

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNITTD BANK, N.A., Successor by Merger to
TD Banknorth, N.A.

Plaintiff,

v.

CIVIL DIVISION
DOCKET NO. 708-10-10 WncvLINDSAY S. BARKAN, IRWIN J. BARKAN,
ZACHARY D.S. BARKAN, TAYLOR C.S.
BARKAN, WESLEY L.S. BARKAN a Minor by
and through his Parents or Guardian Ad Litem
CLAY BROOK AT SUGARBUSH UNIT
OWNERS' ASSOCIATION, LLC, and
OCCUPANTS at 102 Forest Drive, Unit 224
Interval III, Warren, VT 05674

Defendant(s).

SECOND NOTICE OF SALE

A Judgment and Decree of Foreclosure by Judicial Sale dated July 21, 2011, concerning land and premises secured by a mortgage deed from Lindsay S. Barkan and Irwin J. Barkan to MERS as nominee for lender TD Banknorth, N.A. n/k/a TD Bank, N.A., dated March 6, 2007, recorded March 7, 2007 in Book 189, Page 95 of the Town of Warren Land Records, and assigned from MERS to TD Bank, N.A. by assignment dated March 29, 2011 and recorded April 7, 2011 in Volume 210, Page 604, was issued with a final redemption date of January 27, 2012. The redemption period expired with no redemption. The sale was stayed when defendant Irwin J. Barkan filed Bankruptcy. The stay was lifted and an Order Granting Request to Lift Stay, dated November 29, 2012, was entered by this Court. In accordance with the Judgment and Decree of Foreclosure by Judicial Sale and the Order Granting Request to Lift Stay:

Please take notice the Property shall be sold at Public Auction at the Property located at 102 Forest Drive, Unit 224, Interval III, Warren, Vermont at 11 o'clock a.m. on the 18th day of January 2013. The Property to be sold is all and the singular land and premises described more particularly in the said mortgage deed, which is the subject of this foreclosure. To wit:

Being all and the same lands and premises conveyed to Irwin J. Barkan and Lindsay S. Barkan by Warranty Deed of Clay Brook at Sugarbush, LLC dated 3-6-07 and to be recorded of approximately even date herewith in the Town of Warren Land Records.

Being Condominium Unit No. 224 (with lock-out 222), Interval III, (the "Unit") of Clay Brook at Sugarbush Condominium (the "Condominium") as described and depicted in the Declaration of Condominium and Fractional Interests for Clay Brook at Sugarbush Condominium, and all Exhibits thereto, dated November 22 and recorded in Volume 185 at Page 140 of the Town of Warren Land Records (the "Declaration"), together with the Unit's Allocated Interest in the Common Elements of the Condominium as depicted and described in Exhibit "D" of said Declaration (the Unit and its Allocated Interest are collectively referred to herein as the "Property"). The post office address of the Unit is 10-2 Forest Drive, Unit #224, Warren, Vermont 05674.

The location of the Unit, and the land comprising the Common Elements of the Condominium are depicted on a plat entitled: "2 Lot Subdivision Proposed by Summit Ventures NE, LLC, Sugarbush Access Road - Warren Township, Washington County - State of Vermont," prepared by Charles Grenier Consulting Engineer, P.C., dated June 6, 2005 and recorded in Map Volume 3 at Page 485 (Map Slide 270) of the Town of Warren Land Records (the "Plat") and plan entitled: "Condominium Plan, Clay Brook at Sugarbush Condominium, Sugarbush Resort, Warren, Vermont," prepared by Charles Grenier Consulting Engineer, P.C., dated October 30, 2006 and recorded in Map Slide 275 at Page 525 of the Town of Warren Land Records (the "Plan").

The specific location of the Unit within the Building, its vertical boundaries and the floor plans of the Unit are described and depicted in Exhibit "C" to the Declaration, which floor plans are recorded in Map Slide 275 at Pages 526-531 of the Town of Warren Land Records (the "Floor Plans"). Also included herein, is the Unit's interest in the Common Elements and Limited Common Elements of the Condominium, as depicted on the Plan and Floor Plans, including, without limitation, the Unit's interest in Locker 224 located within the Parking Garage depicted on the Floor Plans, subject to the terms set forth in the Declaration for the use of such areas.

Conveyed with the Property, appurtenant to and indivisible therefrom, is one (1) of the memberships in Clay Brook at Sugarbush Unit Owners' Association, Inc. A non-profit corporation formed to operate and maintain, supervise and otherwise care for and manage the Common Elements of the Condominium. The Bylaws of the Association are attached as Exhibit "E" to the Declaration.

The Property is conveyed with the benefit of rights-of-way and easements, in common with Grantor and others, for ingress, egress, and utilities through the Common Elements of the Condominium, all as more particularly described in the Declaration.

The Property comprises a portion of the land and premises conveyed to Clay Brook at Sugarbush, LLC by Warranty Deed of Summit Ventures NE, LLC, dated June 13, 2005 and recorded in Volume 174, Page 539 of the Town of Warren Land Records.

Reference is made to the above mentioned deeds and their records, and to the Town of Warren Land Records, in further aid of this description.

Terms of Sale:

The Property will be sold in its entirety "AS-IS, WHERE IS, WITH ALL FAULTS" (known or unknown), with no representations or warranties of any kind what-so-ever, to the highest bidder as a single unit. It is up to each bidder to perform its own due diligence with respect to the Property prior to the Public Sale that a bidder deems sufficient.

The Property will be sold subject to and the high bidder will be responsible for payment of any and all, delinquent and current, taxes, municipal assessments, with all penalties and interest, any association fees not extinguished by this foreclosure action, and any superior liens.

