

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

IN RE: **OZARK MOUNTAIN SOLID WASTE DISTRICT, Debtor**

**3:14-bk-70015
Chapter 9**

MOTION FOR AND NOTICE OF SALE OF
PERSONAL PROPERTY FREE AND CLEAR OF LIENS

Comes now Ozark Mountain Solid Waste District, the Chapter 9 Debtor, and moves for an Order of this Court authorizing the sale of personal property described herein free and clear of liens, payment of certain administrative expenses of sale, and in support thereof states:

1. That among the assets of Debtor's estate captioned above are items of personal property more particularly described within the notice of sale, made a part of and incorporated herein below. The property so described is encumbered as noted within the Notice incorporated herein.

2. That Debtor moves to sell the personal property upon Notice to creditors and interested parties free and clear of liens with removed liens and claims being transferred to the proceeds of sale for payment of and distribution to lien claimants in order of their priority.

3. That Debtor proposes this sale in accordance with the Notice incorporated herein as set forth immediately below:

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. §363, the Debtor, Ozark Mountain Solid Waste District, has organized a public auction sale to be held as follows:

Thursday, June 26, 2014, beginning at 10:00 a.m., at 1194 RLH Landfill Road, (the landfill), Mountain Home, Arkansas, the vehicles (non-operating/scrap) listed on Exhibit "A" attached hereto will be auctioned off.

NOTE: These items may be viewed on Wednesday, June 25, 2014, beginning at 12:00 p.m.

Saturday, June 28, 2014, beginning at 10:00 a.m., at 1305 Rossi Road, Mountain Home, Arkansas, the vehicles listed on Exhibit “B” attached hereto will be auctioned off.

NOTE: These items may be viewed on Friday, June 27, 2014, beginning at 12:00 p.m.

ALSO NOTE: That some assets listed on Exhibit “B” may be sold on Thursday, June 26, 2014, if they were not able to be moved from the landfill to the Rossi Road Location.

The Debtor believes that all assets to be sold are free and clear of liens.

Any creditor or party in interest asserting a lien in the property described on Exhibit “A” or “B” attached hereto, should file a response to the Motion and Notice, and the validity of the lien and/or ownership shall be determined pursuant to further Court Order. Distribution of proceeds of sale to secured creditors (if any) shall be pursuant to subsequent notice to creditors and Order of the Bankruptcy Court.

The auction sales shall be conducted by Shiloh Sales, Inc., Auctioneers, which shall be paid 15% on all funds generated by the sale. The proceeds of sale shall also be charged with administrative expenses which shall include advertising, clean-up, labor and , reimbursement of out-of-pocket expenses.

All assets are being sold as is/where is, free and clear liens.

The sale of these vehicles is necessary as the Debtor is under Court Order to pump away run-off contamination known as “LEACHATE”. The costs for complying with this Order exceed Debtor’s existing ability to raise revenue. The vehicles to be sold have sat idle since December, 2012, when the Debtor ceased operations. The sale of the vehicles is the only way for the Debtor to raise funds to enable it to comply with the Court Order.

Any creditor or party in interest desiring to object to the sale as set forth above and/or any other matter set forth herein should file a written objection with the U.S. Bankruptcy Court, 35 E. Mountain Street, Room 316, Fayetteville, Arkansas, 72701, with a copy of served on the U.S. Trustee’s Office, Bank of American Building, 200 West Capitol Avenue, Ste. 1200, Little Rock, AR 72201, and a copy served on the below signed Debtor’s attorney **within twenty-one (21) days of the date of this Motion and Notice.**

Hearings on objections, if any, will be held in the Bankruptcy Courtroom of the Federal Building at 402 N. Walnut, Harrison, Arkansas on May 21, 2014 at 10:00 a.m., with the Honorable Ben Barry presiding. If no objections to the proposed sale are filed in the time and manner provided, the Court may enter its Order authorizing Debtor to proceed as set forth herein.

DATED THIS 29th DAY OF APRIL, 2014.

