

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

**IN RE:** **CHAPTER 7**  
**COMMUNITY ATHLETICS LLC** **23-00820-5-PWM**

**Debtor.**

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

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

**TO: ALL PARTIES IN INTEREST**

Pursuant to 11 U.S.C §363(b), Federal Rules of Bankruptcy Procedure 6004, 2022(a), and 2002(c)(1), notice is hereby given that Kevin L. Sink, Chapter 7 Trustee in the above reference case (“Trustee”) proposes to sell the following personal property (as represented by the Debtor on its Schedules) on the attached Exhibit A.

Notice is further given that the Trustee proposes to sell said Property at the date, time and place as hereinafter set out:

**DATE:** **Wednesday, May 24, 2023**  
**TIME:** **10:00 a.m.**  
**PLACE:** **Country Boys Auction**  
**1211 W 5<sup>th</sup> Street**  
**Washington, NC 27889**

The Trustee has filed an application with the Court for an order authorizing employment and compensation of Country Boys Auction & Realty Co., Inc. as auctioneer whose compensation shall be fixed at a rate not to exceed the following:

Real Property Commission	Personal Property Commission
10% on first \$25,000	20% on the first \$20,000
4% on the balance	10% on the second \$50,000
	4% on the balance

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 such as hauling, repairs and assembly.

Additionally, in the event that the successful bidder in any auction is an online bidder, the Auctioneer shall be entitled to receive an additional fee of 5% of the successful bid, up to maximum amount of \$1,000.00. This additional fee is intended to cover all costs of the Auctioneer related to its online bid program and the additional resources required of the Auctioneer to have both an in-person and online auction. This additional fee is paid by the buyer to the Auctioneer to the as noted per the terms of bidding online.

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 within twenty-one (21) days of the date of this notice, you and your attorney must file with the Court, pursuant to 9014-2, a written response, an answer explaining your position.

If you mail your response to the Court for filing, you must mail it early enough so that Court will receive it on or before that date stated above.

You must also mail a copy to:

Brian Behr  
Bankruptcy Administrator  
434 Fayetteville Street, Suite 640  
Raleigh, NC 27601

Kevin L. Sink  
Waldrep Wall Babcock & Bailey PLLC  
3600 Glenwood Avenue, Suite 210  
Raleigh, NC 27612

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the notice at a date, time and place to be later set and all parties will be notified accordingly.

DATED: 4/26/2023

s/Kevin L. Sink  
Kevin L. Sink  
N.C. State Bar No. 21041  
Waldrep Wall Babcock & Bailey, PLLC  
3600 Glenwood Avenue, Suite 210  
Raleigh, NC 27612  
Telephone: 919-589-7985  
Email: [ksink@waldrepwall.com](mailto:ksink@waldrepwall.com)  
Attorneys for Chapter 7 Trustee

