

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

In re:)
)
SUMNER, MARIETTA) Case No. 3:24-bk-30495-SHB
) Chapter 7
Debtor(s))

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on the Motion to Sell Survivorship Interest by Online Auction on December 12, 2024, at 9:00 a.m., in Bankruptcy Courtroom, 1-C, located at First Floor, Howard H. Baker, Jr., United States Courthouse, Knoxville, Tennessee.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the Motion to Sell Survivorship Interest by Online Auction and may enter an order granting that relief.

MOTION FOR AUTHORITY TO SELL
SURVIVORSHIP INTEREST BY ONLINE AUCTION

Comes Ann Mostoller, Trustee, and moves the Court for authorization to sell the survivorship interest in real property located at 606 Cline Avenue, Morristown, Tennessee 37814 belonging to the estate and to support her motion would show:

1. The sale is made by the Trustee pursuant §363(f)(3) and Bankruptcy Rule 6004. Notice is given in accordance with Bankruptcy Rule 9013-1(f)(1).

2. The Trustee proposes to sell the survivorship interest in real property located at 606 Cline Avenue, Morristown, Tennessee 37814 through an online auction running from January 16, 2025 at 9:00a.m. through January 30, 2025 at 7:00p.m. To participate in the online auction, go to www.furrow.com.

3. The sale will be conducted by Furrow Auction Company with a fee structure of \$5,000.00 or a ten percent (10%) buyer's premium on the gross sales' proceeds of \$0 - \$50,000 (whichever is greater), \$7,500.00 or a ten percent (10%) buyer's premium on the gross sales' proceeds of \$50,001.00 - \$100,000.00 (whichever is greater), and ten percent (10%) buyer's premium on the gross sales' proceeds of \$100,001.00 or higher.

4. The property is owned by Doyle and Marietta Sumner, husband and wife, as tenants by the entirety. See Attached exhibit for further information.

5. Based on information received from a real estate agent, the property has a fair market value of approximately \$260,000.00 and is subject to a mortgage of approximately \$102,000.00. The debtor, Marietta Sumner, is 61 years of age and in reasonably good health while the husband is 61 years of age but in poor health, suffering from black lung, COPD and is diabetic.

6. Any objections to this proposed sale shall be filed with the Court and served on the Trustee. The Trustee reserves the right to continue the sale from time to time and from place to place as she deems appropriate.

7. Any objections not timely filed and served may be deemed waived.

THIS IS THE ONLY NOTICE OF THE TRUSTEE'S PROPOSED SALE THAT WILL BE MAILED TO CREDITORS AND ANY OTHER PARTIES IN INTEREST.

WHEREFORE, movant prays that the Court authorize the sale of the survivorship interest in real property upon entry of the Order.

DATED November 12, 2024.

/s/ Ann Mostoller

Ann Mostoller, #001146

Attorney for Trustee

136 South Illinois Ave., Suite 104

Oak Ridge, TN 37830

(865) 482-4466

bdavis@msw-law.com

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2024, a true and exact copy of the foregoing Motion to Sell by Online Auction and proposed order was filed electronically.

Notice of this filing will be sent to the following parties as indicated below:

via electronic/ECF mail

Tiffany Dilorio, Attorney for the U.S. Trustee; ECF

Mayer & Newton, Attorney for Debtor(s); ECF

All parties indicated on the Court's electronic filing receipt

via first class U.S. mail

All parties on the attached exhibit

Marietta Sumner

606 Cline Avenue

Morristown, TN 37814

/s/ Ann Mostoller

Attorney

PREVIEW OF ASSET AND AUCTION DETAILS

POSTED ON: www.furrow.com

LISTING AND BIDDING: Begins January 16, 2025 at 9:00a.m.
Ends January 30, 2025 at 7:00p.m.

PROPERTY LOCATION: 606 Cline Avenue, Morristown, TN 37814.

TERMS and CONDITIONS: Online bids must be submitted online no later than 7:00p.m. on January 30, 2025. Certified funds must be paid within ten (10) days from the date of auction. Sale will be by Trustee's Deed with no warranties of any kind. Bidders are responsible for performing their own due diligence and research on the property.

