

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN THE MATTER OF:

CASE NO.: 07-02965-8-JRL

FOOD EQUIPMENT WAREHOUSE, INC.

CHAPTER 7

DEBTOR

**NOTICE OF PROPOSED SECOND PUBLIC SALE OF PERSONAL PROPERTY
AND NOTICE OF COMPENSATION TO AUCTIONEER**

TO: ALL CREDITORS, INDENTURE TRUSTEES AND OTHER PARTIES IN INTEREST

In accordance with Bankruptcy Rules 2002(a), 6004 and 6007 and 11 U.S.C. §363, Notice is hereby given of the proposed public sale of certain personal property being among the assets of Food Equipment Warehouse, Inc. (the "Debtor") including 1998 International Box Truck, VIN 1HTSDAASWHS26321("Box Truck") and miscellaneous commercial restaurant equipment as further described in the Motion, (collectively, the "Property"). The sale is subject to approval of bids by the Chapter 7 Trustee and subsequent confirmation by the Bankruptcy Court. All bids made prior to approval and confirmation are subject to rejection.

Notice is further given that the Trustee proposes to sell the Property at public auction on **November 17, 2007 at 10:00 a.m. or shortly thereafter at 1211 West 5th Street, Washington, North Carolina 27889.**

On August 11, 2007 the Court entered an Order approving the employment of Country Boys Auction and Realty Co., Inc., and Mike Douglas Gurkins as auctioneer, allowing said employment to be fixed at a rate of the following:

REAL PROPERTY
10% of first \$25,000
4% of balance

PERSONAL PROPERTY
20% of first \$20,000
10% of next \$50,000
4% of balance

Media advertising requirement for the sale to be performed by the Auctioneer shall be no greater than \$500.00 unless otherwise approved by this Court.

FURTHER NOTICE IS HEREBY GIVEN that this sale may be allowed to proceed provided no response and request for a hearing is made by the Debtor, Trustee or other parties in interest in writing to the Clerk of this Court within **TWENTY (20) DAYS** from the date of this notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed by the Debtor, Trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further Notice.

DATE OF NOTICE: October 23, 2007

s/ Eileen M. Bornstein
Eileen M. Bornstein, State Bar No. 28436
Attorney for Trustee
Post Office Box 7100
Rocky Mount, NC 27804-0100
(252) 937-2200

CERTIFICATE OF SERVICE

I, Eileen M. Bornstein, Attorney for Trustee in this action, hereby certify that on the 23rd day of October, 2007, I served the documents to which this certificate is attached:

**NOTICE OF PROPOSED SECOND PUBLIC SALE OF PERSONAL PROPERTY
AND NOTICE OF COMPENSATION TO AUCTIONEER**

by depositing a copy thereof postpaid in a post office or official depository under the exclusive care and custody of the United States Postal Service, in a wrapper, addressed to each of the following parties of interest in this action at the following last known addresses:

Ms. Marjorie K. Lynch Bankruptcy Administrator Eastern District of North Carolina Post Office Box 3758 Wilson, NC 27895-3758	Internal Revenue Service Attn: Special Procedures Staff 320 Federal Place Greensboro, NC 27402
Office of the Attorney General Department of Justice 10th St. & Constitution Ave. Washington, DC 20530	North Carolina Dept of Revenue Attn: Manager/Agent Office Services Division Bankruptcy Unit P.O. Box 1168 Raleigh, NC 27602-1168
North Carolina Dept of Revenue c/o N.C. Dept of Justice P.O. Box 629 Raleigh, NC 27602-0629	United States Attorney - EDNC Attn: Civil Process Clerk 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461
N.C. Department of Motor Vehicles Attn: Carol Ann Smith, Assistant Manager Title & License Unit Driver & Vehicle Services Section 3157 Mail Service Center Raleigh, North Carolina 27699-3157	Office of Attorney General Crime Control & Motor Vehicles Section Attn: Christopher W. Brooks P.O. Box 629 Raleigh, NC 27602-0629
Employment Security Commission Attn: Managing Agent P.O. Box 26504 Raleigh, NC 27611	Allen C. Brown Brown, Brown 7 Taylor, LLP Attorneys for Debtor P.O. Drawer 1909 Winterville, NC 28590
Eastern Food Equipment, Inc. Attn: Manager/Agent 1930 Healy Drive Winston-Salem, NC 27103	Chowan County Tax Office Attn: Lynda K. Hendricks, Managing Agent County Office Building 113 East King Street Edenton, NC 27932
Eastern Food Equipment, Inc. Attn: Mr. Thomas E. Hamberis, Registered Agent 1930 Healy Drive Winston-Salem, NC 27103	Food Equipment Warehouse, Inc. Attn: Steven Mizell, Jr., President P.O. Box 10 Edenton, NC 27932

American Express c/o UCC Direct Services, agent for American Express Attn: Manager/Agent 2727 Allen Parkway, Suite 1000 Houston, TX 77001	American Express Attn: Manager/Agent 4315 South 2700 West Mail Code 02-01-95 Salt Lake City, UT 84184
Steve Mizell, Jr. P.O. Box 27 Edenton, NC 27932	All parties listed on the attached mailing matrix

s/Eileen M. Bornstien
Eileen M. Bornstein,
Attorney for Trustee
Post Office Box 7100
Rocky Mount, NC 27804-0100