

Towns County Herald

Legal Notices for April 5, 2017

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of James C. Nichols
All creditors of the estate of James C. Nichols, deceased, of Towns County, Georgia, 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 to the undersigned.
This 13th day of March, 2017.

Laurie Main
Personal Representative
550 Kimsey Cove Road
Hiawassee, GA 30546
706-835-6200

T(Mar22,29,Apr5,12)B

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of Joann Townsend
All creditors of the estate of Joann Townsend, deceased, of Towns County, Georgia, 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 to the undersigned.
This 15th day of March, 2017.

Beverly Messer & Patricia Clayton
Personal Representative
863 Crane Creek Road
Young Harris, GA 30582
706-379-1932

T(Mar22,29,Apr5,12)B

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of Genevieve Hatcher
All creditors of the estate of Genevieve Hatcher, deceased, of Towns County, Georgia, 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 to the undersigned.
This 27th day of March, 2017.

Sandra Wood
Personal Representative
483 Lower Bell Creek Road
Hiawassee, GA 30546
706-835-5028

T(Apr5,12,19,26)B

IN THE PROBATE COURT COUNTY OF TOWNS STATE OF GEORGIA

IN RE: ESTATE OF
DAVID LEE KUNZ, DECEASED,
ESTATE NO. 2017-13
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT

The Petition of Virginia W. Kunz, for a year's support from the estate of David Lee Kunz, 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 10, 2017, 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 must be signed 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(Mar15,22,29,Apr5)B

IN THE SUPERIOR COURT OF TOWNS COUNTY STATE OF GEORGIA FAMILY DIVISION

IN RE: The Name Change of:
Child: Ava Laine Swanson
Petitioner: Victoria Renee Owenby
And: Curtis Marvin Swanson
Civil Action File No: 12-CV-30MM
Notice of Petition to Change Name of Minor Child

Notice is hereby give that Victoria Renee Owenby and Curtis Marvin Swanson, the undersigned, filed a petition to the Superior Court of Towns County, Georgia on the 28th day of February, 2017, praying for change in the name of said minor child from Ava Laine Swanson to Ava Liane Swanson.

Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name change. Objections must be filed with said Court within 30 days of the filing of said Petition. Petitioners are the parents and natural guardians of said minor child.

This the 17 day of February, 2017
Victoria Renee Owenby
319 Abby Liza Lane
Hiawassee, GA 30546
706-970-5188
Curtis Marvin Swanson
147 Highway 180
Hiawassee, GA 30546
706-970-5188

T(Mar22,29,Apr5,12)B

IN THE SUPERIOR COURT OF TOWNS COUNTY, STATE OF GEORGIA

In Re: the name change of: David Kuykendall,
Petitioner

Civil Action File #: 17-CV-37-RG
NOTICE OF PUBLICATION
You are hereby notified that on the 8 day of March, 2017, David Kuykendall, filed a Petition to Change Name in the Superior Court of Towns County. David Kuykendall desires to change his/her from David Fannin Kuykendall to Daniel Fannin Kuykendall. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed.

Signed this 8 day of March, 2017
Cecil Dye, Clerk of Superior Court, Towns County
David Kuykendall, Petitioner, Pro Se
4877 Upper Plott Town Road
Young Harris, GA 30582
706-994-1487

T(Mar15,22,29,Apr5)P

NOTICE OF INTENT TO DISSOLVE

The name of the corporation is Rack On Stables, Inc. The date of the dissolution was authorized was: 3/1/17. Dissolution of the corporation was duly approved by the shareholders in accordance with O.C.G.A. § 14-2-1402. The document shall be effective upon the filing with the Secretary of State. The undersigned does hereby certify that a request for publication of a notice of intent to voluntarily dissolve the corporation along with the publication fee of \$40 has been forwarded to the official organ of the county of the registered office as required by O.C.G.A. §14-2-1403.1(b).

