

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
ROBERT MARSHALL APPERSON and
DEBRA LEE APPERSON,
Debtors.

CASE NO. 17-06407-MH3-7
CHAPTER 7
JUDGE MARIAN HARRISON

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: April 17, 2019
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: May 7, 2019
at 9:00 a.m., Courtroom 3, Second Floor, Customs House, 701 Broadway Nashville, TN 37203.

TRUSTEE'S NOTICE OF MOTION TO SELL PROPERTY

Michael Gigandet, the Chapter 7 trustee, has asked the court for the following relief: TO SELL PROPERTY

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before April 17, 2019, you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, 701 Broadway, Room 160, Nashville, TN 37203
In Person: U.S. Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN 37203
2. **Your response must state that the deadline for filing responses is April 17, 2019, the date of the scheduled hearing is May 7, 2019 and the motion to which you are responding is trustee's motion to sell property.**
If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.
3. You must also mail a copy of your response to:
Michael Gigandet, Trustee, 208 Centre Street, Pleasant View, TN 37146
U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203
Debtors, Robert Marshall Apperson and Debra Lee Apperson, 1200 Eno Rd
Dickson, TN 37055
Debtor's Attorney, MARY ELIZABETH AUSBROOKS, 1222 16TH AVE SO STE 12,
NASHVILLE, TN 37212-2926

If a timely response is filed, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's Office at 615-736-5584 or viewing the case on the Court's web site at <www.tnmb.uscourts.gov>. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: March 27, 2019

Respectfully submitted,

LAW OFFICE OF MICHAEL GIGANDET

/s/ Michael Gigandet

Michael Gigandet, Trustee #11498
208 Centre Street
Pleasant View, TN 37146
615-746-4949
michael@mgigandet.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
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CASE NO. 17-06407-MH3-7
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TRUSTEE'S MOTION TO SELL PROPERTY

Comes now Michael Gigandet, the duly appointed Chapter 7 trustee, and moves this Court for an order to sell property of the debtor as outlined below:

DESCRIPTION OF PROPERTY: 1956 Old Walton Road, Monterey, Tennessee 38574 and a large trailer and three (3) portable sheds

DATE AND TIME: May 7, 2019 – May 28, 2019

TYPE OF SALE: Public auction on-line Tays Realty & Auction
www.taysauction.com

TERMS OF SALE: 20 percent down and 30 days to close

Liens: None

ANY VALID AND PROPER LIEN WILL ATTACH TO THE PROCEEDS OF THE SALE. TRUSTEE WILL CONVEY TO BUYER BY APPROPRIATE INSTRUMENT, THE RIGHT, TITLE AND INTEREST THAT TRUSTEE HAS THE RIGHT TO CONVEY. PROCEEDS OF THE SALE WILL BE SUBJECT TO AGENT FEES AND EXPENSES, IF ANY, AND ATTORNEY FOR TRUSTEE FEES AND EXPENSES.

Debtor's Statutory Exemption: The debtor is not entitled to an exemption from the sale of any of these properties.

The trustee has verified with both the Internal Revenue Service and the Tennessee Dept. of Revenue that they have no secured tax liens against this debtor.

The sale of the property is being made free and clear of any interest in the property held by an entity other than the estate pursuant to 11 U.S.C. Section 363(f) because either: (1) applicable non-bankruptcy law permits the sale of the property free and clear of such interest; (2) such entity consents to the sale; (3) such interest is a lien and the price at which the property is to be sold is greater than the aggregate value of all liens on such property; (4) such interest is in bona fide dispute; or (5) such entity could be compelled, in a legal or equitable proceedings, to accept a money satisfaction of such interest.

Any party who objects to the motion to sell must file any response or objection electronically pursuant to the 9013 Notice of this Motion to Sell that has been filed and served with this motion. In the absence of a timely filed objection to this Motion to Sell, or, in the absence of a timely upset bid (as detailed below) the court may enter an order approving this Motion to Sell without further notice or hearing.

If a bidder at the auction objects to the Trustee's selection of the Winning Bidder, then that bidder may submit a bid under protest at the auction and shall have standing to object to the Trustee's selection of the Winning Bidder. The Trustee shall notify the Court of the objection to the Trustee's selection of the Winning Bidder and the Court shall hold a hearing on the objection.

If for any reason the Winning Bidder fails to consummate the sale of the Property, the offeror of the second highest or best bid (subject to the same reservations) will automatically be deemed to have submitted the highest and best bid, and the Trustee is authorized to effect the sale of the Property to such offeror without further order from the bankruptcy court. If such failure to consummate the purchase of the Property is the fault of the Winning Bidder, the Winning Bidder's deposit, if any, shall be forfeited to the Trustee, and the Trustee specifically reserves the right to seek all available damages from the defaulting bidder.

