

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Peter J. Mastan, Trustee travis.terry@dinsmore.com 550 S. Hope St., Suite 1765 Los Angeles, California 90071 Telephone: 213-335-7737</p> <p>Chapter 7 Trustee of the Bankruptcy Estate of Xiandan Yu</p> <p><input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</p>	<p>FOR COURT USE ONLY</p>
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

<p>In re:</p> <p style="text-align: center;">XIANDAN YU,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:22-bk-13471-BR CHAPTER: 7</p> <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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<p>Sale Date: 02/07/2023</p>	<p>Time: 10:00 am</p>
<p>Location: Courtroom 1668, 255 E. Temple St., Los Angeles, CA 90012</p>	

Type of Sale: Public Private **Last date to file objections:** 01/24/2023

Description of property to be sold:
2011 Toyota Camry and 2015 Toyota Rav4

Terms and conditions of sale:
"AS IS" and "WHERE IS" basis, subject to all existing encumbrances, liens, claims and restrictions thereon, if any.
See concurrently filed motion for lien information.

Proposed sale price: \$ 12,225.00

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

Overbid procedure (if any):

Initial bid must be at least \$13,225 (the amount being paid by Debtor (\$8,600) plus Debtor's claimed exemption in the Rav4 (\$3,625) plus \$1,000). Subsequent bids must be at least \$500 higher than the initial bid.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Peter J. Mastan, Trustee
550 S. Hope St., Suite 1765
Los Angeles, CA 90071
Telephone: (213) 335-7739
travis.terry@dinsmore.com

Date: 12/28/2022

1 Peter J. Mastan, Trustee
travis.terry@dinsmore.com
2 550 S. Hope St., Suite 1765
Los Angeles, California 90071
3 Telephone: 213-335-7737

4 Chapter 7 Trustee of the Bankruptcy Estate
of Xiandan Yu

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UNITED STATES BANKRUPTCY COURT

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CENTRAL DISTRICT OF CALIFORNIA

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LOS ANGELES DIVISION

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In re:

Case No. 2:22-bk-13471-BR

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Chapter 7

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XIANDAN YU,

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Debtor(s).

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**NOTICE OF HEARING ON MOTION
TO APPROVE ASSIGNMENT
AGREEMENT BETWEEN THE
TRUSTEE AND DEBTOR FOR THE
TRUSTEE'S CONVEYANCE OF THE
ESTATE'S INTEREST IN (A) 2011
TOYOTA CAMRY AND (B) 2015
TOYOTA RAV4**

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Date: February 7, 2023

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Time: 10:00 a.m.

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Ctrm: Courtroom 1668
255 E. Temple Street
Los Angeles, CA 90012

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Judge: Hon. Barry Russell

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1 **TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL SCHEDULED**
3 **CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES; AND THEIR**
4 **RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on February 7, 2023, on the 10:00 a.m. calendar, in
6 Courtroom 1668 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Barry Russell, United States Bankruptcy Judge, will
8 conduct a hearing on the “Motion To Approve Assignment Agreement between the Trustee and
9 Debtor for the Trustee’s Conveyance of the Estate’s Interest in (A) 2011 Toyota Camry and
10 (B) 2015 Toyota Rav4” (the “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”)
11 of the bankruptcy estate (the “Estate”) of Xiandan Yu (the “Debtor”). Through the Motion, the
12 Trustee seeks an order that does each of the following:

13 **(1)** Approves the Assignment Agreement (the “Agreement”) attached as **Exhibit 1** to
14 the Motion.

15 **(2)** Authorizes the Trustee to make the assignment of the Estate’s interest in the
16 vehicles described as (1) a 2011 Toyota Camry LE (VIN 4T4BF3EK9BR159146) (the “Camry”)
17 and (2) 2015 Toyota Rav4 (VIN 2T3WFREV4FW139652) (the “Rav4”) (collectively, the
18 “Vehicles”) and determines that the assignment is made on an “AS IS” and “WHERE IS” basis,
19 subject to all existing encumbrances, liens, claims and restrictions thereon, if any.

