

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

RE:

**OAKS CONSTRUCTION CO., INC.
TAX ID:-xx-xxx7459
1010 High House Road, Ste. 300
Cary, NC 27513**

**CHAPTER 11
CASE NO.: 10-10055-8-JRL**

Debtor

**MOTION FOR PROPOSED PUBLIC AUCTION OF PERSONAL PROPERTY
FREE AND CLEAR OF LIENS AND COMPENSATION TO AUCTIONEER**

**TO: ALL CREDITORS, INDENTURE TRUSTEES AND COMMITTEES APPOINTED
OR ELECTED IN THIS CASE ACCORDING TO LAW**

Motion is hereby made and Notice is hereby given by Oaks Construction Company, Inc. through undersigned counsel, for an Order authorizing the sale of personal property at public auction including, but not limited to the following:

1997 Chevrolet Z71	VIN: 2GCEK19R5V1149720
2001 Chevrolet X-Cab	VIN: 2GCEC19V711255591
2001 Chevrolet X-Cab	VIN: 2GCEC19T311372454
2005 GMC Crewcab 4x4	VIN: 2GTEK13T751188121
2005 Ford Escape	VIN: 1FMYU92Z25KB63151
1993 GMC Small Dump	VIN: 1GDKC34N7PJ502799
2000 Ford F-650	VIN: 3FDWF65H7YMA28859
81 Homemade Black Trailer	VIN: NCX581549
85 Hardee Trailer	VIN: 11T9FT2163FL059026
86 Holland Trailer (Gooseneck)	VIN: NCX677518
99 Dovetail (Bobcat)	VIN: 1WHUS1824XM333013
01 Load Transport Trailer	VIN: 4ZECF182411143726
Whisperwatt Generator	362-3426

The proposed sale will be "as is where is" with no warranties express or implied.

Motion is further made and Notice is further given that the above-referenced Debtor in Possession, through undersigned counsel, proposes to sell at public auction the above described property at the date, time and place and in the manner hereinafter set out:

**Public Auction on Wednesday, January 25, 2012 at 12:00 noon at Johnson
Properties Auction Yard located at 7250 NC 210, Angier, NC 27501.**

Simultaneously with the filing of this motion, the above-captioned bankruptcy estate also filed an application with the Court to approve the employment of James W. Johnson, III of

Johnson Properties Realtors and Auctioneers as auctioneer, whose compensation, inclusive of all expense including labor and advertising, absent extraordinary circumstances, shall be fixed at a rate not to exceed the following:

PERSONAL PROPERTY

20% on first \$20,000.00

10% on next \$50,000.00

4% of balance

Such compensation and reimbursement of extraordinary expenses, if any, shall be subject to final review by the Court without further notice.

WHEREFORE, the Debtor in Possession, through undersigned counsel, requests authorization to sell the above described personal property at public auction upon the terms and conditions set forth hereinabove, and for authorization to compensate Johnson Properties, Realtors & Auctioneers, as auctioneer in the above-referenced bankruptcy case as set forth hereinabove.

DATE OF MAILING: December 9, 2011

RICHARD D. SPARKMAN & ASSOCIATES, P.A.

/s/ Richard D. Sparkman

BY: _____

Richard D. Sparkman
Attorney for Debtor in Possession
State Bar No. 6857
P. O. Box 1687
Angier, NC 27501
Telephone No. (919) 639-6181

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

RE:

**OAKS CONSTRUCTION CO., INC.
TAX ID:-xx-xxx7459
1010 High House Road, Ste. 300
Cary, NC 27513**

**CHAPTER 11
CASE NO.: 10-10055-8-JRL**

Debtor

NOTICE OF MOTION

NOTICE is hereby given of the Motion For Proposed Public Auction of Personal Property Free And Clear of Liens And Compensation To Auctioneer, filed simultaneously herewith by and through undersigned counsel; and

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in motion , or if you want the court to consider your views on the motion, then on or before **January 3, 2012** , unless otherwise ordered, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing . In the event that objection and request for hearing is filed, hearing will be held on **January 5, 2012 at 10:00 a.m.** in the Bankruptcy Court located at 300 Fayetteville Street, 3rd Floor Courtroom, Raleigh, NC 27601. Any party requesting a hearing shall appear at said hearing in support of such request or he may be assessed with costs.

Pursuant to that Memorandum from Chief Bankruptcy Judge J. Rich Leonard, EDNC, dated February 24, 2005, attorneys practicing in the United States Bankruptcy Court for the Eastern District of North Carolina, including attorneys admitted pro hac vice, are required to file electronically all documents [including new bankruptcy petitions, motions, memoranda of law, and other pleadings, but excluding proofs of claim and documents to be placed under seal in accordance with Local Bankruptcy Rule 5005-4(6)]. Any documents required to be filed electronically pursuant to Local Bankruptcy Rule 5005-4(1) but presented in paper form on or after April 1, 2005, shall be accompanied by an application for an exemption from this rule and a proposed order granting the relief sought. The application shall state the reason(s) why electronic filing would impose an extreme hardship on the attorney. Local Bankruptcy Rules pertaining to electronic filing, including Local Bankruptcy Rules 5005-4(1) and 5005-4(2) may be found on the Court's website www.nceb.uscourts.gov. Electronic filing may be done through the Court's website. The Court's mailing address is:

**Clerk US Bankruptcy Court
P.O. Box 1441
Raleigh, NC 27602-1441**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Richard D. Sparkman
Attorney for Debtor
P. O. Box 1687
Angier, NC 27501

Bankruptcy Administrator
Attn: Marjorie K. Lynch
P.O. Box 3758
Wilson, NC 27895-3758

Oaks Construction Company, Inc.
Attn: Maxwell M. Oaks
1010 High House Road, Ste. 300
Cary, NC 27513

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATED: December 9, 2011

RICHARD D. SPARKMAN & ASSOCIATES, P. A.

