



BANKRUPTCY AUCTION

Diane L. Jensen, Trustee

DATE: TUESDAY, August 16, 2016 @ 2:00 P.M.

LOCATION CHANGE: Please note we will no longer conduct auctions at Pavese Law Firm. New location shown below.

LOCATION: Henderson Franklin Law Firm, 1715 Monroe Street,
Fort Myers, Florida 33901
(Public parking locations are available as noted on the HF Map.)

ALL SALES FINAL AT CLOSE OF BIDDING – NO GUARANTEES ARE GIVEN ON ANY PROPERTY, PERSONAL OR OTHERWISE AND NO REFUNDS GIVEN FOR ANY REASON

NO CASH PAYMENTS – NO CASH PAYMENTS – NO CASH PAYMENTS

PAYMENT: SEE PARAGRAPH “B” UNDER BIDDING RULES FOR DETAILS ABOUT WRITING CHECKS OVER \$5,000.00. We cannot commingle funds from different cases. A separate check is required for each case on which you intend to bid. Please bring sufficient check stock to do that. PAYMENT MUST BE IN FULL, AT CLOSE OF BIDDING. THIS APPLIES TO ALL PROPERTY BEING SOLD. NO GUARANTEES, NO REFUNDS, BUYER RESPONSIBLE FOR CHECKING TITLE ON REAL ESTATE PRIOR TO BIDDING.

VIEWING: Unless otherwise noted:

⇒ **LOCATION FOR VIEWING VEHICLES:** VEHICLES can be viewed at Auto Brokers of Ft Myers, 16210 San Carlos Blvd., Fort Myers, FL 33908, from 10 a.m. until 12 noon, *on day of sale*. **BUYER WILL BE REQUIRED TO PAY STORAGE FEES IN CASH WHICH WILL BE POSTED ON EACH VEHICLE ON DAY OF SALE. STORAGE MUST BE PAID IN CASH BY BUYER BEFORE VEHICLE WILL BE RELEASED. STORAGE IS CALCULATED THROUGH THE DAY AFTER SALE. IF YOU DO NOT PICK UP THE VEHICLE ON THAT DAY, YOU WILL BE RESPONSIBLE FOR STORAGE AT \$25.00 PER DAY, PER VEHICLE, FOR EACH DAY AFTER THAT BY AUTO BROKERS, WHICH STORAGE MUST BE PAID IN CASH PRIOR TO PICKING UP ANY VEHICLE. PLEASE NOTE THAT THE VIEWING TIME PERIOD STATED IS THE ONLY TIME THAT THE VEHICLES WILL BE AVAILABLE FOR VIEWING.** Please be aware that the parties running Auto Brokers may be conducting other business at the time of the viewing. They are hired only to make the vehicles available for viewing, and they are under no obligation to answer any questions concerning the vehicles being offered by the Trustee. Please do not make inquiry of them as to their opinion on condition or values of vehicles. You will need to make your own determination regarding those issues. If you wish to start a vehicle, you may do so. Please be aware that there is a good chance the battery will be dead, so

you will need to bring your own power source (battery pack) to start the vehicle. Vehicles are not allowed to be driven. Please do not disrupt their business in any way, including distracting their other customers or asking for special or extended viewing times (storage area will be locked precisely at 12 noon). Even though the vehicles are in a fenced area, please do not just show up and try to view them through the fence. We would appreciate your cooperation in respecting that this is private property.

- ⇒ **NOTICE REGARDING CASES WHERE VEHICLE BEING SOLD SUBJECT TO LIENS:** In any case where a vehicle is sold subject to a lien, **THE BUYER WILL BE RESPONSIBLE FOR PAYING THE LIEN DIRECTLY TO THE LIENHOLDER WITHIN SEVEN (7) DAYS OF THE ISSUANCE OF THE BILL OF SALE.** If the Trustee's Office is notified by the creditor that the lien has not been paid, the buyer will be barred from participation in any future auctions conducted by our office, and is subject to any other remedies under the law.
- ⇒ **FURNITURE AND HOUSEHOLD GOODS** will be viewed via photographs at auction site. City location only is given in this notice. Precise address to be provided to winning bidder. Jewelry and other small items will be at auction site for viewing. Appraised values, if known, will be provided at auction. If Trustee does not feel she is obtaining bids commensurate with the value of any particular asset, she has the right to withdraw any item from bidding. Minimum bids will be determined at auction. Regardless of any appraisal, or stamped markings on jewelry, Buyer is entirely responsible for making his/her own determination as to values. **TRUSTEE MAKES NO GUARANTEES AS TO VALUES AND THERE WILL BE NO REFUNDS.**
- ⇒ **GUNS:** If any guns are being auctioned, they will be viewed at auction site on day of sale. A copy of your driver's license will be made at the time you pick up a gun. **Buyer information will be provided to any governmental agency upon such request, without further notice to the buyer.**
- ⇒ **REAL ESTATE:** Payment must be made in full, at the close of bidding. **A separate check must be issued from the buyer to the Clerk of the County in which the property is located to pay documentary stamps and recording costs. The Trustee's office will record the documents.** The Buyer will be provided with a Bill of Sale at the time of the sale. The Trustee will then forward to the buyer a recorded Trustee's Deed and other documentation necessary to complete the transaction, usually within ten business days. All real estate is sold subject to any outstanding liens, taxes, encumbrances of record. It is the buyer's responsibility to check on taxes and any other liabilities against the title and the marketability of title prior to bidding on the property. Trustee will disclose any known liens, mortgages, taxes, etc., of which she has knowledge, but our office does not conduct a title or encumbrance search (including taxes and assessments) prior to offering the property for sale. There will be no refunds for real estate purchased.
- ⇒ If you wish to receive auction notices via email, please send an email to suehedges@paveselaw.com Use "Bankruptcy Auction" in the reference line to avoid deletion of your message.