In witness whereof, the undersigned has executed this Notice of Intent to Dissolve on 3/1/17
Thomas Rickey Mathis
Chairsperson of Board of Directors

T(Apr5,12)B

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

State of Georgia
County of Towns
The undersigned does hereby certify that Altsource Fulfillment Operations, Inc. conducting a business as a foreign profit corporation in all cities County of Towns in the State of Georgia, under the name of Owners.com Loans and that the nature of the business is licensed mortgage brokerage activities and that the names of the person, firms, or partnership owning and carrying on said trade or business are: Altsource Portfolio Solutions, Inc., 1000 Abernathy Road, Suite 200, Atlanta, GA 30328-5604, 770-612-7007.

T(Apr5,12)P

STATE OF GEORGIA COUNTY OF FULTON

**APPLICATION TO REGISTER A BUSINESS
TO BE CONDUCTED UNDER A TRADE NAME**

The undersigned hereby certifies pursuant O.C.G.A. § 10-1-490 that North Georgia Funeral Professionals, Inc. are conducting a business under the name of "Banister Funeral Home", the business of which is a funeral home chiefly carried on in Towns County; and that said business is composed of the following name and address as follows to wit:
North Georgia Funeral Professionals, Inc.
678 N. Main Street
Hiawassee, GA 30546

T(Apr5,12)P

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF
RALPH O. WELLS, DECEASED
ESTATE NO. 2011-73
NOTICE

[For Discharge from Office and all Liability]
IN RE: Petition for Discharge of Personal Representative

TO: All interested parties
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 17, 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(Apr5)B

IN THE SUPERIOR COURT OF Towns COUNTY STATE OF GEORGIA

PNC Mortgage, a division of PNC Bank, National Association,
Plaintiff,

v.
George Thompson and Mary E. Thompson,
Defendants.

CIVIL ACTION FILE NUMBER
17-CV-19SG

TO: George Thompson and Mary E. Thompson
NOTICE OF PUBLICATION
By Order for Service by Publication, dated March 9, 2017, and filed on this Court's docket on March 9, 2017, you are hereby notified that on February 13, 2017, PNC Mortgage, a division of PNC Bank, National Association filed a Complaint for Reformation, Declaratory Judgment, and Equitable Relief and named you as a Defendant.

You are required to file with the Clerk of the Superior Court, and to serve upon Plaintiff's attorneys, Monica K. Gilroy and Tania Trumble an Answer in writing within sixty (60) days of the date of the Order for Publication.

This the 14th day of March, 2017.
TANIA TRUMBLE
Georgia State Bar No. 720348
KELSEA L. S. LAUN
Georgia State Bar No. 141960

ATTORNEYS FOR PLAINTIFF
Gilroy Bailey Trumble, LLC
3780 Mansell Road, Suite 140
Alpharetta, Georgia 30022
T: 678-280-1922 F: 678-280-1923
Tania.Trumble@gilroyfirm.com
Kelsea.Laun@gilroyfirm.com

T(Mar22,29,Apr5,12)B

NOTICE OF SEIZURE OF PERSONAL PROPERTY ITEMS EACH VALUED AT \$25,000.00 OR LESS PURSUANT TO O.C.G.A. 9-16-11(a)

TAKE NOTICE that on January 11th, 2107, law enforcement officers of the Office Of The Sheriff of Towns County, Georgia, in connection with a law enforcement investigation into multiple violations of the Georgia Controlled Substances Act seized the following items:

PROPERTY SEIZED

A) A certain SILVER in color, 2003 Year Model, Mercedes Benz S55 AMG, light pick-up truck, a motor vehicle, bearing VIN Number WDBNG74-J2A360218, and having been assigned with current Georgia Motor Vehicle License and Registration number QF19218 (Ga Tag #: QF19218) (hereinafter "Property One");

B) A certain black in color, Smith and Wesson, M&P-15, .223 caliber semi-automatic rifle bearing serial number 88938 (hereinafter "Property Two");

C) A certain brown in color, Mossberg, Model 380, .22 caliber semi-automatic pistol bearing M29202 (hereinafter "Property 3");

D) A certain brown in color, Wards Western Fields, Model 35, Serial No. U132001, 20 Gauge Shotgun (hereinafter "Property 4");

