

NOTICE OF SUCCESSOR TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN THAT:

By virtue of that certain Credit Line Deed of Trust dated February 8, 2013, made and executed by MNM HOLDINGS, LLC, to J. SCOTT THARP, as Trustee for the benefit of WESBANCO BANK, INC., as beneficiary, and recorded in the office of the Clerk of the County Commission Jefferson County, West Virginia, in Trust Deed Book 1935, at page 236, default in the performance of the obligations thereby secured having occurred, and pursuant to the terms thereof and to the written request of the holder of the indebtedness thereby secured, and further pursuant to the authority granted to the undersigned by that certain Appointment of Successor Trustees dated June 19, 2017, and recorded in the aforesaid Clerk's office in Trust Deed Book 1192 at page 577, the undersigned Successor Trustees will sell at public auction to the highest bidder on

Wednesday, November 15, 2017, at 11:00 a.m.

at the main entrance to the Courthouse of Jefferson County, West Virginia, located at 100 East Washington Street, Charles Town, West Virginia, the real estate described on the attached **EXHIBIT A**.

The sale shall be made subject to any and all easements, rights-of-way, exceptions, reservations, restrictions, covenants, conditions, leases, liens or encumbrances affecting title to the property and further to any state of facts that would be disclosed by or apparent upon an inspection or an accurate survey of the property described above; provided, however, that any such restriction, covenant or condition indicating a preference, limitation or discrimination based on race, color, religion, sex, marital status, ancestry, disability, handicap, familial status or national origin is hereby deleted to the extent such restriction, covenant or condition violates 42 U.S.C. § 3604(c). The sale shall further be made subject to accrued and unpaid *ad valorem* real property taxes upon the property. The Successor Trustee makes no

representations or warranties as to the validity or priority of such liens, taxes, encumbrances and other matters, if any.

TERMS OF SALE:

1. Cash in hand on the day of sale. The successful bidder shall tender ten percent (10%) of the total purchase price to the Successor Trustee by certified or cashiers' check or electronic fund transfer payable to the Successor Trustee on or before 5:00 p.m. EST on Wednesday, November 15, 2017, the date of sale. The remaining balance of the total purchase price must be paid to the Successor Trustee by certified or cashiers' check or electronic fund transfer no later than thirty (30) days after the date of sale.
2. Upon conclusion of the sale, a Memorandum of Sale will be executed reflecting the sale of the property and the purchase price. Time is of the essence. If the purchaser fails to deliver the purchase price within the prescribed time, at the Successor Trustee's sole discretion, the Successor Trustee will either (a) file suit to enforce specific performance, (b) convey the property to the next highest bidder if such bidder will honor his, her or its bid, or (c) proceed to resell the property pursuant to the aforesaid Credit Line Deed of Trust.
3. The beneficiary of the aforesaid Credit Line Deed of Trust and the holder of the note thereby secured reserves the right to submit a bid for the property at the sale, which bid may be in the form of a credit bid.
4. The property may be sold either as a whole or in parcels in the Successor Trustee's sole discretion.
5. The Successor Trustee reserves the right to accept or reject any bids.
6. The property will be sold subject to any and all assessments and taxes against said property; all prior liens and encumbrances of any nature whatsoever; and the Internal Revenue Service's right of redemption, if any.
7. The purchaser shall be responsible for the payment of the transfer taxes imposed by West Virginia Code § 11-22-2.
8. The subject real property will be sold in "AS IS" condition. The Successor Trustee makes no representations or warranties of any kind or character including, but not limited to, the condition of the real estate or the title to the real estate to be conveyed.
9. The Successor Trustee will deliver a trustee's deed to the purchaser without any covenant or warranty (express or implied) in the form prescribed by West Virginia Code § 38-1-6 upon receipt of the purchase price in good and available funds. If the Successor Trustee fails, refuses or for any reason is unable to convey title to the property or suit is filed challenging the sale, the Successor Trustee reserves the right to set aside the sale and void the Memorandum of Sale. In such event, the purchaser's sole remedy at law and in equity is limited to the return of the amount actually paid by purchaser and the sale shall be null and void and of no further effect.

