

August 29, 2025

Property address:
1252 Lower Mill Road
Hixson, Tennessee 37343
Map/Parcel No. 091K-B-011

TRUSTEE'S SALE HAS BEEN POSTPONED

Notice is hereby given that the Trustee's Sale originally set for Friday, June 13, 2025, at 12:00 p.m. local time outside the southwest corner of the Hamilton County Courthouse Building, in Chattanooga, Tennessee, and previously postponed until July 3, 2025, at 12:00 p.m. local time outside the southwest corner of the Hamilton County Courthouse Building, in Chattanooga, Tennessee, and previously postponed until July 31, 2025, at 12:00 p.m. local time outside the southwest corner of the Hamilton County Courthouse Building, in Chattanooga, Tennessee, and previously postponed until August 29, 2025, at 12:00 p.m. local time outside the southwest corner of the Hamilton County Courthouse Building, in Chattanooga, Tennessee **has been postponed and rescheduled again.**

New Foreclosure Sale Date:

The sale is now scheduled to occur on **September 26, 2025 at 12:00 p.m.** local time outside the southwest corner of the Hamilton County Courthouse Building, in Chattanooga, Tennessee.

The Original Notice of Trustee's Sale was published in the *Hamilton County Herald* on May 23, 2025, May 30, 2025, and June 6, 2025, as follows:

NOTICE OF TRUSTEE'S SALE

WHEREAS, DONNA M. BROWN, also known as DONNA H. BROWN, also known as DONNA HENSLEY BROWN, conveyed to Evan W. Sharber, as Trustee (the "Trustee"), real property in Hamilton County, Tennessee by a Tennessee Deed of Trust, dated April 24, 2024, and recorded on April 24, 2024, as Instrument No. 2024042400098 in the Register's Office of Hamilton County, Tennessee ("Deed of Trust"), to secure payment and performance of the debt described in the Deed of Trust; and

WHEREAS, ACME Environmental Services, LLC, a Florida limited liability company (the "Lender"), is the owner and holder of the debt secured by and the beneficiary of the Deed of Trust; and

WHEREAS, default has been made under the Deed of Trust and the Lender has declared the entire balance due and payable and has instructed the Trustee to foreclose the Deed of Trust in accordance with its terms.

NOW THEREFORE, the Trustee, on **Friday, June 13, 2025, commencing at 12:00 p.m.**, local time, outside the southwest corner of the Hamilton County Courthouse Building in Chattanooga, Hamilton County, Tennessee, will offer for sale and sell at public auction to the highest and best bidder for cash the property therein conveyed and described as follows:

LOCATED IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE:

Tract One (1) Located in the City of Chattanooga, Hamilton County, Tennessee; Lot Forty-eight (48), Olde Mill Subdivision, as shown by plat of record in Plat Book 25, Page 121, in the Register's Office of Hamilton County, Tennessee.

Tract Two (2): A tract of land lying south and contiguous to Lot Forty-eight (48), Olde Mill Subdivision, as shown by plat of record in Plat Book 25, page 121, in the Register's Office of Hamilton County, Tennessee, and more particularly described as follows: Beginning at the southeast corner of said Lot 48 and to the northwest corner of Tract 2, conveyed to Gene E. Potts, et ux, by deed of record in Book 1785, page 392, in the Register's Office; thence along an extension of the east line of said Lot 48, and along the west line of said Potts Tract west line, South 20 degrees, 55 minutes East to North Chickamauga Creek; thence northwestwardly, along said creek, to the point of intersection of said creek and the extension of the west line of said lot 48; thence north 20 degrees, 55 minutes west along said extension to the southwest corner of said Lot 48; thence North 69 degrees, 05 minutes East, along the south line of Lott 48, 90 feet to the point of beginning.

Reference is made for prior title to Decree recorded in Book 9480, Page 522, in the Register's Office of Hamilton County, Tennessee.

