

**LOCAL OFFICIAL FORM 6004-1(a) TO SC LBR 6004-1
UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:
Nicholas Joseph Wikowski)
Judith Ann Wikowski) **CASE NO: 04-05624jw**
) **CHAPTER: 13**
)
DEBTOR.)

TO: All Creditors and Parties in Interest

NOTICE AND APPLICATION FOR SALE OF PROPERTY FREE AND CLEAR OF LIENS

YOU ARE HEREBY NOTIFIED that the debtor(s) is/are applying for approval to sell the property of the debtors' estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty(20) days from service of this motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on November 4, 2004, at 9:00 a.m., at J. Bratton Davis U.S. Bankruptcy Court, 1100 Laurel Street, Columbia, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: PRIVATE

PROPERTY TO BE SOLD: Debtors' interest in Lots 41, 43, 45, 47, 49, 50 Pennsylvania Avenue, Burlington Township, Burlington, NJ, Block Number 100.04.

PRICE: \$20,000.00 Total of which 5% will be paid to Haines & Haines, Realtors, and \$200.00 will be paid to Debtors' Bankruptcy Attorney for Notice Motion Order to Sell and Report of Sale. Buyer to pay any other costs associated with the sale and closing. Therefore, \$18,800.00 will be paid to the Chapter 13 Trustee.

APPRAISAL VALUE: Tax assessor's appraisal is 19,800.00. Debtors believe the proposed sale to be the highest price obtainable for the property, most especially the has mandated costly requirements which must be met before the property can be developed.

BUYER: William & Bonnie Jenkins (Benchcraft LTC)

PLACE AND TIME OF SALE: November 5, 2004 at the Office of a reputable Title Company.

SALES AGENT/AUCTIONEER/BROKER: Haines & Haines, Realtors. Agent Chris Seiler 609-386-1636 Ext 20

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: Real Estate Agent/Broker (Chris Seiler/Haines & Haines) to be paid 5% of the Gross Sale Proceeds. Debtors' Bankruptcy Attorney to be paid \$200.00.

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the court (but not to exceed the limits set in 11 U.S.C. § 326(a)).

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY: (name of each lienholder, lien position, estimated amount due, whether lienholder consents to sale, whether lien attaches to proceeds of sale or whether lien is to be satisfied upon sale) There are no lienholders, mortgages, or security interests.

DEBTOR'S EXEMPTION: (amount, type or not applicable) None

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: (net to estate after costs of sale, including all commissions and expenses, and payment of liens encumbering property) \$18,800.00 to be paid to Chapter 13 Trustee at the closing.

STAY OF ORDER: (If appropriate, a request that the automatic 10-day stay not apply to the final order may be included here) Debtor requests that the automatic 10-day stay not apply to the final order.

Applicant(s) is/are informed and believe(s) that it would be in the best interest of the estate to sell said property by private sale. Applicant(s) also believe(s) that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any 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 appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

Date: October 4, 2004

/s/ Daryle A. Walker, Attorney for Debtor

Signature of Applicant

P.O. Box 1537, Murrells Inlet, SC 29576

Typed/Printed Name/Address/Telephone

843-357-8530

District Court I.D. Number 4485

CERTIFICATE OF SERVICE

I certify that I did this day, serve a copy of the Debtor's Notice and Application for Sale of Property Free and Clear of Liens, a proposed Order Authorizing Sale of Asset, and a copy of this Certificate of Service, by First Class United States Mail, with proper postage and addressed to the Trustee, William K. Stephenson, P.O. Box 8477, Columbia, SC 29202 and to each Creditor and Party in Interest as listed in the attached Mailing Matrix.

