

Obituaries



Pauline McIntosh

Pauline McIntosh, 78, of Denver, Co. formally of Asheville, NC peacefully passed away early in the morning on Tuesday, January 3, 2017, in a Denver nursing facility.

A native of Yancey County she was the daughter of the late Jack and Irene Hill McIntosh of the Cane River Community. Pauline was born May 21, 1938, in the Bee Log Community. Later moving to Bald Creek, she graduated from Bald Creek High School and then Gardner Webb College. Upon graduation she began working with Bell Telephone Company as an operator, which later became Bell south ATT. Polly's career took her from Asheville to Denver then back to Columbia, SC where she retired as a communications specialist. Upon retirement she moved back to Asheville where she enjoyed gardening and being able to take overseas trips. She was also an avid Carolina basketball fan. While in Asheville, she was an active member of Oakley United Methodist Church.

Pauline is survived by her sister Peggy Chapman, nieces; Julie Burke and husband Jim, and Susan Vigil. Great-nieces; Michaela Sanchez and great-nephews; Jack Cabral and Gavin Burke, all of the Denver area.

A memorial service will be held at a later date at Proffitt Cemetery on Hardscrabble Rd.

LEGAL NOTICE NOTICE OF TAX FORECLOSURE SALE

Under and by virtue of an order of the District Court of Yancey County, North Carolina, made and entered in the action entitled "COUNTY OF YANCEY vs. PRIME VENTURES, INC. and all possible assigns and successors of PRIME VENTURES, INC., or any other person or entity claiming thereunder, et al, 15-CVD-129, the undersigned Commissioner will on the 26th day of January, 2017, offer for sale and sell for cash, to the last and highest bidder at public auction at the courthouse door in Yancey County, North Carolina, Burnsville, North Carolina at 12:00 o'clock, noon, the following described real property, lying and being in Prices Creek Township, State and County aforesaid, and more particularly described as follows:

All that certain tract or parcel of land being Lot No. 31 in Unit Four (Heritage Ridge) in Mountain Air Country Club, located in Prices Creek Township, Yancey County, North Carolina, more particularly described as follows: BEGINNING on an iron pin in the eastern margin of the right of way for Heritage Ridge Road at a point located N 10-21-10 E 104.51 feet from a concrete monument control corner, a corner of Lot Nos. 29 and 30, and running with the margin of the right of way, N. 10-21-10 E. 36.92 feet to a point; thence N. 11-40-21 E. 69.25 feet to an iron pin; thence with the line of Lot No. 32, S. 80-05-36 E. 141.31 feet to an iron pin; thence with the line of Lot 15 in Mountain Heritage Estates, S. 13-19-11 W. 105.14 feet to an iron pin; thence with the line of Lot No. 30, N. 80-35-11 W. 137.48 feet to the BEGINNING, containing 0.338 acre. This description is according to a survey and plat by Webb A. Morgan, RLS L-1463, for Webb A. Morgan & Associates, P.A., dated 10 September 1998, Job File No. 90018-C723. Distances in the above description are horizontal ground lengths.

Subject to restrictive covenants and easements of record.

Parcel Identification Number: 070916920726.000

The undersigned Commissioner makes no warranties in connection with this property and specifically disclaims any warranties as to title and habitability. This property is being sold as is, without opinion as to title or any other matter.

This sale will be made subject to all outstanding city and county taxes and all local improvement assessments

against the above described property not included in the judgment in the above-entitled cause. A cash deposit of 20 percent of the successful bid will be required. In addition, the successful bidder will be required, at the time the Deed is recorded to pay for recording fees and revenue stamps assessed by the Yancey County Register of Deeds.

This sale is subject to upset bid as set forth in N.C.G.S. Section 1-339.25.

This the 29th day of December, 2016.

Mark D. Bardill,
Commissioner
P.O. Box 25
Trenton, NC 28585
Published January 11, 18, 2017.

LEGAL NOTICE NOTICE OF TAX FORECLOSURE SALE

Under and by virtue of an order of the District Court of Yancey County, North Carolina, made and entered in the action entitled "COUNTY OF YANCEY vs. ALPHONSO S. MILLIGAN and spouse, ANGEL D. MILLIGAN, and all possible heirs and assignees of ALPHONSO S. MILLIGAN and spouse, ANGEL D. MILLIGAN, or any other person or entity claiming thereunder, et al, 12-CVD-233, the undersigned Commissioner will on the 26th day of January, 2017, offer for sale and sell for cash, to the last and highest bidder at public auction at the courthouse door in Yancey County, North Carolina, Burnsville, North Carolina at 12:00 o'clock, noon, the following described real property, lying and being in Jacks Creek Township, State and County aforesaid, and more particularly described as follows:

All that certain tract or parcel of land situated in Jacks Creek Township, Yancey County, North Carolina, and more particularly described as follows:

BEGINNING on a 30-inch locust in the line of Willard Hill (Deed Book 106, Page 144, Yancey County Registry) and runs thence from said beginning point with the Hill line S 34 28 10 E 176.77 feet to an existing iron pin; thence the same course 151.89 feet to an existing iron pin; thence the same course 189.35 feet to a set iron pin; thence the same course 99.50 feet to a set iron pin, corner of Tract "D" as shown on the below-referenced survey; thence with the line of Tract "D", N 82 14 33 W 144.47 feet to a set iron pin; N 10 58 30 W 79.50 feet to a set iron pin; N 20 47 20 W 141.51 feet to a set iron pin; S 79 34 26 W 58.43 feet to a set iron pin, corner of Tract "D" and Tract "A"; thence with the line of Tract "A", N 31 36 36 W 111.97 feet to a set iron pin, corner of Tract "A" and Tract "B"; thence with the line of Tract "B" N 07 16 33 W 196.03 feet to the point of BEGINNING, containing 0.91 acre, and being the same tract being designated as Tract "C", according to a survey and plat by William E. Arrowood, L-1510, dated 19 April, 2004, with a Drawing No. of 04-Y-04-143, said survey being revised on 7 December, 2005, and re-recorded in the Office of the Register of Deeds at Map Book 3, Page 81, Yancey County Registry.

ALSO CONVEYED to the Grantees herein, their heirs and assigns, is a perpetual and non-exclusive easement and road right of way over and upon the presently existing private roadway which leads to and from the public road and the property herein-conveyed, as the same is shown on the above-referenced map, to be used as a means of access to and from the property herein-conveyed and the public road, together with rights of ingress, egress and regress for the purpose of inspecting, maintaining, improving and repairing the same.

Subject to restrictive covenants and easements of record.

Parcel Identification Number: 080001388893.000

The undersigned Commissioner makes no warranties in connection with this property and specifically disclaims any warranties as to title and habitability. This

property is being sold as is, without opinion as to title or any other matter.

This sale will be made subject to all outstanding city and county taxes and all local improvement assessments

LEGAL NOTICE

property is being sold as is, without opinion as to title or any other matter.

This sale will be made subject to all outstanding city and county taxes and all local improvement assessments against the above described property not included in the judgment in the above-entitled cause. A cash deposit of 20 percent of the successful bid will be required. In addition, the successful bidder will be required, at the time the Deed is recorded to pay for recording fees and revenue stamps assessed by the Yancey County Register of Deeds.

This sale is subject to upset bid as set forth in N.C.G.S. Section 1-339.25.

This the 29th day of December, 2016.

Mark D. Bardill,
Commissioner
P.O. Box 25
Trenton, NC 28585
Published January 11, 18, 2017

LEGAL NOTICE NORTH CAROLINA YANCEY COUNTY Special Proceedings No. 16 SP 28

Substitute Trustee:
Philip A. Glass
NOTICE OF
FORECLOSURE SALE

Date of Sale:
January 24, 2017
Time of Sale: 11:00 a.m.
Place of Sale: Yancey County Courthouse
Description of Property:
See Attached Description
Record Owners:
Michael Dean Penland
Address of Property:
151 Hillbilly Lane
Burnsville, NC 28714
Deed of Trust:
Book : 619 Page: 271
Dated: October 9, 2009
Grantors: Michael Dean Penland, Separated
Original Beneficiary: State Employees' Credit Union

CONDITIONS OF SALE:
Should the property be purchased by a third party, that person must pay the tax of Forty-five Cents (45¢) per One Hundred Dollars (\$100.00) required by N.C.G.S. §7A-308(a)(1).

This sale is made subject to all unpaid taxes and superior liens or encumbrances of record and assessments, if any, against the said property, and any recorded leases. This sale is also subject to any applicable county land transfer tax, and the successful third party bidder shall be required to make payment for any such county land transfer tax.

A cash deposit of 5% of the purchase price will be required at the time of the sale. Any successful bidder shall be required to tender the full balance of the 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 North Carolina General Statutes Section 45-21.30 (d) and (e). This sale will be held open ten (10) days for upset bids as required by law.

Residential real property with less than 15 rental units, including single-family residential real property: 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 notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, to be effective on a date stated in the notice that is at least 10 days, but not more than 90 days, after the sale date contained in the notice of sale, provided that the mortgagor has not cured the default at the time the tenant provides the notice of termination. 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.

