

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 *Attorneys for Eric M. Haley, Trustee*

10 **IN THE UNITED STATES BANKRUPTCY COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 In re:

(Chapter 7 Case)

13 PRESCOTT FLOORS, INC. dba ABBEY
14 FLOORING & DESIGN,

No. 3:25-bk-05035-DPC

15 Debtor.

16 **NOTICE OF TRUSTEE'S MOTION
17 TO SELL PROPERTY OF THE
18 ESTATE FREE AND CLEAR OF
19 LIENS, ENCUMBRANCES AND
20 INTERESTS; AND FOR APPROVAL
21 OF BIDDING PROCEDURES**

22 **AND**

23 **NOTICE TO CREDITORS AND
24 INTERESTED PARTIES OF
25 AUCTION**

26 **TO: ALL CREDITORS AND PARTIES-IN-INTEREST**

27 **NOTICE IS HEREBY GIVEN** that on August 1, 2025, Eric M. Haley, the Chapter 7 bankruptcy trustee (the "**Trustee**"), by and through undersigned counsel, filed a *Motion to Sell Property of the Estate Free and Clear of Liens, Encumbrances and Interests Pursuant to 11 U.S.C. § 363(b)(f) and for Approval of Bidding Procedures* (the "**Motion**") a complete copy of which is on file with the Clerk of the Court and available for inspection or by written request to the Trustee's counsel as indicated hereinabove. The Motion seeks Court authorization to sell the Property (as defined hereinafter and in the Motion), pursuant to the terms set forth hereinafter. In the event that any person opposes the Motion, the procedure for responding to the Motion is set forth hereinafter.

28 **NOTICE IS FURTHER GIVEN** that the Estate's interest in the below-described Property will be offered to the person making the highest and best bid at public sale by Eric M. Haley, Trustee, through The Auction Yard, LLC dba AuctionAZ. Bidders will be able to place through the online bidding system at www.AuctionAZ.com. Bidding will open on or before 9:00 a.m. MST on **Friday, September 12, 2025**, or at the time listed on the website. Online bidding will start to close at 2:00 pm MST on **Wednesday, September 17, 2025**, or or at the time listed on the website. If anyone places a bid within the last two minutes of bidding, the bidding will extend for an additional two minutes.

<p>Property to be Sold:</p>	<p>All of the Estate's interest in the following property: 2001 Dodge Ram 2500 VIN: 3B7KF23771G817216 (the "2001 Dodge")</p> <p>1994 Trailer VIN: 11WBC0819RW200206 (the "1994 Trailer")</p> <p>2019 Ford F150 VIN: 1FTMF1C50KKD92773 (the "2019 Ford")</p> <p>The 2001 Dodge, the 1994 Trailer and the 2019 Ford are collectively referred to as the "Unencumbered Vehicles"</p> <p>2019 Dodge Ram 1500 VIN: 1C6SRFFT5KN518816 (the "2019 Dodge" or "Encumbered Vehicle")</p> <p>The Unencumbered Vehicles and the Encumbered Vehicled are collectively referred to as the "Property"</p>
<p>Terms of Sale:</p>	<p>Prospective purchasers are encouraged to personally inspect/perform their own due diligence of the Property.</p> <p>The sale of the Property shall be As-Is, Where-Is, with No Guarantees, Warranties, or Representations, and will be free and clear of any existing liens, encumbrances, and interestsm known or unknown by the Trustee pursuant to 11 U.S.C. § 363(b)(f).</p> <p>The Uncumbered Vehicles have no known liens or encumbrances, copes of the titles are attached to the Motion as Exhibit A.</p> <p>The Encumbered Vehicle is subject to a lien in favor of TD Auto Finance, but will be sold free and clear of that lien, subject to the terms of the Motion.</p> <p><i>All sales are subject to Trustee and Bankruptcy Court approval.</i> The Trustee makes no representations regarding the Property.</p> <p>Auctioneer utilizes the following standard procedures for auctions:</p> <p>Online Auctions: Bidding will open on or before 4:00 p.m. MST on Wednesday September 12, 2025, or as indicated on the website www.AuctionAZ.com. Bidders will be able to place bids through the online bidding system at The Auction Yard, LLC dba AuctionAZ's bidding portal www.auctionaz.com. Online bidding will start to close at 2:00 pm MST on Wednesday, September 17, 2025, 2025. A \$200.00 refundable bidder deposit is required. The deposit can be made with a credit card using the online bidding system.</p> <p>Bidding: All auctions are live online.</p>