October 4, 2004

/s/ Daryle A. Walker

Daryle A. Walker, Attorney for Debtor

AMERICAN EXPRESS
PO BOX 360002
FT LAUDERDALE FL 33336-0002

AMERICAN HONDA FINANCE CORP
8601 MCALPINE PARK DRIVE 230
CHARLOTTE NC 28211

American Express Centurion Bank
c/o Becket and Lee, LLP
P.O. Box 3001
Malvern, PA 19355-0701

BANKONE
PO BOX 15153
WILMINGTON DE 19886-5153

Bank One Delaware, NA f.k.a. First USA
c/o Weinstein, Treiger & Riley, P.S.
2101 4th Ave., Suite 900
Seattle, WA 98121

Bank One, Delaware, N.A.
PO Box 100018
Kennesaw, GA 30156-9204

CHASE PLATINUM MASTER CARD
PO BOX 17202
WILMINGTON DE 19886-7202

CREDIT FIRST NA
PO BOX 81315
CLEVELAND OH 44181-0315

Chase Manhattan Bank USA, NA
by eCAST Settlement Corporation as its a
P.O. Box 35480
Newark, NJ 07193-5480

Credit First NA
PO Box 810011
Cleveland OH 44181 8011

State of New Jersey
Division of Taxation
PO Box 245
Trenton NJ 08695

Daryle Walker
PO Box 1537
Murrells Inlet SC 29576

FIRST NORTH AMERICAN NAT BANK
PO BOX 830008
BALTIMORE MD 21283-0008

FLEET BANK
CASH RESERVE
PO BOX 150462
HARTFORD CT 06115-0462

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

Fleet Bank (RI) N.A. and its assigns
by eCAST Settlement Corporation as its a
P.O. Box 35480
Newark, NJ 07193-5480

Fleet National Bank
2970 Transit Rd
NY/UT/3810M
W Seneca NY 14224

INTERNAL REVENUE SERVICE
MDP 39
1835 ASSEMBLY STREET
COLUMBIA SC 29201

MBNA AMERICA BANK NA
PO BOX 15019
WILMINGTON DE 19886-5019

MBNA America Bank, N.A.
by eCAST Settlement Corporation as its a
P.O. Box 35480
Newark, NJ 07193-5480

NATIONAL CITY MORTGAGE
PO BOX 1820
DAYTON OH 45401-1820

National City Mortgage
3232 Newmark Drive
Miamisburg OH 45342

SEARS PREMIER CARD
CITIBANK USA NA
PO BOX 818017
CLEVELAND OH 44181-8017

STATE OF NEW JERSEY
DIVISION OF PENSIONS BENEFITS
PO BOX 295
TRENTON NJ 08625-0295

STATE OF NEW JERSEY
DIVISION OF TAXATION
PO BOX 111
TRENTON NJ 08645-0111

Sherman Acquisition LP dba Resurgent Acquisition
P.O. Box 10587
Greenville, SC 29603-0587

William K. Stephenson Jr.
PO Box 8477
Columbia, SC 29202

LOCAL OFFICIAL FORM 6004-1(c) TO SC LBR 6004-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)
Nicholas Joseph Wikowski)
Judith Ann Wikowski) CASE NO: 04-05624jw____
) CHAPTER: 13____
)

DEBTOR.)

ORDER AUTHORIZING SALE OF ASSET

This proceeding comes before the court on the application of the Debtor(s) for authority to sell free and clear of liens the estate's interest in that real property

The court has been informed that all parties in interest have been notified of the intention to sell said property, and that no objection to the proposed sale has been received or filed by any party in the office of the clerk of this court. The Debtor(s) in possession has/have represented to the court that such sale is in the best interest of creditors of the estate. The Debtor(s) in possession also has /have informed the court that liens claimed by **no one** against said property should attach to the proceeds of sale, or should be paid upon the sale of said property. It is therefore,

ORDERED, ADJUDGED, AND DECREED, that the Debtor(s) in possession is /are authorized to sell and to convey the estate's interest in the above-described property, and that the liens claimed by the above-named creditors shall attach to the proceeds of sale, or shall be paid upon the sale of said property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the automatic 10-day stay provided by Fed.R.Bankr.P. 6004(g) does not apply to this sale.

THE APPLICANT:

Daryle A. Walker, Attorney for Debtor
Signature of Trustee/Debtor
Daryle A. Walker, Attorney for Debtor,
P.O. Box 1537, Murrells Inlet, SC 29576
843-357-8530
Typed/Printed Name/Address/Telephone
4485_____
District Court I.D. Number

Date: October 4, 2004

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: 04-05624jw

ORDER AUTHORIZING SALE OF ASSET (FREE & CLEAR)

The relief set forth on the following pages, for a total of 2 pages including this page, is hereby **ORDERED**.