

Towns County Herald

Legal Notices for March 28, 2018

NOTICE TO CREDITORS AND DEBTORS

RE: Estate of Joan R. Roseberry
All creditors and debtors of the estate of Joan R. Roseberry, deceased, late 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 28 day of February, 2018.
Mike Roseberry
1694 W. Forrest Ave.
East Point, GA 30344
404-735-4464
T(Mar7,14,21,28)B

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE:
JERRY D. HOOD, DECEASED
ESTATE NO. 2018-12
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT
The Petition of Annie Ruth Hood, for a year's support from the estate of Jerry D. Hood, Deceased, for Decedent's Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before April 9, 2018, 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 on or before the time stated in the preceding sentence. 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(Mar4,21,28,Apr4)B

NOTICE TO DEBTORS & CREDITORS

TO: All Creditors of Laura T. Hove, late of Towns County, Georgia:
On behalf of Laura T. Hove, now deceased you are hereby notified, pursuant to O.C.G.A. 53-7-92, to render in your demands and claims to and all persons who claim indebtedness by Laura T. Hove:
Laura T. Hove
c/o Roger W. Hove
J. Kevin Tharpe, Attorney
843 Bent Tree Lane
Young Harris, GA 30582
T(Mar7,14,21,28)P

STATE OF GEORGIA COUNTY OF TOWNS NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF JOHN H. EVANS, SR.
All debtors and creditors of the estate of John H. Evans, Sr., deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor.
This 13th day of March, 2018.
John H. Evans, Jr., Executor
Address: 2230 Emery Downs Drive
Allen, TX 75013
T(Mar7,14,21,28,Apr4,11)B

NOTICE OF APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED UNDER TRADE NAME, PARTNERSHIP OR OTHERS

Notice is given that the Application To A Business To Be Conducted Under Trade Name, Partnership Or Others which has been delivered to the Towns County Clerk of Court for filing. The undersigned does hereby certify that Hometown Holdings, Inc. is conducting a business for profit in the County of Towns, in the state of Georgia, under the name of "Hiawassee Hometown Pharmacy" and that the nature of the business is real estate sales and that the names and addresses of the corporation, person, firms, or partnership owning and carrying on said trade or business is Hometown Holdings, Inc., PO Box 367, Hiawassee, Georgia 30546.
T(Mar28,Apr4)P

NOTICE TO DEBTORS & CREDITORS

RE: Estate of Julian S. Holmes
All creditors of the Estate of Julian S. Holmes, deceased, late of Towns County, are hereby notified to render their demands to the undersigned according to law, and all persons indebted to said estate are required to make immediate payment.
This 15 day of March, 2018.
Cary D. Cox, Atty.
PO Box 748
Blairsville, GA 30514
706-745-7420
T(Mar21-Apr11)P

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF MARILYN FRANCIS GORDON, DECEASED
ESTATE NO. 2018-10
NOTICE
IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed,
TO: Thomas Braden Gordon, Fred McDaniel Gordon, Jr., & James McComb Gordon
[List here all heirs having unknown addresses to be served by publication]
This is to notify you to file objection, if there is any, to the Petition to Probate Will in Solemn Form, in this Court on or before April 2, 2018.
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(Mar7,14,21,28)B

STATE OF GEORGIA COUNTY OF TOWNS NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF KENNETH TALMADGE HAYES
All debtors and creditors of the estate of Kenneth Talmadge Hayes, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor.
This 14th day of March, 2018.
Mary Carol Hayes
Address: 2195 Lake Louisa Road
Hiawassee, GA 30546
Submitted by:
Lawrence S. Sorgen
Attorney at Law
P. O. Box 67
Hiawassee, GA 30546
T(Mar21,28,Apr4,11)B

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF MARVEL K. METZGER, DECEASED
ESTATE NO. 2016-12
NOTICE
[For Discharge from Office and all Liability]
IN RE: Petition for Discharge of Personal Representative
TO: All Interested Parties and all and singular the heirs of said Decedent, the beneficiaries under the will, and to whom it may concern:
This is to notify you to file objection, if there is any, to the above-referenced Petition, in this Court on or before April 9, 2018.
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(Mar28)B

