

LEGAL NOTICE

LEGAL NOTICE NOTICE OF FORECLOSURE SALE 16 SP 3

Under and by virtue of the power of sale contained in a certain Deed of Trust made by Rabindar K. Mangat and Bhupinder S. Mangat to TRSTE, Inc., Trustee(s), dated the 30th day of March, 2005, and recorded in Book 487, Page 637, in Yancey County Registry, North Carolina, default having been made in the payment of the note thereby secured by the said Deed of Trust and the undersigned, Substitute Trustee Services, Inc. having been substituted as Trustee in said Deed of Trust by an instrument duly recorded in the Office of the Register of Deeds of Yancey County, North Carolina and the holder of the note evidencing said indebtedness having directed that the Deed of Trust be foreclosed, the undersigned Substitute Trustee will offer for sale at the courthouse door in the City of Burnsville, Yancey County, North Carolina, or the customary location designated for foreclosure sales, at 3:30 PM on March 6, 2017 and will sell to the highest bidder for cash the following real estate situated in the Township of Princes Creek, in the County of Yancey, North Carolina, and being more particularly described as follows:

That certain condominium unit in Stoney Falls 3 Condominium, located in Mountain Air Country Club in Princes Creek Township, Yancey County, North Carolina, more particularly described as follows:

BEING Building 1, Unit 302 in Stoney Falls 3 Condominium subject to and as defined in "Declaration of Condominium for Stoney Falls 3 Condominium within the Mountain Air Country Club Community" dated 12 December 1997 as same appears of record in Yancey County Deed Book 304, pages 221 et seq, and the plat and plans referenced in the Declaration and reference to such public record appearing in the office of the Yancey County Register of Deeds is hereby made for a more full and complete description of the Condominium Unit the same as is set forth herein. Including the Unit located thereon; said Unit being located at 80 Stoney Falls Loop, Burnsville, North Carolina.

This conveyance is made SUBJECT to the provisions of the Land Use Covenants, Conditions, and Restrictions for the Mountain Air Country Club Community filed for public record in the office of the Register of Deeds for Yancey County on 13 August 1990 appearing of record in Yancey County Deed Book 225, pages 94 et seq.

The premises hereinabove conveyed are restricted to Land Use Class B-3 under the Covenants. Trustee may, in the Trustee's sole discretion, delay the sale for up to one hour as provided in NCGS §45-21.23.

Should the property be purchased by a third party, that

party must pay the excise tax, as well as the court costs of Forty-Five Cents (\$0.45) per One Hundred Dollars (\$100.00) required by NCGS §7A-308(a) (1).

The property to be offered pursuant to this notice of sale is being offered for sale, transfer and conveyance "AS IS, WHERE IS." Neither the Trustee nor the holder of the note secured by the deed of trust/security agreement, or both, being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representative of either the 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 property being offered for sale, and any and all responsibilities or liabilities arising out of or in any way relating to any such condition expressly are disclaimed. Also, this property is being sold subject to all taxes, special assessments, and prior liens or encumbrances of record and any recorded releases. Said property is also being sold subject to applicable Federal and State laws.

A deposit of five percent (5%) of the purchase price, or seven hundred fifty dollars (\$750.00), whichever is greater, is required and must be tendered in the form of certified funds at the time of the sale.

If the trustee is unable to convey title to this property for any reason, the sole remedy of the purchaser is the return of the deposit. Reasons of such inability to convey include, but are not limited to, the filing of a bankruptcy petition prior to the confirmation of the sale and reinstatement of the loan without the knowledge of the trustee. If the validity of the sale is challenged by any party, the trustee, in their sole discretion, if they believe the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser will have no further remedy.

Additional Notice for Residential 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 N.C.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 foreclosure 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 this 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.

