

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

GRACE GEMS GALLERIA, LLC,

Bankruptcy No. 15-24218-GLT

Debtor.

Chapter 11

GRACE GEMS GALLERIA, LLC,

Document No.

Movant,

vs.

**INTERNAL REVENUE SERVICE,
PENNSYLVANIA DEPARTMENT OF
REVENUE, TERRI IMBARLINA PATAK,**

Respondents.

**MOTION FOR SALE OF PERSONALTY
FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES**

AND NOW, comes Grace Gems Galleria, LLC, the Debtor, by and through its Counsel, Robert O Lampl, John P. Lacher, David L. Fuchs and Ryan J. Cooney, and files this **MOTION FOR SALE OF PERSONALTY FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES**, as follows:

1. Grace Gems Galleria, LLC is the Debtor in the above Chapter 11 Case.
2. The Debtor commenced this Chapter 11 Case on November 18, 2015.
3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 157 and 11 U.S.C. Section 363.
4. The Debtor owns assets used in the operation of its business. Those assets include the following personal property (the "Property"): gems-

beads, jewelry, findings, electronics, shelves, lights, office equipment, books, essential oils. An inventory list of the personalty to be sold is attached hereto as

EXHIBIT A.

5. The Debtor, Grace Gems Galleria, LLC, (“Seller”) and Grace Betancourt-Jones (“Buyer”), entered into a Bill of Sale of Personal Property on September 30, 2016 for the purchase price of \$40,000.00. While the purchaser is an insider, the offer was submitted in good faith and the purchase price will be paid via non-estate funds. A copy of the Bill of Sale of Personal Property is attached hereto as **EXHIBIT B.**

6. The Respondents which may hold liens, claims and encumbrances against the Personal Property are as follows:

- a. Internal Revenue Service,
- b. Pennsylvania Department of Revenue, and
- c. Terri Imbarlina Patak

A copy of the UCC search is attached hereto and made a part hereof as **EXHIBIT C.**

7. The Personalty is being sold as-is, where-is.

8. The Debtor believes, and therefore avers, that the proposed sale is fair and reasonable and acceptance and approval of the same is in the best interest of this Estate.

WHEREFORE, the Movant respectfully requests that this Honorable Court enter an Order approving the sale of the personalty free and clear of all liens, claims and encumbrances.

Respectfully Submitted,

Date: November 14, 2016

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
DAVID L. FUCHS
PA I.D. #205694
RYAN J. COONEY
PA I.D. #319213
Counsel for the Debtor
960 Penn Avenue, Suite 1200
Pittsburgh, PA 15222
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(412) 392-0335 (facsimile)
Email: rlampl@lampllaw.com

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**INTERNAL REVENUE SERVICE,
PENNSYLVANIA DEPARTMENT OF
REVENUE, TERRI IMBARLINA PATAK,**

Respondents.

Bankruptcy No. 15-24218-GLT

Chapter 11

Document No.

CERTIFICATE OF SERVICE

Robert O Lampl, hereby certifies that on the 14th day of November, 2016, a true and correct copy of the foregoing **MOTION FOR SALE OF PERSONALTY FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES** was served upon the following (*via electronic service, facsimile or First Class U.S. Mail*):

Office of the U.S. Trustee
1001 Liberty Avenue
Suite 970
Pittsburgh, PA 15222

Jason L. Ott
Dickey, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Lisa DiCerbo
IRS – Office of Chief Counsel
Moorhead Federal Building, Room 806
1000 Liberty Avenue
Pittsburgh, PA 15222
(Counsel for the Internal Revenue Service)

Robert C. Edmundson
Office of Attorney General
564 Forbes Avenue
5th Floor, Manor Complex
Pittsburgh, PA 15219
(Counsel for Office of Attorney General – PA Department of Revenue)

Date: November 14, 2016

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
DAVID L. FUCHS
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(412) 392-0330 (phone)
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Email: rlampl@lampllaw.com

Heart of the Earth Inventory

Furniture Inventory

4 small shelving units \$1,800 @ =\$7,200
9 stools \$900
Book Shelf \$500
2 Iron Mirrors \$200 @ =\$400
2 Tin Mirrors \$70 @ =\$140
2 Wooden Mirrors \$90 @ =\$180
1 Bead table \$200
1 Work Bench \$420
1 Iron Arc \$350
2 Iron Benches \$150 @ =\$300
4 Iron Trees \$370
Displays \$700
Tools (various) \$300
2 Desk \$1,100
Total: \$13,060.00

Electronics Inventory

HP Computer \$350.00
Software POS System \$1,000
Visa machine \$300.00
Telephones \$149
1 Fax/Printer \$100
2 iPads \$400
Total: \$2,299.00

Sterling Silver Jewelry

3 Sterling Silver Rings
8 Sterling Silver Rings with Semi-precious stones
27 Sterling Silver Bracelets
11 Sterling Silver Men and Women's Necklaces/Chains
Total: \$5,724

Semi-Precious Stones(Loose Beads)

