

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

STOVALL CUSTOM WOODWORKING INC.,

CASE NO. 21-02420

CHAPTER 7

JUDGE Charles M. Walker

Debtor(s).

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 09/08/2021**

**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE HELD ON  
09/29/2021 at 11:00 AM; via Zoom video for Nashville; For details please see [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).**

**NOTICE OF TRUSTEE'S MOTION TO SELL PROPERTY  
AND NOTICE OF BID PROCEDURES**

Eva M. Lemeh, Trustee has asked the court for the following relief: to sell property.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Clerk's Intake Department at (615)736-5584.

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: August 17, 2021

*/s/ Eva M. Lemeh*

Eva M. Lemeh, Trustee

4300 Kings Lane

Nashville, TN 37218

(615) 938-6301; (615) 691-7382 (fax)

elemehtrustee@comcast.net

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

IN RE:

STOVALL CUSTOM WOODWORKING INC.,

Case No. 21-02420

Chapter 7

Debtor

Judge Charles M. Walker

**TRUSTEE'S MOTION TO SELL PROPERTY  
AND NOTICE OF BID PROCEDURES**

Comes now Eva M. Lemeh, Chapter 7 Trustee, (the "Trustee"), through the undersigned counsel, moves the Court for an order pursuant to 11 U.S.C. §§ 105(a), 363, 704, and Fed. R. Bankr. P. 2002, and 6004 to approve the sale of property, and to approve the notice of the auction and bid procedures set forth herein. In support of this Motion, the Trustee states:

**A. BACKGROUND**

1. The Debtor filed a petition under Chapter 7 of the Bankruptcy Code on 08/09/2021 (the "Petition Date").
2. Assets of the bankruptcy estate are the items listed below: (the "Property").

**Property List:**

Freedom Machine Patriot 5X10 CNC Router	Oneida Dust Collector with ducting
2010 Nissan CF30LP Forklift	Kregg Pocket Hole Machine
Sawstop table saw	Spray Booth 8'x7'x6'
15" Powermatic planer	(2) air assist airless paint pumps
8" Powermatic Jointer	Maksiwa Edge Bander
Powermatic Bandsaw	Jet Edge Sander
Powermatic Shaper	Drill Press
Safety Speed Cut Wide Belt Sander	Router Table
Ingersoll Rand Air Compressor	Miscellaneous tools
Ingersoll Rand Air Dryer	

3. The Debtor is the sole owner of the property.
4. As of the Petition Date, the Debtor valued the Debtor's interest in the Property at \$70,300. An appraisal of the Debtor's interest lists the property at in excess of \$70,000.
5. Secured claims against the property are as follows:

Creditor	Type of Lien (e.g., deed of trust, mortgage, statutory, judicial)	Approximate Balance owed as of the time of the filing of the Motion
The Huntington Bank	UCC-1 lien on router	\$10,715.14

6. The Trustee is not aware of any tax related issues pertinent to the property and/or contemplated sale.
7. In conjunction herewith the Trustee is filing a motion to employ an auctioneer to market the Property for sale.

## **B. THE SALE**

8. Subject to the Upset Bid Procedures set forth below, The Trustee proposes to sell the Property at an Auction on September 16, 2021 to be conducted at 1903 Nolensville Pike, Nashville, TN 37211, which is the location of said property. The Property needs to be sold as soon as possible as it is located in a rented space and the landlord has not been paid rent in several months.
9. The sale will represent an arms-length transaction between the parties, made without fraud, collusion, and no attempt will be made by either party to take any unfair advantage of the other. The Buyer will purchase the Property in good faith pursuant to 11 U.S.C. § 363(m).
10. From the sale proceeds, the Trustee proposes to pay the Auctioneer's commission and expenses to repair a hole in the roof of the rented space as a result of the removal of the paint booth being sold. In addition, the Trustee proposes to pay all creditors that have filed proofs of claim evidencing an undisputed secured interest in the property, in order of priority, as of the date of closing. The Trustee estimates that, after the payment of the costs of sale, and satisfaction of secured liens, approximately \$50,000.00 in net proceeds will be realized from the sale. The Debtor is not entitled to an exemption from the net proceeds realized from the sale of the Property which leaves approximately \$50,000.00 that the Trustee may distribute to pay of the costs of administering the estate and/or for the payment of valid claims against the estate pursuant to the priorities set forth in 11 U.S.C. § 726. For this reason, the sale is in the best interest of the debtor, the estate, creditors, and other parties in interest and should be approved.
11. The sale of the Property is being made free and clear of any interest in the Property held by an entity other than the estate pursuant to 11 U.S.C. § 363(f) because either: (1) applicable non-bankruptcy law permits the sale of the Property free and clear of such interests; (2) such entity consents to the sale; (3) such interest is a lien and the price at which the Property is to be sold is greater than the aggregate value of all liens on such property; (4) such interest is in bona fide dispute; or (5) such entity could be compelled, in a legal or equitable proceedings, to accept a money satisfaction of such interest.
12. In the event that the Property is co-owned, the sale of the Property is proper pursuant to 11 U.S.C. § 363(h) because: (1) partition in kind of such property among the estate and such co-owners is impracticable; (2) the sale of the estate's undivided interest in the Property would realize significantly less for the estate than a sale of the Property free and clear of the interest of co-owners; (3) the benefit to the estate of a sale of the Property free of the interests of co-owners outweighs the detriment, if any, to such co-owners; and (4) the Property is not used in the production, transmission, or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light, or power. The co-owner has consented to the property being sold by the Trustee.

