

UNITED STATES BANKRUPTCY COURT
Southern District of Indiana

In re:)
)
[Name of Debtor(s)],) Case No. (xx-xxxxx)
Debtor (s).)

MOTION TO SELL AND TO APPROVE BID PROCEDURES
(WITH PROSPECTIVE PURCHASER IDENTIFIED)
AND NOTICE OF OBJECTION DEADLINE TO PROPOSED BID PROCEDURES

The [trustee/debtor(s)] hereby move(s) the Court, pursuant to 11 U.S.C. 363 and Local Rule B-6004-5, to approve the sale of property following the procedures as described below, and state(s):

Terms of Sale

1. The property to be sold is: (describe)
2. The prospective purchaser is: (name)
3. If the sale is approved as proposed and no better bid is received, the sales price and net proceeds to be received by the estate are:
4. Contingencies to the sale are: (describe or state "none")
5. A copy of the contract (purchase agreement), if available, is attached to this motion as Exhibit A. (attach or state "not available")
6. Executory contracts and leases proposed to be assumed or rejected: (describe or state "none")
7. The property was marketed for sale as follows: (describe)

8. The other offers to purchase were as follows: (describe or state “none”)
9. The known relationships among the Prospective Purchaser and its insiders and the Debtor and its insiders or the trustee are as follows: (describe or state “none”)
10. The relationships or connections that the (trustee or the) Debtor or its insiders will have with the Prospective Purchaser after the sale are as follows: (describe or state “none”)
11. [if a topping/ break-up fee is proposed to be paid to the Prospective Purchaser if another bidder prevails] A topping or break-up fee is proposed. The conditions under which the fee would be payable and the factual basis on which the seller determined the provision was reasonable are as follows: (describe)
12. All entities that expressed an interest in the purchase of all or a material portion of the assets to be sold within ninety (90) days prior to the filing of the motion, the offers made by them (if any), and the nature of the offer are as follows: (describe/identify or state “none”)
13. [if the property includes personally identifiable information as defined in 11 U.S.C. §101(41A)] The measures that will be taken to comply with 11 U.S.C. §363(b)(1) are as follows: (describe)
14. [if the case is under Chapter 11 and proposes the sale of all or substantially all of Debtor’s assets]: [if schedules have not been filed] A summary of the Debtor’s debt structure, including the amount of the Debtor’s secured debt, priority claims, and unsecured debt, is as follows: (describe)
15. If the case is under Chapter 11 and proposes the sale of all or substantially all of Debtor’s assets]: [if a creditors’ committee or its equivalent existed pre-petition] The members of the pre-petition committee and the companies with which they are affiliated, and the identity of counsel to that pre-petition committee, are as follows: (describe or state “none”)

Consideration of Other Offers

The procedures which any entity interested in offering a competing bid must follow are:

[Describe bid procedures here]

NOTICE IS GIVEN that any objection to the proposed bid procedures must be filed with the Bankruptcy Clerk within **21 days** from date of service [or such other time period as may be permitted by Fed.R. Bankr.P. 9006(f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

(Select the appropriate address.)

Indianapolis

116 U.S. Courthouse
46 East Ohio St
Indianapolis, IN 46204

Evansville and Terre Haute

352 Federal Bldg.
101 NW M.L. King Jr. Blvd.
Evansville, IN 47708

New Albany

110 U.S. Courthouse
121 W. Spring St.
New Albany, IN 47150

The objecting party must ensure delivery of the objection to the party filing the motion (and the debtor if not the movant or objector/and the trustee if not the movant or objector). **If an objection is NOT timely filed, the bid procedures may be approved as proposed and the Court shall set a hearing on the sale.**

WHEREFORE, [trustee/debtor(s)] move(s) the Court to enter an order approving the bid procedures, and granting such other relief as appropriate.

/s/ Counsel for [Trustee/Debtor(s)]
Counsel for [Trustee/Debtor(s)]
(required signature block)

CERTIFICATE OF SERVICE

(See "Certificate of Service - Generic" on the Court's website under "Forms/Local/Motions & Related Notices-Certificates of Service-Orders/Certificates of Service/Generic)

[Attach a copy of the contract/ purchase agreement]