



**UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, June 14, 2023
Department A – Courtroom #11
Fresno, California**

Unless otherwise ordered, all hearings before Judge Niemann are simultaneously: (1) **IN PERSON** in Courtroom #11 (Fresno hearings only), (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**. You may choose any of these options unless otherwise ordered.

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1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Policies and Procedures](#) for these and additional instructions.
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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

1. [23-10202](#)-A-11 **IN RE: GRANDE OAK, LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-2-2023 [\[1\]](#)

PAUL MANASIAN/ATTY. FOR DBT.

NO RULING.

2. [23-10202](#)-A-11 **IN RE: GRANDE OAK, LLC**
[PEM-2](#)

MOTION TO DISMISS CASE
5-8-2023 [\[40\]](#)

GRANDE OAK, LLC/MV
PAUL MANASIAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped as moot.

ORDER: The court will issue an order.

On May 17, 2023, the debtor filed and set for hearing a duplicate motion to dismiss. Doc. #49. Therefore, this motion will be DROPPED AS MOOT.

3. [23-10202](#)-A-11 **IN RE: GRANDE OAK, LLC**
[PEM-2](#)

MOTION TO DISMISS CASE
5-17-2023 [\[49\]](#)

GRANDE OAK, LLC/MV
PAUL MANASIAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if the debtor is current with its monthly operating reports.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v.

Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. Because the debtor is not current with filing its monthly operating reports, this matter will proceed as scheduled. The court is inclined to grant the motion so long as the debtor files the missing monthly operating report for April 2023 prior to the hearing.

As a procedural matter, the certificate of service filed in connection with this motion does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022. Doc. #51. The court encourages counsel for the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRules.aspx>.

Grande Oak, LLC ("Debtor"), the chapter 11 debtor, requests dismissal of this chapter 11 case. Doc. #49.

The Bankruptcy Code establishes a two-step analysis for dismissal of a chapter 11 case: first, that the court determine "cause" and, second, that the court then weigh the alternatives of conversion or dismissal based on the best interests of creditors and the estate. 11 U.S.C.A. § 1112(b); In re Nelson, 343 B.R. 671, 675 (B.A.P. 9th Cir. 2006). Cause is a flexible standard, subject to the court's discretion, and does not necessarily involve one or all of the factors set forth in section 1112(b)(4). In re Prod. Int'l Co., 395 B.R. 101, 107 (Bankr. D. Ariz. 2008). "Once cause has been established, the Court must then determine whether dismissal or conversion of the case, or the appointment of a Chapter 11 Trustee, is in the best interests of the creditors and the estate." Id.

The court finds that there is cause to dismiss Debtor's voluntary chapter 11 case because Debtor is seeking dismissal to secure a takeout loan from Donegal Abbey ("Lender") to pay Debtor's sole secured creditor, Stonecrest Financial ("Creditor"), in full. Debtor's case was filed to prevent a foreclosure sale set by affiliates of Creditor and to acquire a bridge loan to pay Creditor in full. Lender has issued a commitment letter stating that Lender can provide a loan sufficient to pay Creditor. In order to allow financing to close with Lender, Lender requires that this case be dismissed.

Because the new financing will pay Creditor in full, the court finds that cause exists to dismiss this case and dismissal is in the best interest of creditors.

Accordingly, this motion will be GRANTED so long as Debtor is current in filing its monthly operating reports.

4. [23-10208](#)-A-11 **IN RE: GRANDE, LLC**
[ALG-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-3-2023 [\[38\]](#)

SECURED INCOME FUND-II, LLC/MV
PAUL MANASIAN/ATTY. FOR DBT.
ARNOLD GRAFF/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

5. [23-10208](#)-A-11 **IN RE: GRANDE, LLC**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
2-3-2023 [\[1\]](#)

PAUL MANASIAN/ATTY. FOR DBT.

NO RULING.

6. [23-10208](#)-A-11 **IN RE: GRANDE, LLC**
[PEM-2](#)

MOTION TO DISMISS CASE
5-17-2023 [\[71\]](#)

GRANDE, LLC/MV
PAUL MANASIAN/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted if the debtor is current with its monthly
operating reports.

