

Instructions for Bidder Qualification

Online Real Estate Auction

By Order of the United States Bankruptcy Court

Southern District of Florida (Miami Division)

Maria C. Yip, Trustee • RE: Azucena Merlo, Case No. 19-14561-LMI

Beginning; Tuesday, December 10, 2019 @ 10:00 AM ET

Ending; Thursday, December 12, 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 Wednesday, December 11, 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 dated November 12, 2019.
3. Deliver a cashier's check made payable to Maria Yip, Chapter 7 Trustee, at the Trustee's office located at 2 S. Biscayne Blvd., Suite 2690, Miami, Florida 33131, an initial escrow deposit of One Thousand Dollars (\$1,000) USD, twenty-four hours prior to the Auction ending time. **Please reference Merlo Case No. 19-14561-LMI on cashier's check as well as reference "Deposit for Auction Collier County Lot" within envelope.
4. Please note that if you are not the Successful Bidder or Backup Bidder, then the address listed on the Bidder Pre-Registration Form is the address in which the Trustee will mail a Trustee's Trust Account Check to refund the Initial Escrow Deposit.
5. The Successful Bidder is responsible for all closing costs associated with the sale.
6. 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

7. The Auction will begin on Tuesday, December 10, 2019 at 10:00 AM E.T. on Fisher Auction's Online Bidding Platform and conclude on Thursday, December 12, 2019 at 2:00 PM E.T.
8. 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.
9. 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)

Maria C. Yip, Trustee • RE: Azucena Merlo, Case No. 19-14561-LMI

Beginning; Tuesday, December 10, 2019 @ 10:00 AM ET

Ending; Thursday, December 12, 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)
Maria C. Yip, Trustee • RE: Azucena Merlo, Case No. 19-14561-LMI
Beginning; Tuesday, December 10, 2019 @ 10:00 AM ET
Ending; Thursday, December 12, 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 VACANT LOT; (II) SCHEDULING AN AUCTION SALE; AND (III) AUTHORIZING THE TRUSTEE TO SELL THE ESTATE’S INTEREST IN THE VACANT LOT 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.53].**

Acknowledged:

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Signature

Date

Time



ORDERED in the Southern District of Florida on November 12, 2019.



Laurel M. Isicoff
Chief United States Bankruptcy Judge

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

In re: : CASE NO.: 19-14561-LMI
: :
AZUCENA MERLO, : 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 VACANT LOT; (II) SCHEDULING AN AUCTION SALE; AND (III) AUTHORIZING THE TRUSTEE TO SELL THE ESTATE’S INTEREST IN THE VACANT LOT 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. 53]

THIS MATTER, came before the court on November 4, 2019 at 10:30 A.M. to consider the Motion of Maria Yip, Trustee, for the entry of an Order (I) Approving Procedures for the Auction and Sale of the Estate’s Interest in Vacant Lot; (II) Scheduling an Auction Sale; and (III) Authorizing the Trustee to Sell the Estate’s Interest in the Vacant Lot 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. 53] (the “*Motion*”).¹ The Court considered argument of counsel for the Chapter 7 Trustee, 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 Vacant Lot 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 Vacant Lot pursuant to the bid procedures is in the best interests of the estate, creditors, and other parties in interest.

¹ All capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

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 Vacant Lot; (II) Scheduling an Auction Sale; and (III) Authorizing the Trustee to Sell the Estate's Interest in the Vacant Lot 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. 53] is **GRANTED**.

2. The Auctioneer is authorized to market the vacant lot located at Golden Gate Es Unit 63 S 105FT Unit 63 S 105 FT, Collier County. The vacant lot is legally described as follows:

The South 105 Feet of Tract Number 125, GOLDEN GATE ESTATES, Unit 63, according to Plat thereof as recorded in Plat Book 7, Page(s) 63, in the Public Records of Collier County, Florida.

Parcel No. 39843840003
a/k/a (the "***Vacant Lot***")

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 Motion which are incorporated herein by reference.

4. The Auctioneer is authorized to 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. Marketing expenses are capped at \$300.00.

6. The Vacant Lot 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. Norma R. Oddo and Emiliano A. Oddo have filed a Letter of Offer to Purchase Real Estate [D.E. 45] (the “*Standing Offer*”). As reflected in the Offer Mrs. And Mr. Oddo have offered to purchase the Vacant Lot for \$12,050.00.

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 Vacant Lot (the “*Successful Bid*”).

9. The Successful Bid must be higher than \$12,500.00 (plus the 10% buyer’s premium). In the event that the Standing Offer is the highest bid at \$12,050.00, Mrs. and Mr. Oddo will not pay any buyer’s premium and Fisher Auctions will not receive a commission. However, if Mrs. and Mr. Oddo bid at the Auction, then they will be responsible for the 10% buyer’s premium as any other bidder if they become the Successful Bidders.

10. 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 deliver an initial deposit in the form of a cashier’s check made payable to Maria Yip, Chapter 7 Trustee to the Trustee’s office located at 2 S. Biscayne Blvd., Suite 2690, Miami, Florida 33131, in the amount of One Thousand Dollars (\$1,000.00), twenty-four hours prior to the Auction ending time.

11. The Successful Bidder and if required, the immediate back-up bidders (the “*Back up Bidders*”) will execute an “as is” and “Non-Contingency-All Cash” purchase and sale agreement immediately following the conclusion of the Auction. Within two business days from the highest and best bid being approved by the Trustee, the Successful Bidder shall make a deposit equal to the difference between 10% of the total purchase price and the initial deposit. The deposit shall be made by the Successful Bidder by delivering a cashier’s check made

payable to Maria Yip, Chapter 7 Trustee and delivered to the Trustee's office at 2 S. Biscayne Blvd. Suite 2690, Miami, FL 33131.

12. The Trustee will 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.

13. 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 Vacant Lot to the Successful Bidder. The Successful Bidder shall select his or her own closing agent to coordinate and prepare all documents required to effectuate the closing.

14. **The Vacant Lot 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.**

15. 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.

16. 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 Vacant Lot to the Successful Bidder.

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Submitted by

ROBERT A. ANGUEIRA, P.A.
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Miami, FL 33130
Tel. 305-263-3328
e-mail Robert@rabankruptcy.com

Copies furnished to:
Robert A. Angueira, Esq.

(Attorney Robert A. Angueira 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.)