

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

IN RE:

**BILLY HADDOCK & SON FARMS,
A N.C. GENERAL PARTNERSHIP**

**CASE NO.: 18-05179-5-JNC
CHAPTER 11**

DEBTOR.

NOTICE OF PROPOSED PUBLIC SALE AND COMMISSIONS TO AUCTIONEER

TO: ALL CREDITORS AND PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that provided no objections by a party in interest are filed with this Court on or before **March 4, 2019** (the “Response/Objection Deadline”), upon approval of 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.

FORWARD AND INTRODUCTION

This Notice 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 whether to support, object or abstain with respect to this Notice of Proposed Public Sale and Commissions to Auctioneer (the “Notice”).

The personal property to be sold includes farm equipment previously used in the Debtor’s row crop farming business along with various titled vehicles owned by the Debtor, which are more specifically identified on the attached Exhibits A & B (collectively, the “Property”). The Debtor has attempted to be inclusive of all property to be sold, however, parties should check the auctioneer’s website prior to the sale for a more detailed list of the Property, www.countryboysauction.com. In the event, that encumbered property was left off of the Exhibits, this property may be sold with the consent of the applicable lienholder(s), if any. The Debtor filed a Motion to Sell Property Free and Clear of Liens and Other Interests with Liens To Attach to Proceeds simultaneously with the filing of this Notice, which is available online at www.nceb.uscourts.gov.

PROPOSED PUBLIC SALE DATE AND LOCATION

The public sale will be held on **March 6, 2019 at 10:00 a.m.** and will be conducted by Country Boys Auction & Realty Co., Inc., and held at **5913 Beaver Dam Road, Ayden, North Carolina 28513** (the “Proposed Sale”).

COMMISSIONS TO AUCTIONEER

An Application to Employ Auctioneer is being filed simultaneously with the filing of this Notice seeking the employment of Country Boys Auction & Realty Co., Inc., as the Auctioneer for the Chapter 11 Debtor. Pursuant to Local Bankruptcy Rule 6005-1(a) and the Chapter 11 Administrative Guidelines, Country Boys shall receive the following commission (collectively, the "Auctioneer's Commissions") relating to the proposed 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.

REQUESTS FOR ADDITIONAL INFORMATION

Any party desiring additional information concerning the proposed sale or this Notice should contact counsel for the Debtor, as follows:

**Landon G. Van Winkle, Esq.
STUBBS & PERDUE, P.A.
9208 Falls of Neuse Road, Suite 201
Raleigh, North Carolina 27615
Telephone: (919) 870-6258
Telefax: (919) 870-6259**

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

DISCLAIMER

THE BANKRUPTCY COURT HAS NOT REVIEWED THE INFORMATION PROVIDED IN THIS NOTICE, 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 PROPOSED PUBLIC SALE, IN ADVANCE OF THE 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.

GENERAL INFORMATION

The Debtor is a family-owned and operated row crop farming operation company, which was formed as a general partnership under the laws of the State of North Carolina, and maintains a principal place of business is in Grimesland, Pitt County, North Carolina.

The Debtor filed a voluntary petition seeking relief under chapter 11 of the Bankruptcy Code on October 23, 2018.

The Debtor is proposing, after notice to all creditors, to sell the Property described herein, and firmly believes that approval of the public sale is in the best interest of all creditors and parties in interest. Country Boys shall conduct the public sale of the assets as proposed herein, with all net proceeds from the sale of these assets to be distributed in accordance with the priorities of the Bankruptcy Code and future orders of the Bankruptcy Court.

Country Boys may solicit private sales of the Property, in advance of the public sale. Any offers of private sale received by the Debtor will be subject to approval of the Bankruptcy Court.

The Debtor proposes to distribute all proceeds of sale first to payment of expenses allowed under 11 U.S.C. §506(c) and then to holders of liens upon the Property, pursuant to Orders of the Bankruptcy Court.

THE PROPERTY DESCRIBED HEREIN WILL BE SOLD 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 ESTATE.

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

- | | |
|------------------------------------|-----------------------------------|
| 1. Sound business reason; | 3. Fair and reasonable price; and |
| 2. Accurate and reasonable notice; | 4. Existence of good faith. |

The Debtor believes the foregoing requirements are satisfied by way of this Notice. First, the proceeds from a sale of the Property will reduce the claims of certain creditors. Second, the Debtor asserts that this Notice provides suitable information necessary to determine whether or not to oppose the sale. Additional information can be obtained by contacting the undersigned attorney. Third, the Debtor asserts that the sale, adequately noticed, provides a fair means of liquidating the Property. Finally, the Debtor asserts that the proposed sale will be conducted in good faith and should bring a fair price for the Property. The Debtor will retain no interest in the Property following the sale.

