

SIMPSON CIRCUIT COURT
DIVISION I

CIVIL ACTION NO. 19-CI-00184

CHARLES L.H. MCCUTCHEN, SR.,
VIRGIE KATHERINE MCCUTCHEN,
CHARLES L.H. MCCUTCHEN, JR.,
and FRANKLIN BANK AND TRUST COMPANY

PLAINTIFF

vs.

NOTICE OF SALE

JAMES MADISON DETHERAGE, single,
RODNEY PRICE, single,
EUGENE LEE III, single,
JOYCE PRICE, single,
ALTHEA PRICE, single,
CHARLIE'S ELECTRIC SERVICE, INC.,
OHIO FARMERS INSURANCE COMPANY,
and DISCOVER BANK

DEFENDANTS

Pursuant to a Judgment and Order of Sale entered in Simpson Circuit Court on August 1, 2019, in Civil Action No. 19-CI-00184, Charles L.H. McCutchen, Sr., Virgie Katherine McCutchen, Charles L.H. McCutchen, Jr., and Franklin Bank and Trust Company, plaintiff, versus, James Madison Detherage, single, Rodney Price, single, Eugene Lee III, single, Joyce Price, single, Althea Price, single, Charlie's Electric Service, Inc., Ohio Farmers Insurance Company, and Discover Bank, defendants, I shall sell to the highest bidder at public auctions the following-described properties located in Simpson County, Kentucky 42134. The locations and times at which the auctions will be held are set forth below. All auctions will be held on **Friday, August 23, 2019**.

EACH PROPERTY WILL BE SOLD AS A SEPARATE SALE, AND THESE PROPERTIES WILL NOT BE COMBINED.

Sale No. 1, Sale No. 2 and Sale No. 3 will be conducted on the premises at 2886 Hardison Road at 2:00 P.M.

Sale No. 4 will be conducted on the premises at 407 Jackson Street at 3:30 P.M.

SALE NO. 1:

2886 Hardison Road (PVA Map Code: part of map 024-00-00-022.00)

Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen

Beginning at a stake in the east property line of said Hardison Road at a cross fence which is approximately 600 feet north of a small house owned by the granter herein, a new corner to Tobe Deatheridge; running thence with the east property line of said

road 225 ½ feet to another stake at another cross fence which is located approximately 450 feet from the road which turns off to the right from said Hardison Road and leads to the residence of the grantors herein; thence eastwardly with said fence 194 feet to a stake, another new corner to Deatheridge; thence with another new line of Deatheridge and a fence southwardly 225 ½ feet to another stake near a cedar tree, another new corner to Deatheridge; thence with another new line of Deatheridge westwardly and with the fence 194 feet to the beginning.

Being the same property conveyed to Charles McCutchen and wife, Katherine McCutchen by Tobe Deatheridge and wife, Eula Deatheridge by deed dated June 10, 1961, of record in Deed Book 83 , Page 216, Simpson County Clerk' s Office.

SALE NO. 2:

unnumbered Hardison Road (adjoins the south and east sides of 2770 Hardison Road) (PVA Map Code: part of map 024-00-00-022.00)

Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen

Beginning at a stake in the east side of the Hardison Road in northwest Simpson County, Kentucky, a corner to property this date being conveyed to James Porter Detherage; running thence with the line of James Porter Detherage S 88° 37' E 730 feet to another stake, another corner to James Porter Detherage in the line of Matt Detherage; thence with the line of Matt Detherage N 0° 15' W 195.2 feet to another stake in the line of Matt Detherage, corner to property this date being conveyed to Lucian Detherage; thence with the line of Lucian Detherage N 88° 37' W 518 feet to another stake in the line of McCutchen, another corner to Lucian Detherage; thence with the line of McCutchen, S 5° W 9.8 feet to another stake, a corner to McCutchen; thence with the line of McCutchen N 88° 37' W 194 feet to another stake in the east side of the Hardison Road, another corner to McCutchen; thence with the east side of said Hardison Road S 4° 37' W 186 feet to the beginning.

