

1 JUDGE HERB ROSS (Recalled)

2 UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ALASKA
3 605 West 4th Avenue, Room 138, Anchorage, AK 99501-2253 — (Website: www.akb.uscourts.gov)
4 Clerk's Office: 907-271-2655 (1-800-859-8059 In-State) — Judge's Fax: 907-271-2692

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Filed On
12/28/11

In re
BRAYTON INVESTMENT, LLC,
Debtor(s)

Case No. A10-00515-HAR
In Chapter 7

MEMORANDUM RE DENIAL OF
McCREADY MOTION FOR
RECONSIDERATION

At oral argument on December 28, 2011, Suzan asked the court to reexamine her argument that had the Wikas accepted Suzan's last offer, in about September or October of 2009, the chapter 7 and heavy transaction costs would have been avoided. She posits the following: ¹

Remaining Balance Due as calculated	\$186,394
Plus duplex sale price net proceeds	\$398,239
Plus 3B sale price net proceeds	\$596,693
Less 3B commission	(\$36,000)
Total	\$1,145,326

The total has been increased, however, by \$18,215.65 by granting the Wikas' motion for reconsideration,² so the \$186,394.65 figure is now \$204,610.32. And, it may increase further if attorney fees are granted to the Wikas in an upcoming hearing.

¹ See, *Motion for Reconsideration*, Docket No. 228, at page 4.

² Docket No. 226 (denominated a motion to supplement the record).

1 The last offer of Suzan was only \$1.1 million³ (with some contingencies); close, but
2 significantly less than the amount needed to exercise the option, even as Suzan interprets it.

3 DATED: December 28, 2011
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5 _____
6 /s/ Herb Ross
7 HERB ROSS
8 U.S. Bankruptcy Judge

8 Serve:
9 David Bundy, Esq., for Suzan McCready
10 William Artus, Esq., for Gregory and Cheryl-Ann Wika
11 Gary Spraker, Esq., for the trustee
12 Robert Hume, Esq., for Jean Hebert
13 Kenneth Battley, Trustee
14 United States Trustee- Anchorage

15 12/28/2011

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26 _____
27 ³ Trial Exhibit T, a September 2, 2009, letter from Michael Brain to William Artus.