

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. B-14-50356

IN RE: ]  
 ]  
PHILLIP RITCHIE CARTER, JR. ]  
LEONA E. CARTER ]  
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Debtors ]  
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**NOTICE OF PUBLIC SALE**

Upon application of the Trustee, and for good cause shown:

**NOTICE IS HEREBY GIVEN** that the property described herein below will be sold by the Trustee, and funds will be disbursed in payment of costs of sale (including the compensation due the Auctioneer) as set forth in the application, by:

Public sale to be held online beginning June 20, 2016, and concluding on July 20, 2016, at 6:00 p.m. if a 5-minute silence and continuing thereafter until there is a 5-minute silence.

Three parcels located on Pond Road and Mary Lane, Stanly County, N.C. The Pond Road property involves two building lots, .22 and .24 acres, and the Mary Lane parcel consists of four acres. All the parcels are vacant tracts.

See Exhibits A, B, and C attached hereto.

**TAKE FURTHER NOTICE OBJECTIONS ARE TO BE FILED** on or before the 8 day of June, 2016. **FURTHER A HEARING** will be held at 2:00 p.m. on the 15 day of June, 2016, in the First Floor Courtroom, 226 South Liberty Street, Winston-Salem, N.C., **IF OBJECTIONS ARE FILED WITHIN THE OBJECTION PERIOD.**

**TAKE FURTHER NOTICE** that a copy of this Notice is being mailed to all creditors and other parties-in-interest in this case. A copy of the Trustee's Application for Public Sale can be requested in writing if submitted to the Clerk, U. S. Bankruptcy Court, with advance payment of copy costs at \$0.50 per page.

Date: 5/23/16

Susan Whitesell  
Deputy Clerk, U. S. Bankruptcy Court  
226 S. Liberty Street  
Winston-Salem, N. C. 27101

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Exhibit A

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**.BEGINNING at a point in the centerline of SR 1213 (Pond Road), said point being the Southwestern corner of that property described in deed by Hometown Appliance Center, Inc. to Phillip R. Carter, Jr. and wife, Martha S. Carter, dated August 22, 1972, recorded in Deed Book 266, Page 27, Stanly County Registry, and running thence with the Southern line of that property described in deed recorded in Deed Book 266, Page 27, S. 79-31-10 E. 180.00 feet to a new iron pipe; thence a new line S. 03-51-20 W. 51.19 feet to a new iron pipe, the Northeastern corner of a parcel of land containing 0.24 acre, as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp., Stanly County, N. C., July 28, 1983;" thence with the Northern line of the 0.24 acre parcel of land, N. 80-43-33 W. 190.02 feet to a P.K. nail in the centerline of SR 1213; thence with the Northern line of SR 1213 N. 14-43-50 E. 55.00 feet to the beginning, containing 0.22 acre, subject to the right of way of SR 1213, as surveyed and platted by Thomas W. Harris and as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp., Stanly County, N.C., July 28, 1983."**

**For reference, see Will of Dora Harrington Thomas, Will Book 7, Page 138, Clerk of Superior Court, Stanly County, North Carolina.**

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Exhibit B

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**BEGINNING at a pk nail in the centerline of Pond Road (SR 1213) and runs thence from said point of beginning N. 14-43-50 E. 55 feet to a pk nail in the centerline of Pond Road; thence S. 80-43-33 E. 190.02 feet to a new iron pipe; thence S. 03-51-20 W. 51.19 feet to a new iron pipe; thence N. 81-51-10 W. 200.00 feet to the Point of Beginning and containing 0.24 acres and being subject to the right of way to SR 1213 as shown on an unrecorded plat entitled "Composite Map for Phillip R. Carter" dated July 28, 1983 as surveyed and platted by Thomas W. Harris, R.L.S.**

## Exhibit C

Lying and being in the Furr #1 Township, Stanly County, North Carolina, and more particularly described as follows:

Adjoining the lands of J. M. Crayton on the North and Northwest; Jas. A. Hill on the North; Grover Efird on the East; Mrs. Eli Eudy and Corinna Smith Thomas on the South and Southwest; and the Jason Osborne lands on the West.

