



SO ORDERED.

SIGNED this 10 day of November, 2021.

Stephani W. Humrickhouse

Stephani W. Humrickhouse
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION

In re:)	Case No.: 19-05730-5-SWH
CHRISTOPHER S. HARRISON,)	
)	Chapter 7
Debtor.)	
)	

ORDER AUTHORIZING EMPLOYMENT
AND COMPENSATION OF AUCTIONEER

THIS MATTER COMES ON to be heard upon the Application to Employ and Compensate an Auctioneer filed by Holmes P. Harden, Trustee. The Court finds and orders as follows:

1. The property to be sold by Auctioneer (Sales Agent) is a note dated September 11, 2019 in the face principal amount of \$65,000.00 from Stacy L. Denton, maker, payable monthly for a twenty (20) year term at 5.250% interest (\$439.91 per month) to Christopher and Brandy Harrison, secured by the real property located at 5740 Randleman Street, Fayetteville, North Carolina 28304 (Note). The deed of trust securing the Note is the only encumbrance on the 5740 Randleman Street real property, which has a tax value of \$91,800. The Note has a balance of \$61,389.00. The Note is to be sold pursuant to this Court's Order Granting Motion to Approve Compromise in the matter of Harden v. Brandy Harrison, Adversary Proceeding No. 20-00086-5-

SWH (Doc. 49) dated June 28, 2021 according to which the proceeds of the sale of the Note are to be divided equally between the estate and Brandy Harrison after deducting all fees, expenses, costs and commissions associated with the marketing and sale of the Note.

2. The Trustee wishes to employ Country Boys Auction & Realty, Inc. as his sales agent in this Chapter 7 case because of the Auctioneer's experience and qualifications as an auctioneer/sales agent. The Trustee believes that Country Boys Auction & Realty, Inc. is well qualified to handle the liquidation of the aforesaid property for the Trustee in this Chapter 7 case.

3. Country Boys Auction & Realty, Inc. will list the Note for sale on its website for up to ninety (90) days at the discretion of the Trustee. The professional services to be rendered by the Auctioneer shall include all services necessary to generate private offers from the website, which has 7,322 email addressees, any offer(s) being subject to notice to creditors and Court approval.

4. To the best of Trustee's knowledge, the Sales Agent is a disinterested party and has no connection with the creditors or any other party in interest or their respective attorneys or auctioneers. In support of this representation, the Sales Agent has affirmed that he is disinterested and is duly licensed and in good standing with the North Carolina Auctioneers Commission in conformance with the North Carolina General Statutes §85B-3 and 4. The Sales Agent has further affirmed that he is adequately bonded and maintains adequate insurance for loss to the estate.

5. The Sales Agent has agreed and understands that he is prohibited from making or allowing any sales to his relatives or other insiders, or to persons assisting him in the conduct of the auction sale, or employed by him in connection with the auction sale, or their relatives, and is prohibited from applying or charging any buyer's premium.

6. In return for the services enumerated herein, the Sales Agent will be compensated at a rate not greater than the following:

<u>REAL PROPERTY</u>	<u>PERSONAL PROPERTY</u>
10% of first \$25,000.00	20% of first \$20,000.00
4% of balance	10% of next \$50,000.00
	4% of balance

7. The above scale includes compensation for all electronic mail expenses associated with conducting a sale.

8. The Sales Agent is aware of the provisions of 11 U.S.C. §328 and has agreed, notwithstanding the terms and conditions of employment set out herein, that the Bankruptcy Court may allow compensation different from compensation provided herein if such terms or conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of said terms and conditions.

9. The Sales Agent has agreed to accept employment on an independent contractor basis to the Trustee, has acknowledged his direct fiduciary responsibilities to the United States Bankruptcy Court, and has consented to the jurisdiction of the United States Bankruptcy Court.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

Holmes P. Harden is authorized to employ Country Boys Auction & Realty, Inc. as Sales Agent for the liquidation of the property set forth in Paragraph 1 in this case on the terms and subject to the conditions set out in this Order.

END OF DOCUMENT