THERE IS EXCEPTED HEREIN AND NOT CONVEYED that property conveyed to Charles L. McCutchen, III from Charles McCutchen and wife, Katherine G. McCutchen by Deed of Correction dated March 5, 2010 and of record in Deed Book 286, Page 790, in the Simpson County Clerk's office and described as follows:

Beginning at an iron pin set in the easterly right of way of Kentucky State Route 2349, also known as Hardison Road (approximately 20 feet from centerline), the northwesterly corner of the subject owners, Katherine G. McCutchen and husband, Charles McCutchen as appears in Deed Book 90, Page 379 at the corner with the Charles and Katherine G. McCutchen property as described in Deed Book 83, Page 216; thence along the line of the subject property with Charles and Katherine G. McCutchen and Sara Flippin (Deed Book 272, Page 298); S 83 deg 30' 05" E a distance of 290.40 feet to an iron pin set; thence on new lines the following two calls; S 07 deg 45' 15" W a distance of 150.10 feet to an iron pin set; thence N 83 deg 30' 05" W a distance of 290.40 feet to an iron pin set in the easterly right of way of Kentucky State Route 2349; thence along the meanders of the easterly right of way of

Kentucky State Route 2349 N 07 deg 45' 15" E a distance of 150.10 feet to the point of beginning, containing 1.00 acre, more or less.

Subject to all legal conditions and easements of record, according to January 2010 survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290. Basis of bearing for this description is a magnetic observation on the traveled centerline of Kentucky State Route 2349. Unless stated otherwise all iron pins set this survey are 1/2 inch rebar with yellow plastic identification cap stamped "Dunning #3290".

Being a portion of the same property conveyed to Tobe Deatherage from Cleaver Deatheridge, George Deatherage and Louisa Deatherage, husband and wife, and Madison Deatherage and Francis Deatherage, husband and wife, by deed dated March 3, 1916, and of record in Deed Book 29, Page 189, in the Simpson County Clerk's office. Also being a portion of the same property conveyed to Tobe Deatherage from James Porter Detherage and Louvernia Detherage, husband and wife, by deed dated April 26, 1954 and of record in Deed Book 73, Page 29, in the Simpson County Clerk's office. Tobe Deatherage died intestate in November, 1964. By Affidavit of Descent of record in Deed Book 90, Page 378, in the Simpson County Clerk's, the following are his heirs- at-law: Eula Deatheridge, Lucian Deatherage, James Porter Deatherage and Katherine G. McCut(c)hen. Also being the same property conveyed to Katherine G. McCutchen from Eula Detherage, a widow, Lucian Detherage and his wife, Elizabeth Detherage and James Porter Detherage, a widower by deed dated August 13, 1965 and of record in Deed Book 90, Page 379, in the Simpson County Clerk's office.

SALE NO. 3:

unnumbered Flat Rock Road – (west of Stone Road)

(PVA Map Code: 017-00-00-028.00 and 017-00-00-024.00)

Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen

Parcel 1:

A certain parcel of land situated northwest of Franklin, in Simpson County, Kentucky, on the west side of the Flat Rock Road (KY 1039), near the intersection of the Roger Stone Road, and more particularly described and bounded as follows:

Lot No. 5: Beginning at a pin in the northeast corner in the Ronnie Regan line, and a corner to Parcel No. 4; thence with the line of Parcel No. 4 and 3, N 43° 30' W 333.0 feet to a pin, a corner in the Joe Thurmond line; thence with the line of Joe Thurmond S 38° 15' E 288.5 feet to a stake and rock, a corner in the Belcher Estate line; thence with the line of said Belcher Estate S 55° 30' E 332.6 feet to a stake, a corner to Ronnie Regan in the Belcher Estate line; thence with the line of Ronnie Regan N 38° 15' E 218.3 feet to the point of beginning, according to November 11, 1974, survey of Ernest C. Ellis, Kentucky Registered Land Surveyor No. 318. Reference is also made to the plat of record in Plat Book 3, Page 116, Simpson County Clerk's office.

