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U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF N.C.  
FILED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
FAYETTEVILLE DIVISION

2011 AUG -5 PM 3: 50

In re: Donald R. Hart SSN xxx-xx-2024  
4061 Lemon Springs Road  
Sanford, NC 27332  
Debtor

Case No. 04-03474-8-ATS  
Chapter 7

NOTICE OF POSTPONEMENT OF PROPOSED PUBLIC SALE  
NOTICE OF PROPOSED PUBLIC SALE AND  
NOTICE OF COMPENSATION OF AUCTIONEER

TO: ALL PARTIES IN INTEREST

1. Pursuant to 11 U.S.C. §363(b), Federal Rules of Bankruptcy Procedure 6004, 2002(a), and 2002(c)(1), notice is hereby given that Michael P. Peavey, the Chapter 7 Trustee ("Trustee") proposes to sell the following described property:

BEGINNING at the northwest corner of Tract 2 in that deed dated June 9, 1986 from Rosa E. Warren and husband, Furman Dee Warren , to G. L. Draughon and wife, Mary M. Draughon, recorded in Book 384, Page 147, Lee County Registry and running thence South 70 deg. 13 min. East 117.62 feet to an iron pipe in the western right-of-way line of Scott Avenue; thence as the western right-of-way line of Scott Avenue South 12 deg. 00 min. West 251.05 feet; thence North 70 deg. 33 min. West 150.0 feet; thence North 20 deg. 53 min. East 85.35 feet to an iron pipe; thence South 70 deg. 33 min, East 16.70 feet to an iron pipe; thence North 12 deg. 51 min. East 165.38 feet to the BEGINNING, containing .73 acre and being all of Tracts 1, 2, 3 and 4 of the above-stated deed recorded in Book 384, Page 147 as surveyed by Michael Tate, R. L. S., and shown on a map entitled "Property of Donald R. Hart" dated August 11, 1988 to which plat reference is made for further description.

Gear head lathe with CNC read-out, SVL vertical milling machine, 310 Lagunamatic (programmable milling machine, Mazak turret lathe, circular saw with teeth, 150 ton Wysong press brake, 10' Wysong power shear, OBI production presses, cam cutter, (3) horizontal milling machines, 3 - 4' turret lathe, computer, copy machine, fax machine, file cabinet, desks, telephone, 3 unit wood tool shelves, 2 units wood storage bins, miscellaneous metal storage racks, 10' x 40' table, 10' x 50' table, 12" Chuck 2-7/8" spindle bore, shop vac, drill press, 5" metal cutting band saw, South Bend Plunge EDM machine, 3 Conrapid Winders

2. Notice is further given that the Trustee proposed to sell the property on August 4, 2004 at 11:00 a.m. However, due to circumstances beyond his control, the Trustee was unable to sell the property on that date.

2. Notice is further given that the Trustee proposes to sell said property at the date, time and place as hereinafter set out:

DATE: August 25, 2004  
TIME: 11:00 a.m.  
PLACE: 519 Bragg Street, Sanford, NC

3. The Trustee has filed an application with the court to approve the employment of H. B. Smith, Jr. as auctioneer whose compensation shall be fixed at a rate not to exceed the following:

REAL PROPERTY

10% of first \$5,000.00  
3% of next \$ 10,000.00  
2% of next \$60,000.00  
1.5% of next \$120,000  
1% on balance

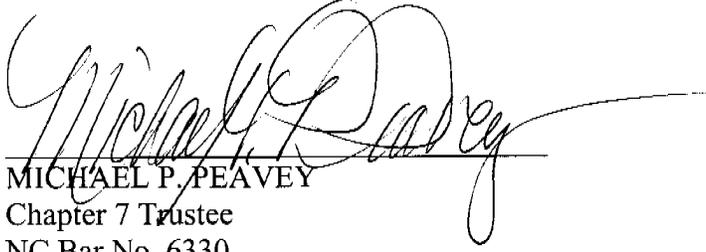
PERSONAL PROPERTY

10% of first \$ 25,000.00  
5% of next \$ 25,000.00  
2% of balance

4. The auctioneer shall be reimbursed for all reasonable and necessary expenses of sale. Such compensation and reimbursement of expenses shall be subject to final review by the court, without further notice.

5. An objection to the proposed sale and/or compensation of the auctioneer may be filed with the Clerk, U.S. Bankruptcy Court, P.O. Drawer 2807, Wilson, North Carolina, 27894-2807, **with a copy served on the Trustee whose name appears at the bottom of this notice, WITHIN FIFTEEN (15) DAYS** of the date of this notice. No hearing will be conducted on said objection unless the court, in its discretion, deems a hearing necessary, or unless a hearing is requested by the party filing such request. If a hearing is requested it will be held at a date, time and place to be later set by the court and all interested parties will be notified accordingly. Any party requesting a hearing shall appear at the hearing in support of such request or he may be assessed with costs.

DATED: August 3, 2004

  
MICHAEL P. PEAVEY  
Chapter 7 Trustee  
NC Bar No. 6330  
Post Office Box 1115  
Wilson, North Carolina 27894-1115  
Telephone No. (252) 291-8020

CERTIFICATE OF SERVICE

I, Michael P. Peavey of Post Office Box 1115, Wilson, North Carolina 27893; certify :

THAT I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 3<sup>rd</sup> day of August, 2004, I served a copy of the foregoing Notice of Postponement of Proposed Public Sale, Notice of Proposed Public Sale and Notice of Compensation of Auctioneer on those listed on Exhibit A attached hereto and incorporated herein by reference by depositing same in the United States mail, first class, postage prepaid.

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

This the 3<sup>rd</sup> day of August, 2004.

A handwritten signature in cursive script, reading "Michael P. Peavey", written over a horizontal line.

MICHAEL P. PEAVEY  
Chapter 7 Trustee  
NC Bar No. 6330  
Post Office Box 1115  
Wilson, North Carolina 27894-1115  
Telephone No. (252) 291-8020

Donald R. Hart  
4061 Lemon Springs Road  
Sanford, NC 27332

MBNA  
PO Box 15137  
Wilmington, DE 19886

Bruce Allen  
Allen Legal Services  
1000 Wildwood Drive  
Fayetteville, NC 28304

Providian  
PO Box 660490  
Dallas, TX 75266

Bankruptcy Administrator  
PO Box 3758  
Wilson, NC 27895-3758

RBC Centura Bank  
338 Carthage Street  
Sanford, NC 27330

Capital One  
PO Box 85617  
Richmond, VA 23276

Hartford Fire Ins. Co.  
P. O. Box 659519  
San Antonio, TX 78265

Central Carolina Supply  
911 Fields Drive  
Sanford, NC 27330

J & L Supply  
P. O. Box 642467  
Pittsburgh, PA 15264

Chevron  
PO Box 2001  
Concord, CA 94529-0001

FSNC  
P. O. Box 100256  
Columbus, SC 29202

Discover  
PO Box 6011  
Dover, DE 19903-6011

Lee Co. Tax Collector  
P. O. Box 1968  
Sanford, NC 27312

Dorothy Hart  
Address Unknown

First Bank  
830 Spring Lane  
Sanford, NC 27330

First Bank  
PO Box 926  
Troy, NC 27371

City of Sanford  
P. O. Box 1558  
Sanford, NC 27331

GM/Household Bank  
PO Box 4155  
Carol Stream 60197-4155

Lee County Tax Office  
106 Hillcrest Drive  
Sanford, NC 27330