

SO ORDERED.

SIGNED this 4th day of June, 2015.



Catharine R Aron

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

In Re:

RAUL ALEXANDER LIO
AMANDA MAE LIO
135 SHORELINE DRIVE
LEXINGTON, NC 27292

Debtor(s).

Case No. B- 14-51177 C-7W CRA

ORDER ALLOWING PUBLIC AUCTION OF REAL ESTATE LOCATED AT
912 SHORELINE DRIVE, DAVIDSON COUNTY, LEXINGTON, NORTH CAROLINA, FREE AND
CLEAR OF ALL LIENS, CLAIMS AND INTERESTS; TO TRANSFER ALL LIENS, CLAIMS AND
INTERESTS TO PROCEEDS OF SALE; AND TO SUBORDINATE ALL LIENS, CLAIMS AND
INTERESTS TO REASONABLE CHAPTER 7 ADMINISTRATIVE COSTS

THIS PROCEEDING was considered by the Honorable Catharine R. Aron, United States Bankruptcy Judge for the Middle District of North Carolina, upon Motion by the Trustee. The Court, after considering the official record in this case and the Trustee's Motion, finds and concludes that:

1. The Trustee filed his Motion on May 7, 2015 (Doc # 264).
2. Proper notice of the Trustee's Motion was given to parties in interest and no responses were filed with the Court by the bar date of May 24, 2015.
3. Among the assets in the estate as scheduled by the Debtors are a mobile home and lot located at 912 Shoreline Drive, Lexington, Davidson County, North Carolina, more particularly described as:

Parcel Number 09009C0060882
BEING Lot No. Eight Hundred Eighty-Two (882), of Oakwood Acres of Carolina Properties Corporation as shown on Map 6 recorded in the Office of the Register of Deeds for Davidson County, North Carolina, in Plat Book 8, Page 51, said reference is hereby made for a more particular description.

4. In addition to the mobile home and lot with the address of 912 Shoreline Drive, there are four (4) lots on Shoreline Drive which adjoin 912 Shoreline Dr. The lots are described below:

0.21 AC Parcel Number 0900900000016J

Legal Description: L16J BK1208-816 OAKWOOD AC

BEGINNING at the southeastern corner of Lot 880, Oakwood Acres, map 6, as shown in Plat Book 8, Page 51, Davidson County Registry; thence from said beginning point with the eastern line of said Lot 880 N 30 deg 40'00" E 50.00 feet to a point, southeastern corner of Lot 881; thence with the eastern line of Lot 881 N 30 deg. 53'27" E 48.70 feet to a point, southeastern corner of Lot 882, thence with the eastern line of Lot 882 N 42 deg. 47'26" E 70.78 feet to an iron pin found, corner of Jerry Everhart; thence with Everhart's line S 65 deg. 30'04" E 55.83 feet to an iron pin found; thence S 40 deg. 05'22" W 125.59 feet to an iron pin set; thence S 30 deg. 40'00" W 50.00 feet to an iron pin set; thence N 59 deg. 20'00" W 50.00 feet to the point of beginning, containing 0.210 ac., according to a survey by Lexington Land Surveying, dated 7-24-00, Job No. 3052.

The same being a portion of Tract 5, MAP OF TRACTS ADJACENT TO OAKWOOD ACRES, as shown in Plat Book 8, Page 54, Davidson County Registry.

0.282 AC Parcel Number 0900900000016K

Legal Description: L16K BK1324-1904 HIGH ROCK AC

BEGINNING at an iron pin found, said iron pin being the southeastern corner of Jerry Everhart (Book 1103, Page 822) and the southwestern corner of Pete Hain (Book 1103, Page 820), thence from said beginning point a new line for Rotha Dawkins South 35 deg 43 min 18 sec. West 230.17 feet to an iron pin set in the line of Tract 4, Plat Book 8, Page 54; thence with the line of Tract 4 North 59 deg 20 min 00 sec. West 50.00 feet to an iron pin set; thence North 30 deg 40 min 00 sec. East 50.00 feet to an iron pin found; thence continuing North 30 deg 40 min 00 sec East 50.00 feet to an iron pin found, thence North 40 deg 05 min 23 sec. East 125.59 feet to an iron pin found in the line of Jerry Everhardt, thence South 65 deg 29 min 54 sc. East 50.01 feet to the point of beginning, containing 0.282 ac, according to a survey by J. Todd Everhart, RLS, dated 1/07/02, Job No. 3052A.

The same being a portion of Tract 5, Plat Book 8, Page 54, Davidson County Registry.

