

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

IN RE:	:	
	:	
JAMES A. CRIPE,	:	BANKRUPTCY NO. 15-10070-TPA
Debtor	:	
	:	CHAPTER NO. 11
JAMES A. CRIPE,	:	
Plaintiff	:	
	:	DOCUMENT NO.
V.	:	
	:	
COLFIN MF5 FUNDING, LLC, and	:	
WARREN COUNTY TAX CLAIM BUREAU,	:	
Defendants	:	

MOTION FOR SALE OF PERSONAL PROPERTY  
FREE AND DIVESTED OF LIENS

AND NOW, to-wit, comes the debtor James A. Cripe through his attorneys Yochim, Skiba and Nash and Gary V. Skiba, Esq., and files the following motion:

1. This case was commenced by voluntary petition filed under Chapter 11 of the Bankruptcy Code on January 21, 2015. No trustee or unsecured creditors' committee has been appointed.

2. The moving party is the debtor James A. Cripe.

3. The respondent Colfin MF5 Funding, LLC, has its address at 2450 Broadway, 6<sup>th</sup> Floor, Santa Monica, CA 90404-3570 and has or may have a lien on the subject mobile homes under the mortgage recorded at Inst. No. 2006-5667 in the Office of the Recorder of Deeds of Warren County, Pennsylvania. It is not believed that the said mortgage extends to the mobile homes at issue, and this respondent is listed as a safeguard.

4. The respondent Warren County Tax Claim Bureau has its address at the Warren County Courthouse, 204 Fourth Avenue, Warren,

PA 16365 and has or may have a lien on the subject mobile homes for delinquent property taxes.

5. The debtor is the owner of twenty-six mobile homes located on the premises of Wilderness Mobile Home Park, 33 Wilderness Park, Pleasant Township, Warren County, Pennsylvania, and more specifically identified in the list attached hereto.

6. Subject to this Court's approval, the debtor has agreed to convey the said mobile homes through a transaction or series of transactions (likely involving M Shapiro Development Co., LLC, the court appointed Receiver) to BF Adventures, LLC, 50 Corvette Drive, Warren, PA 16365 in consideration of (a) cash to the debtor in the amount of \$25,000.00, (b) the elimination of the Deferred Rent of approximately \$25,000.00 as described in the Agreed Order issued on September 20, 2016, in the action in mortgage foreclosure docketed at Doc. No. 277-2016 in the Court of Common Pleas of Warren County, Pennsylvania, and (c) Colfin's or the Receiver's payment of all property taxes, current and delinquent, which the debtor would otherwise need to pay on the above-described mobile homes upon the closing on the conveyance to BF Adventures, LLC, as described in the following paragraph.

7. The conveyance sought to be hereby authorized is part of an overall Purchase Agreement whereby M. Shapiro Development Company, LLC, appointed as Receiver by the Court of Common Pleas, would sell or facilitate the sale of the real estate and the said mobile homes to BF Adventures, LLC, for the gross sale price of \$500,000.00. The mobile homes are owned by the debtor, are an

integral part of the conveyance to BF Adventures, LLC, and cannot be sold without this Court's authorization.

8. The funds to be paid to the debtor under paragraph 6 above and the surcharge addressed in paragraph 10 below shall be paid at the overall closing at which the real estate of Wilderness Mobile Home Park and the mobile homes will be transferred to BF Adventures, LLC.

9. Adele Cripe, debtor's wife, is the owner of the one unit on Lot No. 37, a 1991 Marlette, V.I.N. T004126, and will also convey that mobile home to the buyer in order to effectuate the overall sale of Wilderness Mobile Home Park to BF Adventures, LLC.

10. At the closing for the sale of Wilderness Mobile Home Park to BF Adventures, LLC, the Receiver or Colfin MF5 Funding LLC, as appropriate, will also pay the debtor \$26,400.00, which is the surcharge directed by this Court's order of September 16, 2016, Doc. No. 518. These funds will be paid from the \$500,000.00, the gross sale price, which BF Adventures, LLC, will pay at the closing.

11. The debtor proposes that the said mobile homes be conveyed free and clear of any interest of Colfin MF5 Funding, LLC, under its above-described mortgage. Property taxes and usual closing costs will be paid in full at closing. BF Adventures, LLC, shall bear the expense of transferring title to its name.

12. This private sale shall be subject to valid, higher bids received at the hearing on same under the same or better terms and conditions as those described herein.

