

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

ENTEGRA BANK

PLAINTIFF

VS.

CASE NO. 04CV-19-916

**ELKHORN LIQUORS, LLC;
CHARLES W. PEARCE;
GARY R. ECKEL, GREGORY
JONES and DEANNA JONES**

DEFENDANTS

NOTICE OF COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN that on January 11, 2021, at 9:30 a.m., pursuant to the authority contained in the Order Granting Plaintiff's Motion for Default Judgment; Motion for Summary Judgment and Decree of Foreclosure signed on November 17, 2020 and filed on November 20, 2020, (the "Judgment & Decree") of Benton County Circuit Court in Case No. 04CV-19-916.

The undersigned Commissioner appointed by the Court will offer for sale at public auction the following described real estate, commonly known as 16727 Highway 62, Garfield, Arkansas 72732 (the "Elkhorn Property"), and more particularly described as follows:

Part of the NE/4 of the SE/4 of Section 36, Township 21 North, Range 29 West, Benton County, Arkansas and being more particularly described as follows: Commencing at a point being used as the Quarter

Corner Section's 31 and 36; thence South 01°38'14" West along the East line of the NE/4 of the SE/4 of Section 36 a distance of 37.65 feet; thence continuing South 01°38'14" West along said East line a distance of 180.72 feet to a point on the Southeasterly right of way line of relocated US Highway 62 as established by AHTD Job 090065; thence South 75°01'34" West along said right of way line a distance of 227.49 feet to a set iron pin and the POINT OF BEGINNING; thence leaving said right of way South 01°42'29" West 625.87 feet to a set iron pin; thence North 88°51'52" West a distance of 220.01 feet to a set iron pin; thence North 01°42'29" East a distance of 562.14 feet to a set iron pin on the right of way line of relocated US Highway 62; thence along said right of way North 75°01'34" East a distance of 229.67 feet back to the point of beginning and containing 3.00 acres, more or less.

The undersigned Commissioner appointed by the Court will offer for sale at public auction the following described real estate, commonly known as 14966 N. Mill Street, Garfield, Arkansas 72732 (the "Eckel Property"), and more particularly described as follows:

Part of the NW ¼ of the NW ¼ and part of the SW ¼ of the NW ¼ of Section 33 and part of the NE ¼ of the NE ¼ of Section 32, all in Township 21 North, range 28 West, Benton County, Arkansas, and being more particularly described as follows; beginning at the Southwest Corner of said NW ¼ of the NW ¼; thence N87°43'26"W 422.50 feet; thence N06°57'26"E 373.80 feet; thence N12°53'35"W 297.00 feet; thence N88°43'44"E 113.81 feet; thence S82°47'20"E 128.87 feet; thence S57°42'11"E 46.56 feet; thence S48°39'41"E 132.26 feet; S28°36'12"E 123.41 feet; thence N00°02'49"E 215.01 feet; thence S89°11'20"E 251.49 feet; thence S00°17'44"E 447.14 feet; thence S68°14'52"E 43.32 feet; thence S25°57'17"W 129.68 feet; thence S89°53'11"W 55.21 feet; thence S01°36'33"W 152.56 feet; thence S85°24'55"W 175.17 feet; thence N00°25'11"E 90.96 feet to the point of beginning, as shown on plat record 31 at page 5. Subject to any and all easements of record. Together with an oral easement grant for ingress and egress as established by an order no. E98-1640, by the Chancery Court of Benton County, Arkansas. AKA: 14966 N Mill St, Garfield, AR 72732.

AND

Lots 4, 5, and 6, Block 6, Original Town of Garfield, Benton County, Arkansas, as shown in Plat Record B at page 85.

The Eckel Property is subject to a prior mortgage lien in favor of Simmons Bank, successor by conversion to Simmons First National Bank, successor by merger to Simmons First Bank NWA, duly filed for record initially on July 2, 2008 in the Real Estate Records of Benton County Circuit Clerk in Book 2008 at page 115825. The mortgage in favor of Simmons is re-recorded on July 28, 2008 in Book 2008 at page 128757. (the “Simmons Mortgage”)

The above-described properties shall be sold separately at the Benton County Courthouse where such sales are customarily conducted, in the City of Bentonville, Benton County, Arkansas, at the time stated above. This sale is made subject to any and all stipulations in the Decree and the Eckel Property shall be sold subject to the Simmons Mortgage. The terms of the foreclosure sale shall be for cash due to be paid by close of business on the day of sales or on credit terms up to 90 days with interest, except as to Entegra Bank or its assignee, which is entitled to offset bid against its judgment awarded herein.

The foreclosure sale shall be a sale to the highest bidder(s), as set forth above, with prompt performance due. If on the date of sale prompt performance is not made, Entegra Bank shall be entitled, but not required, to enforce performance or to take the second highest bid(s) (and so on until each property is sold to a bidder) and all rights of Entegra Bank as to any non-performing bidders are hereby reserved as to non-performing bidders.

Upon confirmation of the sales herein ordered, the Benton County Commissioner shall execute and deliver to the purchaser(s) a Commissioner's Deed for each property.

The purchaser(s) shall, upon receipt of a Commissioner's Deed, be entitled to immediate possession of each property.

You are invited to review the entire Decree in the Benton County Circuit Court records in this case on file with the Clerk of the Court or by obtaining a copy from the undersigned counsel upon written request.

Any announcements made by Commissioner at the time of sale take precedence over this Notice.

DATED this 24th day of November 2020.

 

COMMISSIONER

Submitted by:

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