

*Dott. Rag. Giorgio Guenzani*  
*Dottore Commercialista - Consulente del Lavoro*  
*Viale dei Tigli, 24 - 21013 Gallarate (Va)*  
*Tel. 0331.795259 - Fax 0331.772702*  
*e-mail: [info@guenzani.net](mailto:info@guenzani.net) - website [www.guenzani.net](http://www.guenzani.net)*

**Court of Busto Arsizio**

- Bankruptcy department -

**Procedure of composition with creditors Punto Linea S.r.l. n. 22/2015**

**Date of approval of the composition with creditors: 25.10.2016**

**Bankruptcy Judge: Dott.ssa Sabrina Passafiume**

**Judicial commissioner: Dott. Daniele Zavagnin**

**Law Liquidator: Dott. Giorgio Guenzani**

**NOTICE OF SALE BY AUCTION**

The undersigned Dott. Giorgio Guenzani, with office in Gallarate (VA), Viale dei Tigli n. 24, tel. 0331.795259, fax 0331.772702, Law Liquidator in the Procedure of Composition with creditors Punto Linea S.r.l., PEC address of the procedure [concordatopuntolinea2215@pec.it](mailto:concordatopuntolinea2215@pec.it) in executing the liquidation program of 16.12.2016.

**SCHEDULES**

On 24.03.2017, 10.00 AM the compulsory sale by auction of the assets owned by the company Punto Linea S.r.l. within the procedure of Composition with creditors n. 22/2015 at the head office of Punto Linea S.r.l., in Cassano Magnago (VA) - Via Gasparoli n. 182.

**DESCRIPTION OF THE GOODS AUCTIONED**

Object of the sale is a single batch made up of all the following company's assets:

- Historical archive of fabrics and the registered trademark Cuccirelli, printing cylinders and sampling squares in different sizes, inclusive of all industrial rights property applicable to the drawings, not registered, and described better in the evaluation report issued on

16.03.2016 by Istituto Vendite Giudiziarie of Varese and attached to the present notice of call for bids (Attachment 1);

- Remaining inventory: Punto Linea S.r.l. within the procedure of Composition with creditors owns an inventory of raw and semifinished fabrics as described in the evaluation report issued on 16.03.2016 by Istituto Vendite Giudiziarie of Varese and attached to the present notice of call for bids (Attachment 1) that explains which goods have been already sold by the company and consequently are not in scope in this sale. In addition, the sale will also include some finished fabrics, returned by customers, described in the evaluation report issued on 24.01.2017 by Istituto Vendite Giudiziarie of Varese and attached to the present notice of call for bids (Attachment 2);
- Residual assets: Punto Linea S.r.l. within the procedure of Composition with creditors is the owner of the facilities, furniture and all other personal properties as better specified in the evaluation report issued on 16.03.2016 by Istituto Vendite Giudiziarie of Varese and attached to the present notice of call for bids (Attachment 1) that explains which goods have been already sold by the company and consequently are not in scope in this sale.

All the goods auctioned are better described in the attached evaluation reports.

## **SALES TERMS**

The goods will be sold in their de facto and de iure state at the time of this auction. The sale is meant for a lump sum and not on a per unit of measure basis, therefore any difference in specifications of a single good will not entitle to compensation, indemnity or price reduction. The sale is not subject to the rules concerning faults or lack of quality ex art. 2922 c.c.. Any eventual

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adaptation to standards for dissimilarity from legal requirements will borne by the purchasers.

Concerning what previously mentioned, the bidders are invited to ask the Law liquidator Dott. Giorgio Guenzani, the Judicial Commissioner Dott. Daniele Zavagnin and Dott. Marco Grosso to access the documentation.

The buyers will bear any eventual property transfer expenses (direct and indirect taxation, selling documents) that should be paid at the same time of the property transfer.

The buyers will be responsible for any tax charge.

The Law liquidator is available for further information upon previous notice by phone call (0331.795259) or e-mail at [cp.puntolinea@guenzani.net](mailto:cp.puntolinea@guenzani.net), and has arranged on March, 2<sup>nd</sup>, 2017 from 10.00 AM to 5.00 PM a date to view all the documents and the goods owned by the company Punto Linea S.r.l. in Cassano Magnago (VA), via Gasparoli n. 182 (contact person Dott. Marco Grosso).

For anything not expressly provided for here, the rules of law should apply.