10. The Successor Trustee shall be under no duty to cause any existing tenant or person occupying the subject real property to vacate said property. Prospective purchasers are hereby advised that the rights of any existing tenants or persons occupying the subject real property may be covered by the provisions of West Virginia Code § 38-1-16.
11. The Successor Trustee shall be under no duty to cause any items of personal property remaining at the subject real property following the sale to be removed therefrom. The purchaser shall be responsible for compliance with all applicable laws in the disposal of any such items of personal property, including West Virginia Code § 38-1-17, to the extent such statute applies.
12. The Successor Trustee reserves the right to adjourn the sale, for a time, or from time to time, without further notice, by announcement made at the time and place of the sale described above.
13. Announcements made on the day of sale take precedence over these Terms of Sale.

Given under my hand this 13th day of October, 2017.



DEBRA LEE ALLEN (formerly Hovatter)
Successor Trustee
Spilman Thomas & Battle, PLLC
48 Donley Street, Suite 800 (Zip 26501)
PO Box 615
Morgantown, WV 26507

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EXHIBIT A TO NOTICE OF SUCCESSOR TRUSTEE'S SALE

All of that pared of real estate situate in the Kabletown District, Jefferson County, West Virginia, and being more particularly described as follows:

PARCEL NO. ONE (1): All of that certain parcel or tract of land with improvements thereunto belong, situate about two (2) miles South of Rippon in Kabletown District, Jefferson County, West Virginia, and more particularly described in accordance with a survey and plat made thereof by J. Jas. Skinner, S. J. C., dated July 9, 1960, as follows:

BEGINNING at a forked tree (1) on the west side of the entrance and in the south line of Mill Road, which tree is located eastwardly along the south line of Mill Road 1180 feet front the eastern line of US Route 340; thence S. 17° 30' W. 1235 feet to a stake (2) thence S. 25° 50' W. 264 feet to a stake (3) thence S. 82° 01' E. 649 feet to a stake (4) thence N. 12° 47' E. 235 feet to a gate post (5) thence N. 56° 5' W. 481 feet to a post (6) thence N. 16° 20' W. 175.5 feet to a stake (7) thence along the entrance fence and 5 feet east of same, N. 17° 39' E. 878.5 feet to a post (8) in the south line of Mill road; thence with the south line of Mill Road, N. 85° 46' W. 30.8 feet to the beginning, containing 6.01 acres, more or less.

Together with a perpetual easement or right of way over and across the property of James D. Louthan, et ux, from, the spring situate on the Louthan property and located approximately 100 to 200 yards southwest of the main dwelling house situate on the property herein described with the right unto the said parties of the second part, their heirs, and assigns, to install, operate and maintain a pump and water piping system to said spring over the property of the said Louthans is to said dwelling house for domestic uses and purposes.

PARCEL NO. TWO (2): All that certain tract or parcel of real estate and appurtenances thereunto belonging, situate about two (2) miles South of Rippon, in Kabletown District, Jefferson County, West Virginia, and more particularly described in accordance with a survey and plat thereof, made by Charles R. Atherton, Professional Engineer, dated September 2, 1965, recorded with that certain Deed dated October 18, 1965, from James D. Louthan, et ux, et als, to Richard F. Hadley, Jr., and Nancy B. Hadley, as follows:

BEGINNING at an iron pin in the east line of Briscoe's purchase from Louthan, which said point of beginning is defined as follows:

STARTING from the point of intersection of the easterly right of way of US Route 340, and the Southern right of way line of Smith Road, designated as Mill Road or W. Va. Secondary Route No. 38, S. 83° 01' E. 500 feet, thence S. 85° 46' E. 710 feet, more or less, to a point at the northeast corner of Briscoe; thence with the east line of Briscoe, S. 17° 30' W. 678.5 feet; thence from said point of beginning with Briscoe, S. 17° 30' W. 200.0 feet to a post; thence S. 16° 20' E. 175.5 feet to a post; thence S. 56° 15' E. 481.0 feet to a gate post, a corner with Louthan; thence by a new line with Louthan, N. 12° 47' E. 436.15 feet to an iron pin, made a new corner with Louthan; thence by a new line with Louthan, N. 67° 31' W. 527.63 feet to the point of beginning, containing 4.46 acres, more or less.

