

**Notice and Motion to Sell Free and Clear of Liens**  
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# Notice and Motion to Sell Free and Clear of Liens

## **Introduction**

This document provides information and procedures for e-filers filing notices and motions to sell free and clear of liens (hereafter, “sale notices”) through PACER-CM/ECF.

## **Required forms**

To file a sale notice, filers must use [LBF 760.5](#).<sup>1</sup>

For sales relating to Chapter 11 cases, see [LBF 363](#) for requirements relating to the form and content of the sale motion.

If the filer is a child support creditor, a completed [Official Form B 2810](#) must be attached to the last page of the filing for the filing to be fee-exempt.

## **Fees**

Federal governmental agencies and child support creditors will not be charged a filing fee for filing a sale notice.

A filing fee will be imposed on all other parties. [Click here](#) to view filing fee schedules.

## **Service requirements**

[FRBP 2002](#) and [FRBP 6004](#) require service on all parties listed in section 17 of [LBF 760.5](#).

### **Filers other than chapter 7 trustees**

Per [LBR 2002-1\(a\)](#), filers other than Chapter 7 trustees and their attorneys are required to serve all required parties in the manners dictated by [FRBP 2002\(c\)\(1\)](#) and [FRBP 7004](#).<sup>2</sup>

A service list obtained from court records indicating upon whom notice has been served must be included with the filing.<sup>3</sup>

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<sup>1</sup> Per [LBR 2002-1\(b\)\(3\)](#), a sale notice for Chapter 11 cases may be filed in another format, but all the information required by LBF 760.5 must be included in the filing document.

<sup>2</sup> See [FRBP 6004\(c\)](#) and [FRBP 9014\(b\)](#).

<sup>3</sup> See Section 17 of [LBF 760.5](#).

## Chapter 7 trustee filers

For sale notices being filed by a Chapter 7 trustee or their attorney, no service list is required.

The notice required by [FRBP 2002](#) will be issued by the clerk through the BNC to all parties in the case and all creditors. Lien holders may be included in this noticing, but it is the trustee's responsibility to ensure that [FRBP 7004](#) service requirements are met.<sup>4</sup>

## Hearings

Hearings are set on all motions to sell free and clear of liens.

Before filing, contact the calendar clerk for the judge assigned to your case to obtain the hearing date, time, location, and evidentiary status before filing. [Click here](#) for calendar clerk contact information.

The hearing may be cancelled if no timely objections are filed.

## Filing Procedures<sup>5</sup>

Step	Action				
1	Click on <b>Bankruptcy</b> in the ECF main menu bar				
2	Select <u>Notices</u>				
3	Enter case number in format xx-xxxxx				
4	Select "Notice and Motion to Sell Free and Clear of Liens"				
5	Select or add represented party <sup>6</sup>				
6	Check appropriate box to indicate whether the current filing amends a previously filed notice and motion to sell free and clear of liens <table border="1" data-bbox="321 1392 1338 1528"><thead><tr><th>If "Yes"</th><th>If "No"</th></tr></thead><tbody><tr><td><ul style="list-style-type: none"><li>● Select notice that this filing is amending</li><li>● Proceed directly to Step 9</li></ul></td><td><ul style="list-style-type: none"><li>● Proceed to Step 7</li></ul></td></tr></tbody></table>	If "Yes"	If "No"	<ul style="list-style-type: none"><li>● Select notice that this filing is amending</li><li>● Proceed directly to Step 9</li></ul>	<ul style="list-style-type: none"><li>● Proceed to Step 7</li></ul>
If "Yes"	If "No"				
<ul style="list-style-type: none"><li>● Select notice that this filing is amending</li><li>● Proceed directly to Step 9</li></ul>	<ul style="list-style-type: none"><li>● Proceed to Step 7</li></ul>				
7	Select whether the sale notice is being filed by a U.S. government agency or child support creditor				
8	Confirm filing fee amount to be imposed <sup>7</sup>				

<sup>4</sup> See [FRBP 6004\(c\)](#) and [FRBP 9014\(b\)](#).

<sup>5</sup> See [Table 1](#) below for procedures with screenshots.

