

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

IN RE:

CASE NO. 22-02319-5-JNC

**MOBILESMITH, INC.,
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:

All tangible personal property of the Debtor located at 5400 Trinity Road, Raleigh, N.

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:	9 November 2022
TIME:	Rolling closing times
PLACE:	Online only auction

4. The Debtor has sought approval to employ James W. Johnson, III and Johnson Properties Realtors & Auctioneers, Inc. as broker and auctioneer to conduct this auction.

Mr. Johnson will be compensated 25% of all sales.

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 15% to **all** online sales and credit card processing. 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 **7 November**

2022 at 5:00 PM, 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	MobileSmith, Inc. c/o Gleb Makhailov 1002 Rushden Way Apex, NC 27502

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 on 8 November 2022 at 11:00 AM at the United States Bankruptcy Court, 150 Reade Circle, Greenville, NC 27858. 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: 20 October 2022.

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