13. The property shall be sold "as is, where is".

WHEREFORE, the debtor, James A. Cripe, respectfully requests that this Court issue an order authorizing the sale of the twenty-seven mobile homes described above (including the one owned by Adele Cripe) to BF Adventures, LLC, in consideration of the payment of \$25,000.00, the elimination of Deferred Rent, and the elimination of property tax on the mobile homes as described above or to the successful bidder who would present higher, valid offer for the purchase of same on the date of hearing on this motion.

Respectfully submitted,

YOCHIM, SKIBA & NASH

BY: /s/ Gary V. Skiba  
Gary V. Skiba, Esq.  
345 West 6th Street  
Erie, PA 16507  
814/454-6345  
Fax No. 814/456-6603  
Attorney for Debtor  
PA Attorney I.D. No. 18153  
[gskiba@yochim.com](mailto:gskiba@yochim.com)

45458-bkr

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

IN RE:	:	
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JAMES A. CRIPE,	:	BANKRUPTCY NO. 15-10070-TPA
Debtor	:	
	:	CHAPTER NO. 11
JAMES A. CRIPE,	:	
Plaintiff	:	
	:	DOCUMENT NO.
V.	:	
	:	
COLFIN MF5 FUNDING, LLC, and	:	
WARREN COUNTY TAX CLAIM BUREAU,	:	
Defendants	:	

CERTIFICATION OF SERVICE ON  
MOTION TO SELL PERSONAL PROPERTY

I certify under penalty of perjury that this date, March 23, 2017, I served copies of the foregoing Motion and the Notice of Nonevidentiary Hearing on Motion to Sell Real Property on same at the addresses listed below. The type of service on the parties was by first class mail, postage prepaid.

Office of U. S. Trustee  
Liberty Center  
1001 Liberty Ave., Suite 970  
Pittsburgh, PA 15222

Barnes & Thornburg, LLP  
Attn.: Jonathan Sundheimer, Esq.  
11 South Meridian Street  
Indianapolis, IN 46204-3535  
Attorney for Colfin MF5 Funding, LLC

Colfin MF5 Funding, LLC  
2450 Broadway, 6<sup>th</sup> Floor  
Santa Monica, CA 90404-3570

James A. Cripe, Esq.  
3800 Zimmerly Road  
Erie, PA 16506

Warren County Tax Claim Bureau  
Warren County Courthouse  
204 Fourth Avenue  
Warren, PA 16365

In addition copies of the Notice of Hearing with Response Deadline were mailed this date by first-class mail, postage prepaid, to all creditors and parties in interest at the addresses set forth on the attached matrix.

Dated: March 23, 2017      /s/ Gary V. Skiba  
Gary V. Skiba, Esq.

Label Matrix for local noticing  
0315-1  
Case 15-10070-TPA  
WESTERN DISTRICT OF PENNSYLVANIA  
Erie  
Tue Mar 21 15:08:23 EDT 2017

21st Mortgage  
620 Market Street  
One Center Square  
Knoxville, TN 37902

(P) 21ST MORTGAGE CORPORATION  
PO BOX 477  
KNOXVILLE TN 37901-0477

Asbury Manor MHP LLC  
2201 Francisco Drive  
Eldorado Hills, CA 95762-3713

B. Joy Sampson  
409 South Mill Street  
Colfax, WA 99111-1916

Bill Schaaf and Associates  
5620 Peach St.  
Erie, PA 16509-2606

Thomas Brasco Jr.  
Yochim Skiba & Nash  
345 West 6th Street  
Erie, PA 16507-1244

Thomas D. Brasco  
Yochim, Skiba and Nash  
345 West Sixth Street  
Erie, PA 16507-1244

Michael A. Braymer  
PA Dept. of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335-3407

CDCF III MF4 FUNDING, LLC  
2450 Broadway  
Sixth Floor  
Santa Monica, CA 90404-3570

Thomas A. Capehart  
Gross McGinley, LLP  
33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105-4060

Capital One Bank  
PO Box 71083  
Charlotte, NC 28272-1083

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Chase  
PO Box 15153  
Wilmington, DE 19886-5153

Mark G. Claypool  
120 West Tenth Street  
Erie, PA 16501-1410

Colfin MF5 Funding, LLC  
2450 Broadway  
Sixth Floor  
Santa Monica, CA 90404-3570

Colfin MF5 Funding, LLC  
c/o John F. Kroto, Esquire  
Knox McLaughlin Gornall & Sennett, P.C.  
120 West 10th Street  
Erie, PA 16501-1410

