

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,
KATHERINE DETHERAGE,
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 December 3, 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, Katherine Detherage, 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 **AUCTION TO BE HELD ONSITE AT THE PREMISES** on Friday, January 24, 2020, at the hour of 2:00 p.m. the following-described property located in Franklin, Simpson County, Kentucky 42134, to-wit:

The sale of the subject property will be conducted on the premises at 177 A. C. Holland Road at 2:00 p.m.

177 A. C. Holland Road (Map Code: being a part of map code 024-00-00-014.00)

Parcel 1: Beginning at a stone in Lockhart' s line; thence S 88 1/2 W 28 1/5 poles to a stone in said Lockhart' s line; thence S 2 1/2 W 81 1/5 poles to a stone in Madison Detherage's line; thence S 87 1/4 E 38 poles to a stone in Holland' s line; thence N 1 1/2 W 42 poles to a stone, corner to Holland; thence 88 1/2 W 5 poles to a stone, corner to Holland; thence N 1 W 39 1/5 poles to the beginning.

Being a portion of the same property conveyed to Cleaver Detherage by Tobe Detherage and wife, Lottie Detherage, George Detherage and wife, Louisa Detherage, and Madison Detherage and wife, Frances Detherage by deed dated March 3, 1916, of

record in Deed Book 29, Page 191, Simpson County Clerk's office. Cleaver Detherage, single, conveyed an undivided one-half interest in Parcel 1 above to Madison Detherage in fee simple, by deed dated October 8, 1947, of record in Deed Book 66, Page 470. The said Madison Detherage died testate and in his Will of record in Will Book 7, Page 360, said clerk's office, devised all of his interest in the subject property, acquired from Cleaver Detherage in Deed Book 66, Page 470, said Clerk's office, to Katherine McCutchen. Cleaver Detherage died testate, and in her Will, probated May 3, 1967, of record in Will Book 5, Page 123, devised successive life estate in her realty to her brother Matt Detherage (the same person as Madison Detherage), and her sister-in-law Frances Detherage, both of whom are now deceased, and Katherine McCutchen, and at the death of Katherine McCutchen the remaining one-half interest devised said property one-half to the children of Cleaver Detherage's brother Tobe Detherage and one-half to the children of Cleaver Detherage's brother George Detherage. By Affidavit of Descent dated October 24, 1978, of record in Deed Book 129, Page 468, Simpson County Clerk's office, the children of said Tobe Detherage were Lucian Detherage, James Porter Detherage, and Madie D. Grainger. On October 24, 1978, the said James Porter was deceased and survived by his only children and heirs at law, Grace Price and James Madison Detherage. Likewise, the said Madie D. Grainger was deceased and survived by her only child and only heir at law, Katherine McCutchen. The children of the said George Detherage were Dolly Barnett, Frances Barnett, Katie Detherage, and Bernice Lockhart. See also that certain Affidavit in Support of Title as to heirs of James Porter Detherage and Madie D. Grainger dated September 15, 1997, of record in Deed Book 209, Page 471, said clerk's office. By deed dated January 30, 1978, of record in Deed Book 127, Page 414, said clerk's office, Lucian Detherage and wife, Elizabeth Detherage, Bernice Lockhart and husband, Joe Lee Lockhart, Katie Detherage, unmarried, Dolly Barnett and husband, Robert Barnett, and Frances Barnett and husband, Norman Barnett conveyed all of their respective vested remainder interests to the said Katherine McCutchen. It should be noted that James Madison Detherage owns a 1/24 interest in this parcel, and the heirs of Grace Price: Rodney Price, Eugene Lee, III, Joyce Price and Althea Price own a 1/96 interest each in this parcel, with Katherine McCutchen owning the remaining 11/12 interest in this parcel.

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 2020 State and County property taxes, not yet due and payable.

Said property shall be sold for the purpose of collecting in personam judgments in favor of Franklin Bank & Trust Company, and in rem judgments.

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 2020 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 12th day of December, 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

Phillip L. Kimble, Esq.
P. O. 9900
Bowling Green, KY 42101
Attorney for defendants Detherage, Price, and Lee

Jarrold W. Stone, Esq.
c/o Manier & Herod
1201 Demonbreun Street, Suite 900
Nashville, TN 37203
Attorney for Ohio Farmers Insurance Company

Jill A. Keck, Esq.
c/o Weltman, Weinberg & Reis Co., LPA
525 Vine Street, Suite 800
Cincinnati, OH 45202
Attorney for Discover Bank

James M. Detherage
c/o Atria Senior Living
903 Blankenbaker Parkway #211
Louisville, KY 40243

Katherine Detherage
225 New Castle Road
Rochester, New York 14610

Rodney Price
3130 West Lambright Street, Apt. 226
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

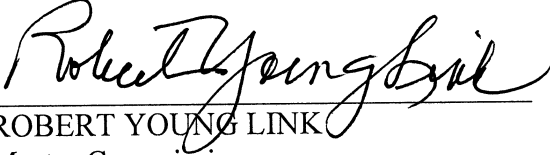
Charlie's Electric Service, Inc.
P. O. Box 353
Franklin, KY 42135

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 12 day of December, 2019.



ROBERT YOUNG LINK

Master Commissioner
Simpson Circuit Court