E) A certain brown in color, Martin Model 60, a .22 caliber rifle bearing serial number MM60858K (hereinafter "Property 5");

F) \$573,000 in United States Currency (hereinafter "Proper 6");

CONDUCT GIVING RISE TO SEIZURE
PROPERTY ITEMS ONE THROUGH SIX, 'the seized property' and various and multiple quantities of Heroin, a listed Scheduled Controlled Substance; Xanax, to wit: Alprazolam, a listed Scheduled Controlled Substance; Hydromorphone, a listed Schedule Controlled IV Substance, and an additional amount of Xanax; an amount of Oxycodone, listed Schedule II Controlled Substances; Oxycodone, a listed Schedule II Controlled Substance; Marijuana and Marijauna Oil Derivatives a listed Schedule I Controlled Substance, MDMH a Schedule I Controlled Substance, and Heroin a listed Schedule I Controlled Substance.

The seized property was either directly or indirectly used or intended for use to facilitate the transportation of, possession of, and possession with intent to distribute in violation of O.C.G.A. 16-13-30 et seq.; and/or said contraband controlled substances were found in close proximity; and/or said property was purchased and/or acquired from the sale of these items, which therefore renders said seized property subject to forfeiture pursuant to the provisions of O.C.G.A. 16-13-49 (b).

FURTHER TAKE NOTICE
The purported owner of said property is STEVEN DOUGLAS ANDERSON formerly of 2147 Ridge Circle Hiawassee, Towns County, Georgia 30546.

The same individual was served via personal service at the Towns County Law Enforcement Detention Center on February 21st, 2017.

AND FURTHER TAKE NOTICE that the owner or interest holder may file a claim to the seized property within thirty (30) days after service by sending the claim to the District Attorney for the Enotah Judicial Circuit, 48 River Street, Suite A, Hiawassee, GA 30546 by certified mail or statutory overnight delivery, return receipt requested. The claim must be signed by the owner or interest holder and provide the following: 1) The name of the claimant; 2) The address at which the claimant resides; 3) A description of the claimant's interest in the property; 4) A description of the circumstances of the claimant's obtaining an interest in the property and, to the best of the claimant's knowledge, the date the claimant obtained the interest and the name of the person or entity that transferred the interest to the claimant; 5) The nature of the relationship between the claimant and the person who possessed the property at the time of the seizure; 6) A copy of any documentation in the claimant's possession supporting his or her claim; and 7) Any additional facts supporting his or her claim.

RESPECTFULLY SUBMITTED,
Jeffrey Langley
DISTRICT ATTORNEY
Enotah Judicial Circuit
T. Buckley Levins
Assistant District Attorney

T(Mar22,29,Apr5)B

IN THE JUVENILE COURT OF Towns COUNTY STATE OF GEORGIA

IN THE INTEREST OF:
K.U.

DOB: 10-23-2006
SEX: FEMALE
case no. 139-17J-6A
C.U.

DOB: 08-01-2005
SEX: FEMALE
case no. 139-17J-7A
J.U.

DOB: 10-27-2008
SEX: FEMALE
case no. 139-17J-8A

CHILDREN UNDER THE AGE OF EIGHTEEN
NOTICE OF TERMINATION OF PARENTAL RIGHTS
HEARING

TO: CORY UPCHURCH AND ANY POSSIBLE
BIOLOGICAL FATHER OF THE ABOVE-NAMED
CHILDREN

By Order for Service by Publication dated the 27th day of March, 2017, you are hereby notified that on the 13th day of March, 2017, the Towns County Department of Family and Children Services, Georgia Department of Human Services, filed a Petition for Termination of Parental Rights against you as to the above-named children and this Court found it to be in the children's best interest that the Petition be filed. This notice is being sent to you pursuant to the provisions of O.C.G.A. § 15-11-281 and 282. A copy of the Petition for Termination of Parental Rights may be obtained by you from the Clerk at the Towns County Courthouse during business hours. The hearing on the Petition for Termination of Parental Rights is for the purpose of terminating your parental rights.

