

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:  ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a New Mexico corporation sole,  Debtor.	Chapter 11  Case No. 13-13676-t11  <b>Jointly Administered with:</b>
Jointly Administered with:  BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, an Arizona corporation sole.  This pleading applies to:  <input checked="" type="checkbox"/> All Debtors. <input type="checkbox"/> Specified Debtor.	Case No. 13-13677-t11

**DEBTORS' RESPONSE TO "ORDER TO SHOW CAUSE  
AND NOTICE OF HEARING" [DKT. NO. 441]**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The Roman Catholic Church of the Diocese of Gallup, a New Mexico corporation sole (“**RCCDG**”), and the Bishop of the Roman Catholic Church of the Diocese of Gallup, an Arizona corporation sole (the “**Arizona Entity**”), the debtors and debtors-in possession (collectively the “**Debtors**”) in the above-captioned jointly administered cases (the “**Reorganization Cases**”), by and through their attorneys undersigned, hereby respond to the Court’s requests for additional information in the “Order to Show Cause and Notice of Hearing” [Dkt. No. 441] (the “**OSC**”).

As detailed below, the Debtors conducted, in accordance with the “Amended Order Granting Motion to (I) Retain Brokers; (II) Sell Property Under 11 U.S.C. § 363(b), (f), and (m); and (III) Approve Sale Procedures” [Dkt. No. 394] (the “**Sale Order**”), two real estate auctions

(“**Auctions**”) to sell all property identified in Exhibit A to the “Amended Notice of Auction of Property” (the “**Sale Assets**”). The Auctions should not be invalidated. They were publicly announced and marketed to encourage bidders to attend and bid on the Sale Assets; no bidders were excluded from the Auctions, and (3) the results of the Auctions (and all information about the Auctions prior to their occurrence) were filed publicly by the Debtors or made available to the public by the Accelerated Marketing Group, Inc. The Auctions were more successful than the Debtors had hoped in that all Sale Assets were sold, and sold for prices in excess of what the Debtors believed could be achieved. For these and other reasons, as detailed below, the Auctions should not be invalidated.<sup>1</sup>

**I. FACTUAL BACKGROUND.**

On November 12, 2013 (the “**Petition Date**”), the Debtors commenced these Reorganization Cases by filing voluntary Chapter 11 petitions. The Debtors have remained debtors-in-possession under 11 U.S.C. §§ 1107 and 1108 since the Petition Date. The Debtors filed the Reorganization Cases in order to reorganize their financial affairs pursuant to a plan of reorganization that will, among other things, fairly, justly and equitably compensate the victims of sexual abuse by clergy or others associated with the Debtors while allowing the Debtors to continue their ministry and mission and attempt to finally bring healing to victims, parishioners and others affected by the past acts of sexual abuse committed by clergy and others.

As the Court is aware, there is limited insurance for the claims of sexual abuse and there is very little property owned by the Debtors. Throughout the Reorganization Cases, the Debtors have attempted to maximize the value of such assets for creditors. The Auctions were one facet

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<sup>1</sup> In all events, the persons who complained to the Court about the Auctions complained only about the September 19, 2015 Auction conducted in Albuquerque, New Mexico, and not the prior September 12, 2015 Auction conducted in Phoenix, Arizona. Therefore, to the extent any Auction is questioned, such questions should apply only to the New Mexico Auction.

of the Debtors' ability to realize value for creditors. The Debtors therefore requested, and the Court issued, the Sale Order. The Sale Order did not require the Debtors to allow anyone who was not bidding to attend the Auctions. (Such procedure is not standard; non-bidders are routinely prohibited from attending real estate auctions, as they cannot enhance bidding and have potential to disrupt the process or chill bidding. See "Declaration of Todd Good," attached hereto as **Exhibit "1"** ("**Good Declaration**") at ¶ 20.

Prior to filing the Sale Motion, the Debtors consulted with the Committee both with respect to the property to be included as well as the process for the Auctions. See "Declaration of Susan G. Boswell," attached hereto as **Exhibit "2"** ("**Boswell Declaration**"). The properties were challenging to sell due to their remote locations. *Id.* at ¶ 6. Moreover, some of the locations of the properties were uncertain. *Id.* The Debtors lacked comprehensive asset schedules at the beginning of the reorganization cases, and significant time was spent by Debtors' counsel in identifying and locating properties owned by the Debtors and not held in trust for third parties. *Id.* This was done by telephone and "on paper" by Debtors' counsel, but, as described further below, was physically verified by Mr. Todd Good. *Id.*

In accordance with the Sale Order, the Debtors remitted \$45,000 to the Accelerated Marketing Group for the purpose of marketing the Auctions. See Good Declaration at ¶ 13. These funds were used for a variety of purposes, including physically posting signs on each of the Sale Assets and purchasing advertising for the Auctions. Mr. Good personally visited each of the Sale Assets to verify its existence and location (which required additional visits to county assessor and recording office) and to post signs regarding the Auctions at each of the Sale Assets. *Id.* at ¶ 8.

The Auctions were extensively marketed regionally and locally and even appeared in some national publications. *Id.* at ¶ 9. In addition to the press release regarding the Auctions, which was picked up by numerous media outlets, the Tucson *Daily Star* newspaper ran a special story on the Auctions. *Id.* and Exs. B and C thereto.

All advertising for the Auctions, including the press releases, advised interested persons to contact the Accelerated Marketing Group for information. *Id.* at p. ¶ 10. Potential bidders were advised that a cashier's check would be required upon arrival at the Auctions as proof of financial wherewithal for bidding. *Id.* at ¶ 11. The amount of the cashier's check required was set forth in the information packet provided to potential bidders, as was the fact that bidders had to pre-register. *Id.* and Ex. D thereto.

Ultimately, the Debtors received more than \$45,000 worth of marketing funding, because the Auctions were conducted at the same time and place scheduled for the auction of other properties that were more valuable than the Sale Assets. *Id.* at ¶ 13. Because of Mr. Good's efforts to maximize the value of the Sale Assets that could be obtained at Auction, the timing and the marketing conducted for the other, more desirable properties, benefitted the Auctions by drawing in bidders that may not have otherwise been attracted if the Sale Assets were the only properties being auctioned. *Id.* at ¶ 14; *see* list of third-party owned properties at Ex. D.

Bidders were required to provide proof of financial wherewithal (in the form of a cashier's check) to avoid waste of time and unclosed sales. *Id.* at ¶ 16. All persons wishing to bid on the Sale Assets, and who arrived with cashier's checks in the appropriate amounts, were admitted to the Auctions. *Id.* at ¶ 17. No one appeared at the Arizona Auction except bidders. *Id.* at ¶ 18. The only two people who were turned away from the Auction conducted in New Mexico were two people who stated they were not going to bid on the Sale Assets. *Id.* at ¶ 19. It

is customary for the auctioneer not to admit non-bidders to an auction. *Id.* at ¶ 20. It is the auctioneer's experience that non-bidders do not increase bid prices. *Id.* Rather, they have the potential to distract legitimate potential buyers or to chill bidding. *Id.* It is therefore the auctioneer's standard policy not to admit persons that do not intend to bid at an auction. *Id.*

Mr. Good advised counsel for the Debtors that two non-bidders were being turned away from the New Mexico Auction. After the New Mexico Auction had concluded, counsel for the Debtors advised counsel for the Committee that two non-bidders had been turned away from the Auction. To date, the Committee has not raised any issue with this process. *See* Ex. 2 at ¶ 10.

The Debtors also filed notices with the Court regarding the Sale Assets and the time and place of the Auctions. *See* Dkt. Nos. 426 and 433.

The Debtors also filed a report after each Auction stating the amounts received by the Debtors for each of the Sale Assets. Dkt. Nos. 435 and 436.

## **II. LEGAL ARGUMENT.**

### **A. The Auctions Complied with the Sale Order; No Bidders Were Excluded.**

The Auctions complied with the Sale Order and were public auctions, in that anyone wishing to bid on the Sale Assets was permitted to bid. All advertising for the Auctions notified bidders that they needed to contact Accelerated Marketing Group for more information about the sale. Ex. 1 at ¶ 10. Accelerated Marketing Group's website specifically notes as follows:

#### **Q. What happens on auction day?**

**A.** Arrive one-half to one hour early on auction day to register to bid. Bring a Cashiers Check in the correct amount and made payable as instructed, in order to bid. The winning bidder will be required to sign the Purchase and Sale Contract immediately following the auction.

*See* <http://amgre.com/faq.php#b1> (last accessed October 5, 2015). Additionally, the information packet provided to all potential bidders expressly noted the requirement to register and to bring a

cashier's check to the Auctions. *Id.* at ¶ 11. Bidders are required to provide proof of financial wherewithal to avoid waste of time and unclosed sales. *Id.* at ¶ 16.

In questioning whether the Auctions were public auctions, the Court cited the case of *In re Aloha Airlines, Inc.*, 2009 WL 1065162. In that case, the court stated that, "It appears that there was selective exclusion of certain persons who wished to observe [the auction] and selective admission of others." *Id.* at p. 2. That apparent discrimination appeared to be the factor most concerning to the *Aloha* court, which characterized the fault as "selective exclusion of the press" rather than "exclusion of the press." *Id.* In this case, there was no "selective" exclusion. Everyone who wished to bid on the Sale Assets was admitted to the Auction. No one that did not intend to bid was admitted. (Only two people did not intend to bid at the Auctions and therefore only two people were not admitted; these are presumably the two people who wrote the letters attached to the OSC as Exhibit "A.") Therefore, the "selective" or discriminatory exclusion that concerned the *Aloha* court was not present in this case, and the Auctions do not need to be invalidated.

**B. The Sale Results Likely Cannot Be Replicated.**

Another important reason for not invalidating the Auctions is that the good results obtained at the Auctions likely cannot be replicated. As noted, the Auctions benefitted from synergy with third-party-owned properties that were slated for auction at the same time as the Sale Assets. Absent these third party-owned properties, fewer bidders would likely have attended the Auctions. Additionally, the Auctions received publicity from the marketing of the time and place for auction of the third-party-owned properties that the Debtors could not otherwise have afforded to purchase, over and above the Debtors' marketing funds. Were the Auctions to be invalidated, it is speculative at best that these synergies could be achieved again.

And without these beneficial circumstances, it is possible that either (1) not all Sale Assets will be sold, and/or (2) the Sale Assets will be sold for lower prices due to fewer bidders and less marketing.

**C. The Auctions Should Not Be Invalidated.**

It is important to keep in mind that creditors are the only parties that will be harmed if the Auctions are invalidated. No creditors have complained about the Auctions to date. Indeed, counsel for the Official Committee of Unsecured Creditors (“**Committee**”) was informed after the Auctions that non-bidders had been excluded from the Auctions, but the Committee took no action on that information, nor did it make any complaints to Debtors’ counsel after receiving the information. *See* Ex. 2 at ¶ 10. The proceeds from the Auction were solely for purposes of funding a plan of reorganization and are being segregated as such. Indeed, if the Auctions were to be conducted again, they might not benefit from the synergy that the third-party sellers’ properties provided for the Sale Assets by providing additional marketing above and beyond that purchased with the Debtors’ marketing dollars, and by attracting additional bidders. This would be detrimental to the creditors because re-auctioning the Sale Assets would likely attain a worse sale result than did the Auctions.

Creditors are the only persons the Auctions were intended to benefit; the Bankruptcy Code and Rules do not include any policy that bankruptcy sales should benefit the public at large—not even unsuccessful bidders at such sales. “[S]tatutes governing the sale of assets of bankruptcy estates are intended to protect the creditors of such estates and not prospective purchasers.” *In re HST Gathering Co.*, 125 B.R. 466, 468 (W.D. Tex. 1991). For this reason, standing to challenge auction sales is tightly circumscribed. Prospective purchasers that were unsuccessful in their auction bids lack standing to challenge such sales, even though they are

arguably interested in the results. *Id.*; see also *In re Broadmoor Place Investments, L.P.*, 994 F.2d 744, 746 n.2 (10th Cir. 1993) (noting that an unsuccessful bidder is not an aggrieved person and therefore lacks standing to appeal from sale); *In re NEPSCO, Inc.*, 36 B.R. 25, 27 (Bankr. D. Maine 1983) (“The Court finds nothing to indicate that prospective purchasers are within the zone of interests intended to be protected through this statutory scheme. The purposes of these statutes would be hindered, not furthered, by permitting a stranger to the estate to object to a sale to which no party in interest objected.”).