4. There are no known security interests in, and/or liens on, the assets to be sold.

WHEREFORE, Debtor, having duly notified all creditors and parties in interest of the hearing on this Motion and proposed actions in the time and manner provided by law, prays for an Order of this Court authorizing the sales as set forth herein, and for all other relief to which it may prove itself entitled.

OZARK MOUNTAIN SOLID WASTE DISTRICT

By: /s/ Jill Jacoway
JILL JACOWAY, Attorney
JACOWAY LAW FIRM, LTD.
P.O. Drawer 3456
Fayetteville, AR 72702
(479) 521-2621 - phone
(479) 521-1465 - fax

CERTIFICATE OF SERVICE

I, Jill Jacoway, Attorney, hereby certify that I have served a true and correct copy of the within and foregoing document on all creditors and parties in interest listed on the mailing matrix attached hereto as Exhibit "C" and on the U.S. Trustee's Office, Bank of America Building, 200 West Capitol Avenue, Ste. 1200, Little Rock, AR 72201, by placing same, postage prepaid in the U.S. Mail this 29th day of April, 2014.

/s/ Jill Jacoway
JILL JACOWAY, Attorney

ASSETS TO BE SOLD AT LANDFILL

ASSET UNIT

#	#	YEAR	MAKE/MODEL
40		1966	Homemade Welding Trailer
45		1982	Great Dane Tailer Set Flatbed
47			60 ton Heavy Equipment Lowboy
102		2000	2500 4 x 4
103		2004	Chevrolet Fleetside 3/4 ton (white - 4 door)
121			Cat Dump Truck D250E
131	3	2002	GMC Pickup Sierra - 192,000 miles
133			Truck
161		1998	25' Trailmaster w/loading ramps Gooseneck
170		2004	Chevy Silverado 2500 HD Red Z71
176		2008	Terex TA30 G7 Articulated D...
190			United Truck 4000 gal. water tank military
193		1988	International Maintenance Truck - Military
194			United Truck 4000 gal water tank
195			M929 Water Truck
196	104		M35 2.5 Ton Fuel Truck - looks military diesel #501204
199			Federal Surplus Military Concrete Truck now tanker - hauls water
208	4	1998	Chevy Pickup
209	15	1983	Mack Tractor
210			4 x 4 Chevy - white
211			D250 Cat Art Dump
R-19		1991	Mack Roll Off
7			Mack Front Loader - white truck (Nabors Sanitation)
S-1		2004	GMC
S-8		2000	Chevy SK2
R-21		1989	Mack Truck
T-1		1978	Nect. Trailer
T-2		1977	Sche Trailer
T-27		1996	Mack Truck
L-3		1996	Mack Truck
E8		2000	International 4900 Utility

Exhibit A

ASSETS TO BE SOLD AT SHOP IN TOWN

ASSET UNIT

#	#	YEAR	MAKE/MODEL
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		2008	CHEVY SK1
13			Mack Tractor Truck (Tanker goes with #42)
15			Cat Dump Truck
41			20 x 8' Flatbed GN Trailer red (neckover)
42		1973	Fruehauf Tanker Trailer 6500 gal (Goes with #13)
43		1995	Homemade Trailer - w/cage
99			Craine Carrier Truck
104	23	1998	Mack Roll Off Truck - Diesel
107	25	2000	Mack Roll Off Truck - Diesel
108	25	2000	Mack Roll Off Truck - Diesel
109			Mack Compactor Truck DM 690S
110			Lodal EVO Mag 20
116			Mack Truck RD6 Diesel
117	17	1993	Mack Compater Truck
118	5	1994	Mack Compacter Truck - (caught on fire)
119			Mack Roll Off Truck - Diesel
123	13	2006	Mack Truck
124		2006	Chevy Flatbed Compressor Mounted on Truck (3500 4 x 4)
125			Mack Packer Rear Loader
127		1996	Cat Dump Truck Series D250E
129		2005	GMC 1 Ton 3500 Red Duramax Diesel
132		2003	Chevy Ext. Cab Z71 - GMC
134	22	2007	Sterling Acterra - Rear Load Compactor
135	26	2007	Sterling Acterra - Rear Load Compactor
136	24	2007	Sterling Acterra - Rear Load Compactor
137	28	2007	Sterling Acterra - Rear Load Compactor
172		2008	Chevrolet Silerado Z71
191	L-11	2003	Crane Carrier Frontload Garbage Truck
200	20	2005	Mack Truck
207	10	2006	Mack Truck
212		2006	Wash Trailer - 141 M & B
213	11		Mack Front end loader
214	13		Mack Front End Loader
215	9	2008	Mack Front End Loader
	19	1996	Mack Roll Off
	L-17	2003	Crane Carrier Frontload Garbage Truck
	E2	1988	LODA EVO
	E4	1985	LODA
	E6	1991	LODA
	E10	2006	Mack
	E12	1987	LODA
	E14	1986	LODA
	E16	1990	LODA
	E18	1987	LODA
	E20	2006	Mack Truck

