

Appendix 2F. Notice of Motion to Sell Property of the Estate.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

| | | |
|-------------------------|---|----------------------------|
| In re: |) | Bankr. No. 18-90000 |
| |) | Chapter 7 |
| JANE ANNE ANONYMOUS |) | |
| fdba Jane's Flower Shop |) | NOTICE OF TRUSTEE'S MOTION |
| SSN/ITIN xxx-xx-0000 |) | TO SELL CERTAIN VEHICLES |
| |) | |
| Debtor. |) | |

Trustee Samuel S. Smith has filed a Motion to Sell Certain Vehicles. Pursuant to the motion, he proposes to sell at public auction on April 21, 2018 a 2012 Pontiac Grand Prix, VIN: 11AA11111111AAA11, 43,000 miles, valued at \$6,000.00 (Blue Book appraisal), and a 1963 Ford Mustang, VIN: 11BB11111111BBB11, fully restored, valued at \$23,000.00 (professional appraisal). The auction will be conducted by Big Carl's Car-azy Auction House in Justice, South Dakota. Your rights may be affected. You should read the motion and this notice carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the sale as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2018, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number. Only an attorney may file a response on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is U.S. Post Office & Federal Bldg., 225 S. Pierre St., Rm. 203, Pierre, SD 57501-2463. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest, as defined by local bankruptcy rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in local bankruptcy rule 9001-1(7)(B) through (H) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the motion may be set by separate order if a response is filed on or before the deadline stated above. If you or your attorney files a response to the

motion on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files a response on or before the deadline stated above, the Court may enter an order granting the motion without a hearing.

Dated: March 9, 2018.

/s/
Joseph J. Carson, Esq.
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Justice, SD 57000-0000
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SEE COMMITTEE NOTES ON FOLLOWING PAGE

Committee Notes

Use this notice (with a motion to sell) only if the aggregate gross value of the nonexempt property in the estate is \$2,500.00 or more. If the aggregate gross value of the nonexempt property in the estate is less than \$2,500.00, the sale may be proposed by notice only. See Fed.R.Bankr.P. 6004(d) and Bankr. D.S.D. R. [Appendix 6A](#).

When describing the proposed sale, include a general description of the property to be sold. If the property being sold is real property, include its legal description and any street address. If a vehicle, motorcycle, or boat is being sold, include the make, model, year, and identification number. Also include the time and place of any public sale or the terms and conditions of any private sale, as required by Fed.R.Bankr.P. 2002(c)(1) and [Bankr. D.S.D. R. 2002-1\(d\)](#).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice. This notice period already incorporates the extra three-day notice period required by Fed.R.Bankr.P. 9006(f).

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and telephone number for Southern Division cases or the Clerk's Pierre office address and telephone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk
U.S. Courthouse
400 S. Phillips Ave., Room 104
Sioux Falls, SD 57104-6851
phone (605) 357-2400

Bankruptcy Court Clerk
U.S. Post Office & Federal Bldg.
225 S. Pierre St., Room 203
Pierre, SD 57501-2463
phone (605) 945-4460

Serve the motion to sell on parties in interest, as defined by [Bankr. D.S.D. R. 9001-1\(7\)](#), who are not electronically served. Serve this notice on all creditors and other parties in interest who are not electronically served.

If a motion for reduced notice is granted, the notice shall also include the following sentence after the last date for filing an objection: "The notice period provided herein has been reduced pursuant to an order entered [insert date of the order reducing notice]."

REFERENCES: [Bankr. D.S.D. Rs. 2002-1](#) and [6004-1](#).