Finally, there was nothing “secret” or opaque about the Auctions. Indeed, the Debtors have been transparent in all aspects of this case, providing extensive information to the Committee and their insurers. Additionally, the Debtors provided the Committee with extensive information about the Sale Assets and other property. Ex. 2 at ¶ 7. The Committee’s counsel spoke with Mr. Good prior to his retention and were involved and informed throughout the process as to how the properties would be marketed. *Id.* Counsel for the Committee had access to Mr. Good (as did all potential bidders) if they had questions. Moreover, Mr. Good sent Debtors’ counsel marketing updates prior to the Auction, which were forwarded to Committee counsel. *Id.* at ¶ 8. All potential bidders were required to provide proof of financial wherewithal; all qualified bidders were admitted and permitted to bid at the Auctions; and the Auction results were filed with the Court. No creditors appeared at the Auctions (nor did counsel for the Committee, any creditor, or the Debtors). The Auctions provided a better-than-expected result for creditors, and, given the lack of standing of any person other than a creditor to appeal the Auction results, the absence of non-bidding persons should not invalidate the Auctions because it lacks any legal significance.



**III. CONCLUSION.**

Based upon the foregoing, the Debtors respectfully request that the Court quash its OSC.

RESPECTFULLY SUBMITTED this 6th day of October, 2015.

*/s/ Elizabeth S. Fella*

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Susan G. Boswell (AZ Bar No. 004791)  
Lori L. Winkelman (AZ Bar No. 021400)  
Elizabeth S. Fella (AZ Bar No. 025236)  
*Admitted Pro Hac Vice*  
QUARLES & BRADY LLP  
One S. Church Ave., Suite 1700  
Tucson, Arizona 85701  
(520) 770-8700  
Fax: (520) 623-2418  
susan.boswell@quarles.com  
lori.winkelman@quarles.com  
elizabeth.fella@quarles.com

-and-

Thomas D. Walker  
WALKER & ASSOCIATES, P.C.  
500 Marquette N.W., Suite 650  
Albuquerque, New Mexico 87102  
(505) 766-9272  
Fax: (505) 722-9287  
twalker@walkerlawpc.com

*Counsel for the Debtors*

## CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b)(3), F.R.B.P. 9036 and NM LBR 9036-1(b), I hereby certify that service of the foregoing “Debtors’ Response to “Order to Show Cause and Notice of Hearing” [Dkt. No. 441]” was made on October 6, 2015 via e-mail and the notice transmission facilities of the Bankruptcy Court’s case management and electronic filing system.

Ronald E. Andazola  
Leonard Martinez-Metzgar  
Office of the U.S. Trustee  
P.O. Box 608  
Albuquerque, NM 87103  
ustpreion20.aq.ecf@usdoj.gov  
ronald.andazola@usdoj.gov  
leonard.martinez-metzgar@usdoj.gov

Thomas D. Walker  
Stephanie L. Schaeffer  
Walker & Associates, P.C.  
500 Marquette N.W., Suite 650  
Albuquerque, NM 87102  
twalker@walkerlawpc.com  
sschaeffer@walkerlawpc.com  
*Local Counsel for Debtor  
and Debtor-in-Possession*

James I. Stang  
Gillian N. Brown  
Jonathan J. Kim  
Pachulski Stang Ziehl & Jones  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
jstang@pszjlaw.com  
gbrown@pszjlaw.com  
jkim@pszjlaw.com  
*Counsel for the Official  
Committee of Unsecured Creditors*

Kenneth H. Brown  
Pachulski Stang Ziehl & Jones  
150 California Street, 15th Floor  
San Francisco, CA 94111  
kbrown@pszjlaw.com  
*Counsel for the Official  
Committee of Unsecured Creditors*

Robert E. Pastor  
Montoya, Jimenez & Pastor, P.A.  
3200 N. Central Ave., Suite 2550  
Phoenix, AZ 85012  
repastor@mjpattorneys.com  
*Counsel for Tort Claimants*

John Manly  
Manly & Stewart  
19100 Von Karman Ave., Suite 800  
Irvine, CA 92612  
jmanly@manlystewart.com  
*Counsel for Tort Claimants*

Richard T. Fass  
Donald H. Kidd  
Perdue & Kidd, LLP  
510 Bering Dr., Suite 550  
Houston, TX 77057  
rfass@perdueandkidd.com  
dkidd@perdueandkidd.com  
*Counsel for Tort Claimants*

Dennis Jontz  
Lewis Roca Rothgerber  
201 Third Street, NW, Ste. 190  
Albuquerque, NM 87102  
djontz@lrrlaw.com  
*Local Counsel for Catholic Peoples Foundation and  
Parish Steering Committee of Roman Catholic Church  
of the Diocese of Gallup*

Robert M. Charles, Jr.  
Susan M. Freeman  
Justin J. Henderson  
Lewis Roca Rothgerber LLP  
201 E. Washington St., Suite 1200  
Phoenix, AZ 85004  
rcharles@lrrlaw.com  
sfreeman@lrrlaw.com  
jhenderson@lrrlaw.com  
*Counsel for Catholic Peoples Foundation and Parish  
Steering Committee of Roman Catholic Church of the  
Diocese of Gallup*

Christopher R. Kaup  
J. Daryl Dorsey  
Tiffany & Bosco  
Camelback Esplanade II  
2525 E. Camelback Rd., Ste. 300  
Phoenix, AZ 85016  
crk@tblaw.com  
jdd@tblaw.com  
*Counsel for Southwest Indian Foundation, Inc.*

Charles R. Hughson  
Rodey, Dickason, Sloan,  
Akin & Robb, P.A.  
P.O. Box 1888  
Albuquerque, NM 87103  
chughson@rodey.com  
*Counsel for St. Bonaventure Indian  
Mission & School*

Edward A. Mazel  
James A. Askew  
Daniel A. White  
Askew & Mazel, LLC  
320 Gold Ave. S.W., Suite 300 A  
Albuquerque, NM 87102  
edmazel@askewmazelfirm.com  
jaskew@askewmazelfirm.com  
dwhite@askewmazelfirm.com  
*Counsel for New Mexico Property and Casualty  
Insurance Guaranty Association*

Rodney L. Schlager  
James H. Johansen  
Butt Thornton & Baehr P.C.  
P.O. Box 3170  
Albuquerque, NM 87190  
rlschlager@btblaw.com  
jhjohansen@btblaw.com  
*Counsel for the Roman Catholic Diocese  
Of Corpus Christi*

Douglas R. Vadnais  
Modrall, Sperling, Roehl,  
Harris & Sisk, P.A.  
P.O. Box 2168  
Albuquerque, NM 87103  
drv@modrall.com  
*Counsel for The Bank of Colorado  
d/b/a Pinnacle Bank*

George M. Moore  
Bonnie B. Gandarilla  
Moore Berkson & Gandarilla P.C.  
3800 Osuna Rd., NE, Ste. 2  
Albuquerque, NM 87109  
mbglaw@swcp.com  
bbg1lusc@swcp.com  
*Local Counsel for Southwest  
Indian Foundation, Inc.*

Steven D. Jerome  
Snell & Wilmer, LLP  
One Arizona Center  
400 E. Van Buren St., Ste. 1900  
Phoenix, AZ 85004  
sjerome@swlaw.com  
*Counsel for The Roman Catholic  
Church of the Diocese of Phoenix*

Randy S. Bartell  
Victor R. Ortega  
Sharon T. Shaheen  
Montgomery & Andrews, P.A.  
P.O. Box 2307  
Santa Fe, NM 87504  
rbartell@montand.com  
vortega@montand.com  
sshahen@montand.com  
*Counsel for Catholic Mutual Relief Society of America*

David Spector  
Everett Cygal  
Schiff Hardin LLP  
233 S. Wacker Dr., Suite 660  
Chicago, IL 60606  
dspector@schiffhardin.com  
ecygal@schiffhardin.com  
*Counsel for Catholic Mutual Relief Society*

Alyson M. Fiedler  
Schiff Hardin LLP  
666 Fifth Avenue, 17th Floor  
New York, NY 10103  
afiedler@schiffhardin.com  
ldelucia@schiffhardin.com  
*Counsel for Catholic Mutual Relief Society*

Francis H. LoCoco  
Bruce G. Arnold  
Whyte Hirschbeck Dudek S.C.  
555 E. Wells St., Suite 1900  
Milwaukee, WI 53202  
flococo@whdlaw.com  
barnold@whdlaw.com  
*Counsel for Roman Catholic Diocese  
of Corpus Christi*

John C. Kelly  
Coppersmith Brockelman PLLC  
2800 N. Central Ave., Suite 1200  
Phoenix, AZ 85004  
Jkelly@csblaw.com  
*Counsel for The Province of Our Lady of  
Guadalupe of the Order of Friars Minor*

Michael Murphy  
Young Kim  
AlixPartners, LLP  
580 California Street  
San Francisco, CA 94104  
mmurphy@alixpartners.com  
ykim@alixpartners.com  
*Unknown Claims Representative*

Timothy J. Hurley  
Theresa H. Vella  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202  
hurley@taftlaw.com  
vella@taftlaw.com  
*Counsel for the Province of St. John the  
Baptist of the Order of Friars Minor*

VIA U.S. Mail:  
Michael Bazley  
FBN 2237467  
650 I Street  
Sacramento, CA 95814

/s/ Elizabeth S. Fella  
Elizabeth S. Fella

# EXHIBIT “1”

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

<p>In re:</p> <p>ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a New Mexico corporation sole,</p> <p style="text-align: center;">Debtor.</p> <hr/>	<p>Chapter 11</p> <p>Case No. 13-13676-t11</p> <p><b>Jointly Administered with:</b></p> <p>Case No. 13-13677-t11</p>
<p>Jointly Administered with:</p> <p>BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, an Arizona corporation sole.</p> <p>This pleading applies to:</p> <p><input checked="" type="checkbox"/> All Debtors. <input type="checkbox"/> Specified Debtor.</p>	

**DECLARATION OF TODD GOOD**

I, Todd Good, declare under penalty of perjury as follows, pursuant to Fed. R. Bankr. P. 2014(a) and 2016(b):

1. I am an adult person, and I am a resident of Costa Mesa, California.
2. I am the CEO and President of Accelerated Marketing Group (“AMG”). I am duly authorized by AMG to make all statements which I have made in this Declaration on behalf of AMG.
3. Pursuant to the Sale Order,<sup>1</sup> the Court authorized the Debtors to employ AMG to conduct the Auctions of the Sale Assets.
4. AMG is a commercial realty firm incorporated in California that has extensive experience marketing difficult, rural properties in the southwest United States and elsewhere.

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<sup>1</sup> Capitalized terms not defined herein have the meanings given to them in the “Response to Order to Show Cause and Notice of Hearing” [Dkt. No. 441]” to which this Declaration is an exhibit.

Although AMG was assisted by and worked cooperatively with its joint venture partner, Tucson Realty and Trust Company (“**TRT**”), AMG and I were primarily involved in the Auctions.

5. I was present at, and conducted, the Auctions. In my thirty-three (33) years of experience in conducting auctions, I have conducted thousands of court-ordered and bankruptcy auctions across the United States. Many of these auctions were conducted for the Federal Deposit Insurance Corporation (“**FDIC**”), the Federal Savings and Loan Insurance Corporation (“**FSLIC**”), and the Small Business Administration (“**SBA**”) as sellers.

6. I currently serve as a board member of the Western States Auctioneers’ Association, and am a Past President of the California Auctioneers’ Association.

7. AMG received \$45,000.00 from the Debtors to pay for actual marketing costs relating to the Auctions. The amount of funds expended is listed by category on **Exhibit “A”** attached hereto. As is evident from Exhibit “A,” the costs of marketing the Sale Assets exceeded the flat expense fee AMG charged the Debtors, and AMG incurred over \$5,000.00 of additional expenses for which the Debtors have not been charged.

