

Instructions for Bidder Qualification

Online Real Estate Auction
By Order of the United States Bankruptcy Court
Southern District of Florida (Miami Division)
Robert A. Angueira, Trustee • RE: David Carl Pfeiffer, Case No. 19-14762-AJC
Beginning; Monday, October 28, 2019 @ 10:00 AM ET
Ending; Wednesday, October 30, 2019 @ 2:00 PM ET

The following instructions are to help guide you in becoming a qualified bidder for the Online Auction. The following documents and initial escrow deposit are due on or before Tuesday, October 29, 2019 by 2:00 P.M.E.T.;

1. Complete and sign the Bidder Pre-Registration Form.
2. Complete and sign the Acknowledgement of Review of the United States Bankruptcy Court for the Southern District of Florida, Miami Division Order.
3. Deliver a cashier's check made payable to Robert A. Angueira P.A. at the Trustee's law firm located at 16 SW 1 Ave., Miami, FL 33130, or wire into Law Firm Trust/IOTA Account maintained by Robert A. Angueira, P.A., an initial escrow deposit of Ten Thousand Dollars (\$10,000) USD, twenty-four hours prior to the Auction ending time. Wired deposits must be verified by Fisher Auction Company prior to being approved to bid. Please contact Fisher Auction Company for wire instructions.
4. Please note that if you are not the Successful Bidder and do not want to be considered as the Backup Bidder, then the address listed on the Bidder Pre-Registration Form is the address in which the Trustee will mail an Attorney's Trust Account Check to refund the Initial Escrow Deposit.
5. The Successful Bidder shall select an attorney in the Bahamas, as is required by the law of the Bahamas, to coordinate and prepare all documents required to effectuate the closing. The Successful Bidder is responsible for all closing costs associated with the sale.
6. In order to purchase property in the Bahamas the government imposes a 10% governmental fee. The Successful Bidder shall be responsible to pay the Governmental Fee in its entirety.
7. You must submit your complete registration package **via email or facsimile** to the following;

Fisher Auction Company
info@fisherauction.com
Facsimile: 954.782.8143
Phone: 954.942.0917, Ext. 4124

8. The Auction will begin Monday, October 28th, 2019 at 10:00 AM E.T. on Fisher Auction's Online Bidding Platform and conclude on Wednesday, October 30th, 2019 at 2:00 PM E.T.
9. Please note that Fisher Auction Company ("Auctioneer") cannot, and will not, be held responsible for any interruption in service, bidding extension times, errors, and/or omissions, caused by any means, therefore they cannot guarantee continual, uninterrupted or error free service as the website could be interfered with by means out of Fisher Auction Company's ("Auctioneer's") control. Bidder acknowledges that this Online Auction is conducted electronically and relies on hardware and software that may malfunction without warning.
10. The Sale is subject to the Court's and Trustee's final approval upon entry of a final sale order.

BIDDER PRE-REGISTRATION FORM

Online Real Estate Auction
By Order of the United States Bankruptcy Court
Southern District of Florida (Miami Division)
Robert A. Angueira, Trustee • RE: David Carl Pfeiffer, Case No. 19-14762-AJC
Beginning; Monday, October 28, 2019 @ 10:00 AM ET
Ending; Wednesday, October 30, 2019 @ 2:00 PM ET

(Please Type or Print Clearly)

Name:	
Company Name (if applicable):	
Company Address:	
City, State & Zip:	
City, Country & Country Code (if outside the U.S.):	
Residential Address:	
City, State & Zip:	
City, Country & Country Code (if outside the U.S.):	
Valid State Issued Driver's License No. or Passport (Copy of License or Passport Required):	
Contact Phone:	Facsimile:
Email:	
Entity in which Bidder will take Title:	
Marital Status:	
Bidder's Signature:	Date:
How did you hear about Auction:	

**ACKNOWLEDGEMENT OF REVIEW OF
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division Order**

**Online Real Estate Auction
By Order of the United States Bankruptcy Court
Southern District of Florida (Miami Division)
Robert A. Angueira, Trustee • RE: David Carl Pfeiffer, Case No. 19-14762-AJC
Beginning; Monday, October 28, 2019 @ 10:00 AM ET
Ending; Wednesday, October 30, 2019 @ 2:00 PM ET**

