

COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN, Pursuant to the authority and terms of sale contained in the decretal order of the Benton County Circuit Court entered in Case No. **CV2012-1404-5** pending between The Bank of New York Mellon fka The Bank Of New York, As Trustee for the Certificate holders of CWALT, Inc., Alternative Loan Trust 2005-40CB, Mortgage Pass-Through Certificates, Series 2005-40CB, Plaintiff, and James M. Chandler, IV, et al., Defendants, the undersigned, as Commissioner of the Court, will offer for sale, at venue to the highest bidder, at the front entrance door of the Benton County Courthouse, Bentonville , Arkansas on Thursday, February 21, 2013 at 10:30 o'clock a.m. the following-described real estate, situated in Benton County, Arkansas, to-wit:

**LOT 2, BLOCK 4, WORCESTER SUBDIVISION, BELLA VISTA VILLAGE,
BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "I" AT PAGE
200.**

More commonly known as: 3 MALVERN LANE, BELLA VISTA, AR 72714_

TERMS OF SALE: Are as set forth within the orders and foreclosure decree of the Benton County Circuit Court entered in Case No. CV2012-1404-5, including but not limited to the following - should any successful bidder fail to perform under the instructions of the Commissioner at time of sale, then that bid shall be void and set aside. The Commissioner thereafter shall find that the subject property be awarded to the next successive highest bidder, until performance is rendered.

Also, on a credit of three months, the purchasers are required to execute a bond as required by law and the order and decree of the Court with approved security, bearing interest at the maximum rate allowed by Arkansas law from date of sale until paid, and a lien being retained on the premises sold to secure the payment of the purchase money.

Given under my hand this 8th day of January, 2013.

Brenda DeShields, COMMISSIONER