

1 **NACH, RODGERS, HILKERT & SANTILLI**

2 2001 East Campbell Avenue, Suite 103

3 Phoenix, AZ 85016

4 Telephone No.: (602) 258-6000

5 Facsimile No.: (602) 258-6003

6 Stuart B. Rodgers – 025720

7 Email: stuart.rodgers@nrhslaw.com

8 docket@nrhslaw.com

9 Attorney for *Robert A. MacKenzie*, Case Trustee

10 **IN THE UNITED STATES BANKRUPTCY COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 In re:

(Chapter 7 Case)

13 MARK ZALEWSKI and MARIAN  
14 ZALEWSKI fka MARIAN GRUCKY,

No. 2:25-bk-02415-DPC

15 Debtors.

**TRUSTEE’S MOTION TO SELL  
ESTATE’S INTEREST IN PERSONAL  
PROPERTY**

**11 U.S.C. §363(b) and Local Rule 6004-1**

16 Robert A. MacKenzie, Chapter 7 Trustee (“**Trustee**”), by and through counsel undersigned,  
17 herein files her *Trustee’s Motion to Sell Estate’s Interest in Personal Property* (“**Motion**”). In  
18 support of his Motion, the Trustee submits the following Memorandum of Points and Authorities  
19 and the entire record of this administrative case.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 1. Mark Zalewski and Marian Zalewski (“**Debtors**”) filed their voluntary Petition under  
22 Chapter 11 of Title 11 of the United States Code on March 21, 2025 (“**Petition Date**”).

23 2. Robert A. MacKenzie is the duly appointed and acting Trustee of the Chapter 7 Estate.

24 3. Among the assets of this Estate is the 2021 Opus OP 2 Pop Up Camper  
25 [1P9P1A816NA772069] (“**Property**”).

26 4. Any interest in the Property is property of the Estate pursuant to 11 U.S.C. § 541.

27 5. Trustee determined in his best business judgment that a sale of the Estate’s interest in the  
28 Property could generate funds for the Estate and is in the best interest of the Estate.

6. The Trustee proposes to offer the Estate’s interest in the Property for sale to the person  
making the highest and best bid at public sale on **Friday, July 25, 2025 at 8:30 a.m.**, by telephone,

1 by dialing +1 (310) 372-7549, wait for prompt – ACCESS CODE # 831482 then pressing #. Any  
2 payment shall be in the form of a check naming as payee “Robert A. MacKenzie, Trustee” and due  
3 within five days of the Sale.

4 7. Bidding will increase in increments of \$250.00 unless indicated otherwise during the  
5 auction.

6 8. Trustee has received an opening bid to purchase the Estate’s interest in the Property from  
7 Debtors for the sum of \$5,000.00 (“**Proposed Buyers**”). If Proposed Buyers are the successful  
8 bidders at the sale, they shall remit a check in the sum of \$5,000.00, made payable to “Robert A.  
9 MacKenzie, Trustee” by Wednesday, July 30, 2025.

10 9. The Trustee will accept a successful purchaser as the winning bid and will accept the  
11 second highest offer as the back-up offer.

12 **10. The final sale is subject to Trustee approval.**

13 11. To the extent a buyer does not close, the Trustee may pursue them for any deficiency  
14 balance or related fees and costs.

15 12. Funds shall be made payable to “Robert A. MacKenzie, Trustee”.

16 13. To market the sale, the Trustee shall notice this sale to a group of buyers in excess of 600  
17 individuals who purchase assets from bankruptcy estates and post it on the firm’s website under  
18 their sale section.

19 14. In the event the Debtors are not the winning bid, then the Buyer must remit to the Trustee  
20 the winning bid by Wednesday, July 30, 2025, or three business days from date of the Court Order  
21 approving the sale, whichever date is later and the winning bidder must remove the Property by  
22 Sunday, August 3, 2025, or five business days from the date of the Court Order approving the sale,  
23 whichever date is later.

24 **15. Prospective purchasers may not rely on the information in this Motion in making**  
25 **an offer and/or bid and must perform their own due diligence to analyze the value of this**  
26 **asset. The property will be sold on an “AS IS” / “WHERE IS” basis, with no warranties,**  
27 **guarantees express or implied, subject to all liens, claims, encumbrances and interests.**  
28

1 16. The proposed purchasers are the Debtors.

