

SIMPSON CIRCUIT COURT
DIVISION II

CIVIL ACTION NO. 18-CI-00265

CITIBANK, N.A. AS TRUSTEE ON BEHALF OF
THE NRZ PASS-THROUGH TRUST VI

PLAINTIFF

vs.

NOTICE OF SALE

HERBERT G. WARDEN;
UNKNOWN SPOUSE OF HERBERT G. WARDEN;
TIMOTHY J. CROCKER;
THE MEDICAL CENTER AT FRANKLIN;
COMMONWEALTH OF KENTUCKY, COUNTY OF SIMPSON;
HALBERT WARDEN; and
TAMMY WARDEN

DEFENDANTS

Pursuant to a Judgment and Order of Sale entered in Simpson Circuit Court entered on March 20, 2019, supplemented by Order entered on September 13, 2019, in Civil Action No. 18-CI-00265, Citibank, N.A. as trustee on behalf of the NRZ Pass-Through Trust VI, plaintiff, versus, Herbert G. Warden; unknown spouse of Herbert G. Warden; Timothy J. Crocker; The Medical Center at Franklin; Commonwealth of Kentucky, County of Simpson; Halbert Warden; and Tammy Warden, defendants, I shall sell to the highest bidder at public auction on Friday, October 4, 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 732 Macedonia Road, Franklin, Simpson County, Kentucky 42134, to-wit:

Beginning at a stake in the southeast corner in line with the north right of way of the Macedonia Road, being 25 feet from the center of said road, and in line with the center of a cross drain pipe, and a corner to the Macedonia Church parcel; thence with the line and meander of the north right of way of the Macedonia Road N 30 deg. 30' W 292.4 feet; thence N 34 deg. 00' W 133.9 feet; thence N 41 deg. 00' W 144.0 ft; thence N 47 deg. 30' W 144.7 feet; thence N 56 deg. 30' W 95.8 feet; thence N 61 deg. 30' W 281.5 feet to a post, a corner to Dorothy Lanier; thence with the line of Dorothy Lanier S 58 deg. 35' E 277.7 feet to a post; thence with the center of old abandoned Macedonia Road S 56 deg. 30' E 835.8 feet to a pin, a corner to Macedonia Cemetery; thence with the line of the center of said road S 13 deg. 45' E 138.2 feet to a pin; thence with the line of the Macedonia Church lot S 58 deg. 30' W 273.0 feet to the point of beginning, containing 5.4 acres, more or less.

LESS THE FOLLOWING property conveyed to Macedonia General Baptist Church by deed dated December 20, 1980, of record in Deed Book 135, Page 734, Simpson County Clerk's Office, more particularly described as follows:

Beginning at a stake in the southwest corner in line with the north right of way of the

Macedonia Road, being 25 ft. from the center of said road, and a corner to the Macedonia Church lot; thence with the line of the north right of way of the Macedonia Road N 30 deg. 30' W, 151.0 feet to a pin, a new corner to Marshall Apple; thence with a new line of Apple N 34 deg. 15' E 311.5 feet to a pin in the center of an old road; thence with the line of the center of the old road S 56 deg. 30' E 196.4 feet; thence S 13 deg. 15' W 138.2 feet to a pin; thence with the line of the Macedonia Church lot S 58 deg. 30' W 273.0 feet to the point of beginning, containing 1.66 acres more or less, according to December 13, 1980 survey of E. C. Ellis, Registered Land Surveyor No. 318.

ALSO LESS THE FOLLOWING property conveyed by Ronnie Duke, unmarried, to J.C. Meador and James B. Wilson and wife, Mary N. Wilson, by deed dated March 18, 1992, of record in Deed Book 180, Page 79, Simpson County Clerk's Office, more particularly described as follows:

Beginning at a post in the northeast right of way line of Macedonia Road a corner to the Church, and the southernmost corner to this tract; thence with aforesaid right of way line, north 36 deg. 20' west 136.0 feet to an iron post in said line, a new corner to Ronnie Duke; thence on a new line with Duke, north 40 deg. 14' east 263.5 feet to a pin a new corner to same in the center of the old roadway; thence with the center of the old roadway, south 52 deg. 15' east 148.9 feet to a post, a corner to the Church, located along said line north 52 deg. 15' west 196.0 feet from the corner to the cemetery; thence with the Church property, south 41 deg. 08' west 332.6 feet to the beginning point, containing approximately 1.0 acre.

ALSO LESS THE FOLLOWING property retained by Anthony Wayne Warden. Sr., in deed dated January 25, 1994, of record in Deed Book 189. Page 225, Simpson County Clerk's Office.

Beginning at an iron post in the east right-of-way line of Macedonia Road, a corner to Meador and Wilson and the southernmost corner to this tract; thence with aforesaid right-of-way line, (3) calls: (1) N 26 deg. 30' W 72. 86 feet; (2) N 32 deg. 33' W 64.52 feet; (3) N 36 deg. 36' W 82.05 feet to an iron pin in said line, a new corner to Anthony Warden; thence on a new line with Warden, N 49 deg. 15' E 190.76 feet to a post a new corner to same, in the center of an old road bed, in the line of Mary L. Wilson; thence with the line of Wilson, along the center of the old road bed, S 52 deg 31' E 178.71 feet to a pin in said line, a corner to Meador and Wilson; thence with the line of Meador and Wilson, S 40 deg. 14' W 263.50 feet to the beginning point, containing 1.0 acre more or less.

