

**UNITED STATES BANKRUPTCY COURT
Middle District of Alabama**

In re

Richard S Tully, II and Kimberly A. Tully

Debtors

Case No. 11-31217
Chapter 7

ORDER

This case is before the court on the following matter:

17 – Rule 9007 Motion/Notice/Objection: Motion to Use, Sell, or Lease Filed by Trustee Filed by Susan S. DePaola on behalf of Susan S. DePaola. Responses due by 08/18/2011. (DePaola, Susan)

It appears that notice has been given pursuant to LBR 9007-1 and that no response has been filed. Accordingly, it is

ORDERED, that the motion is **GRANTED** according to the terms stated.

Done this 22nd day of August, 2011.

/s/ William R. Sawyer
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

IN RE: Richard & Kimberly Tully

Case: 11-31217

NOTICE OF SALE

PURSUANT TO LBR 9007-1, THIS MOTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 21 DAYS OF SERVICE. RESPONSES MUST BE FILED AND SERVED UPON THE MOVING PARTY WITHIN 21 DAYS OF SERVICE. RESPONSES MUST BE FILED ELECTRONICALLY WITH THE CLERK OF THE BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, ALABAMA 36104.

This pleading is being filed and noticed pursuant to M.D. AL L.B.R. 9007-1 procedures for:
Notice of Sale pursuant to 6004(a).

Please take notice that Susan Shirock DePaola, Trustee in the above-styled cause proposes to sell the Estate's interest in property of the Estate subject to the following terms and conditions.

1. At the time of the filing of the petition, the debtor was a tenant in common in commercial real property along with two co-owners.
2. The co-owners of the real property were also co-owners of a limited liability company known as Southern Stone Design, LLC.
3. The real property has a tax value of \$674,320.00 and is subject to two mortgages totaling \$638,167.00.
4. The LLC appears to have had *de minimus* profitability based upon tax returns for 2008, 2009 and 2010. These returns are available to interested parties at the Trustee's office.
5. The two co-owners have offered to purchase the Estate's interest in the real property and the LLC in consideration of a payment of \$12,000.00. This amount is approximately 20% of the unsecured debt reported in the petition in bankruptcy.
6. The Trustee believes that the sale is in the best interest of the Estate and that the assets would otherwise have to be abandoned.

Therefore, unless objections to said sale are filed with the Bankruptcy Court and served on the Trustee as set forth hereinabove, the Trustee will sell the interest described hereinabove pursuant to this notice of sale. Done this the 25th day of July, 2011.

s/ Susan Shirock DePaola
TRUSTEE IN BANKRUPTCY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Sale* has been sent to the debtor, the debtor's attorney, the Bankruptcy Administrator and all creditors to the addresses shown in the original petition, by ECF or by first class mail on this the 25th day of July, 2011.

S/ Susan Shirock DePaola