

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

ROBERT C. CIMON, JR.,

Debtor.

CHAPTER 7
CASE NO. 20-11038-BAH

Hearing Date: April 21, 2021
Hearing Time: 9:00 a.m.

**CHAPTER 7 TRUSTEE’S AMENDED MOTION FOR AUTHORITY TO SELL
CERTAIN ASSETS BY WAY OF PUBLIC AUCTION FREE AND CLEAR OF
ALL LIENS, CLAIMS AND ENCUMBRANCES**

Olga L. Gordon, the duly appointed Chapter 7 Trustee (the “Trustee”) of the estate of the above captioned debtor hereby requests authority pursuant to Section 363 of the Bankruptcy Code, Rules 2002(a)(2) and 6004 of the Federal Rules of Bankruptcy Procedure and LBR 6004-1 to sell, by way of public auction, certain assets by way of public auction (the “Assets” and the “Auction”), which are property of the debtor’s bankruptcy estate. The Sale will be free and clear of all liens, claims and encumbrances with all liens, claims and encumbrances attaching to the proceeds of the Sale to the extent permitted by law.

In support thereof, the Trustee states as follows:

1. On December 28, 2020, the Debtor filed a voluntary petition pursuant to Chapter 7 of 11 U.S.C. §§ 101-1330 (the “Bankruptcy Code”).
2. On January 28, 2021, the Trustee was appointed as the Chapter 7 Trustee of the Debtor’s bankruptcy estate.
3. The Assets consists of the following which are property of the bankruptcy estate: 2013 or 2014¹ Can-Am Defender XT, Tag Heuer watch and Tissot watch.

¹ According to the Debtor, the Can-Am Defender is either a 2013 or 2014 model.

4. The Trustee has not obtained an appraisal of the Assets. The Trustee believes that through the notices and publications of the Auction as detailed below, the estate will obtain the fair market value for the Assets.

5. The Auctioneer will arrange to have the auction advertised primarily on-line and through the Auctioneer's database of contacts who may be interested in purchasing the Assets and will also contact other parties who the Trustee and the Auctioneer regard as potential bidders.

7. The sale will be "AS IS" and "WHERE IS" without any representations or warranties of any kind including WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

8. The Trustee believes that there are no valid secured claims against the Assets.

9. If this Motion is approved by the Court, it is the Trustee's intention to sell the Assets at a public auction to be held on-line to close on May 5, 2021 or a date thereafter.

10. The Trustee believes a public sale of the Assets will bring the estate an amount equal to that which would be obtained by way of a private sale.

11. The Trustee states that, pursuant to LBR 7102(b)(2), an accompanying memorandum of law should not be required for the relief requested herein because the relevant law has been sufficiently set forth in this Motion.

WHEREFORE, Olga L. Gordon, the Trustee herein, requests that this honorable Court enter an Order:

- a) granting the Trustee the authority to sell the Assets by way of a public auction free and clear of all liens, claims and encumbrances;

- b) providing that all valid liens, claims and encumbrances shall attach to the proceeds of the sale in the order provided by law;
- c) approving the form of the proposed Notice of Intended Public Sale which is filed concurrently herewith; and
- d) granting such other relief that is just and equitable.

Respectfully submitted,

OLGA L. GORDON, CHAPTER 7 TRUSTEE,
By her attorneys,

/s/ Olga L. Gordon
Olga L. Gordon, Esq., BNH06338
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99 High Street
Boston, Massachusetts 02110
617-457-4000 Telephone
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Dated: March 26, 2021

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

ROBERT C. CIMON, JR.,

Debtor.

CHAPTER 7
CASE NO. 20-11038-BAH

Hearing Date: April 21, 2021

Hearing Time: 9:00 a.m.

**CHAPTER 7 TRUSTEE'S AMENDED NOTICE OF INTENDED
SALE OF CERTAIN ASSETS BY PUBLIC AUCTION FREE AND CLEAR OF
ALL LIENS, CLAIMS AND ENCUMBRANCES**

1. Notice is hereby given, pursuant to 11 U.S.C. §363, Fed. R. Bankr. P. 2002(a)(2) and 6004 and LBR 2002-1 and 6004-1(b), that Olga L. Gordon, the Chapter 7 Trustee (the "Trustee") of the estate of Robert C. Cimon, Jr. (the "Debtor") intends to sell at public auction, free and clear of all liens, claims and encumbrances all of the Trustee's right, title and interest in the following assets: 2013 or 2014¹ Can-Am Defender XT, Tag Heuer watch, Tissot watch (the "Assets").

