


ORDERED.

Dated: November 28, 2018



Karen S. Jennemann  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re	)	
	)	
ANDREW B. MIGELL,	)	Case No. 6:15-bk-10569-KSJ
	)	Chapter 7
_____	)	

**ORDER GRANTING CHAPTER 7 TRUSTEE’S MOTION TO SELL REAL PROPERTY AND TRUSTEE’S MOTION TO REJECT LEASES**

This case came before the Court for trial on October 31, 2018, and November 2, 2018, at to consider the Chapter 7 Trustee’s Motion To Sell Real Property Free And Clear Of Liens, Claims, Encumbrances, And Interests Pursuant To 11 U.S.C. § 363(b), (f), and (m) (Doc. No. 370) (the “Sale Motion”) and Trustee’s Motion to Reject Lease and/or Executory Contract (Doc. No. 366) (the “Lease Motion”). The Chapter 7 Trustee (the “Trustee”) seeks authority to sell, free and clear of all liens, encumbrances, and interests, real property at 147 Thresher Road, Candia, NH 03034 (the “Property”). For the reasons set forth in the Court’s Findings of Fact and Conclusions of Law stated on the record at trial under Federal Rule of Bankruptcy Procedure

7052 and consistent with the Findings of Fact and Conclusions of Law being entered simultaneously with this order, it is

**ORDERED:**

1. The Sale Motion (Doc. No. 370) is **GRANTED**.
2. The Lease Motion (Doc. No. 366) is **GRANTED**.
3. Debtor's Objections to the Motions (Doc. Nos. 385, 386) are **OVERRULED**.
4. The Trustee is authorized to sell the Property to Ronald Severino for \$430,000, free and clear of all liens, claims, encumbrances, and interests under §§ 363(b), (f), and (m) of the Bankruptcy Code.
5. The Court specifically finds that Ronald Severino is a good-faith purchaser under 11 U.S.C. § 363(m).
6. Notice of the Sale Motion was proper and any and all objections to the Sale Motion have been heard by this Court and are overruled. To the extent any creditor asserts an interest or secured claim against the Property, such creditor is deemed to have consented to entry of this Order, and such creditor's claim shall not be a secured claim.
7. All outstanding ad valorem taxes due on the Property including, but not limited to, taxes due for the tax years 2013, 2014, 2015, 2016, 2017 and Current Use Taxation Pro Rate for 2018, shall be paid to the Tax Collector for Candia, New Hampshire at closing.
8. The Final Judgment Lien on the Property held by David Keach, which is recorded at Book 4544, Page 1490, in the Public Records of Rockingham County, New

Hampshire, in the amount of \$26,000.00, plus accrued interest, shall be paid to David Keach at closing.

9. Trustee is authorized to take all actions and execute all documents he deems reasonable and necessary to effectuate the sale of the Property.
10. The Federal Rule of Bankruptcy Procedure 6004(h) stay period of fourteen days is waived.
11. Any existing unexpired leases or contracts on the Property are rejected.
12. Specifically, the Land Lease Agreement between the Debtor and Leo B. Lhu, dated August 1, 2010, is rejected.
13. Leo B. Lhu and the Debtor are precluded from taking any action to impede the sale of the Property, including but not limited to, placing locks on the Property, entering the Property, or interfering with the buyer's quiet enjoyment of the Property.
14. If Leo B. Lhu and/or the Debtor attempt to impede the sale of the Property in any way, the Court will issue a break order for entry to the Property and a bench warrant for the Debtor and/or Leo B. Lhu's arrest.

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Trustee, Richard B. Webber II, is directed to serve a copy of this Order on interpreted parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the Order.