The Trustee reserves the right to: (1) impose, at or before the auction, additional terms and conditions on a sale of the Property; (2) extend the deadlines from those set forth herein, adjourn the auction at the auction; (3) withdraw the Property, or any part of the Property, from sale at any time before or during the auction, and to make subsequent attempts to market the same; and (4) reject all bids if, in the Trustee's reasonable judgment, no bid is for a fair and adequate price.

It is anticipated that there is sufficient equity in the property to pay all 506(c) expenses.

WHEREFORE, the Trustee requests that the Court enter an Order, submitted by the Trustee, in the absence of any timely filed objection to the sale motion, which:

1. Authorized the Trustee to sell the Property;
2. Approves the sale of the Property pursuant to 11 U.S.C. Section 363(b), (f), (h), (m) and Fed. R. Bankr. P. 6004;
3. Declares that all liens against the Property attach to the proceeds of the sale;
4. Approves the payment of sale proceeds to; (1) the costs of sale; (2) the satisfaction of liens in the Property in order of priority, (3) the satisfaction of any co-owner's interest; and (4) the satisfaction of the debtor's exemption in the property.
5. Waiving the 10-day stay of the order approving the sale under Fed. R. Bankr. P. 6004(h);
6. And for such other relief as the Court may deem proper.

Respectfully submitted,

LAW OFFICE OF MICHAEL GIGANDET

/s/ Michael Gigandet

Michael Gigandet, #011498
Attorney for Trustee
208 Centre St.
Pleasant View, TN 37146
(615) 746-4949
Fax: (615) 746-4950
michael@mgigandet.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded by U. S. Mail, 1st class postage prepaid, to the U. S. Trustee's Office, 318 Customs House, 701 Broadway, Nashville, TN 37203, to the debtors, to the debtors attorney and to all creditors and all interested parties, per the limited mailing matrix attached to and filed with the original of this document, on this the 27th day of March, 2019.

/s/ Michael Gigandet

Michael Gigandet, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
ROBERT MARSHALL APPERSON and
DEBRA LEE APPERSON,
Debtors.

CASE NO. 17-06407-MH3-7
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JUDGE MARIAN HARRISON

PROPOSED ORDER TO SELL PROPERTY

Upon the notice and motion of Michael Gigandet, the Chapter 7 trustee, to sell real estate located at 1956 Old Walton Road, Monterey, Tennessee 38574 and a large trailer and three (3) portable sheds, notice having been given pursuant to LR 9013-1, and no objection filed thereto within the time required;

It is therefore **ORDERED, ADJUDGED and DECREED** that the trustee's motion to sell the real estate located at 1956 Old Walton Road, Monterey, Tennessee 38574 and a large trailer and three (3) portable sheds, free and clear of liens shall be and is hereby granted.

ENTERED this the ____ day of _____, 2019.

U.S. BANKRUPTCY JUDGE

APPROVED FOR ENTRY:

LAW OFFICE OF MICHAEL GIGANDET

Michael Gigandet, Trustee #11498
208 Centre St.
Pleasant View, TN 37146
(615) 746-4949
Fax: (615) 746-4950
michael@mgigandet.com

ACAR LEASING LTD
D B A GM FINANCIAL LEASING
PO BOX 30954
Salt Lake City, UT84130

AMAZON
C/O QUANTUM 3/MOMA
POB 788
KIRKLAND WA 98083-0788

Big Picture Loans
Attn: Officer Manager or Agent
PO Box 704
Watersmeet MI 49969-0704

CAPITAL ONE
C/O PORTFOLIO RECOVERY
POB 41067
NORFOLK VA 23541-1067

CARE CREDIT
C/O QUANTUM 3/MOMA
POB 788
KIRKLAND WA 98083-0788

CASHNET USA
175 W JACKSON #1000
CHICAGO IL 60604-2863

Century Services
Attn: Officer Manager or Agent
2000 Commerce Loop Ste 2111
Irwin PA 15642-8111

Chase
PO Box 15298
Wilmington DE 19886

CREDIT ONE / MHC RECEIVABLES
C/O LVNV/RESURGENT CAPITAL
POB 10587
GREENVILLE SC 29603-0587

Discover
Attn: Officer
PO Box 30943
Salt Lake City UT 84130

Freedom Plus
Attn: Officer Manager or Agent
1875 S Grant St Ste 400
San Mateo CA 94402-2676

