

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DEBTOR'S NAME	:	Case No.	-JCM
<i>Debtor(s)</i>	:	Chapter 7/11/13	
MOVANT'S NAME	:		
<i>Movant,</i>	:		
v.	:	Related to Document No.	
RESPONDENT(S)	:		
[includes all Respondents holding liens]	:		

**ORDER AUTHORIZING PUBLIC SALE AUCTION OF REAL OR
PERSONAL PROPERTY FREE AND DIVESTED OF LIENS**

AND NOW, this _____ day of _____, 20____, on consideration of the _____ (*Movant*)'s ***Motion For Public Auction Sale of Property Free and Divested of Liens***, filed at Document No. _____, after hearing on said *Motion* held in: (the Bankruptcy Courtroom, U.S. Courthouse, 17 South Floor, Erie, PA 16501 **OR** Courtroom C, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA) this date, the Court finds:

(1) Service of the *Notice of Hearing* and *Order* setting hearing on said *Motion for Public Sale* was effected on the following secured creditors whose liens are recited in said *Motion for Public Sale*, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

(actual date of service for each creditor)

(Identify full name of each creditor in separate paragraph with specifics of each claim, including filing information)

(2) Sufficient notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificates of service duly filed.

(3) Pursuant to *W.PA LBR 6004-1(c)(2)* said sale hearing was duly advertised on the Court's website on _____ (*Date*) and in the _____ (*Newspaper*) on _____ (*Date*) and the _____ (*Legal Journal*) on _____ (*Date*), as shown by *Proofs of*

Publication filed (or to be filed) upon receipt of same from the above publications.

(4) At the sale hearing no objections to the sale were made and, to the extent raised, all have been withdrawn or otherwise resolved.

(5) The public auction sale is the best means of obtaining a full and fair price for the real/personal property in question, being itemized, valued and described as follows:

(description of property to be sold)

NOW THEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED** that the Movant is authorized to proceed with a public auction sale of the above property, to be conducted on _____ *(day of week & date)* _____ **commencing at** _____ *A.M/P.M* at the current location of the subject property, that is, at _____ *(address)* _____.

It is **FURTHER ORDERED** that:

(A) Pending entry of the *Sale Confirmation Order* following the auction, the above recited liens are hereby transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property. The within decreed sale is free, clear and divested of all liens identified above. After due notice to the lien creditors and all *Preliminary Objections* to the auction sale, if any, having been withdrawn or resolved, the costs of sale of the within bankruptcy proceedings (including attorneys fees, auctioneer fees and costs, normal closing costs, and the costs of maintaining and preserving the property) shall be paid in advance of any distribution to said lien creditors or any creditors claiming an interest in the property.

(B) the Movant shall **IMMEDIATELY** serve a copy of the within *Order* on each Respondent (i.e., each party against whom relief is sought) and its attorney of record, if any; upon any attorney or party who answered the motion or appeared at the hearing; the attorney for the debtor; the purchaser, or the attorney for the purchaser, if any, and thereafter, immediately file a certification of service.

(C) Upon the conclusion of the auction, the auctioneer shall transmit the sale proceeds, net of the auctioneer's fees and costs, as well as a detailed itemization of all assets sold and the price received for the same to the [Chapter 7 Trustee/counsel for the Movant]. The auctioneer shall hold the retained proposed fee and costs in escrow pending entry of the *Sale Confirmation Order*.

(D) **Within five (5) days following consummation of the sale**, the Movant shall file a **Motion Requesting Sale Confirmation** which *Motion* shall include a **Report of Sale** and a **Sale Confirmation Order** that includes a waterfall of all proposed payments to made out of the proceeds of sale from the personal property and at the time of closing on the real estate.

(E) *At the conclusion of the Public Auction Sale*, title shall vest in the putative purchaser *unless* an Objection is registered with the Seller or its Agent at the conclusion of bidding on the specific item of property sold. In such event, it is the duty and responsibility of the Seller and its Agent to provide the objecting party with *written notice of the objecting party's right to file a formal objection with the Court within seven (7) days* of the conclusion of bidding on the specific item of property subject to the objection. In such event, title to the specific item of property will not vest in the putative purchaser until further order of Court.

(F) *Formal closing on the real property shall occur within thirty (30) days after entry* of the *Sale Confirmation Order* confirming the auction.

John C. Melaragno, Judge
United States Bankruptcy Court

cc: Office of the U.S. Trustee
Trustee/Movant's Attorney