Dated: 11/15/16
Philip A. Glass, Substitute Trustee
Nodell, Glass & Haskell, L.L.P.

Posted on 11/15/16
EXHIBIT A
That certain tract or parcel of land located in Pensacola Township, Yancey County, North Carolina, described as follows:

BEGINNING on an unmarked point, the same being located N 48 40 47 E 240.35 feet from a found iron pin located on other lands of the Grantor herein, and running thence N 37 46 02 W 20.08 feet to a set iron pin; thence running N 37 46 02 W 122.22 feet to an unmarked point in a pond, a portion of which is located on the property herein described; thence N 37 46 02 W 156.03 feet to a set iron pin; thence N 51 31 12 E 330.10 feet to a 4 inch birch; thence N 50 09 56 E 182.25 feet to found iron pin; thence running with a fence line S 03 49 46 W 30.63 feet to a 24-inch poplar; thence S 09 52 26 E 38.36 feet to a fence post; thence S 06 25 33 E 53.17 feet to a fence post; thence South 34 37 08 E 58.07 feet to a fence post; thence S 54 05 16 E 55.40 feet to a fence post; thence S 55 45 38 E 46.25 feet to a fence post; thence S 43 46 26 E 58.95 feet to a 24 inch culvert, the same being the third coordinate shown at Deed Book 230, Page 129; thence the fence line and running S 58 09 32 W 67.48 feet to an iron pin at a buckeye; thence running S 77 18 55 W 66.59 feet to an iron pin at a buckeye, the same being the beginning coordinate as shown at Deed Book 230, Page 129; thence running with the centerline of a stream S 32 42 33 W 58.31 feet to an unmarked point the same being the tenth coordinate as show at Deed Book 230, Page 129; thence running with the center of the stream, S 44 46 10 W. 63.59 feet to an unmarked point; thence running S 50 40 53 W 106.48 feet to an unmarked point; thence running S 60 18 33 W 38.23 feet to a 12 inch maple; thence running S 50 20 04 W 89.41 feet to the point of BEGINNING, containing 3.17 acres, according to a map and plat of survey by Miller & Associates, dated October 31, 1994 and bearing the drawing number 9483-01D.

ALSO CONVEYED herewith, subject to the rights of others, is a perpetual and nonexclusive easement and right of way to travel from State Road 1102 (Cattail Creek Road) across and existing driveway located on the property of the Grantor herein, to the property hereinabove described together with rights to maintain, repair and improve said roadway.

PIN: 072700274709000
Property Address: 151 Hillbilly Lane, Burnsville, NC 28714
Published January 11, 18, 2017

LEGAL NOTICE NORTH CAROLINA YANCEY COUNTY Special Proceedings No. 15 SP 78

Substitute Trustee:
Philip A. Glass
RE-NOTICE OF
FORECLOSURE SALE

Date of Sale:
January 24, 2017
Time of Sale: 11:00 a.m.
Place of Sale: Yancey County Courthouse
Description of Property:
See Attached Description
Record Owners:
Christina D. Biggerstaff
Address of Property:
1157 Bolens Creek Road
Burnsville, NC 28714
Deed of Trust:
Book : 645 Page: 700
Dated: February 11, 2011
Grantors: Christina D. Biggerstaff and husband, Ronald L. Biggerstaff
Original Beneficiary: State Employees' Credit Union

CONDITIONS OF SALE: Should the property be purchased by a third party, that person must pay the tax of Forty-five Cents (45¢) per One Hundred Dollars (\$100.00) required by N.C.G.S. §7A-308(a)(1).

This sale is made subject to all unpaid taxes and superior liens or encumbrances of record and assessments, if any, against the

said property, and any recorded leases. This sale is also subject to any applicable county land transfer tax, and the successful third party bidder shall be required to make payment for any such county land transfer tax.

A cash deposit of 5% of the purchase price will be required at the time of the sale. Any successful bidder shall be required to tender the full balance of the 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 North Carolina General Statutes Section 45-21.30 (d) and (e). This sale will be held open ten (10) days for upset bids as required by law.

Residential real property with less than 15 rental units, including single-family residential real property: 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 notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, to be effective on a date stated in the notice that is at least 10 days, but not more than 90 days, after the sale date contained in the notice of sale, provided that the mortgagor has not cured the default at the time the tenant provides the notice of termination. 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.

Dated: 11/16/16
Philip A. Glass, Substitute Trustee
Nodell, Glass & Haskell, L.L.P.