/s/ Richard D. Sparkman

BY: _____

Richard D. Sparkman
Attorney for Debtor in Possession
N. C. State Bar No. 6857
PO Box 1687
Angier, NC 27501
(919) 639-6181

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

RE:

**OAKS CONSTRUCTION CO., INC.
TAX ID:-xx-xxx7459
1010 High House Road, Ste. 300
Cary, NC 27513**

**CHAPTER 11
CASE NO.: 10-10055-8-JRL**

Debtor

CERTIFICATE OF SERVICE

I, Erica S. Jones, of P. O. Box 1687, Angier, N. C., 27501, certify:

That I am, and at all time hereinafter mentioned was, more than eighteen (18) years of age:

That on the 9th day of December 2011, I served a copy of the foregoing Motion Of Proposed Public Auction Free And Clear Of Liens And Compensation To Auctioneer and Notice of Motion to the parties in interest as indicated below:

SEE ATTACHED LIMITED MAILING MATRIX

by electronic filing and/or depositing copies hereof in a pre-addressed envelope with sufficient postage thereon in a post office of official depository under the exclusive care and custody of the United States Postal Service.

I certify under penalty of perjury that the foregoing is correct.

Executed on: December 9, 2011

RICHARD D. SPARKMAN & ASSOCIATES, P.A.

/s/ Erica S. Jones

BY: _____

Erica S. Jones
Legal Assistant
P. O. Box 1687
Angier, NC 27501
Telephone No. (919) 639-6181

OAKS CONSTRUCTION CO., INC.
TAX ID: xx-xxx7459
1010 High House Road, Ste. 300
Cary, NC 27513
Debtor

CHAPTER 11
CASE NO.: 10-10055-8-JRL

LIMITED MAILING MATRIX

<p>Bankruptcy Administrator U.S. Bankruptcy Administrator's Office P.O. Box 3758 Wilson, NC 27895-3758</p>	<p>Oaks Construction Company, Inc. Attn: Maxwell Oaks, President 1010 High House Road, Ste. 300 Cary, NC 27513</p>
<p>Mark A. Pleasant WACO 980 N. Greenfield Parkway Garner, NC 27529</p>	<p>Randall J. Siegel Signature Plumbing, Inc. 7664 Market Street Wilmington, NC 28411</p>
<p>Randy Ramsey Jacksonville Heating Contractors, Inc. 1206 Gum Branch Road Jacksonville, NC 28450</p>	<p>Ken Niebauer Oakhill Drywall 325 Mount Eden Cary, NC 27539</p>
<p>Ed Hallberg Forbes Custom Cabinets 2025 Production Drive Apex, NC 27539</p>	<p>Brian D. Darer Attorney for SunTrust Bank Parker Poe Adams & Bernstein, LLP P.O. Box 389 Raleigh, NC 27602</p>
<p>David L. Ray T. Michael Satterfield Attorneys for Pridgen Woodwork, Inc. FLETCHER, RAY & SATTERFIELD, L.L.P 131 Racine Drive, Suite 201 Wilmington, NC 28403</p>	<p>Wesley A. Collins Attorneys for McDowell Floor, Inc. HARVELL and COLLINS, P.A. 1107 Bridges Street Morehead City, NC 28557</p>
<p>Julia Young Kirkpatrick Attorney for Precision Walls, Inc. BURNS, DAY & PRESNELL, P.A. P.O. Box 10867 Raleigh, NC 27605</p>	<p>Paige C. Kurtz Attorney for Tri-City Family Medicine & Urgent Care Clinic, PLLC SPOUSE & KURTZ, PLLC 3109 Poplarwood Ct. , Suite 115 Raleigh, NC 27604</p>
<p>Cody R. Loughridge Attorney for Associated Plumbing Company of Raleigh, Inc. VANN & SHERIDAN, LLP P.O. Box 2445 Raleigh, NC 27602-2445</p>	<p>David F. Mills Attorney for N & N Electric, Inc. DAVID F. MILLS, P.A. 1559-B Booker Dairy Road Smithfield, NC 27577</p>

<p>Lindsay E. Powell Attorney for B.A. Hoft & Associates, Inc. SAFRAN LAW OFFICES P.O. Box 587 Raleigh, NC 27602</p>	<p>Joseph E. Propst Attorney for Triangle Mechanical Contractors Jordan Price Wall Gray Jones & Carlton, PLLC P.O. Box 10669 Raleigh, NC 27605-0669</p>
<p>Pamela P. Keenan Attorney for Ford Motor Credit Company, LLC Kirschbaum, Nanney, Keenan & Griffin, P.A. P.O. Box 19766 Raleigh, NC 27619-9766</p>	<p>John T. Benjamin, Jr. William E. Hubbard The Law Office of John T. Benjamin, Jr., P.A. Attorneys for Southeastern Acoustical Ceilings, Inc., d/b/a Southeastern Interiors 1115 Hillsborough Street Raleigh, NC 27603</p>