<sup>6</sup> A blank screen may appear after the screen in which the represented party is selected. If it does, simply click the "Next" button on the blank screen to proceed.

<sup>7</sup> See [Fees](#) above for fee schedule.



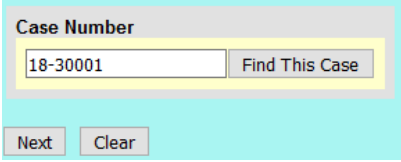
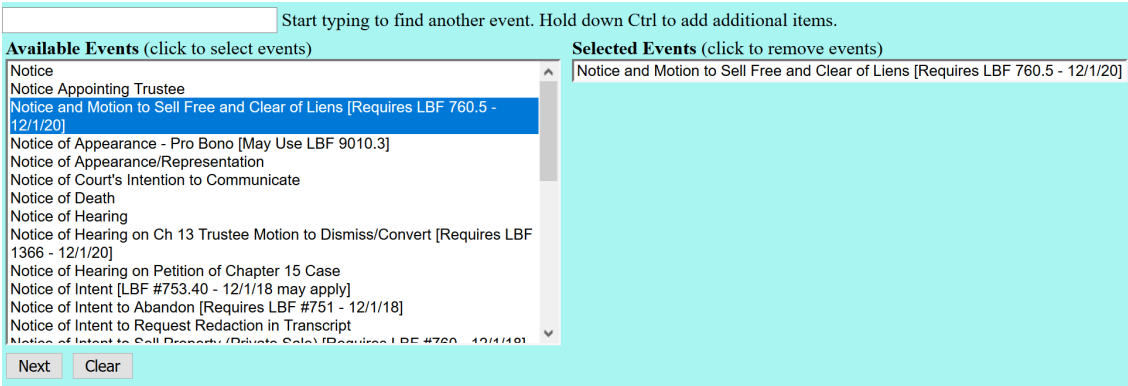
<b>9</b>	Select the hearing from the <b>Please select from the following hearings</b> drop-down list (the “Chambers Preset” link will bring up a list of hearings for each judge)				
<b>10</b>	<p>Check appropriate box to indicate whether the party represented is a trustee</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: center;">If “Chapter 7 Trustee”</th> <th style="text-align: center;">If “Other”</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Proceed directly to Step 11</td> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>● Check “Yes” to confirm a list of creditors and parties served is included with the filing<sup>8</sup></li> <li>● Proceed to Step 11</li> </ul> </td> </tr> </tbody> </table>	If “Chapter 7 Trustee”	If “Other”	Proceed directly to Step 11	<ul style="list-style-type: none"> <li>● Check “Yes” to confirm a list of creditors and parties served is included with the filing<sup>8</sup></li> <li>● Proceed to Step 11</li> </ul>
If “Chapter 7 Trustee”	If “Other”				
Proceed directly to Step 11	<ul style="list-style-type: none"> <li>● Check “Yes” to confirm a list of creditors and parties served is included with the filing<sup>8</sup></li> <li>● Proceed to Step 11</li> </ul>				
<b>11</b>	Attach all required documentation in PDF format <sup>9</sup>				
<b>12</b>	Modify docket text with text box as appropriate				
<b>13</b>	Review docket text and submit				

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<sup>8</sup> If “No” is selected here, filer will be unable to proceed. See [Noticing requirements](#) above.

<sup>9</sup> See [Required forms](#) above.

