

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:)	
)	
WEST HARWICH HOLDINGS LLC,)	CHAPTER 11
)	CASE NO. 24-11294-JEB
Debtor)	

NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

December 12, 2024 at 11:00 A.M. **IS THE DATE OF THE PROPOSED SALE¹**

November 12, 2024 at 4:30 P.M. **IS THE DATE BY WHICH OBJECTIONS MUST BE MADE**

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. § 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR Rule 2002-5 and 6004-1, that the Trustee intends to sell at public sale the Debtor’s right, title and interest in the following described property of the estate.

PROPERTY TO BE SOLD:

Certain real property known and numbered as 212 Route 28, Harwich, Massachusetts (the “Real Property”), a legal description of which is attached hereto as Exhibit A.

THE AUCTION:

The sale will be conducted by **Paul E. Saperstein & Co., Inc.** (the “Auctioneer”) at the Real Property on **December 12, 2024** at **11:00 A.M.** (the “Auction”). Potential bidders will have the opportunity to inspect the Property prior to the Auction. For inspection dates and times please contact the Auctioneer at 617-227-6553.

For information about the Auction, go to the website of the Auctioneer. The website address of the Auctioneer is: www.pesco.com.

The proposed sale procedures are more particularly described in the Chapter 7 Trustee’s Motion for Authority to Sell Real Estate By Public Sale Free and Clear of All Liens, Claims and Encumbrances and

¹ The date, time or place of the auction may change. Interested parties should contact the Auctioneer to confirm.

For Approval of Sale Stipulation (the "Motion to Sell"), a copy of which is available at no charge upon request from the undersigned or on the website of the Bankruptcy Court: www.mab.uscourts.gov.

THE SALE IS "AS IS" AND "WHERE IS" WITHOUT ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, AND EXPRESSLY EXCLUDES ANY WARRANTY OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

All bidders will be required to deliver a deposit to the Auctioneer just prior to the commencement of the Auction. Interested parties should contact the Auctioneer about this and other terms of the Auction. The successful bidder will be required to sign a memorandum of sale at the conclusion of the Auction and will be required to close on the sale of the Real Property within 10 days of the Auction. The deposit will be forfeited to the bankruptcy estate if the successful purchaser fails to complete the sale within 10 days of the Auction. If the sale is not completed by the successful bidder, the Trustee, without further hearing or approval from this Court, may sell the Real Property to the next highest bidder. The Trustee reserves the right to amend or alter the terms of the Auction.

The Trustee reserves the right to reject any and all bids and to remove the Real Property from the Auction if he deems such action to be in the best interest of the bankruptcy estate.

SALE FREE AND CLEAR OF LIENS:

The Real Property will be sold free and clear of all liens, claims and encumbrances. Any perfected, enforceable and valid liens, claims or encumbrances shall attach to the proceeds of the sale according to priorities established under applicable law.

OBJECTIONS:

Any objections to the sale must be filed in writing with the Clerk, United States Bankruptcy Court at John W. McCormack Post Office and Courthouse, 5 Post Office Square, Boston, Massachusetts 02109 before **November 12, 2024 at 4:30 PM** (the "Objection Deadline"). A copy of any objection also shall be served upon the undersigned. Any objection to the sale must state with particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr. P. 9014. Any objection shall state the Debtors' name, case number and in addition, state what, if any, interest the party filing an objection has in the case.

