

DOC # 836873  
01/17/2014 12:03PM Deputy: AR  
**OFFICIAL RECORD**  
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Page: 1 of 11 Fee: \$24.00  
BK-114 PG-2667 RPTT: 0.00



APN#: 1319-03-311-006

**Recording Requested By:**  
Western Title Company, Inc.  
**Escrow No.:** 061387-MHK

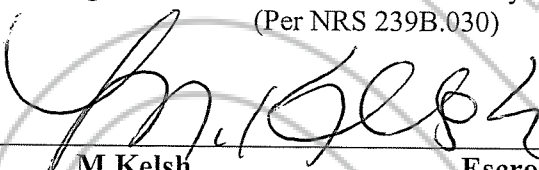
**When Recorded Mail To:**  
Dean Gordon Potter  
100 Volz Ct  
Alamo CA 94507

**Mail Tax Statements to: (deeds only)**

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\_\_\_\_\_  
\_\_\_\_\_

(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.  
(Per NRS 239B.030)

Signature   
M Kelsh Escrow Officer

**Stipulated Order Granting Debtor and Debtor in Possession**

This page added to provide additional information required by NRS 111.312  
(additional recording fee applies)



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9 Torrance, CA 90503  
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11 Fax: (310) 792-5977

The following constitutes  
the order of the court. Signed January 13, 2014

Roger L. Efremsky  
U.S. Bankruptcy Judge

Attorneys for the Debtor and Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re:

CASE NO. 06-42425-RLE11

Dean Gordon Potter,  
Debtor.

CHAPTER 11

**STIPULATED ORDER GRANTING  
DEBTOR AND DEBTOR-IN-  
POSSESSION'S MOTION FOR ORDER  
AUTHORIZING: (1) SALE OF PROPERTY  
FREE AND CLEAR OF LIENS, CLAIMS,  
INTERESTS AND ENCUMBRANCES; (2)  
APPROVING BIDDING, SALE AND  
NOTICE PROCEDURES; AND (3)  
PAYMENT OF COMMISSION TO  
BROKER RELATING TO THE  
PROPERTY LOCATED AT 2468 GENOA  
HIGHLANDS DRIVE, GENOA, NV 89411**

DATE: FEBRUARY 5, 2014  
TIME: 2:00 P.M.  
PLACE: 1300 CLAY STREET  
OAKLAND, CA 94612  
COURTROOM: 201

I hereby certify that the foregoing annexed  
instrument is a true and correct copy of the  
original on file in the Northern District of Calif.

Dated: 1/15/2014  
Gloria L. Franklin, Clerk  
U.S. Bankruptcy Court

By:   
Sylvia M. Meneez  
Deputy Clerk

The Debtor and Debtor-in-Possession in the above-captioned Chapter 11

bankruptcy case (hereinafter referred to as the "Debtor") filed a Notice of Motion and

HINDS & SHANKMAN, LLP  
21515 Hawthorne Blvd. Ste. 1150, Torrance, CA 90503



1 Motion for Order Authorizing: (1) Sale of Property of the Estate, Free and Clear of Liens,  
 2 Claims, Interests, and Encumbrances; (2) Approving Bidding, Sale and Notice  
 3 Procedures; and (3) Payment of Commission to Broker (hereinafter referred to as the  
 4 "Original Motion") relating to the Debtor's interest in the property located at 2468 Genoa  
 5 Highlands Drive, Genoa, NV 89411 (hereinafter referred to as the "Genoa Property") on  
 6 November 25, 2013. See Debtor's Motion, Docket Item Nos. 444 and 445. There were  
 7 no objections and no overbids at the hearing on same held on December 18, 2013.  
 8 However, the Court denied the Original Motion without prejudice for insufficient service  
 9 upon secured creditor, Bank of America, N.A, under Federal Rule of Bankruptcy  
 10 Procedure 7004(h). The Debtor, through counsel, has now contacted counsel for Bank  
 11 of America, N.A., who is authorized to accept service of same.

12 Per the Court's instructions, The Debtor and Debtor-in-Possession filed an  
 13 Amended Notice and Motion for Order Authorizing: (1) Sale of Property of the Estate,  
 14 Free and Clear of Liens, Claims, Interests, and Encumbrances; (2) Approving Bidding,  
 15 Sale, and Notice Procedures; and (3) Payment of Commission to Broker (hereinafter  
 16 referred to as the "Amended Motion") relating to the Debtor's interest in the Genoa  
 17 Property on December 30, 2013. See Amended Notice and Motion, Docket Item Nos.  
 18 488 and 489.

