

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

IN RE:

**COURTNEY BAKER PLUMBING, INC.,

DEBTOR.**

**CASE NO.: 18-00190-5-SWH
CHAPTER 11**

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 **February 7, 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 real property to be sold includes three (3) tracts of real property in Cumberland County, North Carolina, owned by the Debtor, which are more specifically identified on the attached Exhibit A (collectively, the “Property”). The Debtor filed a Motion to Sell Property at Public Auction 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 sales will be held on March 20, 2019, at 10:00 am for both of the Doc Bennett Road Properties, and at 12:00 pm for 8448 King Road, on site at each Property address identified on Exhibit A (the “Proposed Sale”).

COMMISSIONS TO AUCTIONEER

An Application for Employment and Compensation of Auctioneer (D.E. 186; the “Application”), seeking the employment of Country Boys Auction & Realty Co., Inc., as the Auctioneer for the Chapter 11 Debtor, was filed with the Court on November 29, 2018, and was approved by Order entered December 27, 2018 (D.E. 197; the “Order Employing Auctioneer”). Pursuant to the Order Employing Auctioneer, 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. Ten percent (10%) of the first \$25,000.00 of real property sold; and
2. Four percent (4%) of the remaining balance of real 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:

**Joseph Z. Frost, 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 plumbing company, which was formed as a corporation on August 15, 2002 under the laws of the State of North Carolina, and which maintains a principal place of business in Fayetteville, Cumberland County, North Carolina. The Debtor provides a vast array of plumbing services to residential and commercial customers in and around Cumberland County, North Carolina.

The Debtor filed a voluntary petition seeking relief under chapter 11 of the Bankruptcy Code on January 15, 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 any existing security instruments, 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 pursuant to the priority of liens upon the Property or pursuant to separate Orders of the Bankruptcy Court. It is unknown whether proceeds will be available for distribution to unsecured creditors.

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;
2. Accurate and reasonable notice;
3. Fair and reasonable price; and
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 **February 7, 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 **February 12, 2019 at 10:00 am** at the United States Bankruptcy Court, 300 Fayetteville Street, 2nd Floor Courtroom, Raleigh, North Carolina. 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: 01/14/2019

STUBBS & PERDUE, P.A.

BY: s/Joseph Z. Frost

JOSEPH Z. FROST, NCSB No. 44387

jfrost@stubbsperdue.com

9208 Falls of Neuse Road, Suite 201

Raleigh, North Carolina 27615

Telephone: (919) 870-6258

Telefax: (919) 870-6259

EXHIBIT A

| Property Address | County | Parcel No. | Deed Reference (Book/Page) | Acreage (+/-) |
|---|---------------|-------------------|-----------------------------------|----------------------|
| 3054 Doc Bennett Road Fayetteville, NC 28306 | Cumberland | 0435-22-3194 | 8212/71 | 1.42 |
| 3068 Doc Bennett Road Fayetteville, NC 28306 | Cumberland | 0435-22-4012 | 8212/71 | 0.87 |
| 8448 King Road Fayetteville, NC 28312 | Cumberland | 9484-88-4304 | 10213/264 | 0.46 |

*****Each of the above-listed parcels of real property are encumbered by numerous liens, encumbrances, and other claims of record.** For a description of these encumbrances, see the Motion to Sell Real Property at Public Auction Free and Clear of Liens and Other Interests with Liens to Attach to Proceeds (the “Motion”) filed by the Debtor contemporaneously with this Notice.

The Motion may be retrieved electronically through the Public Access to Court Electronic Records (“PACER”) website maintained by the Administrative Office of the United States Courts at <https://www.pacer.gov/> by creating an account and accessing the docket of the above-captioned Bankruptcy Case.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is, and at all times hereinafter was, more than eighteen (18) years of age and on this day, a copy of the foregoing **NOTICE OF PROPOSED PUBLIC SALE AND COMMISSIONS TO AUCTIONEER** was electronically filed utilizing the CM/ECF system, notification of which was remitted to the following CM/ECF participants:

Marjorie K. Lynch, Esq.
BANKRUPTCY ADMINISTRATOR

David L. Ray, Esq.
For BB&T

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:

Courtney Baker Plumbing, Inc.
Attn: Courtney Parker, President
1203 Wild Pine Drive
Fayetteville, NC 28312

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

Marjorie K. Lynch, Esq.
BANKRUPTCY ADMINISTRATOR
434 Fayetteville Street, Suite 640
Raleigh, North Carolina 27601

David L. Ray, Esq.
For BB&T
1411 Commonwealth Drive, Ste 302
Wilmington, NC 28403

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

Branch Banking & Trust
Company Attn: Chad Fluno
P.O. Box 1847
Wilson, NC 27894 - 1847

Cumberland County Manager
Attn: Amy H. Cannon, Manager
For Cumberland County Tax Department
117 Dick Street
Fayetteville, North Carolina 28301

Cumberland County Tax Collector
Attn: Manager or Agent
P.O. Box 449
Fayetteville, NC 28302

Corporation Service Company
Attn: Officer, Manager or Agent
P.O. Box 2576
Springfield, IL 62708

Knight Capital Funding II, LLC
Attn: Officer, Manager or Agent
1691 Michigan Avenue, Ste 230
Miami Beach, FL 33139

City of Fayetteville Tax
c/o Cumberland County Tax Collector
Attn: Manager or Agent
P.O. Box 449
Fayetteville, NC 28302

City of Fayetteville
Attn: Doug Hewitt, City Manager, or his
Successor
433 Hay Street
Fayetteville, NC 28301

Wells Fargo Bank, N.A.
c/o: Corporation Service Company, Registered
Agent
2626 Glenwood Avenue
Suite 550
Raleigh, NC 27608

Charleston Group
Attn: Jonathan Charleston
201 Hay Street
Suite 2000
Fayetteville, NC 28302

North Carolina Department of Labor
Attn: Jill Cramer, General Counsel & Process
Agent
4 West Edenton Street
Raleigh, NC 27601-1092

Noland Company
c/o: Corporation Service Company, Registered
Agent
2626 Glenwood Avenue
Suite 550
Raleigh, NC 27608

United States of America, through its agency,
the Internal Revenue Service
Attn: Acting Attorney General of the United
States
Robert F. Kennedy Building
Suite 5137
950 Pennsylvania Avenue NW
Washington, DC 20530

North Carolina Department of Commerce
Division of Employment Security
Attn: R. Glen Peterson, Chief Counsel &
Process Agent
c/o: Legal Services Division
Post Office Box 25903
Raleigh, North Carolina 27611-5903

Unitedhealthcare of North Carolina, Inc.
c/o: CT Corporation System, Registered Agent
160 Mine Lake Court
Suite 200
Raleigh, NC 27615-6417

Bobby Taylor Oil Co., Inc.
Attn: John Robert Taylor, Registered Agent
4501 Ramsey Street
Fayetteville, NC 28311

Wade Hardin Plumbing, Inc.
Attn: Wade Hardin, Registered Agent
2520 Gillespie Street
Fayetteville, NC 28306-3052

Executed this, the 14th day of January, 2019.

s/Joseph Z. Frost
JOSEPH Z. FROST, NCSB No. 44387
jfrost@stubbsperdue.com

STUBBS & PERDUE, P.A.
9208 Falls of Neuse Road, Suite 201
Raleigh, North Carolina 27615