

# NOTICE OF SALE UNDER POWER OF DEED OF TRUST

TENNESSEE, MEIGS COUNTY

By virtue of the power of sale contained in the Tennessee Deeds of Trust from JAY M. RICKER ("Grantor"), to Sidney W. Breaux, Trustee ("Trustee") for the benefit of SouthEast Bank ("Bank"), the Deeds of Trust having been given to secure the obligations of Grantor to Bank, including without limitation, the obligations evidenced by a promissory note from Grantor to Bank, dated February 24, 2014, in the original principal amount of \$101,480.90, and a promissory note from Grantor to Bank dated February 24, 2014, in the original principal amount of \$57,623.79 with interest from the date thereof at the rate specified (the "Notes"). The Deeds of Trust having been recorded February 28, 2014, at Book 195, page 285 and Book 195, page 295, respectively, in the Register's Office of Meigs County, Tennessee, as may have been amended. The undersigned will sell at public outcry to the highest and best bidder for cash on September 16, 2015, commencing at 1:00 p.m., at the East Door of the Meigs County Courthouse, Decatur, Tennessee, all or parts of real property known and designated as 14603 State Hwy 58 S., Decatur, TN and 14551 State Hwy 58 S., Decatur, TN, tax map parcel numbers 052 002.01 and 052 002.05, more specifically described as:

## **TRACT ONE:**

LYING AND BEING in the Second Civil District of Meigs County, Tennessee.

BEGINNING where the centerline of Hardin Creek is intersected by the Northwest line of Highway 58, and running thence with said line of said Highway 58, South 32°35' West 677.6 feet to the Northeast line of property of realty conveyed 12 August 1976 from Theresa B. Ford unto Kenneth Owen Moore; thence with the Northeast line of Moore North 79° 16' West 1,221.7 feet to an Iron pin located in the East bank of Hardin Creek; thence with the approximate East bank of said Harbin Creek as it meanders in a Northeasterly direction the following calls and distances: North 51°08' East 85.5 feet to an Iron pin; North 44° 45' East 245.45 feet to an iron pin; North 29° 01' East 131.34 feet to an Iron pin, and; North 37° 14' East 44.94 feet to an Iron pin marking the South bank of Hardin Creek and marking the Southwest corner of land conveyed 12 August 1976 from Theresa E. Ford unto Doyle A. Hill thence with the centerline of said Harbin Creek and the Southernmost boundary of Hill as the creek meanders in an Easterly direction 1,270 feet more or less, as shown by survey of Landmark Surveying Company, Chattanooga, Tennessee, dated 15 July 1976.

EXCEPTED OUT of the above described tract is 5.00 acres, more or less, heretofore conveyed by deed of record in Deed Book R-4, Page 311, Register's Office, Meigs County, Tennessee. Reference is also made to Plat Envelope 234, Side A for description of 5.00 acres, more or less.

BEING a portion of the lands acquired by deed of record in Deed Book M-4, Page 73, Register's Office, Meigs County, Tennessee.

SUBJECT TO any right of ways, roadways, easements, restrictions, setbacks and conditions existing thereon or show on said survey.

SUBJECT TO any Governmental Zoning and Subdivision Ordinances or Regulations in effect thereon.

## **TRACT TWO:**

LYING AND BEING in the Second Civil District of Meigs County, Tennessee.

BEGINNING where the centerline of Hardin Creek is intersected by the Northwest line of State Highway #58 and running thence with said line of said highway, North 32° 35' East 429.4 feet to a corner post and a fence; thence with fence line, North 88° 37' West 1,213.97 feet to a corner post; thence South 26° 40' West 338.26 feet to the center of said Hardin Creek marked by an Iron pin on the South Side of said Creek; thence with the meanders of said Hardin Creek in a mainly Easterly direction 1,270 feet, more or less, to the BEGINNING, and containing 11.6 acres, more or less, as shown by survey of Landmark Surveying Company, Chattanooga, TN dated July 15th, 1976.

THERE IS, HOWEVER, EXCEPTED HEREFROM, a lot containing 0.988 of an acre, more or less, lying on the Northwest side of State Highway #58, and being bounded, on the North by Walter Wilhelm (See Deed Book S, Page 197; Deed Book Q, Page 537 and Deed Book R, Page 579); on the West by Ricker; on the South by Jay M. Ricker Driveway; and being more particularly described as follows, to-wit: BEGINNING at an Iron pin in the Northeast corner of the within described property, at a common corner with Wilhelm, and in the Northwest line of State Highway #58; FROM SAID POINT OF BEGINNING, South 32°35' West 300.0 feet along the Northwest line of said highway to an Iron pin; thence North 81° 07' West 142.2 feet along the North line of the Jay M. Ricker Driveway to an Iron pin; thence North 27° 45' East 267.9 feet along a severance line with Ricker to an Iron pin; thence South 88° 37' East 179.0 feet along a fence line with Wilhelm to the Iron Pin at the point of BEGINNING, according to the survey of William W. Roberts, dated March 14, 1987. ALSO EXCEPTED OUT is any portion of the above described property heretofore conveyed as part of deed of record in Deed Book V-4, page 746, Register's Office, Meigs County, Tennessee.