19 Bank of America, N.A., the Internal Revenue Service, and the Debtor entered  
 20 into a Stipulation Requesting the Court to Approve the Debtor's Amended Motion  
 21 (hereinafter referred to as the "Stipulation") without further notice, overbids, or hearing,  
 22 in light of there being no objections and no overbids upon proper notice of the Original  
 23 Motion on January 2, 2014. See Docket Item No. 495. Having considered the Original  
 24 Motion, the Amended Motion, the Stipulation and all related pleadings,

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**THE COURT FINDS THAT:**

- A. Notice of the Amended Motion was proper and adequate.
- B. The Buyers have acted good faith and are entitled to the protections of Section 363(m) of the Bankruptcy Code.

Based on the foregoing and the findings and conclusions, and good cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

- 1. The notice of the Amended Motion and the hearing thereon is approved as proper and adequate under the circumstances.
- 2. The bidding procedures and requested hearings described in the Amended Motion are waived.
- 3. The Amended Motion is granted and the sale to Jerald L. Harrah (hereinafter referred to as the "Buyer") is approved as the highest and best offer.
- 4. The Debtor is authorized to sell the Genoa Property to Buyer for the purchase price of \$684,500.00, and in accordance with the terms and conditions that are set forth in the Purchase Agreement which is attached to the Amended Motion.
- 5. The sale is approved and payment to Bank of America, N.A., the present owner of the debt originally held by Marin Conveyancing Corp. as Trustee in favor of Mortgage Electronic Registry Services, Inc. MERS is a separate corporation that is acting solely as nominee for GreenPoint Mortgage Funding, Inc., a corporation, as Beneficiary, recorded on May 7, 2004, in Book 0504, Page 02883, as Document No. 0612558, Official Records of Douglas County, Nevada, is approved whereby said lien will be released by a full reconveyance of its Deed of Trust.
- 6. Escrow is to close within sixty (60) days of entry of this Order.

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1           7. Pursuant to Section 363(f) of the Bankruptcy Code, effective upon closing,  
2 the sale of the Genoa Property will vest in the Buyers all right, title and interest of the  
3 Debtor and the bankruptcy estate in the Genoa Property, free and clear of the liens,  
4 claims or interests listed below (collectively, the "Affected Interests"):

- 5           a. The IRS tax lien recorded on December 14, 2006;
- 6           b. The IRS tax lien recorded on December 18, 2006;
- 7           c. The IRS tax lien recorded on December 18, 2006.

8           8. Unless the holders of the liens, claims or interests identified in paragraph  
9 7 above have agreed to other treatment, its liens, claims or interests shall attach to the  
10 proceeds of the sale with the same force, effect, validity and priority that previously  
11 existed against the Genoa Property, with said sum(s) deposited into the Registry of the  
12 United States Bankruptcy Court.

13           9. This Order is and shall be effective as a determination that, upon and  
14 subject to the occurrence of the closing of the sale, all Affected Interests have been and  
15 hereby are adjudged and declared to be unconditionally released as to the Genoa  
16 Property.

17           10. Buyer has not assumed any liabilities of the Debtor.

18           11. The Debtor is authorized to execute any such releases, termination  
19 statements, assignments, consents or instruments on behalf of any third party, including  
20 the holders of any liens, claims or interests identified in paragraph 7 of this Order, that  
21 are necessary or appropriate to effectuate or consummate the sale.

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1           12. The Debtor, and any escrow agent upon the Debtor's written instruction,  
2 shall be authorized to make such disbursements, out of escrow, on or after the closing  
3 of the sale as are required by the purchase agreement or order of this Court, including,  
4 but not limited to:

- 5           (a) County Property Taxes of \$4,819.06;
- 6           (b) HOA dues totaling \$55.47;
- 7           (c) A bond premium of \$139.03;
- 8           (d) Settlement charges due to seller (including the Brokers'  
9 commission of 5%) totaling \$36,666.47;
- 10           (e) Payoff of first mortgage loan to Bank of America, N.A. totaling  
11 approximately \$566,254.47;
- 12           (f) A portion of owner's insurance policy premium paid by seller  
13 totaling \$2,036.00;
- 14           (g) Half seller credit for DTT totaling \$1,334.78;
- 15           (h) A sum sufficient, not greater than \$8,015.25 for payment of federal  
16 taxes resulting from the sale;
- 17           (i) A sum sufficient, not greater than \$3,206.00 for payment of state  
18 taxes resulting from the sale;
- 19           (j) Brokers' fees equal to 5% (five percent) of the sales price to be split  
20 between the Debtor's broker and the Buyer's broker;
- 21           (k) All delinquent real property taxes and outstanding post-petition real  
22 property taxes pro-rated as of the closing with respect to the real  
23 property included among the purchased assets; and  
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27           (l) All related costs of sale.





