

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) CASE NO.04-07498-wb
)
)
Jeffrey Christopher Cockerill)
)
_____ Debtors)

TO: ALL CREDITORS AND PARTIES IN INTEREST

NOTICE OF SALE OF PROPERTY FREE AND CLEAR OF LIENS

YOU ARE HEREBY NOTIFIED that **the debtor(s)**, propose to sell the property herein described free and clear of all liens and encumbrances according to the terms of and conditions stated below.

TYPE OF SALE: Private.

PROPERTY TO BE SOLD: House and lot located at 2912 Nantucket Ave. TMS # 484-04-00-149.

PRICE: \$105,000.00.

APPRAISAL VALUE: \$112,000.00 per debtor's schedules.

BUYER: Joshua Fogle no relation to the debtor.

PLACE AND TIME OF SALE: At the office of an attorney of the buyer choice within a reasonable time following the entry of an order approving this motion.

SALES AGENT/AUCTIONEER/BROKER: ReMax and Century 21 Properties.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: 6% of Sales Price divided between each realtor.

ESTIMATED TRUSTEE'S COMMISSION ON SALE: To Be Determined.

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: BB&T in the approximate amount of \$85,000.00 and Homecomings Financial in the approximate amount of \$26,500.00 this motion is subject to the consent of the second mortgage lien hold to release its lien for the amount of revenue remaining after the satisfaction of the first lien, realtor's commissions and the closing expenses.

DEBTOR'S EXEMPTION: \$0.00.

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: None

Any party objecting to the **debtor(s)** sale must do so in writing and in accordance with SC LBR 9014-1. All objections should be filed with the Clerk of Court at 1100 Laurel Street, Post Office Box 1448, Columbia, SC 29202, with a copy served on the Debtor(s)' attorney, at the address shown below, and on the Chapter 13 Trustee at PO Box 997, Mt. Pleasant, SC 29465. A copy of the objection should also be served on the United States Trustee at 1835 Assembly St. Suite 953, Columbia, SC 29201. All objections must be filed within Twenty (20) days from the date of this notice shown below. If no objection is filed and served, the sale will proceed in accordance with the terms recited herein.

TAKE FURTHER NOTICE that no hearing will be held on this motion or application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on October 13, 2004, at 9:00 am., at 145 King St., Room 225, Charleston, SC 29401. No further notice of this hearing will be given.

The Court may consider additional offers at any hearing held on an objection to the sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee or debtor in possession, as applicable, may seek sanctions or other similar relief against any party filing a spurious objection to this notice.

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis _____

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

District Court ID No. 438

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) CASE NO.04-07498-wb
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Jeffrey Christopher Cockerill)
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_____ Debtors)

MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS AND MEMORANDUM

The undersigned, as attorneys for the debtor moves to sell property free and clear of liens. The debtors move to sell the house and lot located at 2912 Nantucket Ave. TMS # 484-04-00-149. pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004. The debtor believes that the buyer is a good faith purchaser and also moves to waive Fed. Bankr. P. 6004(g) to allow the debtor to immediately enforce and implement the order originating from this motion. The debtor seeks to pay the lien of BB&T and pay any remaining funds to Homecomings Financial. This motion is subject to the consent of the second mortgage lien hold to release its lien for the amount of revenue remaining after the satisfaction of the first lien, payment of the realtor's commissions and the closing expenses. Unless the second lien holder consents to the debtor's proposed treatment of its claim, the debtor does not foresee any other treat these mortgage claims other than abandonment of the property in question. The debtor further believes that this sell is in the best interest of the estate as it is the debtor's best effort to reduce the liability of the estate.

Wherefore, debtor prays that the Court will grant this motion and allow the debtor to sell free and clear of liens.

RESPECTFULLY SUBMITTED,

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

District Court ID No. 438

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IN RE:) CASE NO.04-07498-wb
)
)
Jeffrey Christopher Cockerill) CERTIFICATE OF SERVICE
) BY MAIL
)

Debtors)

I hereby certify that a copy of the within motion to sell property free and clear of liens, notice of sale property free and clear of liens, proposed order and certificate of service, was duly served upon the parties below named, by depositing said papers in the United States Mail at Charleston, South Carolina, on this date, with first class postage duly affixed and a return address clearly indicated on said envelope to the address below indicated.

See Attached List

IRS
MDP 39 1835 Assembly St. Rm. 653
Columbia, SC 29201

US Department of Justice
PO Box 141989
Washington, DC 20044

US Attorney for SC for the IRS
1441 Main St. Suite 500
Columbia, SC 29201

US Trustee
1835 Assembly St. Suite 953
Columbia, SC 29201

James M. Wyman
PO Box 997
Mt. Pleasant, SC 29465

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis
D. Nathan Davis
Attorney for Debtor
1124 Sam Rittenberg Blvd. Suite 8
Charleston SC 29407
(843) 571-4042
District Court ID No. 438

BB&T
PO Box 6676
Florence SC 29502

CITI CARDS
PO BOX 8102
S HACKENSACK NJ 07606-8102

Chase
PO box 5210
New Hyde Park, NY 11042

Chase Manhattan Automotive Finance Corporation
c/o Paul P Taylor
900 Stewart Ave 4th Floor
Garden City NY 11530

Homecomings Financial
PO Box 890036
Dallas TX 75389

Carlton D. Robinson
The Carlton D. Robinson Law Firm, LLC
1408 Gregg St.
Columbia, SC 29201

SC Department of Revenue
PO Box 125
Columbia, SC 29214

SC FEDERAL CREDIT UNION
PO BOX 190012
N CHARLESTON SC 29419