## Filing Procedures with Screenshots

Step	Action
1	<p>Click on <b>Bankruptcy</b> on the ECF main menu bar</p>  <p>The screenshot shows the top navigation bar of the ECF system. The 'Bankruptcy' menu item is highlighted with a blue arrow pointing to it. Other menu items include Adversary, Query, Reports, Utilities, Search, Help, and Log Out. Below the menu bar is the U.S. Bankruptcy Court District of Oregon logo and the text 'U.S. Bankruptcy Court District of Oregon Official Court Electronic Document Filing System'.</p>
2	<p>Select <u>Notices</u></p>  <p>The screenshot shows a list of 'Bankruptcy Events'. The 'Notices' link is highlighted with a blue arrow. Other links include Answer/Response..., Appeals, CaseUpload, Claim Actions, Creditor Maintenance..., File Claims, Judge/Trustee Assignment, Miscellaneous, Motions/Applications, Open Bankruptcy Case Using XML Forms Data, Open a BK Case, Open Involuntary Case, Open Related BK Case, Plan, and Order Upload.</p>
3	<p>Enter case number in format xx-xxxxx</p>  <p>The screenshot shows a search field labeled 'Case Number' with the text '18-30001' entered. A 'Find This Case' button is next to the field. Below the field are 'Next' and 'Clear' buttons.</p>
4	<p>Select "Notice and Motion to Sell Free and Clear of Liens"</p>  <p>The screenshot shows a search results page for events. The 'Available Events' list includes 'Notice and Motion to Sell Free and Clear of Liens [Requires LBF 760.5 - 12/1/20]', which is highlighted in blue. Other events include Notice, Notice Appointing Trustee, Notice of Appearance - Pro Bono, Notice of Appearance/Representation, Notice of Court's Intention to Communicate, Notice of Death, Notice of Hearing, Notice of Hearing on Ch 13 Trustee Motion to Dismiss/Convert, Notice of Hearing on Petition of Chapter 15 Case, Notice of Intent, Notice of Intent to Abandon, and Notice of Intent to Request Redaction in Transcript. A 'Selected Events' list on the right shows the selected event. 'Next' and 'Clear' buttons are at the bottom.</p>

**5** Select or add represented party<sup>10</sup>

Select the Party:

Godare, Wayne [Trustee] [Add/Create New Party](#)  
 Money Inc., [Creditor]  
 Pomegranate, Seventeen A Jr. [Debtor]

Next Clear

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**6** Check appropriate box to indicate whether the current filing amends a previously filed notice and motion to sell free and clear of liens

Are you filing an Amended Notice and Motion to Sell Free and Clear of Liens?

Yes  
 No

Next Clear

If "Yes"	If "No"
<ul style="list-style-type: none"> <li>Select notice that this filing is amending</li> </ul> <p>Select the appropriate event(s) to which your event relates:</p> <p><input checked="" type="checkbox"/> 06/05/2018 <a href="#">30</a> Notice of Intent to Sell Real or Personal Property at Private Sale, 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 with Certificate of Service. Fee Paid \$181 Filed By Debtor Seventeen A Pomegranate Jr. (Attorney, Jeff)</p> <p>Next Clear</p> <ul style="list-style-type: none"> <li>Proceed directly to Step 9</li> </ul>	Proceed to Step 7

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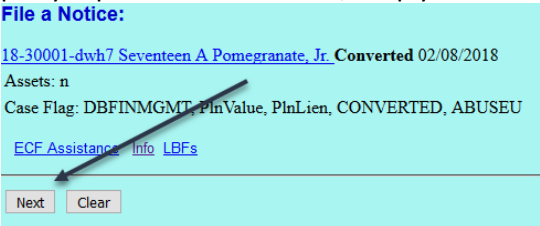
**7** Select whether the notice and motion is being filed by a U.S. government agency or child support creditor

Is Filer a U.S. Govt Agency?  
 or  
 Child Support Creditor or its representative, and, if so, is Official Form 2810 attached as the last page of this filing?

Yes  
 No

Next Clear

<sup>10</sup> A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.