I _____, hereby acknowledges that I have read and
(Name of Bidder)

agree to be bound by the **ORDER GRANTING TRUSTEE’S MOTION FOR ENTRY OF AN ORDER (I) APPROVING PROCEDURES FOR THE AUCTION AND SALE OF THE ESTATE’S INTEREST IN REAL PROPERTY; (II) SCHEDULING AN AUCTION SALE; AND (III) AUTHORIZING THE TRUSTEE TO SELL THE ESTATE’S INTEREST IN THE REAL PROPERTY TO THE HIGHEST BIDDER AT THE AUCTION FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §363(F) [D.E.83].**

Acknowledged:

Signature	Date	Time



ORDERED in the Southern District of Florida on September 13, 2019.

A. Jay Cristol, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
(MIAMI, DIVISION)

In re:	:	CASE NO.: 19-14762-AJC
	:	
DAVID CARL PFEIFFER,	:	CHAPTER 7
	:	
Debtor.	:	

**ORDER GRANTING TRUSTEE’S MOTION FOR ENTRY OF AN ORDER
(I) APPROVING PROCEDURES FOR THE AUCTION AND SALE OF THE ESTATE’S
INTEREST IN REAL PROPERTY; (II) SCHEDULING AN AUCTION SALE; AND (III)
AUTHORIZING THE TRUSTEE TO SELL THE ESTATE’S INTEREST IN THE REAL
PROPERTY TO THE HIGHEST BIDDER AT THE AUCTION
FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES PURSUANT
TO 11 U.S.C. §363(f) [D.E. 83]**

THIS MATTER, came before the court on September 10, 2019 at 10:30 A.M. to consider the Motion of Robert A. Angueira, Trustee, for the entry of an Order (I) Approving Procedures for the Auction and Sale of the Estate’s Interest in Real Property; (II) Scheduling an Auction Sale; and (III) Authorizing the Trustee to Sell the Estate’s Interest in the Real Property to the Highest Bidder at the Auction Free and Clear of all Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §363(f) [D.E. 83] (the “*Motion*”). The Court considered argument of the Chapter 7 Trustee,

Counsel for Creditor Bimini Sands HOA Phase 3. The Court has reviewed the Motion, the Amended Objection thereto filed by Creditor Bimini Sands HOA Phase 3 [D.E. 94], and has fully considered the record in this matter. Having reviewed the Motion and the record herein, finding that notice was proper and for the reasons stated on the record, **FINDS**, as follows:

A. The Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. § 1408 and 1409. The statutory basis for relief sought herein is Sections 105(a) and 363 of Title 11 of the United State Code.

B. The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law under Rule 7052 of the Federal Rules of Bankruptcy Procedure.

C. The proposed marketing and bid procedures as set forth in the Motion and this Order are appropriate and reasonably calculated to provide all interested parties with timely and proper notice of the auction.

D. Good and sufficient notice of the Motion and the relief sought therein has been given under the circumstances, and no other or further notice is required. A reasonable opportunity to object or be heard regarding the relief provided in this Order has been afforded to creditors and parties of interest.

E. The Trustee has demonstrated a sufficient basis and compelling circumstances regarding the auction sale of the Real Property and such actions are appropriate exercises of the Trustee's business judgment and in the best interests of the Estate. The auction sale of the Real Property pursuant to the bid procedures is in the best interests of the estate, creditors, and other parties in interest.

IT IS THEREFORE ORDERED AND ADJUDGED as follows:

1. The Trustee's *Motion for the entry of an Order (I) Approving Procedures for the Auction and Sale of the Estate's Interest in Real Property; (II) Scheduling an Auction Sale; and (III) Authorizing the Trustee to Sell the Estate's Interest in the Real Property to the Highest Bidder at the Auction Free and Clear of all Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §363(f)* [D.E. 83] is **GRANTED**. The Amended Objection filed by creditor Bimini Sands HOA Phase 3 [D.E. 94] is **OVERRULED WITHOUT PREJUDICE**.

2. The Auctioneer is authorized to market the real property described as Bimini Sands Condominium, Unit 21N, South Bimini Bahamas (the "***Real Property***").

