

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

In the Matter of:
TRC FARMS, INC.,
Debtor.

Case No.
20-00309-5-JNC
Chapter 11

**NOTICE OF PROPOSED PUBLIC SALE OF REAL PROPERTY FREE AND
CLEAR OF LIENS AND NOTICE OF COMPENSATION TO AUCTIONEER**

TO ALL CREDITORS AND PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN, that pursuant to Bankruptcy Rules 2002(a), 6004 and 6007 and 11 U.S.C. § 363, and in accordance with the provisions of Section IV(D)(3)(A) of the confirmed Final and Restated Plan of Reorganization, TRC Farms, Inc. (the “Debtor”) proposes to sell by public sale certain real property (the “Property”) more particularly described as:

Tax Parcels 3-031-008 and 3-031-4002

All that certain tract or parcel of land lying and being in Number Three Township, Craven County, North Carolina, and being all of that certain tract or parcel of land containing 239.47 acres, more or less, shown upon a survey for Neva L. Sumerell, recorded in the Office of the Register of Deeds of Craven County in Plat Cabinet C, Slide 359, which map is incorporated herein by reference and should be referred to for a more particular description of said tract or parcel of land being conveyed.

SAVING AND EXCEPTING from the above description is the 73.56 acres heretofore previously conveyed to TRC Farms, Inc. by Deed recorded in Book 1687 at Page 933 of the Craven County Registry, said property also being described and shown on a map for TRC Farms, Inc. recorded in Plat Cabinet G, Slide 73G of the Craven County Registry, which is incorporated herein by reference.

FURTHER NOTICE IS HEREBY GIVEN,

1. The proposed public sales shall be a “no reserve” sale and all sales are subject to approval by the Bankruptcy Court. All bids made prior to approval and confirmation are subject to rejection.
2. The Debtor proposes to sell the Property at a public auction to be held **October 13, 2022 at 10:00 a.m. at 505 Barwick Road, Dover, Craven County, North Carolina**, or as may further be detailed in the advertisements and notices by the Auctioneer.
3. The Debtor has previously filed an Application seeking approval of the employment of Country Boys Auction & Realty, Inc. as Auctioneer in this bankruptcy case. The Debtor has requested approval of compensation to the Auctioneer at the following fixed rates:

REAL ESTATE:

10% on the first \$25,000.00 in gross proceeds
4% of balance

4. 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, if any, such as hauling, repairs, locksmiths, and expenses incurred for preserving the subject Property.

5. The proposed public sale may be allowed provided no responses and request for a hearing is made by a party in interest in writing to the Clerk of this Court within FOURTEEN (14) DAYS from the date of this notice; and,

6. If a response and a request for a hearing is filed by a party in interest in writing to the Clerk, US Bankruptcy Court, 434 Fayetteville Street, Suite 640, Raleigh, NC 27601, within the time indicated, a hearing will be conducted on the Motion and any Response thereto at a date, time and place to be later set by the Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Notice and Response thereto ex parte without further notice. Any party filing a response shall attend the hearing on this matter or they may be taxed with costs.

DATED: September 14, 2022

AYERS & HAIDT, P.A.

/s/ David J. Haidt
David J. Haidt
Attorney for the Debtor
N.C. State Bar No. 22019
Post Office Box 1544
307 Metcalf Street
New Bern, NC 28563
Telephone (252) 638-2955
Fax number: (252) 638-3293
davidhaidt@embarqmail.com

CERTIFICATE OF SERVICE

I, David J. Haidt, Post Office Drawer 1544, New Bern, North Carolina 28563, certify:

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

That on the 14th day of September, 2022, a member of my staff served copies of the foregoing NOTICE on the parties listed below and on Exhibit "A" attached hereto, by electronic or regular mail, postage prepaid.

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

EXECUTED ON: September 14, 2022

BY: /s/ David J. Haidt
DAVID J. HAIDT
N.C. State Bar No. 22092

Bankruptcy Administrator (CM/ECF)
Attn: Kirstin Gardner, Esq.

