

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Ronald A Clifford III, Presiding  
Courtroom 5D Calendar**

**Tuesday, April 15, 2025**

**Hearing Room**

**5D**

9:00 AM

9: -

**Chapter**

**#0.00 Judge Clifford will take the bench in Courtroom 5D in the Santa Ana Division (at Ronald Reagan Federal Building and U.S. Courthouse, 411 West Fourth Street, Santa Ana, California 92701) for the hearings on calendar for today.**

Unless ordered otherwise, appearances for the matters on calendar today may be made in-person in Courtroom 5D in the Santa Ana Division or in-person in Courtroom 201 in Santa Barbara (Northern Division). Appearances made in-person in Santa Barbara will be videoconferenced via ZoomGov into the Santa Ana Courtroom and Judge Clifford will appear via ZoomGov in the Santa Barbara Courtroom. Appearances may also be made by video through ZoomGov, or by telephone through ZoomGov. If appearing through ZoomGov, parties in interest may connect to the video and audio feeds, free of charge, using the connection information provided below. Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device. Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

All parties making an appearance via ZoomGov video and audio connection **must** have their video on. Proper court attire is required of all parties appearing via ZoomGov video. Any virtual backgrounds are to be of a solid color, without pictures, videos, or scenes. No party may appear by ZoomGov from any place other than a quiet room in an office or home. Parties may not appear via ZoomGov from a vehicle of any kind, moving or not.

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You may obtain the ZoomGov connection details by clicking the hyperlink below or copying and pasting the web address into your browser.

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Neither a Zoom nor a ZoomGov account is necessary to participate, and no preregistration is required. The audio portion of each hearing will be recorded electronically by the Court and that recording will constitute its official record. Recording, retransmitting, photographing, or imaging Court proceedings by any means is strictly prohibited.

Docket      0

**Tentative Ruling:**

- NONE LISTED -

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**9:24-10909 Ramiro S Silva**

**Chapter 11**

**#1.00** Hearing re: [127] Debtor's motion for order authorizing (1) employment of Premiere Estates Auction Company, Inc. pursuant to 11 U.S.C. §§ 327 and 328(a) as auctioneer; (2) terms of auction; and (3) sale of the real property located at 2127 East Olsen Road, Thousand Oaks, CA 91360 free and clear of liens and interests pursuant to §§ 363(b) and (f)

Docket 127

**Tentative Ruling:**

**April 15, 2025**

**Appearances required.**

On August 8, 2024, Ramiro S. Silva (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code. *See* Docket No. 1, *Voluntary Petition for Individuals Filing for Bankruptcy*. The Debtor scheduled an interest in a parcel of real property located at 2127 E. Olsen Road, Thousand Oaks, California 91360 (the "Property"). *See* Docket No. 31, *Schedule A/B: Property*, p. 31. On November 27, 2024, the Court entered that *Order Authorizing Application to Employ Real Estate Broker and to Enter Into Exclusive Listing Agreements* (the "Order"). *See* Docket No. 71. Through the Order, the Court approved the Debtor's employment of Keller Williams South Bay Realty (the "Broker") as the real property broker to sell the Property. *See id.* at p. 2.

On April 1, 2025, the Debtor filed *Debtor's Motion for Order Authorizing: (1) Employment of Premiere Estates Auction Company, Inc. Pursuant to 11 U.S.C. §§ 327 and 328(a) as Auctioneer; (2) Terms of Auction; (3) Sale of the Real Property Located at 2127 East Olsen Road, Thousand Oaks, California 91360 Free and Clear of Liens and Interests Pursuant to §§ 363(b) and (f)* (the "Motion"). *See* Docket No. 127. The Debtor seeks a number of forms of relief through the Motion.

**Employment of Auctioneer**

First, the Debtor seeks this Court's approval of Premiere Estates Auction Company, Inc. (the "Auctioneer") to auction the Property at a to-be held auction. *See id.* at p. 5,

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lines 12-15. The Auctioneer is to "arrange, promote and conduct a sale of [the Property]." *See id.* at p. 9, lines 21-23. The Auctioneer is to be paid a "2.5% buyer's premium of the gross sale price of [the Property]," and "the Debtor shall pay the Auctioneer costs for the advertisement and marketing of the Olsen Property." *See id.* at p. 10, lines 1-2. The Auctioneer is to be paid the 2.5% buyer's premium whether an auction takes place that is successful, or not, so long as the Property is sold by June 29, 2025. *See id.* at pp. 11-13.

The Court has no understanding of what the costs will be that are to be recuperated by the Auctioneer. The Court is also hesitant to approve of any buyer's commission being paid by the Debtor's bankruptcy estate to the Auctioneer for a post-auction sale that may have nothing to do with the Auctioneer's efforts in marketing and conducting the auction.

*Sale of the Property*

The Motion seeks the approval of the sale of the Property through an auction that is to be held on May 28, 2025, with a reserve price of \$3.7 million, and pursuant to 11 U.S.C. § 363(b). *See id.* at p. 14, lines 1-18. Any number of auction terms are disclosed in the Motion, including that only a qualified bidder may successfully purchase the Property through the auction. *See id.* at p. 11, lines 21-23. The Court has no understanding of what comprises a qualified bidder, as the Motion provides that a qualified bidder is a "person who meets all of the requirements set forth in the marketing materials," which marketing materials, or any description thereof, the Court does not find with the Motion. *See id.*

The sale is to be as-is, where-is. *See id.* at p. 12, lines 5-14. The sale is also to be free of the liens of the County of Ventura pursuant to 11 U.S.C. § 363(f)(3), and Wolfe Canyon Ranch, LLC pursuant to 11 U.S.C. § 363(f)(4). *See id.* at pp. 16-17.