DOCUMENTATION FOR VEHICLES AND REAL ESTATE: The buyer will be provided with documentation necessary to transfer title on vehicles. It may be the title itself, or it may be an Application for Duplicate title. The Buyer is responsible for transferring the title within 30 days of the receipt of said documentation, as well as any and all fees involved. For real estate, the Trustee's office will record a Trustee's Deed, certified copy of the Trustee's appointment and an Affidavit with a copy of the Court's Sale Notice attached (see "Real Estate" above). **IMPORTANT: IF THE BUYER FAILS TO TRANSFER TITLES AND THEN AT A LATER DATE NEEDS DUPLICATE DOCUMENTS, IT IS THE BUYER'S RESPONSIBILITY TO OBTAIN HIS OR HER OWN LEGAL COUNSEL FOR PREPARATION OF SAME. TRUSTEE WILL NOT PROVIDE DOCUMENTS AGAIN AT A LATER DATE.**

TRUSTEE MAKES NO REPRESENTATION AS TO AUTHENTICITY OR VALUE OF ANY ITEM, INCLUDING JEWELRY, AND ONCE THE SALE IS COMPLETED, THERE WILL BE NO REFUNDS MADE. ALL SALES ARE FINAL.

SPECIAL NOTES:

If you have not yet provided a copy of your 2016 Florida State Sales Tax Resale Certificate, please do so prior to the auction, or we will be required to collect 6% sales tax. Do not expect us to copy it for you on sale day. I can accept them by email. If you have any questions, please email SueHedges@PaveseLaw.com. Submitting your questions by email will give me an opportunity to do the proper research and get back to all concerned.

We are emailing this initial notice only once. If there are any updates, they will be posted to our website as they become available. Be sure to check our website for any updates: www.paveselaw.com – then click on “Recent Posts” and “Bankruptcy Auction”

BAKER, MICHAEL JOHN PAUL, 16-03026:

2007 Cadillac CTS, VIN 1G6DP577270169043, electronic title

BLAIR, JAMES S. & BLAIR, DIANNA W., 16-03025:

- 2007 Toyota Tundra, VIN 5TFSV54127X001498, paper title
- 1998 PACE Utility Trailer, VIN 4FPFB1011WG025549, no title, viewing of trailer by photos.
Location: Cape Coral

CIRESI, KARINA, 16-01455:

- brown sectional sofa; round table, hall table and coffee table, pine king size bed, 2 night stands and armoire; double/queen bed; 2 end tables; table and 6 chairs; 2 bar stools; Location: Fort Myers
- 2011 Nissan Rogue VIN JN8AS5MT8BW170451, electronic title with electronic lien. Subject to lien to Nissan Motor Acceptance, in amount of \$3,689.14 as of 8/5/16, plus \$.87 per day.

DAVIS, TONI F, 15-11654:

three-diamond drop pendant 4.6 grams containing three approx. 0.25 ct round diamonds; tennis bracelet with approx. thirty-two 2mm round diamonds; and 10mm X 5mm X 3mm marquise cut diamond solitaire 14k 4.9 grams total weight

FOWLER, WENDY L., 16-02354:

- marquis center set baguette diamond ring, appraised at \$3,000.00 (we intend to offer this separate from other jewelry, however, Trustee has the right to lump together with other jewelry at her discretion)
- white gold 10K ring with red color stone; gold 10k ring 4.6 grams; gold unmarked hoop style earring with pave style stones 3.9 grams; gold 14k band with princess cut diamond 3.3mm x 3.4mm and two flanking 2.8mm x 2.9mm with visible inclusions 3.7 grams; unmarked ring with approx. twenty-four 1.05mm diamonds; princess cut diamond single stud earring 3.0mm x 3.0mm; tennis bracelet gold 10k with approx. eight-five 1.2mm diamonds and 8.8 grams (one stone missing in setting); round diamond stud earrings 3.3mm each; white gold 14k chain and heart charm pendant with pave diamonds.
- 2004 Mercury Sable, VIN 1MEFM55S84A621426, with paper title

