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11 Attorneys for Brian Mullen, Case Trustee

12 **IN THE UNITED STATES BANKRUPTCY COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 In re:  
15 TRISKELION ENTERPRISES, LLC.,  
16  
17 Debtor.

(Chapter 7 Case)

No. 2-07-bk-03208-RTB

**TRUSTEE'S APPLICATION TO  
EMPLOY AUCTIONEER AND APPROVE  
EXPENSES RELATED THERETO**

18 Brian Mullen, Chapter 7 Trustee (Trustee), by and through counsel undersigned, herein makes  
19 application to this Court for an Order authorizing him to employ Cunningham & Associates, Inc., on  
20 behalf of this estate. Trustee also seeks authority to incur expenses associated with the asset liquidation.

21 In support of this Application, Trustee represents:

22 1. This case was commenced by a Voluntary Petition filed under Chapter 7 of Title 11, United  
23 States Code, on July 9, 2007.

24 2. Brian Mullen is the duly appointed and acting Trustee of the Chapter 7 Estate.

25 3. At the time of the commencement of this Chapter 7 case, Debtor listed in its bankruptcy  
26 schedules the following personal property: Desk w/hutch and matching file cabinet; Dell Server;  
27 Samsung Printer; Computer; Print Books; and Inventory of approximately 15,000 books (hereinafter the  
28 "Property"). Trustee has determined that a sale of the Property will generate income for the estate.

4. Trustee desires to employ an auctioneer to appraise, assemble, and store the property of the  
estate for safekeeping and to conduct a liquidation of such property. As such, Trustee has contacted

1 Cunningham & Associates, Inc. ("Auctioneer").

2 5. Auctioneer has agreed to assist the Trustee with the liquidation of estate assets. Auctioneer's  
3 fees will be a commission of ten percent (10%) of the sale proceeds. Auctioneer anticipates the  
4 following cost items:  
5

- 6 a) Labor, including, inventory, assembling, moving and storing; and,  
7 b) Advertising, including publishing, printing and postage;

8 6. Trustee is informed and believes and therefore alleges that the employment of Auctioneer on  
9 the terms and conditions provided for herein are in the best interest of the estate.

10 7. Auctioneer has been informed and understands that no auction may be consummated until after  
11 appropriate notice is given to all creditors and parties in interest.

12 8. Trustee is satisfied from the Declaration of Auctioneer attached hereto that he is a disinterested  
13 person or entity within the meaning of 11 U.S.C. §101(14).  
14

15 9. Auctioneer is aware of the provisions of 11 U.S.C. §327 & §330 and understands,  
16 notwithstanding the terms and conditions of employment herein set forth, that the Bankruptcy Court may  
17 allow compensation different from the compensation provided herein.

18 WHEREFORE, Trustee respectfully requests that this Court enter an Order:

19 a. Authorizing the employment of Cunningham & Associates, Inc., for the purpose of  
20 conducting a liquidation of estate assets with compensation of commission equal to ten percent (10%) of  
21 the sale proceeds plus reasonable and necessary expenses not to exceed the sum of Five Thousand Dollars  
22 (\$5,000.00); with payment subject to further application and order of this Court; and,  
23

24 b. For such other and further relief as this Court deems just and proper.  
25

26 ///

1 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of August, 2007.

2 LANE & NACH, P.C.

3  
4 By /s/ Allison M. Lauritson - 022185 *AMS*

5 Adam B. Nach

Allison M. Lauritson

Attorneys for Trustee

6 COPY of the foregoing delivered via mail to:

7 James F. Kahn, Esq.  
8 James F. Kahn, P.C.  
9 301 E. Bethany Home Rd., #C-195  
Phoenix, AZ 85012  
Attorney for Debtor

10 Triskelion Enterprises, LLC  
11 15327 W. Becker Lane  
12 Surprise, AZ 85379  
Debtor

13 And COPY delivered via electronic notification to:

14 Office of U.S. Trustee  
15 230 North First Ave., Suite 204  
Phoenix, AZ 85003-1706

16 By/s/ Janet Hone

1  
2 **IN THE UNITED STATES BANKRUPTCY COURT**  
3 **FOR THE DISTRICT OF ARIZONA**

4 In re:  
5 TRISKELION ENTERPRISES, LLC.,  
6  
7 Debtor.

(Chapter 7 Case)  
No. 2-07-bk-03208-RTB  
**DECLARATION**

8  
9 I, George Cunningham, declare as follows:

10 1. I am employed by Cunningham & Associates Inc., and Cunningham & Associates Real Estate,  
11 LLC (hereinafter collectively "C&A"). The auction facility is located at 2324 E. University Drive,  
12 Phoenix, Arizona 85034. C&A leases its auction facility space from Auction Systems Auctioneers and  
13 Appraisers, Inc. ("ASAA"). Both C&A and ASAA are bonded with the United States Bankruptcy Court  
14 for the District of Arizona.

15 2. I am familiar with the Trustee's Application and the property described therein, and believe I  
16 am qualified to represent the Trustee. I have agreed to accept employment on the terms and conditions set  
17 forth in Trustee's Application.

18 3. C&A has conducted many public auctions for the Trustees and is familiar with the  
19 requirements of the Bankruptcy Court.

20 4. C&A and its employees do not hold any interest or connections adverse to this Bankruptcy  
21 Estate or otherwise, with the Debtor, creditors, or any other party-in-interest, their respective attorneys and  
22 accountants, the United States Trustee, or any person employed in the Office of the United States Trustee;  
23 and, is a disinterested entity as defined in 11 U.S.C. §101(14).  
24

25  
26 I, George Cunningham, declare under penalty of perjury that the foregoing is true and correct.  
27

28 //

1 DATED: August 10<sup>th</sup>, 2007.

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3 CUNNINGHAM & ASSOCIATES INC.

4 By   
5 George Cunningham

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

In re:  
TRISKELION ENTERPRISES, LLC.,  
  
Debtor.

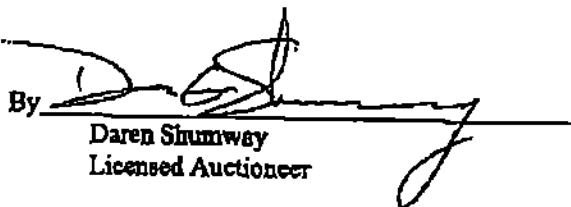
(Chapter 7 Case)  
No. 2-07-bk-03208-RTB  
**DECLARATION**

I, Daren Shumway, declare as follows:

1. I am an auctioneer licensed to do business in the State of Arizona.
2. I am employed by Auction Systems Auctioneers and Appraisers, Inc. ("ASAA"). The auction facility is located at 2324 East University Drive, Phoenix, AZ 85034.
3. ASAA is bonded with the United States Bankruptcy Court, District of Arizona and leases warehouse and yard space to Cunningham & Associates Inc. ("C&A") for the bankruptcy assets C&A sells at warehouse auction and I occasionally auction some of those assets.
4. ASAA and its employees do not hold any interest or connections adverse to this Bankruptcy Estate or otherwise, with the Debtor, creditors, or any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee; and, is a disinterested entity as defined in 11 U.S.C. §101(14).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: August 10<sup>th</sup>, 2007.

By   
Daren Shumway  
Licensed Auctioneer