

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

IN RE: Hubert S. Burress SSN xxx-xx-5690
P. O. Drawer D
Pinetops, NC 27864
Debtor

CASE NO. 08-00146-8-RDD

NOTICE OF PROPOSED PUBLIC SALE AND
NOTICE OF COMPENSATION OF AUCTIONEER

TO: ALL PARTIES IN INTEREST

1. Pursuant to 11 U.S.C. §363(b), Federal Rules of Bankruptcy Procedure 6004, 2002(a), and 2002(c)(1), notice is hereby given that Hubert S. Burress ("Debtor") proposes to sell the following described real property:

TRACT 1:

Parcel 1: A certain parcel or lot of land situate in Pinetops, NC and being part of the same, lying adjacent to the East Carolina Railway, the same having been plotted and laid out into streets and lots, the said parcel or lot of land lying on Third Street, and bounded and described as follows: Beginning at a stake on said street 100 feet from the intersection of Third and Burnett Streets, and running with said Third Street N. 50 feet, thence W. 150 feet, thence S. 50 feet, thence E. parallel with Burnett Street 150 feet, and being Lot H in Square No. 15 in said plot and survey and being the same property conveyed to the late Nannie L. Felton by the Macclesfield Company by deed duly recorded in the Edgecombe County Registry in Book 114, Page 522, to which reference is made. The above lot or parcel of land being the same lot or parcel of land conveyed to W. D. Whitley and Elma Brown Whitley, his wife, by H. H. Phillips, Commissioner dated March 26, 1935, and recorded in Book 334, Page 383, Edgecombe County Registry. Being the same property conveyed by Elma Brown Whitley, Widow to A. W. Hedgepeth by deed dated April 11, 1962, recorded in Book 665, page 357, Edgecombe County Registry.

Parcel 2. Beginning at a point 50 feet in a southerly direction from the northeast corner of Square No. 15, thence in a westerly direction 150 feet to a stake, cornering; thence in a northerly direction 50 feet to a stake in the margin with Burnett Street, cornering thence in an easterly direction along the margin with said Burnett Street 150 feet to the intersection with Third Street, cornering, thence in a southerly direction 50 feet along the line with said Third Street to the point of beginning and being Lot G in Square No. 15 as shown on the plot and map of said Town of Pinetops, recorded in map Book 1, Page 105.

The foregoing lot or parcel of land being the same and identical lot or parcel of land conveyed to Elma Brown Whitley by J. W. Brown and wife, Annie C. Brown, by deed dated January 3, 1950 and duly recorded in Book 475, Page 354, Edgecombe County Registry. Being the same property conveyed by Elma Brown Whitley, widow, to A. W. Hedgepeth by deed dated April 11, 1962, recorded in Book 665, Page 357, Edgecombe County Registry.

Excepted from the foregoing and above described two lots or parcels of land is that certain part thereof previously conveyed by Elma Brown Whitley to J. R. Ellis, Jr. by deed dated January 3, 1950, duly recorded in Book 475, Page 370, Edgecombe County Registry, and particularly described as follows: Beginning at a point 90 feet in a northwesterly direction from the northeast corner of Square No. 15; thence in a southerly direction along a line parallel with Third Street 100 feet to a stake in the line between Lots H and I, cornering; thence in a westerly direction 60 feet along said line to a stake, cornering; thence along the margin or boundary of said Burnett Street in an easterly direction 60 feet to the point of beginning, said lots or parcel of land being a part of Lots G and H in Square No. 15, particularly the west end of said two lots, according to the map and plot of the said Town of Pinetops, of record in the Office of the Register of Deeds of Edgecombe County in Map Book 1, Page 105.

This conveyance being the same property conveyed by deed dated February 3, 1978, recorded in Book 877, Page 52, Edgecombe County Registry.

TRACT 2:

Being known and designated as School Street, Town of Pinetops, Number Ten Township, Edgecombe County, North Carolina and more particularly described as follows:

Beginning at an iron stake found at the intersection of the southern right of way line of Hill Street with its intersection with the western right of way line of School Street, the point of beginning. From the point of beginning thus determined, South 03° 30 minutes 00 seconds West 149.54 feet along and with the western right of way line of School Street to an iron stake found, cornering. Thence North 86 degrees 30 minutes 00 seconds West 150 feet to an iron stake found, cornering. Thence North 03 degrees 30 minutes 00 seconds East 149.54 feet to an iron stake found, in the southern right of way line of Hill Street, cornering. Thence along and with the Southern right of way line of Hill Street South 86 degrees 30 minutes 00 seconds East 150 feet to the point of beginning. As shown on map entitled "Survey for Steve Burgess, Hill Street and School Street, Pinetops, being all of the property described in Deed Book 1109, Page 204 of the Edgecombe County Registry, Town of Pinetops, Edgecombe County, NC dated March 12, 1997, Scale 1"=40', by J. Charles Cauley & Associates, 105 East Green Street, Wilson, North Carolina.

