

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No. \_\_\_\_\_  
Amended

**NOTICE OF INTENT TO SELL REAL OR  
PERSONAL PROPERTY, COMPENSATE  
REAL ESTATE BROKER, AND/OR PAY  
ANY SECURED CREDITOR'S FEES AND  
COSTS; MOTION FOR AUTHORITY TO  
SELL PROPERTY FREE AND CLEAR OF  
LIENS; AND NOTICE OF HEARING**

Debtor

[Do not use to sell personally identifiable  
information about individuals]

**Notice**

NOTICE IS GIVEN that \_\_\_\_\_ (movant),  
the \_\_\_\_\_ [enter movant's role in the case (for example,  
debtor or trustee)], intends to sell the property described below and moves for authority  
to sell the property free and clear of liens under 11 U.S.C. § 363(f). Movant's address and  
phone number are:

The holders of liens of which the movant requests the property be sold free and clear are  
[list lienholders]:

If you wish to object to any aspect of the sale or fees disclosed in paragraph 7 or 15, you  
must--

1. Attend the hearing set in paragraph 3 below; and
2. Within 21 days after the service date in paragraph 17 below, file with the clerk at  
1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR  
97401:

- a. a written objection stating the specific facts upon which the objection is based, and
  - b. a certificate of service of the objection on the movant.
3. A hearing on the motion and any objections to the sale or fees, which  
is [*check this box only if directed to do so by the court*]  
is not  
an evidentiary hearing at which witnesses may testify, is scheduled as follows:

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Location:** Courtroom # \_\_\_\_\_, \_\_\_\_\_

Telephone Hearing [See [Local Bankruptcy Form \(LBF\) 888](#), *Telephone Hearing Requirements*.]

**Call In Number:** (888) 684-8852

**Access Code:** 5870400 for Judge David W. Hercher (dwh)  
1238244 for Judge Peter C. McKittrick (pcm)  
4950985 for Judge Teresa H. Pearson (thp)  
3388495 for Judge Thomas M. Renn (tmr)

Video Hearing. To connect, see [www.orb.uscourts.gov/video-hearings](http://www.orb.uscourts.gov/video-hearings).

If no timely objection is filed, an order may be lodged and the hearing may be canceled. Parties are encouraged to check the hearing calendar at <https://www.orb.uscourts.gov> after the objection deadline has passed.

## **Motion**

The movant moves for authority to sell the property free and clear of liens under § 363(f) as follows--

1. The specific subsections of § 363(f) movant relies on for authority to sell the property free and clear of liens are [*specify for each lienholder*]:

2. Buyer's name and relation or other connection to debtor:
3. General description of the property *[if real property, state street address here and attach legal description as an exhibit to the notice filed with the court]*:
4. A copy of the full property description or inventory may be examined or obtained at:
5. The property may be previewed at *[include time and place]*:
6. Other parties to the transaction and their relationship to the debtor are:
7. The gross sale price is: \$ \_\_\_\_\_.

All liens on the property total \$ \_\_\_\_\_, of which movant believes a total of \$ \_\_\_\_\_ need not be paid as secured claims (because the lien is invalid, avoidable, etc., the lienholder consents to less than full payment, or part or all of the underlying debt is not allowable).

Secured creditor also seeks reimbursement of \$ \_\_\_\_\_ for fees and costs.

Total sales costs will be: \$ \_\_\_\_\_.

All tax consequences have been considered, and it presently appears that the sale will result in net proceeds to the estate after payment of valid liens, fees, costs, and taxes of approximately: \$ \_\_\_\_\_.

8. The sale ☐ is ☐ is not [*check one*] of substantially all of the debtor's assets. Terms and conditions of sale:

9. Competing bids must be submitted to the movant no later than \_\_\_\_\_ and must exceed the above offer by at least \_\_\_\_\_ and be on the same or more favorable terms to the estate.

10. Summary of all available information regarding valuation, including any independent appraisals:

11. If paragraph 7 indicates little or no equity for the estate, the reason for the sale is:

and expenses and taxes resulting from the sale will be paid as follows:

12. (Chapter 11 cases only) The reason for proposing the sale before confirmation of a plan of reorganization is:

13. The following information relates to liens on the property which are listed in priority order:

Name	Service Address [See <i>Federal Rule of Bankruptcy Procedure (FRBP) 7004</i> ]	Approx. Lien Amount	Indicate Treatment at Closing (Fully Paid, Partially Paid, or Not Paid.)

Of the liens listed in this paragraph designated to be fully paid, movant does not request that the sale be free and clear but moves for authority to pay them in full.

14. Any liens not fully paid at closing will attach to the sale proceeds in the priority they attach to the property. Any proceeds remaining after paying liens, expenses, taxes, commissions, fees, costs, or other charges as provided in this motion, must be held in trust until the court orders payment.

15. (If real property) The court appointed real estate broker, \_\_\_\_\_ will be paid \_\_\_\_\_.

16. If this is a chapter 11 case, this motion complies with the guidelines set forth in [LBF 363](#), *Procedures re: Motions for Sale of All or Substantially All Assets*.

17. I certify that on \_\_\_\_\_ this document was served, under FRBP 7004, on the debtor, trustee (if any), U.S. trustee, each named lienholder at the address listed above, the creditors' committee chairperson (if any), and their attorneys; and (unless movant is a chapter 7 trustee) that it was also sent on that date, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on \_\_\_\_\_, a copy of which is attached to the document filed with the court.

18. For further information, contact:

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Date

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Signature & Relation to Movant

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(If debtor is movant) Debtor's Address & Last 4 Digits of Taxpayer ID#

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