8. Additionally, I used a portion of the marketing funds to personally visit each of the Sale Assets to verify its existence and location (which required additional visits to county assessor and recording office) and to post signs regarding the Auctions at each of the Sale Assets. I do this as a matter of practice for every property I auction.

9. In addition to the press release regarding the Auctions, which was picked up by numerous media outlets, the Tucson *Daily Star* newspaper ran a special story on the Auctions. See **Exhibit “B”** hereto, which is a copy of the press release, and **Exhibit “C”** hereto, which is a listing of the publications that picked up the press release.

10. All advertising for the Auctions, including the press releases, advised interested persons to contact AMG for information. *See*, for example, Exhibit “B” and **Exhibit “D”** hereto, which is a copy of the information packet I compiled and distributed for the Auctions.

11. Potential bidders were advised that a cashier’s check would be required upon arrival at the Auctions as proof of financial wherewithal for bidding. *See* Exhibit “D” at pp. 2-4.

12. The amount of the cashier’s check required was set forth in the information packet provided to potential bidders, as was the fact that bidders had to pre-register. *Id.* at pp. 1, 3-4.

13. Ultimately, the Debtors received more than \$45,000.00 worth of marketing funding, because I was able to schedule the Auctions at the same time and place scheduled for the auction of other properties that were more valuable and likely to attract more bidders than the Sale Assets. *Id.* at p. 5-13. I knew the Sale Assets would be difficult to sell, so I did everything I could to maximize their chances of being sold.

14. It was, and continues to be, my belief that the timing and the marketing conducted for the other, more desirable properties, benefitted the Auctions by drawing in bidders that may not have otherwise been attracted if the Sale Assets were the only properties being auctioned. *Id.* at p. 6 (which contains a list of the third-party owned properties).

15. I conducted the Auctions on September 12, 2015 (Arizona) and September 19, 2015 (New Mexico).

16. Bidders were required to provide proof of financial wherewithal (in the form of a cashier’s check in the amount specified in the information packet) to avoid waste of time and unclosed sales. Such checks are retained as earnest money from the successful bidders.



17. All persons wishing to bid on the Sale Assets, and who arrived with cashier's checks in the appropriate amounts, were admitted to the Auctions.

18. No one appeared at the Arizona Auction except bidders.

19. The only two people who were turned away from the Auction conducted in New Mexico were two people who stated they were not going to bid on the Sale Assets.

20. In my 33 years of conducting auctions, it is, and has been, my custom and practice not to admit non-bidders to an auction. This is because non-bidders do not increase bid prices. Rather, they have the potential to distract legitimate potential buyers, disrupt the auction, or chill bidding. It is therefore good policy not to admit persons that do not intend to bid at an auction. This policy is a standard procedure that I have employed in the thousands of auctions I have conducted across the United States, and is and was standard practice in conducting auctions for the FDIC, FSLIC, and SBA. I informed the two non-bidders of this fact.

21. Immediately prior to the New Mexico Auction, I advised counsel for the Debtors that two non-bidders were being turned away from the New Mexico Auction, and that it was, and has been, my policy not to admit non-bidders to an Auction for the reasons I mentioned above.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge, information, and belief, and if called to testify, I would testify as I have stated herein.

DATED: October 6, 2015.



TODD GOOD

# **EXHIBIT "A"**



**MARKETING BUDGET**  
**Diocese of Gallup, Sept. 12 & 19, 2015**

<b>TOTAL BUDGET (rounded to 000)</b>		<b>\$45,000</b>
<b><u>Brochures and Printed Material</u></b>		<b>\$5,600</b>
Brochure Production	500	
Brochure Printing (3,000 @ \$1.00)	3,000	
Mailing List Purchases	300	
Brochure Mailing Cost Direct (3000 @ \$0.50)	1,500	
Mailing Cost Set Up & Handling	300	
<b><u>Signage</u></b>		<b>\$15,700</b>
Property Sign (120 Properties)	7,500	
Property Sign Installation	6,000	
Auction Day	2,200	
<b><u>Media Program</u></b>		<b>\$10,000</b>
Print Media Production	1,500	
Display Advertising	8,000	
Classified Advertising	500	
<b><u>Sales Office, Telemarketing</u></b>		<b>\$1,500</b>
Due Diligence Production /Scanning	750	
CD-ROM Duplication	150	
Telephone – Long Distance	500	
FedEx or UPS Red	100	
<b><u>Auction Day</u></b>		<b>\$9,250</b>
AV rental-both NM & AZ	1250	
Facility rental, setup, food-both NM & AZ	8,000	
<b><u>Travel Expense</u></b>		<b>\$5,500</b>
Air, Open Houses & Auction	2,900	
Car Rental	1,250	
Lodging	900	
Meals	450	
<b><u>Public Relations Expense</u></b>		<b>\$2,500</b>
<b><u>Miscellaneous Allowance</u></b>		<b>\$1,000</b>
<b>Total Auction Marketing Expense</b>		<b>\$51,050</b>
<b>Surplus/Deficit</b>		<b>-\$6,050 to date</b>

# **EXHIBIT "B"**



(<http://www.prnewswire.com/>)



## US Bankruptcy Court Ordered 120 Properties to be Sold Regardless of the Price at Two Auctions for Roman Catholic Church of The Diocese of Gallup

Aug 10, 2015, 08:15 ET from Accelerated Marketing Group  
(<http://www.prnewswire.com/news/accelerated+marketing+group>)

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NEWPORT BEACH, Calif., Aug. 10, 2015 /PRNewswire/ -- Todd Good, CEO/President of Accelerated Marketing Group and Hank Amos, CEO/President of Tucson Realty & Trust Co. United States Bankruptcy court appointed agents announced today the auction dates for 120+ properties to be sold ABSOLUTE by The Honorable David T. Thuma United States Bankruptcy Judge. The first auction will be September 12, 2015 at the Downtown Sheraton Phoenix Hotel, Phoenix, AZ. The offering will include 32 properties from all over Arizona. 19 of the properties are part of the Bankruptcy auction offering.

Photo - <http://photos.prnewswire.com/prnh/20150810/257149>  
(<http://photos.prnewswire.com/prnh/20150810/257149>)

Additionally, there will be 13 properties from other sellers, including National Bank of Arizona, Golden Eagle Distributors and other private sellers. The second auction will be conducted on September 19, 2015 at the Airport Sheraton, Albuquerque Airport, Albuquerque, New Mexico. The New Mexico offering includes 100 properties located in 9 Counties. All the Court Ordered Diocese of Gallup properties are being offered **REGARDLESS OF PRICE NO RESERVES AND NOT SUBJECT TO COURT APPROVAL.**

The Roman Catholic Diocese of Gallup, N.M. was founded in 1939 and covers over 55,000 square miles in New Mexico & Arizona. They have 53 parishes, 13 schools and 5 social centers serving some 58,000 parishioners among a population of 490,000.

The Diocese of Gallup filed for Chapter 11 Bankruptcy protection on November 12, 2013. The Diocese of Gallup is one of the poorest Dioceses in the United States. "We are hoping the National Catholic community will come out and support this 76 year old Diocese who's work for thousands of the poor and disenfranchised people in their community has given hope to many who have none," stated Todd Good.

For AUCTION information and a list of properties please call 800.791.0913 

### **About Accelerated Marketing Group**


Accelerated Marketing Group excels in rapid sales of commercial and residential assets throughout the United States. Offering conventional brokerage as well as unique auction capabilities, the firm has executed more than \$8.6 billion in transactions to date.

Headquartered in Newport Beach, California, the company maintains additional offices in AZ, CA, FL, GA, ID, KY, SC, IL.

Contact:

Todd L Good

President

(619) 992-5000 

SOURCE Accelerated Marketing Group

#### **Find this article at:**

<http://www.prnewswire.com/news-releases/us-bankruptcy-court-ordered-120-properties-to-be-sold-regardless-of-the-price-at-two-auctions-for-roman-catholic-church-of-the-diocese-of-gallup-300125953.html>

Check the box to include the list of links referenced in the article.



# EXHIBIT "C"

From: [Fella, Elizabeth](#)  
To: [James Stang](#); [Ilan D. Scharf](#)  
Cc: [Winkelman, Lori L. \(PHX x3452\)](#); [Boswell, Susan G. \(TUC x7713\)](#)  
Subject: Diocese of Gallup Auction Press [QBLLP-ACTIVE.FID37014021]  
Date: Tuesday, August 11, 2015 10:25:09 AM  
Attachments: [Diocese PR-Visibility Reports.pdf](#)

---

Jim and Ilan,

Forwarding you the below link to the broker's press release for the Diocese of Gallup auction, and the attached list of publications that picked it up yesterday.

Elizabeth

**Elizabeth S. Fella**  
Partner  
**Quarles & Brady LLP**  
One South Church Avenue  
Suite 1700  
Tucson, Arizona 85701-1621  
[www.quarles.com](http://www.quarles.com)  
P: (520) 770-8755  
F: (520) 770-2228  
[Elizabeth.Fella@quarles.com](mailto:Elizabeth.Fella@quarles.com)

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<image001.jpg> <image002.jpg> <~WRD000.jpg>  
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Click the following to access the sent link:  
<~WRD000.jpg> [US Bankruptcy Court Ordered 120 Properties to be Sold Regardless of... -- NEWPORT BEACH, Calif., Aug. 10, 2015 /PRNewswire/ --\\*](#)

<image005.jpg> <image006.jpg>

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\*This article can also be accessed if you copy and paste the entire address below into your web browser.  
<http://www.prnewswire.com/news-releases/us-bankruptcy-court-ordered-120-properties-to-be-sold-regardless-of-the-price-at-two-auctions-for-roman-catholic-church-of-the-diocese-of-gallup-300125953.html>

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Todd L Good  
CEO/President  
Accelerated Marketing Group Inc.  
1834 Kinglet Ct  
Costa Mesa, CA 92626  
(619) 992-5000 direct  
[tgood@amgre.com](mailto:tgood@amgre.com)  
[www.amgre.com](http://www.amgre.com)




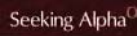










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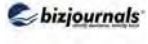



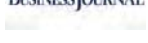











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# Online Distribution





















The details of each site that posted your release.





















193 postings to websites on our network have been found, with a total potential audience of 21,512,000  unique visitors per day.

