

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION

IN RE:

ROBERT L. DAWSON FARMS, L.L.C.,  
  
DEBTOR.

CASE NO. 18-02433-5-DMW  
CHAPTER 11

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NOTICE OF PUBLIC SALE AND AUCTION

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**TO: ALL CREDITORS AND PARTIES IN INTEREST:**

**NOTICE IS HEREBY GIVEN**, in accordance with the Consent Order Establishing Procedure to Sell Personal Property Free and Clear of Liens and Other Interests by Private Sale or Public Sale and Distribution of Sales Proceeds to Lienholders [D.E. 341] entered on November 8, 2019 (the “November 2018 Sale Procedure Consent Order”), and the Order Allowing Motion for Approval of Sale of Additional Personal property Under Consent Order Establishing Procedure to Sell Personal Property Free and Clear of Liens and Other Interests by Private Sale or Public Sale and Distribution of Sales Proceeds to Lienholders [D.E. 388] entered on December 13, 2018 (the “December 2018 Sale Procedure Order”) (the November 2018 Sale Procedure Consent Order and the December 2018 Sale Procedure Order are collectively referred to herein as, the “Sale Procedure Order”), that based upon the approval granted therein by the United States Bankruptcy Court for the Eastern District of North Carolina (the “Court” or the “Bankruptcy Court”), the property described herein shall be sold via auction and public sale in the means and methods described herein.

**I. FORWARD AND INTRODUCTION**

This Notice of Public Sale and Auction (the “Notice of Public Sale”) is given for the purpose of providing all creditors and parties-in-interest with information reasonably calculated to allow for an informed decision as to the terms and conditions of the public sale and auction that was previously approved by the Bankruptcy Court in the Sale Procedure Order.

The personal property to be sold includes certain agricultural farm equipment owned by the Debtor, which is more specifically identified below (collectively, the “Property”). **The Debtor previously sought, and is authorized pursuant to the Sale Procedure Order, to sell the Property free and clear of any and all liens and other interest, with such liens and interests attaching to the proceeds pursuant to § 363 of the Bankruptcy Code, a copy of which is available online at [www.nceb.uscourts.gov](http://www.nceb.uscourts.gov) or upon written request to undersigned counsel for the Debtor.**

## II. PROPOSED PUBLIC SALE DATE

The public sale will be held on February 6, 2019 (the “Public Sale Date”), at 10:00 A.M. EST (the “Public Sale Start Time”) at 5902 North Carolina Highway 58 North, Stantonsburg, North Carolina (the “Public Sale Location”).

## III. COMMISSIONS TO AUCTIONEER

The Debtor has sought, by and pursuant to the Order Allowing Application for Employment and Compensation of Auctioneer and Liquidation Agent [D.E. 321] (the “CBA Employment Order”) entered by the Bankruptcy Court on October 26, 2018, employed and intends to compensate COUNTRY BOYS AUCTION & REALTY, INC. (“CBA”), as the auctioneer, assisting and conducting the public sale of the Property. Pursuant to Local Bankruptcy Rule 6005-1(a) and the Chapter 11 Administrative Guidelines, and under the CBA Employment Order, CBA shall receive the following commission relating to the public sale of the Property:

1. Twenty-percent (20%) of the first \$20,000.00 of personal property sold;
2. Ten-percent (10%) of the next \$50,000.00 of personal property sold; and
3. Four-percent (4%) of the remaining balance of personal property sold.

(collectively, the “Auctioneer’s Commission”).