NOTICE OF SALE UNDER POWER IN SECURITY DEED STATE OF GEORGIA COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in the Deed to Secure Debt made by Roberta L. Garrett to Bank of Hiawassee in the amount of \$235,200.00 dated October 3, 2006, and filed October 13, 2006, in Deed Book 385, Page 777, as re-recorded in Book 386, Page 705, in the Office of the Clerk of the Superior Court for Towns County, Georgia. Modification Agreement recorded in Book 421, Page 6; Book 464, Page 783; Book 487, Page 404; Book 490, Page 391 and Book 507, Page 150 (collectively the "Security Deed"), the undersigned will sell at public outcry to the highest and best bidder for cash before the door of the Courthouse of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in April, 2018 the following described real property, to wit:
All the tract or parcel of land lying and being in Land Lot 35, of the 17th District, 1st Section, of Towns County, Georgia, containing 2.00 acres, more or less, as shown on a plat of survey of Tamrok Associates, Inc., dated 6/30/97, recorded in Plat Book 23, page 85 of the Towns County Records, said plat being incorporated herein by reference.
The aforesaid tract is conveyed subject to the right of way, if any, for Margie Road and for the existing electric power transmission lines shown on said survey. The property is subject to an easement in favor of BRMEMC as recorded in Deed Book 363, Page 657 Towns County Records.
Subject to and easement, restrictions and rights of way or record.
Parcel ID: 0002 041A
The debt secured by the Security Deed is evidenced by a Promissory Note given by Roberta L. Garrett (the "Borrower") to Bank of Hiawassee dated October 3, 2006 in the original principal amount of \$235,200.00 (as same may have been further modified, renewed or amended, collectively the "Note"); plus interest from date on the unpaid balance until paid, and other indebtedness.
Default has occurred and continues under the terms of the Note and Security Deed by reason of, among other possible events of default, the nonpayment when due of the indebtedness evidenced by the Note and secured by the Security Deed and the failure to comply with the terms and conditions of the Note and Security Deed. By reason of this default, the Security Deed has been declared foreclosable according to its terms.

The above-described real property will be sold to the highest and best bidder for cash as the property of Roberta L. Garrett, the proceeds to be applied to the payment of said indebtedness, attorneys' fees, and the lawful expenses of said sale, all as provided in the Note and Security Deed. The sale shall be subject to the following: all outstanding ad valorem taxes and/or assessments, if any; possible redemption rights of the Internal Revenue Service, if any; and all other prior assessments, easements, restrictions or matters of record.
To the best of the undersigned's knowledge and belief, the real property is presently owned by Roberta L. Garrett.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Roberta L. Garrett, and tenants holding under her.
South State Bank, as successor in interest to Park Sterling Bank, as successor in interest to Bank of Hiawassee, as Attorney-in-Fact for Roberta L. Garrett.
Christopher S. Cooper
Kaplan, Bogue & Cooper, P.C.
5555 Glenridge Drive, Suite 200
Atlanta, Georgia 30342
678-384-7021
T(Mar7,14,21,28)B

STATE OF GEORGIA COUNTY OF TOWNS NOTICE OF SALE UNDER POWER

Under and by virtue of the power of sale contained in a Security Deed from ROCK HILL FARMS, INC. to United Community Bank, dated August 6, 2004, recorded August 9, 2004, in Deed Book 311, Page 47, Towns County, Georgia records, as last modified by Modification of Security Deed dated October 1, 2015, recorded in Deed Book 572, Page 407, Towns County, Georgia records, as transferred to JTS CAPITAL 2 LLC by assignment dated September 25, 2017, recorded November 20, 2017 in Deed Book 605, Page 446, Towns County, Georgia records, said Security Deed being given to secure the payment of a certain indebtedness owed by ROCK HILL FARMS, INC. and K-B HEALTH TECHNOLOGY, INC., with interest thereon on the unpaid balance until paid; there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door at Towns County, Georgia, within the legal hours of sale on the first Tuesday in April, 2018, the following described property:
All that tract or parcel of land lying and being in Land Lot 125, District 17, Section 1, Towns County, Georgia, containing 40.84 acres, more or less, as shown on a plat of survey entitled "Survey for Rock Hill Farms, Inc." by Tamrok Engineering, Inc. Tommy J. Phillips, Registered Surveyor, dated November 12, 1991, and recorded in Plat Book 15, Page 243, Towns County, Georgia records, said plat being incorporated herein by reference for a more complete description.
Said property being the same property conveyed from Truman Barrett to Rock Hill Farms, Inc. in a Warranty Deed recorded in Deed Book 110, Page 8, Towns County, Georgia records
The debt secured by said Security Deed 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 Security Deed. 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 Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).
Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, easements, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.
To the best knowledge and belief of the undersigned, the party in possession of the property is ROCK HILL FARMS, INC. or a tenant or tenants.
JTS CAPITAL 2 LLC,
as attorney in Fact for ROCK HILL FARMS, INC.
L. Lou Allen
Stites & Harbison, PLLC
520 West Main Street
Blue Ridge, Georgia 30513
(706) 632-7923
File No. JT017-00JT1
T(Mar7,14,21,28)B

