

This order is **SIGNED**.

Dated: February 22, 2017

*Kevin R. Anderson*  
KEVIN R. ANDERSON  
U.S. Bankruptcy Judge



rcc

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Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH

	)	Bankruptcy No. 15-25181 KRA
	)	Chapter 11
	)	
In re:	)	[Filed Electronically]
	)	
Gloyd W. Green,	)	
	)	
Debtor.	)	ORDER APPROVING
	)	AMENDED MOTION FOR
	)	SALE OF GUN COLLECTION
	)	BY PUBLIC AUCTION
	)	
	)	
	)	
	)	

A Hearing to consider the Reorganized Debtor’s Amended Motion for Approval of Sale of Gun Collection by Public Auction (the “**Motion**”), Docket no. 186, was conducted before the Honorable Kevin R. Anderson, United States Bankruptcy Judge, pursuant to notice, on February 21, 2017. The Reorganized Debtor appeared personally and by

and through counsel, Chris L. Schmutz, creditor Harrington & Company appeared by and through its counsel, Kyle W. Jones, and the United States Trustee's Office was represented at the hearing by Peter J. Kuhn.

The Court having carefully considered the exhibits admitted into evidence at the hearing on February 1, 2017, together with the arguments of counsel and the briefs filed by the parties, and being fully advised in the premises, and the Court having made its findings and conclusions on the record, and good cause appearing therefore, it is hereby ORDERED as follows:

1. The Motion is granted;
2. The Gun Collection (as defined in the Debtor's Amended Plan of Reorganization Dated February 24, 2016 [Docket no. 120, pages 11 to 51 of 51] (the "**Plan**")), other than the exempt guns described below, shall be sold at a public auction to be conducted by the firm of Erkelens and Olson on February 25, 2017, at 10:00 a.m., at the auction firm's gallery located at 430 West 300 North, Salt Lake City, Utah;
3. The firm of Erkelens and Olson shall be entitled to a commission of 15% of the sales price actually received for each gun sold at the auction;
4. Within 21 days after the date of the auction, the firm of Erkelens and Olson shall remit to the Reorganized Debtor all net proceeds of sale, along with a report of the results of the auction;

5. Within 7 days after his receipt of the net proceeds of sale and report of auction, the Reorganized Debtor shall deposit the net proceeds of sale in the Plan Payment Account (as defined in the Plan) for distribution in accordance with the term of the Plan, and shall file a report of the sale with the Bankruptcy Clerk's office;
6. The guns sold at auction as described above shall be sold in "as is, where is" condition, without representation or warranty as to condition or value, and shall be sold free and clear of all liens, claims, encumbrances and interests, with all liens, claims, encumbrances and interests to attach to the proceeds of sale, except that the Class A-4 Secured Claim (as defined in the Plan) shall be satisfied in part or in full through credit bids as set forth below;
7. The three guns identified as exempt on Attachment 1 to Schedule B in the amended Schedules filed on December 16, 2015 as Docket no. 65, a copy of which Attachment 1 is attached to this Order, are declared to be exempt, and the Debtor is entitled to retain the three exempt guns in accordance with the provisions of the Plan;
8. Terry and Sherrel West, who are the holders of the Class A-4 Secured Claim (as defined in the Plan), shall be entitled to credit bid their secured claim at the auction, either personally or by an authorized representative, in accordance with the provisions of 11 U.S.C. §363(k);

9. Pursuant to the provisions of Bankruptcy Rule 6004(h), the 14-day stay is hereby waived, and the auction may proceed on February 25, 2017 as set forth above;
10. This Order shall be effective from the time of the Court's ruling from the Bench on February 21, 2017.