SUBSTITUTE TRUSTEE SERVICES, INC.
SUBSTITUTE TRUSTEE
c/o Hutchens Law Firm
P.O. Box 1028
4317 Ramsey Street
Fayetteville, North Carolina 28311
Phone No: (910) 864-3068
https://sales.hutchenslawfirm.com

Case No: 1173447 (FC. FAY)
Published Febauray 22, March 1, 2017

LEGAL NOTICE IN THE GENERAL COURT OF JUSTICE, YANCEY COUNTY NORTH CAROLINA SUPERIOR COURT DIVISION ADMINISTRATOR/ EXECUTOR NOTICE

Having qualified as Administrator of the Estate of Kittie Hughes of Yancey County, North Carolina, this is to notify all persons and corporations having claims against the Estate of said deceased to present them to the undersigned on or before the 10th day of May 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 8th day of February 2017.
Marilyn Hughes Beinke
PO Box 344
Micaville, NC 28755
Published February 8, 15, 22, March 1, 2017

LEGAL NOTICE IN THE GENERAL COURT OF JUSTICE, YANCEY COUNTY NORTH CAROLINA SUPERIOR COURT DIVISION ADMINISTRATOR/ EXECUTOR NOTICE

Having qualified as Executor of the Estate of Mary F. Helmle of Yancey County, North Carolina, this is to notify all persons and corporations having claims against the Estate of said deceased to present them to the undersigned on or before the 10th day of May 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 8th day of February 2017.
J Todd Bailey
PO Box 217
Burnsville, NC 28714
Published February 8, 15, 22, March 1, 2017

LEGAL NOTICE PUBLIC NOTICE PUBLIC SALE

In Town Mini Storage will hold a public sale for the following storage unit(s) due to default of rental payments on:
March 4, 2017 at 11:00 a.m.
Owner may claim their items by paying all rent and fees prior to sale in cash or money order.
Unit #27
Owner of unit(s) is unknown
Published February 15, 22, 2017

LEGAL NOTICE IN THE GENERAL COURT OF JUSTICE, YANCEY COUNTY NORTH CAROLINA SUPERIOR COURT DIVISION BEFORE THE CLERK FILE NO. 2017 E 28 EXECUTOR'S NOTICE

Having qualified as Executrix of the Estate of Joan Higbee of Yancey County, North Carolina, this is to notify all persons and corporations having claims against the Estate of said deceased to present them to the undersigned on or before the 10th day of May 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 8th day of February 2017.
Patricia Ann Bradley, Executrix
In care of Staunton Norris,
Resident Process Agent
PO Box 548
Burnsville, NC 28714
Published February 8, 15, 22, March 1, 2017

LEGAL NOTICE IN THE GENERAL COURT OF JUSTICE, YANCEY COUNTY NORTH CAROLINA SUPERIOR COURT DIVISION ADMINISTRATOR/ EXECUTOR NOTICE

Having qualified as Co-Executors of the Estate of Marian Bennett Laufer of Yancey County, North Carolina, this is to notify all persons and corporations having claims against the Estate of said deceased to present them to the undersigned on or before the 02 day of May 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 1st day of February 2017.
Sherry Laufer Ingram,
552 North Fork Road,
Burnsville, NC 28714
Elaine Marie Laufer,
128 Ben Lippen Road,
Asheville, NC 28806
Published February 1, 8, 15, 22, 2017

LEGAL NOTICE IN THE GENERAL COURT OF JUSTICE, YANCEY COUNTY NORTH CAROLINA SUPERIOR COURT DIVISION ADMINISTRATOR/ EXECUTOR NOTICE

Having qualified as Executrix of the Estate of Grace T. Woody of Yancey County, North Carolina, this is to notify all persons and corporations having claims against the Estate of said deceased to present them to the undersigned on or before the 7th day of June 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 22nd day of February 2017.
Diane Patricia Fink,
Executrix
846 Veterans Drive
Marion, NC 28752
Published February 22,
March 1, 8, 15, 2016

LEGAL NOTICE Public Notice Of Auction Sale

The Board of County Commissioners of Yancey County, NC at its meeting on February 13, 2017 authorized the sale by public auction of the following 4 parcels of County owned real estate:

1. That certain tract or parcel of land being known as Lot 213 Wolf Laurel Heights-Bucktown, containing .72 acre, Map # 986202858482000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 753, Page 528, to which reference is hereby made as if the same were fully incorporated herein.

2. That certain tract or parcel of land being known as Troxell Drive (Tract 2), containing 0.1 acre, Map #074700813513000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 742, Page 642, to which reference is hereby made as if the same were fully incorporated herein.

3. That certain tract or parcel of land being known as Lot 69 Mt. Mitchell Lands UT2, containing .57 acre, Map # 075503001078000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 240, Page 736, to which reference is hereby made as if the same were fully incorporated herein.

