

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
MICHAEL ANDREW NASH ) CASE NO. 04-15220  
 )  
Debtor )

**DECISION AND ORDER**

At Fort Wayne, Indiana on July 14, 2005

On June 15, 2005, the trustee filed an Application to Approve Proposed Sale of Debtor's Timeshare, which purports to seek the court's permission to list the property for sale. In that the court's permission is only required to sell property of the estate, or to use it outside the ordinary course of business, see, 11 U.S.C. § 363(b)(1); Fed. R. Bankr. P. Rule 6004, it would seem that the application is unnecessary. Since the trustee's duties specifically include the obligation to turn the property of the estate into cash, 11 U.S.C. § 704(1), the trustee already has the authority he needs to seek a buyer for the estate's property. It is only the resulting disposition which must be approved by the court. If, on the other hand, the trustee is seeking approval of some kind of disposition at the present time, neither the application nor its associated notice contain information regarding a date and time for a public sale or the terms and conditions of any private sale. Fed. R. Bankr. P. Rule 2002(c)(1). Therefore, the trustee's Application to Approve Proposed Sale of Debtor's Timeshare is DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court