	<p><u>Payment/Charges:</u></p> <ul style="list-style-type: none"> a. No Buyers Premium will be charged by Auctioneer. b. Auctioneer does not accept credit/debit cards; Auctioneer accepts cash, cashier's check, certified funds or wire transfers (with a \$25.00 fee). Payment is due no later than 4:00 pm MST on the first Friday following the auction. c. Sales Tax: For general assets and rolling stock, unless an Arizona tax resale license is provided at the time of payment, the purchaser will be required to pay the combined Arizona State and local sales tax totaling 9.2%. There is no sales tax on real estate. <p><u>Default:</u> In the event of default, the second highest bidder will be given the option to become the successful bidder at his/her last bid. The bidder in default will be responsible for the difference in the bids, or the entire amount of his/her bid in the event that the second highest bidder does not take the option to become the successful bidder. The default bidder will also forfeit his/her deposit. A service charge of 1-1/2% per month, 18% APR, will be added to all overdue accounts. The bidder in default is also liable for all legal and collection fees.</p> <p><u>Auctioneer Warranties:</u> Trustee and Auctioneer provide <u>no</u> warranty relating to title, possession, quiet enjoyment or the like in this disposition. All items sold at the auction are being sold "AS IS, WHERE IS" with no representations or warranties implied or stated. The Property will be sold free and clear of any liens, encumbrances and interests known or unknown by the Trustee, subject to the terms fo the Motion.</p> <p>All due diligence is the responsibility of the bidder/buyer. If the Order approving the Motion has not yet been signed by the time of the sale, the auction will be held pursuant to the procedures set forth herein and bids will be taken with the closing of the sale to be subject to the Court's approval of this Motion.</p> <p>The Sale is subject to Trustee approval.</p> <p>All bids at the auction shall be subject to higher and better bids until close of the auction.</p>
Bidding Procedures:	Bidding will open at or before 4:00 p.m. MST on Wednesday, September 12, 2025 or as indicated on the website. Bidding on the Property will start to close at 2:00 p.m. MST on Wednesday, <u>September 17, 2025</u> or at the time listed on the website.
To View the Property or Obtain More information:	<p>For more information, contact William Russell at (858) 735-3450 or william@auctionyard.com</p> <p>The Property to be auctioned will be available for</p>

	preview on Tuesday, September 12, 2025 from Noon MST to 4:00 p.m. MST at 7577 W. Mountain View Rd, Peoria, AZ
Description of Interest(s) in the Property:	Trustee is not aware of any individuals or entities holding an interest in the Unencumbered Vehicles being sold. TD Auto Finance holds a lien secured by the 2019 Dodge aka the Encumbered Vehicle in the approximate amount of \$8,968.65. The 2019 Dodge must sell for an amount sufficient to pay off the lien plus all costs associated with the sale, or the lender must otherwise agree. Should the sale bid be insufficient, the sale will not consummate. No stay relief has been sought as to the Property.
Appraisals:	The Trustee is not aware of any recent appraisals on the Property being sold.
Compensation/Fees:	Auctioneer's fee will be a commission of ten percent (10%) of any sale proceeds, plus any reasonable and necessary costs incurred in inventorying, moving, storing and advertising the Property, subject to further Order of the Court. In the event the Property is not auctioned, Auctioneer will be compensated at \$150.00 per hour plus costs from any appraisals performed on behalf of the Estate, subject to further Order of the Court. The Auction Yard, LLC dba AuctionAZ, is not an insider.

Any person opposing the Motion shall file a written objection, specifying the reason therefor, together with a notice of hearing, on or before twenty-one (21) days of the date of this mailing as follows: United States Bankruptcy Court, as follows: (a) by hand-delivery or mail to the Clerk of the Court, 230 North First Avenue, Suite 101, Phoenix, Arizona 85003-1706; or (b) electronically at the Court's website: ecf.azb.uscourts.gov using the Court's electronic filing procedures, with a copy to: Nach, Rodgers, Hilkert & Santilli, at the above-address.

