

## NOTICE OF SUBSTITUTE TRUSTEE'S FORECLOSURE SALE

WHEREAS, on February 2, 2009, The Board of Trustees of Copper Basin General Hospital District executed a Deed of Trust, recorded on February 5, 2009, in TD Book 390, page 343, in the Register's Office of Polk County, Tennessee, to Karla Coffey of Polk County, Tennessee, as Trustee, to secure an indebtedness to United Community Bank, and modified by modification deeds of trust of record in TD Book 400, page 207, TD Book 406, page 445, TD Book 406, page 449, TD Book 413, page 481, TD Book 419, page 385, and TD Book 454, page 394, all in the Register's Office of Polk County, Tennessee.

WHEREAS, on June 30, 2017, United Community Bank assigned and transferred the indebtedness secured by the above referenced deed of trust, modification deeds of trust, and all other documents, instruments, and agreements related to and securing the indebtedness (the deed of trust, modification deeds of trust, and all other documents, instruments, and agreements related to and securing the indebtedness are collectively referred to as "Loan Documents") to Polk County, Tennessee and the City of Ducktown, Tennessee.

WHEREAS, said assignment is recorded in Misc. Book 161, page 485, in the Register's Office of Polk County, Tennessee.

WHEREAS, Polk County, Tennessee and the City of Ducktown, Tennessee are the current true and lawful owners and holders of the indebtedness, secured by the above referenced Loan Documents.

WHEREAS, The Board of Trustees of Copper Basin General Hospital District has defaulted under the terms and conditions of the Loan Documents and the default has not been cured, despite demand.

WHEREAS, Polk County, Tennessee and the City of Ducktown, Tennessee appointed Eric Brooks as Substitute Trustee in Misc. Book 163, page 344, in the Register's Office of Polk County, Tennessee.

WHEREAS, Polk County, Tennessee and the City of Ducktown, Tennessee, the current true and lawful owners and holders of said indebtedness, have declared the entire indebtedness due and payable and have directed the Substitute Trustee to proceed with foreclosure.

WHEREAS, a copy of this Notice of Substitute Trustee's Foreclosure Sale was sent to the debtor and any co-debtor on or before the first date of publication by U. S. Regular Mail and U. S. Registered or Certified Mail, Return Receipt Requested, pursuant to T.C.A. § 35-5-101(e).

NOW THEREFORE, on **Monday, June 11, 2018 at 11:30 a.m. Eastern Standard Time, at the main door (Ward Street entrance) of the Polk County Courthouse located at 6239 Highway 411 Benton, TN 37307**, I, Eric Brooks, Substitute Trustee, will sell to the highest and best bidder for cash (or credit upon the indebtedness secured, if the lawful owners and holders thereof are the successful purchasers), and in bar of the equities of redemption, homestead, dower, statutory right of redemption, and all other exemptions which are expressly waived, the following described real estate:

M-115-026.00 (Tract One, Tract Two, and Tract Three)

### **TRACT ONE (Surface Only)**

SITUATED in the Third (formerly Tenth) Civil District of Polk County, Tennessee, in the South half of Section 9, Fractional Township 4 South, Range 5 East, of the Basis Line of the Ocoee District in Polk County, Tennessee, and being more particularly described as follows:

BEGINNING at the Southwest corner of the land herein conveyed, which point of beginning is North 33 deg. 58 min. 20 sec. West, a distance of 2,874.6 feet from the Southeast corner of the South half of Section 9; thence North 85 deg. 46 min. 30 sec. East, a distance of 450 feet; thence North 07 deg. 05 min. East, a distance of 105 feet; thence South 79 deg. 51 min. 20 sec. East, a distance of 528.87 feet, to a point in the Western line of the right-of-way known as Tennessee State Highway No. 68; thence with said Western line of said right-of-way of said highway, North 10 deg. 06 min. 30 sec. East, a distance of 105 feet; thence continuing with said Western line of said right-of-way of said Highway, North 17 deg. 07 min. East, a distance of 105 feet; thence leaving said Western line of said right-of-way of said highway, North 60 deg. 45 min. West, a distance of 596 feet; thence North 74 deg. 56 min. West, a distance of 317.85 feet; thence South 66 deg. 29 min. West, a distance of 317.85 feet; thence South 09 deg. 56 min. East, a distance of 502.49 feet, to the POINT OF BEGINNING, containing 10.6 acres, more or less, said description being according to a survey made by John R. Rankin and Walter Marlette, Civil Engineers, on July 22, 1953, and shown on a map designated as N-162 on file in the General Office of Tennessee Copper Company.