A MORE UP-TO-DATE AND ACCURATE DESCRIPTION OF THE SUBJECT PROPERTY IS AS FOLLOWS:

A certain tract of land in Simpson County. Ky., located southeast of downtown Franklin, situated on the northeast side of Macedonia Road, and further described from a survey made May 27, 1998, under the supervision of Robert G. May, Land Surveyor, PLS #2142, as follows:

Beginning at a found wood post in the northeast R/W line (25' from center of Macedonia Road), located S 57° 04' 46" E- 263.28 feet, and N 37° 49' 00" E- 25.00 feet from the centerline intersection of Macedonia Road, and Ky. Hwy. 1008, and being a corner to Mary Lanier Wilson; thence with the line of Wilson, passing an iron pin (witness corner) at 2 feet, N 37° 49' 01" E - a total distance of 149.01 feet to a found wood post with an iron pin (witness corner) set on line 2 feet southwest of post, a corner to Wilson; thence with the line of Wilson, S 56° 30' 00" E- 595.63 feet to a found wood post, with an iron pin (witness corner) set on line 2 feet northwest of post, in the line of same, a corner to Larry Tuck; thence with the line of Tuck, S 42° 21' 01" W - 190.07 feet to a found iron pin (1/2" rebar), a corner to same, in the northeast R/W line of Macedonia Road; thence with aforesaid R/W line (6) calls: (1) N 40° 07' 21" W - 49.30 feet, (2) N 43° 15' 35" W 88.79 feet, (3) N 47° 11' 33" W - 66.96 feet, (4) N 52° 10' 53" W - 60.65 feet, (5) N 56° 46' 44" W - 65.11 feet, (6) N 58° 47' 34" W - 252.42 feet to the beginning point, containing 2.023 acres.

Being the same property conveyed to Ogeal Warden by Halbert Galen Samuel Warden and wife, Tammy Warden, by Deed dated June 12, 1996, of record in Deed Book 202, Page 347, Simpson County Clerk's Office, and by Deed of Correction dated December 12, 1996, of record in Deed Book 205, Page 282, Simpson County Clerk's Office.

Also being the same property conveyed to Ogeal Warden and Herbert G. Warden, husband and wife, as joint tenants with right of survivorship, by Ogeal Warden and Herbert G. Warden, husband and wife, by Deed dated May 21, 2013, of record in Deed Book 303, Page 492, Simpson County Clerk's Office. The said Ogeal Warden died on December 21, 2016 and left the said Herbert G. Warden surviving her. The said Herbert G. Warden, widower, conveyed the subject property to Halbert Warden, by Deed dated December 20, 2017, of record in Deed Book 334, Page 762, Simpson County Clerk's Office. The said Halbert Warden and Tammy A. Warden, husband and wife, conveyed the subject property to Herbert Warden by deed dated April 11, 2019, of record in Deed Book 341, page 43, in the Office aforesaid.

The property valuation administrator's map number for the subject property is as follows:
042-22-00-013.00.

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 the following judgments:

1. An in rem judgment in favor of the plaintiff in the amount of \$53,851.27, with interest from and after February 17, 2019, at the daily rate of \$8.77; and,
2. An in rem judgment in favor of the defendant Timothy J. Crocker in the amount of \$40,000.00, plus interest, the amount of which has not yet been determined, and Court costs and attorney fees.

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 3.75% 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 13 day of September, 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:

Brendan J. Shevlin, Esq.
Wallingford Law, PSC
1050 Monarch Street, Suite 100
Lexington, KY 40513
Co-Counsel for Plaintiff

Robyn A. McDonald, Esq.
Christopher M. Hill & Associates, P.S.C.
P.O. Box 817
Frankfort, KY 40602
Co-Counsel for Plaintiff

Timothy J. Crocker, Esq.
Crocker & Thurmond, Attorneys
P.O. Box 305
Franklin, KY 42135

Herbert G. Warden
c/o Cabinet for Health & Family Services Guardianship Services
P.O. Box 2170
Bowling Green, KY 42102

Unknown Spouse of Herbert G. Warden
c/o Cabinet for Health & Family Services Guardianship Services
P.O. Box 2170
Bowling Green, KY 42102

Herbert Warden
732 Macedonia Road
Franklin, KY 42134

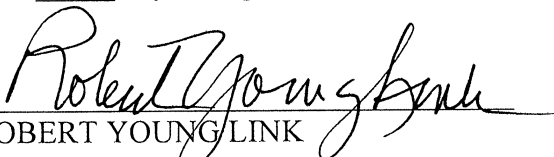
Tammy Warden
732 Macedonia Road
Franklin, KY 42134

Halbert Warden
732 Macedonia Road
Franklin, KY 42134

The Medical Center at Franklin
c/o Hoy P. Hodges
P.O. Box 1865
Bowling Green, KY 42102

Samuel R. Phillips, Esq.
Simpson County Attorney
303 North College Street
Franklin, KY 42134

This 13 day of September, 2019.


ROBERT YOUNGLINK
Master Commissioner
Simpson Circuit Court