Logo	Outlet or Website Name	Location	Media Type	Industry	Visitors per day ▼
	MarketWatch View Release	United States	News & Information Service	Financial	758,000
	Reuters View Release	Global	News & Information Service	Financial	617,000
	Boston Globe View Release	United States	Newspaper	Media & Information	561,000
	Seeking Alpha View Release	United States	News & Information Service	Other	492,000
	Wichita Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Washington Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Minneapolis / St. Paul Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Triangle Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Business Journal of the Greater Triad Area View Release	United States	Newspaper	Media & Information	389,000
	Tampa Bay Business Journal View Release	United States	Newspaper	Media & Information	389,000
	St. Louis Business Journal View Release	United States	Newspaper	Media & Information	389,000
	South Florida Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Puget Sound Business Journal View Release	United States	Newspaper	Media & Information	389,000
	San Jose Business Journal View Release	United States	Newspaper	Media & Information	389,000




















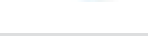
	San Francisco Business Times View Release	United States	Newspaper	Media & Information	389,000
	San Antonio Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Sacramento Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Bizjournals.com, Inc. View Release	United States	Newspaper	Media & Information	389,000
	Portland Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Pittsburgh Business Times View Release	United States	Newspaper	Media & Information	389,000
	Business Journal of Phoenix View Release	United States	Newspaper	Media & Information	389,000
	Philadelphia Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Pacific Business News View Release	United States	Newspaper	Media & Information	389,000
	Orlando Business Journal View Release	United States	Newspaper	Media & Information	389,000
	New York Business Journal View Release	United States	Newspaper	Other	389,000
	Nashville Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Business Journal of Greater Milwaukee View Release	United States	Newspaper	Media & Information	389,000
	Memphis Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Business First of Louisville View Release	United States	Newspaper	Media & Information	389,000
	Los Angeles Business from bizjournals View Release	United States	Newspaper	Media & Information	389,000
	Kansas City Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Jacksonville Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Houston Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Denver Business Journal View Release	United States	Newspaper	Media & Information	389,000









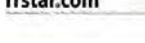





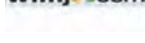




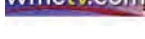
	Dayton Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Dallas Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Business First of Columbus View Release	United States	Newspaper	Media & Information	389,000
	Cincinnati Business Courier View Release	United States	Newspaper	Media & Information	389,000
	Chicago Business News View Release	United States	Newspaper	Other	389,000
	Charlotte Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Business First of Buffalo View Release	United States	Newspaper	Media & Information	389,000
	Boston Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Birmingham Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Baltimore Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Austin Business Journal View Release	United States	Newspaper	Media & Information	389,000
	Atlanta Business Chronicle View Release	United States	Newspaper	Media & Information	389,000
	New Mexico Business Weekly View Release	United States	Newspaper	Media & Information	389,000
	Business Review (Albany) View Release	United States	Newspaper	Media & Information	389,000
	Milwaukee Journal Sentinel View Release	United States	Newspaper	Other	215,000
	Yahoo! Singapore View Release	Singapore	Portal	Media & Information	129,000
	KWTV-TV CBS-9 (Oklahoma City, OK) View Release	United States	Broadcast Media	Media & Information	68,000
	PR Newswire View Release	United States	PR Newswire	Media & Information	66,000
	Wall-Street.com View Release	United States	News & Information Service	Financial	64,000
	WISTV NBC-10 (Columbia, SC) View Release	United States	Broadcast Media	Media & Information	53,000
	Press-Enterprise	United	Newspaper	Media &	50,000













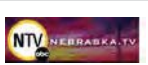







	View Release	States		Information	
	WAFB CBS-9 (Baton Rouge, LA) View Release	United States	Broadcast Media	Media & Information	48,000
	KOTV-TV CBS-6 (Tulsa, OK) View Release	United States	Broadcast Media	Media & Information	48,000
	WXIX FOX-19 (Cincinnati, OH) View Release	United States	Broadcast Media	Media & Information	39,000
	WAVE NBC-3 (Louisville, KY) View Release	United States	Broadcast Media	Media & Information	37,000
	WAFB NBC-48 (Huntsville, AL) View Release	United States	Broadcast Media	Media & Information	35,000
	WFIE NBC-14 (Evansville, IN) View Release	United States	Broadcast Media	Media & Information	35,000
	WWBT NBC-12 (Richmond, VA) View Release	United States	Broadcast Media	Media & Information	34,000
	WSFA NBC-12 (Montgomery, AL) View Release	United States	Broadcast Media	Media & Information	30,000
	WCSC CBS-5 (Charleston, SC) View Release	United States	Broadcast Media	Media & Information	30,000
	KHNL-TV NBC-8 (Honolulu, HI) View Release	United States	Broadcast Media	Media & Information	30,000
	BioSpace View Release	United States	News & Information Service	Health	30,000
	WRCB-TV NBC-3 (Chattanooga, TN) View Release	United States	Broadcast Media	Media & Information	29,000
	Daily Herald View Release	United States	Newspaper	Other	29,000
	WSET-TV ABC-13 (Lynchburg, VA) View Release	United States	Broadcast Media	Media & Information	27,000
	KLTU ABC-7 (Tyler, TX) View Release	United States	Broadcast Media	Media & Information	27,000
	WLOX ABC-13 (Biloxi, MS) View Release	United States	Broadcast Media	Media & Information	26,000
	KHQ-TV NBC-6 (Spokane, WA) View Release	United States	Broadcast Media	Media & Information	26,000
	Marketplace from American Public Media View Release	United States	Broadcast Media	Media & Information	26,000
	WDRB FOX-41 (Louisville, KY) View Release	United States	Broadcast Media	Media & Information	24,000




















	WALB NBC-10 (Albany, GA) View Release	United States	Broadcast Media	Media & Information	24,000
	WBOC CBS-16 (Salisbury, MD) View Release	United States	Broadcast Media	Media & Information	23,000
	KFMB-TV CBS-8 (San Diego, CA) View Release	United States	Broadcast Media	Media & Information	23,000
	WBMA-TV ABC-33 / ABC-40 (Birmingham, AL) View Release	United States	Broadcast Media	Media & Information	23,000
	KTUL-TV ABC-8 (Tulsa, OK) View Release	United States	Broadcast Media	Media & Information	19,000
	WTOC CBS-11 (Savannah, GA) View Release	United States	Broadcast Media	Media & Information	18,000
	KOLD CBS-13 (Tucson, AZ) View Release	United States	Broadcast Media	Media & Information	18,000
	WTOL CBS-11 (Toledo, OH) View Release	United States	Broadcast Media	Media & Information	18,000
	KFVS CBS-12 (Cape Girardeau, MO) View Release	United States	Broadcast Media	Media & Information	18,000
	KAIT ABC-8 (Jonesboro, AR) View Release	United States	Broadcast Media	Media & Information	18,000
	WECH NBC-6 (Wilmington, NC) View Release	United States	Broadcast Media	Media & Information	16,000
	KSLA CBS-12 (Shreveport, LA) View Release	United States	Broadcast Media	Media & Information	14,000
	KCBD NBC-11 (Lubbock, TX) View Release	United States	Broadcast Media	Media & Information	14,000
	WOIO CBS-19 (Cleveland, OH) View Release	United States	Broadcast Media	Media & Information	14,000
	WBOY-TV NBC-12 (Clarksburg, WV) View Release	United States	Broadcast Media	Other	13,000
	KATV-TV ABC-7 (Little Rock, AR) View Release	United States	Broadcast Media	Media & Information	13,000
	WVUE-TV FOX-8 (New Orleans, LA) View Release	United States	Broadcast Media	Other	13,000
	WTVM ABC-9 (Columbus, GA) View Release	United States	Broadcast Media	Media & Information	11,000
	KTRE ABC-9 (Lufkin, TX) View Release	United States	Broadcast Media	Media & Information	11,000
	WRAL-TV CBS-5 (Raleigh, NC) View Release	United States	Broadcast Media	Media & Information	11,000























 Street Insider View Release	United States	Trade Pub	Financial	11,000
 Star Tribune (Minneapolis, MN) View Release	United States	Newspaper	Other	11,000
 FinancialContent - PR Newswire View Release	United States	News & Information Service	Other	11,000
 Oklahoman (Oklahoma City, OK) View Release	United States	Newspaper	Media & Information	11,000
 Long Beach Press-Telegram (Long Beach, CA) View Release	United States	Newspaper	Media & Information	11,000
 Santa Cruz Sentinel (Santa Cruz, CA) View Release	United States	Newspaper	Media & Information	11,000
 Inside Bay Area View Release	United States	Newspaper	Media & Information	11,000
 Contra Costa Times View Release	United States	Newspaper	Media & Information	11,000
 The State (Columbia, SC) View Release	United States	Newspaper	Media & Information	11,000
 Olympian (Olympia, WA) View Release	United States	Newspaper	Media & Information	11,000
 Sun Herald (Biloxi, MS) View Release	United States	Newspaper	Media & Information	11,000
 Fort Worth Star-Telegram (Fort Worth, TX) View Release	United States	Newspaper	Media & Information	11,000
 Tribune (San Luis Obispo, CA) View Release	United States	Newspaper	Media & Information	11,000
 The Sacramento Bee View Release	United States	Newspaper	Media & Information	11,000
 News Tribune (Tacoma, WA) View Release	United States	Newspaper	Media & Information	11,000
 News & Observer (Raleigh, NC) View Release	United States	Newspaper	Other	11,000
 The Sun News (Myrtle Beach, SC) View Release	United States	Newspaper	Media & Information	11,000
 Miami Herald View Release	United States	Newspaper	Media & Information	11,000
 Telegraph-Macon (Macon, GA) View Release	United States	Newspaper	Media & Information	11,000
 Columbus Ledger-Enquirer (Columbus, GA) View Release	United States	Newspaper	Media & Information	11,000

	View Release				
	Lexington Herald-Leader (Lexington, KY) View Release	United States	Newspaper	Media & Information	11,000
	Kansas City Star View Release	United States	Newspaper	Other	11,000
	Wichita Eagle (Wichita, KS) View Release	United States	Newspaper	Media & Information	11,000
	Island Packet (Bluffton, SC) View Release	United States	Newspaper	Other	11,000
	Bradenton Herald (Bradenton, FL) View Release	United States	Newspaper	Media & Information	11,000
	The Bellingham Herald View Release	United States	Newspaper	Other	11,000
	Belleville News-Democrat View Release	United States	Newspaper	Media & Information	11,000
	The Daily Herald View Release	United States	Newspaper	Other	11,000
	Rockford Register Star View Release	United States	Newspaper	Other	11,000
	Value Investing News View Release	United States	News & Information Service	Financial	11,000
	Buffalo News (Buffalo, NY) View Release	United States	Newspaper	Media & Information	11,000
	WMBF NBC-32 (Myrtle Beach, SC) View Release	United States	Broadcast Media	Media & Information	10,000
	WTRF-TV CBS-7 (Wheeling, WV) View Release	United States	Broadcast Media	Other	8,000
	WLNE-TV ABC-6 (Providence, RI) View Release	United States	Broadcast Media	Media & Information	8,000
	WFMJ-TV NBC-21 (Youngstown, OH) View Release	United States	Broadcast Media	Media & Information	7,000
	WDAM NBC-7 (Hattiesburg-Laurel, MS) View Release	United States	Broadcast Media	Media & Information	7,000
	WXTX-TV FOX-54 (Columbus, GA) View Release	United States	Broadcast Media	Media & Information	Not available
	WVNS-TV CBS-59 (Ghent, WV) View Release	United States	Broadcast Media	Other	Not available
	WSFX-TV FOX-26 (Wilmington, NC) View Release	United States	Broadcast Media	Media & Information	Not available
	WMC NBC-5 (Memphis, TN) View Release	United States	Broadcast Media	Media & Information	Not available

	WLTZ-TV NBC-38 (Columbus, GA) View Release	United States	Broadcast Media	Media & Information	Not available
	WFXG-TV FOX-54 (Augusta, GA) View Release	United States	Broadcast Media	Media & Information	Not available
	WFLX FOX-29 (West Palm Beach, FL) View Release	United States	Broadcast Media	Media & Information	Not available
	WAND-TV NBC-17 (Decatur, IL) View Release	United States	Broadcast Media	Media & Information	Not available
	KQCW CW-12/19 (Tulsa, OK) View Release	United States	Broadcast Media	Media & Information	Not available
	The State Journal (Charleston, WV) View Release	United States	Newspaper	Other	Not available
	KMEG-TV CBS-14 (Sioux City, IA) View Release	United States	Broadcast Media	Media & Information	Not available
	KFMB 100.7 Jack-FM (San Diego, CA) View Release	United States	Broadcast Media	Media & Information	Not available
	ProfitQuotes View Release	United States	News & Information Service	Financial	Not available
	KWES-TV NBC-9 (Midland, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KAUZ-TV CBS-6 (Wichita Falls, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KFDA CBS-10 (Amarillo, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	NebraskaTV (Kearney, NE) View Release	United States	Broadcast Media	Media & Information	Not available
	WGFL-TV CBS-4 (Gainesville, FL) View Release	United States	Broadcast Media	Media & Information	Not available
	WFXS-TV FOX-55 (Wausau, WI) View Release	United States	Broadcast Media	Other	Not available
	WTLH-TV FOX-49 (Tallahassee, FL) View Release	United States	Broadcast Media	Other	Not available
	WOLF-TV FOX-56 (Wilkes-Barre, PA) View Release	United States	Broadcast Media	Other	Not available
	WPFO-TV FOX-23 (Portland, ME) View Release	United States	Broadcast Media	Other	Not available
	WDSI-TV FOX-61 (Chattanooga, TN) View Release	United States	Broadcast Media	Other	Not available
	WLBT NBC-3 (Jackson, MS) View Release	United States	Broadcast Media	Media & Information	Not available