2 17. Trustee is not aware of any other entities holding an interest in the Estate's interest in the  
3 Property. A copy of the MVD Title report is attached hereto as **Exhibit A**.

4 18. There has been no stay relief sought as to the scheduled interest in the Property.

5 19. The Trustee is not aware of any recent appraisals on the scheduled interest in the  
6 Property.

7 20. There are no broker's fees/compensation related to this sale.

8 21. Upon the later of the Court approving this Motion, completion of the proposed sale, and  
9 receipt of full payment of the purchase price, Trustee shall execute Bill of Sale transferring the  
10 Estate's interest in the Property to the prevailing bidder subject to the terms set forth herein and an  
11 Order entered by the Court approving the terms of the sale.

12 **B. LEGAL AUTHORITY.**

13 22. This Court has jurisdiction over Debtors' Chapter 7 case under 28 U.S.C. § 1334.  
14 Proceedings with respect to the Motion are core proceedings that the Court may hear and decide.  
15 See 28 U.S.C. § 157(b)(1) and (b)(2)(A), (M), (N), and (O). Moreover, venue is appropriate  
16 pursuant to 28 U.S.C. § 1408(1).

17 23. Property of the Estate includes "all legal or equitable interests of the debtor in property  
18 as of the commencement of the case." See 11 U.S.C. § 541(a). The concept of property of the  
19 estate is broad in scope, encompassing all kinds of property, including tangible and intangible  
20 property, causes of action, real and personal property, certain property held by the debtor in trust  
21 for others, and certain property of the debtor held by others. See *U.S. v. Whiting Pools*, 462 U.S.  
22 198, n.9 (1983). As detailed above, Debtors acquired their interest in the Property pre-petition  
23 and held the same interest in the Property on the Petition Date. Therefore, any value in the  
24 Property over the Debtors' exemption, is property of the Estate that can be liquidated for the  
25 benefit of the creditors of this Estate.

26 24. Section 363(b)(1) provides that "[t]he [T]rustee, after notice and a hearing, may use, sell,  
27 or lease, other than in the ordinary course of business, property of the estate ...."  
28

1 25. A trustee must demonstrate a sound business justification for a sale or use of assets  
2 outside the ordinary course of business. *E.g., In re Continental Air Lines, Inc.*, 780 F.2d 1223,  
3 1226 (5th Cir. 1986). Courts look to various factors to determine whether to approve a motion  
4 under section 363(b), such as: (i) whether a sound business reason exists for the proposed  
5 transaction; (ii) whether fair and reasonable consideration is provided; (iii) whether the  
6 transaction has been proposed and negotiated in good faith; and (iv) whether adequate and  
7 reasonable notice is provided. *In re Condere*, 228 B.R. 615, 626 (S.D. Miss. 1998).

8 26. The Trustee believes in his best business judgment that the prospective sale will  
9 generate funds for the benefit of the creditors of this Estate and is in the best interest for all creditors  
10 and parties-in-interest. The sale will be conducted via public auction and will be subject to higher  
11 and better bids.

12 27. Section 363(b)(1) provides in relevant part that “[t]he trustee, after notice and a  
13 hearing, may use, sell, or lease, other than in the ordinary course of business, property of the  
14 estate . . .” 11 U.S.C. § 363(b)(1).

15 28. Trustee, through this Motion, seeks authority to sell the Estate’s interest in the Property  
16 **(“Sale”) As-Is, Where-Is, with No Representations, Guarantees, or Warranties.**

17 29. Trustee is not aware of any liens or encumbrances against the Estate’s interest in the  
18 Property but makes no warranties or representations regarding such.

19 30. To the extent there are liens or interests that may encumber the Property, buyers must do  
20 their own due diligence to evaluate the priority of the Estate’s interest in the Property.

21 31. Trustee believes that consummation of the sale, subject to higher and better bids at the  
22 auction, is in the best interest of the Estate.

23 32. The Proposed Buyers are the Debtors, and therefore, are insiders.

