

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

HEARING DATE: August 28, 2008  
@ 10:00 a.m.

In re:

Case No. 07-11077 JMP

AGNES CLARKE,

Chapter 7

Debtor.

NOTICE OF SALE

PLEASE TAKE NOTICE that a hearing (the "Hearing") will be held before the Honorable James M. Peck, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York in Courtroom 601, on August 28, 2008 at 10:00 a.m. or as soon thereafter as Counsel can be heard for the entry of an order authorizing John S. Pereira, Chapter 7 Trustee (the "Trustee") of Agnes Clarke, the debtor (the "Debtor"), to sell real estate located at 3300 Wallace Avenue, Bronx, New York, now including the adjacent vacant lot identified as Block 4604/Lot 40, (the "Property") pursuant to 11 U.S.C. §363(b), (f) and §506(c) free and clear of all liens, claims and encumbrances with such liens, claims and encumbrances to attach to proceeds, to ZZ Associates Corp. (the "Purchaser"), for a sale price of \$340,000.00, or to such higher or better bidder whose bid may be received no later than August 25, 2008, as set forth below.

PLEASE TAKE FURTHER NOTICE that the Trustee's sale of the Property shall be "as is" and "where is", without recourse, representation or warranty of any kind.

PLEASE TAKE FURTHER NOTICE, that any bids for the purchase of the Property must be received by Counsel to the Trustee, at the address listed below, no later than 5:00 p.m. on August 21, 2008 and shall (i) be in writing, (ii) be in cash in an amount not less than

\$355,000.00, (iii) state the name and address of the bidder and, if a corporation, the names of its principal officers, (iv) include a financial statement demonstrating, to the Trustee's satisfaction, the financial ability of the individual or entity submitting such bid, (v) be accompanied by a deposit in the form of a certified or cashier's check, drawn upon a United States bank, made payable to "John S. Pereira, Trustee" in the amount of ten percent (10%) of the bid submitted (which deposit shall be (a) applied toward the purchase price if the bid is accepted and approved by the Court and in that event such deposit will be non-refundable, or (b) refunded in full after the hearing if the bid is not accepted). Arrangements to see the Property or receive additional details regarding the Property may be obtained by contacting the Trustee's real estate broker, G.E.M. Auction Corp., 419 Van Brunt Street, Suite 4B, Brooklyn NY 11231, (718) 222-0100, Attention: Dave Ross.

PLEASE TAKE FURTHER NOTICE, that if a party whose bid is accepted for the property being sold by the Trustee, fails through no fault of the Trustee to timely pay all or any part of the purchase price (time being of the essence with respect to any such purchaser's obligations), the Trustee shall retain, as partial liquidated damages and not as a penalty, all payments made by such party.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the sale of the Property by the Trustee pursuant to this order shall (i) be in writing, (ii) set forth a factual legal basis for the objection, (iii) identify the party raising the objection, (iv) comply with the Federal Rules of Bankruptcy Procedure and (v) be filed with this Court (with one (1) copy to Chambers) and be served upon Pereira & Sinisi,

LLP, 150 East 5<sup>th</sup> Street, 14<sup>th</sup> Floor, New York, New York 10155;  
Attention: Ann Marie Sinisi, Esq.; and the United States Trustee, 33  
Whitehall Street, 21<sup>st</sup> Floor, New York, New York 10004 as to be  
filed and received no later than five (5) business days prior to the  
hearing.

PLEASE TAKE FURTHER NOTICE, that the hearing may be  
adjourned from time to time by announcement in open Court

Dated: New York, New York  
July 17, 2008

BY ORDER OF THE UNITED STATES  
BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

/s/ James M. Peck  
JAMES M. PECK  
UNITED STATES BANKRUPTCY JUDGE

Ann Marie Sinisi, Esq.  
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