

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

IN RE:

CASE NO. 21-01078-5-DMW

**WORKHORSE GRADING,
& CONSTRUCTION, INC.**

Chapter 11

Debtor-in-Possession

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 personal property listed on the attached Exhibit A.

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

DATE:	8 September 2021
TIME:	10:00 A.M.
PLACE:	8707 Hwy 742, Marshville, NC*

*Online bidding will also be allowed.

3. The Debtor has asked the Court to approve the employment of Michael Gurkins and Country Boys Auction & Realty Co. [hereinafter the "Auctioneer"] to conduct this public sale.

The Auctioneer will be compensated consistent with this Court's approved scale as follows:

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

The Auctioneer 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 5% up to \$1,000 per unit to all **online** sales. These fees are required to compensate the internet service provider for the opportunity to sell the assets online. Mr. Gurkins 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.

4. 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 **20 August 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	Workhorse Grading & Construction, Inc. Attn: Managing Agent or Officer 5886 Faringdon Place Suite 200 Raleigh, NC 27609

5. 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.

6. 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: 27 July 2021

J.M. Cook, P.A.

By: /s/ J.M. Cook

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