**EXHIBIT A**

Equipment	#	Current \$	30%	Total
Concept 2 Rower	3	\$ 900.00	\$ 630.00	\$ 1,890.00
Rogue Echo Bike	1	\$ 795.00	\$ 556.50	\$ 556.50
Assault Bike	1	\$ 749.00	\$ 524.30	\$ 524.30
WallBall 61b	1	\$ 80.00	\$ 56.00	\$ 56.00
Wallball 101b	3	\$ 90.00	\$ 63.00	\$ 189.00
Wallball 121b	2	\$ 95.00	\$ 66.50	\$ 133.00
Wallball 141b Wallball 161b	8	\$ 100.00	\$ 70.00	\$ 560.00
Wallball 181b	3	\$ 105.00	\$ 73.50	\$ 220.50
Wallball 201b	1	\$ 110.00	\$ 77.00	\$ 77.00
Ab Mats	4	\$ 115.00	\$ 80.50	\$ 322.00
Dumbbell 81b	14	\$ 33.00	\$ 23.10	\$ 323.40
Dumbbell 101b	1	\$ 35.00	\$ 24.50	\$ 24.50
Dumbbell 151b	3.5	\$ 50.00	\$ 35.00	\$ 122.50
Dumbbell 201b	1	\$ 60.00	\$ 42.00	\$ 42.00
Dumbbell 251b	2.5	\$ 75.00	\$ 52.50	\$ 131.25
Dumbbell 301b	1	\$ 90.00	\$ 63.00	\$ 63.00
Dumbbell 351b	2	\$ 105.00	\$ 73.50	\$ 147.00
Dumbbell 401b	1	\$ 125.00	\$ 87.50	\$ 87.50
Dumbbell 451b	1	\$ 140.00	\$ 98.00	\$ 98.00
Dumbbell 50#	1	\$ 160.00	\$ 112.00	\$ 112.00
Dumbbell 60#	3	\$ 175.00	\$ 122.50	\$ 367.50
Dumbbell 70#	0	\$ 215.00	\$ 150.50	\$ -
Dumbbell 80#	0	\$ 255.00	\$ 178.50	\$ -
Dumbbell 90#	0	\$ 290.00	\$ 203.00	\$ -
Rogue Racks	0	\$ 325.00	\$ 227.50	\$ -
Bella Barbell (331b)	6	\$ 415.00	\$ 290.50	\$ 1,743.00
451b Barbell	9	\$ 295.00	\$ 206.50	\$ 1,858.50
151b Barbell	10	\$ 290.00	\$ 203.00	\$ 2,030.00
Kids Barbell	5	\$ 165.00	\$ 115.50	\$ 577.50
Metal Plates: 2.51b	3	\$ 115.00	\$ 80.50	\$ 241.50
Metal Plates: 51b	14	\$ 30.00	\$ 21.00	\$ 294.00
Metal Plates: 101b	12	\$ 42.50	\$ 29.75	\$ 357.00
Metal Plates: 251b	16	\$ 67.50	\$ 47.25	\$ 756.00
Metal Plates: 451b	9	\$ 145.00	\$ 101.50	\$ 913.50
Rubber Plates: 101b Rubber	12	\$ 155.00	\$ 108.50	\$ 1,302.00
Plates: 151b Rubber Plates: 251b	18	\$ 62.50	\$ 43.75	\$ 787.50
Rubber Plates: 351b Rubber	16	\$ 80.00	\$ 56.00	\$ 896.00
Plates: 451b Rubber Plates: 551b	17	\$ 115.00	\$ 80.50	\$ 1,368.50
Kettle Bells: 101b	5	\$ 145.00	\$ 101.50	\$ 507.50
Kettle Bells: 131b	31	\$ 185.00	\$ 129.50	\$ 4,014.50
Kettle Bells: 181b	3	\$ 225.00	\$ 157.50	\$ 472.50
Kettle Bells: 261b	3	\$ 30.00	\$ 21.00	\$ 63.00
Kettle Bells: 351b	4	\$ 35.00	\$ 24.50	\$ 98.00
Kettle Bells: 441b	3	\$ 40.00	\$ 28.00	\$ 84.00
Kettle Bells: 531b	4	\$ 50.00	\$ 35.00	\$ 140.00
Kettle Bells: 701b	6	\$ 60.00	\$ 42.00	\$ 252.00
Kettle Bells: 901b	2	\$ 70.00	\$ 49.00	\$ 98.00
Kettle Bells: 1001b	7	\$ 75.00	\$ 52.50	\$ 367.50
Boxes (3 heights)	3	\$ 100.00	\$ 70.00	\$ 210.00
Short Boxes	0	\$ 150.00	\$ 105.00	\$ -
Tall Boxes	0	\$ 200.00	\$ 140.00	\$ -
Wooden Platform	10	\$ 135.00	\$ 94.50	\$ 945.00
Jerk Blocks	5	\$ 70.00	\$ 49.00	\$ 245.00
GHDS	2	\$ 90.00	\$ 63.00	\$ 126.00
Prone Leg Curl Machine	1	\$ 2,000.00	\$ 1,400.00	\$ 1,400.00
Lat Pull Down Machine (broken)	1	\$ 972.50	\$ 680.75	\$ 680.75
Industrial Fans: Biggest	2	\$ 645.00	\$ 451.50	\$ 903.00
Industrial Fans: medium	1	\$ 1,400.00	\$ 980.00	\$ 980.00
CF Rig	1	\$ 230.00	\$ 161.00	\$ 161.00
CFL Rig	1	\$ 710.00	\$ 497.00	\$ 497.00
Stall Mats	1	\$ 400.00	\$ 280.00	\$ 280.00
Bench	1	\$ 6,000.00	\$ 4,200.00	\$ 4,200.00
Slam Balls: 151b	1	\$ 2,500.00	\$ 1,750.00	\$ 1,750.00
Slam Balls: 201b	120	\$ 100.00	\$ 70.00	\$ 8,400.00
Slam Balls: 301b	6	\$ 210.00	\$ 147.00	\$ 882.00
Gymnastics Mats	4	\$ 60.00	\$ 42.00	\$ 168.00
Rig Add Ons: Dips Stations Rig	1	\$ 80.00	\$ 56.00	\$ 56.00
Add Ons: Kids Bar	2	\$ 110.00	\$ 77.00	\$ 154.00
Rig Add Ons: Safety Bar	2	\$ 500.00	\$ 350.00	\$ 700.00
Reverse Hyper	2	\$ 105.00	\$ 73.50	\$ 147.00
	1	\$ 70.00	\$ 49.00	\$ 49.00
	1	\$ 155.00	\$ 108.50	\$ 108.50
	1	\$ 795.00	\$ 556.50	\$ 556.50

