

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

<p>IN RE:</p> <p>IRENE STACY COMMUNITY MENTAL HEALTH CENTER,</p> <p>Debtor-in-Possession.</p>	<p>Case No. 15-24605-TPA</p> <p>Chapter 11</p>
<p>IRENE STACY COMMUNITY MENTAL HEALTH CENTER,</p> <p>Movant,</p> <p>v.</p> <p>NEXTIER BANK, N.A.,</p> <p>Respondent.</p>	

**DEBTOR’S MOTION FOR ORDER APPROVING PUBLIC AUCTION SALE OF
PERSONAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS, AND
ENCUMBRANCES**

IRENE STACY COMMUNITY MENTAL HEALTH CENTER (the “Debtor”), by and through its undersigned counsel, files the following Motion (the “Sale Motion”) for an Order Approving the Public Auction Sale of Personal Property Free and Clear of All Liens, Claims, and Encumbrances, and in support thereof, states as follows:

BACKGROUND

1. On December 18, 2015, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* (as amended, the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”) at case number 15-24605-TPA (the “Bankruptcy Case”).

2. The Debtor is a 501(c)(3) not-for-profit corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal place of business located at 112 Hillvue Drive, Butler, Pennsylvania 16001 and a mailing address of P.O. Box 1690, Butler, Pennsylvania 16003.

3. The personal property and assets of the Debtor that the Debtor is seeking to sell consist of lawn maintenance equipment, various office furnishings, and one vehicle (the "Personal Property")

4. On July 20, 2016, the Debtor filed its Chapter 11 Plan of Liquidation (the "Plan") and accompanying Disclosure Statement. A hearing on the approval of the Disclosure Statement is not yet scheduled.

5. The Debtor has ceased providing patient care and, pursuant to the Plan, intends to sell all real estate and Personal Property to facilitate a dissolution of the company.

RESPONDENTS

6. NexTier Bank, N.A. ("NexTier") asserts a lien on all business assets of the Debtor, including inventory, accounts, and equipment. [POC 21-1]

JURISDICTION

7. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

8. This Sale Motion is filed pursuant to sections 327 and 363 of the Bankruptcy Code.

RELIEF REQUESTED

9. By this Sale Motion, the Debtor seeks approval of the public auction sale of the Personal Property located at 112 Hillvue Drive, Butler, Pennsylvania 16001.

10. A list of the Personal Property (the "Inventory List") and approximate values is attached hereto and incorporated herein as **Exhibit A**.

11. The Inventory List, including items, quantities, and values, is estimated to the best of the Debtor's ability, and may inadvertently have omitted small items of minor value. Actual sale prices for the Personal Property may vary from the estimates provided on Exhibit A.

12. The vehicle is a 2005 Chevrolet Express Van, VIN 1GNDV03E95D107775, in poor to fair condition.

13. The Personal Property is no longer necessary for the operation of the business as the Debtor liquidates under the Plan confirmation process.

14. The Debtor requests approval to proceed with the auction as soon as possible under the applicable sections of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and local rules of this Court.

15. Simultaneously with the filing of this Sale Motion, the Debtor is also filing an Application to Employ Auctioneer (the "Application") with more information regarding the auctioneer and agreement with auctioneer.

16. The Debtor believes that the best method for maximizing the value of the Personal Property is to proceed with a public auction in accordance with the terms of the agreement with the auctioneer attached to the Application.

17. A public auction sale of the Personal Property is in the best interest of creditors and the Debtor's estate.

18. The Debtor requests that the proceeds of the sale of the Personal Property, after payment of the auctioneer's expenses and fees in accordance with the terms of the agreement with the auctioneer, shall be paid to the Debtor or to the Plan Administrator, whichever is applicable at the time of the auction, and held in escrow to be paid to creditors according to terms of the pending Plan.

WHEREFORE, Irene Stacy Community Mental Health Center respectfully requests that this Honorable Court enter an Order approving the public auction of the Personal Property and providing such other and further relief as this Court deems just and proper.

Dated: October 12, 2016

BERNSTEIN-BURKLEY, P.C.

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Inventory List

Item	Quantity	Value	Total Value
Chairs	300	\$4.00	\$1,200.00
Desks	73	\$10.00	\$730.00
Tables	35	\$10.00	\$350.00
Phones	45	\$5.00	\$225.00
Filing Cabinets	75	\$10.00	\$750.00
Vacuums	4	\$15.00	\$60.00
Floor Buffers	2	\$25.00	\$50.00
Wheelchairs	1	\$10.00	\$10.00
Walkers	2	\$5.00	\$10.00
Televisions	3	\$20.00	\$60.00
DVRs	3	\$10.00	\$30.00
Weight Scales	5	\$25.00	\$125.00
Bookshelves	25	\$10.00	\$250.00
Pool Table	1	\$100.00	\$100.00
Kitchen Supplies (Plates, Pots, Pans, etc.)	Multiple	\$50.00	\$50.00
Tools (Assorted)	Multiple	\$500.00	\$500.00
Computer Screens	25	\$10.00	\$250.00
Safes	2	\$37.50	\$75.00
Microwaves	3	\$10.00	\$30.00
Metal Detector Wands	2	\$10.00	\$20.00
Refrigerators	2	\$25.00	\$50.00
Office Supplies	Multiple	\$100.00	\$100.00
Walk Through Metal Detector	1	\$500.00	\$500.00
Shredder	1	\$100.00	\$100.00
Van	1	\$1,500.00	\$1,500.00
Lawnmowers	2	\$25.00	\$50.00
Air Compressor	1	\$100.00	\$100.00
Trailer	1	\$300.00	\$300.00
John Deere x728 Ultimate w/Front Loader	1	\$10,000.00	\$10,000.00
John Deere 445	1	\$4,000.00	\$4,000.00
TOTAL ESTIMATED VALUE			\$21,575.00