ORDER: The minutes of the hearing will be the court's findings
and conclusions. The Moving Party shall submit a proposed
order after the hearing.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the non-responding parties in interest are entered. Because the debtor is not current with filing its monthly operating reports, this matter will proceed as scheduled. The court is inclined to grant the motion so long as the debtor files the missing monthly operating report for April 2023 prior to the hearing.

As a procedural matter, the certificate of service filed in connection with this motion does not comply with LBR 7005-1 and General Order 22-03, which require attorneys and trustees to use the court's Official Certificate of Service Form as of November 1, 2022. Doc. #73. The court encourages counsel for the debtor to review the local rules to ensure compliance in future matters or those matters may be denied without prejudice for failure to comply with the local rules. The rules can be accessed on the court's website at <https://www.caeb.uscourts.gov/LocalRules.aspx>.

Grande, LLC ("Debtor"), the chapter 11 debtor, requests dismissal of this chapter 11 case. Doc. #71.

The Bankruptcy Code establishes a two-step analysis for dismissal of a chapter 11 case: first, that the court determine "cause" and, second, that the court then weigh the alternatives of conversion or dismissal based on the best interests of creditors and the estate. 11 U.S.C.A. § 1112(b); In re Nelson, 343 B.R. 671, 675 (B.A.P. 9th Cir. 2006). Cause is a flexible standard, subject

to the court's discretion, and does not necessarily involve one or all of the factors set forth in Section 1112(b)(4). In re Prod. Int'l Co., 395 B.R. 101, 107 (Bankr. D. Ariz. 2008). "Once cause has been established, the Court must then determine whether dismissal or conversion of the case, or the appointment of a Chapter 11 Trustee, is in the best interests of the creditors and the estate." Id.

The court finds that there is cause to dismiss Debtor's voluntary chapter 11 case because Debtor is seeking dismissal to secure a takeout loan from Donegal Abbey ("Lender") to pay Debtor's sole secured creditor Stonecrest Financial ("Creditor") in full. Debtor's case was filed to prevent a foreclosure sale set by affiliates of Creditor and to acquire a bridge loan to pay Creditor in full. Lender has issued a commitment letter stating that Lender can provide a loan sufficient to pay Creditor. In order to allow financing to close with Lender, Lender requires that this case be dismissed.

Because the new financing will pay Creditor in full, the court finds that cause exists to dismiss this case and dismissal is in the best interest of creditors.

Accordingly, this motion will be GRANTED so long as Debtor is current in filing its monthly operating reports.

7. [21-11814](#)-A-11 **IN RE: MARK FORREST**
[LKW-22](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION BY PRIVATE SALE
5-17-2023 [\[428\]](#)

MARK FORREST/MV
LEONARD WELSH/ATTY. FOR DBT.

NO RULING.

8. [23-10325](#)-A-11 **IN RE: ROBERT CHAMPAGNE**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 SUBCHAPTER V VOLUNTARY PETITION
2-23-2023 [\[1\]](#)

PETER SAUER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to July 26, 2023 at 9:30 a.m.

ORDER: The court will issue an order.

This chapter 11 status conference will be continued to July 26, 2023 at 9:30 a.m. to be heard in connection with the hearing to confirm the debtor's plan of reorganization. Doc. ##120, 122, 125-127.

9. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[MBR-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-27-2023 [[62](#)]

JAYCO PREMIUM FINANCE OF CALIFORNIA, INC./MV
D. GARDNER/ATTY. FOR DBT.
MARSHALL HOGAN/ATTY. FOR MV.

NO RULING.

10. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[MBR-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-27-2023 [[69](#)]

JAYCO PREMIUM FINANCE OF CALIFORNIA, INC./MV
D. GARDNER/ATTY. FOR DBT.
MARSHALL HOGAN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

11. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[MBR-3](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-19-2023 [[162](#)]

JAYCO PREMIUM FINANCE OF CALIFORNIA, INC./MV
D. GARDNER/ATTY. FOR DBT.
MARSHALL HOGAN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

12. [22-12016](#)-A-11 **IN RE: FUTURE VALUE CONSTRUCTION, INC.**
[MBR-4](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-19-2023 [[168](#)]

JAYCO PREMIUM FINANCE OF CALIFORNIA, INC./MV
D. GARDNER/ATTY. FOR DBT.
MARSHALL HOGAN/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

11:00 AM

1. [23-10689](#)-A-7 **IN RE: ALFREDO RAMIREZ**

PRO SE REAFFIRMATION AGREEMENT WITH GOLDEN 1 CREDIT UNION
5-22-2023 [[17](#)]

NO RULING.

