

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

In re: Chapter 11, Subchapter V

PHOENIX TELECOM, INC. Case No. 23-30408

Debtor.

**MOTION FOR SALE OF BOAT FREE AND CLEAR
OF ALL LIENS, CLAIMS, AND ENCUMBRANCES**

PHOENIX TELECOM, INC., as debtor and debtor in possession, (the “**Debtor**”) files its *Motion for Sale of Boat Free and Clear of All Liens, Claims, and Encumbrances* (the “**Motion**”) in connection with sale of that certain boat titled in the name of the Debtor’s principal in which the Debtor has an equitable interest and remittance of net sale proceeds to Debtor for use in the ordinary course of business. In support of the Motion, the Debtor would show as follows:

General Background

1. On June 14, 2023 (the “**Petition Date**”), the Debtor filed its Voluntary Petition for Relief under Chapter 11 of Title 11 of the United States Code (the “**Bankruptcy Code**”) and an election to proceed under Subchapter V pursuant to the Small Business Reorganization Act of 2019, as amended.

2. The Debtor, a Florida corporation established in 2002, specializes in the construction, maintenance and modification of wireless infrastructure in the

Southeast region of the United States. The Debtor offers services ranging from construction of new telecommunication towers, structural upgrades and modifications to existing telecommunication towers, tower mount modifications, lines and various antenna installs, telecommunication tower maintenance, technical services, and other related services

3. For detailed information regarding the Debtor and its business, see the Chapter 11 Case Management Summary filed on June 14, 2023, with the Court (Doc. No. 7).

4. The Debtor's president and sole shareholder is Jesus V. Delgado, who owns one hundred percent (100%) of the stock in the Debtor.

Specific Background

5. Mr. Delgado has titled in his individual name a pre-owned 38' 2019 Boston Whaler Model 380 Outrage, bearing hull identification no. BWCE1569A919 with three (3) 350 HP Mercury Engines, bearing serial nos. 2B653441, 2B652369, and 2B61508 (the "**Boat**").

6. The Boat was purchased primarily for the Debtor's use in its marketing and sales efforts and was titled in Mr. Delgado's individual name solely to facilitate financing. The Boat is encumbered by a first preferred ship mortgage in favor of All In Credit Union ("**All In Credit**") in the approximate amount of \$387,000.00 (the "**All In Credit Loan**").

7. The Debtor has historically made the loan payments to All In Credit and paid for maintenance of the Boat as part of its business overhead. The Debtor asserts an equitable interest in the Boat on account of its paying substantially all of the costs associated with the Boat.

Relief Requested

8. Mr. Delgado and the Debtor desire to sell the Boat free and clear of the All In Credit Loan, outstanding expenses related to the Boat, and closing costs. After payment of such expenses and costs, the net sale proceeds will be remitted to the Debtor on account of its equitable interest for use in the ordinary course of its business.

9. The Boat is currently being listed for sale for \$497,772.00, and the Debtor will be filing with this Court a separate motion to employ and compensate a broker to market and sell the Boat.

10. Mr. Delgado submits that his exercise of business judgment as owner and officer of the Debtor to consummate the sale is in the best interest of the estate.

11. The Debtor requests that the sale be free and clear of liens, claims, and encumbrances, with the net sale proceeds being remitted to the Debtor for use in the ordinary course of business.

WHEREFORE, the Debtor respectfully requests that this Court enter an order (i) approving Mr. Delgado's exercise of business judgment as the sole owner and officer of the Debtor to sell the Boat free and clear of all liens, claims, and

encumbrances, with the net sale proceeds to be remitted to the Debtor and (ii) providing such other and further relief as is just.

/s/ Elena Paras Ketchum

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Attorneys for Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Motion for Sale of Boat Free and Clear of All Liens, Claims, and Encumbrances* has been furnished on this 22nd day of August, 2023, by the Court's electronic mail to the parties set forth below on the Electronic Service List and by U.S. Mail to all creditors on the Court's matrix.

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/s/ Elena Paras Ketchum

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Label Matrix for local noticing
1129-3
Case 23-30408-JCO
Northern District of Florida
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

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End of Label Matrix	
Mailable recipients	129
Bypassed recipients	2
Total	131