

Rule 6004-1 SALE OF ESTATE PROPERTY OUTSIDE THE ORDINARY COURSE OF BUSINESS

(a) All sales of property not in the ordinary course of debtor's business shall be by motion, except where Fed. R. Bankr. P. 7001(b) or (c) is applicable.

(b) Unless a specific Judge employs the self-scheduling procedure, the Court will schedule any requested sale by separate order. If the seller anticipates that the sale hearing will take more than a limited time, the seller shall so notify the appropriate Court personnel.

(c) In the event of a sale not in the ordinary course of business, pursuant to Fed R. Bankr. P. 6004(f), the following shall apply:

(1) The Notice of Sale shall contain the following information and shall be uploaded to the Electronic Access to Sales Information (EASI) system on the Court's website under "Notice of Sale":

- (A) the case name and number and the adversary name and number or document number of the motion;
- (B) a brief description of the property to be sold, such as "1988 Dodge Truck" for personalty, or in the case of realty, the complete street address, deed book volume, and page number;
- (C) the date, time, and place of sale hearing;
- (D) the date by which objections to the sale shall be filed and served;
- (E) a statement of the amount of the initial offer and that higher or better offers will be considered at the hearing;
- (F) the name, address, and telephone number of the person to contact for terms and conditions of sale or to examine the property; and
- (G) hand money requirements at the time of the hearing.

- (2) Notice of any proposed sale shall be advertised by the seller by publication in a newspaper of general circulation in the county in which the property is located and in the Legal Journal of such county if one exists and shall contain the case name and number, a brief description of the property to be sold, the date of the sale hearing, and a reference to the Court's EASI website where additional information regarding the sale shall be uploaded pursuant to subsection (c)(1). The publication shall be made no more than thirty (30) nor less than fourteen (14) calendar days before the scheduled date of sale.
 - (3) Proofs of publication of the advertising shall be filed when received by movant. If a representation is made to the Court at the time of the sale hearing that publication was made but the proofs of publication are not yet received, the proofs of publication shall be filed upon receipt by the movant.
 - (4) An itemized Report of Sale shall be filed with the Court within seven (7) calendar days of the date of consummation of the sale.
- (d) Notices shall meet the following requirements:
- (1) Other than to parties receiving notice via the CM/ECF System, the seller shall send the Notice of Sale by first-class mail to:
 - (A) the debtor and debtor's counsel;
 - (B) the trustee and trustee's counsel, if any;
 - (C) all indenture trustees and their counsel, if any;
 - (D) lien holders;
 - (E) all creditors;
 - (F) all committees appointed pursuant to the Bankruptcy Code or to their authorized agents and their counsel, if any;
 - (G) the United States as required by Fed. R. Bankr. P. 2002(j); and

(H) the United States trustee.

- (2) The seller may file a motion, served on all creditors and parties in interest, to establish a procedure for selling less than substantially all the assets of the estate or those assets of less than substantial value. The motion to establish sale procedure may provide that the Notice of Sale be served on a limited list of creditors and parties in interest. Each such list shall be set forth with particularity in the motion to establish the sale procedure.
- (3) Any notice required to be served under these procedures shall be addressed as directed in a request for notices filed with the Clerk, but if a different address is stated in a proof of claim duly filed, that address shall be used; otherwise, the address shown in the list of creditors in the schedules shall be used.