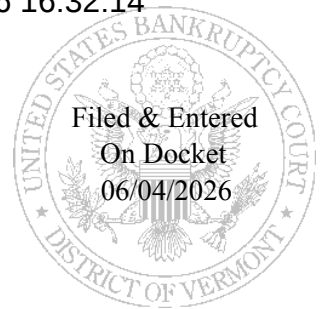




**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

IN RE:

BYBERRY, LLC

Debtor.

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Case No. 26-10109-hzc
Chapter 7 Case

**ORDER AUTHORIZING TRUSTEE TO EMPLOY HIRCHAK BROTHERS, LLC
dba THCAUCTION aka THOMAS HIRCHAK COMPANY, AS AUCTIONEERS
PURSUANT TO 11 U.S.C. §327(a)**

UPON CONSIDERATION of the *Trustee's Application to Employ Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company as Auctioneer*, under 11 U.S.C. §327(a), notice having been given to the United States Trustee, and it appearing that it is necessary to employ said Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company, as Auctioneer to auction a certain parcel of real estate being 4 Acres, more or less, with former restaurant building (*Michael's On The Hill*) located at 4182 Waterbury-Stowe Road, Route 100, Waterbury, Vermont, with a Grand List value of \$422,000, SPAN # 696-221-11924, being the land which the Debtor's interest arose from a Warranty Deed of Michael Kloeti and Laura Kloeti to Byberry, LLC, which deed was dated September 19, 2023, filed for record on September 22, 2023 in Book 522, page 187-188 of the Town of Waterbury land records, as set forth in the Application to Employ Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company as Auctioneer, and no hearing being required by either Section 327(d) of the Bankruptcy Code, or by the Federal Rule of Bankruptcy Procedure 2014,

THE COURT FINDS that the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company holds no adverse interests to the estate in the matters in which the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company are to be engaged, and that the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company and the members of the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company are each disinterested persons as specified in Sections 327(a) and 101(14) of the United States Bankruptcy Code, and Federal Rule of Bankruptcy Procedure 2014; and,

FURTHER FINDS that it is necessary for the Trustee to employ the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company to perform the services more particularly set forth in his Application; and

FURTHER FINDS that it is in the best interests of the estate for the Trustee to employ the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company; and,

IT IS THEREFORE ORDERED that the Trustee is hereby authorized to employ Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company as Auctioneer, pursuant to 11 U.S.C §327(a), with compensation as Auctioneer compensation for commissions and expenses to be in such amount as this Court determines upon Application to be filed upon completion of the services to be rendered in accordance with Vt. LBR 6005-1(e); and,

IT IS FURTHER ORDERED that the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company shall comply with Vt. LBR 6005-1 and the proceeds of sale less the

auctioneer's reimbursable expenses must be turned over to the trustee or deposited in a separate interest-bearing account no later than 21 days after the date of sale, as collected for real property; and,

IT IS FURTHER ORDERED that no commission or reimbursement may be paid to the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company as auctioneer until approved by the Court as provided in paragraph Vt. LBR 6005-1(e), and the Court retains jurisdiction to review the auctioneer's reimbursable expenses for validity and reasonableness. In the event the Court determines that a portion of the expenses deducted from the proceeds of sale is inappropriate or unreasonable, the auctioneer will be required to return such funds to the trustee immediately; and,

IT IS FURTHER ORDERED that the Hirschak Brothers, LLC dba THCAuction aka Thomas Hirschak Company shall comply with Vt. LBR 6005-1(d) and a Report of Sale must be filed with the Clerk and serve a copy of the Report on the Office of the United States Trustee and the case trustee, if any, within 90 days after the conclusion of the sale. The report of sale must set forth:

1. The time, date, and place of sale;
2. A statement of the manner and extent of advertising for the sale and the availability of the items for inspection prior to the sale;
3. The terms and conditions of sale read to the audience immediately prior to the commencement of the sale;
4. The sign-in sheet that lists the people who attended the sale;

5. The names of all purchasers and the items purchased by each of them;
6. The gross amount realized from the sale;
7. The amount of sales tax collected;
8. An itemized statement of commissions sought under this Rule and disbursements made, including the name of the payee and the original receipts or canceled checks, or copies thereof, substantiating the disbursements. If the canceled checks are not available at the time the report is filed, then the report must so state, and the canceled checks must be filed as soon as they become available. Where labor charges are included, the report must specify the names of the persons employed, the hourly wage for each employee, and the number of hours worked by each employee;
9. Where the auctioneer has a blanket bond covering all sales conducted, an explanation of how the bond expenses charged to the estate were allocated; the disposition of any items for which there was no bid;
10. Such other information as the Court or the Office of the United States Trustee may reasonably request.

SO ORDERED.

June 4, 2026
Burlington, Vermont



Heather Z. Cooper
United States Bankruptcy Judge