

SIMPSON CIRCUIT COURT  
DIVISION I

CIVIL ACTION NO. 18-CI-00232

AMERICAN ADVISORS GROUP

PLAINTIFF

vs.

NOTICE OF SALE

Unknown Defendant, Spouse of CHARLES F. MATTINGLY,  
UNITED STATES OF AMERICA, SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT,  
JEANNE MOTTO aka JEANNE MATTINGLY  
aka JEANNE PELEZO,  
TERRY MOTTO,  
MICHAEL OWEN MATTINGLY,  
TERRY MATTINGLY,  
DAVID MATTINGLY,  
Unknown Defendant, Spouse of DAVID MATTINGLY,  
WILLIAM A. MATTINGLY,  
Unknown Defendant, Spouse of WILLIAM A. MATTINGLY,  
and Unknown Defendants, who are the Heirs or Devisees or  
Legatees of CHARLES F. MATTINGLY & their Spouses  
and any unknown person who may have an interest in the  
Property which is the subject matter of this action

DEFENDANTS

Pursuant to a Judgment and Order of Sale entered in Simpson Circuit Court entered on July 1, 2019, in Civil Action No. 18-CI-00232, American Advisors Group, plaintiff, versus, Unknown Defendant, spouse of Charles F. Mattingly, United States of America, Secretary of Housing and Urban Development, Jeanne Motto aka Jeanne Mattingly aka Jeanne Pelezo, Terry Motto, Michael Owen Mattingly, Terry Mattingly, David Mattingly, Unknown Defendant, spouse of David Mattingly, William A. Mattingly, Unknown Defendant, spouse of William A. Mattingly, Unknown Defendants, who are the Heirs or Devisees or Legatees of Charles F. Mattingly & their Spouses and any unknown person who may have an interest in the property which is the subject matter of this action, defendants, I shall sell to the highest bidder at public auction on Friday, July 26, 2019, at the hour of 2:00 p.m., at the Simpson County Justice Center, 101 Court Street, Franklin, Kentucky, the following-described property having as its mailing address 595 Pleasant Hill Road, Franklin, Simpson County, Kentucky 42134, to-wit:

Beginning at a pin and cap located 25 feet north of the existing line of Pleasant Hill Road (Order Book 10 Page 366), a new corner to the Trustee of the William Allen Mattingly Irrevocable Inter Vivos Trust (DB 274 Pg 21) and also located along lines 25 feet north of and parallel to the existing centerline of Pleasant Hill Road easterly 251.02 feet ± from the recorded corner to David and Shelia Freeman (DB 150 Pg

273); thence on new lines with the Trustee of the William Allen Mattingly Irrevocable Inter Vivos Trust (DB 274 Pg 21) six (6) calls: (1) N 00° 00' 56" E 369.44 feet to a pin and cap, (2) N 00° 15' 25" W 246.78 feet to a pin and cap, (3) S 87° 48' 55" E 225.37 feet to a pin and cap, (4) S 09° 44' 32" W 105.05 feet to a pin and cap, (5) S 12° 45' 49" W 62.79 feet to a pin and cap, (6) S 04° 32' 25" W 438.59 feet to a pin and cap, a new corner to same and located .25 feet north of the existing centerline of Pleasant Hill Road; thence running 25 feet north of and parallel to the existing centerline of Pleasant Hill Road S 87° 57' 26" W 157.93 feet to the point of beginning, containing 2.585 acres, according to July 17, 2014, survey of Robert G. May, Kentucky Registered Land Surveyor No. 2142. Unless stated otherwise, any monument referred to herein as a pin and cap is a set 1/2" x 18" rebar with yellow plastic cap stamped R G May 2142. All bearings stated herein are referred to the recorded bearing along the north side of Pleasant Hill Road as shown in Deed Book 274, Page 21.

Being the same property conveyed to Charles F. Mattingly from Charles F. Mattingly, Trustee of the William Allen Mattingly Irrevocable Inter Vivos Trust, by deed dated August 12, 2014 and recorded at Deed Book 311, Page 75; and by Deed of Correction dated October 21 2014 and recorded at Deed Book 312, Page 183 in the records of the Simpson County Clerk's Office. Charles F. Mattingly died intestate on September 3, 2018, whereupon title descended to his heirs at law.

The property valuation administrator's map number for the subject property is as follows: 055-00-00-044.03.

NOTE: Sold free and clear of any and all judgment liens of the parties listed herein.

NOTE FURTHER: The property is sold subject to the following:

1. Easements, restrictions, and covenants of record;
2. Any state of facts that constitute an objection to title that might be disclosed by an accurate survey;
3. Lien of 2019 State and County property taxes, not yet due and payable.

Said property shall be sold for the purpose of collecting an in rem judgment in favor of the plaintiff, in the amount of \$151,272.19, with interest from and after July 31, 2018, at the rate of 4.226% per annum, attorney fees of \$2,025.00 and Court costs.

TERMS OF SALE:

1. The purchaser will be required to pay ten percent (10%) down on date of sale, with the balance to be secured by a bond with good surety, which bond will bear interest from the date of sale at the rate of 4.226% per annum. Any surety must be approved by the Master Commissioner. ALL PROSPECTIVE PURCHASERS SHOULD PLAN ON HAVING THE PERSON OR ENTITY WHO WILL ACT AS SURETY TO BE IN ATTENDANCE AT THE SALE. The balance of the sale price will be due within thirty (30) days from the date of sale.
2. Risk of loss shall pass to the purchaser at the close of the auction.

3. Possession of the subject property shall be given on delivery of the deed. The 2019 property taxes shall be paid by the purchaser.
4. This sale is subject to confirmation by the Simpson Circuit Court.
5. All announcements made on day of sale will take precedence over previous advertising.

This 2<sup>nd</sup> day of July, 2019.

  
ROBERT YOUNGLINK  
Master Commissioner  
P. O. Box 474  
Franklin, KY 42135  
270-586-3283

#### CERTIFICATE OF SERVICE

A true copy of the foregoing was on this date mailed to the following:

David E. Johnson, Esq.  
c/o Lerner, Sampson & Rothfuss  
P.O. Box 5480  
Cincinnati, OH 45201-5480

Katherine A Bell, Esq.  
c/o US Attorney's Office  
717 West Broadway  
Louisville, KY 40202

Jeanne Motto aka Jeanne Mattingly  
aka Jeanne Pelezo  
2744 Surrey Park Drive  
Memphis, TN 38134

Terry Motto  
2744 Surrey Park Drive  
Memphis, TN 38134

Michael Owen Mattingly  
3911 Bardstown Road  
Lawrenceburg, KY 40342

Terry Mattingly  
3911 Bardstown Road  
Lawrenceburg, KY 40342

David Mattingly  
267 Ford Hill Road  
Potts Camp, MS 38659

William A. Mattingly  
900 S. 5th Street, Unit 105  
Louisville, KY 40203

Unknown Defendant, spouse of David Mattingly  
267 Ford Hill Road  
Potts Camp, MS 38659

Unknown Defendant, spouse of William A. Mattingly  
900 S. 5th Street, Unit 105  
Louisville, KY 40203

This 2<sup>nd</sup> day of July, 2019.



ROBERT YOUNG LINK  
Master Commissioner  
Simpson Circuit Court