

DOC # 813692
11/30/2012 01:52PM Deputy: KE
OFFICIAL RECORD
Requested By:
Ticor Title - Reno (Commer
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 6 Fee: \$19.00
BK-1112 PG-8071 RPTT: 0.00



APN # 1318-03-210-001

The undersigned hereby affirms that this document submitted for recording does not contain the social security number of any person or persons.
(Pursuant to NRS 239b.030)

Recording Requested by and Return to:

TICORTITLE OF NEVADA, INC.
5441 Kietzke Lane, Suite 100

Reno, NV 89511

ORDER GRANTING MOTION
FOR ORDER APPROVING SALE

(Title on Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2 (Additional recording fee applies).

This cover page must be typed or printed clearly in black ink only.

Bruce T. Beesley



Honorable Bruce T. Beesley
United States Bankruptcy Judge

Entered on Docket
November 26, 2012

BK 1112
PG-8072



813692 Page: 2 of 6 11/30/2012

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STEPHEN R. HARRIS, ESQ.
Nevada Bar No. 001463
417 West Plumb Lane
Reno, NV 89509
Telephone: (775) 786 7600
Facsimile: (775) 786 7764
E-Mail: steve@renolaw.biz
Attorneys for Debtors

I certify that this is a true copy:

Attest: *11/27/12*
Deputy Clerk, U.S. Bankruptcy Court

Jane M. Gray

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

* * * * *

IN RE:

THOMAS A. LUCKEY and
CATHIE A. LUCKEY
Husband and wife,

Debtors.

BK-12-51851
(Chapter 11)

**ORDER GRANTING MOTION FOR
ORDER APPROVING: (1) SALE OF 1/3
INTEREST IN LAKE TAHOE
WATERFRONT REAL PROPERTY
FREE AND CLEAR OF LIENS, CLAIMS
AND ENCUMBRANCES (11 U.S.C.
§363(b) AND (f); AND (2) COMPROMISE
AND SETTLEMENT OF
CLAIMS (F.R.B.P. 9019)**

Hrg. Date: November 20, 2012
Hrg. TIME: 10:00 a.m.
Est. Time: 5 minutes
Set By: OST

Based upon the MOTION FOR ORDER APPROVING (1) SALE OF 1/3 INTEREST
IN LAKE TAHOE WATERFRONT REAL PROPERTY FREE AND CLEAR OF LIENS,
CLAIMS AND ENCUMBRANCES (11 U.S.C. §363(b) AND (f); AND (2) COMPROMISE



1 AND SETTLEMENT OF CLAIMS (F.R.B.P. 9019) ("Motion") [Docket No. 75] filed on
2 October 31, 2012, by GLORIA M. PETRONI, ESQ. of HARRIS & PETRONI, LTD ,
3 attorneys for Debtors, THOMAS A. LUCKEY and CATHIE A. LUCKEY, husband and wife
4 ("Debtors"); and the Debtors having duly noticed a hearing on Order Shortening Time on the
5 Motion for November 20, 2012, at 10:00 a.m.; with STEPHEN R. HARRIS, ESQ., of HARRIS
6 & PETRONI, LTD, appearing on behalf of the Debtors; with LOUIS M. BUBALA, ESQ., of
7 ARMSTRONG TEASDALE, LLP, appearing on behalf of secured creditor BANK OF
8 AGRICULTURE AND COMMERCE; and with WILLIAM D. COPE, ESQ., appearing on
9 behalf of proposed Buyers Janet L. Dinsmore and William Dinsmore; and the Court having
10 considered all pleadings on file, including the Response filed by secured creditor Bank of
11 Agriculture and Commerce [Docket No. 92], and the oral presentation of counsel; and there
12 being no opposition having been filed with the Court; and there being no over-bidders for the
13 subject Real Property; and good cause appearing:

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16 **IT IS HEREBY ORDERED** that the Debtors are authorized to sell their one third
17 interest in the real property located at 1038 Skyland Drive, Zephyr Cove, Nevada ("Property"),
18 to Janet L. Dinsmore and William A. Dinsmore III, or nominee ("Buyer") pursuant to 11 U.S.C
19 § 363(b), for the sum of One Million Two Hundred Thousand and 00/100 Dollars
20 (\$1,200,000.00), pursuant to the terms and conditions set forth in the parties' Purchase
21 Agreement, free and clear of liens and encumbrances, including the liens of Bank of Agriculture
22 and Commerce and Ronald Bubar, pursuant to their consent granted under 11 U.S. C §
23 363(f)(2) with the liens to attach to the proceeds of sale.

