

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

CASE NO. 19-05243-5-JNC

TIMOTHY A. MORRIS,
Debtor-in-Possession

Chapter 11

NOTICE OF PROPOSED PUBLIC SALE

TO: ALL PARTIES IN INTEREST

1. 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 proposes to sell the following described property:

The real and personal property listed on the attached Exhibit A.

2. Notice is further given that the Debtor proposes to sell the **real property** at the date, time and place as hereinafter set out:

DATE:	3 March 2021
TIME:	12:30 P.M.
PLACE:	7359 NC HWY 210N, Angier NC 27501*

*Online bidding will also be allowed.

3. Notice is further given that the Debtor proposes to sell the **personal property** at the date, time and place as hereinafter set out:

DATE:	13 March 2021
TIME:	9:30 A.M.
PLACE:	7359 NC HWY 210N, Angier NC 27501*

*Online bidding will also be allowed.

4. The Court has entered an Order Allowing the Employment of James W. Johnson, III of Johnson Properties Realtors & Auctioneers, Inc. as broker and auctioneer.

Mr. Johnson will be compensated consistent with this Court's approved scale as follows:

For the sale of real property: 10% of the first \$25,000.00 and 4% of the balance;

For the sale of personal property: 20% on first \$20,000.00, 10% on next \$50,000.00 and 4% on the balance.

Mr. Johnson shall also have the right to seek reimbursement of additional and

extraordinary expenses incurred in connection with the sales.

In addition to these fees and costs, there will be an additional buyers' premium of 12% to all **online** sales. These fees are required to compensate the internet service provider for the opportunity to sell the assets online. Mr. Johnson has determined that online sales will bring a great value to the estate by resulting in higher sales prices and therefore, the Debtor submits that the premium is warranted.

The auctioneer shall be reimbursed for all reasonable and necessary expenses of sale. Such compensation and reimbursement of expenses shall be subject to final review by the Court, without further notice to creditors and parties in interest.

5. 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 **8 February 2021**, you must file with the Court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing. That response may be filed using the Court's electronic filing system or by mail.

If you wish to file a response by mail, copies must sent to the following addresses:

Clerk of Court P.O. Box 791 Raleigh, NC 27602	J.M. Cook J.M. Cook, PA 5886 Faringdon Place Suite 100 Raleigh, NC 27609
Bankruptcy Administrator 434 Fayetteville St, Ste 640 Raleigh, NC 27601	Timothy A. Morris 5708 Carriagehouse Ct Apex, NC 27539

6. If a response and a request for a hearing is filed in writing within the time indicated, the Court will conduct a hearing on the Motion and the response at a date and time to be determined by the Court. Anyone who files a response requesting a hearing shall appear at the hearing or they may be taxed with Court costs.

7. If no response is filed, the Court will determine that there is no objection to the sale and compensation and may enter an order approving the sale and its terms as set forth in this Notice.

Dated: 15 January 2021

J.M. Cook, P.A.

By: /s/ J.M. Cook

J.M. Cook

5886 Faringdon Place

Suite 100

Raleigh, NC 27609

Tel: 919.675.2411

Fax: 919.882.1719

Email: J.M.Cook@jmcookesq.com

Exhibit A: Sale Assets			
Description	Liquidation Value	Lien Amount	Status
1850 Adams Ave	\$66,290.00	\$0.00	Auction
Proline Trailer	\$2,500.00	\$0.00	Auction
2005 Load Trailer	\$1,800.00	\$0.00	Auction
Flat Trailer	\$2,500.00	\$0.00	Auction
2006 Loat Trailer	\$2,500.00	\$0.00	Auction
Horton Trailer	\$2,300.00	\$0.00	Auction
Skid Steer Grapple	\$1,200.00	\$0.00	Auction
Little Wonder Roll Blowers	\$500.00	\$0.00	Auction
Trimmer	\$100.00	\$0.00	Auction
Triton TR21X	\$12,000.00	\$0.00	Auction
Hudson Trailer	\$2,600.00	\$0.00	Auction
Superior Trailer	\$1,200.00	\$0.00	Auction
Mari Trailer	\$1,800.00	\$0.00	Auction
Kaufman Trailer	\$3,500.00	\$0.00	Auction
Kaufman Trailer	\$3,500.00	\$0.00	Auction
Case Compat CX55B	\$27,500.00	\$18,768.98	Auction
Cat Skid Steer 236B	\$8,500.00	\$0.00	Auction
Cat 259D	\$22,000.00	\$0.00	Auction
Mahindra Tractor	\$20,000.00	\$0.00	Auction
Polaris 800XP	\$2,800.00	\$0.00	Auction
Total	\$185,090.00	\$18,768.98	

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE: TIMOTHY A MORRIS

CASE NO: 19-05243-5-JNC

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 11

On 1/15/2021, I did cause a copy of the following documents, described below,

NOTICE OF PROPOSED PUBLIC SALE

EXHIBIT A - ASSETS TO BE SOLD

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 1/15/2021

/s/ J.M. Cook

J.M. Cook 25352

J.M. Cook, P.A.

