

# Towns County Herald

## Legal Notices for May 11, 2016

### NOTICE TO DEBTORS AND CREDITORS

All creditors of the estate of Kenneth Miles Gerrard, deceased, late 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 the 11th day of April, 2016

Thrivent Trust Company  
Executor of the Estate of  
Kenneth Miles Gerrard  
Cheryl J. Mills  
Senior Estate Settlement Office  
Trust and Investment Services  
Mail Stop F123  
4321 North Ballard Road  
Appleton, WI 54919-0001

T(Apr20,27,May4,11)P

### IN THE SUPERIOR COURT OF TOWNS COUNTY

#### STATE OF GEORGIA

Diana Lance, Plaintiff

vs.

Robert Kenard, Defendant  
Case No: 16-CV-27MM  
Service by Publication

TO: Robert Kenard

The above named person is directed to take note that a Complaint for Divorce was filed in the Superior Court of Towns County on February 29, 2016, and that this Court has ordered that service by publication be made upon the above named person on March 31, 2016. Such said person is directed to file an Answer and serve said answer upon the Plaintiff's attorney named below within sixty (60) days of the date of this Order providing for service by publication.

This 4th day of April, 2016

Sean A. Black  
Attorney for the Plaintiff  
Georgia Bar No: 059860

T(Apr20,27,May4,11)P

### NOTICE OF SALES AND USE TAX TO THE QUALIFIED VOTERS OF TOWNS COUNTY

Notice is hereby given that on May 24, 2016, an election will be held in Towns County, Georgia, at which time there will be submitted to the qualified voters of Towns County, Georgia for their determination the question of whether or not a one percent sales and use tax for educational purposes should be imposed for a period of time not to exceed four years, beginning with the first day of the next succeeding calendar quarter where it begins more than 80 days after the date of the election, and for the raising of not more than \$8,500,000 for the purposes described below.

The ballots to be used at such referendum for the voters in the Towns County School District shall have written or printed hereon substantially the following:

\_\_\_ YES

\_\_\_ NO

Shall a one percent sales and use tax for educational purposes be imposed in Towns County for a period of time not to exceed four years, beginning with the first day of the next succeeding calendar quarter where it begins more than 80 days after the date of the election, and for the raising of not more than \$8,500,000 to be distributed to the Towns County School District with such taxes to be used for the following purposes:

(i) remodeling, renovating, modifying, furnishing, and equipping school buildings, classrooms, instructional and support space, kitchens, auditoriums, and other facilities (including physical education/athletic facilities) at existing school district facilities; (ii) acquiring furnishings, equipment and fixtures for new and existing facilities district-wide including, but not limited to, technology equipment, safety and security equipment, signage, band instruments, and other furnishings; (iii) acquiring and installing energy savings equipment and technology; (iv) acquiring and/or improving land for school district facilities; (v) acquiring books, digital resources, and other media for the school district; (vi) purchasing school buses or other vehicles; and (vii) payment of expenses incident to accomplishing the foregoing.

The voting polls will be open at 7:00 o'clock, A.M., and will close at 7:00 o'clock, P.M., on the said date fixed for the election, and the place for voting will be at the regular places for holding elections included in Towns County. Those qualified to vote at the election shall be determined in all respects in accordance and in conformity with the laws of the State of Georgia.

Pursuant to O.C.G.A. § 21-2-224(b)(1), the registration deadline for taking applications from persons desiring to register to vote in this election will be at the close of business on April 26, 2016.

Those residents of Towns County qualified to vote at such referendum shall be determined in all respects in accordance with the election laws of the State of Georgia.

Cliff Bradshaw

Chairman, Board of Education of

Towns County

Janet R. Oliva

Chair

Towns County Board of Elections and

Registration

T(Apr20-May18)

### IN THE PROBATE COURT

#### STATE OF TOWNS

#### STATE OF GEORGIA

IN RE: ESTATE OF

SHIELA GREEN MYERS, DECEASED

ESTATE NO. 2016-17

NOTICE OF PETITION TO FILE FOR YEAR'S SUP-  
PORT

The Petition of Jerry Moore, for a year's support from the estate of Shiela Green Myers, 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 May 31, 2016, 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/Deputy Clerk of the Probate Court

48 River St., Suite C

Hiawassee, GA 30546

Address

706-896-3467

Telephone Number

T(May4,11,18,25)P

### NOTICE TO CREDITORS AND DEBTORS

All creditors of the estate of C. PHILLIP TARVER, JR., 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 6th day of May, 2016.

