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10 *Attorneys for Trudy A. Nowak, Trustee*

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

13 In re:
14 KIM ARLENE PAUKUNE,
15
16 Debtor.

(Chapter 7 Case)

No. 4:23-bk-03036-BMW

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF MOTION
TO SELL PROPERTY OF THE
ESTATE AND FOR APPROVAL OF
BIDDING PROCEDURES**

AND

**NOTICE TO CREDITORS AND
INTERESTED PARTIES OF AUCTION**

11 U.S.C. § 363(b) and Local Rule 6004-1

TO: ALL CREDITORS AND PARTIES-IN-INTEREST

18 **NOTICE IS HEREBY GIVEN** that on November 5, 2024, Trudy A. Nowak, Chapter 7
19 Trustee (“**Trustee**”), by and through undersigned, filed a *Motion to Sell Property of the Estate*
20 *and for Approval of Bidding Procedures* (“**Motion**”). A complete copy is on file with the Clerk
21 of the Court and available for inspection or by written request to the Trustee’s counsel as
22 indicated above. The Motion seeks Court authorization to sell the Estate’s interest in a 2021 Ford
23 Ranger SuperCrew XLT Pickup 4D 5ft with a VIN ending in 5266 (“**Vehicle**”) pursuant to the
24 terms set forth hereinafter. In the event that any person opposes the Motion, the procedure for
25 responding to the Motion is set forth hereinafter.

26 **NOTICE IS FURTHER GIVEN** that any person opposing the Motion shall file a written
27 objection, specifying the reason therefor, together with a notice of hearing, on or before twenty-
28 one (21) days of the date of this mailing as follows: United States Bankruptcy Court, as follows:
(a) by hand-delivery or mail to the Clerk of the Court, 38 S. Scott Avenue, #100, Tucson,
Arizona 85701; or (b) electronically at the Court’s website: ecf.azb.uscourts.gov using the Court’s
electronic filing procedures, with a copy to: Lane & Nach, P.C., at the above-address.

If a person timely objects in writing to the Motion and a hearing is requested but has not yet been conducted by the Court as of the date of the scheduled auction, bids will be taken and the normal sales procedures followed. The closing of the sale remains dependent upon the outcome

1 of the Court hearing regarding the objection. **If there is no timely objection and request for**
2 **hearing, no hearing will be held, and the Trustee will proceed to sell the Vehicle without**
3 **further order of the Court.**

4 **NOTICE IS FURTHER GIVEN** that the Estate's interest in the below-described Vehicle
5 will be offered to the person making the highest and best bid at public sale by Trudy A. Nowak
6 Trustee, through Cunningham & Associates, Inc. Bidding will open on or before 4:00 p.m. MST
7 on Friday, **December 13, 2024**. Bidders will be able to place through the online bidding
8 system at www.cunninghamauctions.com. If anyone places a bid within the last two minutes of
9 bidding, the bidding will extend for an additional two minutes. Bidding will start to close as
10 indicated on the website on **Wednesday December 18, 2024**.

Property to be Sold:	All of the Estate's interest in a 2021 Ford Ranger SuperCrew XLT Pickup 4D 5ft with a VIN ending in 5266. Please see the Motion for additional information.
Terms of Sale:	<p>Prospective purchasers are encouraged to personally inspect/perform their own due diligence of the Vehicle.</p> <p>The sale of the Vehicle shall be As-Is, Where-Is, with No Guarantees or Warranties, and free and clear of liens, encumbrances, and interests with all valid and enforceable liens, encumbrances and interests to attach to the net proceeds derived from the sale of the Vehicle as described above.</p> <p><i>All sales are subject to Trustee and Bankruptcy Court approval.</i> Trustee makes no representations regarding the title or condition of the Vehicle nor does he make any warranties regarding encumbrances, liens or interests.</p> <p>Auctioneer utilizes the following standard procedures for auctions:</p> <p><u>Online Auctions:</u> Bidding will open on or before 4:00 p.m. MST on Friday, December 13, 2024, or as indicated on the website. Bidders will be able to place bids through the online bidding system at www.cunninghamauctions.com as well as on Cunningham & Associates, Inc. bidding portal www.auctionaz.com. Online bidding will start to close at 2:00 pm MST on Wednesday, December 18, 2024. A \$200.00 refundable bidder deposit is required. The deposit can be made with a credit card using the online bidding system.</p> <p><u>Bidding:</u> All auctions are live online.</p> <p><u>Payment/Charges:</u> (i) No Buyers Premium will be charged by Auctioneer; (ii) Auctioneer does not accept credit/debit cards; Auctioneer accepts cash, cashier's check, certified funds or wire transfers (with a \$25 fee). Payment is due no later than 4:00 pm MST on the first Friday following the auction; (iii) Sales Tax: For general assets and rolling stock, unless an Arizona tax resale</p>

1 license is provided at the time of payment, the purchaser
2 will be required to pay the combined Arizona State and
3 local sales tax totaling 9.2%. There is no sales tax on real
4 estate.

5 Default: In the event of default, the second highest
6 bidder will be given the option to become the successful
7 bidder at his/her last bid. The bidder in default will be
8 responsible for the difference in the bids, or the entire
9 amount of his/her bid in the event that the second highest
10 bidder does not take the option to become the successful
11 bidder. The default bidder will also forfeit his/her
12 deposit. A service charge of 1-1/2% per month, 18%
13 APR, will be added to all overdue accounts. The bidder
14 in default is also liable for all legal and collection fees.

