

with the center of said drive, North 60-57 East 236.40 feet to a stake, another new corner; thence another new line South 37-59 East 358.46 feet to a stake, another new corner; thence another new line through Loretta Izzi property, South 60 West 255.40 feet to the place of BEGINNING, containing 2.01 acres, computed by D.M.D. and a plat by D.P. Wilson on August 3, 1979. Being a part of the 37.5 acres of land described in a deed to Plastic Oddities, Inc. as appears of record in Book 17-R at Page 214 of the Cleveland County Registry. Title Reference: See deed recorded in Book 18-A Page 243 of the Cleveland County, North Carolina, Public Registry.

The above-described real property will be sold "AS-IS, WHERE IS". Neither the Substitute Trustee nor the holder of the note secured by the deed of trust being foreclosed nor the officers, directors, attorneys, employees, agents or authorized representatives of either the Substitute Trustee or the holder of the note make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, at or relating to the real property being sold, and any and all responsibilities or liabilities arising out of or in any way relating to any such conditions expressly are disclaimed.

The record owner of the above-described real property as reflected on the records of the Cleveland County Register of Deeds not more than ten (10) days prior to the posting of this notice is Loretta B. Izzi.

Pursuant to North Carolina General Statute Section 45-21.10(b), any successful bidder may be required to deposit with the Substitute Trustee immediately upon conclusion of the sale a cash deposit of the greater of five percent (5%) of the last bid or \$750.00. Any successful bidder shall be required to tender the full balance pur-

chase price so bid in cash or certified check at the time the Substitute Trustee tenders to him a deed for the property or attempts to tender such deed, and should said successful bidder fail to pay the full balance purchase price so bid at that time, he shall remain liable on his bid as provided for in the North Carolina General Statutes §45-21.30(d) and (e). The owner and holder of the indebtedness secured by the Deed of Trust may make a credit bid. This sale will be held open ten (10) days for upset bids as required by law.

This the 13th day of August, 2003. James Christian Stevenson, Substitute Trustee Helms Mulliss & Wicker, PLLC 201 North Tryon Street Charlotte, North Carolina 28202 Telephone: (704) 343-2000 Facsimile: (704) 343-2300 KMH 2706 (8:28; 9:4)

**STATE OF NORTH CAROLINA COUNTY OF CLEVELAND IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 03-SP-347 NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE SALE OF REAL PROPERTY**

In the matter of the foreclosure of a Deed of Trust executed by Plastic Oddities, Inc. dated November 7, 2001 and recorded on November 8, 2001 in Book 1312 at Page 2103 of the Cleveland County Public Registry by James Christian Stevenson (Substitute Trustee).

Under and by virtue of the power and authority contained in a certain Deed of Trust executed and delivered by Plastic Oddities, Inc. dated November 7, 2001 and recorded on November 8, 2001 in Book 1312 at Page 2103 of the Cleveland County Public Registry (the "Deed of Trust") and because of default in the payment of the indebtedness thereby

secured and failure to carry out or perform the stipulations and agreements therein contained and pursuant to the demand of the owner and holder of the indebtedness secured by said Deed of Trust, and pursuant to the Order of the Clerk of Superior Court for Cleveland County, North Carolina, entered in this foreclosure proceeding, the undersigned, James Christian Stevenson, Substitute Trustee, will expose for sale at public auction on the 5th day of September, 2003, at 12:00 o'clock p.m., at the appropriate place for foreclosure sales at the Cleveland County Courthouse, 100 Justice Place, Shelby, North Carolina, the real property (including any improvements thereon) which is more particularly described on Exhibit A attached hereto and incorporated herein. This sale shall not include any portion of the real property that has been released by recorded releases.

The sale will be subject to any and all superior mortgages, deeds of trust and liens, including without limitation, the lien of unpaid taxes and assessments, easements, conditions, restrictions and matters of record.