8	<p>Confirm filing fee amount to be imposed</p> <p>Fee: \$188</p> <p><input type="button" value="Next"/> <input type="button" value="Clear"/></p>				
9	<p>Select the hearing from the <b>Please select from the following hearings</b> drop-down list<sup>11</sup> (the “Chambers Preset” link will bring up a list of hearings for each judge)</p> <p>Please select from the following hearings <input type="button" value="Chamber Presets"/></p> <p>Hearing Date: <input type="text"/> <input type="button" value="Calendar"/> Hearing Time: <input type="text"/> <input type="button" value="Clock"/></p> <p>Location: <input type="text"/></p> <p><input type="button" value="Next"/> <input type="button" value="Clear"/></p>				
10	<p>Check appropriate box to indicate whether the party represented is a trustee</p> <p>Select the type of party you are representing in this case</p> <p><input type="radio"/> Chapter 7 Trustee</p> <p><input checked="" type="radio"/> Other party</p> <p><input type="button" value="Next"/> <input type="button" value="Clear"/></p> <table border="1"> <thead> <tr> <th data-bbox="315 1031 656 1079">If “Chapter 7 Trustee”</th> <th data-bbox="656 1031 1321 1079">If “Other”</th> </tr> </thead> <tbody> <tr> <td data-bbox="315 1079 656 1432"> <ul style="list-style-type: none"> <li>Proceed directly to Step 11</li> </ul> </td> <td data-bbox="656 1079 1321 1432"> <ul style="list-style-type: none"> <li>Check “Yes” to confirm a list of creditors and parties served is included with the filing<sup>12</sup></li> <li>Have you attached a list of creditors and parties served pursuant to FRBP 2002(a) to your notice?</li> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> <li><input type="button" value="Next"/> <input type="button" value="Clear"/></li> <li>Proceed to Step 11</li> </ul> </td> </tr> </tbody> </table>	If “Chapter 7 Trustee”	If “Other”	<ul style="list-style-type: none"> <li>Proceed directly to Step 11</li> </ul>	<ul style="list-style-type: none"> <li>Check “Yes” to confirm a list of creditors and parties served is included with the filing<sup>12</sup></li> <li>Have you attached a list of creditors and parties served pursuant to FRBP 2002(a) to your notice?</li> <li><input type="radio"/> Yes</li> <li><input type="radio"/> No</li> <li><input type="button" value="Next"/> <input type="button" value="Clear"/></li> <li>Proceed to Step 11</li> </ul>
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<sup>11</sup> This will auto-fill the “Date,” “Hearing Time,” and “Location” fields below.

08/26/2021 - 09:00 AM - Test [Slots: 12]

Hearing Date: 08/26/2021  Hearing Time: 09:00 AM

Location: Telephone Hearing

<sup>12</sup> A selection of “No” will lead to the following screen (see [Noticing Requirements](#)):

18-30001-dwh7 Seventeen A Pomegranate, Jr. Converted 02/08/2018

Assets: n

Case Flag: DBFINMGMT, PlnValue, PlnLien, CONVERTED, ABUSEU

[ECF Assistance](#) [Info](#) [LBFs](#)

You must serve the Notice and attach a list of creditors and parties served pursuant to FRBP 2002(a).

<p><b>11</b></p>	<p><b>Attach notice and other required documentation in PDF format</b></p> <p>File all documents (LBF's, motions, affidavits, certificates, etc.) in a single pdf, beginning with any LBF(s), unless otherwise instructed.</p> <p>Select the pdf document (for example: C:\199cv501-21.pdf).</p> <p><b>Filename</b></p> <p>Browse... No file selected. ←</p> <p><b>Attachments to Document:</b></p> <p>If the document(s) must be broken into multiple pdfs because a single pdf will exceed 50MB, click Yes and attach the remaining pdf(s).</p> <p><input checked="" type="radio"/> No <input type="radio"/> Yes</p> <hr/> <p>Next Clear</p>
<p><b>12</b></p>	<p><b>Modify docket text with text box as appropriate</b></p> <p>Docket Text: Modify as Appropriate.</p> <p>Notice of Intent to Sell Real or Personal Property at Private Sale, 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 with Certificate of Service. Fee Paid \$181 Filed By Debtor Seventeen A Pomegranate Jr. Hearing Scheduled for 6/29/2018 at 10:00 AM in/by Courtroom #2, Eugene. (Attorney, Jeff)</p> <hr/> <p>Next Clear</p>
<p><b>13</b></p>	<p><b>Review docket text and submit</b></p> <p>Docket Text: Final Text</p> <p>Notice of Intent to Sell Real or Personal Property at Private Sale, 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 with Certificate of Service. Fee Paid \$181 Filed By Debtor Seventeen A Pomegranate Jr. Hearing Scheduled for 6/29/2018 at 10:00 AM in/by Courtroom #2, Eugene. (Attorney, Jeff)</p> <p><b>Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.</b></p> <p><b>Have you redacted?</b></p> <hr/> <p>Next Clear</p>