



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Timothy P. Neumann, Esq. [TN6429]
Broege, Neumann, Fischer & Shaver, LLC
25 Abe Voorhees Drive
Manasquan, New Jersey 08736
(732) 223-8484
tneumann@bnfsbankruptcy.com

Attorneys for Debtors-in-Possession

In Re:

LEVI KATZ AND TIRTZA KATZ

Debtors.

Case No.: 17-10063

Chapter 11

Judge: Christine M. Gravelle

Hearing Date: 11/7/2017

**ORDER AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS 415 8TH AVENUE,
LAKEWOOD,, OCEAN COUNTY, NEW JERSEY FREE AND CLEAR OF LIENS WITH
VALID LIENS TO ATTACH TO PROCEEDS OF SALE**

Recommended Local Form: Followed Modified

The relief set forth on the following pages, numbered two (2) through seven (7) is hereby

ORDERED.

DATED: November 8, 2017

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page 2 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

Upon consideration of the application/motion of the Debtors (the “**Motion**”), for an order authorizing the sale of **415 8TH AVENUE, LAKEWOOD,, OCEAN COUNTY, NEW JERSEY** (the “Property”), and good cause appearing therefore, it is hereby ORDERED as follows:

1. Pursuant to 11 U.S.C. §§363(b) and 1303, the Debtor is authorized to sell the Property on the terms and conditions of the contract of sale as modified.
2. The proceeds of sale must be used to satisfy the liens for real estate taxes and other municipal liens. Until such satisfaction the real property is not free and clear of those liens. The sale is free and clear of the liens set forth on Schedule A annexed hereto and the tax liens of the United States of America, which liens shall attach to the proceeds of sale.
3. In accordance with D.N.J. LBR 6004-5, the Motion and the *Notice of Proposed Private Sale* included a request to pay the real estate broker(s) identified below at closing. Therefore the following professional(s) may be paid at closing.

Name of professional:	Amount to be paid:	Services rendered:
Partners Realty Group	4%	Listed and marketed property
Progressive Real Estate	2%	Produced buyer

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.
5. The amount of \$ -0- claimed as exempt may be paid to the Debtor, provided that all liens are first satisfied or avoided by an order of this court.
6. This Court shall retain jurisdiction to enforce and implement the provision of this Order and to resolve any dispute concerning the sale of the Property, or the rights and duties of all interested parties.
7. This Order may be recorded with the County Clerk to evidence that the Property was authorized to be sold.

Page 3 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

8. Proper, timely, adequate and sufficient notice of the sale has been provided in accordance with 11 U.S.C. §§ 102, 105(a) and 363 and Rules 2002, 6004 and 9014 of the Bankruptcy, such notice was good and sufficient, and appropriate under the particular circumstances, and no other or further notice of the Sale shall be required
9. The 14-day stay of Bankr. Rule 6004(h) does not apply and the sale of the Property can be consummated upon entry of this Order.
10. Pursuant to 11 U.S.C. §§363(b) and 1303, the Debtor is authorized to sell the Property on the terms and conditions of the contract of sale as modified.
11. The proceeds of sale must be used to satisfy the liens for real estate taxes and other municipal liens. Until such satisfaction the real property is not free and clear of those liens. The sale is free and clear of the liens set forth on Schedule A annexed hereto and the tax liens of the United States of America, which liens shall attach to the proceeds of sale.
12. In accordance with D.N.J. LBR 6004-5, the Motion and the *Notice of Proposed Private Sale* included a request to pay the real estate broker(s) identified below at closing. Therefore the following professional(s) may be paid at closing.

Name of professional:	Amount to be paid:	Services rendered:
Partners Realty Group	3%	Listed and marketed property
Partners Realty Group	3%	Produced buyer

13. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.
14. The amount of \$ -0- claimed as exempt may be paid to the Debtor, provided that all liens are first satisfied or avoided by an order of this court.

Page 4 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

15. This Court shall retain jurisdiction to enforce and implement the provision of this Order and to resolve any dispute concerning the sale of the Property, or the rights and duties of all interested parties.
16. This Order may be recorded with the County Clerk to evidence that the Property was authorized to be sold.
17. Proper, timely, adequate and sufficient notice of the sale has been provided in accordance with 11 U.S.C. §§ 102, 105(a) and 363 and Rules 2002, 6004 and 9014 of the Bankruptcy, such notice was good and sufficient, and appropriate under the particular circumstances, and no other or further notice of the Sale shall be required
18. The 14-day stay of Bankr. Rule 6004(h) does not apply and the sale of the Property can be consummated upon entry of this Order.
19. Pursuant to 11 U.S.C. §§ 105(a) and 363(f), the Property shall be transferred to the Purchaser free and clear of all liens, claims, encumbrances or interests, with all such interests of any kind or nature whatsoever to attach to the net proceeds of the sale in the order of their priority, with the same validity, force and effect which they now have as against the Property, subject to any claims and defenses the Debtor or estates may possess with respect thereto; and it is further
20. The transfer of the Real Property to the purchaser pursuant to the terms herein constitutes a legal, valid, and effective transfer of the Real Property, and shall vest the purchaser with all right, title, and interest of the Debtor and Debtor-in-Possession in and to the Real Property free and clear of all liens, claims, encumbrances and interests of any kind or nature whatsoever, including without limitation the liens, claims and encumbrances set forth on Schedule A annexed hereto:

Page 5 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

21. The reversal or modification on appeal of the authorization provided herein to consummate the sale shall not affect the validity of the sale to the Purchaser, unless such authorization is duly stayed pending such appeal. The Purchaser is a buyer in good faith of the Real Property and is entitled to all of the protections afforded by section 363(m) of the Bankruptcy Code; and it is further

Page 6 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

SCHEDULE A

- A. MORTGAGE LEVI KATZ TO MERS, NOMINEE FOR FIRST FINANCIAL EQUITIES, INC., DATED 3/10/2003, RECORDED 3/13/2003 IN MORTGAGE BOOK 1128, PAGE 1055, TO SECURED \$245,000.00
- B. MORTGAGE: TIRTZA KATZ AND LEVI KATZ TO MERS, AS NOMINEE FOR WACHOVIA MORTGAGE CORPORATION DATED 4/29/2004, RECORDED 4/29/2004 IN MORTGAGE BOOK 12041, PAGE 645. TO SECURED \$333,700.00.
- C. ASSIGNMENT OF MORTGAGE TO CHASE HOME FINANCE LLC F/K/A CHASE MANHATTAN MORT RECORDED 12/30/2010 IN BOOK 14783 AND PAGE 1999.
- D. ASSIGNMENT OF MORTGAGE TO FEDERAL NATIONAL MORTGAGE ASSOCIATION RECORDED 5/30/2014 IN BOOK 15816 PAGE 540.
- E. NOTICE OF LIS PENDENS VS TIRTZA KATZ AND LEVI A. KATZ OCKET NO F-047057 RECORDED 4/20/2011 IN BOOK 14873 PAGE 229
- F. MORTGAGE LEVI KATZ AND TIRTZA KATZ MARRIED TO WACHOVIA BANK NATINAL ASSOCIATION, DATED 12/16/2004, RECODED 1/27/2005 IN MORTGAGE BOOK 12449, PAGE 820 TO SECURED \$100,000.00.
- G. MORTGAGE LEVI KATZ TO MENACHEM GULFRUEND, DATED 11/6/2007, RECORDED 3/4/2009 IN MORTGAGE BOOK 14223, PAGE 789. TO SECURE \$180,000.00.
- H. MORTGAGE LEVI KATZ TO TD BANK N.A. DATED 2/27/2009, RECORDED 3/17/2009 IN MORTGAGE BOOK 14237, PAGE 339. TO SECURED \$175,000.00
- I. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: J-267477-2011
DATE DOCKETED: 09/20/2011
VENUE: CAMDEN
DEBT: \$5193,984.96 COSTS 240.00
CREDITOR(S): **TD BANK NA**
ATTORNEY: DEMBO & SALDUTTI
DEBTORS: LEVI KATZ, TIRTZA KATZ

Page 7 of 7

Debtor: Levi Katz and Tirtza Katz

Case No.: 17-10063

Caption of Order: Order Approving Sale of Real Property

J. SUPERIOR COURT OF NEW JERSEY

JUDGMENT NUMBER: J-032215-20125

DATE DOCKETED: 02/08/2012

VENUE: OCEAN

DEBT: \$19,750.36 COSTS: \$240.00

CREDITOR(S): **AMERICAN EXPRESS BANK FSB**

ATTORNEY: ZWICKER & ASSOCIATES P.C.

DEBTORS: LEVI KATZ,

K. SUPERIOR COURT OF NEW JERSEY

JUDGMENT NUMBER: CJ-208413-2011

DATE DOCKETED: 07/19/2011

VENUE: OCEAN

DEBT: \$8,747.18 COSTS: \$246.94 INT. 7.39 DCKG: 10.00

CREDITOR(S): **CAPITAL ONE BANK (USA), N.A.**

ATTORNEY: PRESSLER & PRESSLER

DEBTORS: LEVI KATZ,

L. SUPERIOR COURT OF NEW JERSEY

JUDGMENT NUMBER: DJ-164420-2013

DATE DOCKETED: 08/22/2013

VENUE: OCEAN

DEBT: \$9,228.72 COSTS: \$263.57 DFG: 10.00

CREDITOR(S): **DISCOVER BANK**

ATTORNEY: PRESSLER & PRESSLER

DEBTORS: LEVI KATZ,

M. SUPERIOR COURT OF NEW JERSEY

JUDGMENT NUMBER: DJ-035281-2015

DATE DOCKETED: 02/15/2015 VENUE: OCEAN

DEBT: \$3,434.01 COSTS: \$165.68 INT .54 DCKG: 35.00

CREDITOR(S): **MIDLAND FUNDING LLC**

ATTORNEY: PRESSLER & PRESSLER LLC

DEBTORS: LEVI KATZ,