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26 **IT IS FURTHER ORDERED** that the Debtors are authorized to pay from escrow the
27 agreed upon pro-rations and closing costs as agreed to in the parties Purchase Agreement,
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including the the payment of the Bank of Agriculture and Commerce the amount of \$942,851.48 from the close of escrow, as the payment of such sum being a condition of its consent to sale under 11 U.S.C. § 363(f)(2).

IT IS FURTHER ORDERED that the Buyer is entitled to safe harbor provisions of 11 U.S.C. § 363(m);

IT IS FURTHER ORDERED that the provisions of FRBP 8002(a) are hereby waived;

IT IS FURTHER ORDERED that the Debtors are authorized to execute any and all documents required to consummate the subject sale according to the parties' Purchase Agreement and the terms and conditions of this Order;

IT IS FURTHER ORDERED that upon consummation of the sale, Debtors shall dismiss the adversary Case No. 12-05064 entitled THOMAS A. LUCKEY vs TAHOE LAKESIDE '74, LLC, a California limited liability company, and that the Debtors' request to approve a compromise and settlement is approved pursuant to FRBP 9019.

Submitted by:
STEPHEN R. HARRIS, ESQ.
HARRIS & PETRONI, LTD

Approved as to form and content:
LOUIS M. BUBALA, ESQ.,
ARMSTRONG TEASDALE, LLP

/s/ Stephen R. Harris

/s/ Louis M. Bubala

Attorneys for Debtors

Attorneys for Bank of Agriculture & Commerce

Approved as to form and content
WILLIAM D. COPE, ESQ

/s/ William D. Cope

attached

Attorney for Janet L. and William A. Dinsmore III



1 including the the payment of the Bank of Agriculture and Commerce the amount of
2 \$942,851.48 from the close of escrow, as the payment of such sum being a condition of its
3 consent to sale under 11 U.S.C. § 363(f)(2).

4 **IT IS FURTHER ORDERED** that the Buyer is entitled to safe harbor provisions of 11
5 U.S.C. § 363(m);

6 **IT IS FURTHER ORDERED** that the provisions of FRBP 8002(a) are hereby waived;

7 **IT IS FURTHER ORDERED** that the Debtors are authorized to execute any and all
8 documents required to consummate the subject sale according to the parties' Purchase
9 Agreement and the terms and conditions of this Order;

10 **IT IS FURTHER ORDERED** that upon consummation of the sale, Debtors shall
11 dismiss the adversary Case No. 12-05064 entitled THOMAS A. LUCKEY vs TAHOE
12 LAKESIDE '74, LLC, a California limited liability company, and that the Debtors' request to
13 approve a compromise and settlement is approved pursuant to FRBP 9019.

14 Submitted by:
15 STEPHEN R. HARRIS, ESQ.
16 HARRIS & PETRONI, LTD

Approved as to form and content:
LOUIS M. BUBALA, ESQ.,
ARMSTRONG TEASDALE, LLP

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Attorneys for Debtors

Attorneys for Bank of Agriculture &
Commerce

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25 Approved as to form and content
26 WILLIAM D. COPE, ESQ

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CERTIFICATION RE: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Louis M. Bubala, Esq. approved/~~disapproved~~
Attorney for Bank of Agriculture & Commerce

William D. Cope, Esq. approved/~~disapproved~~
Attorney for Janet L and William A. Dinsmore

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

Dated this 21st day of November, 2012.

STEPHEN R. HARRIS, ESQ.
HARRIS & PETRONI, LTD.

Attorneys for Debtors