

**IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DISTRICT
CIVIL DIVISION VII**

**FIRST NATIONAL BANK OF
FORT SMITH**

PLAINTIFF

V. CASE NO: CV-2021-318

**BOLDING CONSTRUCTION COMPANY, INC.;
MAX A. RODRIGUEZ a/k/a MAXIMUS TYRANNUS
AVERY, Individually;
UNITED FEDERAL CREDIT UNION; and
SRS DISTRIBUTION, INC. d/b/a SOUTHERN SHINGLES**

DEFENDANTS

UNITED FEDERAL CREDIT UNION

V.

**MAX A. RODRIGUEZ a/k/a
MAXIMUS TYRANNUS AVERY, Individually;
SRS DISTRIBUTION, INC.
d/b/a SOUTHERN SHINGLES;
FIRST NATIONAL BANK OF FORT SMITH;
And FORWARD FINANCING, LLC.**

**CROSS/COUNTER-
DEFENDANTS;
THIRD-PARTY
DEFENDANT**

**WRIT OF ASSISTANCE
THE STATE OF ARKANSAS TO
THE SHERIFF OF SEBASTIAN COUNTY, ARKANSAS**

WHEREAS, that on March 23, 2022, the Plaintiff, United Federal Credit Union, was awarded a Decree of Foreclosure against the above-named Defendants. The Decree, among other things, stated that the purchaser at the foreclosure sale shall, upon receipt of such conveyance, be entitled to a Writ of Assistance, upon application, to be placed in possession of the subject property and collateral. On or about April 26, 2022, the lands were sold as reflected in the Commissioner's Report of Sale which was filed with this Court on April 26, 2022, and a Commissioner's Deed was recorded on May 26, 2022 at Instrument Number 2022-12907 reflecting UNITED FEDERAL CREDIT UNION as the true and lawful owner of said

property. The Decree provided that a Writ of Assistance should be issued by the Clerk of said Court and directed to the Sheriff of Sebastian County, Arkansas, who should proceed forthwith to place UNITED FEDERAL CREDIT UNION in possession of said lands and premises; and

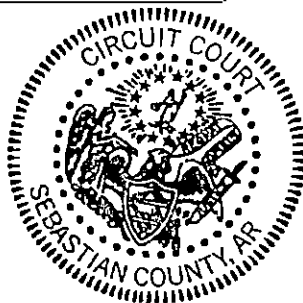
WHEREAS, the person or persons occupying the real property described herein have failed or refused to surrender possession of same to the true and rightful owner, UNITED FEDERAL CREDIT UNION (the Purchaser herein), the same being entitled to possession as the result of its purchase of the real property at a judicial foreclosure sale and duly executed and recorded deed delivered to it pursuant thereto;

WHEREAS, UNITED FEDERAL CREDIT UNION has duly made application for a Writ of Assistance to place it in the possession of said lands commonly known as **More commonly known as 302 and 304 South 14th Street, Fort Smith, AR 72901** and more particularly described as follows:

LOTS 11 AND 12 AND THE NORTH HALF OF LOT 10, BLOCK 1, FITZGERALD, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

NOW, THEREFORE, you are commanded to take possession herewith of said lands from any and all occupants and possessors of same and to deliver possession of said property to UNITED FEDERAL CREDIT UNION, the rightful owner, purchaser, and grantee; and you are further directed to put UNITED FEDERAL CREDIT UNION in peaceful possession of said lands and premises; and act promptly and to report to this Court your actions taken pursuant to this Writ.

WITNESS my hand and the seal as Clerk of said Court this 17th day of June, 2022.



CINDY GILMER
Sebastian County Circuit Clerk

By: *Therry Hensley* c.
Deputy Clerk

**PLEASE POST AFTER THREE SERVICE ATTEMPTS,
OR IF PROPERTY IS DEEMED VACANT**