



1 *Legal Standard*

2 The sale of personalty subject to federal court authority is governed by 28 U.S.C. § 2004.  
3 It relevant part, it provides: “Any personalty sold under order or decree of any court of the  
4 United States shall be sold in accordance with Section 2001 of this title, unless the court orders  
5 otherwise.” 28 U.S.C.A. § 2004 (West 1994). Thus, pursuant to 28 U.S.C. § 2004, the § 2001  
6 provisions are applicable to personal property at the court’s discretion. Under §2001(b), a  
7 district court may tailor the conditions and terms of a private judicial sale to satisfy the best  
8 interests of the estate. *See* 28 U.S.C.A. § 2001(b) (West 1994). Section 2001(b) states, in  
9 pertinent part:

10 After a hearing, of which notice to all interested parties shall be given by publication or  
11 otherwise as the court directs, the court may order the sale of such realty or interest or any  
12 part thereof at private sale for cash or other consideration and upon such terms and  
13 conditions as the court approves, if it finds that the best interests of the estate will be  
14 conserved thereby.

15 28 U.S.C.A. § 2001(b) (West 1994).

16  
17 *Discussion*

18 Receiver requests permission to modify the statutory sale procedures for purposes of  
19 selling “approximately 109 gold coins, and any additional gold coins that may be transferred to  
20 the Receiver.” (Mot. Sale Pers. Prop. at 1.) The purpose of the proposed sale conditions is to  
21 “minimize expense and maximize value for the receivership estate” by avoiding superfluous  
22 expenses that might arise through requiring appraiser appointments, application preparation,  
23 newspaper publications, and confirmation hearings. (Mem. Supp. Mot. Sale Pers. Prop. at 3.)

24 In addition, Local Civil Rule 66.1(f)(2) requires that a receiver notify interested parties of  
25 all hearings on its petitions for confirmations of property sales at least ten days in advance. *See*  
26 S.D. Cal. Civ. R. 66.1(f)(2). Here, Receiver has served copies of its Motion to all parties named  
27 in the action and has proposed to mail copies of the Motion to all known investors. (*See* Mot.  
28 Sale Pers. Prop. at 5.) Receiver also indicated that 1) the Motion would be posted in its entirety;

1 on its Web site (at <http://www.robbevans.com/html/whitepine.html>), and 2) written copies would  
2 be furnished to any interested party upon request. (See Notice to Investors at 2.)

3  
4 **Conclusion**

5 In light of the foregoing, and because §2004 permits the Court to modify the statutory  
6 requirements for the sale of personal property, the Court **GRANTS** Receiver's request with  
7 respect to the gold coins. Accordingly, the Court **RULES** as follows:

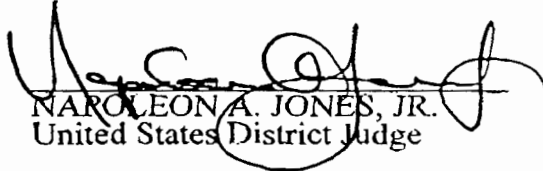
8 **1) The Motion for Order Authorizing Sale of Personal Property is HEREBY**  
9 **GRANTED;**

10 **2) Receiver is HEREBY AUTHORIZED** to sell the approximately 109 gold coins cited  
11 therein, and any additional coins that may be transferred to it, by private sale; and

12 **3) The Court APPROVES** the procedure for limited notice as set forth in the instant  
13 Motion.

14  
15 **IT IS SO ORDERED.**

16 Dated: 6-19-06

  
17 **NAROLEON A. JONES, JR.**  
18 **United States District Judge**

19 cc: Magistrate Judge Stormes  
20 All Counsel of Record