J. Michael Fields (via CM/ECF)
Attorney for Harvey Fertilizer and Gas Co.

James S. Livermon, III (via CM/ECF)
Attorney for Truist Bank

United States Attorney – EDNC
Attn: Civil Process Clerk
Suite 800, Federal Building
Raleigh, NC 27601-1461

NC Dept of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27640

Craven County Tax Collector
ATTN: Managing Agent/Officer
226 Pollock Street
New Bern, NC 28562

Internal Revenue Service
ATTN: Managing Agent
PO Box 21126
Philadelphia, PA 19114

United States Attorney
ATTN: Civil Process Clerk
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461

Internal Revenue Service
ATTN: Managing Agent
PO Box 7436
Philadelphia, PA 19101-7346

Attorney General
ATTN: Managing Agent/Officer
5137 Robert F. Kennedy Building
10th St. and Constitution Ave. NW
Washington, DC 20530

Secretary of the Treasury
ATTN: Managing Agent
1500 W. Pennsylvania Ave.
Washington, DC 20220

TRC Farms, Inc. (via: E-Mail)

Internal Revenue Service
ATTN: Special Procedures
320 Federal Place
Greensboro, NC 27402

See attached Exhibit "A"

Label Matrix for local noticing
 0417-5
 Case 20-00309-5-JNC
 Eastern District of North Carolina
 Raleigh
 Tue Sep 13 14:23:19 EDT 2022
 Carr, Riggs & Ingram, LLC
 P.O. Box 1547
 New Bern, NC 28563-1547

Dup

Mossy Oak Properties NC Land & Farms
 Attn: Andrew Walters
 PO Box 996
 Manteo, NC 27954-0996

US Attorney
 310 New Bern Avenue, Suite 800
 Federal Building
 Raleigh, NC 27601-1461

AgCarolina Farm Credit, ACA
 ATTN: Managing Agent/Officer
 Po Box 12069
 New Bern, NC 28561-2069

American Express
 ATTN: Managing Agent/Officer
 PO Box 650448
 Dallas, TX 75265-0448

BB&T
 ATTN: Managing Agent/Officer
 PO Box 580050
 Charlotte, NC 28258-0050

BB&T now Truist, Bankruptcy Management
 100-50-01-51
 P.O. box 1847
 Wilson, NC 27894-1847

Dup

Cove City Fertilizer
 ATTN: Managing Agent/Officer
 107 Sunset Blvd
 Cove City, NC 28523-9589

Harvey Fertilizer and Gas Co.
 ATTN: Managing Agent/Officer
 PO Box 189
 Kinston, NC 28502-0189

Bankruptcy Administrator
 Two Hannover Square, Ste. 640
 434 Fayetteville Street
 Raleigh, NC 27601-1701

Employment Security Commission
 PO Box 26504
 Raleigh, NC 27611-6504

NC Department of Revenue
 Office Services Div., Bankruptcy Unit
 PO Box 1168
 Raleigh, NC 27602-1168

U. S. Bankruptcy Court
 300 Fayetteville Street, 4th Floor
 P.O. Box 791
 Raleigh, NC 27602-0791

AgriFund, LLC
 ATTN: Managing Agent/Officer
 310 B. Bratton Dr.
 Garner, NC 27529-7827

American Express National Bank
 c/o Becket and Lee LLP
 PO Box 3001
 Malvern PA 19355-0701

BB&T
 ATTN: Managing Agent/Officer
 PO Box 580340
 Charlotte, NC 28258-0340

CNH Capital America, LLC
 ATTN: Managing Agent/Officer
 100 Brubaker Avenue
 New Holland, PA 17557-1661

Craven County Tax Collector
 ATTN: Managing Agent/Officer
 PO Box 1128
 New Bern, NC 28563-1128

Harvey Fertilizer and Gas Co.
 c/o J. Michael Fields, Esq.
 Post Office Box 8088
 Greenville, NC 27835-8088

CNH Industrial Capital America LLC
 PO Box 71264
 Philadelphia, PA 19176-6264

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

TRC Farms, Inc.
 403 Loop Road
 PO Box 460
 Cove City, NC 28523-0460

AgCarolina Farm Credit
 Matthew P. Weiner
 P.O. Box 1801
 Raleigh, NC 27602-1801

Dup

AgriFund, LLC/ARM
 ATTN: Managing Agent/Officer
 420 Throckmorton St., Ste. 110
 Fort Worth, TX 76102-3711