BEING a portion of the lands acquired by will of record in Deed Book D-5, Page 782, Register's Office, Meigs County, Tennessee

SUBJECT TO easements contained in Deed Book V-4, Page 746, Register's Office, Meigs County, Tennessee.

SUBJECT TO any easements, right-of-ways, roadways, setback lines, conditions and limitations existing thereon.

SUBJECT TO any governmental zoning and subdivision ordinances or regulations in effect thereon.

LYING AND BEING in the Second Civil District of Meigs County, Tennessee on State Highway #58.

## **TRACT THREE:**

BEGINNING at the common corner of State Highway #58, McKheen and the tract herein; thence leaving State Highway #58 with McKheen fence line South 89° 08' 12" West 567.28 feet to a point; thence North 89° 17' 12" West 275.36 feet to a point; thence North 81° 30' 14" West 24.47 feet to a point; thence North 66° 25' 55" West 46.28 feet to a point; thence North 60° 56' West 64.63 feet to a point; thence North 67° 24' 11" West 12.61 feet to a point; thence North 63° 55' 33" West 64.20 feet to a point; thence North 55° 50' 46" West 19.39 feet to a point; thence North 55° 50' 46" West 39.26 feet to the centerline of Hardin Creek (property line with Wilhelm); thence in a Northeasterly direction with the centerline of creek 460.31 feet more or less to a point at Ricker (Deed Book R-3, Page 676); thence South 72° 11' 43" East 106.03 feet to a point; thence with fence line South 50° 43' 41" East 84.58 feet to a point; thence 45° 41' 48" East 87.61 feet to a point; thence South 62° 57' East 47.20 feet to a point; thence 44° 13' 20" East 49.07 feet to a point; thence North 89° 08' 12" East 582.62 feet to a point at State Highway #58; thence with State Highway #58 South 21° 28' 04" West 43.24 feet to the Beginning Corner, containing 5.0 acres, more or less.

REFERENCE is made to survey of record in Plat Envelope 234, Side A, Register's Office, Meigs County, Tennessee.

BEING the same lands acquired by deed of record in Deed Book C5, Page 318, Register's Office, Meigs County, Tennessee.

SUBJECT TO any roadways, right-of-ways, easements, restrictions and conditions existing thereon or shown on said plat.

SUBJECT TO any Governmental Zoning and Subdivision Ordinances or Regulations in effect thereon.

The obligations secured by the Deed of Trust have been and are hereby declared due and payable because of default under the terms of the Deed of Trust and the Note, including but not limited to, the failure to make payments when due. The obligations remaining in default, this sale will be made for the purpose of applying the proceeds to the payment of the obligations secured by the Deed of Trust, accrued interest and expenses of the sale and all other payments provided for under the Deed of Trust, notice of intention to collect attorneys' fees having been given as provided by law; and the remainder, if any, shall be applied as provided by law.

THE FOLLOWING MAY HAVE OR ASSERT AN INTEREST IN THE PROPERTY TO BE FORCLOSED:

A.J. CHRISMAN  
14603 Highway 25  
P.O. Box 1234  
Decatur, TN 37322

Judgment recorded in Lien Book 7, page 265, Register's Office of Meigs County, Tennessee on May 5, 2015.

The Property will be sold as the property of JAY M. RICKER, who, to the best of Bank's knowledge and belief, is the party in possession of the Property.

The Property will be sold "As Is," without express or implied warranties of any kind, subject to (a) all unpaid real and personal property ad valorem taxes and governmental assessments, and (b) all prior restrictions, rights-of-way and assessments of record, if any, appearing of record prior to the date of the Deed of Trust and those appearing after the date of the Deed of Trust and consented to of record by Bank, as applicable.

Jerrold D. Farinash, Esq. Substitute Trustee, (TN BPR # 10220) 100 West M L King Blvd., Ste. 816, Chattanooga, TN 37402 (423-805-3100).

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Publication Dates:

August 19, 2015

August 26, 2015

September 2, 2015

September 9, 2015