

RECEIVED

NOV 08 2022

DEPARTMENT OF
WATER RESOURCES

17-1132
17-7140

L. Edward Humphrey, Esq. – NSB 9066
Patrick O'Rourke, Esq. – NSB 13557
HUMPHREY LAW PLLC
201 W. Liberty Street, Suite 350
Reno, Nevada 89501
Tel: (775) 420-3500
Fax: (775) 683-9917
ed@hlawnv.com
patrick@hlawnv.com
*Attorneys for Chapter 7 Trustee,
W. Donald Gieseke*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

BEAL MOUNTAIN MINING, INC.,

This Filing Also Affects:

☒ **Black Pine Mining, Inc.**
☐ Pangea Exploration, Inc.
☐ Pangea Gold Corporation
☐ Pangea Minerals, Inc.
☐ Pegasus Gold Montana Mining, Inc.
☐ Pangea Resource Explorations, Inc.
☐ Pegasus Gold Finance Corporation
☐ Pegasus Gold Financing, LLC
☐ Pangea International Holdings Corp.
☐ POV Corporation
☐ Zortman Mining, Inc.

Case No.: BK-N-98-30090-GWZ
Chapter 7

Jointly Administered With:

Case No.: BK-N-98-30091-GWZ
Case No.: BK-N-98-30094-GWZ
Case No.: BK-N-98-30096-GWZ
Case No.: BK-N-98-30097-GWZ
Case No.: BK-N-98-30098-GWZ
Case No.: BK-N-98-30099-GWZ
Case No.: BK-N-98-30100-GWZ
Case No.: BK-N-98-30102-GWZ
Case No.: BK-N-98-30103-GWZ
Case No.: BK-N-98-30104-GWZ
Case No.: BK-N-98-30105-GWZ

**NOTICE OF TRUSTEE'S INTENT TO
CANCEL AUCTION AND PROCEED
WITH SALE OF WATER RIGHTS
LICENSES TO STALKING HORSE
BIDDER**

**Sale Hearing Date: November 8, 2022
Sale Hearing Time: 10:00 a.m.**

Estimated Time: 30 min. .

PLEASE TAKE NOTICE that, on August 20, 2022, at ECF No. 1003, W. DONALD GIESEKE, Chapter 7 Trustee (the "**Trustee**") for the Bankruptcy Estate of Black Pine Mining, Inc. ("**Black Pine Mining**" or "**Seller**") a debtor in the above-captioned administratively

SCANNED

NOV 09 2022

consolidated cases filed the *TRUSTEE'S MOTION TO SELL TWO WATER RIGHTS LICENSES FREE AND CLEAR OF ALL LIENS, CLAIMS, AND INTERESTS AND FOR APPROVAL OF BIDDING PROCEDURES AND BID PROTECTIONS* (the "**Sale Motion**"). As set forth more fully in the Sale Motion itself, the Sale Motion requests that the Court enter an Order : (a) authorizing the Sale of two Idaho water rights licenses (defined as the "**Licenses**" in the Sale Motion and more particularly described below) in the name of Black Pine Mining to Pilot Gold Inc. ("**Pilot Gold**" or the "**Stalking Horse**" or "**Stalking Horse Bidder**") or the successful bidder at the Auction ("**Successful Bidder**"), free and clear of all liens, claims and encumbrances, with the Stalking Horse's initial bid being \$215,000.00; (b) waiving the 14-day notice periods in Bankruptcy Rule 6004(h); (c) finding the successful purchaser of the Assets a "good faith purchaser" under Section 363(m) of the Bankruptcy Code; (d) and granting certain related relief as described in the Sale Motion

PLEASE TAKE FURTHER NOTICE the Court held a hearing on September 20, 2022, at 2:00 p.m. ("**Bid Procedures Hearing**"), during which it addressed the bid procedures, bid protections, and auction procedure that applicable to the Trustee's proposed sale of the Licenses. Following the Bid Procedures Hearing, the Court entered an *Order Approving Bidding Procedures and Bid Protections and Setting Sale Hearing* on October 7, 2022 [ECF No. 1008] ("**Bid Procedures Order**").¹

PLEASE TAKE FURTHER NOTICE that, as set forth in the Bid Procedures Order, the Court scheduled a Sale Hearing to consider the sale of the Licenses for November 8, 2022, at 10:00 a.m. (PDT), at which the Trustee would request the Court proceed with an Auction for the Licenses if other Qualified Bidders submitted Qualified Bids before the Bid Deadline of November 2, 2022, at 5:00 p.m. (PDT) ("**Sale Hearing**").

PLEASE TAKE FURTHER NOTICE that the Bid Procedures Order provides that, "[if] the Trustee intends to cancel the Auction (because, for example, there are no Qualified Bidders and/or Potential Bidders other than the Stalking Horse) the Trustee shall file a notice

¹ Unless otherwise expressly defined herein, capitalized/defined terms in this notice have the meanings set forth in the Bid Procedure Order.

1 on the docket of the above-captioned case stating so within 24 hours of expiration of the Bid
2 Deadline.”

3 PLEASE TAKE FURTHER NOTICE that the Trustee did not receive any Qualified
4 Bids prior to the Bid Deadline and, as of the time of filing this Notice, is not otherwise aware of
5 any Qualified Bidders and/or Potential Bidders for the Licenses.

6 PLEASE TAKE FURTHER NOTICE that, at the Sale Hearing, the Trustee intends
7 to: (i) advise the Court that no Qualified Bids were received by the Bid Deadline, (ii) request
8 that the Court cancel the Auction; and (iii) request entry of an Order approving the Sale of the
9 Licenses to the Stalking Horse.

10 DATED: November 3, 2022.

HUMPHREY LAW PLLC

11
12 By: /s/ L. Edward Humphrey

13 L. Edward Humphrey, Esq.

14 Patrick O'Rourke, Esq.

15 Attorneys for Chapter 7 Trustee,

16 W. Donald Gieseke
17
18
19
20
21
22
23
24
25
26
27
28

HUMPHREY LAW PLLC
201 W. Liberty Street, Suite 350
Reno, Nevada 89501

Idaho Department of Water
Resources
Idaho Water Center
322 E. Front Street, STE 648
Boise, ID 83702-7371

