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10 *Attorneys for Jill H. Ford, Trustee*

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 In re:

14 MELISSA KAY JACKSON,

15 Debtor.

(Chapter 7 Case)

No. 4:23-bk-00759-BMW

NOTICE OF HEARING ON:

**MOTION TO: (1) SELL REAL
PROPERTY OF THE ESTATE FREE
AND CLEAR OF LIENS, CLAIMS,
INTERESTS, AND ENCUMBRANCES;
(2) COMPENSATE REAL ESTATE
BROKER; AND (3) COMPROMISE
CLAIMS**

AND

NOTICE OF SALE/AUCTION

Time: 10:15 a.m.
Date: November 7, 2023
Video: www.zoomgov.com
Hearing ID: 161 494 9509
Passcode: 682188

TO: ALL CREDITORS AND PARTIES-IN-INTEREST

NOTICE IS HEREBY GIVEN that on September 26, 2023, Jill H. Ford, Chapter 7 Trustee (“Trustee”), by and through undersigned counsel, filed her *Motion to: (1) Sell Real Property of the Estate Free and Clear of Liens, Claims, Interests, and Encumbrances; (2) Compensate Real Estate Broker; and (3) Compromise Claims* (“Motion”). (DE 36). A complete copy is available upon written request to the Trustee’s counsel as indicated herein. The pertinent provisions of the Motion are set forth below.

HEARING AND DEADLINE TO OBJECT

The Court has scheduled a hearing for **November 7, 2023 at 10:15 a.m.** such hearing is to be held before the Honorable Brendy M. Whinery. This hearing will be held by videoconference. The Videoconference Hearing Guidelines, including detailed instructions for appearing by videoconference, are located on the Court’s website at: <https://azb.uscourts.gov/videoconference-hearing-guidelines>.

1 Any interested parties may appear via <https://www.zoomgov.com/>. The hearing ID is 161
2 494 9509 and the passcode is 682188. Alternatively, interested parties may access the hearing
3 using the following link:

4 [https://www.zoomgov.com/j/1614949509?pwd=SDQxOUE5Q0hJdFpmT1g1dDVERlZz
5 QT09](https://www.zoomgov.com/j/1614949509?pwd=SDQxOUE5Q0hJdFpmT1g1dDVERlZzQT09).

6 Confirm an appearance by sending an email to Courtroom Deputy Rebecca Volz, at
7 Rebecca.Volz@azb.uscourts.gov, at least one (1) business day prior to the hearing. The email is to
8 include the full name of the person appearing and that person's relationship to the case, the case
9 name, and the case number.

10 Any objection should be filed in writing no later than **October 31, 2023**, with the United
11 States Bankruptcy Court, as follows: (a) by hand-delivery or mail to Clerk of the Court, 38 South
12 Scott Avenue, Suite 100, Tucson, AZ 85701; or (b) electronically at the Court's website:
13 ecf.azb.uscourts.gov using the Court's electronic filing procedures, with a copy to: Lane & Nach,
14 P.C., at the above-address. **Failure to appear at the hearing or timely object may result in the
15 requested relief being granted without further notice to you.**

16 NOTICE OF MOTION

Property to be Sold:	The Estate has an ownership interest of Superior Capital, LLC (“ Superior Capital ”) which wholly owns the real property located at 404 E. Siebenthaler Road, Dayton, Ohio 45405 and further described as Parcel Number R72-109070020 (“ Real Property ”). The legal description of the Real Property is: Situat in the State of Ohio, County of Montgomery, City of Dayton and being Lot Numbered Forty-Four Thousand One Hundred Fifty-Six (44156) of the revised and consecutive numbers of lots on the revised plat of the said City of Dayton, Ohio.
Terms of Sale:	Interested buyers must do their own due diligence to determine the extent of the Estate's interest in the Real Property. The Real Property will be sold As-Is, Where-Is, with No Representations, Guarantees or Warranties , and free and clear of all liens, claims, encumbrances and interests in accordance with 11 U.S.C. § 363, with any valid and enforceable liens to attach to the net sale proceeds and be paid from escrow. All valid and enforceable liens will attach to the net sale proceeds and be paid from escrow. The Estate's interest in the Real Property shall be conveyed to the prevailing purchaser by Trustee's Deed. <i>All sales are subject to Trustee's approval.</i>