3 Shoe Box sizes of loose stones \$1,500

Stones

35 Crystals \$400
6 Stone Rings \$588
Total: \$640.00

Copper Jewelry

12 Copper Bracelets \$1,200

Pendants

32 Pendants with various semi-precious stones \$1,440.00

Semi-Precious Stones (Strands)

45 Agate \$1866
8 Aquamarine \$1000
61 Tiger Eye \$3274
25 Jasper \$1879
63 Opal \$4295
60 Coral \$4509
13 Citrine \$1195
39 Garnet \$2458

81 Carnelian \$4113
16 Tourmaline \$3160
Total: \$27,749.00

84 Quartz(Pink, Purple, Smokey) \$6,127
20 Gray Quartz \$478
12 Petrified Wood \$1,128
400 Pearls (various sizes and color) \$18,000.00
24 Amethyst \$9922
7 Ruby \$863
18 Garnet Chips, Leaves \$1615
7 Jasper (Poppy and Picture) \$672
15 Moonstone \$1,654
4 Sunstone \$606
16 Aventurine \$560
49 Fire Agate \$2,484
13 Multi Gems \$1,000
24 Moonstone (round/long) \$953
Total: \$46,062.00

4 Pink Chalcedony \$486
5 Rodochrasite \$285
8 Lepidolite \$530
4 Jade (lavender) \$127
4 Jade (Purple, round) \$361
2 Rutilated Quartz \$128
8 Rutilated Tourmaline \$608
10 Amy Barrels \$860
8 Mukite \$1060
9 Picture Jasper \$524
17 Charoite \$1668
22 Turquoise \$3000
Total: \$9,637.00

18 Amy Teardrops/faceted \$1544
1 Amy (small and large chip) \$398
9 Chevron Amethyst \$624
3 Amethyst (mini) \$152
4 Amethyst (large) \$1,200.00
3 Amethyst Faceted \$288
4 Amethyst Briolette \$632

4 Amethyst Triangle \$658
8 Lava Rock \$800
3 Oval Stones \$90
Total: \$6,386.00

All values listed are Retail Values

Pennsylvania County: Allegheny	\$40,000.00 USD
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Bill of Sale of Personal Property

IN CONSIDERATION OF the sum of \$40,000.00 USD, plus any applicable sales taxes, paid by cash, the receipt of which consideration is acknowledged, Grace Gems Galeria LLC of 738 Copeland Street Pittsburgh, PA 15232 (the 'Seller'), SELLS AND DELIVERS to Grace Betancourt- Jones of 3307 Waterford Street Pittsburgh, PA 15238 (the 'Purchaser'), the following personal property (the 'Property'): Gems-Beads, Jewelry, Findings, Electronics, Shelves, Lights, Office Equipment, Books, Essentials Oils.

The Seller warrants that (1) the Seller is the legal owner of the Property; (2) the Property is free from all liens and encumbrances; (3) the Seller has full right and authority to sell and transfer the Property; and (4) the Seller will warrant and defend the title of the Property against any and all claims and demands of all persons.

The Property is being sold in an 'as is' condition and the Seller expressly disclaims all warranties, whether expressed or implied, including but not limited to, any implied warranty of merchantability or fitness for a particular purpose. Further, the Seller disclaims any warranty as to the condition of the Property. The Seller does not assume, or authorize any other person to assume on the behalf of the Seller, any liability in connection with the sale of the Property. The Seller's above disclaimer of warranties does not, in any way, affect the terms of any applicable warranties from the manufacturer of the Property.

The Purchaser has been given the opportunity to inspect the Property or to have it inspected and the Purchaser has accepted the Property in its existing condition. This Bill of Sale will be construed in accordance with and governed by the laws of the Commonwealth of Pennsylvania.

EXHIBIT B

Bill of Sale

SIGNED, SEALED, AND DELIVERED

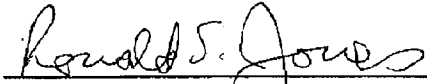
this 30th day of September, 2016 in the presence
of:

(Signature of Witness)

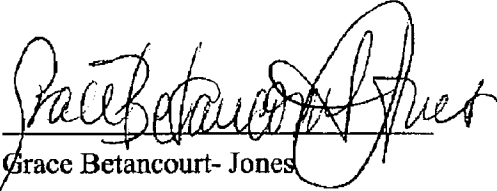
WITNESS DETAILS:

Name: _____

Address: _____



Grace Gems Galeria LLC
(Seller)



Grace Betancourt- Jones
(Purchaser)

Bill of Sale

Page 3 of 4

NOTARY ACKNOWLEDGMENT - SELLER

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Allegheny

On this 30th day of September, 2016, before me, Ronald Jones, the undersigned officer, personally appeared Grace Gems Galeria LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Michelle Betancourt

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Michelle Betancourt, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 19, 2020

My commission expires: Jan. 19, 2020

NOTARY ACKNOWLEDGMENT - PURCHASER

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Allegheny

On this 30th day of September, 2016, before me, Grace Betancourt-Jones, the undersigned officer, personally appeared Grace Betancourt- Jones, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Michelle Betancourt
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Michelle Betancourt, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 19, 2020

My commission expires: Jan 19, 2020