

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

**IN RE:**

**PREVO, JAMES MICHAEL**

**DEBTOR**

**CASE NO.:**

**17-01206-5-SWH**

**CHAPTER 7**

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

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**TO: ALL PARTIES IN INTEREST**

**NOTICE IS HEREBY GIVEN** in accordance with Bankruptcy Rules 2002(a) and (c), 6004 and 6007, and 11 U.S.C. § 363, that Algernon L. Butler, III, Chapter 7 Trustee in the above referenced case, proposes to sell at public auction the following described property at the time, date and place and in the manner hereinafter set out:

**Property to be Sold:** Real Property located at 528 White Oak Street, Asheboro, Randolph County, North Carolina – Parcel ID 7751852510

(This property is owned 1/3 by the bankruptcy estate, and 2/3 by a co-owner Ms. Hope Haywood – all interests will be sold and the property conveyed as a whole)

**Date and Time of Sale:** May 21, 2019 - 10:00 a.m.  
(or at such alternative time as may be later noticed or then stated)

**Location of Sale:** On site - at 528 White Oak Street, Asheboro, Randolph County, North Carolina

**Additional terms:** Conveyance by Special Warranty Deed

Ad valorem taxes on real property shall be prorated on a calendar year basis through the date of Closing.

**FURTHER NOTICE IS HEREBY GIVEN** that the Trustee has filed an application with the Court to approve the employment of Mr. Mike Gurkins of Country Boys Auction & Realty as auctioneer whose compensation shall be fixed at a rate not to exceed the following, which shall include all regular expenses associated with conducting a sale except that the Auctioneer/Broker requests that he be allowed reimbursement for advertising expenses after further application to the Court:

**REAL PROPERTY**

10% of first \$25,000.00

4% of balance

The compensation and allowed reimbursement to be paid to the auctioneer shall be paid from the closing proceeds ahead of and assessed against any secured claims upon sale approval.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in these bankruptcy cases. (If you do not have an attorney, you may wish to consult one.)

**FURTHER NOTICE IS HEREBY GIVEN** that any objection to the proposed public sale of the property and/or compensation of auctioneer may be filed with the Clerk, U. S. Bankruptcy Court, P.O. Box 791, Raleigh, NC 27602, with a copy served on the Trustee whose name appears at the bottom of this notice, no later than May 13, 2019. No hearing will be conducted on said objection unless the Court, in its discretion, deems a hearing necessary, or unless a hearing is requested by the party filing such request. Any party requesting a hearing shall appear at the hearing in support of such request or they may be assessed with costs.

Dated: April 18, 2019

BUTLER & BUTLER, L.L.P.

s/Algernon L. Butler, III \_\_\_\_\_

Algernon L. Butler, III  
Attorneys for the Trustee  
NC State Bar No. 20881  
P. O. Box 38  
Wilmington, NC 28402  
Telephone (910) 762-1908  
Email: albutleriii@butlerbutler.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under penalty of perjury that (s)he is over eighteen (18) years of age, and that the

**Notice for Proposed Public Sale of Property and Notice of Compensation of Auctioneer**

in the above captioned case was this day served upon the below named persons by mailing, postage prepaid, first class mail, of a copy of such instrument to such persons, parties and/or counsel at the address shown below:

Bankruptcy Administrator  
U. S. Bankruptcy Court  
434 Fayetteville Street, Suite 640  
Raleigh, NC 27601

Mike Gurkins  
Country Boys Auction and Realty  
P.O. Box 1903  
Washington, NC 27889

James Michael Prevo  
317 Waterway Dr.  
Sneeds Ferry, NC 28460

Christopher T. Vonderau  
Law Offices of Christopher T. Vonderau  
4022 Shipyard Blvd.  
Wilmington, NC 28403

And see the attached mailing matrix.

Dated: April 18, 2019

s/Lori G. Harvey  
Paralegal for Algernon L. Butler, III, Trustee  
P.O. Box 38  
Wilmington, NC 28402  
(910) 762-1908

PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL  
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING  
04175  
CASE 17-01206-5-SWH  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH  
THU APR 18 14-56-44 EDT 2019

JAMES B ANGELL  
HOWARD STALLINGS ET AL PA  
PO BOX 12347  
RALEIGH NC 27605-2347

BANKRUPTCY ADMINISTRATOR  
TWO HANNOVER SQUARE STE 640  
434 FAYETTEVILLE STREET  
RALEIGH NC 27601-1701

~~EXCLUDE~~

~~ALGERNON L BUTLER III  
BUTLER BUTLER LLP  
P O BOX 30  
WILMINGTON NC 28402-0030~~

~~EXCLUDE~~

~~BUTLER BUTLER LLP  
PO BOX 30  
WILMINGTON NC 28402-0030~~

CHASE CARD  
ATT MANAGING OFFICERAGENT  
PO BOX 15298  
WILMINGTON DE 19850-5298

DISCOVER BANK  
DISCOVER PRODUCTS INC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

