

# Towns County Herald

## Legal Notices for February 15, 2017

**STATE OF GEORGIA  
COUNTY OF TOWNS**  
**RE: ESTATE OF LARRY HENRY CLARK**  
**NOTICE TO CREDITORS AND DEBTORS**  
All creditors of the estate of LARRY HENRY CLARK, deceased of Towns County, Hiawassee, Georgia are hereby notified to render in their demands to the undersigned according to law; and all persons indebted to said estate are required to make immediate payment to the undersigned.  
This 3 day of February, 2017.  
J. Scott Hamilton  
1463 Car-Miles Road  
Hiawassee, Georgia 30546  
T(Feb8,15,22,Mar1)B

**NOTICE**  
In compliance with O.C.G.A. 19-15-3d, the Towns County Child Fatality Review Committee is submitting the following:  
Annual Report: January 1, 2016 - December 31, 2016  
Number of Reports Received by Committee for Review: 0  
Number of Reports of Death Investigations Reviewed: 0  
T(Feb15)B

**IN THE JUVENILE COURT OF TOWNS COUNTY  
STATE OF GEORGIA**  
**IN THE INTEREST OF:**  
N.D.  
DOB: 05-21-2003  
SEX: MALE  
case no. 139-16j-42a  
C.S.  
DOB: 08-15-1999  
SEX: FEMALE  
case no. 139-16j-43a  
**CHILDREN UNDER THE AGE OF EIGHTEEN**  
**NOTICE OF DEPENDENCY HEARING**  
TO: SUSAN SPEARS, NATHAN DAUER AND TIMOTHY ESSEX, PARENTS OF THE ABOVE-NAMED CHILDREN

By Order for Service by Publication dated the 2nd day of February, 2017, you are hereby notified that on the 12th day of October, 2016, the Towns County Department of Family and Children Services, Georgia Department of Human Services, filed a Petition for Protective Order (Dependency) against you as to the above-named children alleging the children are dependent. You are required to file with the Clerk of Juvenile Court, and to serve upon Special Assistant Attorney General Stephany L. Zaic an answer in writing within sixty (60) days of the date of the Order for Service by Publication.

This Court will conduct a provisional hearing upon the allegations of the Petition and enter an interlocutory order of disposition pursuant to O.C.G.A. § 15-11-39.2 on the 9th day of March, 2017, at 1:00 p.m., at the Union County Courthouse, Blairsville, Georgia. Parties to this action are required to appear and answer the allegations of this Petition at the provisional hearing. The findings of fact and orders of disposition made pursuant to the provisional hearing will become final at the final hearing unless you appear at the final hearing. The children shall appear personally before this Court at the provisional hearing.

This Court will conduct a final hearing upon the allegations of the Petition and enter an order of disposition on the 5th day of April, 2017, at 9:00 a.m., at the Union County Courthouse, Blairsville, Georgia.

The children and other parties involved may be represented by a lawyer at all stages of these proceedings. If you want a lawyer, you may choose and hire your own lawyer. If you want to hire a lawyer, please contact your lawyer immediately. If you want a lawyer but are not able to hire a lawyer without undue financial hardship, you may ask for a lawyer to be appointed to represent you. The Court would inquire into your financial circumstances and if the Court finds you to be financially unable to hire a lawyer, then a lawyer will be appointed to represent you. If you want a lawyer appointed to represent you, you must let the Court or the officer of this Court handling this case know that you want a lawyer immediately. WITNESS, the Honorable Jeremy Clough, Judge of said Court, this the 2nd day of February, 2017.