Being a portion of the same property conveyed to Caroline McCutchen from D.D. Perkins by deed dated April 8, 1918 and of record in Deed Book 22, Page 113, in the Simpson County Clerk's office. Caroline McCutchen died intestate August 1, 1927. By Affidavit of Descent of record in Deed Book 118, Page 246, in the Simpson County Clerk's office, George Thomas McCutchen, her son, was her only heir-at-law. George Thomas McCutchen died intestate April 15, 1956. By Affidavit of Descent of record in Deed Book 118, Page 247, in the Simpson County Clerk's office, the following are his heirs-at law: Amanda McCutchen Kennedy, James McCutchen, Standiford McCutchen, Daniel McCutchen and Charles McCutchen. Also the same property conveyed to Charles McCutchen from Daniel McCutchen and wife, Hattie McCutchen, Amanda McCutchen Kennedy and husband, Walter Lee Kennedy, James McCutchen and wife, Lillie McCutchen, Standiford McCutchen, a single person and Charles McCutchen and wife, Katherine McCutchen by deed dated April 17, 1975, of record in Deed Book 118, Page 319, Simpson County Clerk's office.

Parcel 2: (easement tract) Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen:

An easement 20 feet in width extending from Flat Rock Road to the northwest corner of the subject property, the west line of which is the west line of Lots Nos. 2 and 3 as shown on the plat of record in Plat Book 3, Page 116, Simpson County Clerk's office. Said easement is nonexclusive and is perpetual.

Being the same easement conveyed to Charles McCutchen from James McCutchen and wife, Alicia McCutchen, Walter Kennedy, unmarried, Michael Kennedy, unmarried, and Walter Kennedy, Jr., unmarried, by Easement dated January 10, 1997, of record in Deed Book 206, Page 221, Simpson County Clerk's office.

**Parcel 3:
Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen:**

A certain parcel of land located northwest of Franklin, in Simpson County, Kentucky, on the west side of the Flat Rock Road (KY 1039), near the intersection of the Roger Stone Road and more particularly described and bounded as follows:

Parcel No. 2:

Beginning at a pin in the northeast corner, in the west right-of-way of the Flat Rock Road and being the northwest corner to Parcel No. 1; thence with the line of the west right-of-way of Parcel No. 1, N 43° 30' W 167.3 feet to a pin, a corner to Joe Thurmond; thence with the line of Joe Thurmond S 38° 15' E 501.6 feet to a pin, a corner to Parcel No. 3 in the Thurmond line; thence with the line of Parcel No. 3, S 43° 30' E 166.9 feet to a pin, a corner to Parcel No. 4 and No. 1; thence with the line of Parcel No. 1, N 38° 15' W 501.6 feet to the point of beginning, according to November 11, 1974, survey of Ernest C. Ellis, Kentucky Registered Land Surveyor No. 318. Reference is also made to the plat of record in Plat Book 3, Page 116, Simpson County Clerk's office.

THERE IS EXCEPTED HEREFROM AND NOT CONVEYED that property conveyed to Walter Kennedy, Jr. and wife, Rita A. Kennedy from Charles McCutchen and wife, Katherine McCutchen, by deed dated January 27, 2000, of record in Deed Book 222, Page 746, Simpson County Clerk' s office, and more particularly described as follows, to-wit:

A certain tract of land in Simpson County, Kentucky, located approximately 10 miles northwest of Franklin, situated on the southwest side of Flat Rock Road and further described from a survey made April 19, 1999, under the supervision of Robert G. May, Kentucky Registered Land Surveyor No. 2142, as follows:

Unless stated otherwise, any monument referred to herein as a pin and cap, is a set ½" x 18" rebar with a yellow plastic cap stamped R G May 2142. All bearings stated herein are referred to the recorded bearing of the northwest line of Sanborn as shown in Deed Book 206, Page 224.

Beginning at a found ¾" rebar in the southwest right-of-way line (40" R/W) of Flat Rock Road (Order Bk 11 Pg 316) the northwest corner to Hilda Sanborn (DB 206 Pg 224) , and the northeast corner to this tract. A pin and cap (witness monument) set on line 2' northwest; thence with the line of Sanborn S 37° 34' 18" W 345.85 feet to a pin and cap in said line, a new corner to Charles McCutchen (DB 211 Pg 75); thence on new lines with McCutchen, two (2) calls: (1) N 55° 32' 56" W – 124.97' feet to a pin and cap, (2) N 37° 11' 11" E - 345.74' to a pin and cap, a new corner to same, in the southwest right-of-way line of Flat Rock Road; thence with the aforesaid right-of-way line S 55° 32' 56" E - 127.30 feet to the beginning point.