20 **(3)** Determines that the Agreement was made in good faith in an arm’s-length
21 transaction and that the assignee of the Estate’s interest in the Vehicles (whether the Debtor, or a
22 successful overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

23 **(4)** Determines that adequate notice of the Motion was given.

24 **(5)** Authorizes the Trustee to perform the terms of the Agreement and to sign all such
25 documents that are reasonably necessary to perform the Trustee’s obligations under the
26 Agreement.

27 **(6)** Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

28 **(7)** Approves the following overbid procedure:

1 (a) any initial overbid for an assignment of the Estate's interest in the Vehicles
2 must be in an amount at least \$1,000 greater than the amount to be paid by the Debtor under the
3 Agreement (i.e., in an amount not less than \$9,600.00 plus the amount of the Debtor's \$3,625
4 exemption in the Rav4 for a total of \$13,225);

5 (b) in the event that the Trustee receives multiple overbids, any subsequent
6 overbids must be made in Court at the time of the hearing on the Motion and must be made in
7 minimum increments of \$500;

8 (c) any overbid must be accompanied by a certified or cashier's check in the
9 full amount of that bid and the successful overbidder must pay to the Trustee by certified or
10 cashier's check the full purchase price at the time of the hearing on the Motion;

11 (d) any sale at overbid will be all cash "AS IS," "WHERE IS," subject to all
12 claims, liens, encumbrances, and other interests, with all faults and without any representation or
13 warranty whatsoever, whether express or implied, including without limitation, without warranty
14 as to functionality, merchantability, or fitness for a particular purpose;

15 (e) the Trustee may exercise his discretion to reject a particular overbid that is
16 not both higher and better (based upon all of the circumstances) than the Debtor's offer or the
17 offer of other overbidders; and

18 (f) any person making an overbid for the Vehicles shall be deemed to have
19 made, on his/her/their own account, each of the representations made by the Debtor to the Trustee
20 as set forth in Paragraph 5 of the Agreement.

21 (8) Deems the Debtor's claimed exemptions in the Camry to be denied.

22 (9) Authorizes the Trustee to close the proposed assignment of the Estate's interest in
23 the Vehicles to the Debtor (or the successful overbidder) unless an appeal of the order authorizing
24 that sale is timely filed and a stay pending appeal is entered.

25 (10) Waives the 14-day stay of orders for the disposition of Estate property set forth in
26 Fed.R.Bankr.P. 6004(h).

27 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
28 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and

1 Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the
2 best interest of the Estate in that it will maximize the value to unsecured creditors of the Estate's
3 interest in the Vehicles.

4 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of Hearing;
5 (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and Authorities,
6 Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court of which the
7 Court is requested to take judicial notice; and (d) such further evidence that may be properly
8 submitted prior to or at any hearing on the Motion. At your own expense, you may obtain a
9 complete copy of the Motion from the Court's file. Alternatively, you may obtain a free,
10 electronic copy of the Motion by contacting Mr. Travis Terry at travis.terry@dinsmore.com and
11 providing to Mr. Terry your email address.

12 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(f), any
13 opposition to the Motion must be in writing; must be filed with the Court and served upon the
14 Trustee, the Office of the United States Trustee, and the Debtor at the addresses set forth below
15 not later than 14 days before the hearing on the Motion; and must include a complete written
16 statement of all reasons in opposition thereto or in support or joinder thereof, declarations and
17 copies of all photographs and documentary evidence on which the responding party intends to
18 rely, and any responding memorandum of points and authorities:

19 **For Filing With the Court**

20 Clerk's Office
21 United States Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, California 90012

22 **For Service on Judge Russell**

23 Hon. Barry Russell
24 United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
25 255 E. Temple Street, Suite 1660
26 Los Angeles, CA 90012

27 **For Service on the Trustee**

28 Peter J. Mastan, Trustee
550 South Hope Street, Suite 1765
Los Angeles, California 90071-2627

For Service on Office of U.S. Trustee

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017

For Service on the Debtor

Daniel K. Fong, Esq.
Fong Law Group
300 S. Garfield Ave, Ste 206
Monterey Park, CA 91754

and

Xiandan Yu
521 Everett Avenue #B
Monterey Park, CA 91755

1 **NOTICE IS FURTHER GIVEN** that, pursuant to General Order 21-05 issued on
2 June 22, 2021, the Roybal Federal Building is now open to the public. Judge Russell will be
3 holding hearings both in person and via Zoom for Government (“ZoomGov”)
4 (<https://cacb.zoomgov.com>). It is extremely important that counsel and all interested parties read
5 the Judge’s tentative rulings on his law and motion/trial calendar very carefully as the tentative
6 rulings will indicate whether an in person appearance at a hearing is mandatory.