Posted on 11/28/16
Schedule "A"

All that certain tract or parcel of land situated in Burnsville Township, Yancey County, North Carolina more particularly described as follows:

BEGINNING at an iron pin set, a common corner with lands of Phillip Riddle and Tracts 1 and 3 of lands of Richland and Candace Bacon, thence running with the line of Phillip Riddle N 03-37-30 W 419.92 feet to an iron found in the line of Bolens Creek Baptist Church; thence with the line of the church property N 84-14-00 E 496.64 feet to a concrete monument in the line of Oscar Hensley; thence with the Hensley line the following courses and distances: S 60-12-50 E 115.66 feet to fence post; S 55-10-20 E 39.71 feet to a fence post; S 49-31-00 E 104.50 feet to an iron set at a 16-inch Chestnut; S 54-43-50 E 69.87 feet to an iron set at a Chestnut Oak; S 74-08-10 E 113.49 feet to an iron set at a 14-inch Hickory; S 74-20-40 E 208.63 feet to an iron set at a fence post; S 69-01-50 E 242.46 feet to an iron set at a 8-inch cherry; S 30-52-30 E 75.10 feet to an iron set, a corner with Tract 3 of the Richard and Candace Bacon property; thence with the Bacon line S 88-09-42 W 1312.73 feet to the point of BEGINNING, containing 9.163 acres, and being all of Tract 2, as shown on a survey by William E. Arrowood, RLS, dated 25 July 1989, and bearing the drawing no. 89-Y-01-248.

ALSO CONVEYED to the Grantors, their heirs and assigns, is that particular easement and road right of way twenty (20) feet in width, as set forth in the exception in that Deed recorded of record a Deed Book 213, page 719, Yancey County Registry, to which reference is hereby made for a more particular description. See also Right of Way Deed recorded of record at Deed Book 277, page 316, Yancey County Registry.

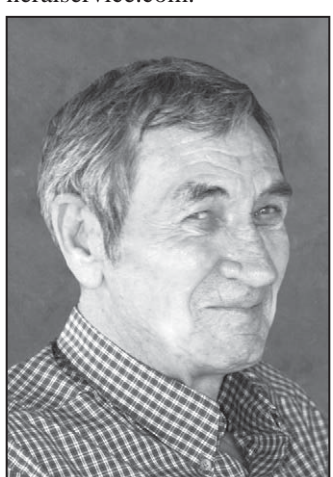
Title Reference: Deed Book 276, page 346, Yancey County Registry.

PIN: 072900855813000
Property Address: 1157 Bolens Creek Road, Burnsville, NC 28714

Published January 11, 18, 2017.

Surviving are his two sisters: Norma Lee Winters, of Roan Mountain, TN, and Julia Ford and husband, Joe, of Boone; two nieces: Deborah Vance and Jennifer Street and four nephews: Robert Calhoun, Tim Calhoun, Wade Calhoun, and Dan Winters.

A memorial service was held at 12 noon on Tuesday, January 10th, 2017 in the Lower Shell Creek Christian Church with Pastor Gerald Holly officiating. Burial followed in the Perry Cemetery located on Upper Shell Creek with Rev. John McCurry officiating. To send online condolences, please visit our website at www.yanceyfuneralservice.com.



TJ Dellinger

TJ Dellinger, age 73, of the Spear Community, went home to be with the Lord on Saturday, January 7th at his home surrounded by his loving family. A native of Avery County, he was a son of the late David Thomas "Dave" and Mabel Saylor Dellinger and husband of the late Carolyn Mace Dellinger who passed away in 2015. He was also preceded in death by a brother, Clay Dellinger and sisters: Margaret and Dorothy Dellinger. TJ was a member of Altapass Church of God. He loved working in shrubbery, riding four wheelers and was a wonderful mechanic who could build anything.

Surviving is his daughters: Marsha Hoilman and husband, Wayne, of Spear and Renee Hollifield and husband, Wayne, of Marion; sons: Tony Dellinger and wife, Darla, of Hump Back Mountain and Randy Dellinger of Spear; sisters: Pansey Hicks and husband, CW, of Mitchell County, Virlee Freeman of Avery County and Jean Hollifield and husband, Norman, of McDowell County; grandchildren: Dakota and Addison Hoilman, Jessica Harmon, Amanda Hollifield, Miracle Dellinger, Stephen McDaniels and Devon Dellinger and great-grandchildren: Zade Bizer and Adyn Bizer. Several nieces, nephews and cousins also survive.

The family will receive friends from 6 until 8 p.m. on Wednesday, January 11th in Altapass Church of God. Funeral services will be held at 12 noon on Thursday, January 12th at the church with Pastor Cameron Smith officiating. A private burial will be held in the Spear Top Cemetery. To send online condolences, please visit our website at www.yanceyfuneralservice.com.