

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:

Marks Family Trucking, LLC,

Case No. 17-26876-svk

Chapter 11

Debtor.

**NOTICE OF MOTION TO SELL PROPERTY OF THE ESTATE,
FREE AND CLEAR OF LIENS, WITH LIENS ATTACHING TO THE PROCEEDS,
PURSUANT TO 11 U.S.C. § 363(b)
(Property: substantially all the Debtor's trucks, trailers, and a gantry crane)**

TO: ALL CREDITORS

PLEASE TAKE NOTICE that the Debtor, Marks Family Trucking, LLC, by its attorneys, Steinhilber Swanson LLP, by Attorney Paul G. Swanson, has filed a Motion to Sell Property of the Estate, Free and Clear of Liens, With Liens Attaching to the Proceeds, Pursuant to 11 U.S.C. § 363(b) (the "Motion"), a copy of which may be obtained from the Clerk of the Bankruptcy Court or by contacting the undersigned.

The Motion requests authorization to sell Property described as substantially all the Debtor's trucks, trailers, and a gantry crane at an auction, with the closing to take place at a date and time to be determined by Auction Specialists. The Motion also requests approval of and authorization to pay the Auctioneer's commission paid by buyer's premium in the amount of 10%, plus actual expenses incurred pursuant to the sale contract from the proceeds at closing. Additionally, the Debtor is requesting authority to pay uncontested secured claims associated with the collateral from the sale proceeds forthwith.

TO ALL LIEN AND INTEREST HOLDERS: Pursuant to Fed. R. Bankr. P. 6004(c), a complete copy of the Motion is attached hereto and is delivered herewith to any party with a lien or other interest of record in the property.

Drafted by:
Nicholas Hahn
Steinhilber Swanson LLP
107 Church Ave, PO Box 617
Oshkosh, WI 54903-0617
Tel: 920-235-6690 / Fax: 920-426-5530
nhahn@oshkoshlawyers.com

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in the bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the matter, then no later than **21 days from the date of this notice**, you or your attorney must:

1. File with the Court a written objection at:

Clerk of the U. S. Bankruptcy Court
Room 126, Federal Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

If you mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

2. You must also mail a copy to:

Office of the U. S. Trustee
517 E. Wisconsin Ave., Rm 430
Milwaukee, WI 53202

Attorney Paul G. Swanson
Steinhilber Swanson LLP
107 Church Avenue
Oshkosh, Wisconsin 54901

Any objection should state briefly the grounds for such objection and request a hearing date. Unless a written request for hearing is filed with the Court and copies mailed as instructed above, on or before the date indicated above, an order will be entered granting the relief requested in the Motion.

Dated this October 11, 2017.

STEINHILBER SWANSON LLP

By: /s/ Paul G. Swanson
Paul G. Swanson
Attorney for Marks Family Trucking
107 Church Avenue, P.O. Box 617
Oshkosh, WI 54903-0617
Tel: (920) 426-0456; Fax: (920) 426-5530

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:

Marks Family Trucking, LLC,

Case No. 17-26876-svk

Chapter 11

Debtor.

**MOTION TO SELL PROPERTY OF THE ESTATE, FREE AND CLEAR OF LIENS,
WITH LIENS ATTACHING TO THE PROCEEDS, PURSUANT TO 11 U.S.C. § 363(b)
(Property: substantially all the Debtor's trucks, trailers, and a gantry crane)**

NOW COMES the Debtor, Marks Family Trucking, LLC, by its attorneys, Steinhilber Swanson LLP, by Attorney Paul G. Swanson, and requests the Court allow it to sell property of the estate, free and clear of liens, pursuant to 11 U.S.C. § 363(b), with liens attaching to the proceeds. The property to be sold is: substantially all the Debtor's trucks, trailers and cranes. In support thereof, the Debtor states as follows:

Jurisdiction and Background

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a) and 1334(a), and the order of reference in this district entered pursuant to §157(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(N) as a proceeding for the sale of property of the estate. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
2. The basis for the relief sought herein is 11 U.S.C. § 363(b) and Fed. R. Bankr. P. 2002 and 6004.
3. On July 13, 2017, Debtor (hereinafter, "Debtor") filed its petition for relief in this Court.
4. The Debtor remains in possession of its property and is operating its business as debtor in possession, pursuant to §§1107 and 1108 of the Bankruptcy Code. No unsecured creditors committee, trustee or examiner has been appointed in this case.

