

# LEGAL NOTICE

**LEGAL NOTICE  
NORTH CAROLINA  
YANCEY COUNTY  
NOTICE OF  
FORECLOSURE SALE  
Special Proceedings No.  
20 SP 22**  
**Substitute Trustee:  
Philip A. Glass**  
**Date of Sale:  
October 27, 2020**  
**Time of Sale: 3:00 p.m.**  
**Place of Sale: Yancey  
County Courthouse**  
**Description of Property:  
See Attached Description**  
**Record Owners:  
Cody McMahan**  
**Address of Property:  
10390 Double Island Road  
Green Mountain, NC 28740**  
**Deed of Trust:  
Book : 742 Page: 498**  
**Dated: March 22, 2016**  
**Grantors:  
Cody McMahan**  
**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 Dol-  
lars (\$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: 09/22/2020  
Philip A. Glass, Substitute Trustee  
Nodell, Glass & Haskell, L.L.P.

Posted on 09/22/2020  
Exhibit A

Tract I: BEGINNING on an angle iron found at a large boulder on the North side of Little Brush Creek, the same being in the Eastern property line of lands of Alan D. McKinney as described Yancey County Deed Registry at Instrument Book 217, Page 63, and running thence with the line of McKinney N 02 deg. 13' 11" W 129.51 feet to a set iron pin; thence N deg. 13' 11" w 92.50 to a set iron pin; thence N 02 deg. 13' 11" W 96.99 feet to a set iron pin; N 02 deg. 13' 11" W 75.41 feet to a set iron pin; N 02 deg. 13' 11" W 95.29 feet to an iron pin; and thence N 02 deg. 13' 11" W 100.25 feet to a set iron pin, the same being a corner with the 6.69 acre tract shown on the plat hereinafter referenced; thence with the Southern line

of the 6.69 acre tract N 75 deg. 34' 49" E 476.61 feet to a found iron pin at a maple tree, the same being the Northernmost corner of lands of Brenda J. Lee as described in the Yancey County Deed Registry at Instrument Book 314, Page 731; thence with the Western boundary line of the Lee property S 45 deg. 51' 18" W 228.12 feet to a found iron pin; S 23 deg. 21' 39" W 32.12 feet to a found iron pin; and S 05 deg. 21' 26" W 546.05 feet to a point in the Little Brush Creek; thence running with the Little Brush Creek the following courses and distances: N 79 deg. 50' 20" W 30.05 feet to a point; N 86 deg. 00' 39" W 51.39 feet to a point; N 84 deg. 52' 04" W 60.96 feet to a point; and S 77 deg. 48' 02" W 70.43 feet to a point, the same being the Southern corner of lands of Alan McKinney above referenced; thence leaving Little Brush Creek and running with the Eastern boundary line of Alan McKinney N 02 deg. 13' 11" W 24.42 feet to the point of BEGINNING, containing 4.00 acres, according to a map and plat of survey by Dallas G. Miller, P.L.S., dated June 12, 2009, revised 10/05/2009, recorded in Plat Book 3C, Page 321, Yancey County Registry, and being in Lot 1 shown thereon.

Tract II: BEGINNING on a found iron at a fence, the same being a corner with lands of Jeffery Young as described in Instrument Book 279, Page 01, and also indicated as the Jennie Deyton Corner on the survey hereinafter referenced; and running thence with the fence and the Southern boundary of Jeffery Young S 46 deg. 58' 44" E 306.41 feet to a found iron pin; thence S 49 deg. 27' 20" E 485.88 feet to a found iron, the same being a corner with lands of Mrs. Kenneth Johnson as described at Deed Book 103, Page 548; thence with the Johnson line S 18 deg. 27' 29" W 155.23 feet to a found iron pin; thence S 33 deg. 14' 17" W 89.30 feet to a found iron pin at a maple, the same being in the Northernmost corner of lands of Brenda J. Lee as described at Yancey County Deed Book 314, Page 731, and the Northwest corner of Lot No. 1 shown on the survey herein referenced; thence running with the Northern boundary line of Lot No. 1 S 75 deg. 34' 49" W 476.61 feet to an iron pin set in the Western line of lands of Alan D. McKinney as described in the Yancey County Deed Registry at Instrument Book 217, Page 63; thence with the McKinney line in the following courses and distances: N 02 deg. 13' 11" W 168.33 feet to a set iron pin; N 02 deg. 13' 11" W 121.21 feet to an iron pin set in an old roadway; thence N 02 deg. 13' 11" W 143.75 feet to a set iron pin; thence N 02 deg. 13' 11" W 44.78 feet to an iron pin set' thence N 02 deg. 13' 11" W 128.12 feet to an iron pin set; thence N 02 deg. 13' 11" W 96.68 feet to an iron pin set; thence N 02 deg. 13' 11" W 163.29 feet to the point of BEGINNING, containing 6.69 acres, according to a map and plat survey by Dallas G. Miller, P.L.S., dated June 12, 2009, revised 10/05/2009, recorded in Plat Book 3C, Page 321, Yancey County Registry, and being the 6.69 acre parcel shown thereon.