4. That certain tract or parcel of land being known as Simms Fork Road, Burnsville, containing 1 acre, Map # 987200708383000 and being more particularly described in that deed appearing of record at Yancey County Deed Book 738, Page 249, to which reference is hereby made as if the same were fully incorporated herein.

The auction is scheduled to be held at 1:00 p.m. on Wednesday, March 29, 2017, at the front door of the Yancey County Courthouse in Burnsville, North Carolina.

The high bidder for each parcel must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or a certified check. This deposit will be held by the County until either the County Commissioners reject the high bid for the property or, if the County Commissioners accept the high bid, the closing of the sale. The deposit will be forfeited to the County if the high bidder refuses to close the sale after the bid has been approved by the County Commissioners.

After the auction, the high bid for each parcel will be reported to the County Commissioners. The County Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the County Commissioners have approved the high bid.

The County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

Donny J. Laws
Yancey County Attorney
131 E. Main Street, Ste. D.
P.O. Box 397
Burnsville, NC 28714
(828) 682-9645
Published February 22, 2017.

Lawmakers work with budget excess

Legislators begin budget hearings this week and take up final votes on an early round of bills after a slow start to the 2017 session.

Joint House and Senate appropriations subcommittees will get their first look at spending priorities and options Tuesday morning, according to a report in the Carolina Public Press.

At a briefing last week the consensus forecast for the 2017-218 biennium showed revenues for 2017 are \$520.5 million ahead of projections and \$494.1 million ahead of estimates for 2018.

The state should end up this year with a surplus of \$552.5 million, according to the projections.

Forecasters said major budget pressures this year include public school and university enrollment growth, additions to Medicaid, recommendations to shore up the state retirement and pension funds, teach pay increases and disaster recovery.

A handful of potential funding provisions for western North Carolina have already been filed, including \$300,000 for the Western Regional Education Service Alliance for enhanced professional development programs for K-12 teachers.

The legislature is also considering spending \$18.2 million for the purchase of two new rescue helicopters along with \$3.3 million in annual funding for support and staffing. One of the helicopters would be based in the western region, but a location is not specified in the bill.

A third bill adds additional money for equipment for state crime labs.

Meanwhile, both chambers are planning votes on a handful of bills filed early in the session.

After a successful vote in the House this week The Senate is expected to vote on House Bill 13, which changes requirements for class size reductions approved last year.

During debate in the House last week, bill sponsor Rep. Chuck McGrady, R-Henderson, said there was an urgent need to return local flexibility in budgeting for the change.

McGrady said while the original mandate on class size was well-meaning, it had unintended consequences. The change came too quickly, he said, and did not give school systems time to adjust.

McGrady told his colleagues that Henderson County would have to either hire 48 teachers or shift them from higher grades to meet the mandate. The additional personnel would cost the system an estimated \$2.5 million along with another \$1 million for mobile units. The bill, he said, was not intended to roll back class size reductions. "The intention here is to keep the class size as a goal and give the LEAs (local school systems) a chance to transition over time," McGrady said. "We need lower class sizes in K through 3, there's no doubt about that, and I think the General Assembly has made clear its intention." McGrady said it was important to move a fix forward and House backers would be willing to work with the Senate if it takes a different approach.

The bill passed the House 114-0. The Senate is expected to hold a final vote Monday night on an early bill that would reduce the size of the UNC system Board of Governors from 32 to 24.

House Bill 39 would take effect with this year's elections by the House and Senate, which would elect 12 members of the board instead of 16 under the current law. McGrady also made good on a promise to put a constitutional amendment preventing the use of eminent domain for taking private property for non-public purposes. The bill, which passed the House last Thursday 106-7, would put a constitutional amendment "to prohibit condemnation of private property except for a public use and to provide for the payment of just compensation with right of trial by jury in all condemnation cases" on the November ballot.

Service Directory

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On All Makes & Models **Free Estimates!**
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Hospice and Palliative Care of Yancey Needs Volunteers
Hospice and Palliative Care of Yancey County is seeking individuals to volunteer with patients in their private homes and in local nursing facilities. Volunteers spend time reading, recording stories, or just provide a listening ear to our patients. Volunteers may also provide a time for exhausted caregivers to be able to run errands or have some time to take a much needed break. For more information please contact Angie Higgins, Volunteer Director at **682-9675**.