**Exhibit A**

PARCEL 1: Lying and being in Number Two (2) Township, Cleveland County, NC, being located East of SR 1142 (Red Road), but not touching the same, being bounded on the East by Broad River, on the South by a branch and the McEntyre property, on the North and West by remaining property of Plastic Oddities, Inc., and being described by metes and bounds as follows: BEGINNING at an unmarked point in the centerline of Broad River, being the Northeast corner of the Jimmy McEntyre property; thence leaving the river and running with the centerline of a branch and with the North line of McEntyre as follows: South 67-55-56 West 66.27 feet;

South 15-01-18 West 39.51 feet; South 69-51-27 West 56.30 feet; South 77-53-52 West 57.29 feet; South 48-48-03 West 62.67 feet; North 74-34-15 West 22.27 feet; South 44-52-39 West 55.96 feet; South 14-10-07 West 28.96 feet; and North 77-29-22 West 7.87 feet; thence leaving the creek and continuing with the North line of McEntyre South 51-34-43 West 18.64 feet to an existing pipe; thence North 28-41-37 West 545.95 feet to an unmarked point; thence North 60-09-06 East 600 feet to an unmarked point in a creek, and being also in the South line of Hoyle as shown in Book 11-D, Page 273; thence with the centerline of said creek South 83-20-43 East 61.47 feet to an unmarked point in the centerline of Broad River; thence along and with the centerline of said river as follows: South 40-05-27 West 216.03 feet; South 08-43-06 East 138.16 feet; and South 24-06-47 East 286.09 feet to the point of beginning, containing 5.29 acres, more or less, according to a survey by T. Scott Bankhead, RLS, dated October 10, 1995. Title Reference: Book 1027, Page 527, Cleveland County Registry.

Grantor also conveys herewith all of its right title and interest in that certain easement recorded in Book 1027, Page 527, Cleveland County Registry. PARCEL 2: BEGINNING at an existing iron, said iron being the northeastern most point of Tract Number One immediately above described and running thence N74-37-02 E. 175.04 feet, to an iron set; thence running S 24-15-28 W 365.21 feet to an iron set in the northern right of way of Thore Road; thence running N65-46-58 W 125.78 feet to an iron set, said point being the southeastern most point of Tract Number One immediately above described; and running thence with the eastern line of said Tract Number One N 22-13-04 E 253.79 feet to the place of BEGINNING, containing 0.93

acres more or less according to that survey prepared by T. Scott Bankhead, R.L.S., dated September 10, 1988. Title Reference: Book 1038, Page 228 (Tract Two), Cleveland County Registry. The above-described real property will be sold "AS-IS, WHERE IS". Neither the Substitute Trustee nor the holder of the note secured by the deed of trust being foreclosed nor the officers, directors, attorneys, employees, agents or authorized representatives of either the Substitute Trustee or the holder of the note make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, at or relating to the real property being sold, and any and all responsibilities or liabilities arising out of or in any way relating to any such conditions expressly are disclaimed. The record owner of the above-described real property as reflected on the records of the Cleveland County Register of Deeds not more than ten (10) days prior to the posting of this notice is Plastic Oddities, Inc.

Pursuant to North Carolina General Statute Section 45-21.10(b), any successful bidder may be required to deposit with the Substitute Trustee immediately upon conclusion of the sale a cash deposit of the greater of five percent (5%) of the last bid or \$750.00. Any successful bidder shall be required to tender the full balance purchase price so bid in cash or certified check at the time the Substitute Trustee tenders to him a deed for the property or attempts to tender such deed, and should said successful bidder fail to pay the full balance purchase price so bid at that time, he shall remain liable on his bid as provided for in the North Carolina General Statutes §45-21.30(d) and (e). The owner and holder of the indebtedness secured by the Deed of Trust may

make a credit bid. This sale will be held open ten (10) days for upset bids as required by law. This the 13th day of August, 2003. James Christian Stevenson, Substitute Trustee Helms Mulliss & Wicker, PLLC 201 North Tryon Street Charlotte, North Carolina 28202 Telephone: (704) 343-2000 Facsimile: (704) 343-2300 KMH 2707 (8:28; 9:4)

**ADMINISTRATOR-EXECUTOR'S NOTICE**

Having qualified on the 2nd day of September, 2003, as Co-Executors of the Estate of Maude D. McSwain, deceased, late of Cleveland County, North Carolina, this is to notify all persons, firms and corporations having claims against the decedent to exhibit the same to the undersigned William C. Heffner & David Kenneth Davis, Co-Executors on or before the 4th day of December, 2003, or this notice will be pleaded in bar of their recovery. All persons, firms and corporations indebted to the estate should make immediate payment.