2. The Assets will be sold at a public auction to be held on-line to close on May 5, 2021 or at a date and time thereafter.²

3. James R. St. Jean Auctioneers will conduct the auction for the Trustee (the "Auctioneer"). (See www.jsjauctions.com)

4. The Trustee believes that there are no valid liens against the Assets.

5. THE SALE IS "AS IS" AND "WHERE IS" WITHOUT ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, AND EXPRESSLY EXCLUDES ANY WARRANTY OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

¹ According to the Debtor, the Can-Am Defender is either a 2013 or 2014 model.

² Interested parties should contact the Auctioneer to confirm the date and time of the Auction.

6. The Trustee reserves the right to amend or alter the terms of the Auction.

7. Unless a creditor or other party in interest files a written objection to said proposed Auction with the Court, the Auctioneer will proceed to conduct the aforesaid auction of the Assets as contemplated herein without further action of the Court.

8. Any and all objections to the Chapter 7 Trustee's Amended Motion for Authority to Sell Certain Assets By Way of Public Auction (the "Motion to Sell") must be filed in writing with the Clerk of the Court, United States Bankruptcy Court for the District of New Hampshire, Warren B. Rudman United States Courthouse, 55 Pleasant Street, Concord, New Hampshire 03301 on or before April 14, 2021 and copies thereof delivered to the Trustee at the address listed below.

9. Any objection shall state the Debtor's name, case number and in addition, state what, if any, interest the party filing an objection has in the case and specifically state the basis of any such objection.

10. If no objection to the sale is timely filed, the Bankruptcy Court in its discretion may grant the Motion.

11. The Court will hold a hearing on the Motion To Sell on **April 21, 2021 at 9:00 a.m.** at the United States Bankruptcy Court for the District of New Hampshire, Warren B. Rudman United States Courthouse, Courtroom A, 55 Pleasant Street, Concord, New Hampshire 03301.

12. Any party filing an objection must be present at the hearing.

13. The Trustee reserves the right to reject any and all bids and to remove property from the Auction if she deems such action to be in the best interest of the bankruptcy estate.

Respectfully submitted,

OLGA L. GORDON, CHAPTER 7 TRUSTEE,

By her attorneys,

/s/ Olga L. Gordon

Olga L. Gordon, Esq., BNH06338

Murtha Cullina LLP

99 High Street

Boston, Massachusetts 02110

617-457-4000 Telephone

617-482-3868 Facsimile

ogordon@murthalaw.com

Dated: March 26, 2021

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**ORDER GRANTING CHAPTER 7 TRUSTEE'S AMENDED MOTION FOR
AUTHORITY TO SELL CERTAIN ASSETS BY WAY OF PUBLIC AUCTION FREE
AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES**

Upon consideration of the Chapter 7 Trustee's Amended Motion For Authority To Sell Certain Assets By Way of Public Auction Free And Clear Of All Liens, Claims And Encumbrances (the "Motion"), it is hereby

ORDERED, that the Trustee is authorized to sell the Assets¹ (Can-Am Defender XT, Tag Heuer watch and Tissot watch) by way of a public auction free and clear of all liens, claims and encumbrances; and it is hereby

ORDERED, all valid liens, claims and encumbrances shall attach to the proceeds of the sale in the order provided by law; and it is hereby

ORDERED, that the form of the Notice of Intended Sale of Certain Assets is approved; and it is hereby

ORDERED, that the Trustee and/or Auctioneer shall file a Report of Sale within 14 days of the closing on the sale.

Dated: _____

HONORABLE BRUCE A. HARWOOD
UNITED STATES BANKRUPTCY COURT

¹ As defined in the Motion.

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Dated: April 21, 2021

/s/ Bruce A. Harwood

HONORABLE BRUCE A. HARWOOD
UNITED STATES BANKRUPTCY COURT

¹ As defined in the Motion.