

LEGAL NOTICE

**LEGAL NOTICE
STATE OF NORTH
CAROLINA
IN THE GENERAL
COURT OF JUSTICE
SUPERIOR
COURT DIVISION
BEFORE THE CLERK
16-SP-76
YANCEY COUNTY
PARCEL ID:
070915534095000
IN THE MATTER OF
THE FORECLOSURE OF
A CLAIM OF LIEN FOR
ASSESSMENT UNDER
POWER OF SALE
Pursuant
to N.C.G.S. § 47F-3-116
N.C.G.S. § 47C-3-116 filed
on 7/25/2016 by Mountain
Air Property Owners
Association, Inc., Petitioner,
in File # 16-M-22
in the office of the Clerk
of Superior
Court, YANCEY County,
against Victor
S. Valenti and Rosa
Bava-Valenti, Respondent,
whether one or more.
NOTICE OF SALE
2755-046**

Pursuant to an order of the Clerk of Superior Court and under and by virtue of the power and authority contained in the above-referenced lien and that Declaration recorded in Book 225, Page 94 of the YANCEY County Registry, and because of default in the payment of the indebtedness thereby secured and failure to carry out and perform the agreements therein contained and, pursuant to demand of the owner and holder of the indebtedness, the undersigned trustee for the Petitioner will expose for sale at public auction to the highest bidder for cash at the YANCEY County Courthouse, 110 Towne Square, Burnsville, NC 28714 at 10:00 a.m. on May 1, 2017, the following described real estate and any other improvements which may be situated thereon, and more particularly described as follows:

See Exhibit "A" attached hereto. And being more commonly known as Lot 161 in Mountain Air Subdivision, Burnsville, NC 28714.

The record owner of the property, as reflected on the records of the Register of Deeds at the time of this Notice, is Victor S. Valenti, and Rosa Bava-Valenti. The property to be offered pursuant to this Notice of Sale is being offered for sale "AS IS, WHERE IS." Neither the Petitioner nor the trustee, nor the officers, directors, attorneys, employees, agents or authorized representative of either the Petitioner, the trustee or the holder of the debt 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 are expressly disclaimed. The sale is made subject to all prior liens and encumbrances, and unpaid taxes and assessments including but not limited to any transfer tax associated with foreclosure, if any.

A deposit of five percent (5%) or \$750.00, whichever is greater, in cash or certified funds, will be required of any winning third-party bidder at the time of the sale. The sale will be held open for ten (10) days for upset bids as required by law. EXHIBIT "A"

BEGINNING at a point located N 37-56-16 W 5820.24 from NCGS monument "Keen" [N=240,316.444m E=307,601.458m Combined Grid Factor = 0.99971988], and running with other lands of Mountain Air Development Corporation, S. 13-29-03 W 60.47 feet to a point in the northern margin of the right of way for Dryspring Loop; thence with the margin of the right of way, 42.58 feet along the curve to the left having a radius of 90.00 feet and a chord bearing N 88-39-42 W. 42.18 feet to a point; thence S 77-47-06 W 39.45 feet to a point; thence S 55.67 feet along the arc of a curve to the right having a radius of 60.00 feet and a chord

bearing N 75-38-11 W 53.59 feet to a point; thence N 49-03-28 W 114.41 feet to a point at the southeastern corner of Lot No. 160, Unit Two; thence with the line of Lot 160, N 45-31-18 E 100.75 feet to a point; thence leaving the line of Lot 160 and running with other lands of Mountain Air Development Corporation, S 52-16-40 E 41.09 feet to a point; thence S 70-01-59 E 87.78 feet to a point; thence S 51-08-25 E 59.72 feet to the BEGINNING, containing 0.500 acre. This description is according to a survey and plat prepared by Webb A. Morgan, RLS L-1463 dated 18 May 1999, and revised April 13, 2000 (initial date June 1997), Job File 90018-C749.

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 is restricted to Land Use Class B-1 under the Covenants. This the 13th day of April, 2017.