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TOGETHER WITH (i) all buildings and improvements now or hereafter erected on the above-described property, (ii) all fixtures attached to the above-described property or any buildings or improvements situated thereon, and (iii) all estates, rights, tenements, hereditaments, privileges, rents, issues, profits, easements and appurtenances of any kind benefiting the above-described property, all means of access to and from the above-described property, whether public or private, and all water and mineral rights.

The sale shall be in bar of the equity or redemption and all rights of redemption contained in Tennessee Code Annotated Section 66-8-101 et seq., homestead, elective share, rights of appraisement, and all other rights and exemptions of every kind, all of which are expressly waived in the Deed of Trust, but excluding any statutory right of redemption of a governmental agency, state or federal, that survives this sale as a matter of law. Title is believed to be good, but the undersigned will sell and convey only as Trustee.

The Deed of Trust is subject to the following: (a) unpaid taxes or assessments against the property; (b) recorded easements, restrictions, conditions, covenants, setback lines, rights-of-way or subdivision plats affecting the property; (c) dedication of roads affecting the property and applicable governmental zoning and subdivision ordinances and regulations; (d) prior or superior liens, judgments, deeds of trust or other interests of record; (e) matters that an accurate survey of the property might disclose; and (f) any tenants which may be in possession of the property, to the extent they have any rights to remain in possession of the property that survive foreclosure.

To the best of the Trustee's knowledge, information and belief, there are no junior Federal or State tax lien claimants upon the subject property which may require notice pursuant to the terms and provisions of T.C.A. § 35-5-104, T.C.A. § 50-7-404(i)(2)(B) or T.C.A. § 67-1-1433 or 26 U.S.C. § 7425.

THE PROPERTY IS TO BE SOLD WITHOUT COVENANTS OR WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.

Trustee, at his sole discretion, at the time and place appointed above for the sale, to accomplish the most advantageous sale and consequent discharge of his trust obligation under the circumstances, reserves the right to do any or all of the following:

(1) Postpone the sale of all or any portion of the property by public announcement at such time and place of sale, and from time to time thereafter postpone such sale by public announcement at the time fixed by the preceding postponement or subsequently noticed sale, and, without further notice, make such sale at the time and place fixed by the last postponement, or in his discretion, give a new notice of sale.

(2) Appoint an agent to sell the property in accordance with the power of sale contained in the Deed of Trust and to take other action which the Trustee may take thereunder.

(3) Elect to delay the sale for a reasonable time during regular business hours on the same day to be continued at the same place at the announced time in order to enable any bonafide bidder to determine and submit a bid, so long as no potential purchaser is thereby precluded from placing a bid.

(4) Elect to sell the property in any other manner as may accomplish the most advantageous sale and consequent discharge of his trust obligation under the circumstances.

The failure of the high bidder to close this sale shall be cause for rejection of the bid, and if the bid is rejected, the Trustee shall have the option of making the sale to the next highest bidder who is capable and willing to comply with the terms thereof. The proceeds of the sale will be applied to the debt described in the Deed of Trust.

CURRENT PROPERTY OWNER:

DONNA M. BROWN, also known as DONNA H. BROWN, also known as DONNA HENSLEY BROWN

OTHER LIEN HOLDERS OR HOLDERS OF INTEREST:

Department of Treasury – Internal Revenue Service, pursuant to Notice of Federal Tax Lien filed as Instrument Number 2016041500090 in the Register of Deeds Office of Hamilton County, Tennessee and to Notice of Federal Tax Lien filed as Instrument Number 2019051400086 in the Register of Deeds Office of Hamilton County, Tennessee

Dated: May 14, 2025

Evan W. Sharber, Trustee
Miller & Martin PLLC

832 Georgia Avenue, Suite 1200
Chattanooga, TN 37402

Notice Published In: *The Hamilton County Herald*, Chattanooga, Tennessee
Publication Dates: May 23, 2025, May 30, 2025, and June 6, 2025.