

SIMPSON CIRCUIT COURT
DIVISION I

CIVIL ACTION NO. 23-CI-00114

FRANKLIN BANK & TRUST COMPANY

PLAINTIFF

vs.

NOTICE OF SALE
Electronically Filed

WADE PERRY, single,
SIMPSON COUNTY, KENTUCKY,
RESURGENT RECEIVABLES LLCS, and
COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF REVENUE,
DIVISION OF COLLECTIONS

DEFENDANTS

Pursuant to a Judgment and Order of Sale in Simpson Circuit Court entered on September 6, 2023, in Civil Action No. 23-CI-00114, Franklin Bank & Trust Company, plaintiff, versus, Wade Perry, single, Simpson County, Kentucky, Resurgent Receivables LLCS, and Commonwealth of Kentucky, Department of Revenue, Division of Collections, 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 865 Johns Loop Road, Franklin, Kentucky 42134, to-wit:

Beginning at a found 5/8" rebar (no cap) located approximately 25 feet southwest of the existing centerline of Johns Loop Road (Order Bk 11 Pg 06), a corner to Julie D. Traughber (DB 166 Pg 383) and being the easternmost corner to this tract; thence with the lines of Traughber two (2) calls: (1) S 58° 13' 14" W 255.08 feet to a found 3/4" iron pipe, the original corner to the one acre tract described in Deed Book 294, Page 445, (2) S 58° 02' 57" W 25.00 feet to a pin and cap in the line of same, a new corner to Wade Perry (DB 294 Pg 695 Tr 1); thence on a new line with Wade Perry (DB 294 Pg 695 Tr 1, and DB 294 Pg 692, and DB 294 Pg 445) N 32° 21' 17" W passing 2.61 feet southwest of a found 5/8" rebar (no cap) at 85.63 feet, a total distance of 171.52 feet to a pin and cap, a new corner to Perry (DB 294 Pg 445) and located N 58° 09' 23" E 19.88 feet from a pin and cap, the original corner to Wade Perry (the southernmost corner to DB 294 Pg 695 Tr 2, the westernmost corner to DB 294 Pg 445) and in the line of Perry (DB 294 Pg 692); thence with the line of Wade Perry (DB 294 Pg 695 Tr 2) N 58° 09' 23" E 230.73 feet to a found iron pin (cap #3290), a corner to same and located approximately 25 feet southwest of the existing centerline of Johns Loop Road; thence running approximately 25 feet southwest of and parallel to the existing centerline of Johns Loop Road two (2) calls: (1) on a curve to the left with a radius of 790.41 feet, a chord of S 46° 52' 52" E 88.94 feet, an arc length of 88.99 feet, (2) S 49° 46' 41" E 90.30 feet to the

beginning point, containing 1.0 acre, according to December 27, 2012, survey by Robert G. May, Kentucky Registered Land Surveyor No. 2142. Unless stated otherwise, any monument referred to herein as a pin and cap is a set ½" x 18" rebar with yellow plastic cap stamped R G May 2142. All bearings stated herein are referred to the recorded bearing along the southwest line of Perry as shown in Deed Book 294, Page 445.

Being the same property conveyed to Wade L. Perry by David Cummins, Trustee, by deed dated January 31, 2013, of record in Deed Book 301, Page 679, Simpson County Clerk's office.

The property valuation administrator's map number for the subject property is 049-00-00-055.00.

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 State and County taxes, not yet due and payable.

Said property shall be sold for the purpose of collecting the following judgment debt: An in personam judgment in favor of the plaintiff, in the amount \$40,716.63, with interest from and after April 27, 2023, at the rate of 4.5% per annum, plus attorney fees in the amount of \$3,200.00, and 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 4.5% 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:

Larry F. Hinton, Esq.
Reynolds Johnston Hinton, LLP
P. O. Box 4000
Bowling Green, KY 42102

Sam Phillips, Esq.
303 North College Street
Franklin, KY 42134

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

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

Resurgent Receivables LLC
Attn: Keith Alan Sparks
2618 East Paris Avenue SE
Grand Rapids, MI 49546

Wade Perry
1301 Smiley Trott Road
Westmoreland, TN 37186

This September 7, 2023.

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