

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:
JAMES L. COOPER
PATRICIA E. COOPER
DEBTORS

CASE NO.: 08-06758-8-JRL
CHAPTER 7

**NOTICE OF PROPOSED PUBLIC SALE OF REAL PROPERTY
AND NOTICE OF COMPENSATION TO AUCTIONEER**

TO: ALL CREDITORS, INDENTURE TRUSTEES AND OTHER PARTIES IN INTEREST

1. Per Bankruptcy Rules 2002(a), 6004 and 6007 and 11 U.S.C. §363, Notice is hereby given of the proposed public sale of certain real property being among the assets of debtors James L. Cooper and Patricia E. Cooper (the "Debtors") being that parcel of land located at 110 Discovery Trail, Hertford, NC together with all buildings and structures attached thereto and as more particularly described in the Motion for Sale as the "Property".

2. The sale is subject to approval of bids by the Chapter 7 Trustee and subsequent confirmation by the Bankruptcy Court. All bids made prior to approval and confirmation are subject to rejection.

3. Notice is further given that pending approval of the motion for public sale of personal property free and clear, filed simultaneously herewith, the Trustee proposes to sell the Property at public auction on **February 20, 2009 at 2:00 p.m., or shortly thereafter, on site at 110 Discovery Trail, Hertford, NC.**

4. The Trustee is filing an application to employ Mike Gurkins with Country Boys Auction and Company, Inc. as Auctioneer/Appraiser in this bankruptcy case. Pending approval of this application, the Auctioneer's commission will be fixed at a rate of the following:

REAL PROPERTY

10% of first \$25,000.00

4% of balance

PERSONAL PROPERTY

20% of first \$20,000.00

10% of next \$50,000.00

4% of balance

* The above scale includes compensation for all expenses associated with conducting a sale, such as advertising, fliers, postage mailing, electronic mail and signage. The Auctioneer may apply to the court for additional expenses such as hauling, repairs, expenses incurred for preserving the subject property such as winterizing, and assembly. Said application for additional expenses may be included in the Trustee's report of sale.

FURTHER NOTICE IS HEREBY GIVEN that this sale may be allowed to proceed provided no response and request for a hearing is made by the Debtor, Trustee or other parties in interest in writing to the Clerk of this Court within **TWENTY (20) DAYS** from the date of this notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed by the Debtor, Trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further Notice.

DATE OF NOTICE: January 7, 2009

s/ Eileen M. Bornstein

Eileen M. Bornstein

State Bar No. 28436

Attorney for Trustee

Post Office Box 7100

Rocky Mount, NC 27804-0100

(252) 937-2200

CERTIFICATE OF SERVICE

I, Eileen M. Bornstein, Attorney for Trustee in this action, hereby certify that on the 7th day of January, 2009, I served the documents to which this certificate is attached:

Notice of Proposed Public Sale of Real Property and Notice of Compensation to Auctioneer

by depositing a copy thereof postpaid in a post office or official depository under the exclusive care and custody of the United States Postal Service, in a wrapper, addressed to each of the following parties of interest in this action at the following last known addresses:

Ms. Marjorie K. Lynch Bankruptcy Administrator Eastern District of North Carolina P.O. Box 3758 Wilson, NC 27895-3758	Internal Revenue Service Attn: Special Procedures Staff 320 Federal Place Greensboro, NC 27402
Office of the Attorney General Department of Justice 10th St. & Constitution Ave. Washington, DC 20530	North Carolina Dept of Revenue Attn: Manager/Agent Office Services Division Bankruptcy Unit P.O. Box 1168 Raleigh, NC 27602-1168
North Carolina Dept of Revenue c/o N.C. Dept of Justice P.O. Box 629 Raleigh, NC 27602-0629	United States Attorney - EDNC Attn: Neil Fowler 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461
Wells Fargo, NA f/k/a Wells Fargo Home Mortgage c/o Sean Corcoran Brock and Scott, PLLC Attorneys for Wells Fargo 5121 Parkway Plaza Drive, Suite 300 Charlotte, NC 28217	Perquimans County Attn: Frank Heath, Assessor or Managing Agent P.O. Box 7 107 N. Front Street Hertford, North Carolina 27944
Town of Hertford Attn: Sylvia Anderson, Tax Collector or Managing Agent Post Office Box 526 Winton, NC 27986-0526	James L. Cooper Patricia E. Cooper 463 Holiday Lane Hertford, NC 27944
C. Everett Thompson, II C. Everett Thompson, II, P.A. 101 West Main Street Elizabeth City, NC 27909	

s/ Eileen M. Bornstein
Eileen M. Bornstein
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