James A. Cripe  
3800 Zimmerly Road  
Erie, PA 16506-4834

ERICA L. MILLS, ESQ.  
600 MARKET STREET  
WARREN, PA 16365-1326

ERIEBANK a Division of CNB Bank  
1 S. 2nd Street  
Clearfield, PA 16830-2355

Environmental Remediation & Recovery, In  
4250 Route 6N  
Edinboro, PA 16412-1735

Angela N. Erde  
Commonweath of PA, DEP  
230 Chestnut Street  
Meadville, PA 16335-3407

Erie Appraisal Associates, Inc.  
3205 Atlantic Avenue  
Erie, PA 16506-3509

Erie Bank  
2035 Edinboro Road  
Erie, PA 16509-3452

Erie Bank, a division of CNB Bank  
31 South Second Street  
Clearfield, PA 16830

Erie FCU  
1109 E 38th St  
Erie, PA 16504-1845

Erie Federal Credit Union  
1959 East 36th Street  
Erie, PA 16510-2663

Fox Excavating  
22 N. Main Street, Box 405  
Clarendon , PA 16313

Hoover Oil Field Supply  
PO Box 965  
Warren, PA 16365-0965

Internal Revenue Service  
Special Procedures Division  
P.O. Box 628  
Bankruptcy Section  
Pittsburgh, PA 15230

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Michael S. Jan Janin  
Quinn Buseck Leemhuis Toohay & Kroto Inc  
2222 West Grandview Boulevard  
Erie, PA 16506-4508

John F. Kroto  
Knox McLaughlin Gornall & Sennett  
120 West Tenth Street  
Erie, PA 16501-1410

Michael P. Kruszewski  
2222 West Grandview Blvd.  
Erie, PA 16506-4508

Michael P. Kruszewski  
Quinn Law Firm  
2222 West Grandview Boulevard  
Erie, PA 16506-4508

MATTHEW JAMES PORTER  
HEATHER ANN RUBY  
101 WILDERNESS PARK  
CLARENDON, PA 16313-3333

Meadville Area Sewer Authority  
c/o John C. Swick  
Shafer Law Firm  
890 Market St.  
Meadville, Pa 16335-3318

Meadville Area Water Authority  
18160 Rodgers Ferry Road  
Meadville, PA 16335-8372

Midland Loan Services  
a PNC Real Estate Business  
PO Box 25965  
Shawnee Mission, KS 66225-5965

Midland Loan Services, a PNC Real Estate  
Lockbox Number 642303  
PO Box 642303  
Pittsburgh, PA 15264-2303

Midland Loan Services, a PNC Real Estate  
Lockbox Number 771223  
1223 Solutions Center  
Chicago, IL 60677-1002

Alan K. Mills  
BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Moody & Associates, Inc.  
11548 Cotton Road  
Meadville, PA 16335-8200

Moody & Associates, Inc.  
Attn: Mark Miller  
11548 Cotton Road  
Meadville, PA 16335-8200

Northwest Savings Bank  
PO Box 337  
Warren, PA 16365-0337

Northwest Savings Bank  
Retail Loan Service  
PO Box 3001  
Warren, PA 16365-1101

Office of the United States Trustee  
Liberty Center.  
1001 Liberty Avenue, Suite 970  
Pittsburgh, PA 15222-3721

Otis Eastern Service, LLC  
2971 Route 417  
PO Box 330  
Wellsville, NY 14895-0330

PA Dept. of Env. Prot  
230 Chestnut Street  
Meadville, PA 16335-3407

Nicholas R. Pagliari  
MacDonald, Illig, Jones & Britton LLP  
100 State Street, Suite 700  
Erie, PA 16507-1459

Patterson & Stirling  
PO Box 8176  
Erie, PA 16505-0176

Pennsylvania Dept. of Revenue  
Department 280946  
P.O. Box 280946  
ATTN: BANKRUPTCY DIVISION  
Harrisburg, PA 17128-0946

Keith A. Pierce  
6153 West Ridge Road  
Erie, PA 16506-1017

Real Living Avista Properties  
224 Liberty Street  
Warren, PA 16365-2344

Recovery Management Systems Corporation  
25 S.E. Second Avenue  
Suite 1120  
Miami, FL 33131-1605

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Debra S. Rosen  
Archer & Greiner PC  
One Centennial Square  
Haddonfield, NJ 08033-2374

Ross Plumbing  
18950 Highway 86  
Saegertown, PA 16433-5940

Russell Robinson  
c/o R. Colin Campbell, Esq.  
Campbell and Associates  
8274 North Main Street  
Eden, NY 14057-1104