HEARING:

A hybrid hearing on objections and the Motion to Sell is scheduled to take place on **December 3, 2024 at 10:00 A.M.** before the Honorable Janet E. Bostwick, United States Bankruptcy Judge, Courtroom 3, United States Bankruptcy Court, John W. McCormack Post Office and Courthouse, 5 Post Office Square, Boston, MA 02109. In order to provide flexibility and maximize access for parties in interest in addressing the Motion, the hearing is scheduled as a Hybrid Hearing. Parties in interest and counsel may choose to participate either remotely by video or in person. Parties in interest and counsel who wish to appear remotely may do so by complying with the terms of the Order Regarding Procedures for Appearances by Video at

Hearings dated July 19, 2024, (Video Hearing Order). Any pro se parties or counsel intending to attend by video must provide the Notice of Participation required under Paragraph II, 2 of that order to the Courtroom Deputy, Mary Murray, at Mary_Murray@mab.uscourts.gov by December 2, 2024, at 4:30 PM. As provided in the Video Hearing Order, appearance by video is limited to counsel and parties in interest. Members of the general public are welcome to attend the hearing in person in the Courtroom. Requests submitted after the above deadline may not be considered by the Court.

At the hearing on approval of the sale the Court may determine further terms and conditions of the sale. Any party who has filed an objection is expected to be present at the hearing, failing which the objection may be overruled. The Court may take evidence at the hearing to resolve issues of fact. If no objection to the Motion to Sell is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without a hearing.

Respectfully submitted,

MARK G. DEGIACOMO, CHAPTER 11 TRUSTEE
OF THE ESTATE OF WEST HARWICH HOLDINGS
LLC

By his attorneys,

/s/ Jonathan M. Horne

Jonathan M. Horne, Esq. BBO #673098
Mark G. DeGiacomo, Esq. BBO #118170
Murtha Cullina LLP
33 Arch Street, 12th Floor
Boston, MA 02110
617-457-4000 Telephone
617-482-3868 Facsimile
jhorne@murthalaw.com
mdegiacono@murthalaw.com

Dated: October 18, 2024

EXHIBIT A

LEGAL DESCRIPTION

212 Route 28, Harwich, Massachusetts

Those two certain parcels of land, together with the buildings thereon, located in West Harwich, Barnstable County, Massachusetts, now known and numbered as 212 Route 28, West Harwich, bounded and described as follows:

Parcel 1:

BEGINNING at the Southeasterly corner of the granted premises, at a stake and stones, by the County Road and by land now or formerly of Frederick W. Pease, formerly of Caroline F. Gilman; thence running

WESTERLY by said road to a stake and stones and land now or formerly of Joseph T. Campbell, as shown on plan hereinafter referenced; thence running

NORTHERLY by land now or formerly of said Campbell, as shown on plan hereinafter referenced, to a stake and stones; thence running

EASTERLY by land now or formerly of Azubah Chase, as shown on plan hereinafter referenced, to a stake and stones; thence running

SOUTHWESTERLY by land now or formerly of Frederick W. Pease, as shown on plan hereinafter referenced, to a stake and stones; thence running

Bk 35722 Pg26

SOUTHERLY by land now or formerly of said Pease, as shown on plan hereinafter referenced to the first mentioned bound and point of beginning.

O F F I C I A L O F F I C I A L
C O P Y C O P Y

Containing one acre, more or less, and being shown on plan dated May 21, 1938, entitled "Plan of Land in West Harwich, Mass. belonging to Donald I. Stalker," recorded with Barnstable Deeds in Plan Book 57, Page 73.

A N
O F F I C I A L O F F I C I A L
C O P Y C O P Y

Parcel 2:

ON THE NORTHWEST by land formerly of Francis J. Hibbert, as shown on plan hereinafter referenced, one hundred seventy-two and 04/100 (172.04) feet;

ON THE NORTHEAST by land now or formerly of Edwin J. Stalker, as shown on said plan, nineteen and 78/100 (19.78) feet;

ON THE SOUTHEAST by land shown as Wishing Well Motel on said plan, one hundred seventy-five and 265/1000 (175.265) feet.

Being Parcel 2 on plan dated December 10, 1986, entitled, "Plan of Land in Harwich, Mass. Owned by: Kurt Bartels C/O Alice Kirby & Francis J. Hibbert (Wishing Well Motel)," drawn by Wm. M. Warwick & Associates, recorded with Barnstable Deeds in Plan Book 430, Page 51.