

Label\_Matrix  
for 93-02385  
Tue Apr 7 12:50:50 MDT 1998

(77) 75

Dave Silva  
1437 Knight Dr  
Boise, ID 83712

Sharon Selmasska  
1437 Knight Dr  
Boise, ID 83712

John H Krommenhoek  
POB 8358  
Boise, ID 83707

Laura E Burri  
POB 2773  
Boise, ID 83701

Patrick J Kole  
POB 829  
Boise, ID 83701-0829

Patrick H Molloy  
Box 32  
Boise, ID 83707

Jeffrey M Wilson  
POB 1544  
Boise, ID 83701

Harold Q Noack, Jr  
POB 875  
Boise, ID 83701

Barbara J Wussler  
c/o Patrick J Kole  
POB 829  
Boise, ID 83701

APR - 7 1998  
REC'D FILED  
CAMERON S. BURKE  
CLERK IDAHO

Internal Revenue Service, The  
550 W Fort Box 041  
Boise, ID 83724

M L Jensen  
c/o Jeffrey M Wilson  
POB 1544  
Boise, ID 83701

Darrell Jensen  
c/o Jeffrey M Wilson  
POB 1544  
Boise, ID 83701

Richard Zane  
Harold Q Noack Jr  
POB 875  
Boise, ID 83701

United States Trustee  
POB 110  
Boise, ID 83701

Barry Peters  
POB 952  
Boise, ID 83701-0952

Barbara J Wussler  
c/o Moffat Thomas  
POB 829  
Boise, ID 83701

KIVI Television  
Charis Sallee  
1866 E Chisholm Dr  
Nampa ID 83687

TCI Cable  
Szabo Associates, Inc  
3355 Lenox Rd 9th Fl  
Atlanta, GA 30326

PMI Mortgage Insurance Co  
601 Montgomery St  
San Francisco, CA 94111

Darrell Jensen  
c/o Jeffrey M Wilson  
POB 1544  
Boise, ID 83701

Dun and Bradstreet Info  
Trish Hortin  
POB 2160  
Salt Lake City UT 84110

Mountain West Audio  
1920 W Alexander St  
Salt Lake City UT 84119

Richard Zane  
c/o Harold Q Noack Jr  
POB 875  
Boise, ID 83701

Jeffrey M. Wilson  
420 W. Washington  
P. O. Box 1544  
Boise, ID 83701

United Services Auto-  
mobile Association  
1855 Telstar Drive  
Colorado Springs, CO  
80920

The Ocean Shirt Prints  
Action Collection Serv.  
1325 Vista Avenue  
Boise, ID 83705

The Gunfighter  
5325 Kendall Street  
Boise, ID 83706

TML, Inc.  
120 E. 40th  
Boise, ID 83714

86

BARRY PETERS  
BARRY PETERS, ATTORNEY AT LAW, P.A.  
101 Eagle Glen Lane, Suite A  
Eagle, Idaho 83616  
Telephone No. (208) 939-2600  
Facsimile No. (208) 939-2692

*ok*  
*sum*  
U.S. COURTS  
98 APR -7 AM 11:20  
REC'D FILED  
CAMERON S. CURRY  
CLERK IDAHO

Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO

In re: )  
 )  
DAVID SILVA and )  
SHARON SELMASKA, )  
 )  
Debtors. )  
 )  
 )  
 )  
 )  
 )  
 )

Case No. 93-02385-JDP  
**NOTICE OF TRUSTEE'S MOTION  
FOR APPROVAL OF COMPROMISE  
AND SALE AND NOTICE OF  
HEARING**

YOU ARE HEREBY NOTIFIED that JOHN KROMMENHOEK, the Trustee herein, has filed with this Court a Motion for Approval of Compromise and Sale of Estate Assets upon the terms, conditions, and otherwise as are set forth below unless a party in interest files a written objection with the Court clearly stating the basis therefor, and serves a copy upon the undersigned attorney for the Trustee, at least three (3) days prior to the hearing set on this Motion.

**MOTION FOR APPROVAL OF COMPROMISE**

During the pendency of this bankruptcy proceeding the Trustee has filed certain claims and cross-claims in connection

**NOTICE OF TRUSTEE'S MOTION FOR APPROVAL OF  
COMPROMISE AND SALE AND NOTICE OF HEARING - 1.**

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with San Diego County Superior Court Case No. 694631 (*Zimmerman v. Wussler*), Idaho Bankruptcy Court Adversary Proceeding No. 94-06203 (*Wussler v. Silva*), and United States District Court, District of Idaho, Case No. CV-97-06511-S-EJL (*Wussler v. Krommenhoek*). These interrelated claims and cross-claims arose from the \$205,000.00 claim and nondischargeability complaint filed by Barbara Wussler. The Trustee's claims and cross-claims relate to the estate's potential claims to a business and certain residential real estate located in California. In addition, the Trustee has obtained a Sanction Order in an unliquidated amount against Barbara Wussler, William A. "Doc" Wussler, and The Court Room, Inc. However, that Sanction Order is presently under appeal in connection with United States District Court Case No. CV-97-0511-S-EJL, above.

