

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

VITRO AMERICA, INC. d/b/a BINSWANGER GLASS

PLAINTIFF

Case No. 07-5150

vs.

DIXIE CONSTRUCTION, LLC; et al.

DEFENDANTS

CAMPBELL ELECTRIC, INC.

COUNTER-CLAIMANT
CROSS-CLAIMANT AND
THIRD PARTY PLAINTIFF

vs.

DIXIE CONSTRUCTION, LLC; et al.

CROSS-DEFENDANTS

DIXIE DEVELOPMENT, INC., et al.

THIRD PARTY DEFENDANTS

CHAMBERS BANK OF NORTH ARKANSAS

COUNTER-CLAIMANT
CROSS-CLAIMANT AND
THIRD PARTY PLAINTIFF

vs.

VITRO AMERICA, INC. d/b/a BINSWANGER GLASS

COUNTER-DEFENDANT

DIXIE MANAGEMENT & INVESTMENT LIMITED
PARTNERS; BEN ISRAEL; NANCY ISRAEL; PRIME
PROPERTY INVESTMENTS, LLC; NEXT CHAPTER
RESOURCES, LLC; COMMERCE PARK II, LLC;
JOHN P. MARINONI AND ELIZABETH F. MARINONI,
CO-TRUSTEES OF THE ELIZABETH F. MARINONI
2006 REVOCABLE TRUST AGREEMENT u/t/d/ JUNE
2, 2006; JOHN P. MARINONI AND ELIZABETH F.
MARINONI, CO-TRUSTEES OF THE JOHN P.
MARINONI 2006 REVOCABLE TRUST AGREEMENT
u/t/d JUNE 2, 2006; TOM MUCCIO; CAMPBELL
ELECTRIC, INC.; FLYNT & SON HARDWOOD,
INC.; JOHNSON MECHANICAL CONTRACTORS,
INC.; KITCHEN DISTRIBUTORS, INC.; and BUILT-
WELL CONSTRUCTION COMPANY

CROSS-DEFENDANTS

(continued on next page)

CHAMBERS BANK OF NORTH ARKANSAS

**THIRD-PARTY
PLAINTIFF**

vs.

**THE BENNY BERT ISRAEL REVOCABLE TRUST,
u/t/d JUNE 17, 1997; THE NANCY KAYE ISRAEL
REVOCABLE TRUST, u/t/d JUNE 17, 1997; NANCY S.
MUCCIO; THE MUCCIO JOINT REVOCABLE
TRUST, u/t/d AUGUST 25, 1999; THOMAS FATH;
NORIKO FATH; THOMAS R. RHYNE; JOANNE W.
RHYNE; DAVID TRZECIAK; TAMARA TRZECIAK;
THREEJACK, LLC; DON MOBLEY; CLAUDIA
MOBLEY; M AND R INVESTMENTS, LLC;
CONCRETE SERVICES OF NORTHWEST
ARKANSAS, INC.; DAVID OLAND, d/b/a DAVID
OLAND WOODWORKING; DUNK FIRE &
SECURITY, INC.; DON MOBLEY, d/b/a MOBLEY
ARCHITECTS, INC.; STONE PANELS, INC.;
NATIONAL HOME CENTERS, INC.; OTIS
ELEVATOR COMPANY; HUTCHENS
CONSTRUCTION COMPANY; OAKS BROTHER'S,
INC.; MILLER COMMERCIAL FLOORING, INC.;
DAVID TIPTON, d/b/a TIPTON CONSTRUCTION;
FELIX THOMSON COMPANY; C & C INDUSTRIAL &
COMMERCIAL CLEANING SERVICES, LLC; BLEW
LAND SURVEYING, INC, d/b/a BLEW AND
ASSOCIATES, INC.; METRO BUILDERS SUPPLY OF
ROGERS, INC.; AMERICAN AIR CONDITIONING &
MECHANICAL, INC.; THE UNITED STATES OF
AMERICA**

**THIRD-PARTY
DEFENDANTS**

**ORDER GRANTING MOTION TO CONFIRM SALE OF PROPERTY AT
FORECLOSURE SALE**

Comes now the Court upon the Motion to Confirm Sale of Property at Foreclosure Sale [Docket No. 425] ("Motion") filed by Chambers Bank of North Arkansas ("Chambers Bank"), and hereby finds, orders, and decrees as follows:

1. The Court has jurisdiction over this case and over the Property identified in the Motion.

2. The Court finds that the Commissioner of Washington County, Arkansas held a foreclosure sale with respect to the Property in conformity with the law and with the Decree (as defined in the Motion), and that the same should be approved and confirmed.

3. The Court further finds that the costs of the Commissioner are allowed as follows:

- a. Notice of sale..... \$ 334.50
- b. Commissioner fee \$ 10,135.00
- c. Recording deed..... \$ 20.00

Total Cost \$ 10,489.50

4. The Court finds that the purchaser at said sale, Chambers Bank of North Arkansas, is not required by the Decree to pay said sum into the registry and that the said sale should be and is in all things approved and confirmed and forever made effectual.

5. The Commissioner is ordered and directed to execute and deliver to the purchaser, on payment of the above cost, a deed conveying the property herein before described.

6. The Commissioner then presents to the Court her deed, and acknowledges that she has executed the same for the consideration and purposes therein mentioned and set forth, and it is ordered and directed that this entry of acknowledgment be endorsed upon said deed to the end that the same may be admitted to record in the office of the Recorder of Washington County, Arkansas.

This day of 21st November, 2008.



Honorable Robert T. Dawson