If the Court at the trial finds that the facts set out in the Petition to Terminate Parental Rights are true and that termination of your rights will serve the best interests of your children, the Court can enter a judgment ending your rights to your children.

If the judgment terminates your parental rights, you will no longer have any rights to your children. This means that you will not have the right to visit, contact, or have custody of your children or make any decisions affecting your children or your children's earnings or property. You will not thereafter be entitled to notice of proceedings for the adoption of the above-named children by another, nor will you have any right to object to the adoption or otherwise to participate in the proceedings. Your children will be legally freed to be adopted by someone else.

Even if your parental rights are terminated:

- 1) You will still be responsible for providing financial support (child support payments) for your children's care unless and until your children are adopted;
- 2) Your children can still inherit from you unless and until your children are adopted; and
- 3) Your children can still pursue any civil action against you.

As to Cory Upchurch and any possible biological father, under the provisions of O.C.G.A. § 15-11-260, et seq., you may lose all rights to the above-named children and will not be entitled to object to the termination of your rights to these children unless, within thirty (30) days of your receipt of this NOTICE TO PUTATIVE FATHER, you file:

- a) A petition to legitimate the children; and
- b) Notice of the filing of the petition to legitimate with the Juvenile Court of Towns County.

If you fail to file a petition to legitimate or if your petition to legitimate is subsequently dismissed for failure to prosecute or the court does not find that you are the legal father of the children named in your petition to legitimate, this Court may enter an order terminating your parental rights.

This Court will conduct a provisional hearing upon the Petition for Termination of Parental Rights on the 19th day of April, 2017 at 1:00 p.m. in the Towns County Courthouse, Hiawassee, Georgia. This Court will conduct a final hearing upon the Petition for Termination of Parental Rights on the 31st day of May, 2017 at 9:00 a.m. in 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 27th day of March, 2017.

Honorable Jeremy Clough
Judge, Juvenile Court
Towns County, Georgia
Enotah Judicial Circuit

T(Apr5,12,19,26)B

NOTICE OF SALE UNDER POWER

GEORGIA, TOWNS COUNTY
THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY
INFORMATION OBTAINED WILL BE USED FOR
THAT PURPOSE.

Under and by virtue of the Power of Sale contained in a Security Deed given by Margaret M Brooks and Thomas F Brooks to MetLife Home Loans, a division of MetLife Bank, N.A., dated June 24, 2009, recorded in Deed Book 458, Page 541, Towns County, Georgia Records and as re-recorded in Deed Book 469, Page 35, Towns County, Georgia Records, as last transferred to Nationstar Mortgage LLC d/b/a Champion Mortgage Company by assignment recorded in Deed Book 588, Page 485, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINE HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED FIFTY AND 0/100 DOLLARS (\$938,250.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in May, 2017, the following described property: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF 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 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, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above. Nationstar Mortgage LLC d/b/a Champion Mortgage Company is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2. The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Champion Mortgage LLC, 8950 Cypress Waters Boulevard , Coppell, TX 75019 855-683-3095. To the best knowledge and belief of the undersigned, the party in possession of the property is Margaret M Brooks, Estate of Thomas F Brooks and Thomas F Brooks or a tenant or tenants and said property is more commonly known as 7081 Speese Drive, Hiawassee, Georgia 30546. The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Nationstar Mortgage LLC d/b/a Champion Mortgage Company as Attorney in Fact for Margaret M Brooks and Thomas F Brooks McCalla Raymer Leibert Pierce, LLC 1544 Old Alabama Road Roswell, Georgia 30076 www.foreclosurehotline.net EXHIBIT "A" All that parcel of land situate in Land Lot 21 and 19th District, Towns County and State of Georgia, being known and designated as Lot 84 and part of Lot 85, Hi River Country, Phase I and more fully described as amets and bounds property. By fee simple deed from Margaret M. Brooks as set forth in Deed Book 455 Page 472 dated 5/19/2009 RECORDED 5/21/2009. Towns County Records, State of Georgia. Tax ID: 063A150 MR/hq1 5/2/17 Our file no. 5486816 - FT2

T(Apr5,12,19,26)B