

# LEGAL NOTICE

## Delayed Harvest Trout Waters to open on June 3

The N.C. Wildlife Resources Commission will open 34 trout streams and two lakes classified as Delayed Harvest to trout harvest on June 3 through Sept. 30.

From 6 a.m. until 11:59 a.m., Delayed Harvest waters are open only to anglers 15 years old and younger. At noon, waters open to all anglers. During this time, anglers can keep up to seven trout per day — with no bait restrictions and no minimum size limits.

Since last fall, Commission staff has stocked more than 372,000 trout in waters designated as Delayed Harvest to provide anglers with better opportunities to catch fish, according to David Deaton, the Commission's fish production supervisor.

"We stock Delayed Harvest streams in March, April, May and then again in October and November," Deaton said. "In early summer, when some streams become too warm for trout to survive, we open these stocked streams to allow trout harvest before stream conditions get too warm."

Delayed Harvest trout waters are posted with diamond-shaped, black-and-white signs.

The Commission established the youth-only fishing period in the morning of "opening day," which is always the first Saturday in June, to promote trout fishing among young anglers and to provide special opportunities for young anglers to catch and keep fish.

The Commission also supports youth-only fishing opportunities during National Fishing and Boating Week 2017. From late May through mid-June, more than 40 kids' fishing events will be held throughout the state.

While fishing, anglers should consider these minimal steps to help prevent the spread of aquatic nuisance species like gill lice, whirling disease, and didymo:

Clean equipment of all aquatic plants, animals and mud.

Drain water from boats, live wells and equipment.

Dry equipment thoroughly.

Never move fish, plants or other organisms from one body of water to another.

Anglers ages 16 and older need an inland fishing license and a special trout fishing privilege, which is included in the comprehensive and sportsman licenses, to fish in all public mountain trout waters, including Delayed Harvest waters. Options for purchasing licenses include:

For more information on trout fishing, including a list of Delayed Harvest trout waters, regulation information and trout maps, visit [www.ncwildlife.org/trout](http://www.ncwildlife.org/trout).

## Welding skills for farmers class

Learn the basic skills of stick and mig welding as well as the cutting processes as needed to repair broken equipment and tools on the farm.

Understanding safe welding practices will be covered through lecture, demonstration, and physical applications. Please bring clear protective goggles and gloves to class. For more information on this 24 hour course visit [www.mayland.edu](http://www.mayland.edu) and click on the Continuing Education link or call 828.682.7315.

One class session begins on June 5 at 6 p.m. at MCC's Yancey Learning Center. A second class session will begin on June 5 at 8:30 a.m.

Registration for Continuing Education classes is always open.

## Meals on Wheels needs volunteers

Meals on Wheels needs volunteers to deliver meals any weekday from 10:30 to noon. For information call the Senior Center at 682-6011.

## Times Journal Deadline

Noon on Friday for Wednesday's publication. Phone 828-682-2120.

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.

This the 8th day of May, 2017.

Benjamin C. Karb  
N.C. State Bar No. 39802  
MORETZ & SKUFCA,  
PLLC, Trustee  
300 McGill Ave. NW, Suite 100

Concord, N.C. 28027  
Telephone (704) 721-3500  
Facsimile (704) 721-3555  
Published May 24, 31, 2017

## LEGAL NOTICE

STATE OF NORTH CAROLINA  
YANCEY COUNTY  
THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
BEFORE THE CLERK  
16 SP 36

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST executed by DAVID J. EXUM, dated September 04, 2008, and recorded in Deed of Trust Book 595, at Page 454 in the Office of the Register of Deeds for Yancey County. See Substitution of Trustee recorded in Book 681, at Page 596.