2. [23-10689](#)-A-7 **IN RE: ALFREDO RAMIREZ**

PRO SE REAFFIRMATION AGREEMENT WITH WELLS FARGO BANK, N.A.
5-23-2023 [[19](#)]

NO RULING.

1. [22-12107](#)-A-7 **IN RE: MICHAEL GARCIA MENDOZA AND CAROLINA ORTEGA DE GARCIA**
[JES-1](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH
MICHAEL GARCIA MENDOZA AND CAROLINA E. ORTEGA DE GARCIA
5-9-2023 [\[25\]](#)

JAMES SALVEN/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance
with the ruling below.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

James E. Salven ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Michael Mendoza and Carolina De Garcia (together, "Debtors"), moves the court for an order, pursuant to Federal Rule of Bankruptcy Procedure 9019, approving a compromise with Debtors related to the sale of a 2011 Chevy Silverado (the "Vehicle") by Debtors and a payment of \$10,000 to the estate. Doc. #25.

On January 12, 2023, Trustee investigated the assets of the estate and Debtors' claimed exemptions at a \$341 meeting of creditors. Doc. #25. Trustee believed that the sale of a 2011 Chevy Silverado would provide the estate with net excess equity of \$10,000.00. Decl. of Trustee, Doc. #27. The estate's auctioneer and Trustee believed the Vehicle would sell at a public auction for between \$10,000.00 and \$12,000.00. Id. A sale by public auction would have incurred a sales commission of \$1,800.00 and storage costs. Id. Debtors sold the Vehicle to Swanson Ford for \$12,000.00 but paid the estate only \$10,000.00. Id. Trustee believes the sale was an inadvertent error on the part of Debtors, due to a miscommunication with counsel. Id.

On a motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Fed. R. Bankr. P. 9019. Approval of a compromise must be based upon considerations of fairness and equity. Martin v. Kane (In re A & C Props.), 784 F.2d 1377, 1381 (9th Cir. 1986). The court must consider and balance four factors: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of

collection; (3) the complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and (4) the paramount interest of the creditors with a proper deference to their reasonable views. Woodson v. Fireman's Fund Ins. Co. (In re Woodson), 839 F.2d 610, 620 (9th Cir. 1988).

It appears from the moving papers that Trustee has considered the standards of A & C Properties and Woodson. Trustee Decl., Doc. #27. Although Trustee believes he will ultimately succeed in litigation, the terms of the settlement with Debtors obviates the need to recover the difference of \$2,000.00. Id. The proposed settlement allows for a payment of \$10,000.00 that has already been paid to the estate. Id. The settlement also places the settlement amount back into the estate without the expenses of litigation costs or issues in the matter of collection. The settlement is fair, reasonable, and obtains an economically advantageous result. The court concludes that the Woodson factors balance in favor of approving the compromise, and the compromise is in the best interest of the creditors and the estate.

Accordingly, it appears that the compromise pursuant to Federal Rule of Bankruptcy Procedure 9019 is a reasonable exercise of Trustee's business judgment. The court may give weight to the opinions of the trustee, the parties, and their attorneys. In re Blair, 538 F.2d 849, 851 (9th Cir. 1976). No opposition has been filed. Furthermore, the law favors compromise and not litigation for its own sake. Id. Accordingly, the motion is GRANTED, and the settlement between Trustee and Debtors is approved.

This ruling is not authorizing the payment of any fees or costs associated with the litigation.

2. [20-11367](#)-A-7 **IN RE: TEMBLOR PETROLEUM COMPANY, LLC**
[PRG-3](#)

AMENDED MOTION TO VACATE SALE ORDER
5-16-2023 [\[518\]](#)

GENAUTICA OIL HOLDINGS, LP/MV
LEONARD WELSH/ATTY. FOR DBT.
PAUL GLASSMAN/ATTY. FOR MV.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(c), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the moving party served notice of the motion on May 16, 2023 using a Clerk's Matrix of Creditors that was generated on February 3, 2023. Doc. #523. Accordingly, service of notice of the motion does not comply LBR 7005-1(c).

