

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS  
CIVIL DIVISION

COLONY BMO FUNDING, LLC  
SUCCESSOR TO BMO HARRIS  
BANK N.A. SUCCESSOR-BY-MERGER  
TO M&I MARSHALL & ILSLEY BANK

PLAINTIFF

v.

**CASE NO. CV- 2012 – 262**

WC III, LIMITED PARTNERSHIP;  
JOHN SAYEGH; and  
JIS, LLC

DEFENDANTS

NOTICE OF COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN, that on the 20<sup>th</sup> day of June, 2013, at 10:00 a.m., pursuant to the authority and directions contained in the decree of foreclosure of the Circuit Court of Benton County, made and entered on the 25<sup>th</sup> day of February, 2013, in certain cause, being Benton County Circuit Court Case No. CV 2012-262 pending between Colony BMO Funding, LLC, successor to BMO Harris Bank N.A. successor-by-merger to M&I Marshall & Ilsley Bank, Plaintiff, and WC III, Limited Partnership, John Sayegh, and JIS, LLC, Defendants, the undersigned, as Commissioner of said Court, will offer for sale at public auction the following-described real property and improvements thereon (the "Property"), situated in Benton County, Arkansas, to-wit:

Tract 1 Lots:

Lots 8, 11, 12, 13, 39, 40, 76, 93 and 100, Final Plat of Brentwood Subdivision, Cave Springs, Benton County, Arkansas, as shown on Plat Record "2007" at Pages 414 to 418 and 2007 at Pages 466 to 468; and

Tract 2 Lots:

Lots 78, 79, 80, 81, 82, 92, Amended Final Plat of Brentwood, to the City of Cave Springs, Benton County, Arkansas, as shown Plat Book 2007 at Pages 414, 415 and 416, an Amendment of Plat Book 2007 at Pages 466, 467, and 468.

The sale shall be conducted at the entrance of the Circuit Clerk's Office, Benton County Courthouse, 102 Northeast A Street, Bentonville, Arkansas, in the County of Benton, at the time stated above.

The foreclosure sale shall be conducted with two sales. The Tract 1 Lots will be auctioned collectively and then the Tract 2 Lots will be auctioned together in a second sale.

The terms of each foreclosure sale shall be for cash due to be paid by close of business on the day of sale, except as to Colony BMO Funding, LLC or its successors or assigns ("BMO") which is entitled to offset bid against its judgment awarded herein as to each sale.

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

performing bidders.

Upon confirmation of the sales herein ordered, the Commissioner shall execute and deliver to the purchaser(s) a Commissioner's Deed(s), conveying all right, title and interest in and to the Tracts free and clear of all claims thereto.

The purchaser(s) shall, upon receipt of a Commissioner's Deed(s), be entitled to immediate possession of the Tract(s) purchased and a writ of assistance upon application to the Clerk or Court.

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 30<sup>th</sup> day of May, 2013.

BRENDA DeSHIELDS,  
COMMISSIONER

PREPARED AND APPROVED:

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