7 **NOTICE IS FURTHER GIVEN** that the calendar with tentative rulings will be posted
8 approximately one week prior to the scheduled hearing(s) and can be accessed at the following
9 web address: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=BR> Click on the “Select Judge”
10 tab on the upper left side of the screen and select Judge Russell.

11 **NOTICE IS FURTHER GIVEN** that if an in person appearance is required, all counsel,
12 parties and witnesses are to appear in Courtroom 1668 at 255 East Temple Street, Los Angeles,
13 CA 90012 and no appearance(s) will be allowed by any person either telephonically or via
14 ZoomGov.

15 **NOTICE IS FURTHER GIVEN** that all persons present in the courtroom must abide by
16 all Covid 19-related safety procedures at all times including, but not limited to, the wearing of face
17 masks and the observation of social distancing. For the sake of everyone’s safety and respect for
18 others, there will be no exceptions to this Covid 19 policy. Water is no longer provided at the
19 counsel tables.

20 **NOTICE IS FURTHER GIVEN** that for ZoomGov hearings, the first page of Judge
21 Russell’s publicly posted hearing calendar will provide video and audio connection information
22 for the hearings. All ZoomGov appearances by attorneys shall be by video on a laptop computer or
23 on a ZoomGov interface on a mobile device or tablet.

24 **NOTICE IS FURTHER GIVEN** that if an unexpected emergency arises on the day of the
25 hearing, attorneys who wish to appear by calling in to the ZoomGov telephone conference line
26 must contact chambers at (213) 894-6091 and obtain approval to appear telephonically on
27 ZoomGov. The Courtroom Deputy will be in court and unavailable to contact by phone on the day
28 of each hearing.

1 **NOTICE IS FURTHER GIVEN** that attorneys who are aware prior to the hearing date
2 that they cannot appear at an in person hearing must contact the Courtroom Deputy at
3 (213) 894-3687 prior to the hearing date to obtain approval to appear telephonically via ZoomGov.

4 **NOTICE IS FURTHER GIVEN** that all parties must notify the Court of his/her
5 appearance, whether in person or via ZoomGov, no later than 2:00 p.m. on the day prior to the
6 hearing by emailing the Courtroom Deputy at stacey_fortier@cacb.uscourts.gov(link sends e-
7 mail). In the subject line of the e-mail, please specify the date, time and calendar number(s) of the
8 hearing(s) (for example: Re: September 15, 2020, 10:00 a.m., Calendar No. #, In
9 Person/ZoomGov).

10 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(h),
11 failure to timely file and serve an objection may be deemed by the Court to be consent to granting
12 the Motion.

13 DATED: December 28, 2022

Respectfully submitted,

CHAPTER 7 TRUSTEE

By: /s/ Peter J. Mastan
Peter J. Mastan
Chapter 7 Trustee of the Bankruptcy
Estate of Xiandan Yu

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) - Pursuant to controlling General Order(S) and Local Bankruptcy Rule(s) (“LBR”), the foregoing document will be served by the court via NEF and hyperlink to the document. On **December 28, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addresses indicated below:

- **Daniel K Fong** fong@fonglawusa.com, kinfong319@yahoo.com
- **James F Lewin** james.lewin@mtglawfirm.com, jimlewin7@gmail.com;renee.parker@mtglawfirm.com;ecf@mtglawfirm.com
- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com; ecf.alert+Mastan@titlexi.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov

_____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **December 28, 2022** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Xiandan Yu
521 Everett Avenue #B
Monterey Park, CA 91755

_____ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **December 28, 2022** I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

___ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

December 28, 2022 **TRAVIS MICHAEL TERRY**
Date Type name

/s/ Travis Michael Terry
Signature