IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS SIXTH JUDICIAL CIRCUIT TWELFTH DIVISION

ROBERT WHEELER, Individually, and ROBERT WHEELER, as Trustee

PLAINTIFF

VS.

CASE NO.: 60CV-18-76

U.S. BANK, N.A.

U.S. BANK, NATIONAL ASSOCIATION

DEFENDANTS

THIRD PARTY PLAINTIFF/ COUNTERCLAIMANT

VS.

THE ESTATE OF LAVONIA E. WHEELER; THE UNKNOWN PERSONAL REPRESENTATIVE OF THE ESTATE OF LAVONIA E. WHEELER; THE UNKNOWN HEIRS OF LAVONIA E. WHEELER; THE UNKNOWN SPOUSE OF LAVONIA E. WHEELER; BOB WHEELER; THE UNKNOWN SPOUSE OF BOB WHEELER; ROBERT WHEELER, INDIVIDUALLY; ROBERT WHEELER, AS TRUSTEE; THE UNKNOWN SPOUSE OF ROBERT WHEELER; AND THE CURRENT OCCUPANTS OF 14 PLATTE DRIVE, MAUMELLE, AR 72113

THIRD PARTY DEFENDANTS

NOTICE OF COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN that pursuant to the authority and directions contained in the decretal order of the Circuit Court of Pulaski County, Arkansas, made and entered on October 24, 2019, in a certain cause (No. 60CV-18-76) then pending between U.S. Bank, N.A., Third-Party

Plaintiff/Counterclaimant, and The Estate of Lavonia E. Wheeler, *et al.*, Third-Party Defendants, the undersigned, as Commissioner of said Court, will offer for sale at public venue to the highest bidder, at the Pulaski County Courthouse in which said Court is held, located at **401 West Markham Street, Little Rock, Arkansas 72201**, within the hours prescribed by law for judicial sales, on **December 5, 2019 at 12:00 P.M**., the following-described real estate, situated in Pulaski County, Arkansas:

LOT 101, RIVERLAND SUBDIVISION, IN THE CITY OF MAUMELLE, PULASKI COUNTY, ARKANSAS AND AS SHOWN ON PLAT OF RECORD IN PLAT BOOK A, PAGE 958, RECORDS OF PULASKI COUNTY, ARKANSAS.

Commonly known as 14 Platte Drive, Maumelle, Arkansas 72113.

<u>TERMS OF SALE:</u> The subject property will be sold on a credit of three (3) months; the purchaser may execute a bond, with a commercial corporate surety, bearing interest from the sale until payment at the maximum rate allowed by law; and the payment of the judgment shall be secured by a lien upon the subject property.

Should the Third-Party Plaintiff, U.S. Bank, N.A. ("U.S. Bank"), become the purchaser at the sale for an amount in excess of its judgment, interest, costs and attorneys' fees, in lieu of giving bond, the Third-Party Plaintiff may credit the amount of its bid, less the costs of these proceedings, including the Commissioner's fee, on the judgment. This credit shall extinguish U.S. Bank's judgment to the extent of the credit.

Should U.S. Bank's bid exceed the amount of the judgment, costs and attorneys' fees, Plaintiff shall be required to give bond only for any resulting surplus of funds. Any surplus from the sale over and above the judgment, interests, costs and attorneys' fees shall be paid to the Pulaski County Circuit Court Clerk.

The sale will constitute a permanent bar to all right of redemption, dower, curtesy, homestead and possession which any parties might claim as to the subject real property. The real property hereinabove described is indivisible and it cannot be divided without materially impairing its value or the value of Plaintiff's lien thereon and said real property shall be sold as a whole.

Upon confirmation of the sale, the sale of this property shall be in bar of all right of redemption or equity of redemption whether statutory or otherwise. The property and any improvements shall be taken in "as is" condition by the buyer with no warranties or representations as to the condition of the premises or the title.

This sale is made subject to any and all stipulations made in the decretal Order filed of record on October 24, 2019. THIS PROPERTY IS TO BE SOLD AS IS, WHERE IS, WITH NO WARRANTY. Title, boundary lines, taxes, liens, delinquent utility payments and/or improvements, if any, on this property in Pulaski County, Arkansas. Announcements made on day of sale take precedence over printed advertisement. This sale is subject to confirmation by the Pulaski County Circuit Court.

COMMISSIONER IN CIRCUIT

Terry Hollingsworth, Circuit Clerk & Ex-Officio Recorder

By:

: <u>/s/ Camille Drackette</u>D.C. Camille Drackette, Court Administrator Pulaski County Circuit Court 400 West Markham Little Rock, AR 72201 (501) 340-8500

PREPARED & APPROVED BY:

/s/ Kevin D. Rogers Kevin D. Rogers, ARBIN 2012031 Marinosci Law Group, P.C. 1405 North Pierce Street, Suite 306 Little Rock, AR 72207 (501) 663-6200 | (501) 663-6201 fax krogers@mlg-defaultlaw.com

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