### **SALE BY AUCTION**

The batch on sale is better described and detailed in the evaluation reports attached, that are deemed to be valid to all intents and purposes to identify exactly the batch itself and its de facto and de iure state.

The attendance to the auction procedure implies the knowledge of the content of the evaluation report and its eventual additions, the documents attached, the present notice of sale, and it implies acceptance of the sales terms.

The bidders will be responsible for their identification and for demonstrating their power of attorney if bidding on behalf of a company or an entity.

### **CHARGES AND EXPENSES**

The sale is subject to VAT; applicable provisions and tax rates at the time of the transfer will be applied.

The buyer will bear any tax charge (VAT, eventual stamp duties).

### **RESERVE PRICE, MINIMUM PRICE INCREMENT AND EXPENSES**

1. AUCTION RESERVE PRICE Euro 700.000,00.=
2. MINIMUM PRICE INCREMENT Euro 10.000,00.=

Anyone who intends to attend to the auction is required to present an application on stamped paper by 12.00 PM of 22.03.2017 at the office of the Law liquidator in Gallarate (VA), Viale dei Tigli n. 24. Together with the application, the participants should pay in a deposit equal to 10% of the reserve price through a cashier's check made out to the Procedure of Composition with creditors Punto Linea S.r.l.

Should there be one bidder only, he/she would be required to offer the reserve price plus the minimum price increment; otherwise he/she will occur in the loss of the deposit.

The total price and the related VAT should be paid in full within 20 working days from the closing day of the sale procedure.

The transfer of the goods will be implemented after the payment of the winning auction price and the related VAT.

The buyer will get the ownership of the goods only after the completion of the sale and he/she will have to collect them at the head office in Cassano

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Magnago (VA), Via Gasparoli n. 182 within 30 days from the closing day of the sale procedure.

## **TRANSFER OF GOODS**

However, the temporary auction allotment will not produce any effect and will not create any right until completion of the transfer of goods from the procedure of Composition with creditors.

As provided for by the art.107, c. 4 R.D. 267/42 the Law liquidator could suspend the sale, if, pending the implementation of the sale itself, he should receive a formal and definitive bid (upon deposit of the 10% of the reserve price, according to the same modalities mentioned before) for an amount at least equal to the temporary auction winning price increased by 10%.

In this case, a new auction will take place in which the temporary winning bidder and any interested subject will be invited to raise the offer according to the abovementioned rules.

Should no other bidder attend to the auction, the offer with the higher price increase will be accepted and, in case of more than one higher offer (for the same amount) the one received earlier by the Law Liquidator will be accepted.

The Bankruptcy Judge has the power to suspend or however prevent the completion of the sale ex art. 108, 1° comma, L.F..

Shouldn't the sale be completed in all cases referred to by articles 107 & 108 L.F., the participant would only have the right to receive the refund of the paid in deposit, any other right or compensation being expressly excluded.

## **SPECIAL WARNINGS**

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Please note that an irrevocable offer at a price equal to Euro 700.000,00 has already been presented and that a 10% deposit has been paid in.

After the award and before the completion of the sale, the Law liquidator will present a note including the memorandum of the award to the Committee of creditors and the Bankruptcy Judge.

The notice of this auction will be made public once in excerpts on daily newspapers (Il Sole 24 Ore, Milano Finanza, La Prealpina) and on the websites [www.astalegale.net](http://www.astalegale.net), [www.tribunale.bustoarsizio.giustizia.it](http://www.tribunale.bustoarsizio.giustizia.it) and [www.astetribunali24.it](http://www.astetribunali24.it).

Furthermore, the Law liquidator will notify the sale through PEC email address to the legal representative of the company within the Procedure of Composition with creditors and the companies Erica Industria Tessile S.p.A., Achille Pinto S.p.A. and Ratti S.p.A.

For anything not expressly provided for here, the rules of law shall apply.

The present notice of sale is entirely published on the website [www.tribunale.bustoarsizio.giustizia.it](http://www.tribunale.bustoarsizio.giustizia.it)

The present communication, does not represent an offer to the public ex art. 1336 c.c., neither a solicitation of funds from the public ex art. 94 and subsequent D.Lgs n. 58/98 and does not involve any restriction/duty for the Procedure, its bodies or owners.

Gallarate, 25.01.2016

The Law liquidator

Dott. Giorgio Guenzani

*This notice was drafted in Italian and English. In case of conflict between the Italian and the English version of this notice, the Italian version shall prevail.*