

SIMPSON CIRCUIT COURT
DIVISION I

CIVIL ACTION NO. 23-CI-00242

CITY OF FRANKLIN, KENTUCKY

PLAINTIFF

vs.

NOTICE OF SALE
Electronically Filed

ALICE K. JAMES PENSON; (in rem only),
Unknown spouse of ALICE K. JAMES PENSON;
LSS AFFILIATES, LLC;
and SIMPSON COUNTY, KENTUCKY

DEFENDANTS

Pursuant to a Judgment and Order of Sale in Simpson Circuit Court dated March 25, 2024, in Civil Action No. 23-CI-00242, City of Franklin, Kentucky, plaintiff, versus, Alice K. James Penson; (in rem only), Unknown Spouse of Alice K. James Penson; LSS Affiliates, LLC; and Simpson County, Kentucky, defendants, I shall sell to the highest bidder at public auction on Friday, April 19, 2024, at the hour of 2:00 p.m., at the Simpson County Justice Center, 101 Court Street, Franklin, Kentucky, the following-described property (**consisting of a vacant lot**) having as its mailing address 306 John J. Johnson Street, Franklin, Kentucky 42134, to-wit:

A certain house and lot bounded on the North by Jefferson Street, on the east by the property of Joe Anthony, on the South by Annie Humble property, on the West by Hail Street.

Being the same property conveyed to Alice James by her husband, Elwood James, by deed dated June 12, 1939, of record in Deed Book 58, Page 349, Office of the Simpson County Clerk.

The said Alice James (being the same person as Alice Ferguson James), died intestate, October 13, 1956, and left surviving her as her only heirs at law: Henry E. James, Virgie Lee James Burrus, Ines James, and Odessa Bowman (the daughter of David D. James who predeceased Alice Ferguson James on June 17, 1950), and Ferguson James, such that each held an undivided twenty percent (20%) interest in the above-described property. See Affidavit of Descent of Alice Ferguson James of record in Deed Book 246, Page 667, Office of the Simpson County Clerk.

The said Henry E. James died intestate December 16, 1958, and left surviving him as his only heirs at law: his wife, Julia Smith James and his daughter, Alice Elizabeth James such that each held an undivided ten percent (10%) interest in the above-described property. See Affidavit of Descent of Henry E. James of record in Deed Book 246, Page 673, Office of the Simpson County Clerk. The

said Julia Smith James died intestate August 26, 1985, and left surviving her as her only heir at law her daughter, Alice Elizabeth James such that Alice Elizabeth James held an undivided ten percent (10%) interest in the above-described property. See Affidavit of Descent of Julia Smith James of record in Deed Book 246, Page 675, Office of the Simpson County Clerk. Upon the deaths of Henry E. James and Julia Smith James, Alice Elizabeth James held fee simple title to a twenty percent (20%) interest in the above-described property.

The said Ferguson James died intestate January 6, 1972, and left as his only heirs at law: Alice K. James Penson, Jane E. Barnett, Elsie L. James, Shirley Hartfield, Bessie Williams, John Robert James, Nellie Kathryn Everett, Harriet McEachern, Henry Thomas James, and Loretta S. James, such that each held a two percent (2%) interest in the above-described property. See Affidavit of Descent of Ferguson James of record in Deed Book 246, Page 679, Office of the Simpson County Clerk.

The heirs at law of Ferguson James, specifically, the Estate of Virgie J. Burrus, by-and-through its Co-Executor John Robert James, unmarried, and Co-Executor Henry Thomas James, and wife, Patricia James; Jane E. Barnett and husband, Terry Barnett; Nellie Kathryn Everett, unmarried; Bessie Williams, unmarried; Elsie L. James, unmarried; Harriet McEachern, unmarried; Shirley Hartfield and husband, Bennie Hartfield; and Loretta Sue James, unmarried, conveyed their interest to Alice K. James Penson by deed dated October 17, 2003, of record in Deed Book 246, Page 683, Office of the Simpson County Clerk.

