



Order Filed on November 21, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

<p>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</p> <p>Timothy P. Neumann, Esq. [TN6429] Broege, Neumann, Fischer & Shaver, LLC 25 Abe Voorhees Drive Manasquan, New Jersey 08736 (732) 223-8484 tneumann@bnfsbankruptcy.com</p> <p><i>Attorneys for Debtors-in-Possession</i></p>
<p>In Re:</p> <p>SHABSI BRODY AND LUB BRODY</p> <p>Debtors.</p>

Case No.: 16-24242
Chapter 11
Judge: Kathryn C. Ferguson
Hearing Date: 10/17/2017

CONSENT ORDER AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS 23 ASPEN COURT, 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 three (3) is hereby **ORDERED.**

DATED: November 21, 2017

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtor: Shabsi Brody and Luba Brody

Case No.: 16-24242

Caption of Order: Order Approving Sale of Real Property

Upon consideration of the application/motion of the Debtors, Shabsi Brody and Luba Brody (the “**Motion**”), for an order authorizing the sale of **23 ASPEN COURT, 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. The proceeds of sale must be sufficient to payoff U.S. Bank National Association in full at closing out of the Property, pursuant to a valid payoff, requested by Debtor and provided by the Secured Creditor prior to the closing date, unless short-sale approval is obtained from U.S. Bank National Association. Debtors shall apply for short-sale approval within 10 business days of the date of this order.
4. 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.
5. 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

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6. 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.
7. 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.
8. 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.
9. This Order may be recorded with the County Clerk to evidence that the Property was authorized to be sold.
10. 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
11. 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.
12. 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
13. 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

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Debtor: Shabsi Brody and Luba Brody

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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:

14. 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;

**THE UNDERSIGNED, ON BEHALF OF THEIR RESPECTIVE CLIENTS, HEREBY
CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:**

<p>Broege, Neumann, Fischer & Shaver, LLC <i>Attorneys for Debtors, Shabsi Brody and Luba Brody</i></p> <p>By: <u>/s/ Timothy P. Neumann</u> Timothy P. Neumann, Esq.</p>	<p>Phelan, Hallinan Diamond and Jones, P.C. <i>Attorneys for Defendant U.S. Bank National</i></p> <p>By: <u>/s/ Sherri J. Braunstein</u> Sherri J. Braunstein, Esq.</p>
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Debtor: Shabsi Brody and Luba Brody

Case No.: 16-24242

Caption of Order: Order Approving Sale of Real Property

SCHEDULE A

- A. MORTGAGE: Luba R. Brody, wife and Shabsi Brody, husband and Yitzchok Gross and Shaindy Gross TO MERS, as nominee for U.S. Bank, N.A., Dated 3/25/2009, Recorded 4/3/2009 in Mortgage Book 14254, Page 1916. To Secure \$168,000.00.
- B. ASSIGNMENT IF MORTGAGE: to U.S. Bank National Association recorded 3/5/2012 in Book 15132 Page 53.
- C. NOTICE OF LIS PENDENS vs. Luba R. Brody, Docket No. F 029238 4 recorded 7/22/2014 in Book
- D. 15854 Page 592. The Tax Collector, Township of Lakewood, Ocean County, New Jersey may have a lien on the Subject Property for unpaid municipal taxes, water and sewer charges.
- E. The Lakewood Municipal Utilities Authority, with an address of 390 New Hampshire Avenue, d, NJ 08701, has or may have a lien(s) for unpaid water and/or sewer charges.
- F. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: J-236090-2014
CASE NUMBER: L 002803-13
DATE ENTERED: 012/05/2014 DATE SIGNED: 10/28/2014
TYPE OF ACTION: BOOK ACCOUNT
VENUE: OCEAN
DEBT: \$ 27,817.29
COSTS: \$ 324.40
CREDITOR(S): **BANCO POPULAR NORTH AMERICA**
ATTORNEY: RAGAN & RAGAN
DEBTOR(S): SHABSI BRODY t/a BNM ASSOCIATES, LLC
- G. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: DJ 004236-2014 CASE NUMBER: DC-011835-12
DATE ENTERED: 01/07/14 DATE SIGNED: 06/10/13
TYPE OF ACTION: CONTRACT-REG
VENUE: OCEAN
DEBT: \$5,760.00
COSTS: \$8.00
INT: \$1.24 DCKG: \$10.00
CREDITOR(S): **BANCO POPULAR NORTH AMERICA**
ATTORNEY: MORGAN BORNSTEIN & MORGAN
DEBTOR(S): SHABSI BRODY t/a BNM ASSOCIATES, LLC
- H. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: J-165890-2014 CASE NUMBER: L-002804-13
DATE ENTERED: 09/04/2014 DATE SIGNED: 05/19/2014
TYPE OF ACTION: BOOK ACC

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Debtor: Shabsi Brody and Luba Brody

Case No.: 16-24242

Caption of Order: Order Approving Sale of Real Property

VENUE: OCEAN
DEBT: \$56,631.29
COSTS: \$313.60
CREDITOR(S): **BANCO POPULAR NORTH AMERICA**
ATTORNEY: RAGAN & RAGAN
DEBTOR(S): SHABSI BRODY t/a BNM ASSOCIATES, LLC

- I. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: J-065067-2011
DATE DOCKETED: 03/02/2011 DATE SIGNED 10/12/2010
TYPE OF ACTION: BOOK ACCOUNT
VENUE: BERGEN
\$ 225,150.45
COSTS: \$ 240.00
CREDITOR(S): **TD BANK NA**
ATTORNEY: WINNE BANTA HETHERINGTON ET ALS
DEBTOR(S): SHABSI BRODY LUBA BRODY, STERLINGCOMM CORP
J&S
- J. SUPERIOR COURT OF NEW JERSEY
JUDGMENT NUMBER: DJ-050323-2015
DATE DOCKETED: 03/24/2015
VENUE: OCEAN DEBT: \$5,720.15
CREDITOR(S): **BANCO POPULAR NORTH AMERICA**
ATTORNEY: MORGAN BORNSTEIN & MORGAN
DEBTOR: LUBA BRODY & STERLING COMM CORP