

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address RICHARD A. MARSHACK, #107291 rmarshack@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS WOOD LLP 870 Roosevelt Avenue Irvine, California 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: LARRY D. SIMONS, Trustee	FOR COURT USE ONLY
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

In re: CBGM LLC, Debtor(s).	CASE NO.: 6:22-bk-14008-WJ CHAPTER: 7 <p style="text-align: center;">NOTICE OF SALE OF ESTATE PROPERTY</p>
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Sale Date: 12/05/2023	Time: 1:00 pm
Location: Courtroom 304 - United States Bankruptcy Court, 3420 Twelfth Street, Riverside, CA 92501	

Type of Sale: Public Private **Last date to file objections:** 11/21/2023

Description of property to be sold:
 Real property commonly known as 81252 Avenue 62 and Vacant Land, La Quinta, California (the "Property") (APNs: 764-270-043, 764-270-044, 764-270-045, 764-280-026 and 764-280-027); Parcel 2: (APN: 764-270-066); Parcel 3: (APN: 764-270-067); Parcel 4: (APN: 764-280-054); and Parcel 5: (APN: 764-280-043)

Terms and conditions of sale: Free and clear of all liens, claims, and interests;
 Subject to overbids; Overbid Deposit of \$200,000 - refundable only if not the successful bidder;
 Waiver of the 14 day stay - sale is authorized immediately upon entry of the Order approving this Motion;
 "As is, where is" and bids shall be on the same or better material conditions as the Agreement between Trustee and the Buyer.

Proposed sale price: \$ 2,500,000.00

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): Minimum overbid \$2,560,000

The minimum bidding increment during the Auction shall be \$5,000. Overbids to be received by 1:00 p.m. on December 5, 2023. The full procedure is as set forth in the Motion.

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

Date: December 5, 2023

Time: 1:00 p.m.

Place: Courtroom 304

United States Bankruptcy Court

3420 Twelfth Street, Riverside, CA 92501

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

RICHARD A. MARSHACK

rmarshack@marshackhays.com

BRADFORD N. BARNHARDT

bbarnhardt@marshackhays.com

MARSHACK HAYS WOOD LLP

870 Roosevelt

Irvine, California 92620

Telephone: (949) 333-7777

Facsimile: (949) 333-7778

Date: 11/14/2023

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:
870 Roosevelt Avenue, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **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 stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 11/14/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On *(date)* _____, I served the following persons and/or entities at the last known addresses 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 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.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, 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 personal delivery on, or overnight mail 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 that the foregoing is true and correct.

11/14/2023
Date

Pamela Kraus
Printed Name

/s/ Pamela Kraus
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **INTERESTED PARTY COURTESY NEF:** Timothy C Aires tca@arlawyers.com, gperez@arlawyers.com
- **ATTORNEY FOR CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RICHARD I. CUSHMAN, AS TRUSTEE OF THE CUSHMAN FAMILY TRUST DATED MARCH 12, 2009; DEFENDANT THE CUSHMAN FAMILY TRUST DATED MARCH 12, 2009; DEFENDANT AND INTERESTED PARTY RICHARD I. CUSHMAN; and PLAINTIFF KEY GOLF MANAGEMENT:** Edwin R Cottoneed@cottonemoon.com
- **ATTORNEY FOR DLL FINANCE, LLC, A LIMITED LIABILITY COMPANY:** Donald T Dunning nancy@dunninglaw.com, jmacleod@dunninglaw.com; jherrington@dunninglaw.com
- **ATTORNEY FOR DEFENDANT RICHARD CUSHMAN, AS TRUSTEE OF THE CUSHMAN FAMILY TRUST DATED MARCH 12, 2009; DEFENDANT RICHARD CUSHMAN; CREDITOR AND PLAINTIFF KEY GOLF MANAGEMENT LLC; and CREDITOR MICKEY BROWN:** Chris L Frost chris@frostllp.com, czarbelle@frostllp.com; nicole@frostllp.com; allison@frostllp.com; amy@frostllp.com
- **ATTORNEY FOR CREDITOR, INTERESTED PARTY, AND PLAINTIFF TRILOGY AT LA QUINTA MAINTENANCE ASSOCIATION, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **INTERESTED PARTY COURTESY NEF:** Rika Kido rkido@shulmanbastian.com, avernon@shulmanbastian.com
- **ATTORNEY FOR PLAINTIFF AND CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Daniel A Lev daniel.lev@gmlaw.com, cheryl.caldwell@gmlaw.com; dlev@ecf.courtdrive.com
- **ATTORNEY FOR PLAINTIFF TRILOGY AT LA QUINTA MAINTENANCE ASSOCIATION, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION:** Charity J Manee cmanee@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Richard A Marshack rmarshack@marshackhays.com, lbuchananmh@ecf.courtdrive.com; rmarshack@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR PETITIONING CREDITOR AND PLAINTIFF KEY GOLF MANAGEMENT LLC:** Maryam L Odom lisa@odomlawgroup.com
- **ATTORNEY FOR DEFENDANT RICHARD CUSHMAN, AS TRUSTEE OF THE CUSHMAN FAMILY TRUST DATED MARCH 12, 2009; DEFENDANT STRATOSPHERIC HOLDINGS 4, LLC, A MICHIGAN LIMITED LIABILITY COMPANY; DEFENDANT JOSHUA GROSSMAN; and DEFENDANT RICHARD CUSHMAN:** Dimetri Reyzin dr@reyzinlaw.com
- **ATTORNEY FOR PETITIONING CREDITOR KEY GOLF MANAGEMENT LLC:** Kathleen Nicole Simers katie@odomlawgroup.com
- **CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Larry D Simons (TR) larry@lsimonslaw.com, c119@ecfcbis.com; nancy@lsimonslaw.com; simonsecf@gmail.com; kareng@lsimonslaw.com
- **INTERESTED PARTY COURTESY NEF:** Kristine A Thagard kthagard@marshackhays.com, kthagard@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
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- **US TRUSTEE:** United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- **ATTORNEY FOR PLAINTIFF CHAPTER 7 TRUSTEE LARRY D SIMONS (TR):** Steven Werth steven.werth@gmlaw.com, swerth@ecf.courtdrive.com; pdillamar@ecf.courtdrive.com, Karen.Files@gmlaw.com; patricia.dillamar@gmlaw.com