## IV. REQUESTS FOR ADDITIONAL INFORMATION

Any party desiring additional information concerning the proposed public sale or this Notice of Public Sales, should contact the following entities:

<u>DEBTOR’S COUNSEL</u>	<u>AUCTIONEER</u>
Joseph Z. Frost STUBBS & PERDUE, P.A. 9208 Falls of Neuse Road, Suite 201 Raleigh, North Carolina 27615 Telephone: 919-870-6258 Telefax: 919-870-6259 Email: <a href="mailto:jfrost@stubbsperdue.com">jfrost@stubbsperdue.com</a>	Country Boys Auction & Realty Company, Inc. Attn: Mike Gurkins, President <i>Physical Address:</i> 1211 West 5th Street Washington, NC 27889 <i>Mailing Address:</i> Post Office Box 1903 Washington, NC 27889 Office: (252) 946-6007 Telefax: (252) 946-0460 Email: <a href="mailto:mgurkins@countryboysauction.com">mgurkins@countryboysauction.com</a> Website: <a href="http://www.countryboysauction.com">www.countryboysauction.com</a>

The Debtor is proposing an orderly, advertised public sale of the Property in a manner that the Debtor

believes will generate the maximum proceeds for distribution to all creditors. All distributions of the proceeds of sale will be in accordance with any existing security instruments, Orders of the Bankruptcy Court and the priorities set forth in the Bankruptcy Code.

#### V. DISCLAIMER

**THE BANKRUPTCY COURT HAS NOT REVIEWED THE INFORMATION PROVIDED IN THIS NOTICE OF PUBLIC SALE, AND HAS NOT OFFERED AN OPINION AS TO ITS ACCURACY, SUFFICIENCY OR COMPLETENESS. IT IS ANTICIPATED THAT THE BANKRUPTCY COURT MAY REVIEW THE DISCLOSURES MADE HEREIN AT THE HEARING IN CONSIDERATION OF THE MOTION.**

**THE PURPOSE OF THIS NOTICE IS TO PROVIDE CREDITORS WITH INFORMATION CONCERNING THE DEBTOR AND THE PUBLIC SALE, IN ADVANCE OF SAID PUBLIC SALE. THE DEBTOR, THROUGH COUNSEL, WILL ATTEMPT TO RESPOND TO ALL REASONABLE INQUIRIES CONCERNING THE INFORMATION PROVIDED HEREIN. PARTIES-IN-INTEREST ARE ENCOURAGED TO SEEK THE ADVICE OF COUNSEL TO MORE FULLY DETERMINE THEIR RIGHTS WITH RESPECT TO THE SALE CONTEMPLATED HEREIN.**

#### VI. GENERAL INFORMATION

The Debtor, a North Carolina limited liability company with its principal place of business located in Stantonsburg, Greene County, North Carolina, which is a farming operation engaged in the planting, cultivation, and harvest of soybeans, wheat, tobacco, and corn in and around Wilson County and Greene County, North Carolina, filed a voluntary petition seeking relief under chapter 11 of the Bankruptcy Code on May 14, 2018 (the "Petition Date"), BK Case No. 18-02433-5-DMW (the "Bankruptcy Case"), and currently operates as Debtor-in-Possession.

The Property, which will be sold via public sale, on the Public Sale Date, by Auctioneer at the Public Sale Location, is set forth on Exhibit A, which is incorporated herein by reference. Additional personal property and assets may be added to this sale only if specifically agreed to by the Debtor and any creditors holding liens on such asset.

Proceeds from the sale will be distributed pursuant to the priority of liens, the confirmed Plan, or according to separate Orders of this Court. Due to the manner of sale, it is unknown whether proceeds will be available for distribution to unsecured creditors.

**THE PROPERTY DESCRIBED HEREIN WILL BE SOLD PURSUANT TO THE SALE PROCEDURE ORDER—FREE AND CLEAR OF ALL ENCUMBRANCES, LIENS, INTERESTS AND CLAIMS, INCLUDING ALL CLAIMS AND POTENTIAL CLAIMS OF SECURED CREDITORS, TAXING AND OTHER GOVERNMENTAL AUTHORITIES, AND REMAINING CREDITORS OF THE BANKRUPTCY ESTATE.**

Typically, a sale of the type proposed by the Debtor requires the following attributes:



