

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

IN THE MATTER OF:

CASE NO.:

**WILLIAM DAVID ASKEW
Debtor**

**18-00413-5-DMW
CHAPTER 12**

**AMENDED NOTICE OF PROPOSED PUBLIC SALE,
NOTICE OF COMPENSATION OF AUCTIONEER**

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

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 the Debtor in the above referenced case (“Trustee”) proposes to sell the personal property detailed on Exhibit “A” (“Property”) attached hereto. This sale was set out in the Debtor’s confirmed Chapter 12 Plan. **THE PURPOSE OF THIS AMENDMENT IS TO CHANGE THE SALE DATE AND ADVISE AS TO A NEW AUCTIONEER**

NOTICE IS HEREBY GIVEN the Debtor proposes to sell at public auction the property described below at the date, time and place and in the manner hereinafter set out:

SALE DATE & TIME: MARCH 9, 2019 at 10:00 am

DESCRIPTION: The Equipment listed on Exhibit A attached hereto shall be sold. *Please note that the Court has previously entered an order allowing the sale of this items free and clear of liens (Order Dated April 24, 2018 – DE 47)*

SALE LOCATION: 5686 Hornes Road, Elm City, NC

FURTHER NOTICE IS GIVEN that the Debtor reserves the right to withdraw equipment from the sale, without further notice, up to and including 48 hours prior to the sale. The Debtor reserves the right to recommend to the Court that some high bids not be confirmed.

FURTHER NOTICE IS GIVEN that the Debtor Goins Auction, Inc. was previously approved to conduct the auction. The auction company recently suffered a loss through a fire and will not be able to serve as auctioneer for this sale. The Debtor will be filing an application to approve the employment of Dale Dunn or RDD Auction, LLC as auctioneer, whose compensation shall be fixed at a rate not greater than the following:

PERSONAL PROPERTY

20% on first \$20,000
10% on next \$50,000
4% on the 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 and assembly.

If you do not want the Court to allow the sale and compensation, or if you want the Court to consider your views on the sale and compensation, then on or before **February 25, 2019**, written response, an answer explaining your position.

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
Chapter 12 Trustee
P.O. Box 1687
Angier, NC 27501-1687
Via CM-ECF

William D. Askew
6357 Sapony Trail
Elm City NC 27822

John G. Rhyne, Esq.
P.O. Box 8327
Wilson, NC 27893

Bankruptcy Administrator, EDNC
434 Fayetteville Street Mall
Suite 640
Raleigh, NC 27601

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the notice at a date, time and place to be later set and all parties will be notified accordingly.

This the 1st day of February, 2019.

/S/ John G. Rhyne
John G. Rhyne
State Bar No: 17570
P.O. Box 8327
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Telephone: (252) 234-9933
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EXHIBIT A TO NOTICE OF PUBLIC SALE

Kind	Manufacturer	Size and Type	Year	Serial or Model no.
Tractor	John Deere	7800 4wd cab	2009	RW7800H016227
Tractor	John Deere	4440	1980	006143R
Tractor	John Deere	4040	1979	4131
Tractor	Case	1896	1989	17895530
Grain Head	John Deere	925 25'		
Forklift	Nissan	5000 LP		
2 Bottom Plows	Harrell	6 switch		3P1091278
Plow	Sukup	4-row		
Chisel Plow	King	11 Tine		64627
Disc Harrow	Case/IHC	3900		JAG0741395
Disk	Krause	25 ft.		
Ripper Bedder	KMC	6 Row	2005	67580
Ripper Bedder	KMC	4 Row		55731
V Ripper	KMC	7 Shank 10'		56761
Sub-soiler	Bigham Bros.	16ft		
Land Conditioner	Krause	Landsman 3124A	2000	2570
Field Conditioner	KMC	16'		51340
Field Conditioner	Unverferth	5'		A45-830128
Cultivator	KMC	4 row		6445
5 Tine Cultivator	Lilliston	5 row		
Ridger	W&A	4 row		
		6 row w/JD 71		
Ripper Bedder Planter	KMC	planters		15380
Grain drill	Great Plains	20 drops		GP 3901B
		Maximerge 2, 11		
Planter	John Deere	row	2000	H07340A101357
Planter	John Deere	1700 6 row	2005	1700R695678
Transplanter	Mechanical	4 row 6000 carousel		
Transplanter	New Holland	4 row		
Transplanter	Mechanical	4 row	2011	
Nitrogen Rig	Reddick	4 row		
Rolling Cultivator	Lilliston	4 row		
Sprayer	Agchem	Rogator 854		
Hycle Sprayer	John Deere	6000	1989	TV06000X019047
Hooded Sprayer	Sheppard	200 Gallon	2009	
Sprayer	Riddick	3 pt. 300 gallon		
Irrigation Reel	Hobbs	3"	1990	T10256
Harvester	Powell	Generation 5		
Tobacco Primer	Taylor			
Greenleaf System	Taylor			

