

**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> and the correct box in the certificate of service must be checked.

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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> Make sure to check the correct box in the certificate of service.

## **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	<div>Check appropriate box to indicate whether the current filing amends a previously filed notice and motion to sell free and clear of liens</div> <table><tr><th>If "Yes"</th><th>If "No"</th></tr><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></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				

<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.



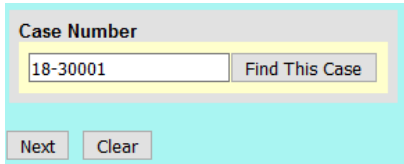
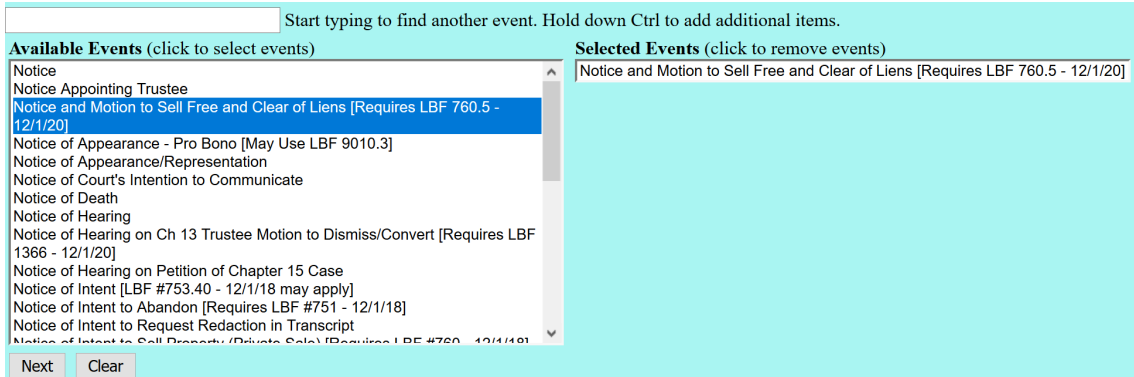
<b>8</b>	Confirm filing fee amount to be imposed <sup>7</sup>				
<b>9</b>	Select the hearing from the <b>Please select from the following hearings</b> drop-down list (the “Chambers Preset” link will bring up a list of hearings for each judge)				
<b>10</b>	<div>Check appropriate box to indicate whether the party represented is a trustee</div> <table> <tr> <th>If “Chapter 7 Trustee”</th><th>If “Other”</th></tr> <tr> <td>Proceed directly to Step 11</td><td> <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> </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				

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

<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> 
2	<p>Select <u>Notices</u></p> <p><b>Bankruptcy Events</b> <a href="#">ECF Assistance</a> <a href="#">Info</a> <a href="#">LBFs</a></p> <ul style="list-style-type: none"> <li><a href="#">Answer/Response...</a></li> <li><a href="#">Appeals</a></li> <li><a href="#">CaseUpload</a></li> <li><a href="#">Claim Actions</a></li> <li><a href="#">Creditor Maintenance...</a></li> <li><a href="#">File Claims</a></li> <li><a href="#">Judge/Trustee Assignment</a></li> <li><a href="#">Miscellaneous</a></li> <li><a href="#">Motions/Applications</a></li> <li><a href="#">Notices</a></li> <li><a href="#">Open Bankruptcy Case Using XML Forms Data</a></li> <li><a href="#">Open a BK Case</a></li> <li><a href="#">Open Involuntary Case</a></li> <li><a href="#">Open Related BK Case</a></li> <li><a href="#">Plan</a></li> <li><a href="#">Order Upload</a></li> </ul> 
3	<p>Enter case number in format xx-xxxxx</p> 
4	<p>Select "Notice and Motion to Sell Free and Clear of Liens"</p> 