3. The bid procedures described in the Motion and in the auction marketing strategic plan attached as Exhibit "1" to the Motion, (the "***Auction Proposal***") are **APPROVED** and incorporated herein by reference. The Trustee is authorized to conduct the auction sale on the terms set forth in the bid procedures, which are incorporated herein by reference.

4. As set forth in the Auction Proposal the Auctioneer will hold an auction which will run over a two-day period via the Auctioneer's online bidding platform/ APP (the "***Auction***"). Prior to the Auction the Auctioneer will determine the appropriate amount of the bidding increments.

5. As set forth in the Auction Proposal, marketing expenses are estimated not to exceed \$5,500.00.

6. The Real Property shall be sold to the highest and best bidder with the final bid price being subject to the Court's and Trustee's final approval upon entry of a final sale order.

7. No prospective competitive bidder shall be permitted to bid at the Auction unless such prospective competitive bidder is a Qualified Bidder. To constitute a Qualified Bidder a competitive bidder must either deliver a cashier's check made payable to Robert A. Angueira,

P.A. at the Trustee's law firm located at 16 SW 1 Ave., Miami, FL 33130, or wire into Law Firm Trust/IOTA Account maintained by Robert A. Angueira, P.A., an initial escrow deposit of Ten Thousand Dollars (\$10,000.00), twenty-four hours prior to the Auction ending time.

8. At the conclusion of the Auction, the Auctioneer, in consultation with the Trustee and Trustee's counsel, shall determine and select the person or entity (the "**Successful Bidder**") making the highest and best bid for the Real Property (the "**Successful Bid**").

9. The Successful Bidder and if required, the immediate back-up bidders (the "**Back up Bidders**") shall each execute an "as is" and "Non-Contingency-All Cash" purchase and sale agreement immediately following the conclusion of the Auction. Within twenty-four hours from the highest and best bid being approved by the Trustee and the Court, an additional escrow deposit totaling 10% of the total contract price in clear funds shall be made by the successful bidder by either delivering a cashier's check made payable to Robert A. Angueira, P.A. at the Trustee's law firm located at 16 SW 1 Ave., Miami, FL 33130, or by wire to the Law Firm Trust/IOTA Account maintained by Robert A. Angueira, P.A.

10. The Trustee shall then file a motion seeking the approval of the sale by the Court at a hearing (a "**Final Sale Hearing**") as soon as reasonably practicable following the conclusion of the Auction.

11. Unless extended by the Trustee, the closing will take place within thirty (30) calendar days after the entry of the final sale order approving the sale of the Real Property to the Successful Bidder. The Successful Bidder shall select an attorney in Bahamas, as required by the law of Bahamas, to coordinate and prepare all documents required to effectuate the closing.

12. In order to purchase property in Bahamas the government imposes a 10% governmental fee (the "**Governmental Fee**"). The Successful Bidder shall be responsible to pay

the Governmental Fee in its entirety.

13. The Real Property will be sold on an “AS IS” and “WHERE IS” WITH ALL FAULTS OR DEFECTS WHETHER KNOWN OR UNKNOWN AND NO WARRANTIES OR REPRESENTATIONS WHATSOEVER.

14. To the extent that the stay under Bankruptcy Rule 6004(h) would apply to this Order, the stay is waived and this Order shall be effective immediately upon its entry.

15. The Trustee is authorized to take all actions necessary to effectuate the relief granted in his Order. Notwithstanding the preceding, the Trustee shall not be required to execute any documents other than a Trustee’s Deed to convey the estate’s right, title and interest in the Real Property to the Successful Bidder.

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Submitted by

ROBERT A. ANGUEIRA, P.A.
16 S.W. 1st Avenue
Miami, FL 33130
Tel. 305-263-3328
e-mail: yanay@rabankruptcy.com

Copies furnished to:
Yanay Galban, Esq.

(Attorney Yanay Galban is directed to serve copies of this Order upon the Debtor, the Trustee, the Attorney for the Debtor, the U.S. Trustee, and all parties who have entered an appearance in this case, upon receipt thereof, and to file a Certificate of Service with the Court confirming such service.)