

SIMPSON CIRCUIT COURT  
DIVISION I

CIVIL ACTION NO. 22-CI-00219

THE MONEY SOURCE INC.

PLAINTIFF

vs.

NOTICE OF SALE  
**Electronically Filed**

AUSTIN M. COX

DEFENDANT

Pursuant to a Judgment and Order of Sale in Simpson Circuit Court dated April 19, 2024, in Civil Action No. 22-CI-00219, The Money Source Inc., plaintiff, versus, Austin M. Cox, defendant, I shall sell to the highest bidder at public auction on Friday, May 17, 2024, 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 810 Harris Road, Bowling Green, Kentucky 42104, to-wit:

TRACT I:

Beginning at an iron pin found #3290 in the northerly right-of-way of Harris Road (15 feet from centerline) at the southeasterly corner of Kevin Lee (DB 231 PG 191) at a corner of the remaining lands of the subject owners, Abram Z. Martin and wife, Jeanette Martin as appears in Deed Book 125, Page 114; thence along the line of the subject owners with Kevin Lee N 23°55' 44" E 227.50 feet to an iron pin set on the southerly bank of a pond; thence on new lines to the subject property the following three (3) calls: (1) S 65° 21' 20" E 177.37 feet to an iron pin set, (2) S 14° 08' 55" W 151.22 feet to an iron pin set at the base of a 14" hickory tree, (3) S 35° 06' 17" W 100.82 feet to an iron pin set in the northerly right-of-way of Harris Road; thence along the meanders of the northerly right-of-way of Harris Road the following two (2) calls: (1) N 56° 51' 52" W 88.27 feet, (2) N 61° 01' 14" W 96.75 feet to the point of beginning, containing 1.04 acres, more or less, according to October 2002, survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290, and subject to all legal conditions and easements of record. Basis of bearing for this description is found monuments along the easterly line of Kevin Lee property per record deed. The subject survey plat prepared October 31, 2002 presently shows overhead wires crossing the subject 1.04 acre parcel.

IT IS MUTUALLY AGREED by the parties hereto and their heirs, personal representatives, and assigns that the grantees, their heirs, personal representatives, or assigns, or any of them, shall not, at any time during his, her, or their ownership of the above described property, or any portion thereof, erect, make, establish, keep, or maintain on the above-described property conveyed by this deed, a mobile home, trailer home, modular home, prefabricated home, or other movable structure used, or designed of use, even though not in actual use, as a residence, sleeping quarters,

or as an out building, and it is the intention of the parties hereto that this covenant shall be construed as running with the land.

TRACT II:

Beginning at an iron pin found #3290 in the northerly right-of-way of Harris Road (15 feet from centerline) at the southeasterly corner of James Kenton Baker and wife, Mary Jane Baker (DB 239 Page 342) at a corner of the remaining lands of the subject owners, Abram Z. Martin and wife, Jeanette Martin as appears in Deed Book 125, Page 114; thence along the line of the subject owners with James Kenton Baker and wife, Mary Jane Baker the following three (3) calls: (1) N 35° 05' 27" E 100.95 feet to an iron pin found #3290, (2) N 14° 09' 31" E 151.10 feet to an iron pin found #3290, (3) N 65° 21' 20" W 177.38 feet to an iron pin found in the line of Kevin Lee (DB 231 Pg 191) at the northwesterly corner of James Kenton Baker and wife, Mary Jane Baker; thence along the line of Kevin Lee, passing over a pond, N 23° 56' 29" E 91.97 feet to an iron pin set; thence on new lines to the subject owners of the following three (3) calls: (1) S 54° 20' 08" E 178.27 feet to an iron pin set, (2) S 54° 20' 08" E 145.00 feet to an iron pin set, (3) S 19° 56' 44" W 302.41 feet to an iron pin set in the northerly right-of-way of Harris Road; thence along the meanders of the northerly right-of-way of Harris Road the following three (3) calls: (1) N 60° 36' 19" W 31.58 feet, (2) N 55° 48' 47" W 118.63 feet to an iron pin set, (3) N 54° 53' 48" W 6.02 feet to the point of beginning, containing 1.26 acres, more or less, according to July 2003 survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290, and subject to all legal conditions and easements of record. Basis of bearing for this description is a magnetic observation on the traveled centerline of Harris Road.

IT IS MUTUALLY AGREED by the parties hereto and their heirs, personal representatives, and assigns that the grantees, their heirs, personal representatives, or assigns, or any of them, shall not, at any time during his, her, or their ownership of the above described property, or any portion thereof, erect, make, establish, keep, or maintain on the above-described property conveyed by this deed, a mobile home, trailer home, modular home, prefabricated home, or other movable structure used, or designed of use, even though not in actual use, as a residence, sleeping quarters, or as an out building, and it is the intention of the parties hereto that this covenant shall be construed as running with the land.

Being the same property conveyed to Austin M. Cox by Britney Dawn McMillin, now Britney Mooneyhan, and Joshua Mooneyhan, wife and husband, by deed dated May 8, 2020, of record in Deed Book 348, Page 308, Simpson County Clerk's office.

The property valuation administrator's map number for the subject property is 062-00-00-006.03.

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 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 \$142,831.87, with interest from and after November 29, 2023, at the rate of 3.375% 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 3.375% 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 April 25, 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:**

Michael R. Brinkman, Esq.  
c/o Reisenfeld & Associates LLC  
3962 Redbank Road  
Cincinnati, Ohio 45227

D. Keith Wilcutt, Esq.  
728 College Street Suite B  
Bowling Green, Kentucky 42101

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

Austin M. Cox  
810 Harris Road  
Bowling Green, KY 42104

Austin M. Cox  
c/o Simpson County Jail  
PID:542593/DOC:329398  
217 East Kentucky Avenue  
Franklin, KY 42134

This April 25, 2024.

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