Drafted by:
Nicholas Hahn
Steinhilber Swanson LLP
107 Church Ave, PO Box 617
Oshkosh, WI 54903-0617
Tel: 920-235-6690 / Fax: 920-426-5530
nbahn@oshkoshlawyers.com

Request for Relief

5. The estate has an interest in property described in the list attached as Exhibit A (the "Property"). The Property comprises substantially all of the Debtor's trucks, trailers, and a gantry crane.
6. The Debtor has title to the Property, as evidenced by the subject to various creditors' security interests.
7. On August 11, 2017, the Court entered an Order authorizing the Debtor to hire Auction Specialists. According to the Order, Auction Specialists' fees "shall not exceed a 10% 'buyers premium,'" as well as costs to be reimbursed from the proceeds of the sale proceeds. Costs include fuel, batteries, tires, and hazardous material removal.
8. After conferring with Phil Majerus, Auction Specialists' principal, and given its knowledge of the market, the Debtor believes that the sale will pay all secured claims in full and provide and provide an excess of proceeds to other creditors.
9. The closing on the sale of the Property will take place on November 3, 2017. The Debtor has conferred with all creditors with security interests in the Property. The Debtor's counsel has confirmed that all the creditors consent to a sale via auction provided their secured claims are paid in full.
10. BMO Harris, one of the secured creditors, has requested that the Auctioneer set a reserve price for its collateral. BMO Harris has provided Debtor's counsel with reserve prices, which Auction Specialists will set, at a minimum, as auction reserves by lot or item.
11. Debtor is requested an order authorizing payment of lien claims associated with specific collateral from the proceeds of the sale of such collateral from the proceeds of the auction. The consent of BMO Harris to the sale of any lot or item of collateral that meets the

Marks	Lot #	Description
Unit#		
		Semi-Tractors:
60	1	2013 Peterbilt Cummins 600HP 18-Speed
70	2	2013 Kenworth Cummins 600HP 15-Speed
90	3	2010 Kenworth Cummins 600HP 15-Speed
5	4	2007 Kenworth Cat 13-Speed
45	5	2007 Kenworth Cat 13-Speed
40	6	2005 Kenworth Cat 475 15-Speed
626	7	2006 Kenworth Cat 625 15-Speed
50	8	2004 Mack 485HP 15-Speed
		Trailers:
240	9	2016 XL 80 MFG 40 ton RGN Mini Deck 36" Well
260	10	2015 Kalyns 53' 30 ton RGN Mini Deck 34' Well
701	11	2014 XL 700 IPS 70 ton Step Deck Expandable 43' to 70'
601	12	2014 XL 90 HDE 50 ton RGN Expandable 34' to 62'
803	13	2014 XLSP 65 ton Step Deck Expandable 42' to 66'
250	14	2013 XL 60 MFG 30 ton RGN Mini Deck 29' Well
190	15	2013 XL 100 SDE Expandable 50 ton 43' to 67'
195	16	2009 XLSP 50 ton Expandable 43' to 70'
290	17	2009 Trail King 53' 45 ton Expandable 33' to 58'
500	18	2009 XLSP 48' 45 ton Expandable 29' to 50'
485	19	2009 XL 40 ton 53' Expandable 34' to 62'
385	20	2009 XLSP 53' 40 ton RGN Expandable 34' to 62'
495	21	2008 XLSP 48' 40 ton RGN Expandable 28' to 50'
775	22	2008 XLSP 53' 35 ton RGN Expandable 33' to 61'
875	23	2008 XLSP 53' 35 ton RGN Expandable 34' to 60'
675	24	2007 XLSP 53' 35 ton RGN Expandable 34' to 62'
400	25	2007 Liddell Low Boy 53' 55 ton RGN 26' Well
120	26	2004 Great Dane 48' Flat Stretch
115	27	2002 Great Dane 53' 40 ton Flat Stretch 53' to 90'
140	28	2000 Azte 53' 25 ton Flat Bed
550	29	1999 Aspen 48' 40 ton RGN Expandable 29' to 50'
274	30	1999 Trail King 48' 40 ton RGN Expandable 29' to 50'
616	31	1996 Fontaine 53' 60 ton Double Drop Expandable 31' to 55'
110	32	1994 Fontaine 48' 40 ton Flat Stretch 48' to 90'
802	33	1994 Trail King 48' 40 ton Step Deck Expandable 35' to 50'
374	34	1994 Trail King 48' 40 ton RGN Expandable 29' to 50'
	35	8500 gal Aluminum Tanker
	36	35' 15 ton Gantry Crane

EXHIBIT A

Wells Fargo Equipment Finance, Inc.
150 E 42nd Street
New York, NY 10017-5687

Wells Fargo Equipment Finance
733 Marquette Avenue
Minneapolis, MN 55402-2340

BMO Harris Bank
c/o Aaron B. Chapin, Husch Blackwell, LLP
120 S Riverside Plaza, Ste 2200
Chicago, IL 60606-3912

