

MEMORANDUM

**Chambers of The Honorable Marilyn Shea-Stonum
United States Bankruptcy Court
Northern District of Ohio, Eastern Division
U.S. Courthouse & Federal Building, Room 240
2 South Main Street
Akron, OH 44308
330/375-5780 (phone)**

To: Members of the Bar and Other Interested Parties
Fr: Marilyn Shea-Stonum
Date: July 19, 2001
Re: Certifications of No Objection to Sale

Beginning November 1, 2001, I will no longer be signing and entering orders confirming a chapter 7 trustee's sale of estate property where there has been no objection or other response to the proposed sale. Although the use of such orders has been the local practice for some time, they are unnecessary given the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Court's Local Rules which imbue chapter 7 trustees with authority to sell estate property without Court involvement or approval in the absence of objections or counter-offers. *See, e.g.,* 11 U.S.C. §363(b)(1), §704(1), FED. R. BANKR. P. 2002(a)(2), FED. R. BANKR. P. 6004(a) and (f), and LOCAL BANKR. R. 6004-1. *See also In re Bakalis*, 220 B.R. 525 (Bankr. E.D.N.Y. 1998); *In re Crowell*, 225 B.R. 334 (Bankr. E.D. Mich. 1997); *In re Burd*, 202 B.R. 590 (Bankr. N.D. Ohio 1996); *In re VIII South Michigan Associates*, 167 B.R. 877 (Dist. N.D. Ill. 1994); *In re Robert L. Hallermore Corp.*, 40 B.R. 181 (Bankr. D. Mass 1984).

After November 1, 2001, chapter 7 trustees or other parties in interest that desire some documentation from the Court regarding a proposed sale of estate property may request a "Certification of No Objection to Sale" pursuant to LOCAL BANKR. R. 6004-1.¹ All such requests

¹ That local rule sets forth, in pertinent part, as follows:

(a) Certification of No Objection to Sale. Where a trustee, seeking to sell property of the estate pursuant to 11 U.S.C. §363, has caused notice to be given, and no objection has been made by any party in interest within the time fixed by FED. R. BANKR. P. 6004(b) or by order of the Court, the Clerk shall issue written certification thereof to the trustee or a party in interest upon request at the expiration of time for filing objections to the sale. . . .

must be made in writing after the time for filing objections to the notice of the proposed sale has expired. The certification to be issued by the Clerk of Court's Office will be in the form attached hereto and there will be no charge for the issuance of such certificates.

Chapter 7 trustees and parties in interest in chapter 7 cases may immediately begin requesting "Certifications of No Objections to Sale" and the Court would prefer that they do so. However, in an effort to facilitate a smooth transition to this new procedure, the Court will continue to consider proposed orders confirming sale until November 1st but, in light of the current workload of the Court, there is no guarantee that those proposed orders will be given any expedited attention.

I want to thank all of you in advance for your cooperation regarding this change and, most importantly, for your assistance in helping title companies and other parties involved in the sale and purchase of chapter 7 estate property become comfortable with the procedure that is clearly contemplated by applicable bankruptcy law. As always, should you have any questions regarding this matter, please feel free to contact Joyce Garner, Deputy Clerk in Charge of the Akron Clerk of Court's Office, or my law clerks, Lisa Napoli and Marjorie Kitchell.

attachment - as noted

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: _____,) CASE NO. _____
)
) CHAPTER 7
)
) DEBTOR(S))
) JUDGE MARILYN SHEA-STONUM

CERTIFICATION OF NO OBJECTION TO SALE

On _____, the chapter 7 trustee assigned to the above-referenced case filed a notice regarding his/her intent to sell property of this bankruptcy estate. Pursuant to LOCAL BANKRUPTCY RULE 6004-1 and upon the written request of _____, the undersigned hereby certifies that no objection has been made to the chapter 7 trustee's notice of intent to sell estate property by any party in interest within the time fixed by FED. R. BANKR. P. 6004(b) or by order of the Court.

Deputy Clerk