Being the remaining property conveyed to Charles McCutchen and wife, Katherine McCutchen from Walter Kennedy, unmarried, Walter Kennedy, Jr., unmarried and Michael Kennedy, unmarried by deed dated December 11, 1997, of record in Deed Book 211, Page 75, in the Simpson County Clerk's office.

SALE NO. 4:

407 Jackson Street (Map Code: 009-00-26-003.00)

Owned only by Charles McCutchen, Sr. and/or Virgie Katherine McCutchen

Beginning at a utility pole on the south side of Jackson Street located 239 .48 feet west of the center of Bell Street, a corner to Eva Mae Smith; thence with the line of Smith S 04° 35 ' 52" W 81.78 feet to a post, a corner to same and Fannie Tuck; thence with the line of Tuck S 07° 48' 52" W 89.08 feet to a post in the line of same, a corner to Dathon Holland; thence with the line of Holland N 81° 27' 00" W 44.26 feet to a pin in said line, a new corner to Golden Beatrice Neely; thence on a new line with Neely N 06° 15' 44" E 169.38 feet to a pin, a new corner to same, on the south side of Jackson Street; thence along the south side of Jackson Street S 83° 17' 00" E 44.26 feet to the beginning point. Containing 0.18 acres +/-.

Being the same property in which a 23/24 interest was conveyed to Charles L.H. McCutchen and Virgie Katherine McCutchen from Bennie Farmer, unmarried, Maggie Kimbrough Brown, unmarried, Ruby Lee Evans, unmarried, Mickie Lynn Evans, unmarried, Carla Denise Evans, unmarried, Travis Neill Evans, unmarried, Sherman Kimbrough and wife, Ollie Kimbrough, George Kimbrough, unmarried, Walter Tynes and wife, Jacqueline Tynes and Melvin Tynes and wife, Rosanna Tynes, by deed dated August 22, 1995 and of record in Deed Book 198, Page 1, in the Simpson County Clerk's office. Also being the same property in which a 1/24 interest was conveyed to Charles L.H. McCutchen and Virgie Katherine McCutchen from Sherman Larry Tynes, unmarried by and through his duly appointed and authorized Guardian, Margaret Tynes, by deed dated August 23, 1995, of record in Deed Book 198, Page 9, Simpson County Clerk's office.

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

NOTE FURTHER: These properties are 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 property taxes, not yet due and payable.


Said properties shall be sold for the purpose of collecting an in personam judgment in favor of Franklin Bank & Trust Company.

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 six percent (6%) 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 2nd day of August, 2019.


ROBERT YOUNG LINK
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:

Larry F. Hinton, Esq.
c/o Reynolds, Johnson, Hinton, & Pepper, LLP
P. O. Box 4000
Bowling Green, KY 42102-4000
Attorney for plaintiffs

Jarrod W. Stone, Esq.
c/o Manier & Herod
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Nashville, TN 37203
Attorney for Ohio Farmers Insurance Company

Jill A. Keck, Esq.
c/o Weltman, Weinberg & Reis Co., LPA
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Cincinnati, OH 45202
Attorney for Discover Bank

James M. Detherage
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903 Blankenbaker Parkway #211
Louisville, KY 40243

Rodney Price
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Tampa, FL 33614

Eugene Lee, III
P. O. Box 11428
Louisville, KY 40251

Joyce Price
14450 Rhinestone Way
Ramsey, MC 55303

Althea Price
14450 Rhinestone Way
Ramsey, MC 55303


Charlie's Electric Service, Inc.
P. O. Box 353
Franklin, KY 42135

Virgie Katherine McCutchen
2886 Hardison Road
Woodburn, KY 42170

Charles L.H. McCutchen, Sr.
2886 Hardison Road
Woodburn, KY 42170

Charles L.H. McCutchen, Jr.
177 A. C. Holland Road
Woodburn, KY 42170

This 2nd day of August, 2019.



ROBERT YOUNG LINK
Master Commissioner
Simpson Circuit Court