	KXXV-TV ABC-25 (Waco, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KXMB-TV CBS-12(Bismarck, ND) View Release	United States	Broadcast Media	Other	Not available
	KUSI-TV IND-51 (San Diego, CA) View Release	United States	Broadcast Media	Media & Information	Not available
	KUAM-TV NBC-8 / CBS-11 (Hagatna, Guam) View Release	United States	Broadcast Media	Media & Information	Not available
	KTVN-TV CBS-2 (Reno, NV) View Release	United States	Broadcast Media	Media & Information	Not available
	KTEN NBC-10 (Denison, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KSWO-TV ABC-7 (Lawton, OK) View Release	United States	Broadcast Media	Media & Information	Not available
	KPLC NBC-7 (Lake Charles-Lafayette, LA) View Release	United States	Broadcast Media	Media & Information	Not available
	KMPH-TV FOX-26 (Fresno, CA) View Release	United States	Broadcast Media	Media & Information	Not available
	KFRE-TV CW-59 (Fresno, CA) View Release	United States	Broadcast Media	Media & Information	Not available
	KLKN ABC-8 (Lincoln, NE) View Release	United States	Broadcast Media	Media & Information	Not available
	KIII-TV ABC-3 (Corpus Christi, TX) View Release	United States	Broadcast Media	Other	Not available
	KCEN-TV NBC-9 (Temple, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KFVE MyNetworkTV-5 (Honolulu, HI) View Release	United States	Broadcast Media	Media & Information	Not available
	Just Your Average Momma View Release	United States	Blog	Other	Not available
	KTVG-TV FOX-17 / KSNB-TV FOX-4 (Kearney, NE) View Release	United States	Broadcast Media	Media & Information	Not available
	KPTM-TV FOX-42 (Omaha, NE) View Release	United States	Broadcast Media	Media & Information	Not available
	WBOC-TV FOX-21 (Salisbury, MD) View Release	United States	Broadcast Media	Other	Not available
	KFJX-TV FOX-14 (Pittsburg, KS) View Release	United States	Broadcast Media	Media & Information	Not available
	WICU-TV NBC-12 (Erie, PA)	United	Broadcast Media	Other	Not available

	View Release	States			
	WUPV-TV CW-65 (Ashland, VA) View Release	United States	Broadcast Media	Media & Information	Not available
	KXVO-TV CW-15 (Omaha, NE) View Release	United States	Broadcast Media	Media & Information	Not available
	WLTZ-TV CW-38 (Columbus, GA) View Release	United States	Broadcast Media	Other	Not available
	KYTX CBS-19 (Tyler, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KAZT IND-7 (Phoenix/Prescott, AZ) View Release	United States	Broadcast Media	Media & Information	Not available
	WCIV-TV ABC-4 (Charleston, SC) View Release	United States	Broadcast Media	Media & Information	Not available
	KRHD-TV ABC-40 (Bryan-College Station, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	KFMB 760-AM (San Diego, CA) View Release	United States	Broadcast Media	Media & Information	Not available
	KBMT-TV ABC-12 (Beaumont, TX) View Release	United States	Broadcast Media	Media & Information	Not available
	VWP Realty View Release	United States	News & Information Service	Real Estate	Not available
	StockNod View Release	United States	News & Information Service	Financial	Not available
	Operation Deepdown View Release	United States	News & Information Service	Other	Not available
	myMotherLode.com View Release	United States	Trade Pub	Media & Information	Not available
	KSTC-TV IND-45 (Saint Paul, MN) View Release	United States	Broadcast Media	Media & Information	Not available
	Wall Street Select View Release	United States	News & Information Service	Other	Not available
	Tucson CityRoom [Tucson, AZ] View Release	United States	News & Information Service	Other	Not available
	Phoenix CityRoom [Phoenix, AZ] View Release	United States	News & Information Service	Other	Not available
	Orange County CityRoom [Anaheim, CA] View Release	United States	News & Information Service	Other	Not available
	Albuquerque CityRoom [Albuquerque, NM] View Release	United States	News & Information Service	Other	Not available

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From: [Todd Good](#)  
 To: [Boswell, Susan G. \(TUC x7713\)](#); [Fella, Elizabeth \(TUC x7755\)](#); [Hank Amos](#)  
 Cc: [Cathy M. McCarthy \(grants@dioceseofgallup.org\)](#); [Susan Good](#); [Cindy Mencher](#)  
 Subject: Fwd: US Bankruptcy Court Ordered 12... / PR Newswire 30 day report  
 Date: Wednesday, September 09, 2015 8:52:37 AM

FYI on the upcoming sale PR activity. Todd

Begin forwarded message:

**From:** Reports <[reports@prnewswire.com](mailto:reports@prnewswire.com)>  
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## US Bankruptcy Court Ordered 120 Properties to be Sold Regardless of the Price at Two Auctions for Roman Catholic Church of The Diocese of Gallup

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Todd L Good  
 CEO/President  
 Accelerated Marketing Group Inc.  
 1834 Kinglet Ct  
 Costa Mesa, CA 92626  
 (619) 992-5000 direct  
 (949) 629-6677 Fax  
[tgood@amgre.com](mailto:tgood@amgre.com)  
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# EXHIBIT "D"



## US Federal Bankruptcy Court Ordered Auctions Archdiocese of Gallup, New Mexico

Dear Auction Participant:

Thank you for your recent request for more information on the approximately 120 properties that will be sold REGARDLESS OF THE PRICE at auction.

Below please find the locations of the auctions and the start times.

All **ARIZONA** properties will be offered on Saturday, *September 12, 2015*

**Sheraton Crescent Hotel**  
2620 W. Dunlap Avenue, Phoenix, Arizona 85021

Registration Begins at 11:00am and the Auction will begin promptly at 12 Noon

All **NEW MEXICO** properties will be offered on Saturday, *September 19, 2015*

**Sheraton Albuquerque Airport Hotel**  
2910 Yale Blvd SE, Albuquerque, NM 87106 **Phone:**(505) 843-7000

Registration Begins at 11:00am and the Auction will begin promptly at 12 Noon

All the properties to be auctioned have been broken down in to three lists:

- 1. ARIZONA BANKRUPTCY PROPERTIES**
- 2. ARIZONA PRIVATE SELLER PROPERTIES**
- 3. NEW MEXICO BANKRUPTCY PROPERTIES**

Most of the Bankruptcy properties were donated to the Diocese and there for we have limited due diligence. Find the properties you are interested in and request a property profile and aerial map by email to [cmencher@amgre.com](mailto:cmencher@amgre.com).

Any further questions, please email Todd Good at [tgood@amgre.com](mailto:tgood@amgre.com).

Thank you for your request,

Cindy Mencher  
National Project Coordinator  
Accelerated Marketing Group  
Regional Office - Atlanta, GA  
Work: 678-697-5712  
Fax: 949-629-6677  
[cmencher@amgre.com](mailto:cmencher@amgre.com)

1834 Kinglet Court Costa Mesa, CA 92626  
(619) 992-5000 Fax (949) 629-6677  
AMGRE.COM

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP  
(Case No. 13-13676-t11)



**Jointly Administered with:**  
BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP  
(Case No. 13-13677-t11)

# ***REAL ESTATE AUCTIONS***

**SEPTEMBER 12 - Sheraton Crescent Hotel  
19 Properties throughout Arizona**

**SEPTEMBER 19 - Airport Sheraton Hotel, Albuquerque  
100 Properties throughout New Mexico**

## **ALL PROPERTIES**

**TO BE SOLD REGARDLESS OF THE PRICE!**

**ABSOLUTE!** (Not subject to Court Approval)

For List of Properties, Terms of Sale and Broker Participation

**(800) 791-0913**

**\*13 Additional Properties to be Sold  
Subject to different Auction Terms in AZ by Private Sellers**



Court Appointed Agents: Todd Good & Hank Amos

**Tucson Realty & Trust Co.**



**ARCHDIOCESE AUCTION: AZ PROPERTIES**

	Cnty Assessor Parcel Number	Number of Parcels	City	County	State	Acreage	Zoning	Actual Value/Assessed Value	Cashier Check
AE-1	105-53-327	1	Holbrook	Navajo	AZ	2	A-General	\$500/\$75	\$ 500
AE-2	304-19-072 304-19-073	2	Show Low	Navajo	AZ	1 1	R1-10	\$2,800/\$420 \$2,800/\$420	\$ 500
AE-3	202-20-105	1	Snowflake	Navajo	AZ	4.97	RU-1	\$18638/\$2,796	\$ 1,500
AE-4	103-15-259 103-15-260 103-15-261	3	Winslow	Navajo	AZ	0.06 0.17 0.11	Municipal	\$1,125/\$169 \$3,375/\$506 \$3,000/\$7,152	\$ 1,000
RC-1	104-07-005	1	Springerville	Apache	AZ	11.75	RMH-7	\$92,825/\$14,852	\$ 9,000
RC-2	105-19-041 105-21-011 105-33-264	3	Holbrook	Navajo	AZ	5 20 0	A-General	\$1,433/\$215 \$7,200/\$1,080 \$550/\$83	\$ 500
RC-3	210-02-052	1	Show Low	Navajo	AZ	2	Municipal	\$18,056/\$2,708	\$ 1,500
RC-4	403-05-305	1	Snowflake	Navajo	AZ	1.21	R1-10	\$2,723/\$408	\$ 500
RC-5	103-15-262	1	Winslow	Navajo	AZ	0.11	Municipal	\$6,018/\$903	\$ 1,000
RC-46	201-14-023	1	Consho	Apache	AZ	5.67	Agriculture General	\$10,017/\$1,603	\$ 1,000
RC-47	107-18-218 107-18-219	2	Consho	Apache	AZ	2 2	Agriculture General	\$5,117/\$819 \$5,117/\$819	\$ 500
RC-48	203-50-126	1	St. Johns	Apache	AZ	1	Agriculture General	\$2,240/\$358	\$ 500

