

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

In re ) Case No. 07-43128-JBR  
Gailon Arthur Joy, ) Chapter 7  
Debtor )

TRUSTEE'S MOTION FOR ORDER AUTHORIZING AND APPROVING  
PRIVATE SALE OF PROPERTY OF THE ESTATE

Janice G. Marsh, the trustee, requests the court to enter an order authorizing and approving a private sale pursuant to 11 U.S.C. section 363(b) and (c), and NOT subject to any stay, of (1) all domain names owned by the debtor, Gailon Arthur Joy, and (2) all prepetition claims the bankruptcy estate may have against (a) Three Angels Broadcasting Network, Inc., and (b) its officers, directors, shareholders and employees, including Danny Shelton (collectively "Buyers"), including a release of any claims the estate has or might have against the Buyers (collectively "Property"), to the Buyers.

1. On August 14, 2007, the debtor commenced this case; immediately thereafter, Janice G. Marsh was appointed as trustee.
2. The debtor scheduled assets of only (a) "Cash in Change Purse," with a value, according to the debtor, of \$2.00; and (b) "Desks, Chairs, Electronic Equipment" with a value, according to the debtor, of \$2,500.00 and no other property.
3. On his schedule I, the debtor lists his employment, for four years, as "loan consultant" for Gailon Arthur Joy d/b/a Nemco.
4. The debtor appeared at the original 341 meeting on September 17, 2007, but his attorney did not appear [see docket entry on September 19, 2007]; as a result, the trustee continued the 341 meeting to October 3, 2007.
5. At the continued 341 meeting on October 3, the debtor testified, under oath, that "Nemco" stood for "New England Merchants, Co."
6. According to the Buyers,
  - a. The debtor is the registered owner of two domain names, "www.Save3ABN.com" and "www.Save3ABN.org."
  - b. Prior to the commencement of the bankruptcy case, the Buyers had sued the debtor in Massachusetts federal district court for alleged trademark infringement and defamation; at a preliminary hearing, the debtor

allegedly made a representation to the effect that the debtor held counterclaims against the Buyers.

7. On November 13, the Buyers filed a motion for relief from the automatic stay [#16, #17], allowed [#28]. The motion includes information about, among other things, the debtor's alleged domain names.
8. The Buyers have offered to purchase the Property for the amount of \$5,000.00 within 30 days from the date of a final, nonappealable order allowing this motion.
9. The trustee has tentatively accepted the offer from the Buyers.
10. The trustee believes that the Buyer's offer is in the best interest of the estate for the following reasons:
  - a. The debtor did not schedule the Property, which apparently does not relate to his employment as "loan consultant" for Nemco during the last four years.
  - b. The Buyers allegedly have a proprietary interest in the Property, which results in limited marketability.
  - c. Considering the costs that would be incurred if the trustee were to auction the property, with uncertain marketability, the trustee believes that the tentative sales price of \$5,000.00 is in the best interest of the estate and that the proposed private sale would be better than a public sale.
11. The sale will be free and clear of liens, claims, or encumbrances, with such valid liens, claims, or encumbrances, if any, attaching to the net proceeds of the sale to the same extent and in the same order of priority as such liens, claims, or encumbrances attached to the Property.
12. As allowable under Rule 6004(g) of the Fed. Rules of Bankruptcy Procedure, the trustee requests also that the order authorizing the sale NOT be stayed.

WHEREFORE, Janice G. Marsh, the trustee, requests the court

1. to enter an order authorizing and approving the sale of the Property to the Buyers and NOT staying that order; and
2. to grant such further and other relief as is just.

Respectfully Submitted,

/s/ Janice G. Marsh  
Janice G. Marsh, Trustee  
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#### CERTIFICATE OF SERVICE

Janice G. Marsh certifies that, on this date, she served this document by mail, unless otherwise indicated or unless notice is received electronically, to the recipients listed on the attachment, but not the attachment itself.

Dated: November 30, 2007

/s/ Janice G. Marsh  
Janice G. Marsh

SERVICE LIST  
Case No. 07-43128-JBR

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