

NOTICE

The Trustee's Sale of Valuable Real Estate on property owned by William E. Smith scheduled for October 17, 2016, at 5:18 o'clock p.m., **has been postponed to November 21, 2016, at 5:18 o'clock p.m.**, in Jefferson County, West Virginia.

Pill & Pill, PLLC, Substitute Trustee

BY: Richard A. Pill  
Richard A. Pill, Member

## NOTICE OF TRUSTEE'S SALE

NOTICE OF TRUSTEE'S SALE is hereby given pursuant to and by virtue of the authority vested in the Substitute Trustee, Pill & Pill, PLLC, by that certain Deed of Trust dated December 18, 2007, executed by the Borrower, William E. Smith, to John R. Lukens and Ellen S. Cappellanti, the Trustee(s), of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Book 1697, at Page 503. At the time of the execution of the Deed of Trust, this property was reported to have a mailing address of 47 Bedford Ct., Charles Town, WV 25414. Pill & Pill, PLLC was appointed as Substitute Trustees by an APPOINTMENT OF SUCCESSOR TRUSTEE dated July 22, 2016, of record in the Clerk's Office in Book 1177, at Page 564. The Borrower defaulted under the Note and Deed of Trust and the Substitute Trustee has been instructed to foreclose under the Deed of Trust. Accordingly, the Substitute Trustee will sell the following described property to the highest bidder at the front door of the Courthouse of Jefferson County, in Charles Town, West Virginia, on the following date:

October 17, 2016 at 5:18 p.m.

*Postponed to November 21, 2016 at 5:18 p.m.*

The property is described as of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in Kabletown District, Jefferson County, West Virginia, and being more particularly described as follows:

SITUATED IN THE COUNTY OF JEFFERSON AND STATE OF WEST VIRGINIA:

ALL THAT CERTAIN PARCEL OF REAL ESTATE, WITH THE IMPROVEMENTS THEREON, SITUATE IN THE KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, KNOWN AND DESIGNATED AS LOT NUMBER 300-B, SECTION 3 OF THE AVON BEND SUBDIVISION, CONTAINING 1.15 ACRES. AS SHOWN UPON THAT CERTAIN PLAT DATED MARCH 9, 1970 AND RECORDED WITH A DEED, IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA, IN DEED BOOK 313, AT PAGE 604.

Being the same property conveyed to William E. Smith and Joyce Ann Fishback by the Deed dated July 15, 1991 and recorded in Deed Book 686, at Page 324, in the Office of the Clerk of the County Commission of Jefferson County, West Virginia. Joyce Ann Smith, formerly known as Joyce Ann Fishback, died on or about April 21, 2006, and by the survivorship provisions of the aforesaid Deed, her interest was vested in the said William E. Smith.

And being the same property subsequently conveyed by William E. Smith to William E. Smith and Gail H. Smith, as joint tenants with rights of survivorship, by the Deed dated February 26, 2010 and recorded in Deed Book 1075, at Page 613, in the aforesaid Clerk's Office.

This sale is subject to a first deed of trust dated April 5, 2002 of record in the aforesaid Clerk's Office in Deed of Trust Book 1079, at Page 19.

**TERMS OF SALE:**

- 1) The property will be conveyed in an "AS IS" physical condition by Deed containing no warranty, express or implied, subject to the Internal Revenue Service right of redemption, all property taxes, prior Deeds, liens, reservations, encumbrances, restrictions, rights-of-ways, easements, covenants, conveyances and conditions of record in the Clerk's office or affecting the subject property.
- 2) The Purchaser shall be responsible for the payment of the transfer taxes imposed by the West Virginia Code § 11-22-1.
- 3) The Beneficiary and/or the Servicer of the Deed of Trust and Note reserve the right to submit a bid for the property at sale.
- 4) The Trustee reserves the right to continue sale of the subject property from time to time by written or oral proclamation, which continuance shall be in the sole discretion of the Trustee.
- 5) The Trustee shall be under no duty to cause any existing tenant or person occupying the property to vacate said property, and any personal property and/or belongings remaining at the property after the foreclosure sale will be deemed to constitute ABANDONED PROPERTY AND WILL BE DISPOSED OF ACCORDINGLY.
- 6) The total purchase price is payable to the Trustee within thirty (30) days of the date of sale, with ten (10%) of the total purchase price payable to the Trustee at sale.

Pill & Pill, PLLC, Substitute Trustee

BY: Richard A. Pill  
Richard A. Pill, Member

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