THIS CONVEYANCE is made subject to the existing old road indicated on the survey as the same leads into lands now or formerly owned by Alan D. McKinney.

ALSO CONVEYED HEREWITH is that easement and right-of-way as more particularly described in Book 620, Page 558, Yancey County Registry.

For further reference, see Book 620, Page 555, Yancey County Registry.

PIN: 084300651228000  
Property Address: 10390 Double Island Rd. Green Mountain, NC 28740  
Published October 14, 21, 2020.

**LEGAL NOTICE  
NORTH CAROLINA  
YANCEY COUNTY  
IN THE GENERAL COURT  
OF JUSTICE  
SUPERIOR COURT  
DIVISION  
BEFORE THE CLERK  
20-SP-1  
NOTICE OF**

**FORECLOSURE SALE  
IN THE MATTER OF THE  
FORECLOSURE  
OF THE DEED OF TRUST  
OF CHRISTAL  
MUNDY a/k/a CHRISTAL  
THORNTON,  
Mortgagor, to  
Dale W. Hensley, Substitute  
Trustee for Mitchell-Yancey  
Habitat for  
Humanity, Inc., as recorded  
in Book 550,  
Page 278, Yancey County,  
N.C. Registry**

Under and by virtue of an Order made and entered by the Honorable Tammy R. McEntyre, Clerk of Superior Court of Yancey County, North Carolina, on February 27, 2020, and the power of sale contained in that certain Deed of Trust from Christal Mundy to Elizabeth L. Holmes, Trustee for Mitchell-Yancey Habitat for Humanity, Inc. recorded in Book 550, Page 278, Yancey County, North Carolina, Registry, the undersigned Dale W. Hensley, Substitute Trustee, will offer for sale at public auction to the highest bidder for cash at the Court-house door in Burnsville, North Carolina, at 11:45 A.M. on Thursday, October 29, 2020 the real property conveyed in said Deed of Trust, the same being located in Burnsville Township, Yancey County, North Carolina at 117 Meadow Ridge Drive, Burnsville, North Carolina, and having Yancey County Tax PIN 083001299117000, and being more particularly described in the Deed of Trust recorded in Book 550, Page 278, Yancey County Registry, which description is incorporated herein by reference. The said property is known as Lot 5 of Majestic Mountain Estates and is also described in Book 550, Page 275, Yancey County Registry.

This lot or parcel of land shall be offered to the highest bidder for cash and will remain open for ten (10) days for upset bids.

This property is being sold subject to the Deed of Trust recorded in Book 550, Page 286, Yancey County Registry.

The purchaser shall assume payment of all 2020, et seq., ad valorem taxes.

The successful bidder at the sale shall be required to make a 5% deposit to secure the faithful performance of his bid, with a minimum of \$750.00.

That 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 the 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.

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 his sole discretion, if he believes 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.

This the 7th day of October, 2020.  
Dale W. Hensley, Substitute Trustee  
Post Office Box 1570  
600 West Bypass, Suite 200  
Burnsville, NC 28714  
Telephone: (828)682-2474  
Fax: (828)678-3574  
Published October 14, 21, 2020

**LEGAL NOTICE  
NORTH CAROLINA  
YANCEY COUNTY  
NOTICE OF  
FORECLOSURE SALE  
Special Proceedings No.  
20 SP 3**  
**Substitute Trustee:  
Philip A. Glass**  
**Date of Sale:  
October 27, 2020**  
**Time of Sale: 3:00 p.m.**  
**Place of Sale: Yancey County  
Courthouse**

**Description of Property:  
See Attached Description**  
**Record Owners: Martin  
Webb and Christy Webb, fka  
Christy McKinney**  
**Address of Property: 7019  
Crabtree Road  
Spruce Pine, NC 28777**  
**Deed of Trust:  
Book : 577 Page: 515**  
**Dated: January 09, 2008**  
**Grantors: Martin Webb and  
Christy Webb**  
**Original Beneficiary: Local  
Government Federal 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 Dol-  
lars (\$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.

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Dated: 09/22/2020  
Philip A. Glass, Substitute Trustee  
Nodell, Glass & Haskell, L.L.P.

