

Rule 6004-1

SALE OF ESTATE PROPERTY

(a) ***Description of Property Being Sold.*** All requests to sell property, whether by motion or report and notice, shall include a description of the property to be sold sufficient for identification. In the case of real property, the description shall include the address and legal description. In the case of a registered motor vehicle, the description shall include the vehicle identification number.

(b) ***Sales of Estate Property Without Order.*** Other than a sale free and clear of liens under 11 U.S.C. § 363(f), the trustee in a Chapter 7 case may sell property of the estate under 11 U.S.C. § 363(b) without order of the Court provided that the trustee complies with sections (c) and (d) of this rule.

(c) ***Report and Notice of Intention to Sell.*** The trustee may file a report and notice of intention to sell property of the estate (“report and notice”) without further notice of hearing. The report and notice shall state that if no objection or request for hearing is filed and served within 21 days of the date of service, the specified property will be sold without further hearing or notice.

(d) ***Service.*** The report and notice shall be served on all creditors in compliance with Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

(e) ***Objections.*** If an objection or request for hearing is filed and served within 21 days from the date of the report and notice, the objection will be set for hearing by the Court.

Notes of Advisory Committee

2021 Amendment

This amendment adds new section (a) requiring that requests to sell property of the estate include a description of the property sufficient for identification. This amendment to the rule is effective August 1, 2021.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 6004-1(b), adds a provision permitting Electronic Filing Users the ability to complete service of pleadings by electronic means.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 2.21. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.