

SIMPSON CIRCUIT COURT
DIVISION I

CIVIL ACTION NO. 19-CI-00395

CITY OF FRANKLIN, KENTUCKY

PLAINTIFF

vs.

NOTICE OF SALE
Electronically Filed

A & S TOOL & GAGE, INC.,
LSS AFFILIATES, LLC,
COMMONWEALTH OF KENTUCKY
DEPARTMENT OF REVENUE and
ENERGY & ENVIRONMENT CABINET
OLD NATIONAL BANK, N.A.,
and SIMPSON COUNTY, KENTUCKY

DEFENDANTS

Pursuant to a Judgment and Order of Sale dated October 2, 2020, as supplemented by Order entered September 6, 2023, of record in Simpson Circuit Court Civil Action No. 19-CI-00395, City of Franklin, Kentucky, plaintiff, versus, A & S Tool & Gage, Inc., LSS Affiliates, LLC, Commonwealth of Kentucky Department of Revenue and Energy & Environment Cabinet, Old National Bank, N.A., and Simpson County, Kentucky, defendants, I shall sell to the highest bidder at public auction on Friday, September 29, 2023, 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 201 Filter Plant Road, Franklin, Simpson County Kentucky 42134, to-wit:

A tract of land in Franklin, Simpson County, Kentucky, being Parcel No. 16, Block No. 5 on Tax Map 15, and being more particularly described as follows:

Beginning at an iron pipe set at the intersection of the southerly right-of-way line of Spears Avenue and the westerly right-of-way line of Filter Plant Road; thence with the westerly right-of-way line of Filter Plant Road S 18° 26' 15" West 355.46 feet to a spike in the northerly right-of-way line of Mark Street; thence with the northerly right-of-way line of Mark Street N 79° 00' 00" W 249.22 feet to an iron pipe, being the common corner of herein described tract and property of John Lewis Brown as recorded in Deed Book 112, page 211, R.O.S.C. KY; thence with the common line of herein described tract and Brown property, passing the common corner of herein described tract and property of Joyce Pinson and Brenda Davis as recorded in Deed Book 176, Page 275, R.O.S.C. KY, N 18° 36' 54" E 353.76 feet to an iron pipe in the southerly right-of-way line of Spears Avenue; thence with the southerly right-of-way line of Spears Avenue S 79° 25' 16" E 248.36 feet to the point of beginning and containing 87,420 square feet or 2.007 acres, more or less, as shown on as-built/boundary survey for Drackett, Inc. by E. Roberts Alley & Associates, Inc., dated 4/8/93.

Being the same property conveyed to A&S Tool & Gage, a Kentucky corporation (being the same corporation as A & S Tool & Gage, Inc.), by Kelley Storage, Inc., a Kentucky corporation, by deed dated October 25, 2000, of record in Deed Book 226, Page 757, Office of the Simpson County Clerk.

The property valuation administrator's map number for the subject property is as follows: 015-00-05-016.00.

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 2023 City and State and County taxes, not yet due and payable; and,
4. Any and all obligations that exist under the laws of the Commonwealth of Kentucky, including but not limited to, the obligations that exist under KRS Chapter 224 and 401 KAR Chapters 30-40, 47, 48 and 100:030.

Said property shall be sold for the purpose of collecting the following judgment debts:

- (1) An in rem judgment in favor of the plaintiff, in the amount of \$24,326.89, with interest thereon from and after August 31, 2020, at the rate of 6% per annum, and,
- (2) An in rem judgment in favor of Commonwealth of Kentucky, Energy and Environment Cabinet, in the amount of \$39,012.97.

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 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 2023 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 September 7, 2023.

BY: /s/ ROBERT YOUNG LINK
Master Commissioner
Simpson Circuit Court

CERTIFICATE OF SERVICE

A true copy of the foregoing was on this date delivered by electronic service to the following:

Sam Phillips, Esq.
303 North College Street
Franklin, KY 42134
Attorney for Simpson County, Kentucky

Brian K. Pack, Esq.
135 North Public Square
Glasgow, KY 42141
Attorney for LSS Affiliates, LLC

R. Campbell Connell, Esq.
Kentucky Department of Revenue
Finance and Administration Cabinet
P. O. Box 5222
Frankfort, KY 40602
Attorney for Kentucky Department of Revenue

Daniel C. Cleveland, Esq.
Office of Legal Services
300 Sower Blvd. 3rd Floor
Frankfort, KY 40601
Attorney for Kentucky Energy & Environment Cabinet

CERTIFICATE OF SERVICE

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

W. Scott Crabtree, Esq.
P. O. Box 615
Franklin, KY 42135-0615

Old National Bank, N.A.
c/o CT Corporation Systems
306 West Main Street, Ste. 512
Frankfort, KY 40601

A & S Tool & Gage, Inc.
c/o Gary L. Smith, Registered Agent
925 S. College Street, Apt. 48B
Franklin, KY 42134

This September 7, 2023.

BY: /s/ ROBERT YOUNG LINK
Master Commissioner
Simpson Circuit Court