### 1st TRACT:

BEGINNING at a stake and runs S 6 W 36 poles to a stake by a dogwood and blackgum; thence S 40-1/2 E 6 poles to a stone by a white oak and hickory, the beginning corner of the eight acre tract; thence with its line N 79 E 47 poles and 6 links to a stone by a spanish oak; thence N 86-1/2 E 28 poles to a post oak; thence N 88-30 W 46 poles to the beginning, containing 12.75 acres. See deed book 12, page 98, Register's Office Stanly County, N.C.

### 2nd TRACT:

BEGINNING at a post oak; Samuel Hinson's old corner and runs thence with the line of the Efird lands N 6-15 E 17 chs to a stake in Jas. A. Hill's line; thence with the Jas. A. Hill line N 56 W 897.8 ft to a stake, corner of the one acre tract sold off and now owned by J. M. Crayton; thence with his line S 23 W 470 ft to a stake on the public road; thence with the said public road S 13 W about 792 ft to a stake in the old Samuel Hinson line; thence with the old line S 83 E 16 chs to the beginning, containing 22-3/4 acres, more or less. See deed book 89, page 528, Register's office Stanly County. Also deed book 16, page 171, Register's office Stanly County. See also Book 12, page 165, Orders and Decrees, Clerk's office Stanly County, N.C.

### 3rd TRACT

Adjoining the lands of George Crayton, Conrad Crayton, and others, and bounded as follows: Bounded on the East by George N. Crayton, on the North by Conrad Crayton, on the West by J. M. Crayton, containing 3/4 of an acre, more or less.

For reference see deed from Mrs. Bessie R. Burris (widow) to Manuel L. Thomas and wife, Mrs. Dora Thomas, dated May 29, 1944 and recorded in Book 130, Page 201 in the Stanly County Register of Deeds.

There is excepted from the above tracts the following tracts:

### TRACT 1

BEGINNING on a stone, W. J. Crayton's corner; thence S. 23 1/4 W. 470 feet to a stake on a road; thence S. 80 E. 154 feet to a stake; thence N. 5 E. 471 1/2 feet to the Beginning, containing .83 of an acre.

### TRACT 2

BEGINNING at an existing iron spike in the centerline of SR 1213, said existing iron spike being located N. 15-36-46 E. 21.47 feet from an existing nail in the intersection of SR 1213 and Stony Creek Lane; thence from said existing iron spike and with the centerline of SR 1213 N 14-46-51 E. 62.52 feet to a point on the centerline of SR 1213; thence from said point N. 12-10-51 E. 62.52 feet to an existing iron spike on the centerline of SR 1213 a corner of lands owned now or formerly by Harold A. Harwood and wife, Pamela Sue Harwood, lying S. 09-04-38 W. 28.90 feet from an existing iron spike in the centerline of SR 1213, a corner of Thomas N. Beaver, Sr., and wife Wanda W.

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Road) as shown on a physical survey for Sharon Mace, dated August 13, 1998 by Rogell E. Hunsucker and Associates, Inc. by Rogell E. Hunsucker, PLS.

#### **TRACT 3**

**BEGINNING** at a new iron pipe, the Northeastern corner of that property described in deed by Hometown Appliance Center, Inc. to Phillip R. Carter, Jr. and wife, Martha S. Carter, dated August 22, 1972, recorded in Deed Book 266, Page 27, Stanly County Registry, and said new iron pipe being located S. 87-45 E. 635.00 feet from a railroad spike in the centerline of SR 1213 (Pond Road); and running thence with the Southern line of the property described in deed recorded in Deed Book 266, Page 27, Stanly County Registry, S. 75-15-46 W. 127.03 feet to a new iron pipe; thence a new line N. 04-00-35 W. 37.34 feet to a new iron pipe in the Northern line of that property described in Deed Book 266, Page 27, Stanly County Registry; thence with the Northern line of property described in said deed N. 87-45 E. 125.66 feet to the beginning, containing 0.05 acre, as surveyed and platted by Thomas W. Harris, R.L.S., and as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp., Stanly County, N.C., July 28, 1983," and being the Northeast portion of that property described in deed recorded in Deed Book 266, Page 27, Stanly County Registry.