BEING THE SAME PROPERTY conveyed by warranty deed recorded on March 22, 1954, in Deed Book 44, page 73, in the Register's Office of Polk County, Tennessee and corrected by deed of correction recorded on June 10, 1954, in Deed Book 44, page 191, in the Register's Office of Polk County, Tennessee.

SUBJECT to any applicable governmental zoning ordinances or subdivision regulations in effect thereon.

**TRACT TWO (Surface Only)**

SITUATED in the Third (formerly Tenth) Civil District of Polk County, Tennessee, in the South half of Section 9, Fractional Township 4 South, Range 5 East, of the Basis Line of the Ocoee District in Polk County, Tennessee, and being more particularly described as follows:

BEGINNING at the Southwest corner of land conveyed in said former deed, which point of beginning is North 33 deg. 58 min. 20 sec. West, a distance of 2,874.6 feet from the Southeast corner of the South half of said Section 9; thence North 85 deg. 46 min. 30 sec. East, a distance of 450 feet; thence North 07 deg. 05 min. East, a distance of 105 feet; thence South 79 deg. 51 min. 20 sec. East, a distance of 170 feet; thence South 28 deg. 56 min. 15 sec. West (erroneously referred to as East in deed of acquisition), a distance of 653.4 feet; thence North 33 deg. 58 min. 20 sec. West, a distance of 560 feet to the POINT OF BEGINNING, containing 3.67 acres, more or less, said description being according to a survey made by T. R. Hyde, Civil Engineer, on May 19, 1954, and shown on map designated as N-162 on file in the General Office of Tennessee Copper Company.

BEING THE SAME PROPERTY conveyed by warranty deed recorded on June 10, 1954, in Deed Book 44, page 192, in the Register's Office of Polk County, Tennessee.

SUBJECT to any applicable governmental zoning ordinances or subdivision regulations in effect thereon.

**TRACT THREE (Surface Only)**

SITUATED in the Third (formerly Tenth) Civil District of Polk County, Tennessee, in the South half of Section 9, Fractional Township 4 South, Range 5 East, of the Basis Line of the Ocoee District in Polk County, Tennessee, and being more particularly described as follows:

BEGINNING at a corner of the property, which point of beginning is North 33 deg. 58 min. 20 sec. West, a distance of 2,874.6 feet from the Southeast corner of Section 9; thence North 17 deg. 56 min. 30 sec.

West, a distance of 691.79 feet; thence North 66 deg. 29 min. East, a distance of 437.86 feet; thence South 74 deg. 56 min. East, a distance of 412.24 feet; thence South 60 deg. 45 min. East, a distance of 149.88 feet; thence South 29 deg. 15 min. West, a distance of 200.00 feet; thence North 60 deg. 45 min. West, a distance of 125.00 feet; thence North 74 deg. 56 min. West, a distance of 317.85 feet; thence South 66 deg. 29 min. West, a distance of 317.85 feet; thence South 09 deg. 56 min. East, a distance of 502.49 feet to the POINT OF BEGINNING, containing 4.54 acres, more or less, said description being according to a survey made by John R. Rankin and J. R. Davenport on July 30, 1971, and shown on a map designated as N-421 in the Cities Service Company, Copperhill Operations files.

BEING THE SAME PROPERTY conveyed by warranty deed recorded on October 10, 1989, in Deed Book 142, page 65, in the Register's Office of Polk County, Tennessee.

SUBJECT to any applicable governmental zoning ordinances or subdivision regulations in effect thereon.

The street address of the property is believed to be 144 Medical Center Drive Copperhill, TN 37317. In the event of any discrepancy between the street address and the legal description of the property, the legal description controls.

This foreclosure sale is subject to any unpaid property taxes, assessments, prior liens or encumbrances, leases, easements, and all other matters which take priority over the deed of trust under which this foreclosure sale is conducted, including but not limited to, the priority of any fixture filing and any matter that an accurate survey of the property might disclose.

This foreclosure sale is subject to the right of any tenants or other parties or entities in possession of the property that have lawful priority over the deed of trust under which this foreclosure sale is conducted.

**Federal Tax Liens:** The following Federal Tax Liens are against Copper Basin Community Hospital, Inc. In the event the following Federal Tax Liens are liens on the real property being foreclosed on in this Notice, the sale of the real property will be subject to the right of the United States to redeem the real property as provided for in 26 U.S.C. § 7425(d)(1). Pursuant to 26 U.S.C. § 7425(b), notice of this Substitute Trustee's Foreclosure Sale has been timely given to the United States regarding the following Federal Tax Liens:

Department of the Treasury – Internal Revenue Service for Notice of Federal Tax Lien against Copper Basin Community Hospital, Inc., recorded on January 30, 2017, in Federal Lien Book 3, page 24, in the Register's Office of Polk County, Tennessee.