STATE OF GEORGIA COUNTY OF TOWNS NOTICE OF SALE UNDER POWER

Under and by virtue of the power of sale contained in a Security Deed from CREEKSIDE CABINETS & TRIM INC. to United Community Bank, dated November 28, 2007, recorded November 30, 2007, in Deed Book 422, Page 13, Towns County, Georgia records, as last modified by Modification of Security Deed dated November 16, 2010, recorded in Deed Book 485, Page 532, Towns County, Georgia records, as transferred to JTS CAPITAL 2 LLC by assignment dated September 25, 2017 and recorded November 20, 2017 in Deed Book 605, Page 457, Towns County, Georgia records, said Security Deed being given to secure the payment of a certain indebtedness owed by CREEKSIDE CABINETS & TRIM, INC., with interest thereon on the unpaid balance until paid; there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door at Towns County, Georgia, within the legal hours of sale on the first Tuesday in April, 2018, the following described property:
All that tract or parcel of land lying and being in the 17th District, 1st Section, Land Lot 68 of Towns County, Georgia, and being Lot 25 of Truelove Mountain Subdivision, containing 1.914 acres, more or less, as shown on a plat or survey by Northstar Land Surveying, Inc., dated February 14, 2000, and recorded in Towns County Records in Plat Book 25, Page 231. Said plat is incorporated herein, by reference hereto, for a full and complete description of the above described property.
The debt secured by said Security Deed 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 Security Deed. 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 Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).
Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, easements, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.
To the best knowledge and belief of the undersigned, the party in possession of the property is CREEKSIDE CABINETS & TRIM INC. or a tenant or tenants.
JTS CAPITAL 2 LLC,
as attorney in Fact for CREEKSIDE CABINETS & TRIM INC.
L. Lou Allen
Stites & Harbison, PLLC
520 West Main Street
Blue Ridge, Georgia 30513
(706) 632-7923
File No. JT017-00JT1
T(Mar7,14,21,28)B

STATE OF GEORGIA COUNTY OF TOWNS NOTICE OF SALE UNDER POWER

Under and by virtue of the power of sale contained in a Security Deed from AMBER L. BARRETT to United Community Bank, dated January 4, 2008, recorded January 4, 2008, in Deed Book 424, Page 412, Towns County, Georgia records, as last modified by Modification of Security Deed dated May 21, 2014, recorded in Deed Book 551, Page 100, Towns County, Georgia records; also that certain Assignment of Rents dated February 15, 2011, recorded in Deed Book 490, Page 797, Towns County, Georgia records and re-recorded in Deed Book 491, Page 266, Towns County, Georgia records, said Security Deed and Assignment of Rents transferred to JTS CAPITAL 2 LLC by assignment dated September 25, 2017 and recorded November 20, 2017 in Deed Book 605, Page 452, Towns County, Georgia records, said Security Deed being given to secure the payment of a certain indebtedness owed by AMBER L. BARRETT, with interest thereon on the unpaid balance until paid; there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door at Towns County, Georgia, within the legal hours of sale on the first Tuesday in April, 2018, the following described property:
All that tract or parcel of land lying and being in Land Lot 126, 17th District, 1st Section of Towns County, Georgia, Tract 3, containing 8.10 acres, more or less as shown on a plat of survey entitled "Survey for Garland Shook Estate" dated April 14, 1992 by Tamrok Engineering, Inc., Tommy J. Phillips, Registered Surveyor, as recorded in Plat Book 14, Page 291, Towns County, Georgia records, said plat being incorporated by reference herein.
Subject to all matters and conditions as shown on above referenced plat of survey.
This being the same property conveyed to James T. Shook as recorded in Deed Book 114, Page 222, Towns County, Georgia records.
LESS AND EXCEPT:
All that tract or parcel of land lying and being in Land Lot 126, 17th District, 1st Section of Towns County, Georgia, containing 0.023 acres, more or less as shown on a plat of survey by T. Kirby & Associates, Inc., Tony G. Kirby, R.L.S. #1988, dated October 18, 2007 and filed and recorded in Plat Book 31, Page 6, Towns County, Georgia records, said plat being incorporated herein by reference.
Subject to all matters and conditions as shown on above referenced plat of survey.
Also conveyed herewith and subject to is the easement of ingress and egress as shown on the above referenced plat of survey.
The debt secured by said Security Deed 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 Security Deed. 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 Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).
Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, easements, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.
To the best knowledge and belief of the undersigned, the party in possession of the property is AMBER L. BARRETT or a tenant or tenants.
JTS CAPITAL 2 LLC,
as attorney in Fact for AMBER L. BARRETT
L. Lou Allen
Stites & Harbison, PLLC
520 West Main Street
Blue Ridge, Georgia 30513
(706) 632-7923
File No. JT017-00JT1
T(Mar7,14,21,28)B