SHIRLEY ANNE WORKS

P.O. BOX 278

HIWASSEE, GEORGIA 30546

T(May11,18,25,Jun1)B

### STATE BOARD MEMBER

#### TO HOLD PUBLIC HEARING

May 19, 2016

Kevin Boyd to Host

State Board of Education Ninth District Public Hearing

The State Board of Education will hold a public hearing for citizens in the Ninth Congressional District on Thursday, May 19, 2016. The meeting will be held from 7:00 – 8:00 p.m. at North Hall High School, Performing Arts Center, 4885 Mt. Vernon Road, Gainesville, GA 30506

The purpose of the hearing is to hear comments from interested citizens and educators within the congressional district regarding the performance and problems of public education. Persons wishing to speak should sign in upon arrival. For more information, please contact Mrs. Debbie Caputo at 404-657-7410.

The Georgia Department of Education does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need assistance or auxiliary aids for participation in this public forum are invited to make their needs known to Mrs. Debbie Caputo at (404) 657-7410, no later than 72 hours before the scheduled event.

NT(May11,18)B

### STATE OF GEORGIA

#### COUNTY OF TOWNS

#### NOTICE OF SALE UNDER POWER

Because of a default under the terms of the Security Deed executed by Arvind Raina and Maninder Kaur to Mortgage Electronic Registration Systems, Inc. as nominee for Provident Funding Associates, L.P. dated August 6, 2009, and recorded in Deed Book 460, Page 636, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, N.A. by Assignment, securing a Note in the original principal amount of \$312,000.00, the holder thereof pursuant to said Deed and Note thereby secured has declared the entire amount of said indebtedness due and payable and, pursuant to the power of sale contained in said Deed, will on the first Tuesday, June 7, 2016, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for cash, the property described in said Deed, to-wit:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 159, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 3.407 ACRES, AND BEING AS TRACT ONE (1) ON A PLAT OF SURVEY BY T. KIRBY AND ASSOCIATES, INC. DATED 02/22/2008, RECORDED IN PLAT BOOK 38, PAGE 118, TOWNS COUNTY RECORDS WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.**

THE GRANTOR GRANTS TO GRANTEE A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS EGRESS AND THE RIGHT TO RUN WATER AND UTILITIES TO THE ABOVE DESCRIBED PROPERTY ALONG THE EASEMENT AS SHOWN ON SAID PLAT, RUNNING FROM VICTORIA WOODS ROAD. THE PROPERTY IS CONVEYED SUBJECT TO THE EASEMENT TO BLUE RIDGE MOUNTAIN EMC AS RECORDED IN DEED BOOK 216, PAGE 602, TOWNS COUNTY GEORGIA RECORDS. THE PROPERTY IS ALSO CONVEYED SUBJECT TO THE RESTRICTIONS OF RECORD AS PERTAINS TO VICTORIA WOODS SUBDIVISION RECORDED IN DEED BOOK 94, PAGES 130-133 AND DEED BOOK 94, PAGES 207-209, TOWNS COUNTY GEORGIA RECORDS.

PROPERTY IS CONVEYED SUBJECT TO THAT PERPETUAL WATER RIGHT TO THE SPRING LOCATED ON THE ABOVE DESCRIBED PROPERTY AND THE RIGHT TO RUN THE NECESSARY WATER LINE TO MAINTAIN SAME, ALONG WITH OTHER CONDITIONS AND LIMITATIONS AS RESERVED BY JERRY SANDERS IN DEED BOOK 199, PAGES 505-506, TOWNS COUNTY CLERKS OFFICE.

Said property is known as 1490 Ada Lane, Hiawassee, GA 30546, together with all fixtures and personal property attached to and constituting a part of said property, if any.

Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, whether or not now due and payable), the right of redemption of any taxing authority, 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.

The proceeds of said sale will be applied to the payment of said indebtedness and all expenses of said sale as provided in said Deed, and the balance, if any, will be distributed as provided by law.

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 secured creditor.

The property is or may be in the possession Arvind Raina and Maninder Kaur, successor in interest or tenant(s).