5886 Faringdon Place, Ste 100

Raleigh, NC 27609

919 675 2411

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE: TIMOTHY A MORRIS

CASE NO: 19-05243-5-JNC

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 11

On 1/15/2021, a copy of the following documents, described below,

NOTICE OF PROPOSED PUBLIC SALE

EXHIBIT A - ASSETS TO BE SOLD

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document (s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 1/15/2021



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
J.M. Cook
J.M. Cook, P.A.
5886 Faringdon Place, Ste 100
Raleigh, NC 27609

PARTIES DESIGNATED AS EXCLUDES 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 19-05243-5-JNC
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH
FRI JAN 15 12-20-50 EST 2021

BRIAN R ANDERSON
FOX ROTHSCHILD LLP
230 N ELM STREET
SUITE 1200
GREENSBORO NC 27401-2436

BBT BANKRUPTCY SECTION
100500151
PO BOX 1847
WILSON NC 27894-1847

~~EXCLUDE~~

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

BANKRUPTCY ADMINISTRATOR EDNC
434 FAYETTEVILLE STREET
SUITE 640
RALEIGH NC 27601-1888

BRANCH BANKING AND TRUST
ATTN MANAGING AGENT OR OFFICER
PO BOX 580050
CHARLOTTE NC 28258-0050

BB AND T
PO BOX 1847
WILSON NC 27894-1847

CNH INDUSTRIAL CAPITAL
ATTN MANAGING AGENT OR OFFICER
500 DILLER AVE
NEW HOLLAND PA 17557-9301

CNH INDUSTRIAL RETAIL ACCOUNTS
ATTN MANAGING AGENT OR OFFICER
PO BOX 71264
PHILADELPHIA PA 19176-6264

CNH INDUSTRIAL RETAIL ACCOUNTS
ATTN MANAGING AGENT OR OFFICER
PO BOX 71264
PHILADELPHIA PA 19176-6264

CM/ECF E-SERVICE
KENNY CAIRNS
CENTURY 21 TRIANGLE GROUP
4208 SIX FORKS RD SUITE 130
RALEIGH NC 27609-5744

~~EXCLUDE
JM COOK
JM COOK PA
5006 FARRINGTON PLACE
SUITE 100
RALEIGH NC 27609-3932~~

EMPLOYMENT SECURITY COMMISSION
PO BOX 26504
RALEIGH NC 27611-6504

CM/ECF E-SERVICE
FOX ROTHSCHILD LLP
ATTN MANAGING AGENT OR OFFICER
434 FAYETTEVILLE ST
SUITE 2800
RALEIGH NC 27601-2943

~~EXCLUDE
GABRIEL MORRIS
54 ADA CLIFTON DR
ANGIER NC 27501-8100~~

~~EXCLUDE
KIRSTIN E GARDNER
BANKRUPTCY ADMINISTRATORS OFFICE
434 FAYETTEVILLE STREET SUITE 640
RALEIGH NC 27601-1888~~

GASTON COUNTY TAX OFFICE
ATTN MANAGING AGENT OR OFFICER
PO BOX 1578
GASTONIA NC 28053-1578

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GORDON C WOODRUFF
1023B WEST MARKET STREET
POST OFFICE BOX 708
SMITHFIELD NC 27577-0708

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

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SMITH ANDERSON LLP
PO BOX 2611
RALEIGH NC 27602-2611

JOHNSTON COUNTY TAX COLLECTOR
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SMITHFIELD NC 27577-3938

TRAVIS EMIL MENK
BROCK SCOTT PLLC
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CHARLOTTE NC 28217-3977

~~EXCLUDE
TIMOTHY A MORRIS
5700 CARRIAGEHOUSE CT
APEX NC 27539-9798~~

NC DEPARTMENT OF REVENUE
OFFICE SERVICES DIV BANKRUPTCY UNIT
PO BOX 1168
RALEIGH NC 27602-1168

NORTH CAROLINA DEPT OF REVENUE
BANKRUPTCY UNIT
PO BOX 1168
RALEIGH NC 27602-1168

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4216 ROCKSIDE HILLS DRIVE
RALEIGH NC 27603-6315

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PO BOX 41021
NORFOLK VA 23541-1021

STAM LAW FIRM PLLC
ATTN MANAGING AGENT OR OFFICER
PO BOX 1600
APEX NC 27502-3600

STATE EMPLOYEES CREDIT UNION
ATTN MANAGING AGENT OR OFFICER
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STEWART SCHMIDLIN BULLOCK PLLC
115 S THIRD ST
SMITHFIELD NC 27577-4539

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