

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION**

FIRST NATIONAL BANK AT PARIS

PLAINTIFF

VS.

CASE NO. CV 2010-88 (VI)

**MARY LOUISE CAPWELL, INDIVIDUALLY
AND AS TRUSTEE OF THE LEE AND MARY
CAPWELL FAMILY TRUST, UTO 11-27-02,
A SINGLE PERSON, KEITH A. THOMAS AND
DEBI SNOW, HUSBAND AND WIFE, AND
ARKANSAS CAPITAL CORPORATION**

DEFENDANTS

KAT MANUFACTURING CORPORATION

ADDITIONAL DEFENDANT

NOTICE OF COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN, that pursuant to the authority and directions in the order of the Circuit Court of Washington County, made and entered on September 10, 2010 in the above styled cause pending between Plaintiff and the other parties to the above styled matter, the undersigned, as Commissioner of said Court, will offer for sale at public auction to the highest bidder, with the sale to be conducted at the Washington County Courthouse at 10:15 a.m. on October 13, 2010 with the sale to be conducted in front of the Circuit Clerk's office.

The property to be sold consists of the following-described Real Property:

The S ½ of the SE1/4 of Section 29 and part of the SW1/4 of the SW1/4 of Section 28, all in Township 17 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Beginning at the NW Corner of said S ½ of the SE1/4 of Section 29, thence along the North line of said S ½ of the SE1/4; South 86 degrees 40' 09" East 2619.85 feet to the NE Corner of said S ½ of the SE1/4; thence South 88 degrees 22' 26" East 134.32 feet, thence South 07 degrees 15' 02" West 331.25 feet, thence South 83 degrees 59' 38" East 718.51 feet, thence South 02 degrees 55' 50" West 933.52 feet to the South line of said SW1/4 of the SW1/4 of Section 28, thence North 88 degrees 32' 53" West 824.49 feet to the SE Corner of the SE1/4 of the SE1/4 of Section 28, thence North 86 degrees 50' 54" West 1311.52 feet to the SE Corner of the SW1/4 of the SE1/4 of Section 29, thence North 86 degrees 49' 43" West 1311.86 feet to the SW Corner of said S ½ of the SE1/4, thence North 02 degrees 58' 23" East 1328.32 feet to the Point of Beginning, containing 98.93 acres, and subject to the right of way of Washington County Road 86 and subject to a 30 foot wide ingress and egress easement on the East

side of the property to Washington County Road 86 as referenced in warranty deed 2004-31604 and benefiting from a 30 foot wide ingress and egress easement to Washington County Road 86 as referenced in special warranty deed 97-90908, and subject to any other easements of record or fact. (Hereafter, the "Real Property")

ALSO, a 1994 CHMI Double Wide Mobile Home, Serial #HVM329388007086A8, including all parts, attachments, accessories and appurtenances thereof. (the "Personal Property").

The address for the Real and Personal Property is 13886 Savoy Road, Fayetteville, AR. 72704.

THE REAL PROPERTY AND THE PERSONAL PROPERTY SHALL BE SOLD SUBJECT TO THE RIGHT OF OCCUPANCY GRANTED TO MARY CAPWELL AND ONE TENANT, PURSUANT TO PARAGRAPH 19 OF THE FORECLOSURE. THE REAL PROPERTY AND PERSONAL PROPERTY ARE CURRENTLY OCCUPIED BY MARY CAPWELL AND ONE TENANT, AND THE DECREE GRANTS THEM THE RIGHT TO OCCUPY THE PERSONAL PROPERTY AND REAL PROPERTY UNTIL DECEMBER 9, 2010, FREE OF CHARGE. THE TENANT OCCUPIES A PORTION OF THE REAL PROPERTY IN A MOBILE HOME OWNED BY THE TENANT. ON OR BEFORE DECEMBER 9, 2010 THE TENANT AND MARY CAPWELL SHALL VACATE THE REAL PROPERTY AND PERSONAL PROPERTY, AND THE TENANT SHALL REMOVE HER MOBILE HOME, UNLESS THE BUYER AT THE FORECLOSURE SALE CONSENTS TO THEM REMAINING ON THE REAL PROPERTY, AND TO OCCUPY THE PERSONAL PROPERTY.

TERMS OF SALE: The sale shall be for cash or upon credit up to three months, with a 10% down payment; provided that if the sale is upon credit, the purchaser shall be required to execute and provide to the Commissioner a bond to secure payment of the balance of the purchase price, with good and sufficient surety, as required by law and the Decree of the Court, bearing interest from the date of sale until paid at a rate of 8% per annum, the payment of said purchase price to also be secured by a lien upon the purchased property.

Given under my hand this 24 day of September, 2010.

BETTE STAMPS, COMMISSIONER

Publish in The Northwest Arkansas Times
one time at least ten days prior to sale.

Publish once on September 27, 2010
Bill Attorney

ATTORNEY FOR

ARKANASAS CAPITAL CORPORATION

By its Attorney

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