

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

Robert C. Hannan

Case No.: 8:15-bk-11311-MGW  
Chapter 7

DEBTORS.

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**MOTION TO SELL REAL PROPERTY SUBJECT TO ALL ENCUMBRANCES  
LIENS AND INTERESTS AND SOLICITATION OF GREATER OFFERS**

**(670 Rainbow Boulevard, Babson Park, FL 33827)**

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**Notice and Opportunity to Object and Request for Hearing**

**Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within 21 days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 801 N. Florida Ave., Suite 555, Tampa, FL 33602-3899, and serve a copy on the movant's Attorney, Richard M. Dauval, at 3900 First Street North, Suite 100, St. Petersburg, FL 33703, and any other appropriate persons within the time allowed.**

**If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.**

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COMES NOW Traci K. Stevenson, Chapter 7 Trustee, by and through her undersigned counsel,  
and hereby moves for authority to sell certain improved real property subject to all liens,  
encumbrances and interests, and in support thereof states as follows:

**JURISDICTION**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b) (2) (A), (M), (N) and (O).
2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The basis for the relief requested herein are, *inter alia*, 11 U.S.C. §§ 105, 363(b) and Federal Rules of Bankruptcy Procedure 2002 and 6004.

**PROPOSED SALE TERMS**

4. Traci K. Stevenson, the Trustee duly appointed and acting for the above-captioned estate reports that she intends to sell 21 days from the date this paper is entered on the docket, the following property of the estate of the Debtor(s) under the following terms and conditions:

**Description of Property:** 670 Rainbow Boulevard, Babson Park, FL 33827. More particularly described as:

**LOTS 20 AND 21 IN BLOCK 40-A, OF STEPHENSON'S ADDITION TO BARBON PARK FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGES 28 AND 28A, PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PORTION OF VACATED ALLEY LYING EASTERLY OF SAID LOT 20 AND BETWEEN SAID LOTS 20 AND 21**

- a. Manner of Sale: Private
- b. Terms of Sale: Certified Funds Only
- a. Purchaser: Rundos Equity, LLC, a Florida company.
- b. Sale Price: \$3,000.00, subject to the auction procedures described in Paragraph 5 below.

- c. Applicable Taxes and Government Charges: Upon expiration of the negative notice period outlined above, the Trustee shall escrow from Purchaser an amount equal to the agreed upon sales price and the total amount of applicable taxes calculated and due under Fla. Stat. § 201.02, in certified funds. The Trustee shall do a lien search for the limited purpose of calculating the applicable taxes under Fla. Stat. §201.02. The Trustee, upon collection of the sale proceeds and applicable taxes, shall then:
- a. Execute a Trustee's Deed and properly record an original copy of the executed Deed with the Clerk of the Court for the County where the Property is located.
  - b. Incident to recording the Trustee's Deed, the Trustee shall pay all applicable taxes (i.e., documentary stamp taxes) in full.
  - c. Upon return receipt of the Trustee's Deed from the Clerk of Court, the original shall be delivered by the Trustee, or her Attorney, to Purchaser via U.S. Mail and a copy of the same shall be filed with the Clerk of the Court for the Middle District of Florida, Bankruptcy Court.
  - d. Ownership Interest to be Transferred: All right, title, and interest of bankruptcy estate, if any.
  - e. Subject to all liens and encumbrances, if any. No warranties of no liens. No warranties of any kind. Liens included on the Debtor's Schedule D include:

<u>Lienholder</u>	<u>Amount</u>	<u>Nature of Secured Interest</u>
<b>DiTech Financial LLC 1400 Turbine Dr. #200 Beverly, MA 00000-5700</b>	<b>\$41,569.49</b> *	<b>First Mortgage*</b>

**First National Bank**  
**P.O. Box 30112**  
**Lansing, MI 48909-7612**

**\$24,873.88 \***

**Second Mortgage\***

**\* As per the Debtor(s) bankruptcy schedules**

**SOLICITATION OF GREATER OFFERS**

5. The Trustee will entertain any higher bids for the purchase of the Property that the Trustee proposes to sell. Such bids must be in writing and must be received by the Trustee's Attorney electronically at [rdauval@leavenlaw.com](mailto:rdauval@leavenlaw.com) or by US Mail at the address listed below, no later than the close of business 21 days from the date of mailing, as indicated in the Certificate of Service. If more than one bid has been received, an auction will occur among said bidder(s) after 21 days to determine the ultimate purchaser.
6. Upon determination of the ultimate purchaser, and pursuant to B.R.C.P. Rule 6004(c), the Trustee shall serve and file a report of sale itemizing the property sold, the name of the ultimate purchaser, and the price received for the property.
7. To the extent applicable, the Trustee requests declaration that the ultimate purchaser be authorized to communicate with any and all secured lien holders regarding the future disposition of the Property, and to that end any unsatisfied liens or encumbrances of record.
8. The Trustee requests that the 14 day appeal period provided for under B.R.C.P. Rule 6004(h) be waived so that the sale of the Property may close immediately upon the entry of an order granting the instant motion.

WHEREFORE, the Trustee moves for the entry of an Order substantially in the form attached hereto:

- A. Authorizing the sale of the Property to the ultimate purchaser subject to all liens, encumbrances, or interests of any party; and,
- B. Authorizing the Trustee to take any all actions and to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale, including, executing a deed conveying the interests of the Debtor(s) the Property to the Purchaser;
- C. Granting the Trustee such other and further relief as is just and proper.