This the 4th day of September, 2003. William C. Heffner, Co-Executor 125 Windbluff Court Clover, SC 29710 David Kenneth Davis, Co-Executor 803 Woodside Drive Kings Mtn., N.C. 28086 KMH 2711 (9:4, 11, 18, 25)

**NORTH CAROLINA JOHNSTON COUNTY IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION FILE NO: 03 CVD 02304 NOTICE OF SERVICE OF PROCESS BY PUBLICATION**

TWYLA CASEY-WELLS, Plaintiff, VS THOMAS EDWARD WELLS, Defendant TO: Thomas Edward Wells, Defendant

TAKE NOTICE that a pleading seeking relief against you has been filed in the above-entitled action. The nature of the relief being sought is as follows: CHILD CUSTODY, ALIMONY, POST-SEPARATION SUPPORT, ABSOLUTE DIVORCE, EQUITABLE DISTRIBUTION AND ATTORNEY FEES.

YOU ARE REQUIRED to make defense to such pleading not later than October 15, 2003, said date being 40 days from the first publication of this Notice, and upon your failure to do so the party seeking service against you will apply to the court for the relief sought.

This the 2nd day of September, 2003. LUCAS, BRYANT, DENNING & ELLERBE, P.A. By: Robert W. Bryant, Jr. Attorney for Plaintiff P.O. Box 309 Selma, NC 27576 919/965/8184

NC State Bar #10261 KMH 2712 (9:4, 11, 18)

**CITY OF KINGS MOUNTAIN NOTICE OF PUBLIC HEARING TUESDAY, SEPTEMBER 30, 2003 7:00 P.M. CITY COUNCIL CHAMBERS CITY HALL REZONING OF PROPERTY CASE NO. CUR-4-7-03**

Claudia Dabbieri is requesting the rezoning of property located 1200 ft northwest of Scism Road and Highway 216 from Residential R-10 (R-10) to Conditional Use Light Industrial (CU-LD). The property may also be identified as Cleveland County Tax Map 4-64, Block 1, Lot 12. The applicant proposed to use the subject property area for office, manufacturing, warehousing and distribution in the apparel/fashion accessories business. A copy of the proposed Conditional Use permit for this Conditional Use Light Industrial district request may be obtained at the Planning Department.

The date for the City Council Public Hearing is Tuesday, September 30, 2003 at 7:00 P.M. in the City Council Chamber of City Hall.

The date for the Planning and Zoning Board meeting is Tuesday, September 9, 2003 at 5:30 P.M. in the City Council Chamber of City Hall. The public is invited to make comments at both meetings. KMH 2710 (9:4, 11)

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<p><b>AUTOMOTIVE</b></p> <p><b>RICK'S AUTOMOTIVE</b> 1001 East Main St. Serving Cherryville for 21 Years Fuel Injectors Cleaned...\$74.96 704-435-3801</p>	<p><b>HOME IMPROVEMENT</b></p> <p>Butch Phillips, Fred Eaker, Geraldine Eaker, James Lail Jessie Hugh Eaker</p> <p><b>EAKER ENTERPRISES, INC.</b> CAR, CAMPER, AND BOAT COVERS CUSTOM CARPORT FABRICATION &amp; SALES 1220 SHELBY HIGHWAY CHERRYVILLE, NC 28021 PHONE 704-435-9525 FAX 704-435-0950</p>	<p><b>LAWN CARE</b></p> <p><b>A Kut Above</b></p> <p>Lawn Care</p> <p>No Job Too Big or Small! Call for FREE Estimate! Albert Leduc 704-300-5507</p>	<p><b>PEST CONTROL</b></p> <p><b>Atlantic Pest Control Co., Inc.</b></p> <p>INSPECTIONS • FREE ESTIMATES TERMITE &amp; PEST CONTROL WATERPROOFING</p> <p>"Simply The Best" Call 704-435-8622 Cherryville</p> <table border="1"> <tr> <td>Kings Mountain 704-734-1964</td> <td>Shelby 704-481-8622</td> </tr> <tr> <td>Lincolnton 704-732-3999</td> <td>Gastonia 704-864-8700</td> </tr> </table>	Kings Mountain 704-734-1964	Shelby 704-481-8622	Lincolnton 704-732-3999	Gastonia 704-864-8700	<p><b>To Advertise Your Business On Our Business &amp; Service Directory, Call Your Advertising Representative at 704-739-7496.</b></p>	
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