5	<p>Select or add represented party<sup>10</sup></p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Select the Party:</b></p> <div style="border: 1px solid black; padding: 2px;"> Godare, Wayne [Trustee]  Money Inc., [Creditor]  Pomegranate, Seventeen A Jr. [Debtor] </div> <p style="text-align: right;"><a href="#">Add/Create New Party</a></p> </div> <p>Next Clear</p>				
6	<p>Check appropriate box to indicate whether the current filing amends a previously filed notice and motion to sell free and clear of liens</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Are you filing an Amended Notice and Motion to Sell Free and Clear of Liens?</b></p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>Next Clear</p> </div> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 70%;">If "Yes"</th> <th style="width: 30%;">If "No"</th> </tr> </thead> <tbody> <tr> <td data-bbox="297 743 1105 1129"> <p>● Select notice that this filing is amending</p> <div style="border: 1px solid black; padding: 5px;"> <p><i>Select the appropriate event(s) to which your event relates:</i></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> </div> <p>Next Clear</p> <p>● Proceed directly to Step 9</p> </td> <td data-bbox="1105 743 1372 1129"> <p>Proceed to Step 7</p> </td> </tr> </tbody> </table>	If "Yes"	If "No"	<p>● Select notice that this filing is amending</p> <div style="border: 1px solid black; padding: 5px;"> <p><i>Select the appropriate event(s) to which your event relates:</i></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> </div> <p>Next Clear</p> <p>● Proceed directly to Step 9</p>	<p>Proceed to Step 7</p>
If "Yes"	If "No"				
<p>● Select notice that this filing is amending</p> <div style="border: 1px solid black; padding: 5px;"> <p><i>Select the appropriate event(s) to which your event relates:</i></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> </div> <p>Next Clear</p> <p>● Proceed directly to Step 9</p>	<p>Proceed to Step 7</p>				
7	<p>Select whether the notice and motion is being filed by a U.S. government agency or child support creditor</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Is Filer a U.S. Govt Agency?</b> or <b>Child Support Creditor or its representative, and, if so, is Official Form 2810 attached as the last page of this filing?</b></p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Next Clear</p> </div>				

<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.

**File a Notice:**

[18-30001-dwh7](#) [Seventeen A Pomegranate, Jr.](#) **Converted** 02/08/2018

Assets: n

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

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

Next Clear

8	<p>Confirm filing fee amount to be imposed</p> <p>Fee: \$188</p> <p><a href="#">Next</a> <a href="#">Clear</a></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 <a href="#">Chamber Presets</a></p> <p>Hearing Date: <input type="text"/> Hearing Time: <input type="text"/></p> <p>Location: <input type="text"/></p> <p><a href="#">Next</a> <a href="#">Clear</a></p>				
10	<p>Check appropriate box to indicate whether the party represented is a trustee</p> <p><b>Select the type of party you are representing in this case</b></p> <p><input type="radio"/> Chapter 7 Trustee</p> <p><input checked="" type="radio"/> Other party</p> <p><a href="#">Next</a> <a href="#">Clear</a></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 1436"> <ul style="list-style-type: none"> <li>Proceed directly to Step 11</li> </ul> </td> <td data-bbox="656 1079 1321 1436"> <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> </ul> <p><b>Have you attached a list of creditors and parties served pursuant to FRBP 2002(a) to your notice?</b></p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><a href="#">Next</a> <a href="#">Clear</a></p> <ul style="list-style-type: none"> <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> </ul> <p><b>Have you attached a list of creditors and parties served pursuant to FRBP 2002(a) to your notice?</b></p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><a href="#">Next</a> <a href="#">Clear</a></p> <ul style="list-style-type: none"> <li>Proceed to Step 11</li> </ul>
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> </ul> <p><b>Have you attached a list of creditors and parties served pursuant to FRBP 2002(a) to your notice?</b></p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><a href="#">Next</a> <a href="#">Clear</a></p> <ul style="list-style-type: none"> <li>Proceed to Step 11</li> </ul>				

<sup>11</sup> This will auto-fill the “Date,” “Hearing Time,” and “Location” fields below.

08/26/2021 - 09:00 AM - Test [Slots: 12] [Chamber Presets](#)

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

Location: Telephone Hearing

[Next](#) [Clear](#)

<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).

11	<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> <p>Next Clear</p>
12	<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> <p>Next Clear</p>
13	<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> <p>Next Clear</p>