

SIMPSON CIRCUIT COURT
DIVISION I

CIVIL ACTION NO. 19-CI-00050

BARBARA FAYE HARMON and
MICHAEL HAYDEN HARMON

PLAINTIFFS

vs.

NOTICE OF SALE

ALICE CAROL SPEARS,
UNKNOWN HEIRS OF CHARLES RANDALL SPEARS,
CONVERGENCE RECEIVABLE, L.C.,
MIDLAND FUNDING, LLC, and
UNIFUND CCR, LLC

DEFENDANTS

Pursuant to a Judgment and Order of Sale entered in Simpson Circuit Court entered on July 15, 2019, in Civil Action No. 19-CI-00050, Barbara Faye Harmon and Michael Hayden Harmon, plaintiffs, versus, Alice Carol Spears, unknown heirs of Charles Randall Spears, Convergence Receivable, L.C., Midland Funding, LLC, and Unifund CCR, LLC, defendants, I shall sell to the highest bidder at public auction on Friday, August 16, 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 285 Slim Hall Road, Franklin, Simpson County, Kentucky 42134, to-wit:

Beginning at a pin and cap in the south right-of-way line (30' R/W) of Slim Hall Road (Order Book 11 Page 6) and located S 07° 53' 04" E 7.52 feet from the recorded northeast corner to Larry and Deborah Shelton (DB 152 Pg 89); thence with the aforesaid right-of-way line eight (8) calls: (1) on a curve to the left with a radius of 351.58 feet a chord of N 86° 19' 04" E 78.02 feet, an arc length of 78.18 feet, (2) N 78° 18' 52" E 104.75 feet, (3) N 72° 33' 50" E 36.74 feet, (4) on a curve to the left with a radius of 101.17 feet, a chord of N 40° 54' 54" E 88.25 feet, an arc length of 91.32 feet, (5) N 17° 52' 00" E 39.80 feet, (6) on a curve to the right with a radius of 64.51 feet, a chord of N 49° 00' 28" E 76.50 feet, an arc length of 81.88 feet, (7) on a curve to the right with a radius of 646.99 feet, a chord of N 83° 14' 11" E 92.52 feet, an arc length of 92.60 feet, (8) N 88° 30' 30" E 73.70 feet to a pin and cap in said right-of-way line, a corner to William Overton (DB 171 Pg 139); thence with the line of Overton, along an existing fence line, S 15° 50' 51" E 241.37 feet to an existing 8" wood post in the line of same, a corner to Wayne and Jessie Everson (DB 165 Pg 452); thence with the lines of Everson running generally with the existing fence line S 59° 29' 22" W passing a pin and cap (witness monument) at 2.0 feet, a total distance of 271.39 feet and continuing along said fence line S 58° 05' 06" W 393.27 feet to a pin and cap in the line of same a corner to Howard Brewer (DB 165 Pg 165); thence with the line of Brewer N 04° 13' 46" W 83.74 feet to an existing 1" metal pipe, a corner to same and the southwest corner to Larry and Deborah Shelton (DB 152 Pg

89) and the southeast corner to Larry and Deborah Shelton (DB 152 Pg 91 Tr 1); thence with the lines of Shelton (DB 152 Pg 89) two (2) calls: (1) N 42° 49' 14" E 50.20 feet to a found 18" oak, (2) N 07° 53' 04" W 255.18 feet to the beginning point, containing 3.828 acres, according to May 29, 2001, survey of Robert G. May, Kentucky Registered Land Surveyor No. 2142.

LESS THE FOLLOWING DESCRIBED PROPERTY conveyed to Robert Young Link, Trustee, for the use and benefit of Charles D. Spears and Sherry Sue Spears, husband and wife, and Charles Randy Spears and Alice Carol Spears, husband and wife, by deed dated June 3, 2004, of record in Deed Book 267, Page 837, Simpson County Clerk's office:

Beginning at a set pin and cap in the south right-of-way line (30' r/w) of Slim Hall Road (Order Book 11, page 06), a new corner to Randy Spears (DB 233, pg 643) and located along said r/w line 111.68' east of the northwest corner to Spears; thence with aforesaid r/w line N 77° 23' 09" E 40.07' to a new corner to Spears in said r/w line; thence on a new line with Spears S 15° 56' 19" E passing a set pin and cap (witness monument) at 253.09', a total distance of 267.97' to a new corner to same, in the line of Jesse Everson (DB 165, Pg 452); thence with the line of Everson S 58° 05' 06" W 41.61' to a point in said line, a new corner to Randy Spears (DB 233, Pg 643); thence on a new line of Spears N 15° 56' 19" W 281.75' to the beginning point, containing 0.252 acres, according to June 3, 2003, survey by Robert G. May, Kentucky Registered Land Surveyor No. 2142.

Being a part of the same property conveyed to Charles Randall Spears and Alice Carol Spears by deed dated December 20, 2001, of record in Deed Book 233, Page 643, Simpson County Clerk's Office.

The property valuation administrator's map number for the subject property is as follows: 037-00-00-023.02.

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 personam judgment in favor of the plaintiffs, in the amount of \$134,758.39, with interest from and after June 4, 2019, at the rate of 4.050% per annum, attorney fees in the amount of \$2,115.00, plus 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 4.050% 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 23 day of July, 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:

Ashley A. B. Douglas, Esq.
P.O. Box 1159
Franklin, KY 42135

Midland Funding, LLC
Midland Credit Management, Inc.
c/o Credit Business Process Services
312 South 4th Street, Suite 724
Louisville, Kentucky 40202


Unifund CCR, LLC
Corporation Service Company
421 West Main Street
Frankfort, Kentucky 40601

Convergence Receivable, L.C.
1574 42nd Street NE, Ste 3
Cedar Rapids, Iowa 52402

Alice Carol Spears
285 Slim Hill Road
Franklin, Kentucky 42134

Unknown heirs of Charles Randall Spears
285 Slim Hill Road
Franklin, Kentucky 42134

This 23 day of July, 2019.


ROBERT YOUNG LINK
Master Commissioner
Simpson Circuit Court