TOGETHER with that certain portion designated as the south half of Secondary Route 38, otherwise known as Mill Road or Smith Road, being 30.8 feet in length and lying immediately north and adjacent to the Briscoe tract hereinbefore conveyed, subject, however, to the rights of use thereof as a public road.

PARCEL NO. THREE (3): All that certain tract or parcel of land, containing 5.75 acres, more or less, and appurtenances thereunto belonging, situate about two (2) miles South of Rippon in Kabletown District, Jefferson County, West Virginia, and more particularly described in accordance with a survey and plat thereof, made by Charles R. Atherton, Professional Engineer, dated September 2, 1965, attached to, made a part of and recorded with that certain Deed dated October 18, 1965, from James D. Louthan, et ux, et als, to Richard F. Hadley, Jr., et ux, in the aforesaid Clerk's office in Deed Book No. 276, at page 531, as follows:

BEGINNING at an iron pin, a corner with the 4.46 acre tract; thence with the same, S. 67° 31' E. 341.95 feet to an iron pin beside a rock, made a new corner with Outhan thence by a new tine with Outhan, N. 17° 30' E. 788.52

feet to an iron pin in the south line of West Virginia Secondary Route 38 (Mill Road); thence with the south line thereof, N. 85° 46' W. 350.0 feet to a post, a corner with Hadley; thence again with Hadley, S. 17° 30' W. 678.5 feet to the point of beginning, containing 5.75 acres, more or less.

Together with all their right, title and interest, both in law and in equity of James L. Louthan and Dorothy A. Louthan in and to the southern half of West Virginia Secondary Route 38 (Mill Road) being 350 feet in length and lying immediately north of and adjoining the 5.75 acre tract hereinbefore described, subject, however, to the right to use thereof as a public road.

PARCEL NO. FOUR (4): All that certain tract or parcel of land, containing 0.56 acres, more or less, and appurtenances thereunto belonging, situate about two (2) miles South of Rippon in Kabletown District, Jefferson County, West Virginia, and more particularly described in accordance with a survey and plat thereof, made by Charles R. Atherton, Professional Engineer, dated May 25, 1971, as follows:

BEGINNING at a forked tree on the west side of the entrance and in the south line of Mill Road (West Virginia Secondary Route No. 38), which forked tree is located eastwardly along the south line of Mill Road, 1180 feet from the eastern line of US Route No. 340; thence with the south line of Mill Road, N. 85° 46' W. 25.7 feet to a stake, made a new corner with Louthan; thence by a new line with Outhan, S. 17° 30' W. 926.0 feet to an iron pipe in a fence line; thence again by a new line with Louthan, S. 4° 16' W. 1081 feet to a stake in the line of Hadley; thence with Hadley, N. 17° 30' E. 1037.9 feet to the point of beginning, containing 0.56 acres.

Together with all their right, title and interest, both in law and in equity of James L. Louthan and Dorothy A. Louthan, in and to the southern half of West Virginia Secondary Route No. 38 (Mill Road) being 350 feet in length and lying immediately north of and adjoining the 0.56 acre tract hereinbefore described subject, however, to the right to use thereof as a public road.

The real estate conveyed herein is the same real estate conveyed to Robert H. Mollohan, married, by Deed from Olive Boy Farm, Inc., a West Virginia corporation, dated September 22, 1993, and recorded in the Clerk of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book No. 755, at page 278. The said Robert H. Mollohan died testate on August 3, 1999, and by his Last Will and Testament which is of record recorded in the aforesaid Clerk's office in Deed Book No. 937, at page 134, the said Helen Holt Mollehan disclaimed her interest in said real estate. As a consequence of said disclaimer said real estate descended under the laws of the State of West Virginia to the three (3) children of the said Robert H. Mollohan, namely Robert Holt Mollohan, Kathryn M. Nelson and Alan B. Mollohan, by Deed dated January 22, 2001, and to be recorded contemporaneously with this Deed of Trust, Robert Holt Mollohan and Nyoka G. Mollohan, his wife, Kathryn M. Nelson and Robert W. Nelson, her husband, and Alan B. Mollohan and Barbara W. Mollohan, his wife, conveyed the above real estate to MNM Holdings, LLC, a West Virginia Limited Liability Company, Grantor herein.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all easements and rights-of-way of record; and is made FURTHER SUBJECT to all conditions, covenants, restrictions, reservations and agreements of record.