Honorable Jeremy Clough  
Judge, Juvenile Court  
Towns County, Georgia  
Enotah Judicial Circuit  
T(Feb8,15,22,Mar1)B

**IN THE JUVENILE COURT OF TOWNS COUNTY  
STATE OF GEORGIA**  
**IN THE INTEREST OF:**  
P.V.  
DOB: 10-14-2004  
SEX: MALE  
case no. 139-16j-55a  
J.V.  
DOB: 01-30-2009  
SEX: MALE  
case no. 139-16j-56a  
B.V.  
DOB: 01-24-2008  
SEX: FEMALE  
case no. 139-16j-57a  
**CHILDREN UNDER THE AGE OF EIGHTEEN**  
**NOTICE OF DEPENDENCY HEARING**  
TO: PABLO VARGAS, FATHER OF THE ABOVE-NAMED CHILDREN

By Order for Service by Publication dated the 2nd day of February, 2017, you are hereby notified that on the 27th day of January, 2017, the Towns County Department of Family and Children Services, Georgia Department of Human Services, filed a Petition for Protective Order (Dependency) against you as to the above-named children alleging the children are dependent. You are required to file with the Clerk of Juvenile Court, and to serve upon Special Assistant Attorney General Stephany L. Zaic an answer in writing within sixty (60) days of the date of the Order for Service by Publication.

This Court will conduct a provisional hearing upon the allegations of the Petition and enter an interlocutory order of disposition pursuant to O.C.G.A. § 15-11-39.2 on the 15th day of February, 2017, at 9:00 a.m., at the Union County Courthouse, Blairsville, Georgia. Parties to this action are required to appear and answer the allegations of this Petition at the provisional hearing. The findings of fact and orders of disposition made pursuant to the provisional hearing will become final at the final hearing unless you appear at the final hearing. The children shall appear personally before this Court at the provisional hearing.

This Court will conduct a final hearing upon the allegations of the Petition and enter an order of disposition on the 5th day of April, 2017, at 9:00 a.m., at the Union County Courthouse, Blairsville, Georgia.

The children and other parties involved may be represented by a lawyer at all stages of these proceedings. If you want a lawyer, you may choose and hire your own lawyer. If you want to hire a lawyer, please contact your lawyer immediately. If you want a lawyer but are not able to hire a lawyer without undue financial hardship, you may ask for a lawyer to be appointed to represent you. The Court would inquire into your financial circumstances and if the Court finds you to be financially unable to hire a lawyer, then a lawyer will be appointed to represent you. If you want a lawyer appointed to represent you, you must let the Court or the officer of this Court handling this case know that you want a lawyer immediately. WITNESS, the Honorable Jeremy Clough, Judge of said Court, this the 2nd day of February, 2017.

Honorable Jeremy Clough  
Judge, Juvenile Court  
Towns County, Georgia  
Enotah Judicial Circuit  
T(Feb8,15,22,Mar1)B

**NOTICE TO CREDITORS AND DEBTORS**  
All creditors and debtors of the estate of H. DUDLEY CASTILE deceased of Towns County, Hiawassee, Georgia are hereby notified to render in their demands to the undersigned according to law; and all persons indebted to said estate are required to make immediate payment to the undersigned.  
This 27th day of January, 2017.  
PEGGY R. CASTILE, Executrix  
2758 Fodder Creek Road  
Hiawassee, Georgia 30546  
T(Feb1,8,15,22)B

**IN THE PROBATE COURT OF TOWNS COUNTY  
STATE OF GEORGIA**  
**IN RE: ESTATE OF**  
**JOANN TOWNSEND, DECEASED**  
ESTATE NO. 2017-5  
**PETITION FOR LETTERS OF ADMINISTRATION**  
**NOTICE**

TO: All Interested parties  
Beverly Messer & Patricia Clayton has petitioned to be appointed Administrator(s) of the estate of Joann Townsend deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before March 6, 2017.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

David Rogers  
Judge of the Probate Court  
By: Kerry L. Berrong  
Clerk of the Probate Court  
48 River St., Suite C  
Hiawassee, GA 30546  
Address  
706-896-3467  
Telephone Number  
T(Feb8,15,22,Mar1)B

