

FILED

FEB 14 2024

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

(Clerk's Data Stamp)



SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE

ESTATE OF:

LEROIY ALEXANDER FONCECA
Deceased.

CASE NO. 24-4-00316-32

LETTERS TESTAMENTARY
(LTRTS)

I. BASIS

- 1.1 The last will of the decedent(s), late of SPOKANE COUNTY, WASHINGTON was exhibited, proven and recorded in this court on: FEBRUARY 14, 2024
- 1.2 In that will: SHANA MARIE BAKER is named personal representative.
- 1.3 The personal representative has qualified.

II. AUTHORIZATION

THIS CERTIFIES: SHANA MARIE BAKER is authorized by this court to execute the will of the above decedent according to law.

TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK

Dated: FEBRUARY 14, 2024

By: Ashley Sill
Deputy Clerk

ESTATE OF

(Seal)
LEROIY ALEXANDER FONCECA

LETTERS TESTAMENTARY
(LTRTS)

State of Washington)
County of Spokane)

III. CERTIFICATE OF COPY

As clerk of the superior court of this county, I certify that the above is a true and correct copy of the Letters of Testamentary in the above-named case which was entered of record on FEBRUARY 14, 2024. I further certify that these letters are now in full force and effect.

TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK

Dated: FEBRUARY 14, 2024

By:
Deputy Clerk

THIS CERTIFIES SHANA MARIE BAKER is authorized by this court to execute the will of the above decedent according to law.

TIMOTHY W. FITZGERALD, SPOKANE COUNTY CLERK

FEBRUARY 14, 2024

Probate 1 - LETTERS TESTAMENTARY

RCW 11.28.010.090

State of Washington)
County of Spokane)

III. CERTIFICATE OF COPY

56442

So Ordered.



Frederick P. Corbit
Frederick P. Corbit
Bankruptcy Judge

Dated: January 31st, 2024

1

2

3

4

5

6

7

8

So Ordered.

Dated: January 31st, 2024

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

In re:

SHANA M. BAKER,

Debtor.

No.: 22-00467-FPC7

Chapter 7

**ORDER APPROVING SALE OF REAL
PROPERTY FREE AND CLEAR OF ANY
LIENS, CLAIMS, AND INTERESTS,
DISBURSE CERTAIN PROCEEDS OF
SALE UPON CLOSING, AND
SHORTENING TIME PERIOD TO
OBJECT**

THIS MATTER came before the court upon the Chapter 7 Trustee's *Motion for Order*

Approving Sale of Real Property Free and Clear of Any Liens, Claims, and Interests,

Disburse Certain Proceeds of Sale Upon Closing, and Shortening Time Period to Object

filed on January 4, 2024 [ECF No. 49] (the "Motion"), and it appearing that proper notice of

Order-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 900, PAULSEN CENTER
WEST 421, RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 824-0159 AND
SHORTENING TIME PERIOD TO

566042

1 said Motion has been given, no objections thereto have been made, and good cause
2 otherwise appearing for the order requested; it is

3 **ORDERED, ADJUDGED, AND DECREED** that the Motion [ECF No. 49] is granted.

4 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Chapter 7
5 Trustee is authorized to sell (the "Sale") to Levi S. Broghain, a single person (the
6 "Buyer"), that entire real property commonly known as 673 Edgehill Road, Anatone,
7 Washington 99401, and legally described as Lot 9 of Scheibe's Blue Mountain
8 Homesites Second Addition, according to the official plat thereof, filed in Book D of Plats
9 at Page(s) 5, records of Asotin County, Washington, Tax Parcel No. 1-113-02-009-cause
10 0000-0000, (the "Property"), for the sum of Two Hundred Twenty-One Thousand Dollars
11 and No/100 (\$221,000.00) (the "Purchase Price"), payable in cash at closing, pursuant
12 to the terms of the Residential Purchase and Sale Agreement, and related documents
13 (collectively the "Purchase and Sale Agreement"), a copy of which are attached as
14 Exhibit "A" to the Declaration of Trustee in Support of Motion for Order Approving Sale
15 of Real Property Free and Clear of Any Liens, Claims, and Interests, Disburse Certain
16 Proceeds of Sale Upon Closing, and Shortening Time Period to Object filed on January
17 4, 2024 [ECF No. 50] (the "Declaration"), and subject to the exceptions of record
18 contained in the Title Report issued by Chicago Title Insurance Company, under file
19 number 644232, a copy of which is attached as Exhibit "B" to the Declaration, pursuant
20 to the

21 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that entire Property,
22 and the entire proceeds of Sale, are free and clear of any and all claims, liens, or
23 interests, including, but not limited to, Asotin County, State of Washington, Robert Wie
24 of Real Property Free and Clear of Any Liens, Claims, and Interests, Disburse Certain
25 Proceeds of Sale Upon Closing, and Shortening Time Period to Object filed on January
4, 2024 [ECF No. 50], (the "Declaration"), and subject to the exceptions of record

Order-2
SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW, from January
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

56642

1 and Patricia Shield, American Express National Bank, Leroy Alexander Fonceca, the
2 Estate of Leroy Alexander Fonceca, and Shana Baker,

3 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Purchase
4 and Sale Agreement is **approved**.

