

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE – NASHVILLE DIVISION

IN RE:	
1POINT SOLUTIONS, LLC BARRY R. STOKES	CASE NO. 06-05400-KL3-11 CASE NO. 06-05898-KL3-11 CHAPTER 11 JUDGE KEITH M. LUNDIN ADMIN. CONSOLIDATED UNDER CASE NO. 06-05400-KL3-11
DEBTORS.	

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 6/10/08**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 6/17/08 AT 9:00 A.M.**  
**COURTROOM 2, U.S. BANKRUPTCY COURT, CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN**

**NOTICE OF MOTION OF TRUSTEE TO SELL PROPERTY**

John C. McLemore, Trustee, has asked the court for the following:

Permission of the Court to sell property for the benefit of the bankruptcy estate in the above-styled matter.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the Court to grant the attached motion, or if you want the Court to consider your views on the motion, then on or before 6/10/08, you or your attorney must:

1. File with the Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: U.S. Bankruptcy Court, 701 Broadway, 1<sup>st</sup> Floor, Nashville, Tennessee (Monday – Friday, 8:00 a.m. – 4:00 p.m.).

2. **Your response must state that the deadline for filing responses is 6/10/08, the date of the scheduled hearing is 6/17/08 and the motion to which you are responding is *Motion of Trustee to Sell Property*.**
3. You must serve your response or objection by electronic service through the Electronic Filing system described above. You must also mail a copy of your response or objection to:

John C. McLemore, Trustee  
P. O. Box 158249  
Nashville, TN 37215-8249

United States Trustee  
701 Broadway, Customs House Suite 318  
Nashville, TN 37203

If a timely response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

This 21<sup>st</sup> day of May, 2008.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
P.O. Box 158249  
Nashville, TN 37215-8249  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

IN RE:  1POINT SOLUTIONS, LLC BARRY R. STOKES  DEBTORS.	CASE NO. 06-05400-KL3-11 CASE NO. 06-05898-KL3-11 CHAPTER 11 JUDGE KEITH M. LUNDIN ADMIN. CONSOLIDATED UNDER CASE NO. 06-05400-KL3-11
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**MOTION OF THE TRUSTEE TO SELL PROPERTY**

The Trustee, John C. McLemore, moves the Court for the entry of an order authorizing him to proceed with the sale at Bankruptcy Auction the following property of the estate at the time and location indicated:

**Property Description:**

- 1) Commercial Building and lot at 101 S. Main Street, Dickson, TN
- 2) Commercial Building and lots at 103 & 105 S. Main Street, Dickson, TN
- 3) Commercial Building and lot at 107 S. Main Street, Dickson, TN

**This is one building with three areas for office or retail use. The Trustee reserves the right to sell the building as a whole or as individual units.**

- 4) Miscellaneous Office Furniture and Equipment

**Date:** Thursday, June 26, 2008 at 10:00 a.m.

**Location:** On site.

**Terms of Sale:** 15% earnest money with closing within 30 days on real property. Cash for Miscellaneous Office Furniture and Equipment.

Unless an objection and application for hearing is filed with the United States Bankruptcy Clerk, First Floor Customs House, 701 Broadway, Nashville, Tennessee 37203; and a copy served on the United States Trustee's Office, 318 Customs House, 701 Broadway, Nashville, Tennessee 37203; and upon the Trustee in accordance with the Notice of Motion of the Trustee to Sell Property, the Trustee will proceed with the sale of the herein described property.

PROPERTY IS TO BE SOLD AS IS, WHERE IS, AND FREE AND CLEAR OF ANY LIENS. ANY VALID AND PROPER LIEN WILL ATTACH TO THE PROCEEDS OF THE SALE. TRUSTEE WILL CONVEY BY VALID BANKRUPTCY TRUSTEE'S DEED, OR APPROPRIATE INSTRUMENT, THE RIGHT, TITLE AND INTEREST THAT TRUSTEE HAS THE RIGHT TO CONVEY. PROCEEDS OF THE SALE WILL BE SUBJECT TO AUCTIONEER'S FEES AND EXPENSES, AGENT'S FEES AND EXPENSES, AND TRUSTEE'S FEES AND EXPENSES, IF ANY. ALL REAL ESTATE TAXES DUE WILL BE PAID FROM THE PROCEEDS OF THE SALE AT CLOSING. CURRENT YEARS TAXES WILL BE PRORATED TO DATE OF DEED. TRUSTEE WILL PAY EXEMPTIONS AND LIENHOLDERS AS FOLLOWS:

1<sup>st</sup> Lienholder: AmSouth Bank \$288,477.97 payoff as of 5/21/08

Debtor Statutory Exemption: None

It is anticipated that there is sufficient equity in the property to pay all 506(c) expenses.