#### **TRACT 4**

**BEGINNING** at a new iron pipe, the Northeast corner of that property described in deed by Hometown Appliance Center, Inc., to Phillip R. Carter, Jr. and wife, Martha S. Carter, dated August 22, 1972, and recorded in Deed Book 266, Page 27, Stanly County Registry, said new iron pipe being located S. 87-45 E. 635.00 feet from a railroad spike in the centerline of SR 1213 (Pond Road), and running thence from the beginning new iron pipe S. 87-45 E. 95.02 feet to a new iron pipe, a new corner; thence with the line of property owned now or formerly by the devisees of Mary Jane Thomas Carter, S. 02-15 W. 208.26 feet to a new iron pipe; thence again with the line of property owned now or formerly by the devisees of Mary Jane Thomas Carter, N. 87-45 W. 197.74 feet to a new iron pipe; thence with the edge of a soil road N. 04-00-35 W. 172.17 feet to a new iron pipe, the Southwestern corner of a 0.05 acre parcel of property as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp. Stanly Co., N.C., July 28, 1983;" thence with the Southern line of said 0.05 acre parcel, N. 75-15-46 E. 127.03 feet to the Beginning, containing 0.95 acre, as shown on an unrecorded map captioned, "Loan Survey for Harold Absalom Harwood and wife, Pamela Carter Harwood, Furr 1 Twp. Stanly Co., NC, July 28, 1983."

#### **TRACT 5**

**BEING** bounded on the North by lands owned now or formerly by Harold Absalom Harwood, on the East and South by lands owned now or formerly by Mary Jane Thomas Carter, and on the West by a private gravel drive which adjoins lands owned now or formerly by Mary Jane Thomas Carter and being more particularly described as follows:

**BEGINNING** at an iron rod in the eastern edge of private gravel drive and said beginning iron rod being located S. 4-00-35 E. 209.51 feet from an existing iron pipe in the line of property owned now or formerly by Mary Jane Thomas Carter and the line of property owned now or formerly by Harold Absalom Harwood, and running thence from the beginning iron rod, S. 87-53-15 E. 197.72 feet to an existing iron pipe; thence S. 0-36-45 W. 235.70 feet to a new iron rod; thence N. 87-41-12 W. 172.44 feet to a new iron rod; thence N. 5-30-35 W. 237.11 feet to the **BEGINNING**, containing 1.000 acre (D.M.D.) as surveyed by Thomas W. Harris, Registered Land Surveyor, and as shown on an unrecorded map captioned: "Physical Survey for Junior Carter, Date: 9-5-89."

#### **TRACT 6**

To find **BEGINNING POINT**, run 64.35 feet in a southerly direction from the intersection of Stoney Creek Road and Dry Pond Road (State Road #1213) to the intersection of Dry Pond Road and Mary Lane, a private drive; run thence

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run thence with the western line of Harold A. Harwood (Deed book 588, Page 94), South 00-52-15 East 260.00 feet to a new 3/4" iron pin; continue thence with the Harwood's line, North 89-52-10 West 161.50 feet to a new 3/4" iron pin; continue thence with the Harwood's line, North 03-14-48 West 262.50 feet to the POINT and PLACE OF BEGINNING, being 43,566.0 square feet (1.00 acre), more or less, according to a physical survey for Randy G. Carter of the Harold A. Harwood and wife, Pamela Carter Property, by Carl Shelton Hentline, RLS-2858, dated April 14, 2001.

#### TRACT 7

LYING and being on the east side of N.C. SR #1213, and BEGINNING at a point in the center of said road, said point being 310 feet with the center thereof from the corner of the Wriston Thomas Estate corner; thence with the center of said road N. 13-35 E. 125 feet to a point in the center of said road thence a new line. S. 87-45 E. 635 feet to a stake, a new corner; thence a new line S. 76-00 W. 500 feet to a stake, a new corner; thence a new line N. 80-40 W. 180 feet to a point in the center of said road, the Beginning, containing 1 acre, more or less.

