

SO ORDERED.

SIGNED this 28th day of February, 2020.



*Catharine R Aron*

UNITED STATES BANKRUPTCY JUDGE

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UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

IN RE:

DIVERSE LABEL PRINTING, LLC,  
  
Debtor.

Case No. 18-10792

Chapter 11

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ORDER AUTHORIZING PUBLIC SALE OF 2009 GMC DENALI XL

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The matter before the Court in this chapter 11 case is the motion filed by Diverse Label Printing, LLC pursuant to § 363 of the Bankruptcy Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure for authorization to sell a 2009 GMC Denali XL at public auction. A hearing was held at the United States Bankruptcy Court in Durham, North Carolina on February 27, 2020. Stephanie Osborne appeared for the Debtor and William Miller appeared as the Bankruptcy Administrator. For the reasons that follow, the Debtor's motion is **GRANTED**:

1. On July 23, 2018 (the "Petition Date"), Diverse Label Printing, LLC (the "Debtor") filed a voluntary petition seeking relief under Chapter 11 of the Bankruptcy Code and on December 5, 2019, the Debtor's Third Amended Plan of Liquidation was confirmed by this Court.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The Debtor owns a 2009 GMC Denali XL (the "Vehicle"), which the Debtor seeks to sell for the benefit of its creditors. The Debtor is unaware of any party asserting a lien, claim, right or interest in the Vehicle.

4. On January 31, 2020, this Court entered an Order authorizing the Debtor to employ Iron Horse Auction Co., Inc. (“Iron Horse”) as auctioneer for the Debtor. Iron Horse has agreed to conduct a public sale of the Debtor’s Vehicle for the benefit of the estate and its creditors.

5. The Debtor proposes to sell, via public auction the Debtor’s Vehicle via an online only consignment auction which will begin on March 4, 2020 at 8 a.m. and conclude at 4 p.m. on March 11, 2020 (the “Auction”). The Auction will contain other assets from other bankruptcy court approved sales and also non-bankruptcy assets.

6. Iron Horse will be compensated solely through a buyer’s premium of ten percent (10%), with no compensation payable directly from the Debtor’s bankruptcy estate. However, Iron Horse shall be entitled to reimbursement by the Debtor’s bankruptcy estate for actual and necessary expenses in conducting the auction, subject to approval by the Court after notice and hearing, including an anticipated \$200 in advertising fees. Iron Horse anticipates that the types of expenses that it may incur with respect to this auction include, but are not limited to, expenses for repairs or replacement purchases for batteries, tires, rekeying, minor repairs, cleaning, and transportation.

7. No party filed an objection to the Debtor’s motion to sell the Vehicle and no party appeared at the hearing to voice an objection.

8. The Court finds that the relief requested by the Debtor is appropriate under the circumstances and is in the best interests of creditors and the estate.

Accordingly, it is hereby **ORDERED, DECREED** and **ADJUDGED**:

1. That the Debtor’s auctioneer, Iron Horse Auction Company, is authorized to hold a public sale of the Debtor’s 2009 GMC Denali XL via its online auction portal;
2. That the Iron Horse will be compensated for the auction solely through a ten percent (10%) buyer’s premium collected from the successful buyer of the Vehicle;
3. That Iron Horse may seek this Court’s approval of reimbursement of reasonable and necessary expenses that it incurs in connection with the Auction; and
4. That following the conclusion of the Auction, the Debtor shall file a Report of Sale in this case summarizing the details of the Auction.

{END OF DOCUMENT }

Parties to be served via CM/ECF:

William P. Miller Robert C. Price, Jr. U.S. Bankruptcy Administrator	Brian D. Darer Counsel for First National Bank of PA Counsel for Bank Capital Services LLC
Andrew W.J. Tarr / Jane Maschka Counsel for Cargill, Inc. and Cargill Meat Solutions Corp.	Thomas W. Waldrep, Jr. Counsel for Brian C. Ewert
Felton E. Parrish Counsel for Compass Plastics	Alan R. Lepene Counsel for Avery Dennison Corporation
John R. Gotaski Counsel for Compass Plastics	David H. Conaway Counsel for Creditors' Committee
Patricia Friesinger Counsel for Spinnaker Coating, LLC	Douglas B. Rosner Counsel for Stag Wichita 1, LLC and Stag Wichita 2, LLC
Richard B. Fennell Counsel for Tracy Ewert	James B. Angell Ch. 7 Trustee for Brian Ewert
Gerald Schafer Counsel for Alec Enterprises, Inc.	Everett B. Saslow, Jr. Ch. 7 Trustee for RFS, Inc.
Gill Geldreich Tennessee Deputy Attorney General Counsel for Tennessee Dept. of Revenue	Ashley Rusher Counsel for Green Bay Packaging, Inc.
Daniel Picard Counsel for N-Stock Box, Inc.	Nathan Strup Assistant US Attorney

Parties to be served via U.S. Mail:

Will Lilly  
Iron Horse Auction Co., Inc.  
PO Box 1267  
Rockingham, NC 28380