5 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the proceeds of
6 Sale shall be disbursed in part, at closing as follows:

7 1. The reasonable costs and expenses at closing, including providing a title
8 insurance policy and the closing fees;

9 and Patricia (A real estate commission of five percent (5%) of the Purchase Price to
10 Joyce Keefer, the Seller's agent; and

11 3. Any delinquent and prorated real estate taxes and assessments due the
12 Asotin County, State of Washington until paid in full;

13 4. To Robert W. and Patricia Shield, the approximate amount of Twenty-Two
14 Thousand Twenty-One Dollars and 55/100 (\$22,021.55), to satisfy in full their secured
15 lien in and upon the Property; and
16 5. To American Express National Bank, the approximate amount of Four
17 Thousand One Hundred Sixty-Three Dollars and 48/100 (\$4,163.48), to satisfy in full its
18 secured lien in and upon the Property; and

19 6. The remaining balance of the sale proceeds shall be paid to the Chapter 7
20 Trustee to be distributed by the Trustee pursuant to the Notice of Trustee's Final
21 Report or further order of the court.

22 7. To American Express National Bank, the approximate amount of Twenty-Two
23 Thousand Two Hundred One Dollars and 55/100 (\$22,021.55), to satisfy in full their secured
24 lien in and upon the Property.

25 Order-3

26 8. To American Express National Bank, the approximate amount of Four
27 Thousand One Hundred Sixty-Three Dollars and 48/100 (\$4,163.48), to satisfy in full its
28 secured lien in and upon the Property.

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0150

56642

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Sale to
2 Buyer is "AS IS," "WHERE IS," WITHOUT ANY WARRANTIES OF ANY KIND,
3 EXPRESS OR IMPLIED.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Chapter 7
5 Trustee is authorized to execute a Trustee's Deed, or other related documents that are
6 reasonably necessary or appropriate to complete the Sale, and to undertake such other
7 actions as may be reasonably necessary or appropriate to complete the Sale.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Buyer is
9 permitted to remove and dispose of any personal property remaining on the Property
10 after closing without further order of the court solely at Buyer's expense. ANY KIND,

11 ~~NOTWITHSTANDING~~ IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
12 notwithstanding the provisions of Bankruptcy Rule 6004(h), this order shall not be
13 stayed for fourteen (14) days after the entry thereof, but shall be effective and that are
14 enforceable immediately upon issuance hereof to the Sale, and to undertake such other

15 ~~actions~~ IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the time period
16 to object to the Notice of Motion for Order Approving Sale of Real Property Free and
17 Clear of Any Liens, Claims, and Interests, Disburse Certain Proceeds of Sale Upon
18 Closing, and Shortening Time Period to Object filed on January 4, 2024 [ECF No. 51]
19 (the "Notice") is shortened to fourteen (14) days from the date of the mailing of the
20 Notice, which includes time for mailing. ~~NOTWITHSTANDING~~ this order shall not be
21 stayed for fourteen (14) days after the entry thereof, but shall be effective and

22 enforceable immediately upon issuance hereof. ~~NOTWITHSTANDING~~ this order shall not be
23 stayed for fourteen (14) days after the entry thereof, but shall be effective and
24 enforceable immediately upon issuance hereof.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the time period
Order-4
to object to the Notice of Motion for Order Approving Sale of Real Property Free and
Clear of Any Liens, Claims, and Interests, Disburse Certain Proceeds of Sale Upon
Closing, and Shortening Time Period to Object filed on January 4, 2024 [ECF No. 51]
is shortened to fourteen (14) days from the date of the mailing of the Notice, which includes time for mailing. ~~NOTWITHSTANDING~~ this order shall not be stayed for fourteen (14) days after the entry thereof, but shall be effective and enforceable immediately upon issuance hereof.

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW Free and
SUITE 900, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201 Upon
TELEPHONE (509) 624-0159

56442

1 PRESENTED BY:

2 SOUTHWELL & O'ROURKE, P.S.

3 BY: /s/ Kevin O'Rourke

4 KEVIN O'ROURKE, WSBA #28912

5 Attorney for Chapter 7 Trustee

6
7
8
9
10 PRESENTED BY

11 SOUTHWELL & O'ROURKE, P.S.

12 BY: /s/ Kevin O'Rourke

13 KEVIN O'ROURKE, WSBA #28912

14 Attorney for Chapter 7 Trustee

15
16
17
18
19
20
21
22
23
24
25 Order-5

SOUTHWELL & O'ROURKE, P.S.

A PROFESSIONAL SERVICE CORPORATION

ATTORNEYS AT LAW

SUITE 960, PAULSEN CENTER

WEST 421 RIVERSIDE AVENUE

SPOKANE, WASHINGTON 99201

TELEPHONE (509) 624-0159

56642