(p)BB AND T
 PO BOX 1847
 WILSON NC 27894-1847

BB&T Item Processing Center
 ATTN: Managing Agent/Officer
 PO Box 580048
 Charlotte, NC 28258-0048

CNH Industrial Capital America, LLC
 ATTN: Managing Agent/Officer
 500 Diller Avenue
 New Holland, PA 17557-9301

Gerard Seed Company
 ATTN: Managing Agent/Officer
 1041 East 4th Street
 Washington, NC 27889-5173

(p)JPMORGAN CHASE BANK N A
 BANKRUPTCY MAIL INTAKE TEAM
 700 KANSAS LANE FLOOR 01
 MONROE LA 71203-4774

James S. Livermon, III
555 Fayetteville St., Ste. 1100
Raleigh, NC 27601-3034

JoAnn Heath Cox
PO Box 460
Cove City, NC 28523-0460

(p)DEERE CREDIT SERVICES INC
ATTN LITIGATION & RECOVERY DEPARTMENT
PO BOX 6600
JOHNSTON IA 50131-6600

Matthew P. Weiner
P.O. Box 1801
Raleigh, NC 27602-1801

Meherrin Agricultural & Chemical Co.
ATTN: Managing Agent/Officer
PO Box 200
Severn, NC 27877-0200

Meherrin Agricultural & Chemical Company
c/o J. Michael Fields, Esq.
Post Office Box 8088
Greenville, NC 27835-8088

Monsanto Company
ATTN: Managing Agent/Officer
PO Box 204070
Dallas, TX 75320-4070

Monsanto Company
c/o Sharon Hernandez-B2NB
800 N. Lindbergh Blvd
St. Louis MO 63167-0001

NC Employment Security Commission
ATTN: Managing Agent/Officer
PO Box 263504
Raleigh, NC 27611

North Carolina Department of Revenue
Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602-1168 *DMP*

Severn Peanut Co., Inc.
ATTN: Managing Agent/Officer
PO Box 710
Severn, NC 27877-0710

Shelby Farm, LLC
ATTN: Managing Agent/Officer
PO Box 460
Cove City, NC 28523-0460

Timmy Ray Cox
PO Box 460
Cove City, NC 28523-0460

Trust Bank, successor by merger to BB&T
c/o James S. Livermon, III
555 Fayetteville St., Ste. 1100
Raleigh, NC 27601-3034 *DMP*

Vernice Hoyle & Alex Perjanytz
850 Lane Farm Road
Cove City, NC 28523-9315

Ward & Smith, PC
ATTN: Managing Agent/Officer
PO Box 867
New Bern, NC 28563-0867

David J Haidt
Ayers & Haidt, P.A.
PO Box 1544
307 Metcalf Street
New Bern, NC 28562-5687

William O. Austin
Carr, Riggs & Ingram, LLC
P.O. Box 1547
New Bern, NC 28563-1547

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4). (39)

Internal Revenue Service
Insolvency Support Services
320 Federal Place, Room 335
Greensboro, NC 27401

BB&T
ATTN: Managing Agent/Officer
375 So. Front Street
New Bern, NC 28563-2133

(d)Branch Banking & Trust Company
ATTN: Chad Fluno
PO Box 1847
Wilson, NC 27894-1847

JP Morgan Chase Bank, NA
ATTN: Managing Agent/Officer
PO Box 901033
Fort Worth, TX 76101

John Deere Financial
ATTN: Managing Agent/Officer
PO Box 6600
Johnston, IA 50131-6600

(d)John Deere Financial
PO Box 6600
Johnston, IA 50131

(d)John Deere Financial, f.s.b., dba John Dee
PO Box 6600
Johnston, IA 50131

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)AgCarolina Farm Credit, ACA

(u)Bankruptcy Administrator

(u)Harvey Fertilizer and Gas Co.

(u)John Deere Financial

(u)Truist Bank

(d)CNH Industrial Capital America LLC
PO Box 71264
Philadelphia, PA 19176-6264

(d)Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

(d)NC Department of Revenue
Office Services Div/Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602-1168

(u)Alex Perjanytz

(d)Timmy Ray Cox
PO Box 460
Cove City, NC 28523-0460

(u)Vernice Hoyle

End of Label Matrix
Mailable recipients 47
Bypassed recipients 11
Total 58