

**COURT-ORDERED SALE OF VALUABLE REAL ESTATE
AT PUBLIC AUCTION AND BY PRIVATE OFFER**

**FREDERICK COUNTY, VIRGINIA
TAX MAP NO. 18A01-1-7-122**

**WEDNESDAY, OCTOBER 17, 2018, AT 10:00 A.M. ON THE
STEPS OF THE FREDERICK COUNTY/WINCHESTER
JOINT JUDICIAL CENTER
(KENT STREET SIDE)**

Pursuant to Order Appointing Special Commissioner of Sale and Authorizing Sale entered by the Circuit Court of Frederick County, Virginia on August 8, 2018, in the case styled County of Frederick, Virginia v. Duane Goodman, et al, Case No. CL17-755, the undersigned Special Commissioner will offer for sale at public auction:

All of that certain parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, lying and being situate in Gainesboro Magisterial District, Frederick County, Virginia, designated as Lot No. 122, in Section One of Lake Holiday Estates, as shown on that certain plat thereof titled "Final Plat Plat 7 Section One Lake Holiday Estates" dated September, 1970, drawn by Sidney O. Dewberry, C.L.S., which plat is attached to and made a part of that certain Deed of Dedication dated September 7, 1970, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia in Deed Book 368, at Page 463; and being the same property acquired by Duane Goodman and Betty J. Goodman by Deed dated November 29, 1970, of record in the aforesaid Clerk's Office in Deed Book 372, at Page 417. Tax Map No. 18A01-1-7-122 (the "**Property**").

General Location of Property: Vacant lot on the South side of Lakeview Drive in Lake Holiday Estates, Section One, located in between No. 303 Lakeview Drive (Lot 123, Section One) and No. 309 Lakeview Drive (Lot 121, Section One).

The aforesaid Property will be offered for sale on the steps of the Frederick County/ Winchester Joint Judicial Center, 5 North Kent Street, Winchester, Virginia 22601 (Kent Street side) on October 17, 2018, at 10:00 A.M.

TERMS OF SALE: All Cash. A deposit of \$5,000.00 by certified or cashier's check on day of public auction, with balance due within 15 days after confirmation of the sale by the Circuit Court of Frederick County, Virginia. After the date of the public auction, the Special Commissioner shall submit the highest bid or offer for the Property to the Circuit Court of Frederick County, Virginia for acceptance or rejection. If the sale is confirmed by the Court, then the balance of the purchase price shall be due and payable within 15 days after the date of confirmation of the sale by said Court. If the sale is confirmed by the Court, then Settlement shall be held at the offices of the Special Commissioner within 15 days of the date of confirmation of the sale by the Court, unless otherwise postponed at the sole discretion of the Special Commissioner. The successful purchaser shall pay for all recording charges, including State Grantor tax, settlement fees and all costs of conveyancing, which will be by Special Warranty Deed. Time is of the essence with respect to Settlement.

The Special Commissioner hereby solicits and shall receive any private offers or bids for the aforesaid Property, which private offers may be submitted in writing at the office address of the Special Commissioner as set forth below, and must be accompanied by a deposit in the sum of \$5,000.00 by cashier's or certified check payable to the Clerk of the Circuit Court of Frederick County, Virginia. Private offers will be accepted by the Special Commissioner up to 4:00 p.m. on October 16, 2018.

The deposit shall be applied to the credit of successful purchaser at Settlement; or, in the event of failure to complete Settlement within the time set forth after the date of sale in accordance with the terms of sale, the deposit aforesaid shall be forfeited and applied to the costs of sale, including the Special Commissioner's fees, and the Property shall be resold at the cost and expense of the defaulting Purchaser, who shall remain liable for the full purchase price, less net proceeds of any resale. Real estate property taxes for tax year 2018 will be prorated at closing.

The sale is subject to the covenants, conditions, restrictions, rights of way, and easements, if any, contained in the deeds forming the chain of title to the aforesaid Property. The aforesaid Property shall be sold **AS IS, WHERE IS, WITH ALL FAULTS.** No warranty or assurance of any kind whatsoever shall be given as to matters of zoning, restrictions, development potential, environmental status, or any other matter concerning the use, condition or status of said Property.

In the event that the Property is lawfully or unlawfully occupied at the time of the sale, the Purchaser shall have the responsibility, and bear the cost, to obtain possession of the Property.

FOR INFORMATION, CONTACT:

Michael L. Bryan, Esquire
Special Commissioner
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