Wells Fargo Bank, N.A. as Attorney-in-Fact for Arvind Raina and Maninder Kaur  
File no. 12-037205  
SHAPIRO PENDERGAST & HASTY, LLP\*  
Attorneys and Counselors at Law  
2872 Woodcock Boulevard, Suite 100  
Atlanta, GA 30341  
770-220-2535/KMM  
shapiroandhasty.com

\*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

05/11, 05/18, 05/25, 06/01, 2016

[FC-NOS]

T(May11,18,25,Jun1)B

### NOTICE OF SALE UNDER POWER

#### IN SECURITY DEED

#### STATE OF GEORGIA,

#### COUNTY OF TOWNS

On July 22, 2009, Mary D. Hills executed a Deed to Secure Debt to Stephens Federal Bank, n/k/a Oconee Federal Savings & Loan Association, successor by merger, securing a note of even date for Two Hundred Thousand and No/100 Dollars (\$200,000.00), said security deed being recorded in Deed Book 459, Pages 744-759 Towns County Records. Said security deed conveyed the property hereinafter described. By virtue of the power of sale contained in said security deed to Stephens Federal Bank, n/k/a Oconee Federal Savings & Loan Association, successor by merger, there will be sold by the undersigned at public outcry to the highest bidder for cash, before the Towns County Courthouse door in Hiawassee, Georgia, during the legal hours of sale, being 10 a.m. until 4 p.m. Eastern Time, on the first Tuesday in June, the same being June 7, 2016 the following described property:

All that tract or parcel of land lying and being in land Lot 24, 17th District, 1st Section, Towns County, Georgia, CONTAINING 0.239 ACRES, AND BEING SHOWN AS TRACT ONE (1) on a plat of survey by Tamrok Associates, Inc., dated May 11, 1996, recorded in Plat Book 21, Page 66 Towns County Records which description on said plat is incorporated herein by reference and made a part hereof.

Also conveyed herewith is all of Grantors rights, title and interest in and to Tract One A (1A) as shown on the above referenced plat, the same being a 1/3 undivided interest. The property is conveyed subject to the road rights of way as shown on the above referenced plat.

The debt secured by said security deed and note has been and is hereby declared due and payable because of default for non-payment as required by the note and security deed. The debt having been declared due and payable and remaining unpaid, and the terms in the note and security deed remaining in default, this sale will be made for the purpose of paying the principal, accrued interest and attorney's fees pursuant to the note and security deed, plus all expenses of this sale.

Said property will be sold as the property of Mary D. Hills and subject to outstanding ad valorem taxes and/or easements and/or restrictive covenants appearing of record, if any. The undersigned will comply with Georgia law, O.C.G.A. Section 44-14-162.2, prior to conducting the sale.

To the best knowledge and belief of the undersigned, equitable title to said property is now held by Mary D. Hills.

The entity with full authority to negotiate, amend and modify all terms of the mortgage with the Debtor is Oconee Federal Savings & Loan Association, successor by merger to Stephens Federal Bank, Phone Number (864)882-2765.

The undersigned will execute a deed to the purchaser at said sale as provided in the aforementioned deed to secure debt to Stephens Federal Bank, n/k/a Oconee Federal Savings & Loan Association, successor by merger.

Dated this 25th day of April, 2016.  
Oconee Federal Savings & Loan Association, successor by merger to Stephens Federal Bank, Attorney-in-fact for Mary D. Hills

Sanders, Ranck & Skilling, P.C.  
P. O. Box 1005  
Toccoa, GA 30577  
706-886-7533