In a separate matter, the Trustee has obtained a Judgment against First Fidelity Bank N.A., New Jersey in the current amount of approximately \$70,000.00. After the judgment was entered, the bank moved to set aside that Judgment. When the Bankruptcy Court reaffirmed the Judgment, the bank filed an appeal claiming that the Court lacked jurisdiction to enter the Judgment. The Trustee is awaiting the U.S. District Court decision on that appeal.

In an effort to compromise these conflicting claims and to expedite the closing of this bankruptcy estate, the Trustee has moved the Court for approval of a compromise with Barbara Wussler, William A. "Doc" Wussler, and The Court Room, Inc. on the following terms:

**NOTICE OF TRUSTEE'S MOTION FOR APPROVAL  
OF SALE AND NOTICE OF HEARING - 2.**

1. The estate's claims in the San Diego litigation will be sold at open auction to the highest bidder;

2. In exchange, the Trustee will waive any funds to which he might be entitled under the Sanction Order which is on appeal;

3. The estate assets (from the sale of the Trustee's claims and cross-claims as described above, plus the funds recovered under the Judgment against the New Jersey Bank) will be disbursed after separate court approval as follows:

a. Payment of administrative expense claims (approximately \$40,000.00);

b. Payment of priority claims (approximately \$5,000.00); and

c. The remaining balance will then be divided between the unsecured creditors with 50% being paid to Barbara Wussler on her approved unsecured claim of \$205,000.00 and 50% being paid *pro rata* to the other unsecured creditors on their approved unsecured claims in the aggregate amount of \$15,000.00. When the other unsecured creditors have been paid in full, any remaining funds will then be paid 100% to Barbara Wussler on her remaining allowed unsecured claim.

Under this compromise the Trustee hopes to accomplish two things. First, he and the estate will be dismissed from the time-consuming, expensive, and acrimonious litigation in which they have

been involved for several years. Second, the unsecured creditors (other than Barbara Wussler) should recover a substantial amount of their claims, possibly 100% of those claims.

**MOTION FOR APPROVAL OF SALE OF ESTATE ASSETS**

Pursuant to the terms of the foregoing compromise, the Trustee has also moved for the Court's approval of the sale of said causes of action according to the following terms:

1. Description of Property to Be Sold: All of the bankruptcy estate's interest in and to all of the estate's claims and cross-claims in connection with the San Diego County Superior Court Case No. 694631 (*Zimmerman v. Wussler*), Idaho Bankruptcy Court Adversary Proceeding No. 94-06203 (*Wussler v. Silva*), and United States District Court, District of Idaho, Case No. 97-0511-S-EJL (*Wussler v. Krommenhoek*). The Trustee shall not be selling or liquidating any claim or cross-claim which the debtors may hold in connection with the foregoing matters.

2. Type of Sale: Public Auction to be conducted by John Krommenhoek.

3. Time and Place of Sale: On or after 10:00 o'clock A.M. (MST) on the 5th day of May, 1998, at the offices of BARRY PETERS, ATTORNEY AT LAW, P.A., the attorney for the Trustee, located at number 101 Eagle Glen Lane, Suite A, Eagle, Idaho. Up to two (2) prospective purchasers may participate by telephone if arranged at least one day prior to the sale date.

4. Terms of Sale: The proposed sale shall be a cash sale. The purchase price must be paid in full within seven (7) days after the conclusion of the sale.

5. Value of Property: The estimated fair market value of the property to be sold is at least \$1,000.00 based upon the written offer received from Barbara Wussler. Additional value will also accrue to the creditors of this estate by virtue of the other terms of the foregoing compromise.

6. Liens: The Trustee is not aware of any liens against the property.

7. Treatment of Existing Liens: Said sale shall be free and clear of all liens. Any existing liens which may be hereafter discovered shall attach to the proceeds of sale.

8. Authority of Sale: If it is later discovered that some entity other than the estate has an interest in the assets to be sold, the sale shall be conducted pursuant to the provisions of Section 363(f)(1), 363(f)(4) and/or 363(f)(5) of the *Bankruptcy Code*.

9. Disposition of Proceeds: Trustee shall retain the net proceeds of sale (after deduction of any costs of sale). The Trustee ultimately intends to seek court approval of the distribution of the sales proceeds in the manner described above, but only after separate court authorization has been obtained.

YOU ARE HEREBY FURTHER NOTIFIED THAT the Court will conduct a hearing upon the Trustee's Motions, and any objections thereto, on the 30th day of April, 1998, at 9:30 o'clock, A.M. (MST) in the courtroom of said Court located at 550 West Fort Street, Fifth Floor, Boise, Idaho 83724.

