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**NOTICE OF TRUSTEE'S FORECLOSURE SALE OF REAL PROPERTY**  
08 SP 1118

2009 MAR 16 AM 9:18

Under and by virtue of the power and authority contained in that certain Deed of Trust executed and delivered by The Hammocks, LLC dba Richmond Hill Inn, LLC and Gateway Park Properties, LLC, dated October 10, 2005, and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Book 4124 at Page 1858, and because of default having been made in the payment of the indebtedness secured by said Deed of Trust and failure to do and perform the stipulations and agreements therein contained, and pursuant to demand of the Owner and Holder of the indebtedness secured by said Deed of Trust, the Substitute Trustee, Marjorie R. Mann, will expose for sale at public auction to the highest bidder for cash the property therein described, to wit:

See attached Exhibit A incorporated herein by reference.

**Present Record Owner:** The Hammocks, LLC dba Richmond Hill Inn, LLC and Gateway Park Properties, LLC

The terms of said sale are that the real property hereinbefore described will be sold for cash to the highest bidder and that the undersigned may require the successful bidder at the sale to immediately deposit cash or a certified check in the amount of five (5%) percent of the last bid or \$750.00, whichever is greater. Any successful bidder shall be required to tender the full balance purchase price so bid in cash or certified check at the time the Substitute Trustee tenders the bidder a Deed for the property, or attempts tender of such Deed. Should the successful bidder fail to pay the full balance of the purchase price bid, the bidder shall remain liable as provided in N.C.G.S. § 45-21.30(d) and (e). The owner and holder of the indebtedness secured by the Deed of Trust may make a credit bid.

The real property described in the attached Exhibit "A" will be sold subject to any and all superior liens, including taxes, special assessments, right-of-ways, and restrictions of record. The property, together with all buildings, fixtures and improvements thereon, is being sold "as is, where is" without warranty.

The Owner and Holder of the Note and Deed of Trust reserves the right to withdraw this Notice of Sale, without cause, until the date and time of final transfer of the property.

The sale will be held open for ten (10) days for upset bids as by law required.

**Date and hour of sale:** April 16, 2009 at 10:00 a.m.

**Place of sale:** Buncombe County Courthouse Steps, Asheville, North Carolina.

This the 16th day of March, 2009.

ROBERTS & STEVENS, P.A.

By:

*Marjorie R. Mann*

Marjorie R. Mann, Substitute Trustee

P.O. Box 7647

Asheville, NC 28802

828/252-6600

NC State Bar No. 13202

POSTED BY: *Rebecca Reibhardt*

DATE: 3/16/09

## EXHIBIT A

**TRACT I:** BEGINNING at an existing iron pipe, the southeast corner of Lot 23, Section 1, Richmond Hill Park, as per plat thereof recorded in Plat Book 28, Page 92, Buncombe County Registry; which iron pin is also located in the northern margin of Richmond Hill Drive (60 foot right of way); thence from said Beginning point with the northern margin of Richmond Hill Drive, South 67° 31' 38" West 80 feet to an iron pipe, the southwest corner of said Lot 23; thence with the western line of Lot 23, North 22° 28' 22" West 150.06 feet to an iron pin, the northwest corner of Lot 23; thence North 67° 31' 38" East 80 feet to an iron pin the northeast corner of Lot 23; thence the following four (4) calls with the North Carolina Baptist Homes, Inc. (see Deed Book 1183, Page 423, and Deed Book 1189, Page 460): North 40° 29' 32" East 719.98 feet to an iron pin; North 45° 41' 10" West 251.20 feet to an iron pin; North 40° 29' 10" West 285.90 feet to an existing iron pipe; North 89° 09' 55" West 460.70 feet to an existing iron pipe, the southeast corner of Lot 59, Section 4, Richmond Hill Park, as per plat thereof recorded in Plat Book 32, Page 58, Buncombe County Registry; thence with the rear lines of Lots 59, 58, 57, 56 and 55, North 00° 52' 49" East 414.04 feet to an iron pipe; thence with the rear lines of Lots 54 and 53, North 23° 22' 11" West 198.00 feet to an iron pin, Ernest L. McCombs' (now or formerly) southernmost corner (see Deed Book 1503, Page 267); thence with McCombs' southeastern line, North 39° 41' 29" East 166.73 feet to an iron pin; thence, along a curve to the right, a chord bearing and distance of South 40° 10' 42" East 112.23 feet (with a circle having a radius of 200.00 feet) to an iron pipe; thence South 23° 53' 00" East 27.86 feet to an existing iron pipe, a corner with Curtis D. Sturgill (see Deed Book 1326, Page 265); thence with Sturgill's southeastern line, North 53° 39' 36" East 253.01 feet to an existing iron pipe, the southernmost corner of Lot 2 as shown on Plat Book 46, Page 140, Buncombe County Registry; thence a new line with The Children's Grammar School, Inc. (now or formerly) (see Deed Book 1597, Page 632) the following six (6) calls: South 37° 21' 42" East 275.27 feet to an existing iron pipe; South 69° 38' 41" East 94.03 feet to an iron pipe; South 77° 50' 52" East 45.83 feet to an iron pin; North 82° 36' 17" East 37.95 feet to an iron pin; North 74° 34' 14" East 95.11 feet to an iron pin; North 69° 49' 23" East 131.98 feet to an existing iron pin; thence North 45° 16' 18" East 525.57 feet to an iron pin, the southernmost corner of Lot 21 of Rolling Oaks Estates, as shown on Plat Book 46, Page 140, Buncombe County Registry; thence with the southern and rear lines of Lots 21 and 22, North 68° 50' 48" East 118.00 feet to an existing iron pin in the western right-of-way of the Norfolk Southern Railway; thence with the right-of-way of Norfolk Southern Railway the following eight (8) calls: South 17° 23' 15" East 500.13 feet to a point; South 14° 15' 35" East 200.00 feet to a point; South 07° 34' 45" East 200.00 feet to a point; South 01° 55' 30" West 200.00 feet to a point; South 10° 39' 20" West 200.00 feet to a point; South 14° 08' 50" West 858.42 feet to a point; South 16° 51' 45" West 200.00 feet to a point; South 22° 37' 10" West 248.81 feet to a point; thence South 59° 55' 57" East 139.91 feet to a point; thence South 29° 13' 28" West 90.51 feet to a point in the center of Pearson Bridge Road; thence with the center of Pearson Bridge Road, the following six (6) calls: North 44° 13' 44" West 208.14 feet to a point; along a curve to the left, a chord bearing and distance of North 72° 01' 52" West 145.69 feet (with a circle having a radius of 156.18 feet); thence, along a curve to the left, a chord bearing and distance of South 54° 40' 55" West 157.05 feet (with a circle having a radius of 182.50 feet); thence, continuing along a curve to the left, a chord bearing and distance of South 08° 08' 19" East 201.35 feet (with a circle having a radius of 166.00 feet); South 45° 28' 08" East 63.81 feet to a point; thence, along a curve to the right, a chord bearing and distance of South 00° 10' 53" East 61.88 feet (with a circle having a radius of 43.53 feet); thence South 45° 07' 00" West 67.09 feet to a point; thence South 89° 08' 28" West 252.30 feet to a point within the right-of-way of Pearson Bridge Road; thence North 79° 52' 26" East 266.53 feet to a point; thence North 56° 34' 02" West 165.00 feet to a point; thence North 40° 27' 07" West 48.28 feet to a point; thence North 13° 06' 57" West 50.00 feet to an existing iron pipe, the southeast corner of John D. Wilson (see Deed Book 1454, Page 240); thence with Wilson's eastern line, along a curve to the right, a chord bearing and distance of North 00° 12' 12" East 230.76 feet (with a circle having a radius of 388.13 feet); thence North 12° 24' 28" East 28.20 feet to an existing iron pipe, the

