

### **Rule 6004-1: Sales Not in the Ordinary Course of Business**

**(a) Notice.** The notice of a sale not in the ordinary course of business of property in excess of \$2,500.00 shall as applicable, at a minimum, set forth:

- (1) The time and place of sale;
- (2) The name or representative's name of the prospective buyer and whether the prospective buyer is an insider;
- (3) A description of the property or interest to be sold in reasonable detail;
- (4) All entities known or believed to hold interests, in the property to be sold;
- (5) Whether the sale is free and clear of liens, claims or interests, or subject to them, and a description of any such liens, claims or interests;
- (6) The terms and conditions of the offer;
- (7) Whether the property may be viewed, and if so, when and where;
- (8) Whether the offer is subject to higher and better bids;
- (9) The date by which the objections must be filed and served;
- (10) Whether any compensation will be paid from the sale proceeds, if so, to whom and whether such recipient is an insider;
- (11) Whether there is an appraisal of the property, and if so, the value of the property stated therein; and
- (12) Whether any motions for stay relief have been filed as to this property and by whom.

**(b) Service.** The notice shall be filed and served, with the application, on those specified in Rule 6004, and on other entities known or believed to be interested, including potential buyers and/or their brokers, the title company where escrow has been opened, and any parties asserting liens, claims or interests in the property and their counsel. A certificate of service shall be filed by applicant prior to the hearing.

*Related Bankruptcy Code Sections: 102, 363*

*Related Bankruptcy Rules: 6004, 2002(a)(2), (c)(1), (i) and (k) -- and 9014.*

**(c) Sale Report.** Movant shall file a notice of consummation and sale report within 21 days of the sale's closing.

---

-

Committee Notes 2014: 6004-1c requires notice of consummation of sale within 21 days.

Committee Notes 2007: Changes to Rule 6004-1 were made to conform more closely with the Bankruptcy Code and Rules. For instance, the list of items required in the notice in subsection (a) are required only for sales in excess of \$2,500.00. In addition, the notice (in subsection b) was updated to conform with the new electronic filing system. The subsection (c) requiring a certificate of service is also new and is meant to assist the court in evaluating and determining adequacy of notice.