1           13.    The Debtor and his officers, employees and agents be and they hereby  
2 are authorized to execute the purchase agreement, or other related documents that are  
3 reasonably necessary or appropriate to complete the sale, and to undertake such other  
4 actions as may be reasonably necessary or appropriate to complete the sale.

5           14.    Except as otherwise provided in the Amended Motion, the Genoa Property  
6 shall be sold, transferred, and delivered to Buyer on an "as is, where is" or "with all  
7 faults" basis.

8           15.    Buyer is approved as a buyer in good faith in accordance with Section  
9 363(m) of the Bankruptcy Code, and Buyer shall be entitled to all protections of Section  
10 363(m) of the Bankruptcy Code.

11           16.    This Order shall be effective immediately upon entry. No automatic stay  
12 of execution, pursuant to Rule 62(a) of the Federal Rules of Civil Procedure, or  
13 Bankruptcy Rules 6004(h) or 6006(d), applies with respect to this Order.

14           17.    This Court retains jurisdiction to enforce and implement the terms and  
15 provisions of this Order and the purchase agreement, all amendments thereto, any  
16 waivers and consents thereunder, and each of the documents executed in connection  
17 therewith in all respects, including retaining jurisdiction to (a) compel delivery of the  
18 Genoa Property to the Buyer, (b) resolve any disputes arising under or related to the  
19 purchase agreement, and (c) resolve any disputes regarding liens, claims, or interests  
20 asserted against the Genoa Property.

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1 18. The purchase agreement and any related documents or other instruments  
2 may be modified, amended or supplemented by the parties thereto, in a writing signed  
3 by both parties without further order of the Court, provided that any such modification,  
4 amendment or supplement does not have a material adverse effect on the Debtor's  
5 bankruptcy estate.

6 \*\*END OF ORDER\*\*

7  
8 APPROVED AS TO FORM AND CONTENT:

9  
10 Date: January \_\_, 2014

UNITED STATES OF AMERICA FOR  
THE INTERNAL REVENUE SERVICE

11 By: \_\_\_\_\_  
12 Thomas M. Rohall  
13 Senior Attorney, Internal Revenue  
14 Service

15 Date: January \_\_, 2014

MALCOLM CISNEROS, APC

16 By: \_\_\_\_\_  
17 Kiana Khajeh,  
18 Attorney for Bank of America, N.A.  
19 successor in interest to GreenPoint  
20 Mortgage Funding, Inc., the original  
21 lender

22 Date: January \_\_, 2014

HINDS & SHANKMAN, LLP

23 By: \_\_\_\_\_  
24 Brian Yeretian  
25 Attorney for Chapter 11 Debtor, Dean  
26 Gordon Potter





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- 28 Gordon Weaver
- 100 Pine Street, Suite 750
- San Francisco, CA 94111



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 2 may be modified, amended or supplemented by the parties thereto, in a writing signed  
 3 by both parties without further order of the Court, provided that any such modification,  
 4 amendment or supplement does not have a material adverse effect on the Debtor's  
 5 bankruptcy estate.

6 \*\*END OF ORDER\*\*

7  
8 APPROVED AS TO FORM AND CONTENT:

9 Date: January 13, 2014

10 UNITED STATES OF AMERICA FOR  
THE INTERNAL REVENUE SERVICE

11 By: Thomas M. Rohall  
12 Thomas M. Rohall  
13 Senior Attorney, Internal Revenue  
Service

14 Date: January 9, 2014

15 MALCOLM CISNEROS, APC

16 By: Kiana Khajeh  
17 Kiana Khajeh,  
18 Attorney for Bank of America, N.A.  
19 successor in interest to GreenPoint  
Mortgage Funding, Inc., the original  
lender

20 Date: January 9, 2014

21 HINDS & SHANKMAN, LLP

22 By: Brian Yereznian  
23 Brian Yereznian  
24 Attorney for Chapter 11 Debtor, Dean  
25 Gordon Potter

26  
27  
28 -7-

STIPULATED ORDER GRANTING DEBTOR'S MOTION FOR ORDER AUTHORIZING SALE OF  
PROPERTY LOCATED AT 2468 GENOA HIGHLANDS DRIVE, GENOA, NV 89411



### Notice Recipients

District/Off: 0971-4  
Case: 06-42425

User: tleyba  
Form ID: pdfecoc

Date Created: 1/14/2014  
Total: 37

**Recipients submitted to the BNC (Bankruptcy Noticing Center) without an address:**  
br Century 21 MMAAssociates

TOTAL: 1

**Recipients of Notice of Electronic Filing:**

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TOTAL: 14

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TOTAL: 22