**\$ 48,867.70**

**CERTIFICATE OF SERVICE**

I, Kevin L. Sink, certify that the **NOTICE OF PROPOSED PUBLIC SALE AND NOTICE OF COMPENSATION OF AUCTIONEER** was served (i) via CM/ECF upon the parties who have requested electronic notice; and (ii) on the mailing matrix attached hereto by placing said copy in the United States Mail, postage prepaid.

This 26<sup>th</sup> day of April, 2023.

s/Kevin L. Sink  
Kevin L. Sink  
N.C. State Bar No. 21041  
Waldrep Wall Babcock & Bailey, PLLC  
3600 Glenwood Avenue, Suite 210  
Raleigh, NC 27612  
Telephone: 919-589-7985  
Email: [ksink@waldrepwall.com](mailto:ksink@waldrepwall.com)

Label Matrix for local noticing  
0417-5  
Case 23-00820-5-PWM  
Eastern District of North Carolina  
Raleigh  
Wed Apr 26 15:55:28 EDT 2023

BPG Management Company - NC, LLC  
Attn: Manager, Agent, Officer  
2700-178 Sumner Blvd.  
Raleigh, NC 27616-3258

~~Brian Behr  
Bankruptcy Administrator, EDNC  
434 Fayetteville Street, Suite 640  
Raleigh, NC 27601-1888~~

~~Joseph Zachary Frost  
Buckmiller, Boyette & Frost, PLLC  
4700 Six Forks Road  
Suite 150  
Raleigh, NC 27609-5288~~

~~Marjorie K. Lynch  
Rosamund Property Consultants  
114 S Cypress Street  
PO Box 1989  
Wendell, NC 27591-1989~~

~~Kevin Sink  
Waldrep Wall Babcock & Bailey, PLLC  
3600 Glenwood Avenue  
Suite 210  
Raleigh, NC 27612-4952~~

U.S. Small Business Administration  
Attn: Manager, Agent, Officer  
2 North 20th Street, Ste. 320  
Birmingham, AL 35203-4002

ADT Security  
Attn: Manager, Agent, Officer  
2700 Perimeter Park Drive  
Morrisville, NC 27560-7270

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

Community Athletics LLC  
41 Stonewall Way  
Durham, NC 27704-1782

Internal Revenue Service  
Attn: Manager, Agent, Officer  
PO Box 7346  
Philadelphia, PA 19101-7346

NC Department of Revenue  
Office Serv. Div, Bankruptcy Unit  
P.O. Box 1168  
Raleigh, NC 27602-1168

~~Kevin L. Sink  
Waldrep Wall Babcock & Bailey PLLC  
3600 Glenwood Avenue  
Suite 210  
Raleigh, NC 27612-4952~~

~~Waldrep Wall Babcock & Bailey, PLLC  
3600 Glenwood Avenue, Suite 210  
Raleigh, NC 27612-4952~~

Jonathan Armada  
41 Stonewall Way  
Durham, NC 27704-1782

~~Bankruptcy Administrator  
434 Fayetteville Street  
Suite 640  
Raleigh, NC 27601-1888~~

Durham County Tax Collector  
Attn: Manager, Agent, Officer  
201 E Main St, 3rd Fl, Admin BldgII  
Durham, NC 27701-3640

Josefino G. Armada  
470 Roger Drive  
Salisbury, NC 28147-8878

Patrick Law PLLC  
3805 University Drive, Ste. A  
Durham, NC 27707-6206

Stacy Armada  
2834 Mayview Road  
Raleigh, NC 27607-4143

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

(u)Bankruptcy Administrator

(d)Community Athletics LLC  
41 Stonewall Way  
Durham, NC 27704-1782

(u)Michael Gurkins

(d)Jonathan Armada  
41 Stonewall Way  
Durham, NC 27704-1782

End of Label Matrix  
Mailable recipients 19  
Bypassed recipients 4  
Total 23