

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

FREDERICK COUNTY, VIRGINIA

TAX MAP NO. 86-A-271 and

TAX MAP NO. 86-A-270

WEDNESDAY, FEBRUARY 10, 2021, AT 11:00 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 December 9, 2020, in the case styled County of Frederick, Virginia v. Parties Unknown, Case No. CL18-831, the undersigned Special Commissioner will offer for sale at public auction:

PARCEL ONE:

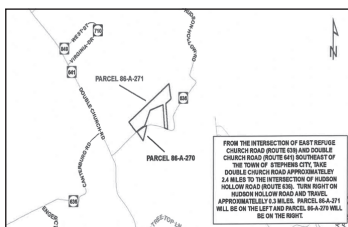
All of that certain lot or parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, lying and being situate on the north side of Hudson Hollow Road (VA. Rte. 636), in Opequon Magisterial District, Frederick County, Virginia, containing 24.662 acres, more or less (this being a conveyance in gross and not by the acre) and being more particularly described as "Residue 24.662 Acres" on that certain plat titled "Final Plat Minor Rural Subdivision and Road Dedication of Hartley Property" dated July 21, 2003, drawn by Michael M. Artz, Land Surveyor, which plat is attached to and made a part of that certain Deed dated October 31, 2003, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 030025559, and being the remainder of the lands located on the north side of Hudson Hollow Road (VA. Rte. 636) acquired by Thornton J. Hartley and Irene F. Hartley, husband and wife, by that certain Deed dated January 11, 1962, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia in Deed Book 275, at Page 591. Frederick County Tax Map No. 86-A-271.

PARCEL TWO:

All of that certain lot or parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, lying and being situate on the south side of Hudson Hollow Road (VA. Rte. 636), in Opequon Magisterial District, Frederick County, Virginia, containing 1.000 acres, more or less (according to Frederick County Tax records) (this being a conveyance in gross and not by the acre), and being the remainder of the lands located on the south side of Hudson Hollow Road (VA. Rte. 636) acquired by Thornton J. Hartley and Irene F. Hartley, husband and wife, by that certain Deed dated January 11, 1962, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia in Deed Book 275, at Page 591. Tax Map No. 86-A-270.

This is a conveyance in gross and not by the acre. Parcel One and Parcel Two will be sold separately.

General Location of Parcel One and Parcel Two:



The aforesaid Parcel One and Parcel Two will be offered for sale separately on the steps of the Frederick County/Winchester Joint Judicial Center, 5 North Kent Street, Winchester, Virginia 22601 (Kent Street side) on February 10, 2021, at 11 :00 A.M.

TERMS OF SALE: All Cash. A deposit of \$7,500.00 for Parcel One and a deposit of \$750.00 for Parcel Two, by certified or cashier's check payable to the Clerk of the Circuit Court of Frederick County, Virginia 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 bids or offers for Parcel One and Parcel Two to the Circuit Court of Frederick County, Virginia for acceptance or rejection. If the sales are confirmed by the Court, then the balance of the purchase price for Parcel One and for Parcel Two shall be due and payable within 15 days after the date of confirmation of the sales by said Court. If the sales are 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 sales by the Court, unless otherwise postponed at the sole discretion of the Special Commissioner. The successful purchaser shall pay for all recording charges, including Virginia 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 Parcel One and Parcel Two, 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 \$7,500.00 for Parcel One and a deposit of \$750.00 for Parcel Two, 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 2:00 p.m. on February 8, 2021.

The deposits shall be applied to the credit of successful purchasers 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 deposits aforesaid shall be forfeited and applied to the costs of sale, including the Special Commissioner's fees, and Parcel One and/or Parcel Two, as applicable, 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 2021 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 Parcel One and Parcel Two. The aforesaid Parcel One and Parcel Two 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 conditions, zoning, restrictions, development potential, environmental status, or any other matter concerning the use, condition or status of said Parcel One and Parcel Two.

In the event that Parcel One and/or Parcel Two are lawfully or unlawfully occupied at the time of the sale, the Purchaser shall have the responsibility, and bear the cost, to obtain possession of Parcel One and/or Parcel Two, as applicable.

FOR INFORMATION, CONTACT:

Michael L. Bryan, Esquire
Special Commissioner
116 South Braddock Street
Winchester, Virginia 22601
(540) 545-4130 (Phone)
(540) 545-4131 (Fax)