**LEGAL NOTICE
NORTH CAROLINA
YANCEY COUNTY
IN THE GENERAL
COURT OF JUSTICE
SUPERIOR COURT
DIVISION
BEFORE THE CLERK
16 SP 79**

**IN THE MATTER OF:
The Foreclosure of the
Deed of Trust executed by
Mountain Air Development
Corporation, a North
Carolina corporation,
recorded in Deed of Trust
Book 559, Page 435, as
assigned in Book 657, Page
396 and Book 743, Page 549,
Yancey County Registry.
By: Jennifer Belter
Formichella
Substitute Trustee.**

NOTICE OF SALE

NOTICE IS HERE BY

GIVEN that under and by virtue of the power of sale contained in the Deed of Trust referred to above, and under and by authority vested in the undersigned as Trustee, default having been made in the payment of the indebtedness secured by the Deed of Trust, the undersigned Trustee will expose for sale at public auction the real property described in said Deed of Trust as more particularly described on Exhibit A attached hereto and incorporated herein by reference.

The real property subject to the foreclosure is located in Princes Creek Township, Yancey County, North Carolina and the record owner thereof is Mountain Air Development Corporation, a North Carolina corporation, as reflected in the records of the Office of the Register of Deeds of Yancey County not more than ten (10) days prior to the posting of this Notice of Sale.

The aforesaid public auction of such real property will be held on February 23, 2017 at 11:00 a.m. at the main door of the Yancey County Courthouse in Burnsville, North Carolina.

Such real property is to be sold for cash subject to all liens, encumbrances, restrictions, easements and rights of way of record as may have priority over the lien of the Deed of Trust, and to all taxes, water rents and special assessments, if any.

If the property is purchased by a third party, that party shall pay the excise tax (deed stamps) required by North Carolina Gen. Stat. § 105-228.30 on the trustee's deed of conveyance, and pay the fees to record the trustee's deed and notice of foreclosure. Said third party shall also pay the clerk of superior court's commission required by North Carolina Gen. Stat. § 7A-308(a)(1).

The property to be offered pursuant to this notice of sale is being offered for sale, transfer and conveyance "AS IS, WHERE IS." Neither the Trustee nor the holder of the Note secured by the Deed of Trust/Security Agreement, or both, being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representatives of either the 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 property being offered for sale, and any and all responsibilities or liabilities arising out of or in any way relating to any such condition expressly are disclaimed.

If the property being offered pursuant to this notice of sale is residential property containing fewer than 15 units, an order for possession of the property may be issued pursuant to North Carolina Gen. Stat. § 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.

Pursuant to North Carolina Gen. Stat. § 45-21.10 and the terms of the Deed of Trust,

any successful bidder may be required to deposit with the Trustee immediately upon conclusion of the sale a cash deposit of \$750.00 or 5% of the bid, whichever is greater. Any successful bidder shall be required to tender the full balance of the purchase price so bid in cash at the time the Trustee tenders to him a deed for the real property or attempts to tender such deed, and should said successful bidder fail to pay at that time the full balance of the purchase price so bid, he shall remain liable on his bid as provided for in North Carolina Gen. Stat. § 45-21.30(d) and (e).

This sale shall be held open for upset bids ten (10) days after the filing of the Trustee's report of sale with the Clerk of Superior Court of Yancey County, North Carolina, as required by law.

This the 1st day of February, February 10, 2017.

Jennifer Belter Formichella
Substitute Trustee

EXHIBIT A

PARCEL 1:

THOSE certain tracts or parcels of land located in Princes Creek Township, Yancey County, North Carolina, more particularly described as follows:

FIRST TRACT: BEGINNING on an iron pin, the northeastern corner of Lot 11, Unit Four (Book 353, page 133, Yancey County Registry), located N 07-19-55 W 07-19-55 W 4739.95 feet from N.C.g.S. Monument "Keen" [North 240,316.444m, East 307,601.458m, Combined Grid Factor=0.99971988] and running S 23-03-50 W 89.84 feet to an iron pin; thence S 23-03-50 W 99.27 feet to an iron pin; thence S 23-03-50 W 30.67 feet to an iron pin; thence S 24-59-09 W 69.38 feet to an iron pin; thence S 24-59-09 W 101.44 feet to an iron pin; thence S 24-59-09 W 100.06 feet to an iron pin; thence S 24-59-09 W 103.67 feet to an iron pin; thence S 24-59-09 W 100.68 feet to an iron pin; thence S 47-56-22 W 43.63 feet to an iron pin; thence S 47-56-22 W 87.47 feet to an iron pin; thence S 47-47-23 W 57.67 feet to an iron pin; thence S 22-14-35 E 79.20 feet to an iron pin; thence S 37-25-23 E 47.56 feet to an iron pin; thence S 54-00-57 E 104.96 feet to an iron pin in the margin of the right of way for Heritage Ridge Loop Road; thence with the margin of the right of way, 64.65 feet along the arc of a curve to the left having a radius of 125.25 feet and a chord bearing S 03-55-42 W 64.54 feet to a point; thence S 10-50-02 E 44.21 feet to a point; thence 22.38 feet along the arc of a curve to the right having a radius of 10.00 feet and a chord bearing S 53-17-12 W 17.99 feet to a point in the margin of the right of way for Mountain Air Drive at or near its intersection with Heritage Loop Road; thence with the margin of the right of way for Mountain Air Drive, N 62-35-33 W 324.95 feet to a point; thence 101.96 feet along the arc of a curve to the left having a radius of 1533.79 feet and a chord bearing N 64-29-48 W 101.94 feet to a point; thence N 66-24-04 W 42.64 feet to a point; thence 1551.59 feet along the arc of a curve to the right having a radius of 148.27 feet and a chord bearing N 37-06-41 W 145.08 feet to a point; thence N 07-49-18 W 113.65 feet to a point; thence 128.79 feet along the arc of a curve to the left having a radius of 391.20 feet and a chord bearing N 17-15-11 W 128.21 feet to a point; thence N 26-41-05 W 75.06 feet to a point; thence 96.82 feet along the arc of a curve to the right having a radius of 941.03 feet and a chord bearing N 23-44-13 W 96.78 feet to a point; thence N 20-47-22 W 115.06 feet to a point; thence 33.71 feet along the arc of a curve to the right having a radius of 13.65 feet and a chord bearing N 49-57-41 E 25.77 feet to a point; thence S 59-17-16 E 226.74 feet to a point (located S 18-29-34 W 61.39 feet from the Beginning corner of the Second Tract hereinafter described); thence 45.28 feet along the arc of a curve to the right having a radius of 294.21 feet and a chord bearing S 54-52-42 E 45.24 feet to a point; thence S 10-28-07 E 102.98 feet to a point; thence 277.36 feet along the arc of a curve to the left having a radius of 142.80

LEGAL NOTICE

feet and a chord bearing N 73-53-19 E 235.77 feet to a point; thence N 18-14-45 E 114.94 feet to a point; thence 53.64 feet along the arc of a curve to the left having a radius of 433.99 feet and a chord bearing N 14-42-17 E 53.61 feet to a point; thence N 11-09-49 E 36.33 feet to a point; thence leaving the right of way and running N 59-32-12 E 92.49 feet to a point; thence N 38-06-41 E 23.68 feet to a point; thence N 33-01-39 E 18.76 feet to a point; thence N 29-55-54 E 80.03 feet to a point; thence N 70-41-13 E 39.28 feet to a point; thence S 86-55-18 E 172.10 feet to the BEGINNING, containing 8.933 acres.

SECOND TRACT:

BEGINNING at a point in the margin of the right of way for Mountain Air Drive (located as referenced in the foregoing First Tract) and running N 30-50-59 E 36.25 feet to a point; thence S 59-09-01 E 22.42 feet to a point; thence N 44-34-39 E 52.00 feet to a point; thence S 45-16-07 E 80.00 feet to a point; thence S 44-43-53 W 57.45 feet to a point; thence S 06-34-40 W 24.28 feet to a point in the margin of the right of way for Mountain Air Drive; thence with the margin of the right of way, N 50-28-07 W 41.79 feet to a point; thence 54.52 feet along the arc of a curve to the left having a radius of 354.18 feet and a chord bearing N 54-52-42 W 54.47 feet to a point; thence N 59-17-17 W 12.99 feet to the BEGINNING, continuing 0.170 acre.