Christopher P. Gelwicks
N.C. State Bar No. 36188
MORETZ & SKUFCA,
PLLC, Trustee
300 McGill Ave. NW, Suite 100
Concord, N.C. 28027
Telephone (704) 721-3500
Facsimile (704) 721-3555
Published April 19, 26, 2017

**LEGAL NOTICE
AMENDED NOTICE OF
FORECLOSURE SALE
16 SP 46**

Under and by virtue of the power of sale contained in a certain Deed of Trust made by Julia McCurry and Darrell McMahan and Nancy McMahan, (Julia McCurry, deceased) (Heirs of Julia McCurry: Penny Ayers, Raymond Ayers, Nancy McCurry McMahan aka Nancy McMahan and Darrell R. McMahan) (PRESENT RECORD OWNER(S): Julia McCurry) to Bill Chase, Trustee(s), dated the 21st day of October, 2005, and recorded in Book 505, Page 662, 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 May 8, 2017 and will sell to the highest bidder for cash the following real estate situated in the County of Yancey, North Carolina, and being more particularly described as follows:

Tract 1: Beginning on a stake at the road and runs across Mine Fork Creek to a stake in Craig Deyton's line and runs S 80 deg. W across Mine Fork Creek to a stake in Craig Deyton's line; thence S 22 deg. W 104 feet to an iron post below the spring; thence S 85 E 180 feet to a stake at highway 197; thence down with said highway N 2 deg. W 133 feet to the Beginning, containing 1/4 of an acre, more or less.

Subject, however, to the right of Carra Deyton and her heirs, but not her assigns, unless the assigns be the heirs of Carra Deyton, the equal right to the use of the road leading from Highway 197 to the lands of Carra Deyton.

Granted by this instrument is the right of LeRoy McCurry and wife, Julia McCurry, their heirs and assigns, to an equal right of use with Carra Deyton her heirs and assigns, of the water from a spring from which LeRoy McCurry and wife, Julia McCurry are now using water.

Tract 2: Beginning on a spruce pin on the east side of Mine Fork Creek by side of road and runs west to a stake at bridge over a ditch between the two houses; thence up said ditch and spring branch 8 poles to beech at spring; thence 5 poles with Martha Renfro's line a southwest course to a cherry tree; then S 47 W 50 poles to a small locust, Lurene Laws' corner; thence S 78 E 39 poles to a Spanish oak on top of ridge; then N 23 poles to a dogwood; thence N 8 W 18 poles to a small white oak; then a straight line to Mine Fork Creek; thence with said creek to the Beginning, containing about 8 acres be the same more or less.

Together with improvements located thereon; said property being located at 15 Wood Duck Lane and 65 Wood Duck Lane, Burnsville, North Carolina.

And being the same lands conveyed by Deed dated 11 October 1938 from Guss Edwards and wife, Flora Edwards, to Cora (aka Carra) Deyton and her heirs, recorded in Yancey County Deed Book 82, page 136.

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 (\$.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: 1186869 (FC. FAY)
Published April 26, May 3, 2017.

**LEGAL NOTICE
NOTICE OF
MEETINGS
OF THE YANCEY
COUNTY
BOARD OF
EQUALIZATION AND
REVIEW**

Pursuant to N.C.G.S. 105-322, the Yancey County Board of Equalization and Review will meet as required by law.

**PURPOSE OF
MEETINGS**

To hear, upon request, any and all taxpayers who own or control taxable property assessed for taxation in Yancey County, with respect to the valuation of such property, or the property of others, and to fulfill other duties and responsibilities as required by law.

TIME OF MEETINGS

The Board will convene for its first meeting on Monday, May 1, 2017 at 1:00 pm. The Board will adjourn for the purpose of accepting requests for hearing at its meeting on Friday, May 19, 2017 at 1:00 pm.

Meetings will begin promptly at 1:00 PM in the commissioner's meeting room at the Yancey County Courthouse.

Requests for hearing must be received no later than final adjournment, which is scheduled for Friday, May 19, 2017, at 1:00 PM.

In the event of an earlier or a later adjournment, notice to that effect will be published in this newspaper.

The schedule for the hearing of appeals which were timely filed will be posted at the office of the Assessor, serving as Clerk to the Board, and will also be provided to individuals and organizations that have requested notice pursuant to N.C.G.S. 143-318.12.