MEMBERS, JOHNEAL, 16-01021:

- ladder system; HP printer (CM1312feMFP); glass top table; dresser, night stand and headboard, mattress and box springs; Samsung TV, lamp, table and 8 chairs; sofa and chair; footstool; Sharp TV on stand (2009); Location: Fort Myers
- Sony DVD player; 13' Macbook Pro (2011); Nikon D-90 (2008);
- 2 Movado watches
- 2014 Magic Touch PWC 1250 trailer. No title for trailer (does not need title). Viewing by photos at auction.

WELSH, WENDY S, 16-04244:

Jewelry: two rings, chain with cross and chain with novelty zipper pull

RE: BANKRUPTCY AUCTIONS CONDUCTED BY DIANE L. JENSEN, TRUSTEE. PLEASE READ BEFORE MAKING ANY TELEPHONIC INQUIRY:

A. **BIDDING PROCESS:** Registration begins 15 minutes prior to bidding time. Bidding is in the form of an open auction. Items are bid on a per case basis. If there are several items in one case, bidding will be in lot or bulk, at the discretion of the Trustee. **THERE WILL BE NO TELEPHONIC BIDDING AT A PUBLIC AUCTION.**

B. **PAYMENT METHOD:** NO CASH PAYMENTS. Payment must be made at the close of bidding, by check, money order, or cashier's check. If you are not on our preapproval list, your check will be accepted up to \$5,000.00. To get approval for writing checks in excess of \$5,000.00, you will need to have your bank provide a letter addressed to Diane L. Jensen, Trustee, stating that they will cover your check up to a specific amount. That letter must be received by 3 p.m. the last **business day prior** to the sale. If you wish to FAX it, our FAX No. is 239-332-2243. The letter **MUST** state that the bank will guarantee payment of your check.

C. **MAILING LISTS:** We maintain an email group notification list only. If you wish to receive copies of future mailings via US Mail, please forward six **business size** self-addressed, **stamped** envelopes to Diane Jensen, Trustee, P. O. Drawer 1507, Fort Myers, FL 33902-1507.

D. **CONDITION OF ASSETS:** Every effort has been made to provide as complete and accurate description as possible. We make no representations as to the condition of anything that is being sold. **EVERYTHING** is sold in "as-is, where-is" condition. **NO GUARANTEES. NO REFUNDS.** If bidding on a vehicle, please bring along a set of jumper cables and a gas can in case you are the high bidder. Chances are that you will need either or both of them.

E. **DOCUMENTATION PROVIDED AT CLOSE OF SALE:** A Bill of Sale will be provided upon payment. You will need this document to show to the person/landlord currently in possession of the property. Arrangements should be made within two calendar days of the sale to pick up the items. If the items are located at a facility and rent is accruing, items must be removed within two calendar days. If it takes longer, the buyer would assume responsibility for the rent for any additional time needed, and would have to negotiate with the landlord directly. Many self-storage, mini-warehouses, may require the buyer to put up a security deposit to assure that the unit is left in a reasonable condition. The Trustee has no control over this, and will not intervene in a security deposit dispute if one arises between the buyer and the landlord.

F. **FLORIDA STATE SALES TAX:** Trustee is **REQUIRED** by the State of Florida to collect Sales Tax at the current rate on all sales of personal property. If you wish to request tax exempt status on sales, you are required to provide an Annual Resale Certificate to us. The Certificate must include the name and address of purchaser, the effective date and number of the dealer's certificate of registration, and the dealer's signature. With regard to the sale of vehicles, sales tax will be collected by

the Trustee unless you furnish a Resale Certificate, TOGETHER WITH a copy of your vehicle dealer's license. The Bill of Sale on tax exempt sales will contain the name of the business or person holding the sales tax certificate. IF YOU HAVE NOT COMPLIED WITH THIS REQUIREMENT AT THE TIME OF THE AUCTION, sales tax will be collected. NO EXCEPTIONS!

QUESTIONS: If, **AFTER CAREFULLY READING THE ABOVE**, you still have questions, please contact Sue Hedges via email (preferred method) or at (239) 336-6263 prior to 3:30 on the day BEFORE the sale. ALL LONG DISTANCE CALLS ARE RETURNED COLLECT. Sue will not be available by telephone on the sale day. Email: suehedges@paveselaw.com.