The foregoing description are according to a survey and plat by Gerald W. Stevenson, PLS L-2669, for Webb A. Morgan & Associates, P.A., dates 8 May 2007, Job File No. 90018-C-1029. Distances are horizontal ground measurements.

LESS & EXCEPT

the following described property:

Tract One:

That certain tract or parcel of land located in Princes Creek Township, Yancey County, North Carolina, being Unit No. 1 of Waterfall, a Neighborhood District within the Mountain Air Country Club Community, described as follows:

BEGINNING on an iron pin the margin of the right of way for Mountain Air Drive, the southeastern corner of Parcel F in Camps at Creekside Condominium (located N 17-02-55 W 4654.71 feet from NCGS Monument "Keen," North 240,316.44m East 307,601.458m, Combined Grid Factor=0.99971988, from Exhibit in Book 439, page 511, Yancey County Registry) and running with the line of Camps at Creekside Condominium, N 30-42-44 E 104.27 feet to an iron pin; thence with other lands of Mountain Air Development Corporation, S 59-19-08 E 162.26 feet to an iron pin; thence S 28-09-19 W 119.48 feet to an iron pin in the margin of the right of way for Mountain Air Drive; thence with the margin of the right of way, N 50-28-07 W 70.56 feet to a point; thence 54.52 feet along the arc of a curve to the left having a radius of 354.21 feet and a chord bearing N 54-52-42 W 54.57 feet to a point; thence N 59-17-16 W 43.56 feet to the BEGINNING, containing 0.411 acre. The foregoing description is according to a survey and plat by Gerald W. Stevenson, PLS L-2669, for Webb A. Morgan & Associates, P.A., dated 12 December 2007 (last revised December 2007, Job File No. 90018-C-1055). Distances are horizontal ground lengths.

Tract Two:

BEGINNING on an iron pin, the northeastern corner of Lot No. 4, Unit four (Book 358, page 428, Yancey County Registry) and running with the proposed boundary for Unit 14 in Waterfall, N 53-41-42 W 61.28 feet to a point in the margin of a common area provided for neighborhood roads; thence with the margin of the common area, N 46-01-34 E 5.43 feet to a point; thence 33.96 feet along the arc of a curve to the left having a radius of 101.00 feet and a chord bearing N 36-23-35 E 33.80 feet to a point; thence N 26-45-37 E 47.65 feet to a point; thence 11.74 feet along the arc of a curve to the right having a radius of 189.000 feet and a chord bearing N 28-32-23 E 11.74 feet to a point;

thence N 30-19-09 E 38.84 feet to a point; thence 55.12 feet along the arc of a curve to the left having a radius of 101.00 feet and a chord bearing N 14-41-09 E 54.44 feet to a point; thence N 00-56-52 W 47.13 feet to a point; thence 79.38 feet along the arc of a curve to the right having a radius of 139.00 feet and a chord bearing N 15-24-41 E 78.30 feet to a point; thence N 31-46-14 E 36.00 feet to a point; thence 45.36 feet along the arc of a curve to the right having a radius of 489.000 feet and a chord bearing N 34-25-40 E 45.34 feet to a point; thence N 37-05-06 E 29.74 feet to an iron pin; thence with the proposed boundary for Unit 2 in Waterfall, S 33-27-19 E 103.40 feet to an iron pin set in the line of Lot 8, Unit Four, thence with the line of Lot 8, Unit Four, S 24-59-09 W 32.24 feet to an iron pin; thence with the line of Lot 7, Unit Four S 24-59-09 W 100.06 feet to an iron pin; thence with the line of Lot 6, Unit Four, our, S 24-59-09 W 103.67 feet to an iron pin; thence with the line of Lot 5, Unit Four, S 24-59-09 W 100.68 feet to an iron pin; thence with other lands of Mountain Air Development Corporation, S 47-56-22 W 43.63 to the BEGINNING, containing 0.754 acre. The foregoing description is according to a survey and plat by Gerald W. Stevenson, PLS L-2669, for Webb A. Morgan & Associates, P.A., dated 13 December 2007, Job File No. 90018-B-951. Distances are horizontal ground lengths.