FURTHER NOTICE IS HEREBY GIVEN that any objection to the proposed public sale must be filed with the Clerk of the United States Bankruptcy Court, with a copy served on the counsel for the Debtor, whose name appears at the bottom of this Notice, on or before **March 4, 2019**. If a response and a request for a hearing is filed by a party in interest in writing within the

time indicated, a hearing will be conducted on this Notice and any response thereto on **Tuesday, March 5, 2019 at 10:00 a.m. at the Randy D. Doub United States Courthouse, 150 Reade Circle, 2nd Floor Courtroom, Greenville, North Carolina 27858.** Any party filing an objection shall appear at said hearing in support of such request or he may be assessed Court costs. If no objection to the sale is timely filed, the Court may rule on this Notice and Response thereto *ex parte* without further notice.

DATED: 02/06/2019

STUBBS & PERDUE, P.A.

BY: s/Landon G. Van Winkle

LANDON G. VAN WINKLE, NCSB No. 52590
lvnwinkle@stubbsperdue.com

9208 Falls of Neuse Road, Suite 201
Raleigh, North Carolina 27615
Telephone: (919) 870-6258
Telefax: (919) 870-6259



EQUIPMENT- Billy Haddock & Son Farms

New Holland T7.260, S/N ZDBZ 18862
New Holland 270 T7 Tractor 140 HP, S/N ZDBZ16454

New Holland T5070 Tractor with New Holland Loader
New Holland TSA - 115 Deluxe Tractor

New Holland T8 - 360 Tractor

John Deere S105 Tractor with Bush Hog 346 Loader

New Holland CR9070 Grain Combine
New Holland 94C, 30 ft. Draper Bean Platform/Trailer
2-New Holland 98D - 8 row Corn Head
Case International 2162 - 30 ft. Flex Draper Bean Platform
Unverfert HC - 25 Grain Head Trailer
EZ Trail Grain Head Trailer
JD 9970 Cotton Picker, S/N 002197 with attachments, accessories, components
New Holland 9060 Grain Combine
Amadas 6-row Peanut Combine

(6) 43 ft. - 48 ft. Peanut Van Trailers
KMC 8 row Peanut Plow

Amadas 2100 - 6 row Peanut Combine
KMC 4810 Peanut Dump Cart
Ferguson 6 row Peanut Fluffer
(2) Roanoke dual axle Peanut Trailers
Brent 620 Grain Cart
GSI 30,000 Bushel Grain Bin
Long 30,000 Bushel Grain Bin
Long 20,000 Bushel Grain Bin
GSI Super 8 Grain Drying Unit
4,000 Bushel Wet Tank
(7) Unico 3500 Bushel Grain Bins
Unico 10,000 Bushel Grain Bin
Walinga 6614 Grain Vac
GSI 20 ft. Auger
Westfield 72 ft. Grain Auger

(2) Blue Line LP Gas Dryers

Yale 5,000 Pound Fork Lift

Patriot 150 Self Propelled Sprayer
Case IH 3185 Patriot Sprayer
GVM Prowler Spreader with New Leader G4 Body
(w/narrow row tires & a set of floatation tires)

Reddick offset Trencher

Landoll 7431 -28 ft. Disc Harrow

Kuhn 28 ft. Hydraulic Fold Disc Harrow

OMI 2800 - 8 row 800 Gallon Nitrogen Rig

Long 1199 - B 3 pt. Backhoe

(2) Harrell S Bottom Switch Flows

Long Traveler Irrigation Reel

Berkely Irrigation pump with JD Diesel Motor

Berkely Irrigation pump with JD Diesel Motor (fire damage)