24 33. While the Trustee is prepared to consummate the Sale with the Proposed Buyers, he  
25 is also interested in obtaining the maximum price. Therefore, the proposed sale is subject to  
26 higher and better bids to be solicited at the auction (which shall be noticed by Counsel).

27 34. Trustee seeks authority to execute any documentation necessary to carry out the  
28

1 provisions of this Motion.

2 35. Pursuant to Local Rule 6004-1, Trustee must file a motion and, after notice, obtain an  
3 Order approving a sale outside the ordinary course of business if the property being sold is  
4 expected to have a value greater than \$2,500.00. Therefore, this Motion is being filed in  
5 compliance with Local Rule 6004-1.

6 36. **All sales are subject to Trustee final approval.**

7 WHEREFORE, the Trustee prays for an Order of this Court as follows:

- 8 A. Granting the Motion;
- 9 B. Authorizing the sale of the Property “as is” / “where is” with no warranties  
10 express or implied, subject to any liens, claims, interests, or encumbrances  
11 to Debtors or anyone submitting a higher and better offer;
- 12 C. Approving the bidding procedures set forth herein;
- 13 D. Authorizing the Trustee to accept the proceeds from the sale of the Estate’s  
14 interest in the Property;
- 15 E. Authorizing the Trustee to execute all additional documents and perform other  
16 such acts as may be necessary or reasonably requested to facilitate and  
17 complete the transaction;
- 18 F. In the event the Debtors are not the successful purchasers, directing the  
19 Debtors to allow the successful Buyer access to the Property pursuant to the  
20 timelines set forth herein; and
- 21 G. For such other and further relief as this Court deems just and proper.

22 RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of June, 2025.

23 **NACH, RODGERS, HILKERT & SANTILLI**

24  
25 By: /s/ Stuart B. Rodgers  
26 Stuart B. Rodgers  
27 Attorney for Trustee  
28

1 COPY of the foregoing delivered via electronic notification to:

2 Philip J. Giles  
3 Allen, Jones & Giles, PLC  
4 1850 N. Central Ave., Ste. 1025  
5 Phoenix, AZ 85004  
6 Email: [pgiles@bkfirmaz.com](mailto:pgiles@bkfirmaz.com)  
7 Attorney for Debtors

8 Office of U.S. Trustee  
9 230 North First Avenue  
10 Phoenix, AZ 85003  
11 Email: [Patty.Chan@usdoj.gov](mailto:Patty.Chan@usdoj.gov)  
12 Email: [ustpreion14.px.ecf@usdoj.gov](mailto:ustpreion14.px.ecf@usdoj.gov)

13 By /s/ Becca Casteel  
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# **Exhibit “A”**

Query Title and Registration

Printer friendly format

Uncertified Arizona Motor Vehicle Record as of: 6/16/2025

Plate	Plate Type	Plate Status	VIN
A5A3DG	Trailer	Active	1P9P1A816NA772069
Year	Make	Model	Style
2022	PLLLC	OP2	Tent Trailer
Factory List Price	Fuel Type	Odometer Reading	Odometer Code
27000	None	0	
GVW	SAR Start	SAR End	SAR Weight
			0

Registration Use	First Registered	Expiration Date	Date Registration Renewed	
Regular	1/2022	12/31/2025		
Title Number	State Issued	Title Issued Date	Title Indicator	Title Status
A009797156	AZ	9/15/2022		Active
Date of Sale		Recieved Date		
De-Insure Start Date	De-Insure End Date	Certificate Received Date	Reason	

Permit Type	Number	Issue Date	Exp Date	Status	Weight
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Owner(s)

11472406 Mark Hutchings Zalewski 908 E Rovey Ave, Phoenix, AZ 850141925

Mailing Address

908 E Rovey Ave, Phoenix, AZ 850141925

Domicile Address

Lienholder(s)

Additional Information



Back



MVRRS

Motor Vehicle  
Record  
Request  
System

Contact Us

MVRRS Users:

ADOT - Electronic Data Services

P.O. Box 2100 MD502M

Phoenix, AZ 85001-2100

**Phone:** 602.712.7035

**eMail:** EDScommercial@azdot.gov

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