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Kind: NOTICE  
Recorded: 03/30/2023 at 11:00:38 AM  
Fee Amt: \$165.00 Page 1 of 3  
Washington County, AR  
Kyle Sylvester Circuit Clerk

File **2023-00007778**

**TRUSTEE'S NOTICE OF DEFAULT AND INTENTION TO SELL**

**YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION. IF YOUR PROPERTY IS SOLD, YOU WILL REMAIN LIABLE FOR ANY DEFICIENCY AND AN ACTION FOR COLLECTION MAY BE BROUGHT AGAINST YOU.**

**NOTICE IS HEREBY GIVEN** that on June 1, 2023, at or about 1:00 p.m., the following real property will be sold at the Washington County Courthouse in Fayetteville, Arkansas, to the highest bidder for cash:

A PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NW CORNER OF SAID 40 ACRE TRACT; THENCE S 03 DEGREES 06 MINUTES 14 SECONDS W 25.00 FEET TO AN EXISTING IRON REBAR AT THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET; THENCE S 86 DEGREES 52 MINUTES 01 SECOND E 25.97 FEET ALONG SAID RIGHT-OF-WAY LINE TO A SET 1/2" IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE S 03 DEGREES 08 MINUTES 14 SECONDS W 51.40 FEET TO A SET 1/2" IRON REBAR; THENCE S 86 DEGREES 55 MINUTES 35 SECONDS E 43.59 FEET TO A SET 1/2" IRON REBAR; THENCE N 03 DEGREES 06 MINUTES 14 SECONDS E 51.35 FEET TO A SET 1/2" IRON REBAR AT THE SOUTH RIGHT-OF-WAY LINE OF WEST 7TH STREET; THENCE N 86 DEGREES 52 MINUTES 01 SECOND W 43.59 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS.

Commonly known as: 217 W. 7<sup>th</sup> St., Fayetteville, AR 72701

On September 17, 2020, Peak Development Opportunity Fund, LLC, an Arkansas limited liability company, executed a Commercial Deed Of Trust in favor of Finance of America Commercial, LLC, a Delaware limited liability company, which was filed October 13, 2020, as Instrument No. 2020-00036959, in the office of the Ex-Officio Recorder for Washington County, Arkansas.

Peak Development Opportunity Fund, LLC has defaulted in the monthly payments owed to Finance of America Commercial, LLC under the Promissory Note which is secured by the Deed of Trust and the

loan matured in September 2022 and has not been paid. The loan is now in default. Tenants of the property may claim an interest in the real property herein.

The sale will extinguish all interests in any part of the property, including existing lienholders, previous owners of the property, or tenants. The terms of the sale are certified funds to be paid the day of the sale and all transfer taxes will be the responsibility of the purchaser. The sale is subject to all matters shown on any applicable recorded plat; any unpaid taxes; any restrictive covenants, easements, or setback lines that may be applicable; any statutory rights of redemption of any government agency, state or federal; any prior liens or encumbrances as well as any priority created by fixture filing; and to any matter that an accurate survey of the premises might disclose. The party initiating this action is Finance of America Commercial, LLC, a Delaware limited liability company, c/o BSI Financial Services, 31 S. Franklin St. , 2<sup>nd</sup> Floor, Titusville, Pennsylvania 16354, (800) 327-7861.



This instrument prepared by:  
Robert S. Coleman, Jr.  
1501 North University, Suite 970  
Little Rock, AR 72207  
(501) 904-1116

\_\_\_\_\_  
Robert S. Coleman, Jr.  
Attorney at Law  
Substituted Trustee for Finance of America Commercial,  
LLC

3/28/23

\_\_\_\_\_  
Date

**ACKNOWLEDGEMENT**

STATE OF ARKANSAS    )  
  ) ss  
COUNTY OF PULASKI    )

On this 28<sup>th</sup> day of MARCH, 2023, before me, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Robert S. Coleman, Jr., to me personally well-known or satisfactorily proven to be the person whose name appears in the foregoing instrument and whose name is subscribed as Substituted Trustee for Finance of America Commercial, LLC, a Delaware limited liability company. He further stated and acknowledged that he had signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth and that he expected the same as the act of his principal for the purposes therein contained.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 28<sup>th</sup> day of MARCH, 2023.

My commission expires:  
10-24-24



Tonya Kirby  
NOTARY PUBLIC

Washington County, AR  
I certify this instrument was filed on  
03/30/2023 11:00:38 AM  
and recorded in Real Estate  
File Number 2023-00007778  
Kyle Sylvestre - Circuit Clerk



2023 03 30

11:00:38 AM

FILED

WASHINGTON COUNTY, ARKANSAS

2023 03 30

11:00:38 AM

FILED