

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
BUCKO CONSTRUCTION CO., INC.,) CASE NO. 07-22406 JPK
) Chapter 7
Debtor.)

ORDER CONCERNING SALE BY TRUSTEE OF
MISCELLANEOUS PERSONAL PROPERTY

At a preliminary pre-trial conference held on July 2, 2008 in adversary proceeding numbers 08-2003 and 07-2125, the Chapter 7 Trustee requested guidance concerning the manner in which certain miscellaneous personal property of the bankruptcy estate might be sold. The Trustee stated that certain small items of personal property, including scrap materials, will be sold in piecemeal fashion, and that the expense of providing notice of every sale would unnecessarily deplete assets of the estate. The Court concurs, and finds that Fed.R.Bankr.P. 6004(a) incorporates into its provisions Fed.R.Bankr.P. 2002(a)(2), which provides that notice of a proposed sale of property of the estate shall be given in a certain manner unless “the court for cause . . . directs another method of giving notice”. The Court determines that cause exists for a general notice concerning description of the property proposed to be sold in a piecemeal manner in various separate transactions.

IT IS ORDERED that the Trustee shall file a motion requesting general authority to sell miscellaneous personal property of the bankruptcy estate in piecemeal fashion, which motion shall include a list of all of the property contemplated at this time by the Trustee to be sold in this manner – and provide notice of that motion pursuant to N.D.Ind.L.B.R. B-2002(a) upon 15-days’ notice to all creditors and parties in this case. A proposed form of order approving the motion shall accompany its filing. Included in that form of order shall be a provision that states that with respect to each separate sale of an item, or separate sale of bunched items of personal property, the Trustee shall file a report of sale which specifies the property sold with

respect to each separate transaction, the identity of the purchaser, and the consideration received by the bankruptcy estate with respect to the transaction.

Dated at Hammond, Indiana on July 10, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee