

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>PHILIP A. GASTEIER (SBN 130043) LEVENE, NEALE, BENDER, YOO &amp; GOLUBCHIK L.L.P. 2818 La Cienega Avenue Los Angeles, California 90034 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: PAG@LNBYG.COM</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Todd A. Frealy, Chapter 7 Trustee</p>	<p>FOR COURT USE ONLY</p>
--	---------------------------

<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</b></p>	
<p>In re:</p> <p>MENDOZA BUSINESS ENTERPRISE, INC.,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 6:24-bk-11399-WJ CHAPTER: 7</p> <p style="text-align: center;"><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>

<p><b>Sale Date:</b> 10/15/2024</p>	<p><b>Time:</b></p>
<p><b>Location:</b> 1601 Sherborn St., Corona, CA 92879</p>	

**Type of Sale:**  Public  Private      **Last date to file objections:** 08/13/2024

**Description of property to be sold:**  
Vehicles and equipment. See attached Exhibit 1. See Notice attached as Exhibit 2.

**Terms and conditions of sale:**  
To be sold by lot at public auction, in person and online. "As Is, Where Is, With All Faults" present condition, without representations or warranties of any kind or nature whatsoever whether express or implied.

**Proposed sale price:** \_\_\_\_\_

**Overbid procedure (if any):**

To be sold by lot at public auction, in person and online. Contact auctioneer (below) for details.

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

DATE: August 27, 2024  
TIME: 1:00 p.m.  
PLACE: Courtroom 304  
U.S. Bankruptcy Court  
3420 Twelfth St.  
Riverside, CA 9 2501

See Court Procedures for appearance requirements.

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

SCOTT R. VAN HORN, PRINCIPAL  
VAN HORN AUCTIONS & APPRAISAL GROUP, LLC.  
26895 Aliso Creek Road, Suite B, # 569  
Aliso Viejo, California 92656-5301  
Email: vanhornauctions@cox.net  
Website: www.vanhornauctions.com  
Tel: (949) 206-2525  
Fax: (949) 831-1975

Date: 08/02/2024

# EXHIBIT "1"

**Mendoza Business Enterprise, Inc./Case No. 6:24-bk-11399-WJ  
Certificated - free and clear**

Vehicle description	VIN	Liens
2017 Carson Flat Bed trailer*		
2016 Carson Flat Bed trailer	4HSXC1726FC180136	
2016 Carson SC172 trailer		
2016 Carson SC172 trailer		
2002 Chevrolet 2500 HD	1GBJC34U62E118770	
2014 Dodge Ram 5500	3C7WRMDL6EG272943	
2007 Ford F550-SD	1FDAF56P57EA78996	
2012 Ford F-450 SD	1FDUF4GT4CEC07078	
2012 Ford F450-SD	1FDUF4GT8CEC51374	
2012 Ford F350 SD	1FDRF3G66CEC46636	
1996 Ford F-250 Utility	2FTHF25H2TCA72472	
2012 International digger	3HAMMAAN3CL439105	
		*subject to confirmation and recovery
2016 flat bed trailer*		
		*subject to confirmation and recovery

**Mendoza Business Enterprise, Inc./Case No. 6:24-bk-11399-WJ**  
**Uncertificated equipment**

<b>Vehicle description</b>	<b>VIN</b>
2015 SCT Mobile solar generator #1	
2015 SCT Mobile solar generator #2	
TEREX LIGHT tower RL4060D	
2018 John Deere 710L	
2013 Genie Z Boomlift	
2015 Vermeer RTX100 Walk behind trencher	
2014 Vermeer RTX100 walk behind trencher	
Water Buffalo Water Trailer HDB419	
Water Buffalo Water Trailer HDB419	

MENDOZA Accounts

Case 24-11399-WEJ-7

<u>ACCT#</u>	<u>File#</u>	<u>Vehicle</u>	<u>VIN</u>	<u>Payoff</u>	
ALLY					
227953574858	1607002	2019 Ford F 550	1FD0X5GT8KED96012	\$18,648.59 good to 7/7/2024	Per diem \$3.46
227968564888	1607005	2020 Ford F150	1FTFW1RG1LFA41849	\$38,0587.85 good to 7/7/2024	Per diem \$6.01
227983894927	1607008	2020 Ford F 250	1FT7W2BT8LEE62376	\$30,626.27 good to 7/7/2024	Per diem \$4.85

**U.S. Bank  
Certificated**

<b>Vehicle Description</b>	<b>VIN</b>	<b>Miles</b>	<b>Lien</b>	<b>lienholder</b>
2019 Cadillac Escalade	1GYS4JKJ4KR176938	92355	17,354.83	US Bank

## MENDOZA Accounts

FORD

ACCT#File#Vehicle

57947222	1607537	2019 Ford F150
57927154	1607535	2018 Ford F450
57927330	1607536	2019 Ford F350
58262188	1607538	2019 Ford F450
58906957	1607539	2019 Ford F550
58907109	1607540	2019 Ford F450
58907240	1607541	2019 Ford F450

