

CWF 11-1031 1

VIRGINIA:

IN THE CIRCUIT COURT OF LANCASTER COUNTY

REPORT OF TRUSTEE IN FORECLOSURE UNDER DEED OF TRUST OF TARTAN INVESTMENT GROUP, LLC

TO: THE HONORABLE FRANCIS A. BURKE,
COMMISSIONER OF ACCOUNTS

The undersigned, trustee under that certain deed of trust dated December 27, 2007, duly recorded in the Clerk's Office of the Circuit Court of Lancaster County, Virginia, as Instrument #070003451, from Tartan Investment Group, LLC, to B. H. B. Hubbard, III, and Raymond L. Britt, Trustees, either of whom may act, to secure Arthur's Cove Land Trust, in the payment of a certain note dated December 27, 2007, in the original principal amount of \$100,000.00, respectfully reports as follows:

Pursuant to the request of the noteholder, default having occurred in the payment of said note, the undersigned substitute trustee proceeded to sell the property therein described, which property is generally known as Lot 2C, Highlands Subdivision, Weems, Lancaster County, Virginia 22576 (Tax Map 27B-(4), Parcel 4P), after giving notice to current owner, East Coast Resorts, LLC, and to subordinate lien holders, (including the Internal Revenue Service), pursuant to Code of Virginia, 1950, as amended, §55.59.1, and after first advertising the time, place and terms thereof by publication once a week for four successive weeks in the Rappahannock Record, a newspaper having general circulation in Lancaster County, Virginia, which publication was on January 13, 20, & 27, and February 3, 2011.

The said sale was held on the front steps of the Lancaster County Judicial Center (the new Courthouse), in Lancaster, Virginia, on February 4, 2011, at 10:00 a.m., and the subject property

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HUBBARD, TERRY
& BRITT
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
VINGTON, VIRGINIA 22480

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was sold to Arthur's Cove Land Trust, the last and highest bidder for \$100,000.00.

The following is a statement of the receipts and disbursements of the undersigned substitute trustee in this matter:

RECEIPTS:

Credit against note	\$92,846.88	
From high bidder	<u>7,153.12</u>	\$100,000.00

DISBURSEMENTS:

Treasurer, Lancaster County		
-delinquent 2010 taxes	680.00	
-pro-rata 2011 taxes	<u>87.12</u>	767.12
Hubbard, Terry & Britt- preparation of deed		150.00
<i>Rappahannock Record-</i> publication costs		820.00
Commissioner of Accounts- -commissioner fee		250.00
Clerk, Circuit Court-		
-recording accounting		16.00
-Grantor's tax on deed		150.00
B. H. B. Hubbard, III, Trustee- -trustee's commission		5,000.00
Credit against note	<u>92,846.88</u>	<u>\$100,000.00</u>

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As of the date of sale, the balance on the note secured by the deed of trust was \$102,538.34, after applying the net proceeds of \$92,846.88 from the foreclosure sale, the remaining balance on the note was \$9,691.46.

Attached are the following for the Commissioner's review:

- A. Deed of Trust

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- B. Note showing credit
- C. Assignment of note back to Arthur's Cove Land Trust
- D. Notice Letter to Borrower
- E. Notice to subordinate lien holders
- F. Notice of Sale
- G. Certificate of Publication
- H. Memorandum of Sale
- I. Deed
- J. Cancelled Checks & Bank Statements

Respectfully submitted,



B. H. B. Hubbard, III, Trustee

LAW OFFICES
**Hubbard, Terry
& Britt**
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WINSTON, VIRGINIA 22460

COMMISSIONER'S OFFICE

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SEPTEMBER 13, 2011

To the Circuit Court of Lancaster County:

B.H.B. Hubbard, III, Trustee, exhibited to the Commissioner of Accounts the following:

1. Original Noted dated December 27, 2007 made by Tartan Investment Group, LLC payable to Matson C. Terry, II, Trustee of the Arthur's Cove Land Trust on which the Trustee has made a notation of a credit from the proceeds of this foreclosure sale.
2. Original recorded Deed of Trust dated December 27, 2007 by and between Tartan Investment Group, LLC and B.H.B. Hubbard, III and Raymond L. Britt. Trustees, recorded December 28, 2007 in the aforesaid Clerk's Office as instrument number 070003451.
3. Original of Modification of Note and Deed of Trust dated December 23, 2008 between Tartan Investment Group, LLC and Matson C. Terry, II, Trustee of The Arthur's Cove Land Trust, said Modification Agreement being recorded in the aforesaid Clerk's Office on December 30, 2008 as Instrument #080002946.
4. Original Assignment of Deed of Trust dated December 30, 2008 from The Arthur's Cove Land Trust, (Matson C. Terry, II, Trustee and Patricia N. Lawler. Beneficiary) to Grand Bank for Savings, FSB, recorded in the aforesaid Clerk's Office as Instrument 080002947.
5. Original of Assignment of Deed of Trust from Grand Bank for Savings, fsb to The Arthur's Cove Land Trust, dated November 1, 2010, recorded in the aforesaid Clerk's Office as Instrument #100002167.
6. Notice of Sale dated December 31, 2010 and certified mail receipts to Tartan Investment Group, LLC. East Coast Resorts, LLC
7. Notice of Sale dated January 3, 2010 to Technical Services Group Manager of the Internal Revenue Service
8. Notice of Sale dated December 3, 2010 to Mr. Herbert L. Aman, III Registered Agent for The Tartan Investment Group.

- 9. Notice of Sale mailed January 19, 2011 to Helena Chemical Company and Office of Compliance, District Office- Richmond
- 10. Notice of Sale mailed January 21, 2011 to EVB (four different notices to four different addresses)
- 11. Certificate of Publication by the Rappahannock Record.
- 12. Original Memorandum of Sale by and between the Trustee and purchaser, Matson C. Terry, II, Trustee of The Arthur's Cove Land Trust.
- 13. Proper vouchers substantiating the disbursements set forth in the account of sale.
- 14. Trustee's Deed dated February 4, 2011, by and between B.H.B. Hubbard, III, Trustee to Matson C. Terry, II, Trustee of The Arthur's Cove Land Trust, recorded in the Circuit Court Clerk's Office of the County of Lancaster as Instrument #11001334 on July 20, 2011.

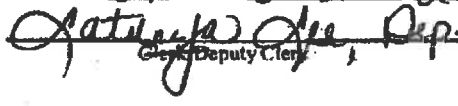
I am satisfied that proper notice of sale was given to the grantors of the deed of trust. advertisement was made in accordance with the deed of trust and Virginia Code § 55-59.2. and all funds received by the trustee are properly accounted for.

I included the Account of Sale on the list of fiduciaries whose accounts were before me for settlement, which list was posted on September 2, 2011, at the front door of the Courthouse of the Circuit Court of Lancaster County, Virginia, and on the date of this report, more than ten days having elapsed since such posting to offer any objection thereof.

9/14/11
Date


Assistant Commissioner of Accounts

This report having been filed in the Clerk's Office of this Court on the 20th day of September, 20 11 and not exceptions having been filed thereto, pursuant to §26-33 of the code of Virginia as amended by the Acts of 1950, same is hereby recorded as of the 5th day of October, 2011.

Teste: 
Clerk Deputy Clerk