APPROVED AS TO FORM:

\_\_\_\_\_  
/s/ Kyle W. Jones  
Kyle W. Jones  
Attorney for Harrington & Company

\_\_\_\_\_  
/s/ Peter J. Kuhn  
Peter J. Kuhn  
US Trustee's Office

[Signature of the Judge is at the top of page 1]

## DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing Order Approving Amended Motion for Sale of Gun Collection by Public Auction shall be served to the parties in the manner designated below:

By electronic service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

- John T. Morgan, [john.t.morgan@usdoj.gov](mailto:john.t.morgan@usdoj.gov), [James.Gee@usdoj.gov](mailto:James.Gee@usdoj.gov), [Lindsey.huston@usdoj.gov](mailto:Lindsey.huston@usdoj.gov), [Rinehart.peshell@usdoj.gov](mailto:Rinehart.peshell@usdoj.gov), [Suzanne.verhaal@usdoj.gov](mailto:Suzanne.verhaal@usdoj.gov)
- United States Trustee, [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)
- Marlon L. Bates [marlon@scalleyreading.net](mailto:marlon@scalleyreading.net), [trina@scalleyreading.net](mailto:trina@scalleyreading.net)
- Darwin Bingham [dbingham@scalleyreading.net](mailto:dbingham@scalleyreading.net), [cat@scalleyreading.net](mailto:cat@scalleyreading.net)
- George B. Hofmann [ghofmann@cohnekinghorn.com](mailto:ghofmann@cohnekinghorn.com), [ghaney@cohnekinghorn.com](mailto:ghaney@cohnekinghorn.com), [jthorsen@cohnekinghorn.com](mailto:jthorsen@cohnekinghorn.com)
- Kami L. Peterson [Kami.Peterson@zionsbancorp.com](mailto:Kami.Peterson@zionsbancorp.com), [Angela.Stephenson@zionsbancorp.com](mailto:Angela.Stephenson@zionsbancorp.com), [Deanne.Koecher@zionsbancorp.com](mailto:Deanne.Koecher@zionsbancorp.com)
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- Peter J. Kuhn tr [Peter.J.Kuhn@usdoj.gov](mailto:Peter.J.Kuhn@usdoj.gov), [James.Gee@usdoj.gov](mailto:James.Gee@usdoj.gov); [Lindsey.Huston@usdoj.gov](mailto:Lindsey.Huston@usdoj.gov);
- [Suzanne.Verhaal@usdoj.gov](mailto:Suzanne.Verhaal@usdoj.gov)

SERVICE BY MAIL OR OTHER MEANS: By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served copies of the Order pursuant to Fed. R. Civ. Pro. 5(b):

Kyle W. Jones  
420 East South Temple #470  
Salt Lake City, UT 84111

                  /s/ Chris L. Schmutz  
Chris L. Schmutz

GLOYD W. GREEN  
 Schedule B  
 Attachment 1

<u>Gun Collection</u>	<u>Appraised Value</u>
3006 US 1917 Infield	125
22 Semi-automatic Browning	275
22 Winchester Pump	300
12-Gauge Single-Shot Stevens	50
22 Lever Action Winchester	100
22 Bolt Action Remington	100
3030 Winchester Rifle	600
243 Browning Lever Action	350
3006 Infield	75
12-Gauge Ithaca Pump	EXEMPT UNDER U.C.A. 78B-5-505(1)(A)
22 Winchester Pump Old	250
12-Gauge Savage Semi-automatic	100
3006 Browning 1895	1000
3006 Winchester 1895	600
300 Weatherby	600
3" Mag Browning Semi-Automatic	600
3006 BSA Bolt Action	150
3006 Johnson Semi-Automatic	EXEMPT UNDER U.C.A. 78B-5-505(1)(A)
12-Gauge Pump	25
22 Weatherby Semi-Automatic "Scope"	300
Winchester "1966 Centennial"	600
Winchester "John Wayne"	600
22 Browning Lever Action	300
22 Browning Semi-Automatic	50
357 Colt Python 2" Barrel	800
357 Rugar Single Six "6 Barrel"	300
22 High Standard Pistol	175
22 High Standard Pistol	50
357 Colt Python 6" Barrel	1000
22 Rugar Single Six	250
45 Colt Dakota Calif	300
45 Sam Colt	EXEMPT UNDER U.C.A. 78B-5-505(1)(A)
22 Mitchell Semi-Automatic	300
22 Colt Semi-Automatic Match Target	400
45 Colt	400
45 Colt Combat Commander	350
Montgomery Ward & Co. 10-Gauge	75
Orson Yorgason Double Barrel	0
 TOTAL ESTIMATED VALUE:	 11550