0.17 AC Parcel Number 0900900000016L

Legal Description: L16L BK1290-722 HIGH ROCK AC

BEGINNING at an iron pin set in the western right of way line of Shore Line Drive, said iron pin being the northwestern corner of Lot 879, Oakwood Acres, Map 6 as shown in Plat Book 8, Page 51, Davidson County Registry; then from said beginning point with the western right of way line of Shore Line Drive North 30 deg 40 min 00 sec. East 50.00 feet to an iron pin found, corner of Lot 880; thence South 59 deg 20 min 00 sec. East 150.00 feet to an iron pin found; thence South 30 deg 40 min 00 sec. West 50.00 feet to an iron pin set in the line of Tract 4, Plat Book 8, Page 54; then North 59 deg 20 min 00 sec West 150.00 feet to the point of the beginning, containing 0.172 ac., according to a survey by J. Todd Everhart, RLS, dated 1/7/02, Job No. 3052A.

1 LT Parcel Number: 09009C0060880

Legal Description: B6L880-881 BK1208-816 OAKWOOD AC

TRACT 1: BEING all of Lot No. 880, OAKWOOD ACRES OF CAROLINA PROPERTIES CORP., Map 6, according to the plat thereof which is duly recorded in the Office of the Register of Deeds for Davidson County, North Carolina in Plat Book 8, Page 51.

TRACT 2: BEING all of Lot No. 881, OAKWOOD ACRES OF CAROLINA PROPERTIES CORP., Map 6, according to the plat thereof which is duly recorded in the Office of the Register of Deeds for Davidson County, North Carolina in Plat Book 8, Page 51.

5. Davidson County is owed 2014 ad valorem property taxes in the amount of \$208.62 on the mobile home and lot located at 912 Shoreline Drive (described in paragraph 3). The Debtors listed the mobile home and lot with a tax value of \$33,380.00 and a lien amount of \$28,300.00.

6. NewBridge Bank holds a valid lien on the mobile home and lot located at 912 Shoreline Drive (described in paragraph 3) in the original amount of \$50,300.00, NewBridge filed a Motion to Lift Stay (Doc 95) and shows a balance owing on the lien of \$28,058.56 as of December 14, 2014. There appears to be some equity in the property. NewBridge Bank, by and through counsel, Bradley S. Hunt, has consented to the sale.

7. There are no liens on the vacant lots described in paragraph 4 above and there are no property taxes due (as of December 2014) on the vacant lots.

8. All liens, claims and interests should be subordinated to reasonable Chapter 7 administrative fees and expenses.

9. The Court entered an Order on January 21, 2015, authorizing the Trustee to employ Frankie Byrd of Ed Price & Associates to list and sell the property. There have been no offers made on the property and the Trustee has determined that it would be in the best interest of the estate to sell the property at public auction to be conducted by Rogers Realty and Auction Company, Inc., employed pursuant to a Court Order entered on May 8, 2015.

10. The best disposition of the property is by public auction, to be conducted by Rogers Realty and Auction Company, Inc., to be held on Monday, June 22, 2015, beginning at 12:00 noon at the property location of 912 Shoreline Drive, Davidson County, Lexington, North Carolina.

11. The properties will be sold subject to confirmation of the Court, with the confirmation hearing to be held on June 24, 2015, at 2:00 p.m. at the U.S. Bankruptcy Court, First Floor Courtroom, 226 South Liberty Street, Winston-Salem, North Carolina.

12. The property should be sold "as is, where is", free and clear of all liens, claims and interests, without any warranty of any kind.

13. It is in the best interest of the estate to allow this sale.

IT IS THEREFORE ORDERED that the Trustee sell at public auction, conducted by Rogers, the real property described in paragraph 3 and 4, on Monday, June 22, 2015, beginning at 12:00 noon at the property location of 912 Shoreline Drive, Davidson County, Lexington, North Carolina; and

IT IS FURTHER ORDERED that the property is sold "as is, where is", free and clear of all liens, claims and interests, without any warranty of any kind; and

IT IS FURTHER ORDERED that all liens, claims and interests are transferred to the proceeds of the sale; and

IT IS FURTHER ORDERED that all liens, claims and interests are subordinated to reasonable chapter 7 administrative fees and expenses; and

IT IS FURTHER ORDERED that the auction sale of the real property shall be subject to confirmation by this Court with the confirmation hearing to be held on June 24, 2015, at 2:00 p.m. at the U.S. Bankruptcy Court, First Floor Courtroom, 226 South Liberty Street, Winston-Salem, North Carolina.

END OF DOCUMENT

**RAUL ALEXANDER LIO
AMANDA MAE LIO
Case No. 14-51177 C-7W CRA**

Parties to be served:

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