southeastern corner of Lot 14 of Richmond Hills, Section 1, as per plat thereof recorded in Plat Book 28, Page 92, Buncombe County Registry; thence with the right-of-way of Richmond Hill Drive and the lines of Lots 14, 15, 16 and 17 of Richmond Hills, Section 1, the following five (5) calls: along a curve to the right, a chord bearing and distance of North 17° 39' 26" East 100.78 feet (with a circle having a radius of 550.90 feet) to a point; thence, continuing along a curve to the left, a chord bearing and distance of North 09° 15' 14" East 29.77 feet (with a circle having a radius of 63.06 feet); North 04° 23' 52" West 22.14 feet to an existing iron pin; along a curve to the left, a chord bearing and distance of North 36° 19' 18" West 109.22 feet (with a circle having a radius of 103.27 feet); North 68° 14' 45" West 232.41 feet to an existing iron pin, the northwest corner of Lot 17, Richmond Hills, Section 1; thence North 43° 56' 36" West 60.26 feet to an existing iron pin, the point and place of Beginning, and containing 54.515 acres, more or less, and as shown on a map of survey by J. Glenn Haynes R.L.S. for The Education Center, Inc., dated August 1, 1980 (revised October 20, 1994), and being all of the property conveyed to The Education Center, Inc. by deeds recorded in Deed Book 1462, at Page 307; Deed Book 1470, at Page 447; Deed Book 1517, at Page 581; Deed Book 1597, at Page 207; Deed Book 1602, at Page 508; and Deed Book 1732, Page 486, in the Office of the Register of Deeds for Buncombe County, North Carolina, and being currently identified as PIN 9639.11-66-0684; PIN 9639.11-56-5603; PIN 9639.07-67-2772; PIN 9639.11-56-8914; PIN 9639.11-56-9159; and PIN 9639.11-57-9195.

**TRACT II:** BEING all of Parcel No. 1 containing 1.586 acres, more or less, and Parcel No. 2 containing 0.541 acres, more or less, conveyed from Southern Region Industrial Realty, Inc., a Georgia Corporation, to The Education Center, Inc. a North Carolina Corporation, by deed dated November 13, 1992, and recorded in Deed Book 1721, at Page 452, in the Office of the Register of Deeds for Buncombe County, North Carolina, and being currently identified as PIN 9639.11-65-8881.

**TRACT III:** BEING all of Lot 16, Section I, of Richmond Hill Park, as shown on that Plat recorded in Plat Book 28, Page 92, of the Office of the Register of Deeds for Buncombe County, North Carolina, reference to which is made for a more particular description of said Lot, and being all that property conveyed to Grantor by deed recorded in Deed Book 2330, at Page 88, in the Office of the Register of Deeds for Buncombe County, North Carolina, and being currently identified as PIN 9639.11-56-7411.

**TRACT IV:** BEING all of Lot 17, Section One of Richmond Hill Park, as shown on a Plat recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 28, at Page 92, reference to which is hereby made for a more particular description of said Lot, and being all that property conveyed to Grantor by deed recorded in Book 2268, at Page 798, in the Office of the Register of Deeds for Buncombe County, North Carolina, and being currently identified as PIN 9639.11-56-6433.