## **C. OBJECTION**

13. Any party that objects to this Motion to Sell must file any response or objection electronically pursuant to the 9013 Notice of this Motion to Sell that has been filed and served with this motion. In the absence of a timely filed objection to this Motion to Sell, or, in the absence of a timely upset bid (as detailed below) the court may enter an order approving this Motion to Sell without further notice or hearing.

## **D. UPSET BID PROCEDURES**

14. If during the final five minutes of the sale, the high bid is upset, the closing time will be extended by five minutes to allow the upset bidder or any other bidder to counter. This process will continue until bidding stops.
15. If for any reason the Winning Bidder fails to consummate the sale of the Property, the offeror of the second highest or best bid (subject to the same reservations) will automatically be deemed to have submitted the highest and best bid, and the Trustee is authorized to effect the sale of the Property to such offeror without further order from the bankruptcy court. If such failure to consummate the purchase of the Property is the fault of the Winning Bidder, the Winning Bidder's deposit, if any, shall

be forfeited to the Trustee, and the Trustee specifically reserves the right to seek all available damages from the defaulting bidder.

16. The Trustee reserves the right to: (1) impose, at or before the Auction, additional terms and conditions on a sale of the Property; (2) extend the deadlines from those set forth herein, adjourn the auction at the auction; (3) withdraw the Property, or any part of the Property, from sale at any time before or during the auction, and to make subsequent attempts to market the same; and (4) reject all bids if, in the Trustee's reasonable judgment, no bid is for a fair and adequate price.

**E. RELIEF REQUESTED**

WHEREFORE, the Trustee requests that the Court enter an Order, submitted by the Trustee, in the absence of any timely filed objection to the sale motion, which:

1. Authorizes the Trustee to sell the Property;
2. Approves the sale of the Property pursuant to 11 U.S.C. § 363(b), (f), (h), (m) and Fed. R. Bankr. P. 6004;
3. Declares that all liens against the Property attach to the proceeds of the sale;
4. Approves the payment of sale proceeds to: (1) Auctioneer's fees and expenses; and (2) the satisfaction of liens in the Property in order of priority.
5. Waiving the 10-day stay of the order approving the sale under Fed. R. Bankr. P. 6004(h);
6. Requiring the Chapter 7 Trustee to file a final report of sale with the Court in accordance with Fed. R. Bankr. P. 6004(f) and LBR 6004-1.
7. Granting such other relief that the court deems just and proper.

Respectfully submitted,

/s/ EVA M. LEMEH  
**EVA M. LEMEH**, #012153  
Attorney for Trustee  
4300 Kings Lane  
Nashville, TN 37218  
(615) 938-6301; (615) 691-7382 (fax)  
[elemehtrustee@comcast.net](mailto:elemehtrustee@comcast.net)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above-referenced Motion, Notice and Proposed Order were served on the parties that receive electronic notification in these proceedings. The Motion, Notice and Proposed Order were also served on all known, prospective bidders listed below and the parties listed on the attached mailing matrix via U.S. Mail, postage prepaid, on August 17, 2021.

/s/ EVA M. LEMEH  
**EVA M. LEMEH**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

IN RE:	)	
	)	
STOVALL CUSTOM WOODWORKING INC.,	)	Case No. 21-02420
	)	Chapter 7
	)	Judge Charles M. Walker
Debtor	)	

**PROPOSED ORDER AUTHORIZING SALE OF PROPERTY**

Upon the motion of Eva M. Lemeh, Trustee, for approval of the sale of property, and it appearing to the Court that the Trustee has complied with applicable local rules, having provided notice of said motion, and that no timely filed objections were received in this matter, and for other cause to the Court shown;

**IT IS HEREBY ORDERED** that Eva M. Lemeh, Trustee is authorized to sell the property listed in the motion (the "Property");

**IT IS FURTHER ORDERED** that the sale of the Property is approved pursuant to 11 U.S.C. § 363(b), (f), (h), (m) and Fed. R. Bankr. P. 6004;

**IT IS FURTHER ORDERED** that all liens against the Property attach to the proceeds of the sale;

**IT IS FURTHER ORDERED** that the payment of sale proceeds to: (1) Auctioneer's fees and expenses; and (2) the satisfaction of liens in the Property in order of priority, are approved;

**IT IS FURTHER ORDERED** that the 10-day stay of the order approving the sale under Fed. R. Bankr. P. 6004(h) is waived;

**IT IS FURTHER ORDERED** that the Chapter 7 Trustee is required to file a final report of sale with the Court in accordance with Fed. R. Bankr. P. 6004(f) and LBR 6004-1;

**IT IS FURTHER ORDERED** that such other relief that the court deems just and proper is granted.

**This order was signed and entered electronically as indicated at the top of the first page.**

**Charles M. Walker  
U.S. BANKRUPTCY JUDGE**

SUBMITTED FOR ENTRY:

/s/ EVA M. LEMEH

**EVA M. LEMEH**, #012153

Attorney for Trustee

4300 Kings Lane

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21-02420 - STOVALL CUSTOM WOODWORKING INC.. - Mailing Matrix

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