The Property will be sold subject to restrictions, improvements, covenants, tenancies, rights, encumbrances and matters of any kind and every nature of which may take precedence over the lien of the Mortgage being foreclosed.

The high bidder shall pay a deposit of at least \$10,000.00 or ten percent (10%) of the bid, whichever is larger, at the time of the bid, in cash, treasurer's check or certified check at the time of Auction, although a smaller percentage may be accepted at the discretion of TD Bank, N.A. or its representative with the full ten percent (10%) due within three (3) business days of the Auction. The balance of the high bid to be due and paid at closing. Closing to take place within forty five (45) days of the auction or ten (10) business days after confirmation by the court, whichever is longer. The sale is subject to confirmation by the Vermont Superior Court. Failure to pay the balance of the purchase price when due will result in forfeiture of the deposit to be applied to cover the expenses of sale and of any subsequent sale, with any amounts remaining to be retained by TD Bank, N.A. The successful bidder, other than Mortgagee, will have to sign a no contingency purchase and sale agreement satisfactory to the mortgagee at the conclusion of the Public Sale. See Judgment and Decree of Foreclosure by Judicial Sale for additional terms and conditions.

If there is any change to the date or time of the auction you will be given notice of the new date and time of sale either at least twenty-one (21) days prior to the scheduled sale date, or by public proclamation at the sale with five (5) days notice of the new sale date.

Pursuant to 12 V.S.A. Section 4949 the mortgagor shall have additional rights to redeem the property up to date of sale by paying the full amount due.

Other terms to be announced at the sale or inquire at Woodward & Kelley, PLLC, 1233 Shelburne Road, Suite D-3, South Burlington, Vermont 05403, telephone (802) 652-9955.

The sale to be conducted by Vermont licensed auctioneer, Harv Levin, P.O. Box 2114, New Castle, NH 03854, (603) 502-0111.

Dated at South Burlington, Vermont this 10th day of December, 2012.

Is/Marikate E. Kelley
By: Marikate E. Kelley
Woodward & Kelley, PLLC
Attorneys for TD Bank, N.A.

CLASSIFIED ADS

classifiedads@valleyreporter.com

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split and delivered. \$250/cord. Call
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34-39P

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36-37P

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see *The Valley Reporter* Business
Listings in this issue and at www.valleyreporter.com.

RO

For Sale

QUALITY CUSTOM contemporary
pre-cut pine log home by Caledon.
1,500 sq.ft. house, anodized alu-
minum roof, 2-3 bedroom, 2 bath.
Two-car garage with guest quar-
ters above. Plans and complete
materials list available for review.
\$91,000. Call 985-3240 or 985-
4097.

RO

CAN'T GET TO THE GYM? A per-
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gether a safe and effective workout
you can do at home with minimal
equipment. Why 'weight' any lon-
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\$200 per cord. Cut to your length,
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wood starting at \$265 per truckload
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279-9563, ricketts@madriv.com.

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WINTER BOGS BOOTS: Great
selection for the whole family,
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Miscellaneous

SUNDAY BRUNCH BUFFET,
9am-2pm, Hancock, VT. Old Han-
cock Hotel, 767-4976.

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SOMETHING SEW RIGHT, cloth-
ing alterations, formerly located at
the old church, has moved to 29
West Street, Barre. Hours: Mon-
day-Friday, 10-5. Some Saturday
appointments. 476-1111.

33-36P

WINTER FUN GUIDED Snowshoe
and Rocketshoeing Adventures
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reservations call 496-2708.

36P

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members: veteran fitness instruc-
tor and personal trainer Lisa Loo-
mis is available for personal train-
ing at either club. Call 496-4484 for
details.

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classifiedads@valleyreporter.com

TOWN OF WARREN WARNING
COVERED BRIDGE #6 RESTORATION

Bid Description:

Town of Warren: Request for Qualifications (RFQ) for Design Engineer Project: Warren STP EH12(4) The Town of Warren is requesting Statements of Qualifications (SOQ)s from engineering firms (Consultants) for engineering services for Covered Bridge #6 Restoration in the Town of Warren. The Town is seeking a Consultant with expertise in designing, engineering and permitting a bridge which focuses on the repair of the western abutment and the addition of wingwalls, as described in the Project Description and History. The procurement process for selection of the Consultant will be a Qualifications Based Selection (QBS). We are not seeking a detailed scope of work or cost proposal at this time. The successful Consultant will be selected based upon their demonstrated ability to provide the highest qualified team to achieve the goals of the project through their SOQ and possible interview with the selection committee. Project Development Through a cooperative agreement between the Town and the Vermont Agency of Transportation (VTTrans), the Town will manage the project while the VTTrans Local Transportation Facilities Unit (LTF) administers funding and reviews project material for compliance to Federal and State standards and policy's as laid out in the LTF Guidebook. The owner of the project is the Town and the sole authority for the Consultant during the project rests with the Town of Warren Select Board. The Local Project Manager (LPM) is Barry Simpson, Director of Public Works for the Town of Warren. The consultant will work directly with the LPM Project Manager during the development process. The project will be developed according to the guidelines established by the VTTrans Local Transportation Facilities Program. Questions related to the LTF project development process can be answered by: LTF Project Supervisor Wendy Pelletier, PE VT Agency of Transportation, LTF, One National Life Drive, Montpelier, VT 05633-5001 - phone (802) 828-3885 or email wendy.pelletier@state.vt.us.

Closing Date: 1/10/2013 3:00 PM

Contact Information:

Barry Simpson

Phone: (802) 496-2709 Ext. 29

Email: forevermont@hotmail.comFor additional information: <http://www.warrenvt.org/>