

Classified Ads

County Register of Deeds in Deed of Trust Book 1522, at Page 1275. The record owner of such property, as reflected on the records of the Register of Deeds not more than ten (10) days prior to posting this Notice of Sale, if not the original mortgagors, is: N/A

2. The property will be sold by the Substitute Trustee at 1:00 p.m. on the 11th day of February, 2009 at the courthouse door in the City of Shelby, North Carolina.

3. The real property to be sold is generally described as Lot #3 Autumn Woods Drive, Kings Mountain, NC 28086 and described as follows:

Being all of Lot No. 3 of Autumn Woods East, Phase 1 as shown on a plat as recorded in Plat Book 29, Page 111 of the Cleveland County Registry and reference is hereby made to said plats for a full metes and bounds description as if fully set out herein.

TITLE REFERENCE: See Deed at Book 1469, Page 1977 of the Cleveland County Registry. The above property is subject to those restrictions of record as recorded in Book 1477, Page 2066 and Book 1501, Page 2343 of the Cleveland County

Registry. Any property described in the Deed of Trust which is not being offered for sale is described as follows: n/a

4. Any buildings located on the above-described property are also included in the sale.

5. The property will be sold by the Substitute Trustee to the highest bidder for CASH. The highest bidder will be required to deposit IN CASH with the Substitute Trustee at the date and time of the sale the greater of five percent (5.0%) of the amount of the bid or Seven Hundred Fifty and no/100 Dollars (\$750.00).

6. All bidders bid for the property AS IS on the date of sale. Absolutely no warranties are made as to the condition, value or title of the property. While the Substitute Trustee believes the title to be good, all bidders are advised that they should obtain independent counsel to examine record title as the property is sold subject to prior record interests. The Noteholder has reserved the right to withdraw the sale up to and until the Deed is delivered by the Substitute Trustee.

7. The property will be sold subject to all unpaid taxes and special assessments..

8. The property being sold is all of that property described in the Deed of Trust except as specifically set forth above. It is the intention to extinguish any and all rights or interests in the property subordinate to the Deed of Trust.

9. Additional Notice Where the Real Property is Residential with Less Than 15 Rental Units: An order for possession of the property may be issued pursuant to G.S. 45-21.29 in favor of the purchaser and against the party or parties in possession by the Clerk of Superior Court of the County in which the property is sold. Any person who occupies the property pursuant to a rental agreement entered into or renewed on or after October 1, 2007, may, after receiving the Notice of Sale, terminate the rental agreement upon 10 days' written notice to the landlord. Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination. THIS the 13th day of January, 2009, Raintree Realty & Construction, Inc., A. Robert York, Substitute Trustee, PO Box 8942, Asheville, NC 28814. (828)253-9063. KMH3144 (1:28, 2:04)

the 20th day of January, 2009 as Executrix of the Estate of LOUISE RAY SCHRUM deceased, late of Gaston County, North Carolina, this is to notify all persons, firms and corporations having claims against decedent to exhibit the same to the undersigned Brenda S. McNeely, Executrix on or before the 23th day of April, 2009, or this notice will be pleaded in bar of their recover. All persons, firms and corporations indebted to the estate should make immediate payment. This the 28th day of January, 2009. Brenda S. McNeely, Executrix 1729 Cherryville Hwy Cherryville, NC 28021 Estate of LOUISE RAY SCHRUM CE1513 (1:28, 2:04, 2:11, 18)

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE COUNTY OF CLEVELAND SUPERIOR COURT DIVISION 08 CVS 2125 JP MORGAN CHANCE BANK NA SUCCESSOR BY MERGER WITH BANK ONE, Plaintiff, vs. CHARLES L. CARROLL and wife, DAWN T. CARROLL, Defendants. NOTICE OF SERVICE OF PROCESS BY PUBLICATION To: Charles L. Carroll and Dawn T. Carroll 413 Long Beach Road Kings Mountain, North Carolina 28086 Take notice that a Complaint for De-

claratory Judgment and Judicial Foreclosure seeking relief against you has been filed in the above entitled civil action. The nature of the relief being sought is as follows: (a) That this Court enter an Order reforming the Deed of Trust by correcting the legal description, with such Order being recorded in the Cleveland County Registry referencing the Deed of Trust at Book 1272, Page 1221, and having the corrected legal description read as follows: TRACT NO. 1: SITUATED ON THE EAST SIDE OF DEAL STREET IN THE TOWN OF KINGS MOUNTAIN, N.C. AND BEGINNING AT A STAKE IN EDGE OF SAID STREET, BOYCE GAULT'S CORNER, WHICH CORNER IS 78 FEET SOUTH FROM THE INTERSECTION OF DEAL AND RIDGE STREETS AND RUNS THENCE WITH BOYCE GAULT'S LINE E. 201 FEET TO A STAKE, BOYCE GAULT'S CORNER; THENCE WITH HIS LINE N. 78 FEET TO A STAKE IN THE SOUTHERN EDGE OF RIDGE STREET; THENCE WITH RIDGE STREET E. 65 FEET TO A STAKE, J.W. WEBSTER'S CORNER; THENCE WITH WEBSTER'S LINE S. 84 FEET TO A STAKE, A NEW CORNER; THENCE A NEW LINE W. 267 1/2 FEET TO A STAKE IN THE EASTERN EDGE OF DEAL STREET; THENCE WITH DEAL STREET N. 6 FEET TO THE BEGINNING AND