Archdiocese Auction : New Mexico Properties

<u>Auction Lot #</u>	<u>Cnty Assessor Parcel Number</u>	<u>Number of Parcels</u>	<u>City</u>	<u>County</u>	<u>State</u>	<u>Acreage</u>	<u>Zoning</u>	<u>Actual Value/Assessed Value</u>	<u>Cashier Check Amounts</u>
RC-Lot 55 See Note	2-004-186-030-346	1	Lumberton	Arriba	NM	0.19	_____	\$3540 (exempt)	\$500
RC-Lot 71	2-056-059-020-150, 2-056-059-020-165, 2-056-059-020-178, 2-056-059-020-192, 2-056-059-020-206, 2-056-059-020-218, 2-056-059-020-230, 2-056-059-020-245, 2-056-059-021-258, 2-056-059-039-142, 2-05-059-053-150, 2-05-059-053-165, 2-05-059-053-177, 2-05-059-080-150, 2-05-059-080-165, 2-05-059-080-177, 2-05-059-095-142, 2-05-059-110-150, 2-05-059-110-165, 2-05-059-136-150, 2-05-059-136-165, 2-05-059-136-177, 2-05-059-152-142, 2-05-059-167-150, 2-05-059-167-165, 2-05-059-167-177, 2-05-059-192-150, 2-05-059-192-165, 2-05-059-192-177, 2-05-059-210-142, 2-05-059-224-150, 2-05-059-224-165, 2-05-	64	near San Rafael	Cibola	NM	151.0 (64 lots)	Residential	\$530/\$177	\$500
RC-Lot 76	2-071-070-282-508 & 2-071-070-293-508	2	Bluewater	Cibola	NM	1.077 (2 lots)	Residential	\$4635/\$1545	\$500
RC-Lot 77	2-072-071-495-323	1	Near Bluewater Lake	Cibola	NM	20	Residential	\$10300/\$3433	\$500
RC-Lot 13	2-105-088-052-047	1	Gallup	KcKinley	NM	3.067	Residential	\$2840/\$947	\$500
RC-Lot 40	3-036-152-138-100 & 3-036-152-126-100	2	Near Deming	Luna	NM	_____	_____	_____	\$500
RC-Lot 41	3-043-143-473-291	1	Near Deming	Luna	NM	0.5	1R2	\$1200 (actual)	\$500
RC-Lot 42	3-035-141-484-383, 3-035-141-496-383, 3-035-141-137-185, 3-035-141-496-364, 3-0035-141-148-184 & 3-035-141-484-364	6	Near Deming	Luna	NM	0.5 (6 lots)	_____	_____	\$500
RC-Lot 15	2-105-088-476-479	1	Gallup	McKinley	NM	0.41	_____	\$3560/\$1190	\$500
RC-Lot 16	2-105-088-428-444	1	Gallup	McKinley	NM	2.65	Residential	\$30940/\$10313	\$1,000
RC-Lot 17	2-105-088-519-402	1	Gallup	McKinley	NM	2.65	Residential	\$30940/\$10313	\$1,000
RC-Lot 32	2-071-084-228-325	1	Thoreau	McKinley	NM	0.636	_____	\$2290/\$763	\$500
RC-Lot 38	2-106-088-088-110	1	Gallup	McKinley	NM	2.19	Commercial	\$119280/\$34760	\$3,000
RC-Lot 39	2-105-087-522-352	1	Gallup	McKinley	NM	0.766	Commercial	\$16090/\$5363	\$500
RC-Lot 65	2-043-181-412-247	1	Near Navajo Dam	San Juan	NM	2.43	Residential	\$2843 (actual)	\$500
RC-Lot 67	2-072-174-475-410	1	Farmington	San Juan	NM	0.91	Residential	\$30250 (actual)	\$3,000
RC-Lot 68	2-076-171-115-305	1	Farmington	San Juan	NM	0.1205	Commercial	\$23097 (actual)	\$2,000
RC-Lot 59	2-016-088-091-485	1	Guadalupe	Sandoval	NM	0.417	_____	\$9900/\$3300	\$500
RC-Lot 60	1-013-074-331-068	1	Rio Rancho	Sandoval	NM	0.5 (1 lot)	Residential	\$2178/726	\$500
RC-Lot 61	1-013-074-347-068 & 1-013-074-339-068	2	Rio Rancho	Sandoval	NM	0.5 (2 lots)	Residential	\$2178/\$726	\$500
RC-Lot 43	Z397102034	1	Near Belen	Socorro	NM	1	Residential	\$1800 (exempt)	\$500
RC-Lot 44	1054161378084	1	near U.S. Hwy 64 and U.S. Hwy 285 near the NM & CO border	Taos	NM	1	Commercial	\$918 (actual)	\$500
RC-Lot 45	1980926000000	1	near U.S. Hwy 64 and U.S. Hwy 285 near the NM & CO border	Taos	NM	0.25	Residential	\$636 (actual)	\$500
AE-Lot 5	1-013-025-135-503, 100780 & 100790	2	Belen	Valencia	NM	_____	Residential	\$300 (actual)	\$500
AE-Lot 6	1-017-032-226-075, 100510, 100520, 100530 & 100540	4	Los Lunas	Valencia	NM	_____	Residential	\$300 (actual)	\$500

# AUCTION SEPT 12<sup>TH</sup>

## COMMERCIAL

**GE-2: 550 S. Broad St., Globe, AZ**

**Published Reserve \$480,000**

11,500 +/- SF Refrigerated Warehouse Bldg &

1,440 +/-SF Additional Warehouse + Office

Zoned: C-3/TR with Rail Spur

## COMMERCIAL/RESIDENTIAL LAND

**GE-1: NE Corner Thornton Rd & Ash**

**Ave, Casa Grande, AZ**

**Published Reserve \$1.5M/1.15PSF**

29.99 AC comprised of two lots near  
Walmart Distribution Center & Monstanto  
Bld/Plant.

**W. Alegria Rd, Tubac, AZ.**

**5 Ready to Build Homesites**

Stunning Views

Foothills of Tumacacori Mts.

**Residential Development Land**

**Tucson, AZ: Near Paul McCartney's**

**Tucson Estate**

13.9 AC-Rear Riparian Land Homesite  
Abuts the CO National Forest and has  
The Tanque Verde River running thru it.

**Mescal Road, 1 Mile N of I-10 40 min**

**East of Tucson, AZ**

Last 29 Lots in Rolling Hills 61 Home  
Subdivision

Zoning: TR-36 (Cochise County)

**GE-3: Lot 16- Corner Earnhardt/ Taxiway Dr. - Sky Park Industrial, Payson, AZ**

**Published Reserve \$110,000**

Less than 50 yards to the gate of the Payson Airport

Great Location/High Visibility

## BANK OWNED PROPERTIES (ALL MUST BE SOLD!)

**NB-1: Tumacacori, AZ**

**Published Reserve \$35,000**

4acre vacant lot

**NB-5: 301 N. 6th Ave, Holbrook AZ**

**Published Reserve \$66,500**

Single Family Residence 2400 sq ft

**NB -2: 8997 Dakota Road, Hereford AZ**

**Published Reserve \$8,000**

4 acre parcel

**NB-6: Laredo Trail, Benson AZ**

**Published Reserve \$15,000**

8 acre parcel

**NB-3: 1011 Dusty Lane, Show Low/  
Linden AZ**

**Published Reserve \$66,500**

3.7 acre Commercial parcel

**NB-7: 2241 Isla Bonita, Sierra Vista AZ**

**Published Reserve \$75,000**

Residential Lot in Canyon De Flores Sub

**NB-4: 3637 S. Hwy 92, Sierra Vista AZ**

**Published Reserve \$220,000**

Commercial Restaurant

**NB-8 3009 Deer Trail, Lakeside AZ**

**Published Reserve \$75,000**

Homesite with modular home included.

**FOR TERMS OF AUCTION: 800-791-0913**

**PRIVATE SELLER PROPERTIES: ARIZONA**

<i>Auction Lot #</i>	<i>Cnty Assessor Parcel Number</i>	<i>Number of Parcels</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Acreage</i>	<i>Zoning</i>	<i>Actual Value/Assessed Value</i>	<i>Cashier Check Amounts</i>
NB -1	113-05-031	1	Tumacacori	Santa Cruz	AZ	4.12	Commercial	\$15,000	\$500
NB-2	104-76-041K	1	Hereford	Cochise	AZ	4	Commercial	\$21,000	\$2,000
NB-3	409-22-036A	1	Show Low	Navajo	AZ	3.7	Commercial	\$61,165	\$6,000
NB-4	107-56-002B	1	Sierra Vista	Cochise	AZ	17,860 sq ft	Commercial	\$384,000	\$35,000
NB-5	109-02-035	1	Holbrook	Navajo	AZ	14,000 sqft	Residential	\$86,000	\$8,500
NB-6	124-02-037H	1	Benson	Cochise	AZ	8	Commercial	\$38,400	\$3,500
NB-7	105-03-648	1	Sierra Vista	Cochise	AZ	36,094 sq ft	Residential	\$80,000	\$8,000
NB-8	212-14-043	1	Lakeside	Navajo	AZ	0.26	Residential	\$57,000	\$5,500
GE-1	507-12-1700 & 507-12-011A4	2	Casa Grande	Pinal	AZ	29.99 Acre in two parcels	Commercial	\$2,600,000	\$75,000
GE-2	208-03-401H	1	Globe	Gila	AZ	550 S. Broad St./ 12,944SF Bldg Refrigerated/ 2.32 AC	Commercial	\$1,000,000	\$10,000
GE-3	302-77-016	1	Payson	Gila	AZ	.79 acre	Commercial	\$200,000	\$5,000
HA-1	205-44-0010	1	Tucson	Pima	AZ	13.9	Residential	\$750,000	\$25,000
HA-2	113-05-037-A	5	Tubac	Santa Cruz	AZ	5 lots/sold separately or as one	Residential	\$600,000	\$30,000
K-1	Rolling Hills Subdivision	29	Near Bensen	Cochise	AZ	29 Lots	Residential	\$185,000	\$7,500

## TERMS OF SALE FOR PURCHASING AT OPEN OUTCRY AUCTION

### GOLDEN EAGLE AUCTION – 3 PROPERTIES

Sheraton Phoenix Downtown Hotel 12:00 Noon Saturday Sept 12, 2015

#### **AUCTION INFORMATION CENTERS - (800) 791.0913**

Email: [cmencher@amgre.com](mailto:cmencher@amgre.com) Web: [AMGRE.com](http://AMGRE.com)

**AUCTION FORMAT:** The Open Outcry auction shall be held 12:00 Noon, Saturday, Sept 12th, 2015 at the Sheraton Crescent Hotel. All bidding is open and public. All bidders are required to pre-register prior to the bidding with the Auctioneer. Pre-registration can be done at Auctioneer's Information offices or at least 30 minutes prior to the auction.

**INITIAL DEPOSIT:** Registered bidders must present a cashier's check on auction day:

Parcel GE1- \$100,000 Casa Grande, AZ

Parcel GE2- \$30,000 Globe, AZ

Parcel GE3- \$7,500 Payson, AZ

Registered bidders must also provide proof of their financial ability to close. Financing is not a contingency of a sale. Proof may be in one of two types. One is either a bank statement, or a brokerage statement or a financial institution letter showing sufficient funds to close on the property up to the amount that you plan to bid. The other type of proof is a copy of your pre-qualification form from your lender. If you are bidding on multiple properties you must have a separate cashier's check for each. Each check should be made payable to the bidder as specified in the Purchase Agreement.

#### **What to Bring:**

- 1) Your Cashiers Check or Checks
- 2) Financial Proof
  - a) Bank Statement
  - b) Investment Statement
  - c) Lender Pre-Qualification

To bid during the auction, you need only raise your hand with your bidder's card and shout out your bid or instruct an auctioneer's bidder assistant to call out your bid for you.

**ADDITIONAL DEPOSIT:** If the Initial Deposit is less than 10% of the Total Purchase Price, then it MUST be increased to 10% of the Total Purchase Price by cashier's check, or wired funds, by 3:00 PM, Wednesday, Sep 16, 2015. Note: additional earnest money due under the terms of the Purchase Agreement will be accepted via personal check ONLY at the auction. Remember, financing is not a contingency of the sale: qualify in advance of the auction.

**DOCUMENTS AVAILABLE:** In order to bid, bidders are required to obtain a Property Information Package (PIP) available from any Auction Information Office or by requesting one by telephone. The PIP contains Standard Disclaimer, sample Purchase Agreement and other pertinent information. The Property Documents will be available for review at each development. Contact the Auction Information Center to request a PIP, which will also be available for review during open house inspections and at the auction. An attorney should carefully review

on the Bidder's behalf all information contained therein and all other auction-related material prior to the start of the auction.

**OPEN HOUSES:** Property inspection is by appointment, please call Hank Amos, 520-331-5151. PIP and other documents will be available for inspection and acquisition

**FINANCING:** The sale is not contingent on Buyer's ability to obtain financing. Buyers should arrange for their financing prior to the auction up to the amount that you plan to bid.

**WINNING BID:** The Auctioneer will start the bidding at:

Parcel GE1- \$1,300,000 Reserve- \$1,500,000

Parcel GE2- \$380,000 Reserve- \$480,000

Parcel GE3- \$75,000 Reserve- \$110,000.

The Seller has the right to decrease or waive the reserve at any time during the bidding. Prior to final gavel to close the bidding the auctioneer will ask the high bidder the following questions;

1. Has the high bidder done its own independent investigation of the property?
2. Does the high bidder have the means in which to close the transaction and is willing to close on or before the closing date specified in the Purchase Agreement?
3. Is the high bidder prepared to sign the Purchase Agreement and deposit the initial earnest money upon the conclusion of the bidding?
4. Will the high bidder be taking the Quick Close option.

**THE SUCCESSFUL HIGH BIDDER** will be required to sign the approved Purchase Agreement immediately upon conclusion of the bidding and deposit their cashier's check made payable to the escrow agent as specified in the Purchase Agreement in the amount as stated above. Note: additional deposit money due under the terms of the Purchase Agreement will be accepted via personal check ONLY at the auction.

**BUYERS PREMIUM:** There will be a ten percent (10%) Buyers Premium added to the High Bid Price for all properties to determine the Total Purchase Price.