Scott Wheeler  
2201 Francisco Drive  
Eldorado Hills, CA 95762-3713

Trish Shoulders  
12050 Edinboro Road  
Edinboro, PA 16412-1001

Gary V. Skiba  
345 West 6th St.  
Erie, PA 16507-1244

Jonathan D. Sundheimer  
11 South Meridian Street  
Indianapolis, IN 46204-3506

Jonathan D. Sundheimer  
BARNES & THORNBURG LLP  
11 South Meridian Street  
Indianapolis, IN 46204-3535

Synchrony Bank  
PO Box 11623  
Newark, NJ 07101-4623

Synchrony Bank  
c/o PRA Receivables Management, LLC  
PO Box 41021  
Norfolk VA 23541-1021

Synchrony Bank  
c/o Recovery Management Systems Corp  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

Talmer Bank & Trust  
PO Box 79048  
St. Louis , MO 63179

Triton Valley Estates  
5150 Genesee Street  
Bowmansville, NY 14026-1038

Waste Management  
2625W Grandview Rd Ste 150  
Phoenix, AZ 85023-3109

Waste Management  
975 Robinson Road  
Erie, PA 16509

Wells Fargo Bank, N.A. as Trustee  
c/o Kelly M. Neal, Esq.  
Buchanan Ingersoll & Rooney PC  
One Oxford Centre, 20th fl.  
Pittsburgh, PA 15219-1400

Matthew L. Wolford  
638 West 6th Street  
Erie, PA 16507-1173

Heather A. Sprague on Behalf of the United S  
Office of the United States Trustee  
Liberty Center, Suite 970  
1001 Liberty Avenue  
Pittsburgh, PA 15222-3714

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

21st Mortgage Corp  
P.O. Box 477  
Knoxville, TN 37901

Internal Revenue Service  
1000 Liberty Ave Room 705  
Pittsburgh, PA 15222

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)21st Mortgage Corporation

(d)CDCF III MF4 Funding, LLC  
2450 Broadway  
Sixth Floor  
Santa Monica, CA 90404-3570

(u)Erie Federal Credit Union

(u)Waste Management of Pennsylvania, Inc.

(d)Wells Fargo Bank, N.A. as trustee  
c/o Kelly M. Neal, Esq.  
Buchanan Ingersoll & Rooney PC  
One Oxford Centre, 20th fl.  
Pittsburgh, PA 15219-1400

End of Label Matrix  
Mailable recipients 73  
Bypassed recipients 5  
Total 78



<b>MANUFACTURED HOMES OWNED BY JAMES A. CRIPE AND ADELE CRIPE</b>				
<b>Address</b>	<b>Street</b>	<b>Lot</b>	<b>Account Number</b>	<b>Parcel</b>
<b>100</b>	<b>Wilderness Park</b>	<b>89</b>	<b>WN-008-178800-089</b>	<b>12577</b>
101	Wilderness Park	1	WN-008-178800-101	12578
105	Wilderness Park	3	WN-008-178800-003	12518
110	Wilderness Park	84	WN-008-178800-084	12573
114	Wilderness Park	82	WN-008-178800-082	12571
116	Wilderness Park	81	WN-008-178800-081	12570
126	Wilderness Park	77	WN-008-178800-077	12568
131	Wilderness Park	14	WN-008-178800-014	12526
139	Wilderness Park	18	WN-008-178800-018	12529
148	Wilderness Park	66	WN-008-178800-066	12559
149	Wilderness Park	23	WN-008-178800-023	12531
152	Wilderness Park	64	WN-008-178800-064	12558
154	Wilderness Park	63	WN-008-178800-063	12557
155	Wilderness Park	26	WN-008-178800-261	12579
156	Wilderness Park	62	WN-008-178800-062	12556
158	Wilderness Park	61	WN-008-178800-061	12255
161	Wilderness Park	29	WN-008-178800-029	12536
163	Wilderness Park	30		
301	Wilderness Park	37	WN-008-178800-037	12540
306	Wilderness Park	58	WN-008-178800-058	12554
307	Wilderness Park	40	WN-008-178800-040	12543
308	Wilderness Park	57	WN-008-178800-057	12553
312	Wilderness Park	55	WN-008-178800-055	12552
314	Wilderness Park	54	WN-008-178800-054	12551
317	Wilderness Park	45	WN-008-178800-045	12546
319	Wilderness Park	46	WN-008-178800-046	12547
321	Wilderness Park	47	WN-008-178800-047	12548