BEING A PART OF LOTS 21, 17, AND 18 OF MRS. JUDY JULIAN'S PROPERTY AS WILL APPEAR ON A PLAT NOW ON RECORD IN THE REGISTER OF DEEDS OFFICE FOR CLEVELAND COUNTY IN PLAT BOOK 1 AT PAGE 12. TRACT NO. 2: SITUATED ON THE EAST SIDE OF DEAL STREET IN THE TOWN OF KINGS MOUNTAIN, N.C. BEGINNING AT AN IRON STAKE, AT A POINT IN THE EDGE OF SAID DEAL STREET SOUTH OF THE INTERSECTION, AND RUNS THENCE ALONG AND WITH DEAL STREET NORTH 78 FEET TO THE INTERSECTION OF DEAL AND RIDGE STREETS; THENCE ALONG AND WITH RIDGE STREET EAST 301 FEET TO AN IRON STAKE; THENCE SOUTH 73 FEET TO AN IRON STAKE, CORNERING IN THE HOME LOT OF R.J. BENNETT; THENCE A NEW LINE WEST 201 FEET TO AN IRON STAKE, THE BEGINNING CORNER IN THE EDGE OF DEAL STREET. SAID LOT COVERING LOT #19, AND THE NORTHERN PORTION OF LOT NO. 20' AND 23, FEET OF THE WESTERN END OF LOT 18 AS SHOWN ON A MAP OR PLAT MADE BY A.P. FALLS, SURVEYOR FOR MRS. LUCY JULIAN, AS WILL APPEAR ON RECORD IN BOOK OF DEEDS FOR CLEVELAND COUNTY, N.C. DEED TO A PORTION OF THE ABOVE DESCRIBED PROPERTY HERETOFORE EXECUTED BETWEEN THE PARTIES SEE BOOK 4-K AT PAGE 262.

Warranty Deed No. 1 and Warranty Deed No. 2 as of the original date of recording of the Deed of Trust, which was May 25, 2000 at 9:45 AM; (c) That the Court issue a judgment declaring that Defendants Mr. and Ms. Carroll defaulted and remains in default under the terms of this Note and Deed of Trust by failing to make scheduled monthly payments of principal and interest; (d) That the Court declare that Plaintiff Chase Bank holds a first priority security interest in the Property described in both Warranty Deed No. 1 and Warranty Deed No. 2; (e) That the Court issue a judgment declaring that the Plaintiff is entitled to foreclose on the Property described in both Warranty Deed No. 1 and Warranty Deed No. 2 pursuant to the terms of its Deed of Trust (or, in the alternative, its equitable lien), assuming all contractual pre-requisites have been satisfied; (f) That the Court issue a judgment declaring that such a foreclosure on the Property would be pursuant to the terms of this Deed of Trust and therefore is a proper remedy; (g) That the Court issue a judgment declaring that the Plaintiff is entitled to proceed with the aforesaid foreclosure once the original Deed of Trust is reformed; (h) That the Court issue an Order allowing for a judicial sale of the Property, subject to any prior liens, pursuant to N.C.G.S. §1-339 et seq.; (i) That the Court issue an Order that the Plaintiff, by and through its Substitute Trustee, Nationwide Trustee Services, Inc., as Commissioner, is authorized to conduct a judicial foreclosure sale of the fee interest in the Property, subject to any prior liens, and pursuant and in accordance with Article 29A, Chapter 1 of the North Carolina General Statutes (Sections 1-339 et. seq.); (j) That the Court said judicial foreclosure sale of the Property shall take place at a public auction to the highest bidder at the Cleveland County Courthouse, North Carolina, with a deposit of cash or certified funds upon the close of the bidding in the amount of ten percent of the final bid; (k) That after the judicial foreclosure has been finalized and completed pursuant to North Carolina law, that the Court issue an order allowing for the highest bidder at the foreclosure sale to apply for a Writ of Possession and after said application has been filed and the statutory ten day period has elapsed, that a Writ of Possession be granted to the high-

est bidder at the foreclosure sale and such other and further relief as the Court You are required to make defense to such pleading not later than forty (40) days from the first date of publication of this notice, January 28th 2009 and upon your failure to do so the plaintiff will apply to the court for the relief sought. This, the 28th day of January, 2009. JOHNSON & FREEDMAN, L.L.C. /s/ Andrew Roy Bickwit North Carolina Bar No. 13255 Attorney for Plaintiff 1587 N.E. Expressway Atlanta, Georgia 30329 770) 234-9181 KMH3145 (1:28, 2:04, 11)

AMENDED Notice of Foreclosure Sale NORTH CAROLINA 06SP-330 FR#2006000484 Cleveland County Under and by virtue of a Power of Sale contained in that certain Deed of Trust executed by Barry Dale Nodine, unmarried to Kirk Smith, Trustee(s), dated September 30, 2002, and recorded October 1, 2002, in Book 1345, on Page 2422, Cleveland County Public Registry, the undersigned Substitute Trustee declares as follows: There is a default by the Owner or other person(s) owing an obligation, the performance of which is secured by said Deed of Trust, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; and the undersigned, on behalf of Peter J. Underhill or Frances S. White or Kirsten K. Gallant, either one of whom may act, having been substituted as Trustee in said Deed of Trust by an instrument duly recorded in the Office of the Register of Deeds of Cleveland County, North Carolina, and the Owner and Holder of the Note evidencing said indebtedness having directed that the Deed of Trust be foreclosed, the undersigned Substitute Trustees will offer for sale at the Courthouse door or other usual and customary location as designated by the Clerk's Office on February 12, 2009, at 1:15 pm, and will sell to the highest bidder for cash the real property secured by the above-described Deed of Trust recorded October 1, 2002 in Book 1345, on Page 2422, situated in Cleveland County, North Carolina, as more particularly described therein, which legal description is made a part hereof and incorporated herein by reference as if fully set forth herein. Said property as shown on the above-de-

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