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**PERSONAL PROPERTY, EQUIPMENT, AND ASSETS TO BE SOLD**

DESCRIPTION OF PERSONAL PROPERTY, EQUIPMENT, AND ASSET	FIRST POSITION LIENHOLDER
First Products 8-Row Dry Fertilizer Sower	Ag Carolina Farm Credit, ACA
Anderson Hay Carrier	AgCarolina Farm Credit, ACA
Great Plains Planter, YP-1625A, Twin Row 30", 16 row	AgCarolina Farm Credit, ACA
1997 Powell 2-Wheel Tobacco Primer	BB&T
TAYLOR Blk Barn S/N 97319957-2-33	BB&T
(4) TAYLOR Blk Barns S/N: 9588	BB&T
LONG Bulk Barn, S/N 1143	BB&T
LONG Bulk Barn, S/N 1144	BB&T
Tytan Elite Bulk Barn, S/N TY88125	BB&T
JD 9770 STS Combine/Header/Unverferth	Deere
JD 6170R Tractor	Deere
2016 Checchi & Magli 8-Row Transplanter	Deere
JD 8350 Tractor, S/N 043901	Deere
Unverferth 2755 Seed Cart Stock S/N 062720124	Meherrin Agricultural & Chemical Co.
Granville Tobacco Field Carrier/Transport Box, S/N 3RTHHT050913-3	Southern Bank
Venneer Hay Cutter	Southern Bank
3-Pt Round Bale Squeeze	Southern Bank
Tobacco Bailer	Southern Bank
Tobacco Bailer	Southern Bank
2 sets of Reddick Saddle Tanks	Southern Bank
JD 6500 Hyboy Sprayer	Southern Bank
Tobacco Burners	Southern Bank
M & W Dynadrive 20'	Southern Bank
1997 Powell 3-Wheel Tobacco Primer	Southern Bank
1997 Powell 3-Wheel Tobacco Primer	Southern Bank
1 John Deere RTK Guidance System, Spray control system	Southern Bank
Case 3950 28.5" Disc Harrow	Southern Bank
Reddick 8-Row Tobacco Liquid Fertilizer Applicator	Southern Bank
Bale Bandit	Southern Bank
Bale Bandit	Southern Bank
Long All Metal 8 Box Barn #21, S/N 1108	Southern Bank
Long All Metal 8 Box Barn #22, S/N 1103	Southern Bank
Long All Metal 8 Box Barn #39, S/N 1125	Southern Bank
Long All Metal 8 Box Barn #40, S/N 1513	Southern Bank
2007 Unverferth Grain Cart	Southern Bank
8-Row Tobacco Bedder	Southern Bank
Tobacco Dump Boxes on Harvester (3)	Southern Bank
JD 612C 12-Row 30" Corn Head	Southern Bank
JD 6500 Hyboy Sprayer	Southern Bank
Dry Leaf Tobacco System with Conveyors, Bailer	Southern Bank
Barn Controls in Barns	Southern Bank
JD 4830 High Sprayer	Southern Bank
JD 8345R Tractor	Southern Bank
All Metal Taylor 10 Box Barn #29, S/N 164-TA-92	BB&T
All Metal Taylor 10 Box Barn #30, S/N 9587	BB&T
All Metal Taylor 10 Box Barn #31, S/N 9588	BB&T
Long All Metal 8 Box Barn #35, S/N: 1540	BB&T
Long All Metal 8 Box Barn #36, S/N 1541	BB&T
Long All Metal 8 Box Barn #53, S/N 1308	Southern Bank
Long All Metal 8 Box Barn #54, S/N 1348	Southern Bank
Long All Metal 8 Box Barn #55, S/N 1535	Southern Bank
Long All Metal 8 Box Barn #56, S/N 1534	Southern Bank
Taylor All Metal 10 Box Barn #10, S/N 97694	Southern Bank
Taylor All Metal 10 Box Barn #11, S/N 97692	Southern Bank
Taylor All Metal 10 Box Barn #4, S/N 96314122-1-19	Southern Bank
Taylor All Metal 10 Box Barn #5, S/N 97689	Southern Bank
Taylor All Metal 10 Box Barn #6, S/N 97690	Southern Bank
Taylor All Metal 10 Box Barn #7, S/N 97691	Southern Bank
Taylor All Metal 10 Box Barn #9, S/N 97693	Southern Bank

**EXHIBIT A**