

2005. The spill was due to a ruptured force main. There was an estimated 78,000 gallons of untreated wastewater that went into Long Branch. The spill occurred off of Range Road. KMH 2818 (1:13)

STATE OF NORTH CAROLINA COUNTY OF CLEVELAND IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 04-SP-235

IN THE MATTER OF THE FORECLOSURE of a Deed of Trust executed by E&E Enterprises I LLC DBA E&E Professional Plaza dated January 19, 2001 and recorded on January 22, 2001 in Book 1287 at Page 1507 of the Cleveland County Public Registry by Wesley L. Deaton (Substitute Trustee). AMENDED NOTICE OF

SUBSTITUTE TRUSTEE'S FORECLOSURE SALE OF REAL PROPERTY

Under and by virtue of the power and authority contained in a certain Deed of Trust executed and delivered by E&E Enterprises I LLC DBA E&E Professional Plaza dated January 19, 2001 and recorded on January 22, 2001 in Book 1287 at Page 1507 of the Cleveland County Public Registry (the "Deed of Trust") and because of default in the payment of the indebtedness thereby secured and failure to carry out or perform the stipulations and agreements therein contained and pursuant to the demand of the owner and holder of the indebtedness secured by said Deed of Trust, and pursuant to the Order of the Clerk of Superior Court for Cleveland County, North Carolina, entered in this foreclosure proceeding, the undersigned, Wesley L.

Deaton, Substitute Trustee, will expose for sale at public auction on the 25th day of January, 2005, at 11:30 a.m., at the appropriate place for foreclosure sales at the Cleveland County Courthouse, 100 Justice Place, Shelby, North Carolina, the real property (including any improvements thereon) which is more particularly described on Exhibit A attached hereto and incorporated herein. This sale shall not include any portion of the real property that has been released by recorded releases. The sale was originally scheduled to take place on the 7th day of July, 2004, at 11:30 a.m., but the record owner of the real property filed for Chapter 11 bankruptcy protection on July 7, 2004, bankruptcy case No. 04-40754 in the United States Bankruptcy Court for the Western District of North Carolina. The Bankruptcy Court entered an Order

Granting Relief from Stay on December 7, 2004 thereby authorizing this sale to proceed under North Carolina General Statute Section 45-21.22. The sale will be subject to any and all superior mortgages, deeds of trust and liens, including without limitation, the lien of unpaid taxes and assessments, easements, conditions, restrictions and matters of record. The above-described real property will be sold "AS IS, WHERE IS." Neither the Substitute Trustee nor the holder of the Note secured by the Deed of Trust being foreclosed nor the officers, directors, attorneys, employees, agents or authorized representatives of either the Substitute Trustee or the holder of the Note make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, at or relating to the real property being

sold, and any and all responsibilities or liabilities arising out of or in any way relating to any such conditions expressly are disclaimed. The record owner of the above-described real property as reflected on the records of the Cleveland County Register of Deeds not more than ten (10) days prior to the posting of this notice is E&E Enterprises I LLC DBA E&E Professional Plaza. Pursuant to North Carolina General Statute Section 45-21.10(b), any successful bidder may be required to deposit with the Substitute Trustee immediately upon conclusion of the sale a cash deposit of the greater of five percent (5%) of the last bid or \$750.00. Any successful bidder shall be required to tender the full balance purchase price so bid in cash or certified check at the time the Substitute Trustee tenders to him a deed for

the property or attempts to tender such deed, and should said successful bidder fail to pay the full balance purchase price so bid at that time, he shall remain liable on his bid as provided for in North Carolina General Statutes §45-21.30(d) and (e). The owner and holder of the indebtedness secured by the Deed of Trust may make a credit bid. This sale will be held open ten (10) days for upset bids as required by law. This the 3rd day of January, 2005.

Wesley L. Deaton, Substitute Trustee Pendleton & Pendleton, P.A. P.O. Box 159 Lincolnton, North Carolina 28093-0159 Telephone: (704) 735-0483 Facsimile: (704) 735-1541

EXHIBIT A
Legal Description BEGINNING at a rebar in the western right of way of North Watterson Street, and

said Beginning point being located South 23-25-34 West 70.75 feet from a manhole within the right of way of North Watterson Street; thence proceeding with the western right of way of North Watterson Street South 02-39-54 West 100.79 feet to a right of way monument; thence proceeding with an arc of a circular curve in a southwesterly direction at a radius of 24.97 feet, an arc distance of 38.72 feet to a concrete right of way monument (a chord bearing being South 47-05-45 West 34.96 feet); thence proceeding with the northern right of way of West King Street North 88-10-32 West 220.16 feet to a rebar at the southeast corner of G. K. Howard, Jr. (Deed Book 1221 at page 1491); thence proceeding with the eastern line of G. K. Howard, Jr., North 01-56-36 East 224.16 feet to a rebar in the southern property line of Dumenia R. Ross (Deed Book 1045 at

Page 139); thence with the southern line of the Ross property South 88-01-55 East 100.00 feet to a rebar; thence with the eastern line of Dumenia R. Ross North 02-19-38 East 20.74 feet to an iron; thence South 88-26-41 East 147.65 feet to a rebar in the western right of way of North Watterson Street; thence proceeding with the western right of way of North Watterson Street the following two (2) calls and distances: South 02-45-41 West 45.28 feet to a rebar; thence South 02-39-27 West 74.69 feet to the point of Beginning, pursuant to two (2) surveys by Meade Gunnell, Engineering and Surveying, PC, dated November 12, 1999 and May 5, 1999.

Title References: Deed Book 1261 at Page 1759 and Deed Book 1246 at Page 2293 of the Cleveland County Registry. KMH 2817 (1:13, 20)

HELP WANTED

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