offers for the purchase of the vehicle.

18 The sale is in the best interests of the estate as the vehicle is depreciating asset and  
19 is not necessary for a successful reorganization.

20 The Debtor respectfully asks the court to grant his motion on the terms and  
21 conditions herein set forth and allow the sale to proceed.

22 Dated: May 18, 2017.

OAK TREE LAW

23  
24 By: 

LARRY FIESELMAN

Attorney for Debtor/Movant

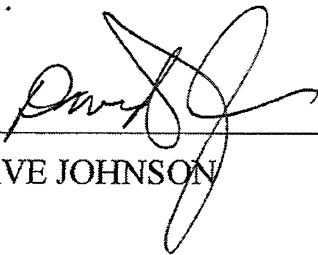
**DECLARATION OF DAVE JOHNSON**

I, DAVE JOHNSON, declare that:

1. I am the debtor and debtor-in-possession herein. If called upon to testify I could and would competently testify to the facts as herein stated.
2. This declaration is being submitted in support of my motion for an order authorizing me to sell personal property of the bankruptcy estate, to wit, a 2006 Mercedes-Benz automobile, model CLK 350, license number 5YZV066, vehicle identification number WDBTJ56J56F176506.
3. The proposed sale price is \$7,500.00, all cash.
4. The proposed purchaser is Christopher Perez whose address is 3188 Royal Oaks Drive, Thousand Oaks CA 91367.
5. The vehicle is in average condition. The sale is "as is" with no representations or warranties of any kind. The current mileage is 74,123. The color of the vehicle is blue. The vehicle has standard equipment for this model.
6. Attached hereto as Exhibit "1" is a copy of the proposed Bill of Sale for the subject vehicle. Attached hereto as Exhibit "2" is a copy of the Kelly Blue Book estimate of value for the vehicle showing the value for this vehicle, in good condition, to be \$6,144.00.
7. The funds received from the sale of the vehicle will be deposited into my Debtor-in-possession bank account.
8. The vehicle is not subject to any liens or encumbrances.
9. The vehicle is not necessary for a successful reorganization.
10. The sale is not subject to overbid. I have not received any other inquiries or offers for the purchase of the vehicle.
11. I respectfully request the court grant my motion on the terms and conditions herein set forth and allow the sale to proceed.

//

1 I declare, under penalty of perjury, that the foregoing is true and correct. Executed  
2 at Thousand Oaks CA on May 18, 2017.

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6 DAVE JOHNSON

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**EXHIBIT “1”**



**BILL OF SALE**

A Public Service Agency

VEHICLE/VESSEL DESCRIPTION				
IDENTIFICATION NUMBER	YEAR MODEL	MAKE	LICENSE PLATE/CF #	MOTORCYCLE ENGINE #
WDBTJ56J56F176506	2006	MBZ	5Y8V066	

I/We David Johnson (PRINT SELLER'S NAME(S)) sell, transfer, and deliver the above vehicle/vessel  
to Christopher Perez (PRINT BUYER'S NAME(S)) on 

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 for the amount of 

\$ 7500-
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 (SELLING PRICE)  
If this was a gift, indicate relationship: \_\_\_\_\_ (e.g., parents, spouse, friend, etc.) 

\$
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 (GIFT VALUE)

**SELLER**

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

PRINT NAME <u>DAVID Johnson</u>	SIGNATURE <u>X</u>	DATE	DL, ID OR DEALER #
PRINT NAME	SIGNATURE <u>X</u>	DATE	DL, ID OR DEALER #
MAILING ADDRESS <u>1723 Country Oaks Ln Thousand Oaks Ca</u>	CITY	STATE	ZIP
			<u>91362</u>
			DAYTIME PHONE # <u>818 731-1765</u>

**BUYER**

PRINT NAME <u>CHRISTOPHER Perez</u>
PRINT NAME
MAILING ADDRESS <u>3188 Royal Oaks Dr. Thousand Oaks Ca</u>
CITY
STATE
ZIP <u>91362</u>