Attorney for Oconee Federal Savings & Loan Association  
T(May11,18,25,Jun1)P

### NOTICE OF SALE UNDER POWER,

#### TOWNS COUNTY

Pursuant to the Power of Sale contained in a Security Deed given by Vicki L Scruggs and Dan L Scruggs to Mortgage Electronic Registration Systems, Inc. as nominee for Southern Highlands Mortgage, LLC dated 12/19/2007 and recorded in Deed Book 423 Page 388 Towns County, Georgia records; as last transferred to or acquired by JPMorgan Chase Bank, National Association, conveying the after-described property to secure a Note in the original principal amount of \$ 201,000.00, 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 (or such other area as designated by Order of the Superior Court of said county), within the legal hours of sale on June 07, 2016 (being the first Tuesday of said month unless said date falls on a Federal Holiday, in which case being the first Wednesday of said month), the following described property:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 149, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA AND BEING DESIGNATED 1.00 ACRE, MORE OR LESS, AS MORE FULLY SHOWN ON PLAT OF SURVEY FOR DAN & VICKI SCRUGGS, PREPARED BY LANDTECH SERVICES, INC., DATED APRIL 20, 2007, AND RECORDED IN PLAT BOOK 37, PAGE 253 OF THE TOWNS COUNTY, GEORGIA RECORDS WHICH SURVEY IS INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY; TOGETHER WITH AND SUBJECT TO THE TWENTY (20') FOOT EASEMENT FOR INGRESS, EGRESS, AND UTILITIES RUNNING FROM STATE ROUTE 288/ SUNNYSIDE ROAD TO SUBJECT PROPERTY AS MORE FULLY SHOWN ON SAID REFERENCED SURVEY; AND SUBJECT TO THE BLUE RIDGE MOUNTAIN EMC EASEMENT AS RECORDED IN DEED BOOK 228, PAGE 604 OF THE 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 is commonly known as 1177 Sunnyside Rd formerly a portion of, 1179 Sunnyside Rd, Hiawassee, GA 30546 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Dan L Scruggs and Vicki L Scruggs or tenant or tenants.

JPMorgan Chase Bank, NA is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage.

JPMorgan Chase Bank, NA  
Homeowner's Assistance Department  
3415 Vision Drive  
Columbus, Ohio 43219  
1-866-550-5705

Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.

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) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) 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 non-judicial 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 immediately above.

JPMorgan Chase Bank, National Association as agent and Attorney in Fact for Vicki L Scruggs and Dan L Scruggs  
Aldridge Pite, LLP (formerly known as Aldridge Connors, LLP), 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7400.  
1031-76409A

THIS LAW FIRM MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1031-76409A.

T(May11,18,25,Jun1)P

### NOTICE OF FORECLOSURE

#### SALE UNDER POWER

#### TOWNS COUNTY, GEORGIA

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 Bruce King to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Research Center, LLC D/B/A Veterans United Home Loans, dated August 30, 2013, and recorded in Deed Book 540, Page 57, Towns County, Georgia Records, as last transferred to PennyMac Loan Services, LLC by assignment recorded on December 9, 2014 in Book 558 Page 817 in the Office of the Clerk of Superior Court of Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of One Hundred Fifty Thousand and 0/100 dollars (\$150,000.00), 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, within the legal hours of sale on June 7, 2016, the following described property:

All that tract or parcel of land lying and being in Land Lot 145, 18th District, 1st Section, Towns County, Georgia, being shown as Tract 1, containing 4.81 acres on plat of survey prepared by Appalachian Surveying Company, Inc., dated January 25, 2007 and filed and recorded in Plat Book 29, Page 271, Towns County, Georgia, Records, which plat is incorporated herein by reference.

Also conveyed herewith is the 20 foot right of way to reach the above described property as described in a warranty deed from Earl Arrowood to Charles N. Petty or Zelma D. Petty dated August 25, 1972 and filed and recorded in the Towns County, Georgia Records on September 2, 1972.

This being a portion of the same property conveyed in a warranty deed from Earl Arrowood to Charles N. Petty or Zelma D. Petty dated August 25, 1972 and filed and recorded in the Towns County, Georgia Records on September 2, 1972.

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).

The entity having full authority to negotiate, amend or modify all terms of the loan (although not required by law to do so) is: PennyMac Loan Services, LLC they can be contacted at (866) 549-3583 for Loss Mitigation Dept, or by writing to 6101 Condor Drive, Suite 200, Moorpark, California 93021, to discuss possible alternatives to avoid foreclosure.

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.

To the best knowledge and belief of the undersigned, the party in possession of the property is Bruce King or tenant(s); and said property is more commonly known as 1227 Garland Drive, Hiawassee, GA 30546.

The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code (2) final confirmation and audit of the status of the loan with the holder of the security deed and (3) any right of redemption or other lien not extinguished by foreclosure.

PennyMac Loan Services, LLC as Attorney in Fact for Bruce King.  
Brock & Scott, PLLC

4360 Chamblee Dunwoody Road

Suite 310

Atlanta, GA 30341

404-789-2661

B&S file no.: 14-03816

T(May11,18,25,Jun1)B