#### TRACT 8

BEGINNING at a point in the centerline of SR 1213 (Pond Road) said point being the Southwestern corner of that property described in deed by Hometown Appliance Center, Inc. to Phillip R. Carter, Jr., and wife, Martha S. Carter, dated August 22, 1972, recorded in Deed Book 266, Page 27, Stanly County Registry, and running thence with the Southern line of that property described in deed recorded in Deed Book 266, Page 27, S. 79-31-10 E. 180.00 feet to a new iron pipe; thence a new line S. 03-51-20 W. 51.19 feet to a new iron pipe, the Northeastern corner of a parcel of land containing 0.24 acre, as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp., Stanly County, N.C., July 28, 1983;" thence with the Northern line of the 0.24 acre parcel of land, N. 80-43-33 W. 180.02 feet to a P.K. nail in the centerline of SR 1213; thence with the Northern line of SR 1213 N. 14-43-50 E. 55.00 feet to the beginning, containing 0.22 acre, subject to the right of way of SR 1213, as surveyed and platted by Thomas W. Harris and as shown on an unrecorded map captioned, "Composite Map for Phillip R. Carter, Furr 1 Twp., Stanly County, N.C., July 28, 1983."

#### TRACT 9

BEGINNING at a pk nail in the centerline of Pond Road (SR 1213) and runs thence from said point of beginning N. 14-43-50 E. 55 feet to a pk nail in the centerline of Pond Road; thence S. 80-43-33 E. 180.02 feet to a new iron pipe; thence S. 03-51-20 W. 51.19 feet to a new iron pipe; thence N. 81-51-10 W. 200.00 feet to the Point of Beginning and containing 0.24 acres and being subject to the right of way to SR 1213 as shown on an unrecorded plat entitled "Composite Map for Phillip R. Carter" dated July 28, 1983 as surveyed and platted by Thomas W. Harris, R.L.S.

#### TRACT 10

BEGINNING at a point in the center of said road, at the place where the line of Wriston Thomas estate lands cross the center line of said road and runs thence with the Thomas estate lands line, S. 83-00 E. 200 feet to an iron stake, a new corner; thence a new line, N. 13-35 E. 200 feet to an iron stake, a new corner; thence a new line, N. 83-00 W. 200 feet to a point in the center of said N.C. SR#1213, a new corner; thence with the center of said road, S. 13-35 W. 200 feet to the point of BEGINNING.

#### TRACT 11

Lying and being in Furr 1 Township, Stanly County, North Carolina, and more particularly described as follows:

BEGINNING at a found railroad spike in the centerline of SR 1213 (Pond Road) said railroad spike being the