ECN Capital
655 Business Center Drive, Ste 250
Horsham, PA 19044-3448

Element Transportation II, LLC
PO Box 1719
Portland, OR 97207-1719

Scottrade Bank Equipment Finance
PO Box 31759
St. Louis, MO 63131-0759

Webster Capital
PO Box 330
Hartford, CT 06141-0330

Label Matrix for local noticing
0757-2
Case 17-26876-svk
Eastern District of Wisconsin
Milwaukee
Wed Oct 11 09:12:06 CDT 2017

Auction Specialists
191 Church Street
Lomira, WI 53048-9373

BMO Harris Bank N.A.
P.O. Box 71951
Chicago, IL 60694-1951

JX Enterprises, Inc.
c/o Daniel J. Habeck
Cramer, Multhauf & Hammes, LLP
P.O. Box 558
Waukesha, WI 53187-0558

Marks Family Trucking, LLC
520 E. Burnett St.
Beaver Dam, WI 53916-1904

Wells Fargo Equipment Finance, Inc.
150 E. 42nd Street
New York, NY 10017-5687

APT Transportation
1200 Concord St N Suite 201
South Saint Paul, MN 55075-1137

AT&T
PO Box 5014
Carol Stream, IL 60197-5014

AT&T
PO Box 5080
Carol Stream, IL 60197-5080

Advanced Disposal
N7296 Hwy V
Horicon, WI 53032-9750

Airgas USA, LLC
6055 Rockside Woods Blvd
Independence, OH 44131-2301

Alliant Energy
P.O. Box 100
Beaver Dam, WI 53916-0100

American Interstate Insurance
2301 Hwy 190
Deridder, LA 70634-6006

Amerigas - Delta Co.
PO Box 371473
Pittsburgh, PA 15250-7473

Aramark
2680 Palumbo Drive
Lexington, KY 40509-1234

Auto Plus
110 Ryan Cantafios Way
Beaver Dam, WI 53916-2347

BMO Harris Bank
P. O. Box 3040
Cedar Rapids, IA 52406-3040

BMO Harris Bank, N.A.
c/o Aaron B. Chapin, Husch Blackwell LLP
120 S. Riverside Plaza, Ste. 2200
Chicago, IL 60606-3912

Carol Valley, CPA, S.C.
PO Box 112
Columbus, WI 53925-0112

Comdata
PO Box 500544
Saint Louis, MO 63150-0544

Comdata Inc.
5301 Maryland Way
Brentwood, TN 37027-5028

Demo Mittry Trucking
11894 Old Oregon Trail
Redding, CA 96003-8241

Department of the Treasury
Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

ECN Capital
655 Business Center Dr. ste. 250
Horsham, PA 19044-3448

Element Transportation II, LLC
PO Box 1719
Portland, OR 97207-1719

First National Bank of Omaha
1620 Dodge St., Stop Code 3105
Omaha, NE 68197-0002

GCR Tires & Service
535 Marriott Drive
Nashville, TN 37214-5092

Horicon Bank
326 E. Lake St.
Horicon, WI 53032-1243

IPFS
24722 Network Place
Chicago, IL 60673-1247

Insolvency Unit West 17, Grp 4-Milwaukee
Organization Code: SES:C:AIQ:WI7
211 W. Wisconsin Ave, Stop 5301
Milwaukee, WI 53203-2221

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

JX Enterprises
1320 Walnut Ridge Road
Hartland, WI 53029-8311

Kwik Trip Credit Cards
PO Box 921729
Norcross, GA 30010-1729

Lexis Nexis
1100 Alderman Drive, Suite 110-S
Alpharetta, GA 30005-5440

Lube Tech
28873 Network Place
Chicago, IL 60673-1288

Machine Service, Inc.
PO Box 10265
Green Bay, WI 54307-0265

NFIB Credit Card
PO Box 2818
Omaha, NE 68103-2818

Office of the U. S. Trustee
517 East Wisconsin Ave.
Room 430
Milwaukee, WI 53202-4510

Pomp's
2315 S Calhoun Road
New Berlin, WI 53151-2707

Scottrade Bank Equipment Finance
P. O. Box 31759
Saint Louis, MO 63131-0759

Strang, Patteson
205 Doty Street, Suite 201
Green Bay, WI 54301-4538

Tire Technologies
5145 North Road, Suite 1
Wisconsin Rapids, WI 54495-8855

Trachte
422 N Burr Oak Avenue
Oregon, WI 53575-3199

Webster Captial
P. O. Box 330
Hartford, CT 06141-0330

Wells Fargo Equipment Finance
733 Marquette Ave.
Minneapolis, MN 55402-2340

Wisconsin Dept of Revenue
PO Box 930208
Milwaukee, WI 53293-0208

~~Paul G. Swanson
Steinhilber Swanson LLP
107 Church Avenue
P.O. Box 617
Oshkosh, WI 54903-0617~~

~~End of Label Matrix
Mailable recipients 46
Bypassed recipients 0
Total 46~~