

SO ORDERED.

SIGNED this 13th day of June, 2019.



Catharine R Aron

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

IN RE:

BRIAN CHRISTOPHER EWERT

DEBTOR

CASE NO:

18-10838

CHAPTER 7

ORDER APPROVING PUBLIC SALE

THIS MATTER comes before the United States Bankruptcy Court on the Motion filed by James B. Angell, Chapter 7 Trustee for Brian C. Ewert, for an order approving the public sale of property owned by the Debtor identified as 010 00600 000, Bishop Road, Laurel Bloomery, Johnson County, Tennessee (DE 286). The Motion was filed on May 17, 2019, and was served on the Bankruptcy Administrator, the Debtor, the Debtor's counsel, Kenny Phillips of Powell Auction & Realty, LLC, the auctioneer, and the matrix in this case. (DE 286) On May 20, 2019, the Clerk set a deadline for parties to file objections to the Motion in writing by June 5, 2019 and set the Motion for tentative hearing on June 18, 2019. (DE 290). The Notice was served on the case matrix on May 22, 2019 (DE 293). No objections to the Motion have been filed. Based on the representations of counsel and the record in this case, the Court finds as follows:

1. On July 31, 2018, the above captioned Debtor filed a Petition under Chapter 11 of the Bankruptcy Code. The case was converted to Chapter 7 on November 9, 2018 and James B. Angell was duly appointed as Trustee.

2. The following property is titled in the name of Brian C. Ewert and is property of the estate pursuant to 11 U.S.C. §541(a):

- Property ID: 010 00600 000, Bishop Road, Laurel Bloomery, Johnson County, Tennessee (the "Property")

The Property consists of approximately 35.15 acres of vacant land.

3. The Trustee believes that the best disposition of the Property is as follows:

Public auction conducted on-line and starting 10:00 a.m., on June 14, 2019, and continuing until 12:00 p.m. on June 28, 2019 with extended bidding. Extended bidding means that if there is a bid placed in the last 10 minutes of the auction, the auction will be extended for another 10 minutes. This will continue until there is a 10-minute period without a bid being placed in the auction. The Auctioneer reserves the right to reduce the end time as necessary to administer the auction in the best interest to the Seller.

4. The Terms of Sale are as follows:

BANKRUPTCY REAL ESTATE TERMS: The successful high bidder on the Property will be required to sign a Real Estate Purchase Agreement immediately upon conclusion of the bidding and will make an earnest money deposit of ten percent (10%) of the total sales price. A ten percent (10%) buyer's premium will be added to the high bid to establish the total contract price to be paid by Buyer. This sale is a bankruptcy sale and is subject to Bankruptcy Court approval. The balance of the total contract price is to be paid in full at deed closing within 20 (twenty) days after Bankruptcy Court approval. The Property is to be transferred with a Trustees Deed ONLY. The Seller will provide a Trustee's Deed ONLY. Title Opinion, Title Insurance, Document Recording & ALL CLOSING COSTS will be the Responsibility of the Buyer. Buyer is Responsible for ALL Property Taxes whether Current or Delinquent, fees & any penalties. No Extensions. Buyer is to obtain his/her own financing. The contract will not be contingent upon financing. All properties are sold "AS IS, WHERE IS and WITH ALL FAULTS" with no financing, inspection or other contingencies to sale. Auctioneer represents the Seller only and does not inspect properties on Bidder's behalf. All measurements are from tax records and are approximate and not guaranteed. Any bidders shall verify ALL information to their satisfaction prior to bidding.

ONLINE Auction Terms: Thank you for participating in this Powell Auction & Realty LLC Online Auction. It is important that you familiarize yourself with these terms & conditions of Sale. If you do not agree with any of the terms and conditions stated, DO NOT BID. You will be bound by these terms and conditions. Good luck and good bidding. The Auctioneer may withdraw, extend, or rearrange any property and or item(s) at its sole discretion at any time, without notice and will not be liable for any computer, internet or website malfunctions. Bidding may be extended, if bids are placed within the last minute, to prevent bid sniping. Powell Auction & Realty LLC will have up to 7 DAYS to provide the Buyer with any documents to be signed, after the auction has ended. Payment must be made within 48 hours after being contacted by Powell Auction & Realty LLC. All properties are sold "AS IS, WHERE IS and WITH ALL FAULTS", without any warranties expressed or implied or guarantees of any kind. Auctioneer represents the seller only and does not inspect properties on bidder's behalf. Auctioneer is not authorized to make any representations regarding the

Property on Seller's behalf. All information provided is believed to be reliable, but not guaranteed, bidders are to verify ALL information to their satisfaction before bidding.

5. The above referenced public sale is in the best interest of the estate and all creditors, subject to confirmation by the Bankruptcy Court. The authorization for sale should be immediately effective and upon confirmation, the buyer(s) will be provided all rights under 11 U.S.C. § 363 including, but not limited to, Section 363(m).

6. The Trustee employed James K. Phillips of Powell Auction & Realty LLC, a duly licensed and qualified auctioneer to conduct the public sale (DE 285). Pursuant to Rule 6005, the amount or rate of compensation for the auctioneer has been set forth in the order.

7. The Trustee is informed that the Property to be sold is not subject to any liens other than liens for ad valorem taxes, if any, as set forth in the Debtor's bankruptcy schedules or otherwise made known to the Trustee. The Trustee proposes that ad valorem taxes shall be paid from the net sales proceeds of the Property; however, in the event of any bona fide dispute with respect thereto, the Trustee may request the transfer of any such lien and reserve the net sales proceeds pending further orders of this Court.

THEREFORE, IT IS ORDERED, that the Trustee is authorized to sell the Property at a public sale to be conducted on-line and starting 10:00 a.m., on June 14, 2019, and continuing until 12:00 p.m. on June 28, 2019 with extended bidding as described above, pursuant to the Terms of Sale set out herein;

FURTHER, IT IS ORDERED that sale of the Property shall be subject to confirmation by the Bankruptcy Court on July 11, 2019 at 9:30 a.m. in Courtroom No. 2, Second Floor, 101 S. Edgeworth Street, Greensboro, North Carolina 27401.

END OF DOCUMENT

Parties to be served:

William P. Miller
Bankruptcy Administrator
Served via cm/ecf

Kenny Phillips
Powell Auction & Realty LLC
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Thomas Waldrep, Jr.
Francisco T. Morales
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James B. Angell
Chapter 7 Trustee
Served via cm/ecf