



ENTERED
04/11/2017

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
THERMA-FLITE MANUFACTURING, LLC	§	CASE NO. 16-33470
	§	CHAPTER 7
	§	
DEBTOR	§	CHIEF JUDGE DAVID R. JONES

ORDER GRANTING TRUSTEE'S APPLICATION TO EMPLOY AUCTIONEER, CONDUCT AUCTION SALE OF REAL PROPERTY AND SET HEARING FOR SALE APPROVAL

(Docket # 117)

CAME ON for consideration the Trustee's Application to Employ Auctioneer, Conduct Auction Sale of Real Property and Set Hearing for Sale Approval (the "Motion") and the Court being of the opinion that it should be granted it is therefore:

ORDERED that all capitalized terms used herein shall have the same meaning ascribed to them as in the Motion; it is further

ORDERED that the Trustee is authorized to employ the Auctioneer on the terms and conditions set forth in the Exhibit A attached to the Motion (as modified and submitted to the Court on or about April 6, 2017); it is further

ORDERED that the auction of the Property shall be held on June 1, 2017 at 2524 Champagnolle Road, El Dorado, Arkansas 71730, with the final sale of the Property being subject to Court approval; it is further

ORDERED that the Auctioneer shall include a copy of this Order and the purchase contract in the form attached as Exhibit C to the Motion as part of any marketing material for the Auction. Additionally, the Auctioneer shall advise all prospective purchasers of the earnest money requirements set forth in Exhibit C, and that the sale of the Property does not include the personalty abandoned by the Trustee as reflected in Docket No. 56 in this Case, and Docket No. 75 in Case No. 16-33469, or which is subject to any lift stay order in those Cases, and which personal property may be sold separately at the auction or otherwise by its owners and at their expense; it is further

ORDERED that the high bidder at auction shall, at the close of the auction, submit an executed purchase contract in the form attached as Exhibit C to the Motion along with the earnest money required thereunder. The Trustee is authorized to select the next highest bidder at the auction as a back-up bidder in case the highest bidder fails to close. The back-up bidder shall, at the close of the auction, submit an executed purchase contract in the form attached as Exhibit C to the Motion along with the earnest money required thereunder; it is further

ORDERED that, per the agreement of the consent of all creditors which might be able to assert a secured claim as against the Property to be sold, credit bidding will not be allowed at the auction; it is further

ORDERED that the Property to be sold, if such sale is approved by the Court as provided for herein, will be sold free and clear of liens, claims and/or encumbrances with any such liens, claims and/or encumbrances attaching to the proceeds of sale in the same order and priority as they existed as to the Property prior to sale; it is further

ORDERED that should the sale of the Property be approved, the net proceeds from the sale will be deposited into the registry of the Court pending the final disposition of the Adversary Proceeding; it is further

ORDERED that the Court will hold an evidentiary hearing to consider the sale of the Property on the 19th day of June, 2017 at 2:00 ~~XX~~ p.m. CST; it is further

ORDERED that the any objection to the sale of the Property must be filed no later than the 12th day of June, 2017 at 5:00 ~~XX~~ p.m. CST.

Signed: April 11, 2017.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

AGREED TO:

/s/ Marc Douglas Myers

Marc Douglas Myers
Ross, Banks, May, Cron & Cavin, P.C.
SBN 00797133
7700 San Felipe, Suite 550
Houston, Texas 77063
(713) 626-1200; (713) 623-6014 fax
mmyers@rossbanks.com
COUNSEL FOR THE TRUSTEE

/s/ David W. Dodge by permission MDM

David W. Dodge
Glast, Phillips & Murray, PC
SBN 24002000
14801 Quorum Dr., Suite 500
Dallas, Texas 75254-1449
(972) 419-8300; (972) 419-8329 fax
ddodge@gpm-law.com
COUNSEL FOR CFC