BANKRUPTCY CASE NO.: 3:24-bk-30495-SHB

CONTACT INFORMATION: Chuck Fisher chuck@furrow.com, 865-546-3206
Rob Strickland rob@furrow.com, 865-546-3206

ASSET DESCRIPTION: Survivorship interest of debtor, Marietta Sumner, in real property located at 606 Cline Avenue, Morristown, TN 37814. Current tax appraisal is \$154,600 with a mortgage of approximately \$102,000. The debtor is 61 years of age and in reasonably good health while the husband is 61 years of age but in poor health, suffering from black lung, COPD and is diabetic. Property is located in Hamblen County, Tennessee and titled to Doyle Sumner and wife, Marietta Sumner. For chain of title see Book 1581, page 572, in the Register's Office of Hamblen County, Tennessee. MAP 0330, GROUP A, PARCEL 011.00

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

In re:)
SUMNER, MARIETTA) Case No. 3:24-bk-30495-SHB
Debtor(s)) Chapter 7
)
)

ORDER ALLOWING SALE OF SURVIVORSHIP INTEREST
BY ONLINE AUCTION

Upon Motion of the Trustee pursuant to 11 U.S.C. §363(f)(3) seeking authorization to sell the survivorship interest in real property located at 606 Cline Avenue, Morriston, Tennessee 37814 belonging to the estate, by online auction with Furrow Auction Company, notice to the lien holder, Knoxville TVA Employees Credit Union,

IT IS ORDERED that Ann Mostoller, Trustee, is allowed to sell the survivorship interest in the property described above.

IT IS FURTHER ORDERED that the Trustee may pay from the sale proceeds all costs of sale normally incurred and the auctioneer's fee, as provided in application of employment.

IT IS FURTHER ORDERED that the sale may be concluded upon the entry of this Order and is not stayed until the expiration of fourteen (14) days after the entry of the Order.

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Approved for Entry:

/s/ Ann Mostoller
Ann Mostoller, #001146
Attorney for Trustee
136 South Illinois Ave., Suite 104
Oak Ridge, TN 37830
(865) 482-4466
bdavis@msw-law.com



SO ORDERED.
SIGNED this 15th day of January, 2025

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.



Suzanne H. Bauknight
CHIEF UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

In re

MARIETTA SUMNER

Case No. 3:24-bk-30495-SHB
Chapter 7

Debtor

ORDER

On notice, a hearing was held January 8, 2025, on the Motion for Authority to Sell Survivorship Interest by Online Auction (“Motion to Sell”) filed by Ann Mostoller, Chapter 7 Trustee (“Trustee”), on November 19, 2024 [Doc. 29]. Through the Motion to Sell, the Trustee asks the Court, pursuant to 11 U.S.C. § 363(f)(3) and Federal Rule of Bankruptcy Procedure 6004, to approve a sale of the estate’s survivorship interest in real property located at 606 Cline Avenue, Morristown, Tennessee (“Survivorship Interest”) at an online auction to be conducted by Furrow Auction Company. Both Debtor’s counsel and the Trustee were present at the hearing, at which Debtor’s counsel expressed Debtor’s concerns about her ability to bid at the online auction. Based on the representations of Debtor’s counsel and the Trustee, the Court directs the following:

1. The Motion to Sell is GRANTED. The Trustee is authorized to sell the Survivorship Interest through an online auction conducted by Furrow Auction Company.

2. Bidding for the auction will open at 9:00 a.m. on January 30, 2025, and will begin to close at 3:00 p.m. on February 13, 2025. Access to the auction will be available at www.Furrow.com.

3. Debtor is authorized to participate in the auction with Furrow Auction Company either by telephone or in person. Additionally, Debtor may place a bid with Furrow Auction Company within three minutes of any last bid by another bidder and may continue to overbid until the sale is concluded (which will occur when no further bids are received within three minutes of the last bid received at or after 3:00 p.m.). Furrow Auction Company will cooperate fully with Debtor to ensure that she may participate in the auction as set forth herein.

4. The Trustee may pay from the sale proceeds all usual costs associated with the sale of property and the auctioneer's fee as follows: the greater of \$5,000.00 or a 10% buyer's premium on gross proceeds of \$0-\$50,000.00; the greater of \$7,500.00 or a 10% buyer's premium on gross proceeds of \$50,001.00-\$100,000.00; or a 10% buyer's premium on gross proceeds exceeding \$100,001.00.

5. The sale may be concluded on the entry of this Order and is not stayed until the expiration of fourteen days after entry of the Order.

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