**NOTICE OF SALE UNDER POWER  
GEORGIA, TOWNS COUNTY**  
Under and by virtue of the Power of Sale contained in a Deed to Secure Debt given by W.C. Garrett and Elva Elizabeth Garrett to Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Urban Financial Group, dated May 13, 2009, and recorded in Deed Book 456, Page 45, Towns County, Georgia records, as last transferred to Reverse Mortgage Solutions, Inc. by Assignment recorded in Deed Book 586, Page 466, Towns County, Georgia Records, conveying the after-described property to secure a Note of even date in the original principal amount of \$300,000.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Towns County, Georgia, within the legal hours of sale on the first Tuesday in March, 2017, to wit: March 7, 2017, the following described property:

All that tract or parcel of land lying and being in the 18th District, 1st Section, Land Lot 315, Towns County, Georgia, containing 2.0 acres, more or less, as shown on a plat of survey by G. Gregory, dated August 16, 1966, recorded in Plat Book 13, Page 49, Towns County Records and more particularly described as follows: beginning at the intersection of Land Lots 292, 293, 314 and 315, running thence South 82 degrees 45 minutes East 1375 feet, more or less, to the true point of beginning, run thence North 87 degrees 30 minutes West 548.0 feet; thence North 3 degrees 00 minutes East 171.0 feet; thence North 2 degrees 15 minutes East 39.0 feet; thence South 85 degrees 00 minutes East 563.0 feet to a point; thence South 1 degree 15 minutes West 195.0 feet to the true point of beginning.

The debt secured by said Deed to Secure Debt has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Deed to Secure Debt. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Deed to Secure Debt and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as 6064 Pat Road, Hiawassee, GA 30546, together with all fixtures and personal property attached to and constituting a part of said property. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): W.C. Garrett and Elva Elizabeth Garrett or tenant or tenants.

Said property will be sold subject to (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) any matters which might be disclosed by an accurate survey and inspection of the property, and (c) all matters of record superior to the Deed to Secure Debt first set out above, including, but not limited to, assessments, liens, encumbrances, zoning ordinances, easements, restrictions, covenants, etc. The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; (2) O.C.G.A. Section 9-13-172.1; and (3) final confirmation and audit of the status of the loan with the holder of the security deed.

Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and nonjudicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided in the preceding paragraph.

Pursuant to O.C.G.A. Section 44-14-162.2, the entity that has full authority to negotiate, amend and modify all terms of the mortgage with the debtor is:  
Reverse Mortgage Solutions, Inc.  
Attention: Loss Mitigation Department  
14405 Walters Road, Suite 200  
Houston, TX 77014  
1-866-503-5559

The foregoing notwithstanding, nothing in OC.G.A. Section 44-14-162.2 shall be construed to require the secured creditor to negotiate, amend or modify the terms of the Deed to Secure Debt described herein.

This sale is conducted on behalf of the secured creditor under the power of sale granted in the aforementioned security instrument, specifically being

Reverse Mortgage Solutions, Inc.  
as attorney in fact for  
W.C. Garrett and Elva Elizabeth Garrett  
Martin & Brunavs  
5775 Glenridge Drive  
Building D, Suite 100  
Atlanta, GA 30328  
404.982.0088

**THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

MBFC16-263  
T(Feb8,15,22,Mar1)B

**NOTICE OF SALE UNDER POWER**  
**THIS LAW FIRM IS MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

By virtue of the power of sale contained in a Security Deed executed by Cassey S. Barrett to United Community Bank, dated November 21, 2006, as recorded December 1, 2006 in deed book 390, page 716, Towns County, GA records, securing a promissory note in the original principal amount of \$76,279.00, as modified by Modification of Security deed dated June 1, 2007, recorded in deed book 407, page 312, Towns County, GA records, as modified by Modification of Security Deed dated July 9, 2007, recorded in deed book 411, page 337, Towns County, GA records, as modified September 20, 2007, by Modification of Security Deed recorded in deed book 418, page 417, as modified July 2, 2010, by Modification of Security Deed recorded July 23, 2010, in deed book 477, page 492, Towns County, GA records, as modified June 4, 2013, by Modification of Security Deed recorded July 8, 2013, in Deed Book 537, page 47, Towns County, Georgia records, which Security Deed, together with all of the aforesaid modifications, was assigned to GREENWICH INVESTORS XLVIII TRUST 2014-1 BY ASSIGNMENT dated April 28, 2015, recorded June 1, 2015, in deed book 566, page 56, Towns County, GA records, which assignment was corrected by a corrective assignment from United Community Bank to Washington Trust, National Association, not in its individual capacity but solely as trustee under Greenwich Investors XLVIII Trust 2014-1 Trust Agreement dated as of December 18, 2014, recorded in deed book 589, page 317, Towns County, GA records, as further assigned by Assignment of Security Deed dated June 13, 2016, by Wilmington Trust, National Association, not in its individual capacity but solely as trustee under Greenwich Investors XLVIII Trust 2014-1 Trust Agreement dated as of December 18, 2014 to National Loan Investors, L.P., there will be sold at a public outcry for cash to the highest bidder before the Courthouse door of Towns County, Georgia, between the legal hours of sale on the first Tuesday in March, 2017, by National Loan Investors, L.P., as Attorney-in-Fact for Cassey Barrett, the following property to-wit:

All that tract or parcel of land lying and being in Towns County, Georgia, being lot No. 13 of Rainbow Ridge Acres, as per plat by County Surveyour, B. Gregory, recorded in Plat Book 2, Page 153, Towns County, Georgia Records, the same being a part of Land Lots 121, 122, 145, and 146 in the 18th District, 1st Section, Towns County, Georgia records.

LESS AND EXCEPT

All that tract or parcel of land lying and being in Towns County, Georgia and being part of Lot No. 13 of Rainbow Ridge Acres, as per plat by County Surveyor, B. Gregory, recorded in Plat Book 2, page 153, Towns County records, the same being a part of Land Lots 121, 122, 145 and 146 in the 18th District, 1st Section, Towns County, Georgia and being shown on a revised plat by B. Gregory, County Surveyor, dated 9/7/82, recorded in Plat Book 7, page 224, Towns County records, and more particularly described as follows: Beginning at the Northeast corner of Lot # 19 and the road, runs thence S 43 E 144 feet along the dividing line between Lots 19 and 13; thence 40 57 E 84 feet; thence N 2 10 E 77.5 feet to an iron pin; thence N 71 W 182 feet to an iron pin on the road; thence along the road S 26 E 57 feet to an iron pin; thence S 6W 52 feet to the point of beginning.

The indebtedness secured by said Deed to Secure Debt having been declared due and payable because of, inter alia, default in the payment of the indebtedness secured thereby in the manner as provided in the Note and Security Deed, this sale will be made for the purpose of paying the same and all expenses of sale, including attorney's fees, if applicable. Notice has been given of the intention to enforce the provision for collection of attorneys' fees and foreclosure in accordance with the legal requirements and the terms of the Security Deed.

The property will be sold as the property of the aforesaid grantor subject to the following: all prior restrictive covenants, easements, rights-of-way, all valid zoning ordinances; matters which would be disclosed by an accurate survey of the property or by any inspection of the property; all outstanding taxes, assessments, unpaid bills, charges, and expenses that are a lien against the property whether due and payable or not yet due and payable.

To the best of the undersigned's knowledge and belief, the subject property is occupied by Cassey Barrett.

Pursuant to O.C.G.A. § 44-14-162.2, the name, address and telephone number of the individual or entity who shall have the full authority to negotiate, amend or modify all terms of the above described mortgage is as follows:  
Keith Handke, National Loan Investors, L.P., 5619 N. Classen Blvd., Oklahoma City, Oklahoma, 73118, (405) 947-6171.

The foregoing notwithstanding, nothing in O.C.G.A. § 44-14-162.2 shall be construed to require the lender to negotiate, amend or modify the terms of the Deed to Secure Debt described herein.

National Loan Investors, L.P. as Attorney-in-Fact for Cassey Barrett  
Harry S. Kuniansky, P.C.

By: Harry S. Kuniansky  
70 Lenox Pointe  
Atlanta, GA 30324  
(404) 978-9213

T(Feb8,15,22,Mar1)B