DATED this 6<sup>th</sup> day of April, 1998.

BARRY PETERS, ATTORNEY AT LAW, P.A.

By   
\_\_\_\_\_  
Barry Peters, Of the Firm  
Attorney for Trustee

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NOTICE OF TRUSTEE'S MOTION FOR APPROVAL  
OF SALE AND NOTICE OF HEARING - 5.

Label Matrix  
for 93-02385  
Tue Apr 7 12:50:50 MDT 1998

TCI Cablevision  
8400 West Park  
Boise, ID 83704

State of Idaho  
Dept. of Employment  
317 Main Street  
Boise, ID 83735-0760

Starr Map  
P. O. Box 2780  
Hailey, ID 83333

Sign Pro  
1520 Main Street  
Boise, ID 83702

Sawtooth Communications  
Inc., KIVI-6  
1866 E. Chisholm Drive  
Nampa, Idaho

G. Lance Salladay  
200 North 4th, Suite 302  
Boise, ID 83702

Rock 97 KLCI  
POB 1280  
Boise ID 83701

RME  
P. O. Box 3277  
Boise, ID 83703-0007

PVQ  
411 S. 5th  
Boise, ID 83702

Northwest Cable  
P. O. Box 190054  
Boise, ID 83719

Norco  
P. O. Box 15299  
Boise, ID 83715

Harold Q. Noack, Jr.  
733 North 7th Street  
P. O. Box 875  
Boise, ID 83701

Muzak  
1920 W. Alexander St.  
Salt Lake City, UT 84119

Movie Facts, Inc.  
1870 Busse Highway  
Suite 200  
Des Plaines, IL 60016

~~Kissin' 92  
P. O. Box 488  
Boise, ID 83704  
\*\*\*MAIL RETURN\*\*\*~~

KLCI FM  
P. O. Box 1280  
Boise, ID 83701

KIVI Television  
Collections  
P. O. Box 420  
Dunnellon, FL 34430

KF 95 and KFXD AM/FM  
P. O. Box 107  
Boise, ID 83701

KCIX FM  
5257 Fairview Avenue  
Suite 250  
Boise, ID 83706

KBOI  
4400 E. Broadway Blvd.  
Suite 112  
Tucson, AZ 85711

KBCI, Channel 2  
P. O. Box 2  
Boise, ID 83707

Internal Revenue Service  
970 Broad Street  
Newark, NJ 07102

~~Internal Revenue Service  
550 W. Fort Street  
Boise, ID 83724~~

Intermountain Gas  
P. O. Box 64  
Boise, ID 83732

PMI Mortgage Insurance  
c/o Craig A. Capua  
12770 Colt Rd., Ste 1015  
Dallas, TX 75251

Idaho Statesman  
P. O. Box 40  
Boise, ID 83707

Idaho Pump and Plumbing  
9975 Fairview Avenue  
Boise, ID 83704

Idaho Power  
1520 W. State  
Boise, ID 83702

Idaho State Tax Comm  
P. O. Box 36  
Boise, ID 83722

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Idaho Electric Signs  
6528 Supply Way  
Boise, ID 83705

IFCO  
1776 Commerce Avenue  
Boise, ID 83705

Higgin and Rutledge  
P. O. Box 8567  
1661 Shoreline Dr., #100  
Boise, ID 83707

Grasmick Produce  
215 E. 42nd Street  
Boise, ID 83714

Gap Graphics Arts  
Publishing, Inc.  
5325 Kendall Street  
Boise, ID 83706

E. K. Williams  
7007 Fairview Avenue  
Boise, ID 83704

Bob Dryer  
P. O. Box 4917  
Ketchum, ID 83340

Clovis and Roche  
(Viking Assoc/KGEM  
Radio)  
P. O. Box 1164  
Metairie, LA 70004

Carpenters  
916 Albany  
Caldwell, ID 83605

Bureau of Alcohol and  
Tobacco  
801-A West Eighth Street  
Suite 300  
Cincinnati, OH 45203

Boise Water Corporation  
P. O. Box 6490  
Boise, ID 83707-6490

Boise Viking Assoc. LP  
5601 Cassia Street  
Boise, ID 83705

Boise City of Trees  
P. O. Box 2760  
Boise, ID 83701

Bally's Grand  
P. O. Box 1749  
Atlantic City, NJ 08404

Back Stage Comedy Netwrk  
The Entertainer Agency  
501 E. Monte Vista  
Suite A  
Vacaville, CA 95688

BMI  
320 W. 57th Street  
New York, NY 10019

BMI  
Broadcast Music, Inc.  
Suite 1140  
410 N. 44th Street  
Phoenix, AZ 85008-9878

American Linen  
1402 Grove  
Boise, ID 83702

Action Alarm Dispatch  
3929 Overland Road  
Suite 793  
Boise, ID 83705

ASCAP  
3500 188th Street  
Lynwood, WA 98037