Goldman Sachs Bank USA
John D. Sadler
1909 K Street NW, 12th Floor
Washington, DC 20006-1152

GRASSY SPRAIN GROUP
FDDBA MARKETPLACE LOAN TRUST
858 CLINT MOORE RD #C 11 217
BOCA RATON FL 33496

Harpeth Financial Services, LLC
c/o Glen C. Watson, III
P.O. Box 121950
Nashville, TN 37212-1950

INDIGO/CELTIC/SURGE BANK
ATTN BK DEPT
POB 3220
BUFFALO NY 14240-3220

IRS
c/o US Attny Office
110 9th Ave. So #A-961
Nashville, TN 37203

IRS Insolvency
801 Broadway Room 285
MDP 146
Nashville TN 37203-3811

IRS Insolvency
Attn: Officer Manager or Agent
PO Box 7346
Philadelphia PA 19101-7346

Kabbage/Celtic Bank
Attn: Officer Manager or Agent
PO Box 4499
Beaverton OR 97076-4499

Karen Rudman
Attn: Officer Manager or Agent
2771 Breckenridge Drive
East Wenatchee WA 98802-9370

Lakeview Loan Servicing LLC
c/o Wilson & Assoc.
Heather Martin-Herron
5300 Maryland Way, Ste 103
Brentwood, TN 37027

Lending Club
Attn: Officer Manager or Agent
21 Stevenson STE 300
San Francisco CA 94105-2706

LOWES
C/O QUANTUM 3/MOMA
POB 788
KIRKLAND WA 98083-0788

M&T Bank
P.O. Box 840
Buffalo, NY 14240-0840

Mariner Finance, LLC
8211 Town Center Drive
Nottingham, MD 21236-5904

Mary Beth Ausbrooks
Rothschild & Ausbrooks PLLC
1222 16th Avenue South, Suite 12
Nashville, TN 37212-2926

Nelnet on behalf of NSLP
National Student Loan Program
PO Box 82507
Lincoln NE 68501

PAYPAL
C/O QUANTUM 3/MOMA
POB 788
KIRKLAND WA 98083-0788

PRA Receivables Management LLC
POB 41067
Norfolk, VA 23541-1067

Robert & Debra Apperson
1200 Eno Rd
Dickson TN 37055-4031

STEVEN L. LEFKOVITZ +
LAW OFFICES LEFKOVITZ & LEFKOVITZ
618 CHURCH ST STE 410
NASHVILLE, TN 37219-2452

Toyota Lease Trust
c/o Holly Knight, Esq
102 Woodmont Blvd. #200
Nashville, TN 37205

US TRUSTEE +
OFFICE OF THE UNITED STATES TRUSTEE
701 BROADWAY STE 318
NASHVILLE, TN 37203-3966

USAA Savings Bank
C/O WEINSTEIN & RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

VANDERBILT MED GROUP
719 THOMPSON LN #30330
NASHVILLE TN 37204-4701

WAGNER, JACQUELINE
935 CAMP AUSTIN RD
OAKDALE TN 37829-2923

WAYFAIR
C/O QUANTUM 3/MOMA
PO BOX 788
KIRKLAND, WA 98083-0788

WEBBANK/LC TRUST 1
C/O LVNV FUNDING/RESURGENT
PO BOX 10587
GREENVILLE, SC 29603-0587

Dated: 4/19/2019

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
ROBERT MARSHALL APPERSON and
DEBRA LEE APPERSON,
Debtors.

CASE NO. 17-06407-MH3-7
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JUDGE MARIAN HARRISON

ORDER TO SELL PROPERTY

Upon the notice and motion of Michael Gigandet, the Chapter 7 trustee, to sell real estate located at 1956 Old Walton Road, Monterey, Tennessee 38574 and a large trailer and three (3) portable sheds, notice having been given pursuant to LR 9013-1, and no objection filed thereto within the time required;

It is therefore **ORDERED, ADJUDGED and DECREED** that the trustee's motion to sell the real estate located at 1956 Old Walton Road, Monterey, Tennessee 38574 and a large trailer and three (3) portable sheds, free and clear of liens shall be and is hereby granted.

ENTERED this the ____ day of _____, 2019.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

LAW OFFICE OF MICHAEL GIGANDET
/s/ Michael Gigandet

Michael Gigandet, Trustee #11498
208 Centre St.
Pleasant View, TN 37146
(615) 746-4949
Fax: (615) 746-4950
michael@mgigandet.com

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.