

CERTIFICATE OF PUBLICATIONFrom **THE NEWS-POST** Frederick, Md.

BOOK 48 PAGE 305

Frederick, Md.

This is to certify that the annexed

Assignee's Sale

was published in

Assignee's News-Post

newspaper published in Frederick County on the following

dates:

January 13, 1984

THE NEWS-POST

Per

*J.N. O'Neil***ASSIGNEE'S SALE**

of valuable, fee simple, improved real property located in the Town of Brunswick, Frederick County, Maryland, at the intersection of Maryland Avenue and Potomac Street.

Under and by virtue of a power of sale contained in a mortgage from George Dewey Heffner and Rebecca Faye Heffner, his wife, unto Farmers and Mechanics National Bank dated July 15, 1977, said mortgage being recorded at Book 1024, page 678, one of the Land Records of Frederick County, with said mortgage being in default and having been assigned unto the undersigned assignee for foreclosure, the undersigned will offer for sale at public auction at the clock tower of the Frederick County Courthouse located at the intersection of Court Street and West Patrick Street in Frederick City, on

TUESDAY, JANUARY 31, 1984**AT 10:00 A.M.**

all the following real estate and improvements being subject to the above mortgage:

ALL those pieces or parcels of land situate on the south side of West Potomac Street, and on the west side of Maryland Avenue, and now described in one general outline, beginning for the same at the point where the south right of way line of West Potomac Street intersects the west right of way line of Maryland Avenue, said point being also at the northeast corner of the second parcel of land conveyed by Anna A. Socks, et. vir., to Myer Kaplon, et al., by deed dated April 12, 1938 and recorded in Liber No. 412, Folio 149, one of the Land Records of the County aforesaid, and thence as heretofore surveyed by D. K. Sutcliffe & Associates, Surveyors and Engineers, and running and binding on the said west right of way line of Maryland Avenue aforesaid and on the east outline of said second parcel, (1) South 20° 40' 37" West 36.00 feet to a point, thence leaving said right of way line, and running and binding on the south outline of said second parcel, (2) North 70° 10' 17" West 105.00 feet to a point, thence running and binding on the east side of the third parcel of land conveyed by the aforesaid deed, (3) South 20° 40' 37" West 30.00 feet to a point, thence running and binding in part on the north outline of the first parcel of land conveyed by said deed, (4) South 66° 21' 51" East 10.75 feet to an iron tee bar with Registered Land Surveyor's cap No. 2046 heretofore set in the ground (hereinafter referred to as a standard marker), thence running and binding on the east outline of the aforesaid first parcel of land, (5) South 20° 11' 23" West 66.25 feet to a standard marker, thence by a line of division across the said first parcel of land conveyed by the aforesaid deed, (6) North 67° 55' 06" (crossing over a railroad spike at the end of 24.64 feet on said line) 81.30 feet, more or less, to intersect the western outline of the whole property as shown on the plat hereinafter mentioned, (being the North 20° 40' 37" East 198.00 feet line), at a point 66 feet, more or less, from the beginning thereof, thence by and with said line (7) 20° 40' 37" East 132 feet, more or less, to the end thereof at a point in the south right of way line of West Potomac Street, and thence running and binding on the said south right of way line of West Potomac Street, and in part on the north side of the last-mentioned parcel, and in part on the north side of the third parcel of land, and in part on the north side of the second parcel of land conveyed by the deed from Anna A. Socks, et. vir., to Myer Kaplon, et. al., dated and recorded as hereinbefore set forth, (8) South 70° 10' 17" East 175.00 feet to the place of beginning, containing 13,753 square feet of land, more or less, said real estate being further identified by the following conveyances:

PARCEL B: Being all and the same real estate conveyed by Elisha James, et ux., to Victor Kaplon, by deed dated October 22, 1904, and recorded in Liber S.T.H. No. 274, Folio 530, one of the Land Records of the County aforesaid.

PARCEL C: Being all and the same real estate conveyed by Levin West unto Victor Kaplon, by deed dated May 25, 1906, and recorded in Liber S.T.H. No. 274, Folio 531, one of the Land Records of the County aforesaid.

PARCEL D: Being the third parcel of land described and conveyed in a deed from Anna A. Socks, et. vir., to Myer Kaplon, et al., dated April 12, 1938, and recorded in Liber No. 412, Folio 149, one of the Land Records of the County aforesaid.

PARCEL E: Being the second parcel and part of the first parcel of land described and conveyed in a deed from Anna A. Socks to Myer Kaplon, et. al., dated April 12, 1938, and recorded in Liber No. 412, Folio 149, one

of the Land Records of the County aforesaid.

EXPRESSLY RESERVING AND RETAINING, HOWEVER, unto the said Frances E. Kaplon, Myer Kaplon and Abraham I. Kaplon, their Personal Representatives, heirs and assigns, the right to use, in common with the owner of the herein described property, his Personal Representatives, heirs and assigns, the gravel driveway 10 feet, more or less, wide, leading from the south side of West Potomac Street for purposes of ingress and egress to the garage located in the rear of the property known as 11 South Maryland Avenue.

BEING all of that real property conveyed unto George D. Heffner by deed from Frances E. Kaplon, Myer Kaplon and Abraham I. Kaplon dated March 8, 1977, and recorded at Book 1012, page 39, one of the Land Records aforesaid.

The property to be foreclosed and described herein is improved with a 3-story brick, commercial building with a street address of 102-108 West Potomac Street (formerly known as the Kaplon Building) with a full basement. The basement level consists of approximately 3,500 square feet with sound interior concrete block walls and street level access. The first floor (street level) has wood floors, drywall and paneled walls and a metal ceiling with a half-bath, with the remaining two floors being of similar construction. The top three floors have an average of about 3,500 square feet each. The building's roof is metal and built-up tar composition and the building has fairly new plumbing facilities and has some recently installed heating and cooling systems of central air and heat. Heat is forced air, oil fired. For some time this property was used for the operation of a business known as "Dewey's Home Furnishings" and the operation of a local Western Auto store. Part of the property subject to the mortgage consists of vacant lots adjacent to the building which could serve as off-street parking (access off of Potomac Street), but access thereto is used in common as access to the garage located at the rear of 11 South Maryland Avenue. The property and improvements are being sold "as is" with no guarantee or warranty concerning the condition thereof and pursuant to the description contained in the aforesaid mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area.

TERMS OF SALE: A deposit of \$9,500.00 of the sale price will be required of the purchaser at the time and place of sale in the form of cashior's, certified or other check acceptable to Assignee, payable or endorsed to the Assignee. The balance of the purchase price shall be paid within 15 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland, with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 10.0% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment to date of sale and assumed thereafter by the purchaser. All settlement related costs and recordation costs of any nature including, but not limited to, transfer taxes, state stamps, survey expense (if any), settlement fees, recording costs, document preparation and title search, shall be paid by the purchaser. Assignee reserves the right to withdraw the herein described property from sale at any time. In the event of default, the Assignee reserves the right to declare as forfeited the deposit of purchaser as liquidated damages or to resell the property at the purchaser's risk. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as all easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgage being foreclosed.

NOTE: For additional information, contact the Assignee or Auctioneer.

JOSEPH S. WELTY

Assignee

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