

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:

HD EQUIPMENT, INC.,

Debtor

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**CASE NO. 13-70347-M-11
CHAPTER 11**

DEBTOR'S MOTION TO SELL UNDER SEC. 363(b)(1)

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

A HEARING ON THIS MOTION IS REQUESTED FOR AUGUST 20, 2014 AT 9:00A.M. IN THE BANKRUPTCY COURTHOUSE AT 1701 W. HIGHWAY 83, MCALLEN, TEXAS.

TO THE HONORABLE RICHARD S. SCHMIDT:

Pursuant to Sec. 363(b)(1), HD EQUIPMENT, INC., Debtor, hereby files this Motion with this Court requesting authorization from this Court to sell personal property consisting of a 1980 Learjet 35 A, S/N 35A-329 (FAA number N261PG), hereinafter referred to the "Jet". In support of this Motion, the Debtor states as follows:

1. The Debtor filed for relief on July 17, 2013 under Chapter 11 of Title 11 of the United States Bankruptcy Code.
2. Debtor proposes to sell to FRANCISCO GONZALEZ OROZCO ("Purchaser") the Jet valued at approximately \$860,000.00 for the purchase price of \$868,892.91, consisting of \$311,669.09 in cash and a 2010 rig International 7500, truck serial number 1HTWNAZT5BJ327332, hereinafter referred to as the "Rig" valued at \$557,223.82.
3. With the purchase price, Debtor has paid the amount owed to Avcon Industries, Inc. ("Avcon") in the initial amount of \$170,497.09 and additional charges of \$8,952.91 up to

August 31, 2014, for a total of \$179,450.00. Avcon agrees to release its lien on the Jet within 5 working days from the signature date of this Order. Movant requests this Court to approve this payment consistent with Order (Doc. 153) signed by this Court on June 6, 2014.

4. In addition, with this purchase price, \$24,279.09 of attorneys fees owed to Debtor's counsel (as per Order dated February 13, 2014, Doc. 123) will be paid and the remaining purchase monies will be used by Debtor to pay its debts in accordance to the priority scheme allowed by the Bankruptcy Code in its Plan of Reorganization.

5. Debtor has negotiated in good faith to sell the Property to the Purchaser. Jet is being sold "as is" with no warranties except for warranty of title and free of any liens, claims or encumbrances, whether of record or not.

6. Escrow fees will be paid equally by Debtor and Purchaser and it is estimated that such fees will be approximately \$1,900.00. Consistent with the purchase agreement, Debtor will pay one half (1/2) such fees from the purchase proceeds of this sale.

7. Title of Jet will be held by Purchaser's Trustee: Aircraft Guaranty Corporation. The person of contact with this Trustee is Dwana C. Peters, Vice President, phone number 281-445-7594, fax 281-445-7599 and email dcp@agcorp.com.

8. Purchaser is not an insider as defined by the Bankruptcy Code.

9. Attached to this Motion as Exhibit "A" is an agreement to purchase between Purchaser and Debtor's representative. Debtor requests this Court to approve Exhibit A, as modified by this Motion.

10. Debtor requests waiver of the stay in Bankruptcy Rule 6004(h) and accordingly requests the Order on this Motion become effective upon its signature by this Court.

WHEREFORE, PREMISES CONSIDERED, HD EQUIPMENT, INC., Debtor, prays the Court approve the sale of the Jet to FRANCISCO GONZALEZ OROZCO under the terms and conditions set out in Exhibit "A" and this Motion and for further relief Debtor may be entitled to.

Respectfully submitted,

/s/**Antonio Villeda**

ANTONIO VILLEDA

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Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following document, ***DEBTOR'S MOTION TO SELL UNDER SEC 363(b)(1)*** has been forwarded by ECF, facsimile, and/or regular first class mail on August 12, 2014 to the following:

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And all creditors of notice.

/s/ Antonio Villeda
Antonio Villeda