Respectfully submitted,

*/s/ Richard Dauval. Esq.*

**Richard M. Dauval**

Leavengood, Dauval, Boyle & Meyer, P.A.  
3900 First Street North, Suite 100  
St. Petersburg, FL 33703  
727-327-3328 x303

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2016, a true and correct copy of the foregoing was provided by U.S. mail and/or electronic delivery to: **U.S. Trustee**, [USTPRegion21.TP.ecu@usdoj.gov](mailto:USTPRegion21.TP.ecu@usdoj.gov); **Deborah J. Higgins, Esq.**, [debhiggins33880@gmail.com](mailto:debhiggins33880@gmail.com); **Robert C. Hannan**, 12 E. Grove Ave. #43, Lake Wales, FL 33853; **Trustee Traci K. Stevenson**, [tracikstevenson@gmail.com](mailto:tracikstevenson@gmail.com); **Ditech Financial, LLC** c/o Timothy D. Padgett, P.A., Attn: Evan S. Singer, Esq., 6267 Old Water Oak Road, Suite 203; Tallahassee, FL 32312; **SENT CERTIFIED RETURN RECEIPT REQUESTED to: Fifth Third Bank**, Attn: President, Fifth Third Center, Cincinnati, OH 45263 (7014-2120-0001-3668-5910)

Respectfully submitted,

*/s/ Richard Dauval. Esq.*

Richard M. Dauval

LeavenLaw  
Richard M. Dauval  
3900 First Street North Suite 100  
St. Petersburg, FL 33703

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

IN RE: Robert C. Hannan

CASE NO: 8:15-bk-11311-MGW

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 7  
ECF Docket Reference No.  
Judge:  
Hearing Location:  
Hearing Date:  
Hearing Time:  
Response Date:

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On 1/22/2016, I did cause a copy of the following documents, described below,  
Motion To Sell Real Property Subject To All Encumbrances Liens And Interest And Solicitation of Greater Offers,

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 1/22/2016

/s/ Richard M. Dauval  
Richard M. Dauval 664081  
LeavenLaw  
3900 First Street North Suite 100  
St. Petersburg, FL 33703  
727 327 3328  
rdauval@leavenlaw.com

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

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**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 7

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Hearing Date:

Hearing Time:

Response Date:

On 1/22/2016, a copy of the following documents, described below,

Motion To Sell Real Property Subject To All Encumbrances Liens And Interest And Solicitation of Greater Offers,

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 1/22/2016

/s/ Jay S. Jump

Jay S. Jump

BK Attorney Services, LLC

d/b/a certificateofservice.com, for

LeavenLaw

Richard M. Dauval

3900 First Street North Suite 100

St. Petersburg, FL 33703

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING  
113A-8  
CASE 8-15-BK-11311-MGW  
MIDDLE DISTRICT OF FLORIDA  
TAMPA  
FRI JAN 22 12-12-56 EST 2016

DITECH FINANCIAL LLC FKA GREEN TREE  
SERVIC  
CO EVAN S. SINGER  
6267 OLD WATER OAK RD.  
TALLAHASSEE FL 32312-3844

FORD MOTOR CREDIT COMPANY  
CO BRAD W. HISSING ESQ.  
P.O. BOX 800  
TAMPA FL 33601-0800

DEBTOR

ROBERT C. HANNAN  
12 E GROVE AVE #43  
LAKE WALES FL 33853-4763

EXCLUDE

~~MICHAEL G. WILLIAMSON  
TAMPA~~

CHASE  
PO BOX 15123  
WILMINGTON DE 19886-5123

DITECH FINANCIAL LLC  
1400 TURBINE DR #200  
BEVERLY MA 00000-5770

FIRST NATIONAL BANK  
P O BOX 30112  
LANSING MI 48909-7612

FORD MOTOR CREDIT COMPANY  
P O BOX 62180  
COLORADO SPRINGS CO 80962-2180

LAKELAND REGIONAL MEDICAL CE  
P.O. BOX 102049  
ATLANTA GA 30368-2049

POLK COUNTY BOCC - EMS  
PO BOX 917734  
ORLANDO FL 32891-0001

SAVANNAH COURT OF LK WALES  
12 E GROVE AVENUE  
LAKE WALES FL 33853-4760

SEARS CREDIT CARDS  
PO BOX 183082  
COLUMBUS OH 43218-3082

CM/ECF E-SERVICE

TRACI K. STEVENSON +  
P O BOX 86690  
MADEIRA BEACH FL 33738-6690

CM/ECF E-SERVICE

BRAD W. HISSING +  
KASS SHULER SOLOMON SPECTOR FOYLE ET  
AL  
PO BOX 800  
TAMPA FL 33601-0800

CM/ECF E-SERVICE

TRACI K. STEVENSON ATTORNEY FOR  
TRUSTEE +  
P O BOX 86690  
MADEIRA BEACH FL 33738-6690

CM/ECF E-SERVICE

DEBORAH J HIGGINS +  
LAW OFFICE OF DEBORAH J HIGGINS LLC  
213 AVENUE D S.W.  
WINTER HAVEN FL 33880-3424

CM/ECF E-SERVICE

UNITED STATES TRUSTEE - TPA713 +  
TIMBERLAKE ANNEX SUITE 1200  
501 E POLK STREET  
TAMPA FL 33602-3949

CM/ECF E-SERVICE

EVAN S SINGER +  
TIMOTHY D PADGETT PA  
6267 OLD WATER OAK ROAD  
SUITE 203  
TALLAHASSEE FL 32312-3858

CM/ECF E-SERVICE

NOTE- ENTRIES WITH A + AT THE END  
OF THE  
NAME HAVE AN EMAIL ADDRESS ON FILE IN  
CMECF