## Case 24-11399-WEJ-7

VINPayoff

1FTEW1CP8KKD05031	\$13,122.90 good to 7/7/2024	Per diem \$2.77218
1FDUF4GT8JEC47516	\$5,461.55 good to 7/7/2024	Per diem \$1.12942
1FD8X3ET9KEE29321	\$3,161.01 good to 7/7/2024	Per diem \$0.33303
1FDUF4HT0KDA07981	\$8,970.66 good to 7/7/2024	Per diem \$0.94461
1FD0W5GT6KEF86099	\$3,308.37 good to 7/7/2024	Per diem \$0.57462
1FD0W4GT3KEG59326	\$3,148.69 good to 7/7/2024	Per diem \$0.54689
1FDUF4GT5KEG59314	\$2,975.91 good to 7/7/2024	Per diem \$0.51777



# EXHIBIT "2"

1 PHILIP A. GASTEIER (State Bar No. 130043)  
LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P.  
2 2818 La Cienega Avenue  
Los Angeles, California 90034  
3 Telephone: (310) 229-1234  
Facsimile: (310) 229-1244  
4 pag@lnbyg.com  
Attorneys for Todd A. Frealy  
5 Chapter 7 Trustee

6  
7  
8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **RIVERSIDE DIVISION**  
11

12 In re ) Case No. 6:24-bk-11399-WJ  
13 MENDOZA BUSINESS ENTERPRISE, )  
INC., ) Chapter 7  
14 ) **NOTICE OF HEARING ON TRUSTEE'S**  
15 Debtor. ) **MOTION FOR ORDER (1)**  
16 ) **AUTHORIZING AUCTION SALE OF**  
17 ) **VEHICLES AND EQUIPMENT, FREE**  
18 ) **AND CLEAR OF LIENS, (2)**  
19 ) **ABANDONMENT OF UNSOLD**  
20 ) **PROPERTY; AND APPROVAL OF**  
21 ) **STIPULATIONS WITH**  
22 ) **LIENHOLDERS, INCLUDING**  
23 ) **CARVEOUT**  
24 ) Hearing date:  
25 ) Date: August 27, 2024  
26 ) Time: 1:00 P.M.  
27 ) Place: Courtroom 304  
28 ) U.S. Bankruptcy Court  
3420 Twelfth St.  
Riverside, CA 9 2501

1 **TO: ALL CREDITORS OF RECORD; BMO HARRIS BANK N. A.; FORD MOTOR**  
2 **CREDIT COMPANY LLC; ALLY BANK; U.S. BANK N. A.; U.S. SMALL BUSINESS**  
3 **ADMINISTRATION; CALIFORNIA STATE BOARD OF EQUALIZATION; BANK OF**  
4 **THE WEST – SAN FRANCISCO; THE OFFICE OF THE UNITED STATES TRUSTEE;**  
5 **AND OTHER INTERESTED PARTIES:**

6 **PLEASE TAKE NOTICE** that on August 27, 2024, at 1:00 p.m., or as soon thereafter as  
7 the matter may be heard, a hearing will be held before the Honorable Wayne Johnson, United  
8 States Bankruptcy Judge, on the “Trustee’s Motion for order Authorizing Auction Sale of  
9 Vehicles and Equipment, Free and Clear of Liens; Approving Abandonment of Unsold Property;  
10 and Approval of Stipulations With Lienholders” (the “Motion”), filed by Todd A. Frealy, the  
11 duly-appointed Chapter 7 trustee (“Trustee”) for the bankruptcy estate (“Estate”) of Mendoza  
12 Business Enterprise, Inc. (“Debtor”). Pursuant to the Motion, the Trustee seeks entry of an order  
13 authorizing the auction sale of certain personal property of the Debtor consisting of vehicles and  
14 equipment as identified on Exhibit 1 attached to the Motion (collectively, the “Vehicles”),  
15 approving abandonment of unsold property, and approving stipulations with lienholders,  
16 including a carveout with the senior secured lender. The Trustee proposes to sell the Vehicles free  
17 and clear of liens, with liens to be satisfied from the proceeds of sale, or to attach to the proceeds.

18 The Vehicles can be classified into five categories. First, there are trucks and trailers that  
19 have certificates of title, and are either free and clear of liens, claims and encumbrances, or are  
20 subject to unperfected and thus disputed liens due to secured creditors not being in possession of  
21 or named on certificates of title.

22 A second category of Vehicles are pieces of equipment which do not have certificates of  
23 title because they are not certificated vehicles, and which are subject to a blanket lien in favor of  
24 BMO Harris Bank N.A. (“BMO”). The Trustee has agreed to a proposed settlement Stipulation  
25 with BMO which would provide for 33.33% of the net proceeds to the Estate and 66.66% to  
26 BMO.