**EXHIBIT “2”**

Advertisement

Home > What's My Car Worth > Category & Style > Options & Condition > CLK350 Coupe 2D



2006 Mercedes-Benz CLK-Class

Style: CLK350 Coupe 2D

Edit Options Check Specs Print Report

Mileage: 74123 Change

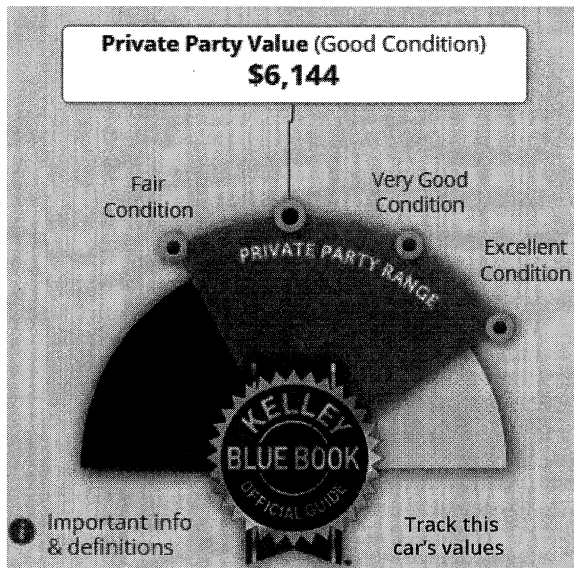
## Your Blue Book® Value

Trade In to a Dealer	Get an Instant Cash Offer	Sell to a Private Party
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### Next Steps: Find a Car

Browse reviews, photos, specs and more.

See what you should pay



Advertisement

Valid for ZIP code 90706 through 05/18/2017

Write a review on your 2006 Mercedes-Benz

Value based on:			
Fair	Good	Very Good	Excellent

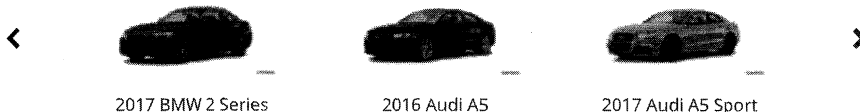
Advertisement

### Sell Your Current Car

Reach millions of buyers on KBB.com and AutoTrader.com

Place an ad

### New Cars You Might Like



Advertisement



### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled (*specify*): **DEBTOR-IN-POSSESSION'S MOTION FOR ORDER AUTHORIZING SALE OF PERSONAL PROPERTY OF THE ESTATE OTHER THAN IN THE ORDINARY COURSE OF BUSINESS PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(O) [NOTICE AND OPPORTUNITY FOR HEARING]; DECLARATION OF DAVE JOHNSON IN SUPPORT OF MOTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 5/18/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

X Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 5/18/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

X Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/18/17  
Date

LARRY FIESELMAN  
Printed Name

  
Signature

DAVE JOHNSON, Debtor Chapter 11 case number 9:17-bk-10402-DS

The following will be served by regular mail

Hon. Deborah J. Saltzman  
255 East Temple Street, Suite 1634  
Los Angeles CA 9001

The following creditors will be served electronically:

BANK OF AMERICA  
c/o ZANN R. WELCH  
Ascension Capital Group  
[ecgnotices@ascensioncapitalgroup.com](mailto:ecgnotices@ascensioncapitalgroup.com)

JASON KOLBE  
RCO Legal PS  
[bknotice@rcolegal.com](mailto:bknotice@rcolegal.com)

STEVEN M. MAYER  
Mayer Law Group APC  
[smayer@mayerlawla.com](mailto:smayer@mayerlawla.com)

VALERIE SMITH  
PRA RECEIVABLES MANAEMENT LLC  
[claims@recoverycorp.com](mailto:claims@recoverycorp.com)

BRIAN D. FITTIPALDI  
Untied States Trustee  
[brian.fittipaldi@usdoj.gov](mailto:brian.fittipaldi@usdoj.gov)

United States Trustee  
[ustpregion16.nd.ecf@usdoj.gov](mailto:ustpregion16.nd.ecf@usdoj.gov)