

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING



11:17 am, 8/6/13

Tim J. Ellis
Clerk of Court

In re)
)
WESTERN BIOMASS ENERGY LLC) Case No. 12-21085
) Chapter 7
)
)
Debtor.)

ORDER ON MOTION FOR APPROVAL OF SALE OF PERSONAL PROPERTY

On July 30, 2013, this matter came before the court on the Motion for Approval of Sale of Personal Property filed by Western Biomass Energy, LLC (“Debtor”); the response filed by Great American Group and the objection filed by GeoSynFuels, Inc.¹

This court granted the United States Trustee’s motion to convert this case to a chapter 7 on August 1, 2013. A chapter 7 trustee has been appointed to administer this case.

The court entered, simultaneously with this order, its Judgment and Opinion on Objection to Sale and Motion for Entry of an Order Denying Confirmation of the Sale of Substantially all of Debtor’s Assets Free and Clear of Liens, Claims and Interests and Setting Aside Sale, whereas the court sustained Security National Bank of Omaha’s objection and did not confirm the auction sale results.

¹ The court concurrently held the evidentiary hearing for the above-captioned matter with the evidentiary hearings on the Objection to Sale and Motion for Entry of an Order Denying Confirmation of the Sale of Substantially All of Debtor’s Assets Free and Clear of Liens, Claims and Interests and Setting Aside Sale, and Motion to Approve Settlement Agreement (Docket No. 198), filed by Western Biomass. All motions were taken under advisement.


During the evidentiary hearing, testimony was provided that there is at least one other entity willing to bid on the total assets of this estate, which may benefit the estate and its unsecured creditors. Therefore, it is in the best interests of the estate and its creditors to allow interested parties to bid.

THEREFORE IT IS ORDERED

- (1) Debtor's Motion for Approval of Sale of Personal Property is denied, without prejudice;
- (2) the chapter 7 trustee shall evaluate and determine whether a telephone auction between interested parties is in the estate's best interest and proceed accordingly in the immediate future, filing appropriate documents with this court, as required under the Bankruptcy Code and rules.

Dated this 6 day of August, 2013.

By the Court


HONORABLE PETER J. MCNIFF
United States Bankruptcy Judge

Service to:

Gregory Dykeman
Bradley Hunsicker
Jay Smiley
Isaac N. Sutphin
Brent Cohen
James Belcher