Proposed Purchaser:	<p>Ashwood Capital, LLC (“Interested Buyer”) made an offer to purchase the Real Property in the amount of \$85,000.00, with a \$1,000.00 earnest deposit and the balance to be paid in cash at closing.</p> <p>The offer is subject to higher and better offers at asale hearing. A copy of the purchase contract and associated counter offers/addenda are attached to the Motion as Exhibit B.</p>
Bidding/Over Bids:	The sale is subject to higher and better bids at sale hearing.
Insider:	Buyer is not an insider and is a good faith purchaser and is entitled to the benefits provided by 11 U.S.C. § 363(m).
To View the Property or Obtain More information:	For more information contact counsel for the Trustee at helen.santilli@lane-nach.com or by calling her at 602-247-8574.
Description of Interest(s) in the Property:	<p>Trustee is not aware of any liens or encumbrances on the Real Property, except for the following:</p> <p><u>Mortgage:</u> a mortgage was held by MERS as nominee for LendingHome Funding Corporation which was recorded with the Montgomery County Recorder (Ohio) on November 23, 2021 at document number 2021-00092270. Upon information and belief, the foregoing was assigned to Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as owned trustee for the FLIC Residential Mortgage Loan Trust 1 (“Wilmington”) pursuant to document number 2023-00010997 recorded with Montgomery County on March 2, 2023. Upon information and belief, the approximate balance of the Wilmington mortgage is \$64,183.33. (DE 8, pg. 12);</p> <p><u>Real Property Taxes</u> Upon information and belief there is approximately \$22.50 owing in real property taxes; and</p> <p><u>Utilities</u> – the sale is subject to any utilities or service assessments, including but not limited to water rights, easements, restrictions, reservations, conditions, and set back lines and any additional items set forth in the title report.</p> <p><i>The Real Property is being sold “as is”/“where is” with no warranties express or implied to Interested Buyer or anyone submitting a higher and better offer at a hearing to approve the sale of the Real Property</i></p>
Appraisals:	Trustee is not aware of any appraisals.
Compensation/Fees:	Trustee also seeks approval to pay Broker’s commission, not to exceed six percent (6.0%) and will be paid from escrow to Trustee’s Broker on behalf of the Estate, which commission may be shared with a buyer’s broker, as is customary in the industry.

1 2 3	Waiver of 14-Day Stay:	Trustee respectfully requests that the Court in the discretion provided to it under Bankruptcy Rule 6004(h), waive the fourteen-day stay of the Order approving the sale of the Real Property.
4	Deadline to Object:	Any objection shall be filed no later than October 31, 2023
5	Motion for Stay Relief:	There have been no motions for relief filed relating to the Real Property.
6 7	Anticipated Closing Date:	Trustee anticipates that the Sale will close within seventeen (17) calendar days of the date of entry of the Order approving the sale, or on a date agreed to by the Interested Buyer and Trustee.

8 RESPECTFULLY SUBMITTED this 26th day of September, 2023.

9 **LANE & NACH, P.C.**

10 By: /s/ Adam B. Nach – 013622

11 Adam B. Nach
12 Helen K. Santilli
13 *Attorneys for Trustee*

14 COPY of the foregoing delivered
15 via first class mail to:

16 Melissa Kay Jackson
17 40716 W. Williams Way
18 Maricopa, Arizona 85138
19 Email: melissajackson81@gmail.com
20 *Debtor, Pro Se*

21 WITH A COPY via first class mail/electronic mail* to:

22 *Office of U.S. Trustee
23 230 North First Avenue
24 Phoenix, AZ 85003
25 Email: Larry.Watson@usdoj.gov
26 Email: ustpregion14.px.ecf@usdoj.gov

27 *Mike Seagraves
28 *Nathan Genovese
Email: mikeseagraves@remax.net
Email: bktrusteerealestate@gmail.com

29 Superior Capital, LLC
30 505 NE 17th Avenue
31 Battle Ground, WA 98604

32 Superior Capital, LLC
33 40716 W. Williams Way
34 Maricopa, Arizona 85138

35 Mortgage Electronic Registration Systems,
36 Inc.
37 Solely as nominee for Funding Corporation
38 PO Box 2026
39 Flint, MI 48501

40 *Ashley Jones
41 Email ashjones1220@gmail.com

42 First American Mortgage Solutions
43 1795 International Way
44 Idaho Falls, ID 83402

45 Wilmington Savings Duns Society FSB Not
46 in its individual capacity but solely as owned
47 trustee for the FLIC Residential Mortgage
48 Loan Trust
49 7 World Trade Center, 47th Floor

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Montgomery County Assessor
451 West Third Street
P.O. Box 972
Dayton, OH 45422

Office of the Arizona Attorney General
Tax, Bankruptcy and Collection Sct.
2005 North Central Avenue, Suite 100
Phoenix, Arizona 85004

Attorney General of the United States
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950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Ashwood Capital, LLC
729 Salem Avenue
Dayton, OH 45406

By: /s/ Aimee Bourassa

New York, New York 10007

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

*Arizona Department of Revenue
2005 N. Central Avenue, Suite 100
Phoenix, Arizona 85004
Email: bankruptcyunit@azag.gov

*J. Michael Seagraves
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Email: jroberts@remax.net

Performance Title dba PC Title Pros
4690 Wilmington Pike
Dayton, OH 45440