

NOTICE OF COMMISSIONER'S SALE

NOTICE IS HEREBY GIVEN, that in pursuance of the authority and directions in the Judgment and Decree of Foreclosure made and entered on the 25th day of February, 2014, in a certain cause of the Circuit Court of Benton County, Arkansas (Case No. CV-2013-1462-5), then pending therein between First National Bank of Fort Smith and First National Bank of Rogers, a Division of First National Bank of Fort Smith (collectively, "First National"), Plaintiffs, and Gerald W. Foley, Joyce A. Foley, et al, Defendants, the undersigned, as Commissioner of said Court, will offer for sale at public venue to the highest bidder, at the front door of the Benton County Courthouse in Bentonville, Arkansas, within the hours prescribed by law for judicial sales, on the 3rd day of April, 2014, at 10:00 a.m., the following-described real estate (the "Real Property"), to-wit:

Tract #1

Lot 27 in Cambridge Place Subdivision to the City of Lowell, Arkansas, as per Plat of said Subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas.

Tract #2

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Two (2), Township Eighteen (18) North, Range Thirty (30) West in Benton County, Arkansas, and being more particularly described as follows, to wit: Beginning at the Northeast (NE) Corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Two (2), in said Township and Range, and running North 89°37'55" West 366.91 feet; thence South 0°04'12" West 198.14 feet; thence South 89°45'17" East 367.61 feet; thence North 0°08'03" West 197.35 feet to the Point of Beginning, containing 1.67 acres more or less. and subject to the right-of-way of Highway 71 along the East side, and subject to other easements and rights-of-way, if any.

Being same as -

Part of the SE1/4 of the SE1/4 of Section 2, Township 18 North, Range 30 West, Benton County, Arkansas, described as follows: Beginning at the NE Corner of said 40 acres, run thence West 366 feet, thence South 198 feet, thence East 366 feet, thence North 198 feet to the Place of Beginning. Subject to Highway 71 off the East side thereof. LESS AND EXCEPT that portion deeded to the Arkansas State Highway Commission in deed Record 470 at page 654.

Together with all improvements located thereon including but not limited to a 1972 Country Squire Mobile Home (VIN 11714647021).

Tract #3

Lots 33 and 34 in Cambridge Place Subdivision to the City of Lowell as per Plat of said Subdivision on file in the Office of Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas. Subject to rights-of-way, easements and restrictions of record, if any.

Simultaneously with the sale of the Real Property, the Commissioner will also offer for sale the following property belonging to Defendants Gerald Foley and/or Joyce Foley (hereinafter "Collateral"):

All Inventory, Chattel Paper, Accounts, Equipment and General Intangibles.

1972 Country Squire Mobile Home (VIN 11714647021).

TERMS OF SALE: The purchaser(s) will pay the full purchase price the day of the sale or pay 10% of the purchase price, non-refundable, with the balance due to the Commissioner, plus 10% interest *per annum* from date of sale until paid thereon, within three (3) months from the date of sale. Prior to commencement of bidding, any individual who shall desire to bid on any of the Real Property and/or the Collateral shall inform the Commissioner that he/she will pay the full purchase price of the Real Property (or relevant portion thereof) and/or Collateral in cash or shall present a letter of credit or a bond as required by law to the Commissioner and shall receive pre-approval by the Commissioner to secure the payment of the remainder of the purchase price within ninety (90) days. The Commissioner shall retain a lien on the Real Property and Collateral until the balance is paid in full. First National shall be allowed to credit bid against its Judgment. Pursuant to the Judgment, Tract 2 and the Collateral will be sold as one lot (in other words, one bid shall cover Tract 2 and the Collateral).

NOTE: As set forth in the Judgment, the Commissioner's sale of the Real Property is subject to the Internal Revenue Service's right to redeem for a period of 120 days after the sale.

After the expiration of 120 days from the date of the Commissioner's sale, the IRS shall no longer have the right to redeem.

Given under my hand this 11th day of March, 2014.

/s/Brenda DeShields
Commissioner

ATTORNEY FOR FIRST NATIONAL BANK:

Tony Juneau (2004160)
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
5414 Pinnacle Point Drive, Suite 500
Rogers, Arkansas 72758
(479) 464-5650
3190376.1