New Holland BR740 Hay Baler

New Holland 1411 Discbine Hay Cutter

John Deere 702 Hay Rake

John Deere MaxEmerge Plus Vacuum Planter

Unverferth Ripper Stripper with 8 row White 6700 Planters & assist wheel

John Deere 7340 8 row MaxEmerge 2 Vacuum Planter

KMC 8 row Stack Fold Bagger with Bed Shears

Speed King Seed Cart with unloading Auger

Great Plains 2000 - 20 ft. Grain Drill with Coulters Cart

Reynolds Bush Ax 195 long arm cutter

Midland 5 yard Dirt Pan

5 ft. Box Blade

Punco 30 ft. Pull Type Roller

Bush Hog 8 ft. Hydraulic Blade

Bush Hog 14 ft. Cutter

Grasshopper 721D Riding Lawn Mower

EZ Go Golf Cart

Farm Tool 20 ft. Field Cultivator

Case IH 181 Rotary Hoe

Coastal 200 gallon Sprayer

Dondi RS5 Ditcher

Hardac Ditch Bank Cutter

Bush Hog 12720 Bat Wing Mower

(3) 2500 Poly Tanks

18,000 gallon LP Tank

1200 gallon Nurse Tank

6,000 gallon Fiberglass Tank

(2) 6,000 gallon Poly Tanks

(3) 1,200 gallon Poly Tanks

Variety of Saddle Tanks



Year	Vehicle Description	VIN	Lienholder
1984	Dodge Truck	1B7KD34W9ES275679	NONE
1977	Chevrolet Truck	CCE677V109221	NONE
1998	Ford Med/Hvy Conventional Truck	1FDNF80CXWVA28120	NONE
1998	GMC Sierra Truck	1GTEC14W5WZ509572	NONE
1995	Vogue Mobile Home	NCFLS41A33884V022	NONE
1989	Ford Med/Hvy Conventional Truck	1FDXF70K7KVA46059	NONE
2000	Ford Ranger	1FTYR10V7YPA45062	NONE
1997	International 8000 Series Tractor Trailer	1HSHCAHR4VH475640	NONE
1991	Font Trailer - Flatbed	13N148305M1552673	NONE
1994	Pine Trailer	1PNV452S2RKB53822	NONE
1995	Monn Trailer	1NNZS4529SM236999	NONE
1985	East Trailer	1E1F2N282FRC06404	NONE
1995	Stou Trailer	1DW1A4525SS890273	NONE
1994	Pine Trailer	1PNV452S3RKB53828	NONE
2008	Jetc Trailer - Hopper Bottom	5JNGS40298H000222	NONE
2008	Chevrolet Trailerblazer	1GNDS13S682131181	NONE
2011	International Prostar Tractor Trailer	3HSCUAPRXBN194047	NONE
1999	Great Dane Drying Trailer	1GRAA9628XS052365	AgCarolina Farm Credit
1998	Dorsey Drying Trailer	1DTV11526WA262635	AgCarolina Farm Credit
1996	Ford Conventional Truck	1FDYW82EXTVA00700	NONE
1986	West Mobilehome - OFFICE	F2D36S1FL2724GA	NONE
1995	GMC Truck	1GDE6H1J5SJ507057	NONE
2001	Ford DRW Super Duty Truck	1FTWW32F51EC54173	NONE
1981	Ford Truck	1FDNK64NXBVA02316	NONE
2004	Ford SRW Super Duty Truck	1FTNW21P94EB66635	NONE
1995	Ford Conventional Truck	1FTYY95UXSVA71708	NONE
2004	Freightliner Tractor Trailer	NCS96562	NONE
1985	Ford Truck	1FDNK64N1FVA10214	NONE
2002	BJS Trailer	B00000007X16BJS25	NONE
2009	Crustbuster Utility Trailer	4C9BU142792219224	NONE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is, and at all times hereinafter mentioned was, more than eighteen years of age and on this date, true and accurate copies of the foregoing **NOTICE OF PROPOSED PUBLIC SALE AND COMMISSIONS TO AUCTIONEER** were electronically filed utilizing the CM/ECF system, notification of which was remitted to the following CM/ECF participants:

Marjorie K. Lynch, Esq.
BANKRUPTCY ADMINISTRATOR

Matthew P. Weiner, Esq.
Poyner Spruill LLP
Attorneys for AgCarolina Farm Credit, ACA

Caren D. Enloe, Esq.
Smith Debnam et al
Attorneys for CNH Industrial Capital America, LLC

The undersigned further certifies that true and accurate copies of the foregoing were served on the parties listed below, by depositing a copy of the same with the United States Postal Service, bearing sufficient postage for mailing via first-class mail delivery:

Billy Haddock & Son Farms
Attn: Brian Haddock
5370 NC Hwy 102 E
Grimesland, NC 27837

Country Boys Auction & Realty Inc.
Attn: Mike Gurkins, President
1211 West 5th Street
Washington, North Carolina 27889

Office of the United States Attorney
Attn: Civil Process Clerk
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, North Carolina 27601-1461

Internal Revenue Service
Attn: Office of Chief Counsel
Alamance Blvd Mail Stop 24
4905 Koger Blvd.
Greensboro, North Carolina 27407-2734

NORTH CAROLINA DEPARTMENT OF
JUSTICE
Office of the Attorney General for the State of
North Carolina
Attn: David Lennon, Esq.
Post Office Box 629
Raleigh, North Carolina 27602

North Carolina Department of Revenue
Office Services Division
Bankruptcy Unit
Post Office Box 1168
Raleigh, North Carolina 27602-1168

North Carolina Department of Commerce
Division of Employment Security
Attn: Manager or Agent
Post Office Box 26504
Raleigh, North Carolina 27611

USDA – Farm Service Agency
Attn: Officer, Mgr. or Agent
4407 Bland Road, Suite 175
Raleigh, NC 27609

D. Scott Elliott, Manager
For Pitt County
1717 W. 5th Street
Greenville, North Carolina 27834

Pitt County Tax Collector
Attn: Manager or Agent
P.O. Box 875
Greenville, NC 27835

Town of Grimesland
Attn: Barbara Chitmon, Town Clerk
7592 Pitt Street
Grimesland, NC 27837

Executed this, the 6th day of February, 2019.

s/Landon G. Van Winkle
LANDON G. VAN WINKLE, NCSB No. 44387
lvanwinkle@stubbsperdue.com

STUBBS & PERDUE, P.A.
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