Tract Three:

That certain tract or parcel of land located in Princes Creek Township, Yancey County, North Carolina, being Unit No. 8 of Waterfall, a Neighborhood District within the Mountain Air Country Club Community, described as follows:

BEGINNING on an iron pin [located N 14-56-49 W 4182.20 feet from NCGS Monument "Keen" North 240,316.444m, East 307,601.458m, Combined Grid Factor=0.99971988] in the margin of a common area provided for a neighborhood road and running with the line of Unit 10, N 10-23-36 W 218.72 feet to an iron pin in the margin of the right of way for Mountain Air Drive; thence with the margin of the right of way, 13.73 feet along the arc of a curve to the left having a radius of 142.80 feet and a chord bearing N 74-07-27 E 13.73 feet to an iron pin; thence with the line of Unit 7, S 49-36-56 E 161.94 feet to an iron pin; thence S 69-34-56 E 29.06 feet to an iron pin in the margin of the neighborhood road; thence with the margin of the road, S 26-45-37 W 32.11 feet to a point; thence 26.56 feet along the arc of a curve to the right having a radius of 79.00 feet and a chord bearing S 36-23-35 W 26.44 feet to a point; thence S 46-01-34 W 30.03 feet to a point; thence 25.98 feet along the arc of a curve to the right having a radius of 69.00 feet and a chord bearing S 56-48-45 W 25.83 feet to a point; thence S 67-35-57 W 23.95 feet to a point; thence S 70-28-35 W 30.18 feet to the BEGINNING, containing 0.409 acre. The foregoing description is according to a survey and plat by Gerald W. Stevenson, PLS L-2699, for Webb A. Morgan & Associates, dated 8 May 2007 and revised 10 March 2010, Job File No. 90018-B-953. Distances are horizontal ground lengths.

Published February 15, 22, 2017

**LEGAL NOTICE
PUBLIC NOTICE
PUBLIC SALE**

In Town Mini Storage will hold a public sale for the following storage unit(s) due to default of rental payments on: March 4, 2017 at 11:00 a.m. Owner may claim their items by paying all rent and fees prior to sale in cash or money order. Unit #7 Owner of unit(s): Kelly Hensley Heard Published February 15, 22, 2017

Times Journal Deadline

Deadline for news copy, pictures, classified advertisements is 12:00 on Friday. Copy should be brought by the office located at 22 North Main Street, Burnsville, N.C. 28714.

**LEGAL NOTICE
NORTH CAROLINA
YANCEY COUNTY
IN THE GENERAL
COURT OF JUSTICE
SUPERIOR COURT
DIVISION**

**BEFORE THE CLERK
16 SP 80
IN THE MATTER OF:
The Foreclosure of the
Deed of Trust executed by
Mountain Air Development
Corporation, a North
Carolina corporation,
recorded in Deed of Trust
Book 575, Page 1, as
assigned in Book 657, Page
393 and Book 743, Page 549,
Yancey County Registry.
By: Jennifer Belter
Formichella
Substitute Trustee.**

NOTICE OF SALE

NOTICE IS HEREBY GIVEN

that under and by virtue of the power of sale contained in the Deed of Trust referred to above, and under and by authority vested in the undersigned as Trustee, default having been made in the payment of the indebtedness secured by the Deed of Trust, the undersigned Trustee will expose for sale at public auction the real property described in said Deed of Trust as more particularly described on Exhibit A attached hereto and incorporated herein by reference.

The real property subject to the foreclosure is located in Princes Creek Township, Yancey County, North Carolina and the record owner thereof is Mountain Air Development Corporation, a North Carolina corporation, as reflected in the records of the Office of the Register of Deeds of Yancey County not more than ten (10) days prior to the posting of this Notice of Sale.

The aforesaid public auction of such real property will be held on February 23, 2017 at 11:00 a.m. at the main door of the Yancey County Courthouse in Burnsville, North Carolina.

Such real property is to be sold for cash subject to all liens, encumbrances, restrictions, easements and rights of way of record as may have priority over the lien of the Deed of Trust, and to all taxes, water rents and special assessments, if any.

If the property is purchased by a third party, that party shall pay the excise tax (deed stamps) required by North Carolina Gen. Stat. § 105-228.30 on the trustee's deed of conveyance, and pay the fees to record the trustee's deed and notice of foreclosure. Said third party shall also pay the clerk of superior court's commission required by North Carolina Gen. Stat. § 7A-308(a)(1).