MOTION TO EMPLOY BAIRD AUCTIONS AND APPRAISALS AS AUCTIONEER, AUTHORIZING
SALE OF PROPERTY AT PUBLIC AUCTION AND AUTHORIZING PAYMENT OF AUCTIONEER
FEES AND EXPENSES
5-15-2023 [\[34\]](#)

JAMES SALVEN/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance
with the ruling below.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

James E. Salven ("Trustee"), the chapter 7 trustee of the bankruptcy estate of Daniel Garcia ("Debtor"), moves the court for an order: (1) authorizing the employment of Baird Auctions & Appraisals ("Auctioneer"); (2) authorizing the sale of (i) a 2003 Toyota Corolla, VIN 538SM4Z2XDCA03009, and (ii) a 2013 Dodge Avenger, VIN 1C3CDZCB9DN746768 (together, the "Property"), at public auction on or after July 11, 2023 at Auctioneer's location at 1328 N. Sierra Vista, Suite B, Fresno, California; and (3) authorizing the estate to pay Auctioneer commission and expenses. Tr.'s Mot., Doc. #34.

Pursuant to 11 U.S.C. § 363(b)(1), the trustee, after notice and a hearing, may "use, sell, or lease, other than in the ordinary course of business, property of the estate." Proposed sales under § 363(b) are reviewed to determine whether they are: (1) in the best interests of the estate resulting from a fair and reasonable price; (2) supported by a valid business judgment; and (3) proposed in good faith. In re Alaska Fishing Adventure, LLC, 594 B.R. 883, 887 (Bankr. D. Alaska 2018) (citing 240 N. Brand Partners, Ltd. v. Colony GFP Partners, L.P. (In re 240 N. Brand Partners, Ltd.), 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996)). "In the context of sales of estate property under § 363, a bankruptcy court 'should determine only whether the trustee's judgment [is] reasonable and whether a sound business justification exists supporting the sale and its terms.'" Alaska Fishing Adventure, 594 B.R. at 889 (quoting 3 COLLIER ON BANKRUPTCY ¶ 363.02[4] (Richard Levin & Henry J. Sommer eds., 16th ed.)). "[T]he trustee's business judgment is to be given great judicial deference." Id. at 889-90 (quoting In re Psychometric Sys., Inc., 367 B.R. 670, 674 (Bankr. D. Colo. 2007)).

Trustee believes that approval of the sale on the terms set forth in the motion is in the best interests of creditors and the estate. Decl. of James E. Salven, Doc. #36. Trustee's experience indicates that a sale of the Property at public auction will yield the highest net recovery to the estate. Salven Decl., Doc. #36. The proposed sale is made in good faith.

Section 327(a) of the Bankruptcy Code provides, in relevant part, "the trustee, with the court's approval, may employ . . . auctioneers . . . that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title." 11 U.S.C. § 327(a). The trustee may, with the court's approval, employ an auctioneer on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, on a fixed or percentage fee basis, or on a contingent fee basis. 11 U.S.C. § 328(a). An application to employ a professional on terms and conditions to be pre-approved by the court must unambiguously request approval under § 328. See Circle K. Corp. v. Houlihan, Lokey, Howard & Zukin, Inc., 279 F.3d 669, 671 (9th Cir. 2002).

The court finds that Auctioneer is a disinterested person as defined by 11 U.S.C. § 101(14) and does not hold or represent an interest adverse to the estate. Decl. of Jeffrey Baird, Doc. #37. Trustee requires Auctioneer's services to advertise the sale of the Property, assist in storing the Property until sold, and assist in other matters related to the auction sale of the Property. Salven Decl., Doc. #36. Trustee has agreed to pay Auctioneer a commission of 15% of the gross sale price and estimated expenses not to exceed \$500.00, applicable to storage and sale. Doc. #34. In addition, Auctioneer charges the buyer a premium of 10% on the purchased Property. Id. Trustee unambiguously requests pre-approval of payment to Auctioneer pursuant to § 328. Salven Decl., Doc. #36.

Accordingly, this motion is GRANTED. Trustee's business judgment is reasonable and the proposed sale of the Property at public auction is in the best interests of creditors and the estate. The arrangement between Trustee and Auctioneer is reasonable in this instance. Trustee is authorized to sell the Property on the terms set forth in the motion. Trustee is authorized to employ and pay Auctioneer for services as set forth in the motion. Trustee shall submit a form of order that specifically states that employment of Auctioneer has been approved pursuant to 11 U.S.C. § 328.