The Trustee has employed White, Regen & Garton, PLC to conduct a title search. The title search does not show a tax lien.

**AUCTIONEER'S COMMISSION**

Simultaneous with the publication of this notice, the Trustee has made application to the Court for the appointment of Bill Colson Auction & Realty Co., Inc. as auctioneer for this sale. The auctioneer will be paid in accordance with Local Rule 6005-1 which provides for a ten percent (10%) commission in real property; and twenty-five percent (25%) commission on the first \$20,000; ten percent (10%) commission on the balance on personal property. No expenses will be reimbursed. Upon receipt of the auctioneer's report of sale, payment of Bill Colson Auction & Realty Co., Inc.'s commission will be paid.

**WHEREFORE**, the Trustee prays that the Court enter an Order authorizing him to proceed with the sale of this property pursuant to the provisions of 11 U.S.C. § 363 free and clear of all liens with the liens that may exist attaching to the proceeds of the sale.

Dated this 21<sup>st</sup> day of May, 2008.

Respectfully submitted,

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee

Tn. Bar No. 3430

P.O. Box 158249

Nashville, TN 37215-8249

(615) 383-9495 (phone)

(615) 292-9848 (fax)

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

IN RE:  1POINT SOLUTIONS, LLC BARRY R. STOKES  DEBTORS.	CASE NO. 06-05400-KL3-11 CASE NO. 06-05898-KL3-11 CHAPTER 11 JUDGE KEITH M. LUNDIN ADMIN. CONSOLIDATED UNDER CASE NO. 06-05400-KL3-11
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**ORDER TO SELL PROPERTY**

Upon consideration of the motion of John C. McLemore, Trustee, for authority sell the following property:

- 1) Commercial Building and lot at 101 S. Main Street, Dickson, TN
- 2) Commercial Building and lots at 103 & 105 S. Main Street, Dickson, TN
- 3) Commercial Building and lot at 107 S. Main Street, Dickson, TN
- 4) Miscellaneous Office Furniture and Equipment

The Motion and Proposed Order were served in accordance with Second Order Establishing Notice Procedure entered December 18, 2007. Each was given twenty (20) days to object. No objections have been filed with the Court;

And it appearing to the Court that the sale of property will be beneficial to the bankruptcy estate;

It is hereby

**ORDERED** that John C. McLemore, Trustee, is authorized to sell this property pursuant to the provisions of 11 U.S.C. § 363 free and clear of all liens with the liens that may exist attaching to the proceeds of the sale.

This Order was signed and entered electronically as indicated at the top of this page.

**APPROVED FOR ENTRY:**

*/s/ John C. McLemore, Trustee*  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
P.O. Box 158249  
Nashville, TN 37215-8249  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

*Proposed*

**IN THE UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below, a true and correct copy of the foregoing listed below was mailed either electronically or by U.S. mail, postage prepaid in accordance with Second Order Establishing Notice Procedure entered December 18, 2007.

This 21<sup>st</sup> day of May, 2008.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
P.O. Box 158249  
Nashville, TN 37215-8249  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclmore@gmwpllc.com](mailto:jmclmore@gmwpllc.com)

**Attachments:**

- (1) Notice Of Motion Of Trustee To Sell Property
- (2) Motion Of The Trustee To Sell Property
- (3) Proposed Order To Sell Property

**LIMITED MAILING MATRIX**  
**11/9/07**  
**1POINT SOLUTIONS, LLC AND**  
**BARRY R. STOKES**

BARRY R. STOKES  
CIS NO. 331334  
OCA NO. 352879  
CRIMINAL JUSTICE CENTER DETENTION FACILITY  
448 SECOND AVENUE, NORTH  
NASHVILLE, TN 37201-1200

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ATTORNEY AT LAW  
2201 DOUBLE CREEK, STE. 5002  
ROUND ROCK, TX 78664

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LAW OFFICE OF PAUL J. BRUNO  
BANK OF AMERICA PLAZA  
414 UNION STREET, SUITE 904  
NASHVILLE, TN 37219