The property to be offered pursuant to this notice of sale is being offered for sale, transfer and conveyance "AS IS, WHERE IS." Neither the Trustee nor the holder of the Note secured by the Deed of Trust/Security Agreement, or both, being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representatives of either the 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 property being offered for sale, and any and all responsibilities or liabilities arising out of or in any way relating to any such condition expressly are disclaimed.

If the property being offered pursuant to this notice of sale is residential property containing fewer than 15 units, an order for possession of the property may be issued pursuant to North Carolina Gen. Stat. § 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.

Pursuant to North Carolina Gen. Stat. § 45-21.10 and the terms of the Deed of Trust, any successful bidder may

be required to deposit with the Trustee immediately upon conclusion of the sale a cash deposit of \$750.00 or 5% of the bid, whichever is greater. Any successful bidder shall be required to tender the full balance of the purchase price so bid in cash at the time the Trustee tenders to him a deed for the real property or attempts to tender such deed, and should said successful bidder fail to pay at that time the full balance of the purchase price so bid, he shall remain liable on his bid as provided for in North Carolina Gen. Stat. § 45-21.30(d) and (e).

This sale shall be held open for upset bids ten (10) days after the filing of the Trustee's report of sale with the Clerk of Superior Court of Yancey County, North Carolina, as required by law.

This the 1st day of February, February 10, 2017.

Jennifer Belter Formichella
Substitute Trustee

EXHIBIT A

That certain tract or parcel of land located in Princes Creek Township, Yancey County, North Carolina, more particularly described as follows:

BEGINNING at a point in the margin of the right of way for Andrew Banks Road the northeastern corner of Lot 29, Unit Six [located S 74-04-57] W 3062.73 feet from N.C.G.S. Monument "Keen" NAD 83.86, North 240,316.444m, East 307,601.458m, Combined Grid Factor=0.99971088 and running with the line of Lot 29, Unit Six, N 88 31-16 W 184.19 feet (passing the beginning of the center of a right of way traversing the premises as hereinafter referenced at 99.23 feet) to an iron pin; thence with other lands of Mountain Air Development Corporation, N 12-39-41 W 397.03 feet to an iron pin; thence N 55-36-33 E 382.47 feet to an iron pin; thence with the line of Lot 23, Unit Six (Book 531, page 397, Yancey County Registry), S 52-56-22 E 108.64 feet to an iron pin; thence S 58-41-43 E 74.61 feet to an iron pin in the margin of the right of way for Andrew Banks Road; thence with the margin of the right of way, 124.05 feet along the arc of a curve to the right having a radius of 407.44 feet and a chord bearing S 02-45-15 W 123.57 feet to a point; thence 112.35 feet along the arc of a curve to the right having a radius of 830.03 feet and a chord bearing S 15-21-15 W 112.26 feet to a point; thence S 19-13-55 W 30.00 feet to a point; thence S 22-16-37 W 71.57 feet to a point; thence S 18-24-22 W 128.33 feet (passing the terminus of the center of the right of way traversing the premises as hereinafter referenced at 89.41 feet) to the BEGINNING, containing 3.423 acres. The foregoing description is according to a survey and plat by Gerald W. Stevenson, PLS L-2669, for Webb A. Morgan & Associates, P.A., dated 8 June 2007, last revised 20 August 2007, Job File No. 90018-C-1033.

EXCEPTING a n d **RESERVING** from the foregoing is a perpetual easement and right of way for a road and cart part, being twenty (20) feet in width, located ten (10) feet on each side of the center of a line traversing the foregoing premises, beginning at the point referenced in the foregoing description and running S 67-52-36 W 29.72 feet to a point; thence S 72-37-51 W 33.58 feet to a point; thence S 76-46-00 W 43.00 feet to a point; thence S 71-46-41 W 10.57 feet to the terminus referenced in the foregoing description, together with the right to locate, construct, maintain, improve, and repair a roadway and cart path within the area of the easement and right of way.

This conveyance is made **SUBJECT** to the provisions of the Land Use Covenants, Conditions and Restrictions for the Mounain Air Country Club Community filed for public record in the office of the Register of Deeds for Yancey County on 13 August 1990, appearing of record in Yancey County Deed Book 25, pages 94 et seq as amended by Instrument recorded in Book 545, page 595, Yancey County Registry. The premises are restricted to Land Use Class B-3 under the Covenants.