NOTICE OF TRUSTEE'S SALE OF REAL PROPERTY

By: Jason M. Peltz,  
Attorney for Substitute Trustee

And Noteholder

UNDER AND BY VIRTUE OF the power and authority contained in that certain Deed of Trust executed and delivered by David J. Exum, dated September 4, 2008, and recorded in Book 595, at Page 454 in the Office of the Register of Deeds for Yancey County (see Substitution of Trustee recorded in Book 681, at Page 596), and because of default in the payment of the indebtedness thereby secured and failure to carry out and perform the stipulations and agreements therein contained and pursuant to an Order entered by the Clerk of Superior Court and pursuant to demand of the owner and holder of the indebtedness secured by said Deed of Trust, the Substitute Trustee, Phillip Price, will expose for sale at public auction to the highest bidder for cash at the usual place of sale in the Courthouse of Yancey County, located at 110 Towne Square, Burnsville, NC, 28714, at 10:00 a.m. on the 6th day of June, 2017, all of those certain lots or parcels of real estate, including all improvements and fixtures located thereon, situated, lying and being in Yancey County, North Carolina, and more particularly described as follows:

PROPERTY DESCRIPTION:

BEGINNING on a pin in the line of David J. Exum, et. al., (Deed Book 453, at Page 483, Yancey County Registry) and running a new line S 87 42 35 E 290.30 feet to a set iron pin in a roadway, S 87 42 35 W 596.22 feet to a set iron pin; thence N 00 22 25 E 241.28 feet to a set iron pin in the line of James M. Edwards (Deed Book 435, at Page 308, Yancey County Registry); thence with the Edwards line N 79 30 26 E 288.89 feet to a set iron pin, N 79 30 26 E 324.00 feet to an existing iron pin in the line of Dundee Estates, LLC (Deed Book 280, at Page 328, Yancey County Registry); thence with said line and a fence S 70 08 08 E 118.06 feet to an existing iron pin; thence continuing with said line and a fence S 01 57 28 W 314.52 feet to an existing iron pin, S 03 11 10 E 184.97 feet to an 8-inch birch, S 03 13 49 E 119.39 feet to an existing iron pin; thence leaving the Dundee Estates, LLC line N 85 46 15 W 1143.08 feet to a set iron pin, N 88 52 29 W 608.14 feet to a set iron pin, N 88 52 29 W 147.30 feet to a set iron pin in a roadway, S 88 52 29 E 122.87 feet to a set iron pin; thence N 77 08 30 E 79.00 feet to a set iron pin, S 88 52 28 E 204.00 feet to a set iron pin; N 29 53 51 E 13.94 feet to a set iron pin, N 29 53 51 E 246.47 feet to the point of BEGINNING, containing 14.942 acres, according to a map and plat of a survey by Jim Hughes and Associates, PLS, L-3515, dated 27 July, 2000, revised 6 September, 2006, and being job file no. 00002-C090, and being designated as Lot 4 on said map and plat. EXCEPTING AND RESERVING unto the Grantor, his heirs and assigns, is a perpetual and non-exclusive easement and right of way over the existing roadway 20 feet in width, 10 feet on either side of the centerline as shown on the above described map and plat leading to and from other lands of the Grantor and the public roadway, for the purposes of ingress, egress and regress, together with the rights to inspect, maintain, improve and repair the same. AND BEING a portion of Deed Book 435, at Page 304, Yancey County Registry. AND BEING all of that property described in that Deed of Trust recorded in Deed of Trust Book 595, at Page 454, Yancey County Registry.

LESS AND EXCEPTING that property described in that Release Deed recorded in Book 629, at Page 624, Yancey County Registry and more particularly described as follows. BEGINNING on a set of iron pin in a fenceline in the line of James M. Edwards, Yancey County Deed Book 435, at Page 308, and being a common corner to Lot No. 7 shown on the below-referenced survey, and runs thence with the line of Lot No. 7 S 09 52 41 E 596.80 feet to a point in the margin of a proposed 12 foot road right of way; thence the same course 12.37 feet to a set iron pin in the line of