If a person timely objects in writing to the Motion and a hearing is requested but has not yet been conducted by the Court as of the date of the scheduled auction, bids will be taken and the normal sales procedures followed. The closing of the sale remains dependent upon the outcome of the Court hearing regarding the objection. **If there is no timely objection and request for hearing, no hearing will be held, and the Trustee will proceed to sell the Property without further order of the Court.**

DATED: August 1, 2025

NACH, RODGERS, HILKERT & SANTILLI

By: /s/ Stuart B. Rodgers
Stuart B. Rodgers
Attorney for Trustee

1 COPY of the foregoing
2 mailed via U.S. Mail/delivered electronically to:

3 Thomas H. Allen
4 Allen, Jones & Giles, PLC
5 1850 N. Central Ave., Ste. 1025
6 Phoenix, AZ 85004
7 Email: tallen@bkfirmaz.com
8 *Attorneys for Debtor*

9 COPY of the foregoing delivered via
10 electronic notification to:

11 James B. Ball
12 Ball, Santin & McLeran, PLC
13 Email: ball@bsmplc.com
14 *Attorneys for TD Auto Finance*

15 Office of U.S. Trustee
16 230 North First Avenue
17 Phoenix, AZ 85003
18 Email: Jennifer.a.giaimo@usdoj.gov
19 Email: ustpreion14.px.ecf@usdoj.gov

20 All Parties on the attached Master Mailing List.¹

21 By: /s/ Becca Casteel

22
23
24
25
26
27
28 ¹ A copy of the Master Mailing Matrix shall not be mailed with this Notice. Any party interested in a copy of the Master Mailing Matrix may obtain a counsel by requesting it from Trustee's counsel via email at Stuart.Rodgers@NRHSLaw.com.

Label Matrix for local noticing
0970-3
Case 3:25-bk-05035-DPC
District of Arizona
Prescott
Fri Aug 1 10:29:50 MST 2025

Abbey Carpet Co., Inc.
25321 Bernwood Dr., #1
Bonita Springs FL 34135-7889

Castel Cabinet
8766 E. Long Mesa Drive
Prescott Valley AZ 86314-4363

Iron Springs Shops, LLC
14224 E. Rockview Road
Scottsdale AZ 85262-4711

Mohawk
160 S. Industrial Dr.
Calhoun GA 30701-3030

Spring Windows Fashions Inc.
P.O. Box 945792
Atlanta GA 30394-5792

US Small Business Administration
10737 Gateway West, #300
El Paso TX 79935-4910

THOMAS H. ALLEN
Allen, Jones & Giles, PLC
1850 N. Central Avenue
Ste 1025
Phoenix, AZ 85004-1402

PRESCOTT FLOORS, INC.
4878 E. DIAMOND DRIVE
PRESCOTT, AZ 86301-5946

Big D Supplies
2802 W. Virginia Ave
Phoenix AZ 85009-1716

Engineered Floors
1502 Coronet Dr.
Dalton GA 30720-2664

Karndean
1100 Pontiac Court
Export PA 15632-9067

Peggy Hurst
4878 E. Diamond Drive
Prescott AZ 86301-5946

TD Auto Finance
P.O. Box 100295
Columbia SC 29202-3295

Wm T. Burnett & Co
P.O. Box 301061
Los Angeles CA 90030-1061

APS
MS 3200
P.O. Box 53933
Phoenix AZ 85072-3933

Capital One
P.O. Box 60599
City of Industry CA 91716-0599

(p)GUGLIELMO & ASSOCIATES
3040 N CAMPBELL AVE SUITE 100
TUCSON AZ 85719-7317

LVNV Funding, LLC
P.O. Box 98875
Las Vegas NV 89193-8875

Shaw
3540 Momentum Place
Chicago IL 60689-5335

U.S. TRUSTEE
OFFICE OF THE U.S. TRUSTEE
230 NORTH FIRST AVENUE
SUITE 204
PHOENIX, AZ 85003-1725

ERIC M. HALEY
PO BOX 13390
SCOTTSDALE, AZ 85267-3390

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Guglielmo & Associates
3040 N. Campbell Avenue, Suite 100
Tucson AZ 85719

End of Label Matrix
Mailable recipients 21
Bypassed recipients 0
Total 21