Department of the Treasury – Internal Revenue Service for Notice of Federal Tax Lien against Copper Basin Community Hospital, Inc., recorded on May 1, 2017, in Federal Lien Book 3, page 27, in the Register's Office of Polk County, Tennessee.

Department of the Treasury – Internal Revenue Service for Notice of Federal Tax Lien against Copper Basin Community Hospital, Inc., recorded on July 20, 2017, in Federal Lien Book 3, page 32, in the Register's Office of Polk County, Tennessee.

**State Tax Liens:** The following State Tax Lien is against Copper Basin Medical Center. In the event the following State Tax Lien is a lien on the real property being foreclosed on in this Notice, the sale of the real property will be subject to the right of the State of Tennessee to redeem the real property as provided for in T.C.A. § 67-1-1433(c)(1). Pursuant to T.C.A. § 67-1-1433(b)(1), notice of this Substitute Trustee's Foreclosure Sale has been timely given to the State of Tennessee regarding the following State Tax Lien:

Tennessee Department of Labor & Workforce Development for Notice of State Tax Lien against Copper Basin Medical Center, recorded on January 29, 2018, in Lien Book 16, page 254, in the Register's Office of Polk County, Tennessee.

**Parties Interested:** Pursuant to T.C.A. § 35-5-104, a copy of this Notice of Substitute Trustee's Foreclosure Sale has been provided to:

Copper Basin Community Hospital, Inc. d/b/a Copper Basin Medical Center, City of Copperhill, Tennessee, U. S. Small Business Administration, North Georgia Physical Therapy Associates, Mahmood Siddiqui, MD, Allen Uhlik, MD, Daniel Eichenbaum, MD, and Erlanger Health System, Beckman Coulter, Inc., Office of the Tennessee Attorney General, State of Tennessee - Bureau of TennCare, United States Department of Health and Human Services - Centers for Medicare & Medicaid Services, Anna Clark C/O H. Franklin Chancey, Esq., Anne Bartlett, Carina Walker, Carla Persaud, Carol Dilbeck, Carol Nolan, Carolyn Baine, Carrol Ledford, Clarissa Oliver, Dana Jones, Daniel Johnson, Doris Towe, Elisabeth Thomas, James Baine, Jayne Foster, Jennifer Moore, Jessica Leslie, Judy Walker, Kathy Pack, Kayla Hemming, Kimberly Stuart, Linda Vaughn, Melissa Smith, Michelle Crowder, Rebecca Fowler, Rebecca Worley, Robert Ray, Sara Black, Stephanie Deal, Susan Welch, Timothy Grader, Tricia Deal, Vicki Ledford, and Tim Henry.

Substitute Trustee will sell and convey as Substitute Trustee only. The Substitute Trustee makes no warranties or representations, expressed or implied, as to the legal description, status or quality of title, physical or environmental condition of the land and any improvements thereon, zoning classifications, restrictions, access, code violations, previous or future use, soil conditions, environmental or wetland issues, utility access or availability, and any other warranty or representation of any kind whatsoever.

This property is being sold "where is", "as is", and "with all faults" without warranty or representation of any kind, expressed or implied, relating to title, condition, possession, quiet enjoyment, merchantability, and fitness for a particular use or purpose.

This property is being sold with the expressed reservation that it is subject to confirmation by the Lender or Substitute Trustee. The Substitute Trustee reserves the right to rescind the sale of the property held pursuant to this Notice of Substitute Trustee's Foreclosure Sale at any time. In the event the Substitute Trustee rescinds the sale, the purchaser shall only be entitled to a return of any money paid toward the purchase price and shall have no other recourse.

The right is reserved to adjourn the day of the foreclosure sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above. In the event the highest bidder does not honor the highest bid within 24 hours, the next highest bidder at the next highest bid will be deemed the successful bidder.

This foreclosure sale may be subject to further terms, conditions, and matters announced on the day of sale. All announcements made on the day of foreclosure sale take precedence over any information provided previously, either written or oral.

This is an attempt to collect a commercial indebtedness.

Witness my hand this 9<sup>th</sup> day of May, 2018.

/s/ Eric Brooks  
ERIC BROOKS, Substitute Trustee

**Publication dates: May 11, 2018, May 18, 2018, and May 25, 2018.**