Exhibit B

ADEQ
Attn: Lorielle Gutting
5301 Northshore Drive
North Little Rock, AR 72118

ADEQ
Attn: Michael McAlister
5301 Northshore Drive
North Little Rock, AR 72218

Arvest Bank Trust Department
Attn: Melissa Haynal
P O Box 2389
Bentonville, AR 72712

Ashley Edwards, Attorney
Jack Nelson Jones & Bryant
2800 Cantrell Road, Suite 500
Little Rock, AR 72202

Bank of the Ozarks
P O Box 8811
Little Rock, AR 72231-8811

Bankcorp South Equip Finance
P.O. Box 15097
Hattiesburg, MS 39404-5097

Baxter Road and Bridge
2017 Hwy 5 South
Mountain Home, AR 72653

Bob Lee, VP
Municipal Finance Manager
BancorpSouth Equipment Finance
P O Box 15097
Hattiesburg, MS 39404

CCSWA Transfer Station
1106 Industrial Drive
Berryville, AR 72616

Champlin Tire Recycling, Inc
Attn Gary Champlin
P O Box 445
Concordia, KS 66901

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2800 Cantrell Road, Suite 500
Little Rock, AR 72202

EZ Discount
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John M. Jewell
BAXTER, JEWELL & DOBSON, PA
One Information Way, Suite 201
Little Rock, AR 72202-2290

Judge James Norton
100 N. Main, Suite 300
Harrison, AR 72602-4228

Judge Johnny Hinchey
P.O. Box 134
Marshall, AR 72650-1370

Judge Mickey Pendergrass
1 East 7th Street, Suite 303
Mountain Home, AR 72653

Judge Sam Barr
210 West Church Street
Berryville, AR 72616

Judge Terry Ott
P.O. Box 545
Yellville, AR 72687-0545

Judge Warren Campbell
P.O. Box 435
Jasper, AR 72641

Mail Finance
Attn: Lease Quote Admn.
478 Wheelers Farms Road
Milford, CT 06461

Marion County Transfer Station
1825 Hwy, 62 West
Yellville, AR 72687

Mary Bruce Powell
P.O. Box 390
Bull Shoals, AR 72619

Mayor Dave Osmon
720 South Hickory
Mountain Home, AR 72653

Mayor Jeff Braim
P.O. Box 28
Mountain Home, AR 72653

Mayor Jeff Crockett
P.O. Box 1715
Harrison, AR 72601

Mayor Jim Smithson
P.O. Box 1420
Marshall, AR 72650-1420

Mayor Shane Kilgore
P.O. Box 434
101 E. Elm Street
Jasper, AR 72641

Mayor Tim McKinney
P.O. Box 227
Berryville, AR 72616-0227

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Bank of the Ozarks
P O Box 8811
Little Rock, AR 72231-8811

Mr. Buddy Fry
Director, Green Forest Public
P.O. Box 1510
Green Forest, AR 72638-1510

Muffler World
361 9th Street
Midway, AR 72651

Nabors Landfill
1192 RLH Landfill Road
Mountain Home, AR 72653

Newton County Recycling
Hwy 7 South
Jasper, AR 72641

Phil Jackson
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The Callen Accounting Group
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Tire World
804 East Stephenson
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US Trustee's Office
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