

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:)
)
BYBERRY, LLC,) Case No. 26-10109
) Chapter 7
Debtor.)

ORDER UPON TRUSTEE’S MOTION FOR ENTRY OF AN ORDER (I) APPROVING PROPOSED SALE OF REAL PROPERTY CONSISTING OF 4 ACRES, MORE OR LESS, WITH FORMER RESTAURANT BUILDING (*Michael’s on the Hill*¹) LOCATED AT 4182 WATERBURY-STOWE ROAD, ROUTE 100, WATERBURY, VERMONT BY PUBLIC AUCTION PURSUANT TO 11 U.S.C. SECTION 363(b) & (f) AND (II) APPROVING THE TERMS AND CONDITIONS OF THE PROPOSED SALE PURSUANT TO 11 U.S.C. § 363(b)&(f)

Real Property – Parcel No. 100-4182, SPAN #696-221-11924

The matter before the Court for consideration is the Trustee’s Motion For Entry Of An Order (i) authorizing and approving a sale of a parcel of real estate being four (4) acres, more or less, with former restaurant building (*Michael’s On The Hill*) located at 4182 Waterbury-Stowe Road, Route 100, Waterbury, Vermont, SPAN # 696-221-11924, being the land which the Debtor’s interest arose by 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 by public auction free and clear of all liens, claims, interests and Encumbrances, with such liens, claims, interests and Encumbrances to attach to the sale proceeds pursuant to pursuant to 11 U.S.C. Sections 105, 363(b) & (f). (the “Sale Motion”) brought by Raymond J. Obuchowski, the Chapter 7 Trustee (the “Trustee”).

The Trustee filed the Motion to Approve Sale on June 5, 2026.²

¹ Michael’s on the Hill is the DBA of Corbyn & Topper Hospitality LLC, Case No. 26-10108, as an affiliated case, which was the operating entity (restaurant) which conducted business at the real estate which is property of this Estate.

² ECF 14.

The Sale Motion having been duly noticed, no objections or other adverse interest having been filed, and cause for the relief requested having been shown, in accordance with 11 U.S.C. § 363(b), Fed. R. Bankr. P. 6004, and Vt. LBR 6004-1,

IT IS HEREBY FOUND, DETERMINED AND CONCLUDED THAT:

1. The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014.
2. The Court has jurisdiction over the Sale Motion and the transactions contemplated therein pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (M), and (O). Venue in this district is proper under 28 U.S.C. §§ 1408 and 1409.
3. The Sale Motion is granted in its entirety.
4. The Trustee is authorized to sell by public sale the Estate's interest in certain being four (4) acres, more or less, with former restaurant building (*Michael's On The Hill*) located at 4182 Waterbury-Stowe Road, Route 100, Waterbury, Vermont, SPAN # 696-221-11924 by public on-site auction and to the extent applicable also by web-based internet public auction pursuant to 11 U.S.C. Sections 363(b)&(f) to the bidder which makes the successful highest and best offer, and the Trustee shall file a Motion to Confirm the Sale, and the Auctioneer shall file its Report of Sale as required under Vt. L.B.R. 6005-1(d).
5. The Estate's interest will be sold "as is-where is" with no warranties or representations of any kind whatsoever, whether expressed, implied or imposed by law. Furthermore, there will be no warranties


relating to title, possession or quiet enjoyment. The Estate's interest will be conveyed by a Trustee's Deed by quitclaim only.

6. The Trustee has demonstrated sound business justifications, pursuant to section 363(b)&(f) of the Bankruptcy Code, with respect to the Sale and other transactions contemplated by the Sale Motion on the timeline set forth therein; and the Secured Parties, as defined in the Motion, have filed their consent to the auction sale.

7. This Court will retain jurisdiction to hear and determine all matter arising from or relating to the implementation of this Order and the sale of the Estate's interest in certain real property consisting being four (4) acres, more or less, with former restaurant building (*Michael's On The Hill*) located at 4182 Waterbury-Stowe Road, Route 100, Waterbury, Vermont, SPAN # 696-221-11924 by an public auction pursuant to 11 U.S.C. Sections 363(b).

SO ORDERED.

June 26 2026
Burlington, Vermont



Heather Z. Cooper
United States Bankruptcy Judge