Posted on 09/22/2020  
EXHIBIT A

LANDS LYING AND BEING IN CRABTREE TOWNSHIP, YANCEY COUNTY, NORTH CAROLINA AND BEING MORE ACCURATELY DESCRIBED AS FOLLOWS: BEGINNING ON A POINT IN THE CENTER OF A 20 FOOT RIGHT OF WAY, SAID POINT BEING LOCATED N 64 01 21 W 98.40 FEET FROM A RAILROAD SPIKE IN THE CENTER OF NCSR 1002 AND RUNS THENCE S 13 43 19 W 66.30 FEET TO AN IRON PIN; THENCE THE SAME BEARING 11.38 FEET TO THE CENTER OF A 30 FOOT RIGHT OF WAY; THENCE WITH THE CENTER OF SAID RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES: N 51 28 21 W 37.89 FEET;

N 65 01 21 W 53.50 FEET; S 89 48 39 W 68 FEET; N 76 28 21 W 60.44 FEET; THENCE LEAVING THE RIGHT OF WAY AND RUNNING N 27 15 27 E 94.40 FEET TO AN IRON PIN; THENCE N 63 13 07 W 111.73 FEET TO AN IRON PIN; THENCE N 48 26 W 115.68 FEET TO AN IRON PIN; THENCE N 36 17 01 E 21.01 FEET TO AN IRON PIN; THENCE N 64 00 42 W 50 FEET TO AN IRON IN THE CENTER OF A BRANCH; THENCE N 68 35 42 E 138.07 FEET TO A POINT IN THE CENTER OF CRABTREE CREEK; THENCE RUNNING WITH THE CENTER OF CRABTREE THE FOLLOWING BEARING AND DISTANCES: 34 13 26 W 40 FEET; S 01 45 44 E 35.15 FEET; S 18 17 14 E 24.54 FEET; S 57 23 14 E 73.86 FEET; S 73 40 24 E 126.61 FEET; S 58 06 44 E 129.62 FEET; S 87 12 14 E 2.63 FEET; THENCE LEAVING THE CREEK AND RUNNING S 13 43 19 E 50.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1.01 ACRES BY DMD.

PIN: 076900863024000  
Property Address: 7019 Crabtree Rd. Spruce Pine, NC 28777

Published October 14, 21, 2020.

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

**NOTICE TO CREDITORS**

Having qualified as Executor of the Estate of Lester R. Heavner Jr 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 30th day of December, 2020 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 7th day of October, 2020.  
Lester Ralph Heavner III  
250 East Jarrard Street  
Suite C Box 168  
Cleveland, GA 30528  
Published October 7, 14, 21, 28, 2020

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

**NOTICE TO CREDITORS**

Having qualified as Executrix of the Estate of Ella Dee Presnell 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 23rd day of December, 2020 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 23rd day of September, 2020.  
Linda Presnell  
96 Traditional Drive  
Burnsville, NC 28714  
Published September 23, 30, October 7, 14, 2020

**LEGAL NOTICE  
IN THE GENERAL  
COURT OF JUSTICE,  
YANCEY COUNTY  
NORTH CAROLINA  
SUPERIOR COURT  
DIVISION  
NOTICE TO CREDI-  
TORS**

Having qualified as Executor of the Estate of Theresa Jane Anderson 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 14th day of January, 2021 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 14th day of October, 2020.  
Donna Mohler  
1225 Ballast Point Drive  
Manteo, NC 27954  
Published October 14, 21, 28, November 4, 2020

**LEGAL NOTICE  
IN THE GENERAL  
COURT OF JUSTICE,  
YANCEY COUNTY  
NORTH CAROLINA  
SUPERIOR COURT  
DIVISION  
NOTICE TO CREDITORS  
19E201**

Having qualified as Administrator of the Estate of Phillip Donald Deyton 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 23rd day of December, 2020 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 23rd day of September, 2020.

Jeannette Cook Deyton  
380 Echo Hill Drive  
Green Mountain, NC 28740

Published September 23, 30, October 7, 14, 2020

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

**NOTICE TO CREDITORS**

Having qualified as Administrator of the Estate of Nelda Ruth Thomas Cooper 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 30th day of December, 2020 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 30th day of September, 2020.

Linda Biddix  
358 Wolf Mountain Road  
Green Mountain, NC 28740

Published September 30, October 7, 14, 21, 2020

**LEGAL NOTICE  
NOTICE OF SERVICE OF  
PROCESS BY  
PUBLICATION  
STATE OF  
NORTH CAROLINA  
BUNCOMBE COUNTY  
In the District Court:  
20 CVD 3337**

**JENNIFER GONZALEZ-  
SERVIN V. FRANCISCO J.  
NICHOLAS**

Absolute Divorce and Child Custody action To Fransisco J. Nicholas:

Take notice that a pleading seeking relief against you has been filed in the above-entitled action. The nature of the relief being sought is as follows: Absolute Divorce and Child Custody.

You are required to make defense to such pleading not later than November 24, 2020 and upon your failure to do so the party seeking service against you will apply to the court for the relief sought.

This the 14th day of October, 2020.

Janet H. Amburgey  
Attorney for Plaintiff  
47 N. Market Street  
Asheville, NC 28801  
(828) 258-3368  
Published October 14, 21, 28, 2020.

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

Having qualified as Executor of the Estate of Eva Holcombe 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 January, 2021 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 7th day of October, 2020.

Edd Holcombe  
428 Horton Creek Road  
Burnsville, NC 28714  
Published October 7, 14, 21, 28, 2020