R. DAVID BAKER, ESQ.  
ASSISTANT FEDERAL PUBLIC DEFENDER  
810 BROADWAY, SUITE 200  
NASHVILLE, TENNESSEE 37203

ELLIOTT JONES  
DRESCHER & SHARP, P.C.  
1720 WEST END AVENUE, SUITE 300  
NASHVILLE, TN 37203

**UNSECURED TRADE**  
**CREDITORS WHOSE CLAIMS**  
**APPARENTLY EXCEED**  
**\$7,500.00:**

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN PA 19355-0701

~~HUTCHISON & FORSHA CONSULTING~~  
~~DBA PERFORMANCE INNOVATIONS~~  
~~P.O. BOX 218306~~  
~~NASHVILLE, TN 37221~~

METAVANTE  
MBI BENEFITS INC.  
BIN 129  
MILWAUKEE WI 53288-0129

NATIONAL ASSOCIATION OF HEALTH  
UNDERWRITERS  
2000 N. 14<sup>TH</sup> STREET, #450  
ARLINGTON, VA 22201

SULLIVAN CONCEPTS  
817 NEARTOP DRIVE  
NASHVILLE, TN 37205

BUFORD LEWIS COMPANY  
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VIA ECF

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SERVICE TO WILLIAM FREDERICK MCCORMICK  
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VIA ECF

**GOVERNMENTAL AGENCIES:**

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TENNESSEE DEPARTMENT OF REVENUE  
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VIA ECF

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CENTRALIZED INSOLVENCY OPERATIONS  
P. O. BOX 21126  
PHILADELPHIA, PA 19114-0326

IRS  
801 BROADWAY  
MDP 146  
NASHVILLE, TN 37203

**THOSE NOT RECEIVING E-MAIL**  
**FROM COURT ECF:**

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BOSTON, MA 02109

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COLUMBIA, TN 38401

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NASHVILLE, TN 37209

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150 SOUTH FIFTH STREET, SUITE 2300  
MINNEAPOLIS, MN 55402

BARBARA B WHITTEMORE  
152 RUE DE GRANDE  
BRENTWOOD, TN 37027-8008

21

JOSEPH A WOODRUFF  
WALLER LANSDEN DORTCH & DAVIS  
511 UNION ST, STE 2100  
NASHVILLE, TN 37219

**CREDITORS WHICH ARE 401(L)  
PLANS, WHOSE CLAIMS ARE  
BELIEVED TO EXCEED \$75,000.00, OR  
HAVE FILED A POC EXCEEDING  
\$75,000:**

HAMILTON-RYKER GROUP, LLC  
947 E. MAIN  
P.O. BOX 1068  
MARTIN TN 38237

NATIONAL CONTACT MARKETING RETIREMENT PLAN  
C/O LARRY STILLIONS  
NATIONAL CONTACT MARKETING, INC.  
4727-C N. ROYAL ATLANTA DRIVE  
TUCKER GA 30084-3818

DONALD ROJAS  
10605 REDMOND ROAD  
AUSTIN TX 78739

DARLENE WILSON  
11221 READVILL LANE  
AUSTIN TX 78739

JAMES SIMPSON  
116 MALLARD DRIVE  
HENDERSONVILLE TN 37075

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311 CALIFORNIA STREET, SUITE 510  
SAN FRANCISCO CA 94104

HERBERT E. POUNDS, JR., P.C.  
17890 BLANCO ROAD, SUITE 100  
SAN ANTONIO TX 78232

THE BAY INSTITUTE OF SAN FRANCISCO 401(K) PLAN  
C/O THE BAY INSTITUTE  
500 PALM DRIVE, SUITE 200  
NOVATO CA 94949

ANGELA COTTON  
BCO & ASSOCIATES, INC.  
505 MEDLOCK ROAD  
DECATUR GA 30030

HAMILTON COUNTY DEPARTMENT OF EDUCATION  
C/O CRAIG R. ALLEN  
801 BROAD STREET, THIRD FLOOR  
CHATTANOOGA, TN 37402

401K PLAN OF OREGON NATURAL RESOURCES COUNCIL  
DBA OREGON WILD  
C/O CANDICE GUTH, FIN DIR  
5825 N. GREELEY AVE.  
PORTLAND OR 97217

FEDERAL INSURANCE COMPANY  
C/O VERNON & DURAY, L.L.P.  
6820 WALLING  
DALLAS TX 75231

VIDA HEALTH COMMUNICATION  
6 BIGELOW ST.  
CAMBRIDGE MA 02139

DR. JAY S. COHEN  
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