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formerly by Harold A. Harwood, S. 89-31-10 E. 94.83 feet to a found iron pipe; thence again with the line of property owned now or formerly by Harold A. Harwood S. 00-31-46 W. 208.26 feet to a found iron pipe; thence with the line of property owned now or formerly by Phillip R. Carter, Jr., S. 01-00-16 E. 235.70 feet to a found iron rod; thence again with the line of property owned now or formerly by Phillip R. Carter, Jr., N. 89-18-38 W. 172.43 feet to a found iron rod; thence with the eastern line of a gravel drive N. 07-08-48 W. 237.15 feet to a found iron pipe; thence again with the eastern line of said gravel drive N. 05-37-07 W. 171.16 feet to a set railroad spike; thence with the line of property owned now or formerly by Phillip R. Carter, Jr., S. 73-04-37 W. 381.43 feet to a found iron pipe; thence again with the line of property owned now or formerly by Phillip R. Carter, Jr., S 01-40-11 W. 51.19 feet to a set 1/2" rebar; thence a new line S. 77-52-40 E. 384.76 feet to a set 1/2" rebar; thence with the western line of a gravel drive and a new line S. 07-38-32 E. 185.53 feet to a 1/2" rebar; thence another new line, S. 02-28-27 E. 253.00 feet to a set 1/2" rebar; thence a new line S. 54-50-19 W. 573.15 feet to a found stone, said stone being located N. 58-12-22 W. 2001.74 feet, Grid 6100.038 meters from a N.C. Geodetic Monument "Lora Faye," Northing = 168831.935 meters, Easting = 483010.609 meters; thence S. 37-14-21 E. 105.03 feet to a found stone; thence with the line of property owned now or formerly by Tony N. Pope, N. 79-38-27 E. 759.38 feet to a found iron pipe; thence N. 80-05-42 E. 14.84 feet to a found iron pipe; thence with the line of property owned now or formerly by Robert R. Efrid, N. 05-12-12 E. 1476.98 feet to a found stone; thence with the line of property owned now or formerly by Buren Mullis N. 57-19-55 W. 762.89 feet to a found stone by an iron pipe; thence N. 56-54-19 W. 148.07 feet to a found iron rod; thence S. 02-30-58 W. 471.87 feet to a found iron pipe in iron pipe; thence N. 82-27-03 W. 158.08 feet to a found railroad spike in the centerline of SR 1213; thence with the centerline of said SR 1213 S. 05-38-00 W. 28.88 feet to a found railroad spike, the northwest corner of property owned now or formerly by William C. Lowder; thence with the northern line of said Lowder property S. 82-26-13 E. 350.01 feet to a found bent iron pipe; thence western line of said Lowder property S. 10-01-57 W. 125.14 feet to a found bent iron pipe; thence with the southern line of said Lowder property, N. 82-25-35 W. 320.03 feet to a found bent iron pipe in the eastern right of way of said SR 1213; thence N. 82-22-42 W. 30.01 feet to the BEGINNING, containing 25.59 acres, more or less, subject to the right of way of SR 1213, calculated by coordinates, as surveyed and platted by Jimmy R. Ellison, Registered Land Surveyor, and as shown on an unrecorded map captioned: "Division and Physical Survey for Phillip Ritchie Carter, Jr., Date: August 13, 1990."

For reference, see Deed from Harold A. Harwood and wife, Pamela Sue Harwood to Phillip R. Carter, Jr. and wife, Leona E. Carter, dated January 18, 2008 and recorded in Record Book 1216 at page 432, Stanly County Registry.

The above described lands are conveyed subject to a Deed of Easement from Harold A. Harwood and wife, Pamela C. Harwood, to Mark R. Carter, Sr., and wife, Leslie C. Carter, dated November of 1997 and recorded in Record Book 648 at Page 502, Stanly County Registry.

There is excepted from the above described 25.59 Acre tract the following described 1.00 Acre tract, the home of Harold A. Harwood and wife, Pamela Sue Harwood, and being more particularly described as follows:

BEGINNING at a new iron pipe in the east right of way line of a 20-foot wide private soil road, said point of beginning being located S. 87-45 E. 509.44 feet from a railroad spike in the centerline of SR 1213 (Pond Road), said railroad spike being the northwest corner of the parcel of land deed to Phillip R. Carter, Jr. and wife, Martha S. Carter in Deed Book 268, at Page 27, Stanly County Registry, and runs thence from said point of Beginning S. 87-45 E., passing a new iron pipe at 125.56 feet, for a total distance of 220.58 feet to a new iron pipe; thence S. 02-15 W. 208.26 feet to a new iron pipe; thence N. 87-45 W. 197.74 feet to a new iron pipe in the east right of way line of said private soil road; thence with the east right of way line of said private soil road N. 04-00-35 W., passing a new iron pipe in the east right of way line of said soil road at 172.17 feet for a total distance of 209.51 feet to the point of beginning, containing 1.00 acre as surveyed by Thomas W. Harris, R.L.S., on July 28, 1983.

For reference, see Deed from Robin Lynn Starnes Kimrey and husband, Bradley D. Kimrey to Phillip R. Carter, Jr. and Randy G. Carter, dated June 29, 2009 and recorded in Record Book 1293 at page 697, Stanly County Registry.

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