

South Motor Co. of Dade County v. Carter-Pritchett-Hodges, Inc.
(In re MMH Automotive Group, LLC),
07-1574-BKC-LMI-A

A bankruptcy trustee is obligated to provide notice of a sale of property to all parties that have an interest in the property, even if that interest is avoidable. If notice of a sale is not given to a party that holds an interest in the property, the court shall determine what is the appropriate remedy.

The holder of an unrecorded leasehold interest was entitled to receive notice of a proposed bankruptcy sale when that interest was specifically mentioned in a deed in the record chain of title. That mention was sufficient to put the subsequent purchaser on notice of the existence of the interest under applicable Florida law.

Property subject to an unexpired real property lease, whether or not that lease has been rejected, may be sold free and clear of such lease, but only if one of the requirements of 11 U.S.C. §363(f) can be satisfied.