

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
BEFORE THE CLERK
FILE NO: 18 SP 383

VLM Investment, LLC)
Petitioner,)
vs.)
David A. Shroat)
Respondent.)

ORDER FOR PARTITION SALE

FILED
2018 SEP 27 PM 12:01
BUNCOMBE COUNTY, NC

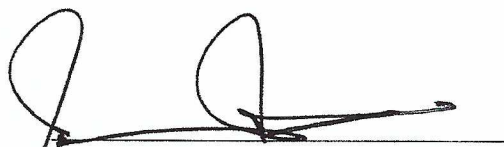
THIS CAUSE coming on to be heard and being heard this 13th day of August 2018 before the Clerk on a verified Petition for Partition Sale and the Court makes the following findings of fact:

1. Petitioner is a citizen and resident of Buncombe County, North Carolina.
2. Respondent is a citizen and resident of Buncombe County, North Carolina.
3. None of the parties are active duty military members.
4. The court has jurisdiction over the parties and the subject matter of this action.
5. Petitioner and Respondent each have a 50% undivided interest in said real property.
6. Petitioner acquired its interest in the real property located at 58 Foxberry Drive, Arden, NC 28704, by a general warranty deed recorded in Book 5666, at Page 5333, of the Buncombe County Registry.
7. Respondent acquired his interest in the real property located at 58 Foxberry Drive, Arden, NC 28704, by a general warranty deed recorded in Book 2702 at Page 724, of the Buncombe County Registry.
8. The real property located at 58 Foxberry Drive is 0.23 acres and is too small to partition except for partition sale without substantial injury to the interests of the parties. Based upon the size of the property, the fair market value of each co-tenant's share in an actual partition of the property would be materially less than the amount each co-tenant would receive from the sale of the whole.
9. That the partition should be granted.

IT IS THEREFORE ORDERED:

1. That the properties shall be partitioned by partition sale.
2. That the sale shall be by private sale.
3. That Kirk Booth is appointed as commissioner to sale said properties.
4. That the proceeds of the sale shall be divided among the parties based on their respective shares after commissions and costs are paid.
5. That if said properties is not sold within six months, there shall be a progress report filed with the court.

This 27 day of ~~August~~^{Sept.}, 2018.



Johanna Finkelstein
Assistant Clerk of Court