TRACT 3:

Being all of Lot 3, 4 and 5 as shown on map entitled "Property of W. L. Dunn, located in Town of Pinetops, Edgecombe County, N.C." prepared by L. M. Phelps, dated April 1947, and recorded in Map Book 7, Page 16, Edgecombe County Public Registry and to which reference is hereby made for further description.

TRACT 4:

Beginning at a new iron pipe set in the eastern right of way line of Sixth Street, this iron pipe being located S. 29 degrees 30 minutes 00 seconds W. 176.61 feet from the intersection of the eastern right of way line of Sixth Street with the southern right of way line of Irwin Street, thence running S. 60 degrees 30 minutes 00 seconds E. 150.00 feet to a new iron pipe in the line of Lot H, Block 59 as shown on the map hereafter referred to, cornering, thence along and with Lot H and Lot G, Block 59 S. 29 degrees 30 minutes 00 seconds W. 100.00 feet to a new iron pipe set in

the line of Lot G, Block 59, cornering, thence running N. 60 degrees 30 minutes 00 seconds West 150.00 feet to a new iron pipe set in the eastern right of way line of Sixth Street cornering, thence along and with the eastern right of way line of Sixth Street N. 29 degrees 30 minutes 00 seconds E. 100.00 feet to the point of beginning and being a part of Lot C and a part of Lot D, Block 59, as shown on a map entitled "Map of Meadowbrook Subdivision, Section 2" recorded in Plat Cabinet 2, Slide 61B, Edgecombe County Public Registry and to which map reference is hereby made for greater certainty of description.

TRACT 5:

Being all of Lot H, Square 60, Meadowbrook Subdivision, Section 2, as shown on plat recorded in Plat Cabinet 2, Slide 61-B, Edgecombe County Registry to which reference is hereby made.

TRACT 6:

Being all of Lot B, Square 60 as shown on a map of Meadowbrook Subdivision, Section 2, recorded in Plat Cabinet 2, Slide 61B, Edgecombe County Public Registry and reference is hereby made to said map for greater certainty of description.

Subject to the Following:

1. Easements and restrictive covenants of record.
2. Minimum building line as shown on aforesaid plat.

TRACT 7:

BEING known and designated as School Street, Town of Pinetops, Number Ten Township, Edgecombe County, North Carolina, and more particularly described as follows:

BEGINNING at an iron stake found at the intersection of the southern right of way line of Hill Street with its intersection with the western right of way line of School Street, the point of beginning. From the point of beginning thus determined, South 03 degrees 30 minutes, 00 seconds West, 149.54 feet along and with the western right of way line of School Street to an iron stake found, cornering. Thence North 86 degrees 30 minutes 00 seconds West 150 feet to an iron stake found, cornering. Thence North 03 degrees 30 minutes 00 seconds East 149.54 feet to an iron stake found, in the southern right of way line of Hill Street, cornering. Thence along and with the Southern right of way line of Hill Street South 86 degrees, 30 minutes 00 seconds East, 150 feet to the point of beginning. As shown on map entitled, "Survey for Steve Burress, Hill Street and School Street, Pinetops, Being all of the property described in Deed Book 1109, Page 204 of the Edgecombe County Registry, Town of Pinetops, Edgecombe County, NC, dated March 12, 1997, Scale: 1" = 40', by J. Charles Cauley & Associates, 105 East Green Street, Wilson, North Carolina.

TRACT 8:

A certain tract or parcel of land situate in the Town of Pinetops, running 16 feet on Hamlet Street and running back from Hamlet Street North in parallel lines 100 feet adjoining S.L. Parker and W.H. Philips, the same being part of the lot of land conveyed to Riley Phillips by deed from the Macclesfield Company of record in the Edgecombe Public Registry in Book 107, page 567, and being part of Square #1, according to the Plot of said Town of Pinetops, made by R.A. Stamper, Surveyor, March, 1919, to which deed and map reference is hereby made.