The said Ines James died intestate on October 27, 1982, and left as her only heirs at law: Virgie J. Burrus, Odessa Bowman, Alice Elizabeth James, Alice K. James Penson, Jane E. Barnett, Elsie L. James, Shirley Hartfield, Bessie Williams, John Robert James, Nellie Kathryn Everett, Harriet McEachern, Henry Thomas James, and Loretta S. James, such that Virgie J. Burrus, Odessa Bowman, and Alice Elizabeth James each held an undivided five percent (5%) interest in the above-described property and the remaining heirs of Ines James each held an undivided one-half percent (0.5%) interest in the above-described property. Upon the death of Ines James, Virgie J. Burrus, Odessa Bowman, and Alice Elizabeth James each held a twenty-five percent (25%) interest in the above-described property and the remaining heirs at law of Ines James held a two and one-half percent (2.5%) interest in the above-described property. See Affidavit of Descent of Ines James of record in Deed Book 246, Page 681, Office of the Simpson County Clerk.

The heirs at law of Ines James, specifically, the Estate of Virgie J. Burrus, by-and-through its Co-Executor John Robert James, unmarried, and Co-Executor Henry Thomas James, and wife, Patricia James; Jane E. Brunett and husband,

Terry Barnett; Nellie Kathryn Everett, unmarried; Bessie Williams, unmarried; Elsie L. James, unmarried; Harriet McEachern, unmarried; Shirley Hartfield and husband, Bennie Hartfield; and Loretta Sue James, unmarried, conveyed their interest to Alice K. James Penson by deed dated October 17, 2003, of record in Deed Book 246, Page 683, Office of the Simpson County Clerk.

The said Alice Elizabeth James died intestate March 28, 1997, and left as her only heirs at law her daughters, Elizabeth Ann James and Jacqueline Marie James, such that each held an undivided twelve and one-half percent (12.5%) interest in the above-described property. See Affidavit of Descent of Alice Elizabeth James of record in Deed Book 246, Page 677, Office of the Simpson County Clerk. Elizabeth Ann James and Jacqueline Marie James conveyed their interest in the above-described property to Alice K. James Penson by deed dated October 17, 2003, of record in Deed Book 246, Page 691, Office of the Simpson County Clerk.

The said Odessa Bowman died intestate April 4, 1999, and left surviving her as her only heirs at law: her husband, Luke Bowman, and her children, Zelda Bowman, Luke Bowman, III, Kim Bowman, Lorraine Bowman, and Don Bowman, such that Luke Bowman held an undivided ten percent (10%) interest in the above-described property and each of the children of Odessa Bowman held an undivided two percent (2%) interest in the above-described property. See Affidavit of Descent of Odessa Bowman of record in Deed Book 249, Page 669, Office of the Simpson County Clerk. The said Luke Bowman died intestate April 10, 1999, and left surviving him as his only heirs at law: his children, Zelda Bowman, Luke Bowman, III, Kim Bowman, Lorraine Bowman, and Don Bowman, such that each of the children of Luke Bowman held an undivided two percent (2%) interest in the above-described property. See Affidavit of Descent of Luke Bowman of record in Deed Book 246, Page 671, Office of the Simpson County Clerk. Upon the deaths of Odessa Bowman and Luke Bowman, Zelda Bowman, Luke Bowman, III, Kim Bowman, Lorraine Bowman, and Don Bowman each held a five percent (5%) interest in the above-described property.

Zelda Bowman, Luke Bowman, III, Kim Bowman, Lorraine Bowman, Don Bowman conveyed their interest in the above-described property to Alice K. James Penson by deed dated October 22, 2003, of record in Deed Book 246, Page 696, Office of the Simpson County Clerk.

The said Virgie Lee James Burrus died testate a resident of Simpson County on December 16, 2001. Pursuant to the terms and conditions of her Last Will and Testament of record in Will Book 1 9, Page 520, Office of the Simpson County Clerk, her Co-Executors were directed to sell her real property. The Virgie Lee James Burrus Estate conveyed its interest in the above-described property to

Alice K. James Penson by deed dated October 17, 2003, of record in Deed Book 246, Page 691, Office of the Simpson County Clerk.

The property valuation administrator's map number for the subject property is 009-00-25-001.00.

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 2024 City and 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 rem judgment in favor of the plaintiff, in the amount of \$37,913.35, with interest on \$34,439.31 from and after December 31, 2023, at the rate of 6% per annum.

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 2024 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 March 27, 2024

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:

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

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

Brian K. Pack, Esq.
c/o LSS Affiliates, LLC
135 North Public Square
Glasgow, KY 42141

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

Alice K. James Penson
842 North Kildare Avenue
Chicago, IL 60651

This March 27, 2024.

BY: /s/ ROBERT YOUNG LINK

Master Commissioner
Simpson Circuit Court