

## NOTICE OF TRUSTEE'S SALE

In execution of Deeds of Trust from **VIRGIL W. WIMMER** and **SUSAN H. WIMMER** to Russell L. Marsh, Trustee, dated June 19, 1997, March 31, 2003, December 23, 2003, May 5, 2004, and June 8, 2005, recorded in Deed Book 904, Page 394, Deed Book 773, Page 2150, Deed Book 806, Page 1463, Deed Book 817, Page 0047 and Deed Book 852, Page 1614 respectively and to Cleveland W. Adamson dated May 11, 2006 and recorded in Deed Book 883, Page 0873 among the land records in the Clerk's Office of the Circuit Court of FRANKLIN COUNTY, VIRGINIA, there having been a default under these Deeds of Trust and in the payment of the notes secured thereby, and the Noteholder secured by the Deeds of Trust having directed execution thereof, the undersigned Substitute Trustee, JAMES P. KENT, JR. as Sole Acting Trustee will on

June 18, 2010 at the hour of 9:30 A.M.

at the front door of the Franklin County Courthouse, 275 South Main Street, Rocky Mount, Virginia, offer for sale by way of public auction for cash to the highest bidder, the property with any improvements thereon located in FRANKLIN COUNTY, Virginia, having a Tax Map Designation of 0240002702 and further known as 160 Signal Hill Drive, Callaway, VA 24067, as more particularly described in and covered by the Deeds of Trust as follows:

All that certain tract or parcel of land located in the Blackwater Magisterial District of Franklin County, Virginia, located east of Virginia Secondary Route 602, adjoining the lands now or formerly owned by Morgan H. & Vida M. Waldron and the remaining lands of Wimmer and containing 5.00 acres, more or less, according to survey of Robert C. Jeans, L. S., dated May 23, 1997, a copy of which is duly recorded in Deed Book 604, Page 389 in the Franklin County Circuit Court Clerk's Office and to which reference is made for a more complete description of said lands herein conveyed. WITH the exception of 1.000 acres located east of Virginia Secondary Route 602 according to plat of survey of Robert C. Jeans, L. S. dated August 31, 1999 a copy of which is of record in the aforesaid Clerk's Office in Deed Book 666, Page 1633 for a more complete description.

BEGINNING at a rod found, situate in the Southwestern most corner of the property now owned by the Grantee, thence, and with the existing property line of the Grantee (said line was vacated) N. 60° 57' 17" E. 550.64 feet to a rod found; thence, a new line, S. 23° 20' 37" E. 159 feet to a rod set; thence a new line, S. 77° 26' 03" W. 557.75 feet to the place of BEGINNING and containing 1.00 acre. Plat of survey on record in the aforesaid Clerk's Office in Deed Book 666, Page 1633. Tax map/parcel #24.-27

Also conveyed is a permanent, nonexclusive easement and right of way over, along and across the 50' private right of way as shown on the aforesaid Jeans

survey, which said 50' private right of way is used as a means of ingress and egress from the herein conveyed lands.

Being the same property conveyed to Virgil W. Wimmer and Susan H. Wimmer, husband and wife, by deed from Gladys W. Nichols, widow, dated June 19, 1997, and duly recorded in the aforesaid Clerk's Office in Deed Book 604, Page 391.

The property is being sold "As Is" physical condition without warranty of any kind and the property is further SUBJECT TO conditions, restrictions, rights-of-way, easements, and reservations, if any, contained in the deeds forming chain title thereto, filed and unfiled mechanics and materialmen's liens, if any and all other matters of record taking priority over the Deeds of Trust, if any.

#### **TERMS OF SALE:**

Bidders deposit of ten percent (10%) by Cash or Cashier's/Certified check required at time of sale, except for party secured by the Deed of Trust. Risk of loss on Purchaser from date and time of sale. Settlement must be made by July 19, 2010, at the Office of undersigned Substitute Trustee. Taxes to be pro-rated at Settlement. Except for Grantors Tax, all settlement costs and expenses are purchaser's responsibility. Purchaser shall have responsibility for obtaining possession. If Substitute Trustee does not or is unable to convey good title, Purchaser's only remedy is return of deposit. If Purchaser does not close for any reason other than Substitute Trustee being able to convey good title, the deposit shall be forfeited. Other terms of sale to be announced prior to the sale and purchaser will be required to sign a memorandum of sale.

Written notice of the Trustee Sale has been sent to the owners by certified mail in compliance with Section 55-59.1 of the Virginia Code.

For further information, contact:

JAMES P. KENT, JR.  
KENT & KENT, P.C.  
Substitute Trustee  
525 Seventh Street  
Altavista, VA 24517  
PH: 434-369-1326

Dates of Publication: May 19, 26, and June 2, 9, and 16