TRACT 9:

Beginning at an iron pipe set at the intersection of the southern margin of Pitt Street with the western margin of 4th Street, thence running with the western margin of 4th Street S. 31° 15' W. 117.5 feet to an iron pipe, a corner with Lot 21, cornering; thence running along the line of Lot 21 N. 58° 45' W. 84.03 feet to the line of Lot 19, cornering; thence along the line of Lot 19 N. 31° 15' E. 117.5 feet to the southern margin of Pitt Street, cornering; thence along the southern margin of Pitt Street S. 58° 45' E. 73.03 feet to the point of beginning.

TRACT 10:

BEGINNING at a point on the south side of Pitt Street located 153.9 feet eastwardly from an iron stake in the east margin of Second Street at the south-east corner of the intersection of said Second Street and Pitt Street; thence in a southerly direction 32* 50' West 134.67 feet to an iron stake, cornering; thence South 82* 2' East to an iron stake in the corner of Lot 21; thence North 44* 5' West 23.19 feet, cornering; thence North 31* 15' East 117.5 feet to the margin of said Pitt Street; thence in a westerly direction along and with the south margin of Pitt Street 60 feet to the point of BEGINNING and being Lot No. 19 of the property of Irene Pitt Craft and Emma Pitt Gardner located in the Town of Pinetops, North Carolina, which has been plotted and surveyed and laid out into lots and streets as shown by map of same and prepared by L.M. Phelps, Registered Surveyor, December, 1952, and duly recorded in the Office of the Register of Deeds of Edgecombe County, North Carolina, in Map Book 10, Page 34, to which reference is hereby made. For further reference see Book 525, Page 161, and Book 699, Page 588, Edgecombe County Registry.

2. Notice is further given that the Debtor proposes to sell said property at the date, time and place as hereinafter set out:

DATE: April 5, 2008

TIME: 10:00 a.m.

PLACE: 202 S. Third Street, Pinetops, NC

3. The Debtor will file an application with the court to approve the employment of John Tugwell of J. W. Tugwell Auction and Realty Company as auctioneer whose compensation shall be fixed at a rate not to exceed 6% of the gross proceeds of sale. Further, the auctioneer shall bear all reasonable and necessary expenses of sale. Such compensation and reimbursement of expenses shall be subject to final review by the court, without further notice.

4. An objection to the proposed sale and/or compensation of the auctioneer may be filed with the Clerk, U.S. Bankruptcy Court, P.O. Drawer 2807, Wilson, North Carolina, 27894-2807, **with a copy served on the Debtor's Attorney whose name appears at the bottom of this notice**, WITHIN FIFTEEN (15) DAYS of the date of this notice. No hearing will be conducted on said objection unless the court, in its discretion, deems a hearing necessary, or unless a hearing is requested by the party filing such request. If a hearing is requested it will be held at a date, time and place to be later set by the court and all interested parties will be notified accordingly. Any party requesting a hearing shall appear at the hearing in support of such request or he may be assessed with costs.

DATED: 3/12/08

s/Michael P. Peavey

MICHAEL P. PEAVEY

Attorney for the Debtor

NC Bar No. 6330

Post Office Box 1115

Wilson, North Carolina 27894-1115

Telephone No. (252) 291-8020

CERTIFICATE OF SERVICE

I, Michael P. Peavey of Post Office Box 1115, Wilson, North Carolina 27893; certify :

THAT I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

THAT on the 12th day of January, 1999, I served a copy of the Notice of Proposed Public Sale and Notice of Compensation of Auctioneer on The Heritage Bank by depositing copies of the same in envelopes with adequate postage thereon in a depository of the United States Postal Service for mailing by certified mail, addressed as follows:

President
The Heritage Bank
P.O. Box 100
Lucama, NC 27851

Further, on the day of March, 2008, I served a copy of the foregoing Notice of Proposed Public Sale and Notice of Compensation of Auctioneer on those listed on Exhibit A attached hereto and incorporated herein by reference by depositing same in the United States mail, first class, postage prepaid.

I certify under penalty of perjury that the foregoing is true and correct.

This the 12th day of March, 2008.

s/Michael P. Peavey

MICHAEL P. PEAVEY

Attorney for the Debtor

NC Bar No. 6330

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Managing Agent
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Tarboro, NC 27886

Edgecombe Farmers Mutual Fire Ins.
Managing Agent
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