

1 Judge Marc L. Barreca

2 Chapter 7

3 Hearing Location: Marysville, WA

Hearing Date: June 14, 2017

Hearing Time: 10:00 a.m.

4 Response Date: June 7, 2017

5 **IN THE UNITED STATES BANKRUPTCY COURT**  
6 **FOR THE WESTERN DISTRICT OF WASHINGTON, AT SEATTLE**

7 In re: ) Case No. 12-11140 MLB  
8 KENT DOUGLAS POWELL and ) Chapter 7  
9 HEIDI POWELL, ) **TRUSTEE’S NOTICE OF HEARING ON**  
10 Debtors. ) **MOTION TO ASSUME EXECUTORY**  
11 ) **CONTRACT**  
\_\_\_\_\_ )

12 PLEASE TAKE NOTICE that the Trustee's motion to assume an executory contract  
13 IS SET FOR HEARING as follows:

14  
15 JUDGE: Marc L. Barreca TIME: 10:00 a.m.  
16 PLACE: Marysville Municipal Court DATE: June 14, 2017  
17 1015 State Avenue  
Marysville, WA 98270

18 On the date of the bankruptcy filing, Debtor(s) had an interest in the domain name,  
19 <https://www.heidipowell.com>, pursuant to their GoDaddy Domain Name Registration Agreement,  
20 and in the contract rights associated with said Agreement. The interest in that domain name and  
21 said contract rights became assets of this bankruptcy estate.

22 Trustee did not administer the domain name or the contract rights because they were not  
23 scheduled by Debtors. Trustee filed a no-asset report. After the case was closed, Debtors  
24 renewed several times the contract with GoDaddy.  
25

26 **TRUSTEE’S NOTICE OF HEARING ON**  
**MOTION TO ASSUME EXECUTORY CONTRACT - 1**

Dennis Lee Burman, Attorney at Law  
1103 Ninth Street  
P.O. Box 1620  
Marysville, WA 98270  
Phone (360) 657-3332  
Fax (360) 657-3522

1 Trustee had the case reopened after he received a \$10,000.00 offer to purchase the domain  
2 name. Trustee moved to sell the domain name. Subsequently the offer was increased to \$20,000.  
3 This Court denied the motion without prejudice, holding that (1) the domain name is intertwined  
4 with the contract rights such that one cannot be sold without the other, (2) it was unclear what the  
5 purchaser understood she was purchasing, and (3) notice should be given to all creditors and to  
6 GoDaddy.  
7

8 The purchaser has made clear to Trustee that it understands now that any sale will ALSO  
9 include the GoDadday contract rights and obligations.  
10

11 Given the Court's holding that the domain name is intertwined with the contract rights,  
12 Trustee therefore is now moving for an order authorizing Trustee to assume the executory  
13 contract (the GoDaddy Domain Name Registration Agreement) between Debtor(s) and  
14 GoDaddy.com, LLC.  
15

16 IF YOU OPPOSE the motion, you must file your written response with the court clerk and  
17 deliver a copy to the Trustee NOT LATER THAN THE RESPONSE DATE, which is June 7,  
18 2017.

19 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,  
20 GRANT THE OBJECTION AND MOTION PRIOR TO THE HEARING, WITHOUT  
21 FURTHER NOTICE, and strike the hearing.  
22

23 DATED: May 15, 2017

24 /s/ Dennis Lee Burman

25 \_\_\_\_\_  
DENNIS LEE BURMAN, WSBA #7875  
Trustee in Bankruptcy  
26