David M. Ferguson; thence with the Ferguson line N 85 46 15 W 908.71 feet to a set iron pin, N 88 52 29 W 608.14 feet to a set iron pin, corner of Ferguson and other lands of Exum; thence with the Exum line N 29 53 51 E 11.41 feet to a point in the centerline of a right of way, N 29 53 51 E 24.31 feet to a point, thence the same course 246.47 feet to a set iron pin, corner of Exum and Lot No. 6 on the below referenced survey; thence with the line of Lot No. 6 S 87 42 35 E 290.30 feet to a set iron pin; thence N 00 22 25 E 241.28 feet to a set iron pin in the line of Edwards; thence with the Edwards line N 79 30 26 E 288.89 feet to an existing iron pin; thence the same course 99.31 feet to the point of BEGINNING, containing 10.838 acres, and being designated Lot No. 4, on a survey by James R. Hughes, PLS, L-3515, dated 27 July, 2000, and revised on 4 April, 2002, 2 May 2002, 13 February 2003, 6 September, 2006, 7 March 2007 and 16 March 2010, with job file number of 00002-C090. ALSO CONVEYED to the Grantee, his heirs and assigns, AND EXCEPTING AND RESERVING unto the Grantor herein his successor and or assigns is a perpetual and non-exclusive easement and right of way over the existing roadway 20 feet in width, 10 feet on either side of the centerline as shown on the above described map and plat leading to and from the lands of others and the public roadway, for the purposes of ingress, egress and regress, together with the rights to inspect, maintain, improve and repair the same.

RECORD OWNER of the above described real property as reflected on the records of the Office of the Register of Deeds for Yancey County not more than ten (10) days prior to the posting of this notice is David J. Exum.

The terms of the sale are that the property will be sold for cash to the highest bidder and a cash deposit not to exceed the greater of five percent (5%) of the amount of the bid, or Seven Hundred Fifty Dollars (\$750.00) may be required at the time of sale. Any successful bidder shall be required to tender the full balance 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 NCGS 45-21.30(d) and (e). The owner and holder of the indebtedness secured by the Deed of Trust may make a credit bid.

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 Substitute Trustee nor the holder of the

Note secured by the Deed of Trust being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representatives of either the Substitute 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 conditions are expressly disclaimed. The property will be sold subject to restrictions, easements and other matters of record, any unpaid taxes, prior mortgages, deeds of trust and liens, special assessments, any transfer tax associated with the foreclosure and any tax required to be paid by NCGS 7A-308(a)(1). This sale will be further subject to the right, if any, of the United States of America to redeem the above-described property for a period of one hundred twenty (120) days following confirmation of the sale. The real property may be sold in separate parcels, all together or in any manner the Substitute Trustee determines is appropriate. The sale will be held open for ten (10) days for upset bids as required by law. Any purchaser of the real property will be required to pay all transfer taxes and recording fees.

An order for possession of the property being sold may be issued pursuant to NCGS 45-21.29 in favor of the purchaser and against the party or parties in possession, by the Clerk of Superior Court for Buncombe County.

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 upon ten 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 termination.

This the of March, 2017.

Jason M. Peltz,  
Attorney for Substitute Trustee and Noteholders

Peltz Law Firm, PLLC  
7 Orchard Street, Suite 100  
Asheville, NC 28801  
(828)255-2728

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## Barkin' Basement YHS Resale Store

The Barkin' Basement Resale Store financially supports the Yancey Humane Society. When you shop at the Barkin' Basement you can be assured that a very high percentage of your dollars go to fund YHS, and all the good they do. The store is run and staffed by volunteers, and everything in the store has been donated by the good people of our area.

The Barkin' Basement is located on the bypass between Go Grocery and Fred's. The phone number is 828-208-9510. We accept clean, gently used items in good working order. Call the store if you have large items that need to be picked up, or for more information. The hours are Monday through Saturday from 10 a.m. to 4 p.m.

Yancey Humane Society is a 501(c)(3) nonprofit organization. If you would like to help the lost or abused animals of Yancey County, come volunteer at the Barkin' Basement!

## MY Meds Medication Ministry

MY Meds Medication and Health Ministry is a local nonprofit organization that provides help to Mitchell and Yancey County residents who have no prescription health plan and often have to decide between buying food and buying medicine. No one should have to make that choice.

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

# Service Directory

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[www.macphotostudios.com](http://www.macphotostudios.com)

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