**CLOSING DATE:** All sales shall close on or before October 12, 2015.

**ABSENTEE BID:** Individuals unable to attend the auction may nominate a delegate to be present at the auction to bid for them. A delegate must have the correct cashier's check and the principal's notarized power of attorney to bid and to sign the Purchase Agreement on the bidder's behalf. For additional information call the Auction Information Center. These bids will be accepted and executed subject to any announcements made from the podium at the auction.

**CONDUCT OF THE AUCTION:** Announcements made at the podium at the time of the sale take precedence over all printed materials. Conduct of the auction and increments of bidding are at the direction and discretion of the auctioneer. Seller and Auctioneer reserve the right to refuse admittance to or expel anyone from the auction premises for interference with auction activities, nuisance, canvassing, soliciting, or other reasons. For additional terms of sale, see the Purchase Agreement available in the Due Diligence Package.

All properties are being sold on an "AS-IS, WHERE-IS" basis except for any warranties described in the Purchase Agreement. A complete inspection of the property by you and your experts, prior to the auction, is invited. Buyer and/or any person receiving information regarding the property to be sold acknowledges and agrees that the property is being sold in an "AS IS" condition and neither Seller nor Broker nor Auctioneer makes any warranty or representation regarding the property, including any structure



## TERMS OF SALE FOR PURCHASING AT OPEN OUTCRY AUCTION

### GOLDEN EAGLE AUCTION – 3 PROPERTIES

Downtown Sheraton Hotel 12:00 Noon Saturday Sept 12, 2015

thereon or any matter relating to such property or any such structure and further acknowledges that no agent acting on behalf of Seller has been authorized to make any such warranty or representation.

This is not a solicitation or offering to residents of any state where this offering is prohibited by law.

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Buyer and/or any person receiving information regarding the property to be sold further acknowledges that it has been given a full and complete opportunity to investigate the property, including the right and opportunity to obtain its own consultants to examine the property and any structure thereon and that Buyer and/or any person receiving information regarding the property to be sold is relying solely upon its own investigation and not upon any statement made by Seller or its agents or Auctioneer.”

**AGENCY DISCLOSURE:** It is understood that the Accelerated Marketing Group, LLC is marketing the offering with Tucson Realty & Trust Co. on behalf of the Seller. The Seller and Broker have executed an agency agreement, which provides for the payment of a commission to Broker upon the sale of the real property. Licensing Information is available in the Auction Information Center.

**REALTOR ®/BROKER PARTICIPATION INVITED:** A 2.5% referral fee of the High Bid Price will be paid by the Seller to the licensed real estate broker, whose prospect pays and closes on any property from the Broker's actual commission received to the licensed real estate broker, whose prospect pays and closes on a Property. To qualify for a referral fee, the real estate broker must:

- (a) Be a licensed real estate broker who will abide by the National Association of Realtors Code of Ethics;
- (b) Register the prospect before **Sep 4, 2015** (the registration deadline) by Email to [Cmencher@amgre.com](mailto:Cmencher@amgre.com) or certified mail return receipt requested, on your company stationery to the Auction Information Center.
- (c) Have your client sign the letter of registration;
- (d) Ensure that the registration letter is received before any inspection of the property by the prospect;
- (e) Attend the auction with the prospect and bid with or for the prospect.

All registrations accepted by the Seller will be acknowledged; each acknowledged REALTOR®/Broker must bring their registration acknowledgment to an Inspection session and to the auction for registration verification purposes. A complete registration file on all prospects will be maintained. No REALTOR®/Broker will be recognized on a prospect that has previously contacted or been contacted by the Seller or the Seller's representatives. The Accelerated Marketing Group will pay referral fees upon closing and receipt of commissions. No referral fees will be paid by the Seller if the REALTOR®/Broker or a member of his immediate family is participating in the purchase of the property. An affidavit will be required certifying that the REALTOR®/Broker is serving only as a broker and not as a principal.

There can be NO EXCEPTIONS to this procedure and no oral registrations will be accepted.

**ENTIRE DOCUMENT:** The information contained herein is subject to inspection and verification by all parties relying on it. The Seller or its agent assumes no liability for the information accuracy, errors or omissions. ALL SQUARE FOOTAGE, DIMENSIONS, AND TAXES IN THE DOCUMENTS ARE APPROXIMATE. This listing may be withdrawn or modified without notice at any time.

# TERMS OF SALE FOR PURCHASING AT OPEN OUTCRY AUCTION

## BANK ORDERED AUCTION – 8 PROPERTIES

Sheraton Phoenix Downtown Hotel 12:00 Noon Saturday Sept 12, 2015

### AUCTION INFORMATION CENTERS - (800) 791.0913

Email: [cmencer@amgre.com](mailto:cmencer@amgre.com) Web: [AMGRE.com](http://AMGRE.com)

**AUCTION FORMAT:** The Open Outcry auction shall be held **12:00 Noon, Saturday, Sept 12th, 2015** at the Sheraton Crescent Hotel. All bidding is open and public. All bidders are required to pre-register prior to the bidding with the Auctioneer. Pre-registration can be done at Auctioneer's Information offices or at least 30 minutes prior to the auction.

**INITIAL DEPOSIT:** Registered bidders must present a cashier's check on auction day:

Parcel NB1- \$3,500	Tumacacori, AZ
Parcel NB2- \$1,000	Hereford, AZ
Parcel NB3- \$6,500	Show Low, AZ
Parcel NB4- \$22,500	Sierra Vista, AZ
Parcel NB5- \$9,000	Holbrook, AZ
Parcel NB6- \$1,500	Benson, AZ
Parcel NB7- \$7,500	Sierra Vista, AZ
Parcel NB8- \$7,000	Lakeside, AZ

Registered bidders must also provide proof of their financial ability to close. Financing is not a contingency of a sale. Proof may be in one of two types. One is either a bank statement, or a brokerage statement or a financial institution letter showing sufficient funds to close on the property. The other type of proof is a copy of your pre-qualification form from your lender. If you are bidding on multiple properties you must have a separate cashier's check for each one. Each check must be made payable to the bidder as specified in the Purchase Agreement.

#### **What to Bring:**

- 1) Your Cashiers Check or Checks
- 2) Financial Proof
  - a) Bank Statement
  - b) Investment Statement
  - c) Lender Pre-Qualification

To bid during the auction, you need only raise your hand with your bidder's card and shout out your bid or instruct an auctioneer's bidder assistant to call out your bid for you.

**ADDITIONAL DEPOSIT:** If the Initial Deposit is less than 10% of the Total Purchase Price, then it MUST be increased to 10% of the Total Purchase Price by cashier's check, or wired funds, by 3:00 PM, Wednesday, Sep 16, 2015. Note: additional earnest money due under the terms of the Purchase Agreement will be accepted via personal check ONLY at the auction. Remember, financing is not a contingency of the sale: qualify in advance of the auction.

**DOCUMENTS AVAILABLE:** In order to bid, bidders are required to obtain a Property Information Package (PIP) available from any Auction Information Office or by requesting one by telephone. The PIP contains Standard Disclaimer, sample Purchase Agreement and other pertinent information. The Property Documents will be available for review at each development. Contact the Auction Information Center to request a PIP, which will also be available for review during open house inspections and at the auction. An attorney should carefully review

on the Bidder's behalf all information contained therein and all other auction-related material prior to the start of the auction.

**OPEN HOUSES:** Property inspection is by appointment, please call Hank Amos, 520-331-5151. PIP and other documents will be available for inspection and acquisition

**FINANCING:** The sale is not contingent on Buyer's ability to obtain financing. Buyers should arrange for their financing prior to the auction up to the amount that you plan to bid.

**WINNING BID:** The Auctioneer will start the bidding at:

Parcel NB1- \$25,000	Reserve- \$35,000
Parcel NB2- \$6,000	Reserve- \$8,000
Parcel NB3- \$35,000	Reserve- \$66,500
Parcel NB4- \$95,000	Reserve- \$220,000
Parcel NB5- \$35,000	Reserve- \$66,500
Parcel NB6- \$10,000	Reserve- \$15,000
Parcel NB7- \$60,000	Reserve- \$75,000
Parcel NB8- \$60,000	Reserve- \$75,000.

The Seller has the right to decrease or waive the reserve at any time during the bidding. Prior to final gavel to close the bidding the auctioneer will ask the high bidder the following questions;

1. Has the high bidder done its own independent investigation of the property?
2. Does the high bidder have the means in which to close the transaction and is willing to close on or before the closing date specified in the Purchase Agreement?
3. Is the high bidder prepared to sign the Purchase Agreement and deposit the initial earnest money upon the conclusion of the bidding?
4. Will the high bidder be taking the Quick Close option.

**THE SUCCESSFUL HIGH BIDDER** will be required to sign the approved Purchase Agreement immediately upon conclusion of the bidding and deposit their cashier's check made payable to the escrow agent as specified in the Purchase Agreement in the amount as stated above. Note: additional deposit money due under the terms of the Purchase Agreement will be accepted via personal check ONLY at the auction.

**BUYERS PREMIUM:** There will be a ten percent (10%) Buyers Premium added to the High Bid Price for all properties to determine the Total Purchase Price.

**CLOSING DATE:** All sales shall close on or before October 12, 2015.

**ABSENTEE BID:** Individuals unable to attend the auction may nominate a delegate to be present at the auction to bid for them. A delegate must have the correct cashier's check and the principal's notarized power of attorney to bid and to sign the Purchase Agreement on the bidder's behalf. For additional information call the Auction Information Center. These bids will be accepted and executed subject to any announcements made from the podium at the auction.

**CONDUCT OF THE AUCTION:** Announcements made at the podium at the time of the sale take precedence over all printed materials. Conduct of the auction and increments of bidding are at the direction and discretion of the auctioneer. Seller and Auctioneer reserve the right to refuse admittance to or expel anyone from the auction premises for interference with auction

## TERMS OF SALE FOR PURCHASING AT OPEN OUTCRY AUCTION

### BANK ORDERED AUCTION – 8 PROPERTIES

Downtown Sheraton Hotel 12:00 Noon Saturday Sept 12, 2015

activities, nuisance, canvassing, soliciting, or other reasons. For additional terms of sale, see the Purchase Agreement available in the Due Diligence Package.

All properties are being sold on an "AS-IS, WHERE-IS" basis except for any warranties described in the Purchase Agreement. A complete inspection of the property by you and your experts, prior to the auction, is invited. Buyer and/or any person receiving information regarding the property to be sold acknowledges and agrees that the property is being sold in an "AS IS" condition and neither Seller nor Broker nor Auctioneer makes any warranty or representation regarding the property, including any structure thereon or any matter relating to such property or any such structure and further acknowledges that no agent acting on behalf of Seller has been authorized to make any such warranty or representation.

Buyer and/or any person receiving information regarding the property to be sold further acknowledges that it has been given a full and complete opportunity to investigate the property, including the right and opportunity to obtain its own consultants to examine the property and any structure thereon and that Buyer and/or any person receiving information regarding the property to be sold is relying solely upon its own investigation and not upon any statement made by Seller or its agents or Auctioneer."

**AGENCY DISCLOSURE:** It is understood that the Accelerated Marketing Group, LLC is marketing the offering with Tucson Realty & Trust Co. on behalf of the Seller. The Seller and Broker have executed an agency agreement, which provides for the payment of a commission to Broker upon the sale of the real property. Licensing Information is available in the Auction Information Center.

**REALTOR ®/BROKER PARTICIPATION INVITED:** A 2.5% referral fee of the High Bid Price will be paid by the Seller to the licensed real estate broker, whose prospect pays and closes on any property from the Broker's actual commission received to the licensed real estate broker, whose prospect pays and closes on a Property. To qualify for a referral fee, the real estate broker must:

- (a) Be a licensed real estate broker who will abide by the National Association of Realtors Code of Ethics;
- (b) Register the prospect before **Sep 4, 2015** (the registration deadline) by Email to [Cmencher@amgre.com](mailto:Cmencher@amgre.com) or certified mail return receipt requested, on your company stationery to the Auction Information Center.
- (c) Have your client sign the letter of registration;
- (d) Ensure that the registration letter is received before any inspection of the property by the prospect;
- (e) Attend the auction with the prospect and bid with or for the prospect.

