

**IN RE:**

**Case No.:** 01-30953-BKC-SHF  
**Chapter 7 Proceeding**

ABRAHAM DAVID GOSMAN,

\_\_\_\_\_  
Debtor. \_\_\_\_\_ /

JOSEPH J. LUZINSKI, Trustee

Plaintiff,

vs.

**Adv. Pro. No.:** 02-3155-BKC-SHF-A

ABRAHAM D. GOSMAN and  
LIN CASTRE GOSMAN, a/k/a  
LINDA CASTRE GOSMAN

\_\_\_\_\_  
Defendants. \_\_\_\_\_ /

**ORDER DENYING RENEWED MOTION TO QUASH LEVIES, WRITS OF EXECUTION AND BREAK ORDER, VACATE ORDER AUTHORIZING UNITED STATES MARSHAL'S SERVICE TO CONDUCT EXECUTION SALE, OR IN THE ALTERNATIVE TO STAY THE ORDER, QUASH NOTICE OF UNITED STATES MARSHAL'S SALE, AND FOR RETURN OF PROPERTY**

*Summary*

The Defendant, Linda Castre Gosman, seeks an Order from the Court staying an execution sale that resulted from a writ executed against her personal property after a 66 million dollar fraudulent transfer judgment was against her in the bankruptcy of Abraham David Gosman. Ms. Gosman claimed that execution sale was not properly noticed as it was only advertised for 28 days prior to the scheduled sale. Furthermore, Ms. Gosman does not feel that the Trustee should be able to sell the items in bulk and that she should be able to bid for them at the sale. Additionally, Ms. Gosman believes that the Trustee should not be entitled to credit bid the entire 66 million judgment at the execution sale since the Trustee has already liquidated some of the property that was listed in the judgment and therefore the credit bid should be reduced by the amount already liquidated.

The court held that the sale was not properly noticed as required by Rule 69 of the Federal Rules of Civil Procedure, 11 U.S.C § 363, Bankruptcy Rules 6004 and 2002(c), and Fla. Stat. § 56.21, the statute requires 30 days notice to all potential bidders at an execution sale. The Trustee is to re-notice the sale abiding by all applicable statutes. The Court found that the bankruptcy code specifically allows for items to be sold in bulk. Ms. Gosman will be permitted to bid on the items, despite the Trustee's argument that any money she may obtain may be levied upon. Lastly, the Court determined that the amount that the Trustee should be permitted to credit bid would be the amount as set in this Court's previous Order Granting Stay Pending Posting of Supersedeas (C.P. 565) which determined that 16 million still remained to be liquidated to satisfy the 66 million dollar judgment.