15 Auctioneer Warranties: Trustee and Auctioneer provide
16 no warranty relating to title, possession, quiet enjoyment
17 or the like in this disposition. All items sold at the
18 auction are being sold "AS IS, WHERE IS" with no
19 representations or warranties implied or stated, subject to
20 any existing liens and encumbrances known or unknown
21 by the Trustee. All due diligence is the responsibility of
22 the bidder/buyer.

23 Additional Sale Terms:

24 Auctioneer is not responsible for missing or broken items
25 after the auction has ended. There are absolutely no
26 refunds.

27 The property to be auctioned will be available for preview
28 on Tuesday, December 17, 2024 from 10:00 am to 2:00
p.m. at 5330 N. 43rd Avenue, Glendale, Arizona 85301.

The Sale is subject to Trustee approval.

All bids at the auction shall be subject to higher and
better bids until close of the auction.

**The buyer of Vehicle shall be solely responsible for
the costs of removing the purchased property and
shall work with the Auctioneer for the removal of the
Vehicle.**

The Sale is subject to Trustee approval.

All bids at the auction shall be subject to higher and
better bids until close of the auction.

**The buyer of Vehicle shall be solely responsible for
the costs of removing the purchased property and
shall work with the Auctioneer for the removal of the
Vehicle.**

<p>Bidding Procedures:</p>	<p>Bidding will open at or before 4:00 p.m. MST on Friday, December 13, 2024 or as indicated on the website. Bidding on the Vehicle will start to close at 2:00 p.m. MST on Wednesday, <u>December 18, 2024</u> or at the time listed on the website.</p>
<p>To View the Real Property or Obtain More information:</p>	<p>For more information, contact George Cunningham at (602) 595-6714 or www.cunninghamauctions.com</p> <p>The property to be auctioned will be available for preview on Tuesday, October 28, 2024 from 10:00 am to 2:00 p.m. at 5330 N. 43rd Avenue, Glendale AZ 85301.</p>
<p>Description of Interest(s) in the Property:</p>	<p>Trustee is not aware of any other individuals or entities holding an interest in the Vehicle being sold.</p> <p>Ford Motor Credit Company, LLC filed a Motion for Relief from Stay on September 18, 2024 and the Trustee filed an objection thereon.</p>
<p>Appraisals:</p>	<p>The Trustee is not aware of any recent appraisals on the Vehicle being sold.</p>
<p>Compensation/Fees:</p>	<p>Auctioneer's fee will be a commission of ten percent (10%) of any sale proceeds, plus any reasonable and necessary costs incurred in inventorying, moving, storing and advertising the Vehicle, subject to further Order of the Court. Cunningham & Associates, Inc., is not an insider.</p>
<p>Lender Requirements and Lien:</p>	<p>Upon information and belief, the Vehicle is encumbered by a lien held by Ford Motor Credit Company, LLC ("Lender") in the approximate amount of \$23,534.84, accruing. (DE 34). Attached as Exhibit A to the Motion is the Arizona Motor Vehicle Record as of November 4, 2024 which alleges the only lien encumbering the Vehicle is the Lender's lien.</p> <p>Lender shall be required to provide a payoff good through December 18, 2024 which also includes: (1) a per diem (so the payoff can be calculated to the extent the sale closes after October 31, 2024); and (2) the full account number by <u>December 13, 2024</u>.</p> <p>To the extent Lender fails to provide the foregoing, it shall be paid \$23,534.84 in full satisfaction of its lien.</p> <p>Lender shall release its lien upon receipt of the foregoing payment.</p> <p>Payment shall be mailed to Lender via a check to Ford Motor Credit Company, LLC, c/o Michael Zdancewicz Law Firm PLC, Post Office Box 51826, Phoenix, Arizona 85076 and the check shall be made payable to Ford Motor Credit Company, LLC.</p> <p>The Vehicle is not subject to any exemption.</p>

1
2 DATED: November 6, 2024

3 By: /s/Adam B. Nach – 013622
4 Adam B. Nach
5 Helen K. Santilli
6 *Attorneys for Trustee*

7 COPY of the foregoing mailed:

8 Kim Arlene Paukune
9 5330 E. Camino Del Al Culebra
10 Tucson, Arizona 85750
11 *Debtor*

12 Delivered via electronic notification to:

13 Wayne Mortensen
14 Mortensen Law Offices, PLLC
15 1901 E. University Drive, Suite 360
16 Mesa, Arizona 85203
17 Email: court@mortensenlawoffices.com
18 *Attorney for Debtor*

Office of U.S. Trustee
230 North First Avenue
Phoenix, AZ 85003
Email: Jennifer.A.Giaimo@usdoj.gov
Email: ustpreion14.px.ecf@usdoj.gov

19 Michael Zdancewicz
20 Michael Zdancewicz Law Firm PLC
21 Post Office Box 51826
22 Phoenix, Arizona 85076
23 Email: MZ@Zlawaz.com
24 *Counsel for Lender*

All entities on the attached Master Mailing Matrix.¹

25 By /s/ Danica Acosta

26
27 ¹ A copy of the Master Mailing Matrix shall not be mailed with this Notice. Any party interested in a
28 copy of the Master Mailing Matrix may request a copy from Trustee's counsel via email, helen.santilli@lane-nach.com.