All requests for hearing should be made to:

Danny McIntosh, Clerk to the Yancey County Board of Equalization and Review
Yancey County Courthouse 110 Town Square, Room 2 Burnsville, N. C. 28714
Telephone: 828-682-2198
danny.mcintosh@yancey-countync.gov
Published April 19, 26, May 3, 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 Jim Sherrill Ballew 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 6th day of July 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment. This the 5th day of April 2017.
Makeda Ileah Benain
9885 St. Hwy 80S
Burnsville, NC 28714
Published April 5, 12, 19, 26, 2017

**Times Journal
Deadline**

Deadline for newscopy, pictures, classified advertisements is 12:00 on Friday for Wednesday's publication.

**LEGAL NOTICE
IN THE GENERAL
COURT OF JUSTICE,
YANCEY COUNTY
NORTH CAROLINA
SUPERIOR COURT
DIVISION
BEFORE THE CLERK
FILE NO. 2017 E74
EXECUTOR'S NOTICE**

Having qualified as the Executrix of the Estate of Jean M. Gresens of Yancey County, North Carolina, this is to notify all persons, firms and corporations having claims against the Estate of the deceased to present them to the undersigned on or before 3 August, 2017, or this notice will be plead in bar of their recovery. All persons indebted to said estate please make immediate payment. This the 12th day of April 2017.
Wanda Proffitt, Executrix
153 Wildberry Lane
Burnsville, NC 28714
Published April 12, 19, 26, May 3, 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 Alice Fender 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 26th day of July 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment. This the 26th day of April 2017.
Edd Fender
483 Cane Creek Road
Fletcher, NC 28732
Published April 26,
May 3, 10, 17, 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 Madlyn L. Bailey 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 5th day of July 2017 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment. This the 5th day of April 2017.
Carol H. Jones
220 West Paces Ferry Rd NW
Atlanta, GA 30305
Genene B. Muse
111 Muirfield Road
Macon, GA 31210
Published April 5, 12, 19, 26, 2017

**Senior Center
needs volunteers**

The Yancey Senior Center is in need of dedicated volunteers to deliver meals to the homebound. Meals are delivered Monday - Thursday from 10:30 until noon.

You can choose which day or day(s) that you would like to volunteer.

The Senior Center could not offer the Meals on Wheels program without its dedicated volunteers. Without this service, many of the elderly would not receive a hot, nutritious meal every day.

So, if you enjoy meeting new people and helping others, please call 682-6011, ext. 14. The staff looks forward to working with you and appreciates your willingness to make a difference in the lives of so many people.

**Meals on Wheels
needs volunteers**

Meals on Wheels needs volunteers to deliver meals any weekday from 10:30 to noon to Yancey County's shut-ins.

For information call the Senior Center at 682-6011.

**LEGAL NOTICE
Individuals with
Disabilities Education Act
Public Notice**

The Individuals with Disabilities Education Act (IDEA-Part B, Public Law 108.446) Project is presently being amended. The Project describes the special education programs that Yancey County Schools proposes for Federal funding for the 2017-2018 School Year. Interested persons are encouraged to review amendments to the Project and make comments concerning the implementation of special education under this Federal Program. All comments will be considered prior to submission of the amended Project to the North Carolina Department of Public Instruction in Raleigh, North Carolina. The IDEA-Part B Project is open to the public for review and comments on May 10th from 1:00-4:00 in the office of Angie Anglin, Exceptional Children's Director, located at 100 School Circle, Burnsville NC.

Published April 26, May 3, 2017

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**Volunteers needed
at Brian Center in
Spruce Pine**

Would you like to bring joy and love to an elderly person in our facility? Volunteers are needed at our facility to spend time and share memories with our residents. With your help we can alleviate loneliness and bring joy to an elderly person's life.

Do you want to make a difference in someone's life? If you do, please call Connie Clark at 537-4179 or contact the Activity Department at Brian Center in Spruce Pine at 828-765-7312 for more information. Thank you for considering this opportunity to make a difference in someone's life.

**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.

**MY Meds
Medication
Ministry**

MY Meds Medication and Health Ministry is a local non-profit organization that provides help to Mitchell and Yancey County residents who have no prescription health plan.

If you need help paying for needed prescription medications call MY Meds office at 766-6337.