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8 [proposed] Attorneys for Michael G. Kasolas,
Trustee

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

14 In re
15 FOX ORTEGA ENTERPRISES, INC.,
16 dba PREMIER CRU,

17 Debtor.

Case No. 16-40050-WJL

Chapter 7

**TRUSTEE'S APPLICATION FOR
ORDER AUTHORIZING EMPLOYMENT
OF WEST AUCTIONS, INC. TO
PREPARE INVENTORY, SECURE
PREMISES AND PREPARE APPRAISAL**

20 TO: THE HONORABLE WILLIAM J. LAFFERTY, UNITED STATES BANKRUPTCY
21 JUDGE AT OAKLAND CALIFORNIA, DEBTOR'S COUNSEL, THE U.S. TRUSTEE
22 AND INTERESTED PARTIES:

23 Michael G. Kasolas ("Trustee") of the above referenced bankruptcy estate, respectfully
24 requests an order authorizing the employment of West Auctions, Inc. to prepare an inventory,
25 secure the premises and prepare an appraisal, and in support thereof, represents as follows:

26 1. An Order for relief under Chapter 7 of Title 11 of the United States Code was
27 entered herein pursuant to voluntary petition filed by the debtor on January 8, 2016. Michael G.
28 Kasolas is the duly appointed, qualified and acting trustee of the debtor's estate.

2. Among the assets of the debtor's estate is bottled wine inventory, furniture, fixtures and equipment ("Inventory").

3. Trustee believes that it is in the best interest of the estate to sell the Inventory through public auction and realize any available equity for creditors of the estate. Because the Inventory is extensive, the Trustee wants a written inventory prepared to show to prospective auctioneers and eventually prospective buyers. After the written inventory is prepared, the Trustee will provide a copy to a select group of auctioneers to solicit and negotiate a contract to auction the Inventory.

4. In order to accomplish the above, Trustee wishes to employ auctioneer West Auctions, Inc. ("West"), located at P.O. Box 278, Woodland, California 95776, www.westauction.com, Phone: 800-499-9378, to prepare an inventory. West will also secure the premises including changing locks, retaining an alarm company and obtaining on-site security as necessary. The Trustee seeks authority to pay West the sum of \$50.00/hr. to prepare the inventory (estimated to take up to 300 hours) for a total of \$15,000.00, plus approximately \$20,000 for out-of-pocket costs to secure the premises.

5. In addition, West will prepare a confidential preliminary appraisal of the values of the inventory and equipment to assist the Trustee in subsequently retaining an auctioneer. The Trustee has agreed to pay West the sum of \$3,500.00 for said research. This preliminary appraisal will be prepared by Donna Bradshaw, Vice President of West, an accredited personal property appraiser, with a specialty in wine.

6. Trustee has selected West for these Services, because of the extensive experience and knowledge of its principal in the liquidation of personal property and his familiarity with Bankruptcy Court procedures.

7. To the best of the Trustee's knowledge, Trustee believes and based thereon alleges, that West and its employees or associates, represent no interests adverse to the estate with respect to the matters upon which they are to be employed, have no connection or relationship with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any one employed in the offices of the United States Trustee. West has

1 previously been employed in other bankruptcy cases as an auctioneer by Trustee. There is no
2 other agreement to employ West other than this application.

3 8. When the Trustee requests bids from auctioneers, West will be permitted to submit
4 a bid to be the auctioneer.

5 9. West is fully bonded, its bond is on file with the U.S. Trustee's Office in the San
6 Francisco Division, and it carries and has in force, liability insurance.

7 10. Trustee is informed and believes, and based thereupon alleges, that this is a proper
8 case for the entry of an order without notice to creditors in that the matter to be ruled upon is
9 purely administrative in nature.

10 WHEREFORE, Trustee requests that this Court enter an order authorizing Trustee to
11 employ West Auctions, Inc. to prepare an inventory at the rate of \$50.00/hr. up to \$15,000.00, to
12 secure the premises and pay out-of-pocket expenses estimated to be \$20,000, and prepare a
13 confidential preliminary appraisal for the sum of \$3,500.00. Said fees shall be paid from the sale
14 proceeds and subject to further order approving the fees.

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16 DATED: January 20, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

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18 By: /s/ Tracy Green
19 Tracy Green
20 Attorneys for Michael G. Kasolas
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