DISCOVER FIN SVCS LLC  
ATT MANAGING OFFICERAGENT  
PO BOX 15316  
WILMINGTON DE 19850-5316

CDITECH FINANCIAL LLC  
ATT MANAGING OFFICERAGENT  
332 MINNESOTA ST STE E610  
SAINT PAUL MN 55101-1311

EMPIRE PROPERTY MANAGEMENT  
ATTN MANAGING OFFICERAGENT  
PO BOX 3938  
MOORESVILLE NC 28117-3938

PAUL A FANNING  
WARD AND SMITH P A  
POST OFFICE BOX 8088  
GREENVILLE NC 27835-8088

~~EXCLUDE~~

~~HUNTER B FRITS  
BUTLER BUTLER LLP  
PO BOX 30  
WILMINGTON NC 28402-0030~~

EDWARD A GOLDEN  
WILLIAMS OVERMAN PIERCE LLP  
2501 ATRIUM DRIVE SUITE 500  
RALEIGH NC 27607-6492

INTERNAL REVENUE SERVICE  
ATT MANAGING OFFICERAGENT  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

JAMES B ANGELL  
PO BOX 12347  
RALEIGH NC 27605-2347

LINCOLN CBNA  
ATT MANAGING OFFICERAGENT  
50 NORTHWEST POINT ROAD  
ELK GROVE VILLAGE IL 60007-1032

LINDA HATLEY PREVO  
1300 PARK WEST BLVD UNIT 609  
MOUNT PLEASANT SC 29466-7035

MARJORIE K LYNCH  
BANKRUPTCY ADMINISTRATOR  
434 FAYETTEVILLE STREET SUITE 640  
RALEIGH NC 27601-1888

MS LINDA H PREVO  
CO BENJAMIN WALLER  
POST OFFICE BOX 8088  
GREENVILLE NC 27835-8088

ONslow COUNTY TAX OFFICE  
ATT MANAGING OFFICERAGENT  
39 TALLMAN STREET  
JACKSONVILLE NC 28540-4846

PNC BANK NA  
PO BOX 94982  
CLEVELAND OH 44101-4982

PRA RECEIVABLES MANAGEMENT LLC  
PO BOX 41021  
NORFOLK VA 23541-1021

PYOD LLC ITS SUCCESSORS AND ASSIGNS AS  
ASSI  
OF CITIBANK NA  
RESURGENT CAPITAL SERVICES  
PO BOX 19008  
GREENVILLE SC 29602-9008

PENDER COUNTY TAX ASSESSOR  
ATT MANGING OFFICERAGENT  
300 E FREMONT STREET  
BURGAW NC 28425

PNC BANK  
ATT MANAGING OFFICERAGENT  
2730 LIBERTY AVE  
PITTSBURGH PA 15222-4704

DEBTOR  
JAMES MICHAEL PREVO  
317 WATERWAY DR  
SNEEDS FERRY NC 28460-9669

LINDA H PREVO  
WARD AND SMITH PA  
CO PAUL A FANNING ESQ  
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PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

RAYMOND JAMES TRUST NA  
ATTN MANAGING OFFICERAGENT  
880 CARILLON PARKWAY  
ST PETERSBURG FL 33716-1100

KRISTEN M REDMAN  
TUGGLE DUGGINS PA  
PO BOX 2888  
GREENSBORO NC 27402-2888

SOUTHERN COMMERCIAL PROPERTIES LLC  
ATTN JAMES B ANGELL  
HOWARD STALLINGS FROM ET AL PA  
PO BOX 12347  
RALEIGH NC 27605-2347

SOUTHERN COMMERCIAL PROPERTIES LLC  
6300 WESTGATE ROAD  
RALEIGH NC 27617-4754

SYNCBLOWES  
ATT MANAGING OFFICERAGENT  
PO BOX 965005  
ORLANDO FL 32896-5005

CHRISTOPHER T VONDERAU  
LAW OFFICES OF CHRISTOPHER T VONDERAU  
4022 SHIPYARD BLVD  
WILMINGTON NC 28403-6190

BENJAMIN EFB WALLER  
WARD AND SMITH PA  
PO BOX 8088  
GREENVILLE NC 27835-8088

WELLS FARGO BANK  
ATT MANAGING OFFICERAGENT  
PO BOX 14517  
DES MOINES IA 50306-3517

WELLS FARGO BANK NA  
WELLS FARGO CARD SERVICES  
PO BOX 10438 MAC F8235-02F  
DES MOINES IA 50306-0438

WILLIAMS OVERMAN PIERCE LLC  
2501 BLUE RIDGE RD STE 400  
RALEIGH NC 27607-6479

DITECH FINANCIAL LLC  
ATT MANAGING OFFICERAGENT  
332 MINNESOTA ST STE 610  
SAINT PAUL MN 55101