All registrations accepted by the Seller will be acknowledged; each acknowledged REALTOR®/Broker must bring their registration acknowledgment to an Inspection session and to the auction for registration verification purposes. A complete registration file on all prospects will be maintained. No REALTOR®/Broker will be recognized on a prospect that has previously contacted or been contacted by the Seller or the Seller's representatives. The Accelerated Marketing Group will pay referral fees upon closing and receipt of commissions. No referral fees will be paid by the Seller if the REALTOR®/Broker or a member of his immediate family is participating in the purchase of the property. An affidavit

will be required certifying that the REALTOR®/Broker is serving only as a broker and not as a principal.

There can be NO EXCEPTIONS to this procedure and no oral registrations will be accepted.

**ENTIRE DOCUMENT:** The information contained herein is subject to inspection and verification by all parties relying on it. The Seller or its agent assumes no liability for the information accuracy, errors or omissions. ALL SQUARE FOOTAGE, DIMENSIONS, AND TAXES IN THE DOCUMENTS ARE APPROXIMATE. This listing may be withdrawn or modified without notice at any time.

This is not a solicitation or offering to residents of any state where this offering is prohibited by law.

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**TERMS OF SALE FOR SEALED BID AUCTION**

**Published Reserve Sale**

**SEALED BID DUE DATE: Sep 15, 2015**

**BID PROCEDURE:** All Bids must be received by 5:00 p.m. P.S.T. Sep 15th, 2015 at **Tucson Realty & Trust Co. 333 N. Wilmot, Suite #340, Tucson, AZ 85711. Attn: Todd Good.** Bids that are received after the deadline may not be eligible for consideration and may be returned to the sender unopened. All bids must have a complete return address on the outside of the envelope.

**DOCUMENTS AVAILABLE:** All Bidders are required to obtain a Property Information Packet (PIP). Property Information Packet contains information such as: Building Information, Preliminary Title Report, Seller Disclosure Form, Appraisal, Sample Purchase & Sale Agreement (the "Contract"), and bidding procedures. All information contained in this brochure and all other auction-related material is subject to and superseded by the Contract, which should be carefully reviewed by an attorney prior submission of the bid.

**WINNING BIDS:** The Seller will consider all bids but has set the following Published Reserve amount above which the Seller is obligated to sell the Property to the highest conforming bidder.

**PUBLISHED RESERVE:**

The Seller has set the Published Reserve of:

Parcel HA1- Redington Rd. Tucson, AZ - \$475,000

Parcel HA2- Lots A-E. W. Alegria Rd. Tubac, AZ

Reserve- \$360,000(All lots )	Reserve- Lot A: \$79,560
	Lot B: \$79,560
	Lot C: \$76,680
	Lot D: \$79,560
	Lot E: \$44,640

The Seller is obligated to sell the Property to the highest conforming Bidder at or above the Published Reserve amount.

**BID CONSIDERATION:** Seller shall review and evaluate the bids, and shall consider, without limitation, the following factors:

1. Purchase price.
2. Conformity to the terms and conditions of the Contract.
3. Bidder's financial status and capabilities.
4. Ability to close in the shortest amount of time.

Seller shall select the winning bid in its sole and absolute discretion

A bidder may submit a Conforming Bid, which is a bid on the Contract form supplied in the Bidder's Information Packet. The bid must include a cashier's check in the amount of ten percent (10%) of the Total Purchase Price amount bid as initial earnest money deposit made payable to Tucson Realty & Trust Co. as provided for in the Contract. All earnest money will be held in a non-interest bearing account during the consideration period and prior to closing in the case of successful bid. All bids shall also include a completed recent financial



## TERMS OF SALE FOR SEALED BID AUCTION

Published Reserve Sale

**SEALED BID DUE DATE: Sep 15, 2015**

statement or other evidence of the bidder's ability to close the transaction. All such financial information shall be treated as strictly confidential by Seller and Broker. In the event two or more bids are determined in the Seller's sole discretion to be equivalent, Seller reserves the right to request an additional Best and Final Bid from those bidders.

**CONDUCT OF THE AUCTION:** The Property is being sold on an "AS-IS, WHERE-IS" basis except for the warranties expressed in the auction purchase & sales agreement. An inspection of the Property by you and your experts, prior to the auction, is invited. Such inspection may include but not be limited to zoning, size and any other developmental concerns relevant to you. Buyer and/or any person receiving information regarding the Property to be sold acknowledge that Seller is providing this information without warranty or representation as to its accuracy or completeness. Buyer and/or any person receiving information regarding the Property to be sold acknowledges and agrees that the Property is being sold in an "AS IS" condition subject to the above and neither Seller nor Broker makes any other warranty or representation regarding the Property or any other matter relating to the Property and further acknowledges that no agent acting on behalf of Seller has been authorized to make any such other warranty or representation.

Buyer and/or any person receiving information regarding the Property to be sold further acknowledges that it has been given an opportunity to investigate the Property, including the right and opportunity to obtain its own consultants to examine the Property and any structure thereon and that Buyer and/or any person receiving information regarding the Property to be sold is relying solely upon its own investigation and not upon any statement made by Seller or its agents or Auctioneer.

**BID AWARD:** All bids shall be irrevocable and subject to acceptance for a period of 5 business days following the submission deadline. All persons submitting bids will be notified in writing of the acceptance or rejection of their bid. Failure of Bidder to receive the notice shall not constitute an acceptance of their bid.

**BACK-UP BIDDER:** The next highest bid below the Successful High Bidder is considered a Back-Up Bidder and *may* be informed that it is in the Back Up Bidder position. The Back-Up Bidder's Initial Down Payment will be held until 5:00 pm, Sept 22, 2015 at which time it will:

- A. Be returned to the Back-Up Bidder upon Seller's receipt of the Successful High Bidder's additional earnest money, or
- B. Become immediately non-refundable upon default of Successful High Bidder and Back-Up Bidder will be notified by escrow that the Seller has executed their approved Real Estate Sales Contract.

If the Back-Up Bidder's Initial Down Payment is less than 5% of its Total Purchase Price, then it **MUST** be increased to 5% of its Total Purchase Price by cashier's check or wired funds within three business days of notification by escrow.

**OPEN HOUSES:** Property inspection is by appointment, please call Hank Amos, 520-331-5151. PIP and other documents will be available for inspection and acquisition



## TERMS OF SALE FOR SEALED BID AUCTION

Published Reserve Sale

**SEALED BID DUE DATE: Sep 15, 2015**

**CLOSING DATE:** Closing will occur on or before Oct 15, 2015. The Sale will settle on or before this date as specified in the Contract, at which time the purchaser will pay the balance of the purchase price.

**BUYER'S PREMIUM:** All sales shall provide that each purchaser pay a premium equal to ten percent (10%) of the High Bid Price. This amount shall be added to the final bid and inserted in the Contract to determine the Total Purchase Price.

**AGENCY DISCLOSURE:** It is understood that the Accelerated Marketing Group is marketing the offering with Tucson Realty & Trust, CO. ("Broker"), and is acting in the capacity of real estate Broker on behalf of the Seller, a licensed real estate broker and that the Broker has been approved by Seller to conduct the sale. The Seller and Broker have executed an agency agreement, which provides for the payment of a commission to Broker upon the sale of the real property.

**REALTOR®/BROKER PARTICIPATION INVITED:** A referral fee of two and a half percent (2.5%) of the High Bid Price will be paid by Seller at closing to the licensed real estate broker that complies with the Terms of Sale and whose prospect closes on the property. To qualify for the referral fee, the real estate broker must:

- a) Be a licensed real estate broker who will abide by the National Association of Realtors Code of Ethics.
- b) Register their prospect before **Sep 4, 2015** by mail, email or facsimile to Accelerated Marketing Group Attention: Cindy Mencher. [cmencher@amgre.com](mailto:cmencher@amgre.com); fax 949-629-6277.
- c) Ensure that the registration is received before any inspection of the property by the prospect.
- d) Be noted in client's bid cover letter as representing client.

All referral registrations accepted by the Auctioneer on behalf of the Seller will be acknowledged in writing. A complete file on all such prospects will be maintained. No REALTOR®/Broker will be recognized on a prospect that has previously contacted or been contacted by the Seller or the Seller's representatives. Referral fees will be paid by Seller and receipt of commissions by the Accelerated Marketing Group. No referral fees will be paid by the Seller if the REALTOR®/Broker or a member of his immediate family is participating in the purchase of the property or has an equity interest in the entity purchasing the Property. An affidavit will be required certifying that the REALTOR®/Broker is serving only as a broker and not as a principal.

There can be NO EXCEPTIONS to this procedure and no oral registrations will be accepted.

The information contained in this brochure is subject to inspection and verification by all parties relying on it. No liability for its inaccuracy, errors or omissions is assumed by the sellers or their agents. ALL ACREAGE, DIMENSIONS, STATISTICS AND TAXES IN THIS OFFERING ARE APPROXIMATE. This listing may be withdrawn or modified without notice at any time.

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# EXHIBIT “2”

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:  ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, a New Mexico corporation sole,  Debtor.	Chapter 11  Case No. 13-13676-t11  <b>Jointly Administered with:</b>
Jointly Administered with:  BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, an Arizona corporation sole.  This pleading applies to:  <input checked="" type="checkbox"/> All Debtors. <input type="checkbox"/> Specified Debtor.	Case No. 13-13677-t11

**DECLARATION OF SUSAN G. BOSWELL**

I, SUSAN G. BOSWELL, declare under penalty of perjury as follows:

1. I am an adult person, and I am a resident of Tucson, Arizona.
2. I am a partner at the law firm of Quarles & Brady LLP and counsel of record for the Debtors.<sup>1</sup>
3. I am submitting this Declaration in support of the Debtors’ “Response to ‘Order to Show Cause and Notice of Hearing’ [Dkt. No. 441].”
4. I have personal knowledge regarding the statements made in this Declaration and am competent to testify regarding the same.

<sup>1</sup> Capitalized terms not otherwise defined herein have the meaning ascribed to them in the Debtors’ “Response to ‘Order to Show Cause and Notice of Hearing’ [Dkt. No. 441].”



5. Prior to filing the Sale Motion, I, and the attorneys under my supervision, consulted with the Committee both with respect to the property to be included as well as the process for the Auctions.

6. Some of the locations of the Sale Assets were uncertain. The Debtors lacked comprehensive asset schedules at the beginning of the reorganization cases, and my firm and I spent significant time identifying and locating properties owned by the Debtors (with the assistance of county assessors and recorders' offices) to the best of our ability without physically visiting the sites.

7. My office provided the Committee with extensive information about the Sale Assets and other property. The Committee's counsel spoke with Mr. Good prior to his retention and were involved and informed throughout the process as to how the properties would be marketed.

8. After obtaining the Sale Order, Accelerated Marketing Group began marketing the Auctions, and sent my office periodic updates regarding publications that were running press releases and display ads. These were sent to counsel for the Committee as we received them.

9. On September 19, 2015, I received a call from Todd Good, who conducted the Auctions. Mr. Good informed me that he had turned away two persons from the Auction he would conduct that day in Albuquerque, New Mexico, because they stated they did not intend to bid on any Sale Assets at the Auction. He informed me that this was his usual policy and procedure for the numerous court-ordered and bankruptcy auctions he had conducted in the past.

10. Early in the week after the New Mexico Auction, I informed James Stang, counsel for the Committee, that Mr. Good had turned away two persons from the New Mexico Auction, because they stated they did not wish to bid on the Sale Assets and it was Mr. Good's

policy not to admit non-bidders to an auction. To date, Mr. Stang did not question the policy or Mr. Good's actions, complain about them, or otherwise lead me to believe that the Committee disagreed with them.

I declare under penalty of perjury under the laws of the State of Arizona and the United States of America that the foregoing is true and correct to the best of my knowledge and belief and if called to testify in this matter, I would testify as set forth above.

Dated this 6th day of October, 2015.

/s/ Susan G. Boswell  
SUSAN G. BOSWELL