5-Bulk Barns	DeCloet	15 box	1988	
Tobacco Bailer	Strickland			
Module Builder	Taylor		1995	25-95
Long Reach Cutter	Hardee	5'		H-2060-Co
Rotary Cutter	Bush Hog	SQ 720 6'	2009	12-47564
Rotary Cutter	Hardee	7ft		102167

2-Green Houses		Transplant Systems		
Green house	Decloet			

Truck Spreader	BMY	5 ton fert. Spreader	1990	
		% ton litter		
Truck Spreader	BMY	spreader	1989	

Cut Bus	International	4700		
Cut bus	International	4700	1996	
Dump Trailer	Fruehauf	32'	1988	
Road Trailer	Great Dane	48'	1993	
Utility Trailer	Shopmade	16'	1997	
3/4 ton 4 wd 2500	Chevrolet		1996	
Dump 2 ton 4700	International		1997	

3500 1 ton 4wd tool boxes Chevrolet

2500 D3/4 ton tool boxes	Dodge			
Flat Bed Bus 4700	International		1989	
Short Bus	International			
Truck	Chevrolet	3500 4wd	2003	
Truck	Chevrolet	2500	2002	
SUV	Chevrolet	Suburban	2003	
Bus	IH		1993	
Truck	Chevrolet	3500	2001	
Truck	Chevrolet	2500	2005	
Bus	IH		1987	
Bus	Chevrolet		1989	
Bus	IH		1988	
Road Tractor	Freighliner	FL120	1993	
Bus	IH	4700	1996	
Bus	IH		1990	

CERTIFICATE OF SERVICE

I, John G. Rhyne, of the Law firm of John G. Rhyne, Attorney at Law, of P.O. Box 8327, Wilson, North Carolina 27893, certify:

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

That on February 1, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. By filing the pleading using the CM/ECF system, the parties listed below will either receive notification of such filing by way of CM/ECF or by depositing copies thereof in the United States mail, first class mail, postage prepaid, an envelope addressed as shown below.

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

Dated: February 1, 2019.

s/ John G. Rhyne

John G. Rhyne

P.O. Box 8327

Wilson, NC 27893

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RECIPIENTS:

Attached Matrix

Case 18-00413-5-DMW Doc 149 Filed 02/01/19 Entered 02/01/19 11:28:35 Page 7 of 7
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Elm City, NC 27822

Richard Dewitte Sparkman
Chapter 12 Trustee
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Angier, NC 27501-1687

Bankruptcy Administrator, EDNC
434 Fayetteville Street Mall
Suite 640
Raleigh, NC 27601

North Carolina Department of Revenue
Attn: Bankruptcy Section
P.O. Box 1168
Raleigh, NC 27602

North Carolina Department of Commerce
Division of Employment Security
P.O. Box 26504
Raleigh, NC 27611

U.S. Securities & Exchange Commission
Atlanta Regional Office
950 E Paces Ferry Rd. NE, Suite 900
Atlanta, GA 30326-1382

Secretary of the Treasury
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Washington, DC 20220

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Dallas, TX 75261-9741

updated 4-10-18