27 A third category of Vehicles are 7 Ford trucks which are being financed with Ford Motor  
28 Credit Company LLC (“Ford”). The Trustee has agreed to a proposed Stipulation with Ford

1 pursuant to which Ford would cooperate in the sale and the Trustee would abandon any Ford  
2 secured Vehicle that did not produce a price sufficient to satisfy the Ford lien.

3 A fourth category is a 2019 Cadillac Escalade which is subject to the lien of U.S. Bank.  
4 The Trustee has requested a Stipulation from U.S. Bank, but proposes to sell the Vehicle, satisfy  
5 the lien of U.S. Bank, and retain any excess net proceeds.

6 A fifth category of Vehicles are 3 Ford trucks which are being financed with Ally Bank  
7 (“Ally”). The Trustee has agreed to a proposed Stipulation with Ally pursuant to which Ally  
8 would cooperate in the sale and the Trustee would abandon any Ally secured Vehicle that did not  
9 produce a price sufficient to satisfy the Ally lien.

10 Pursuant to the Motion, the Trustee seeks authority to sell the Vehicles through an auction  
11 to be conducted by Van Horn Auction Group, LLC as auctioneer (the “Auctioneer”), whose  
12 proposed employment is pending pursuant to a separately filed application (the “Auctioneer  
13 Application”), with Auctioneer to receive a buyer’s premium of 15% of the gross sale price for  
14 each item sold and reimbursement of expenses in accord with the Auctioneer Application  
15 estimated at \$16,620. Based on estimates of value, a sale of the Vehicles could yield  
16 approximately \$185,000.00 in proceeds for the Estate if the Vehicles bring an additional price  
17 sufficient to cover the buyer’s premium, or approximately \$128,000 if not.

18 In addition to authorization for the auction sale of the Vehicles, the Motion seeks approval  
19 of the Stipulations with the lienholders, and of the abandonment of any unsold Vehicles, as well  
20 as related relief.

21 The Motion is based upon 11 U.S.C. § 363, Bankruptcy Rules 2002 and 6004, and Local  
22 Bankruptcy Rules 2002 and 6004-1, the accompanying Memorandum of Points and Authorities  
23 and Declaration of the Trustee submitted in support of the Motion, the entire record of the  
24 Debtor’s bankruptcy case, the statements, arguments and representations of counsel to be made at  
25 the hearing on the Motion, and any other evidence properly presented to the Court at, or prior to,  
26 the hearing on the Motion.

27 This Notice is qualified in its entirety by reference to the Motion and the attachments to  
28 the Motion, which are on file with the Clerk of the Bankruptcy Court. Creditors and parties-in-

1 interest who desire further information are encouraged to review the Motion in its entirety.

2 **PLEASE TAKE FURTHER NOTICE** that any objection to any of the relief requested  
3 by the Trustee in the Motion must, on or before fourteen (14) days prior to the hearing, be filed  
4 with the Court and served upon counsel to the Trustee, whose contact information is set forth in  
5 the upper left-hand corner of the first page of this Notice, in compliance with Local Bankruptcy  
6 Rule 9013-1(f).

7 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-  
8 1(h), the Court may deem the failure of any party in interest to file a timely objection to the  
9 Motion to constitute consent to all of the relief requested by the Trustee in the Motion.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: August 2, 2024

TODD A. FREALLY,  
CHAPTER 7 TRUSTEE

By: /s/Philip A. Gasteier  
Philip A. Gasteier  
LEVENE, NEALE, BENDER, YOO  
& GOLUBCHIK L.L.P.  
Attorneys for Todd A. Frealy,  
Chapter 7 Trustee

### PROOF OF SERVICE OF DOCUMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034.

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 **August 2, 2024**, 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:

- Marija K Decker decker@luch.com, caroberts@luch.com, kimberley@luch.com
- Todd A. Frealy (TR) taftrustee@lnbyb.com, taf@trustesolutions.net
- Philip A Gasteier pag@lnbyg.com
- Jeffrey D Sackman jds@rac-law.com
- Amitkumar Sharma amit.sharma@aisinfo.com
- Richard P Steelman rps@lnbyg.com, john@lnbyb.com
- Andrew Quinn Thompson athompson@luch.com, caroberts@luch.com;kimberly2@luch.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- Julie J Villalobos julie@oaktreelaw.com, oakecfmail@gmail.com;villalobosjr51108@notify.bestcase.com;ramona@oaktreelaw.com
- Kurt F Vote kvote@wjhattorneys.com, kdodd@wjhattorneys.com
- Leonard K Welsh lwelsh@lkwelshlaw.com, glidgett@lkwelshlaw.com

**2. SERVED BY UNITED STATES MAIL:** On **August 2, 2024**, 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.

Honorable Wayne Johnson  
United States Bankruptcy Court  
3420 Twelfth Street, Suite 384 / Courtroom 304  
Riverside, CA 92501-3819

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 **August 2, 2024**, 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.

None.

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

August 2, 2024	D. Woo	/s/ D. Woo
Date	Type Name	Signature