*Payment of Broker's Compensation*

In addition to the Auctioneer's 2.5% buyer's premium, the Broker is to be paid 2% of the gross sale price of the Property, with another 2% to be paid to any buyer's broker. *See id.* at p. 15, lines 3-5. It is unclear to the Court how the Court would justify a 2% commission to the Broker if the Property is sold to a party unrelated to any contacts or advertisement by the Broker, but rather through the efforts of the Auctioneer. Put

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another way, the Broker has been attempting to sell the Property for more than five (5) months. The Broker has obtained a "contingent" offer of \$3.7 million for the Property, \$1,795,000 less than what the Broker informed the Property was worth on November 6, 2024. If the Broker can prove that a purchaser of the Property through the auction was obtained through their efforts, perhaps an argument for the payment of the Broker's commission could be made. If the Property is sold at auction because of the efforts of the Auctioneer, and the Auctioneer's marketing, it is not totally clear to the Court what value the Broker will have provided the Debtor's bankruptcy estate.

<b>Party Information</b>
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**Debtor(s):**

Ramiro S Silva

Represented By

Jeremy Faith

Samuel Mushegh Boyamian

Jonathan Serrano

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**9:24-10909 Ramiro S Silva**

**Chapter 11**

**#2.00** Hearing re: Status Conference - [41] Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2127 Olsen Road, Thousand Oaks, CA 91360

Docket 41

**Tentative Ruling:**

**April 15, 2025**

**Appearances required.**

Before the Court is that *Declaration of Jessica L. Bagdanov Regarding Debtor's Failure to Perform Under Adequate Protection Order* (the "Declaration"). See Docket No. 135. Through the Declaration, Wolfe Canyon Ranch, LLC ("WCR") proclaims that Ramiro S. Silva (the "Debtor") is in breach of the terms of that *Order Granting Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362* (the "Order"). See *id.* at pp. 2-3; see also Docket No. 57.

WCR first submits that the Debtor "did not timely pay property taxes in December 2024." See *id.* at p. 2, lines 18-25. "Timely" appears to be the argument, because WCR also provides that counsel to the Debtor "provided a screen shot of a payment receipt as evidence that the property taxes had been paid." See *id.* As WCR's counsel provided the Debtor with four (4) business days to cure, and as the Debtor did cure within those four (4) business days, it is unclear why this argument is included in the Declaration.

WCR also provides that "the Debtor has failed to file a motion to approve a sale of [real property located at 2127 E. Olsen Road, Thousand Oaks, California (the "Property")] by April 1, 2025, another requirement of [the Order]." See *id.* at lines 26-27. The Order provides that "the Debtor shall file a motion to sell the Property by no later than April 1, 2025." See Docket No. 57, p. 8. On April 1, 2025, the Debtor filed *Debtor's Motion for Order Authorizing: (1) Employment of Premiere Estates Auction Company, Inc. Pursuant to 11 U.S.C. §§ 327 and 328(a) as Auctioneer; (2) Terms of Auction; (3) Sale of the Real Property Located at 2127 East Olsen Road, Thousand Oaks, California 91360 Free and Clear of Liens and Interests Pursuant to*

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§§ 363(b) and (f) (the "Motion"). See Docket No. 127. The Motion seeks approval of the sale of the Property via auction on May 28, 2025 for an amount of no less than \$3.7 million. See *id.* WCR argues through the Declaration that the Motion is "more akin to a bid procedures motion than a motion to sell [the Property], and does not meet the requirements of a sale motion." See Docket No. 135, p. 3, lines 27-28. Essentially, WCR is arguing that there is no buyer in-hand.

WCR is correct in that there is no buyer in-hand, or at least not one that has been disclosed by the Debtor. There may not even be a current offer to purchase the Property. The "contingent" offer may be no offer at all. WCR is also correct in that the Motion seeks approval of auction procedures, and a better job could have been done proving to the Court and creditors that the auction is in the best interest of the Debtor's bankruptcy estate. It seems to the Court, however, that the Debtor has no other options. Its real property broker has no offers to provide to this Court for approval after more than five (5) months of marketing the Property. For reasons that could perhaps be explained, the floor for the auction is \$1.795 million less than what the real property broker opined the Property was worth as of November 2024.

Nevertheless, with this all said, is the Debtor not where it must be under the terms of the Order? That is, the Order requires that the Debtor file a motion to sell the Property on or before April 1, 2025. The Order does not require that the Property be sold by April 1, 2025. The Motion was in-fact filed on April 1, 2025, and requests the approval of a sale of the Property, with a floor of \$3.7 million, subject to adjustment by the Debtor (presumably in consultation with WCR). It is unclear to the Court how it is that the Debtor currently stands in breach of the Order.

<b>Party Information</b>
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**Debtor(s):**

Ramiro S Silva

Represented By

Jeremy Faith

Samuel Mushegh Boyamian

Jonathan Serrano

**Movant(s):**

Wolfe Canyon Ranch, LLC

Represented By

Jessica L Bagdanov

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