

Towns County Herald

Legal Notices for September 30, 2015

NOTICE TO CREDITORS AND DEBTORS STATE OF GEORGIA COUNTY OF TOWNS

RE: ESTATE OF William S. Hortos
All creditors of the estate of William S. Hortos, 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 26th day of August, 2015.

Terry W. Covert
631 Palm Springs Drive, Suite 115
Altamonte, FL 32701
407-830-7220

T(Sep19,16,23,30)B

NOTICE TO CREDITORS AND DEBTORS STATE OF GEORGIA COUNTY OF TOWNS

RE: ESTATE OF Marilyn F. Hortos
All creditors of the estate of Marilyn F. Hortos, 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 28th day of August, 2015.

Paul Dism
631 Palm Springs Drive, Suite 115
Altamonte, FL 32701
407-830-7220

T(Sep19,16,23,30)B

NOTICE TO CREDITORS AND DEBTORS STATE OF GEORGIA COUNTY OF TOWNS

RE: ESTATE OF Randy Kevin Nicholson
All creditors of the estate of Randy Kevin Nicholson, 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 28th day of August, 2015.

Wilda Joan Davenport
5859 Pat Road
Hiawassee, GA 30546
706-896-2584

T(Sep19,16,23,30)B

NOTICE OF ABANDONED VEHICLE

RE:
Mfr. I.D. No.: 5N1AR18U67C646056
License No.: No Tag
Color: Red
Body Style: SUV Nissan Pathfinder
Door: 4 Door

To whom it may concern:

The above automobile was initial removed from Mike's Auto Repair. It is presently located at 7625 Hwy. 76W, Young Harris, GA and is in the possession of Mountain City Motorsports. Attempts to locate the owner have been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. § 40-11-2 and will be disposed of if not redeemed. This notice is given pursuant to Georgia Law.

T(Sep23,30)P

CITATION PROBATE COURT OF TOWNS COUNTY

RE: ESTATE OF WILBUR LAWRENCE FOOTE, FORMER WARD.
Date of Publication, if any: September 30, 2015

TO WHOM IT MAY CONCERN AND ALL INTERESTED PARTIES:

The conservators of the above estate, have applied for Discharge from said trust. This is to notify the above interested parties to show cause, if any they can, why said conservators should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 48 River St., Suite C, Hiawassee, GA 30546, on or before November 2, 2015, said date being more than 30 days from the date of publication. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.

If any objections are filed, a hearing will be scheduled for a later date. If no objections are filed, the petition may be granted without a hearing.

David Rogers
PROBATE JUDGE
By: Kerry L. Berrong
PROBATE CLERK/DEPUTY CLERK
48 River St., Suite C
Hiawassee, GA 30546

ADDRESS
706-896-3467
TELEPHONE

T(Sep19)B

IN THE PROBATE COURT COUNTY OF TOWNS STATE OF GEORGIA

IN RE: ESTATE OF
THOMAS LEE NELSON, DECEASED
ESTATE NO. 2015-71

NOTICE

AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON September 24, 2015, REQUIRING THE FOLLOWING: [For use if an heir is required to be served by publication.]

TO: Thomas Lee Nelson, Jr.

[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 October 26, 2015.

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/Deputy Clerk of the Probate Court
48 River St., Suite C
Hiawassee, GA 30546

Address
706-896-3467
Telephone Number

T(Sep30,Oct17,14,21)B

NOTICE OF LOCATION AND DESIGN APPROVAL BR000-0000-00(305) TOWNS P. I. NUMBER 0000305

Notice is hereby given in compliance with Georgia Code 22-2-109 and 32-3-5 that the Georgia Department of Transportation has approved the Location and Design of this project.

The date of location and design approval is: September 14, 2015

The project proposes to: The proposed project will replace an existing structurally deficient two lane bridge on SR 66 at Crooked Creek, approximately 3.2 miles northwest of Young Harris, Georgia. The project begins approximately 1,383' south of Crooked Creek crossing and ends approximately 1,017' north of Crooked Creek crossing. The construction proposes replacing the existing 120' long by 27.5' wide bridge with a 180' long by 40' wide concrete bridge. The proposed bridge will be constructed approximately 30 feet west of the existing bridge site. Traffic will be maintained during construction of the new bridge and approaches utilizing stage construction. The project total length is 0.45 miles and is located in Land Lots 30 and 43 in Land District 17. Drawings or maps or plats of the proposed project, as approved, are on file and are available for public inspection at the Georgia Department of Transportation:

Robert Mabry, Area Engineer
Georgia Department of Transportation

District 1, Area 4 Office
rmabry@dot.ga.gov

942 Albert Reid Road
Cleveland, Georgia 30528

(706) 348-4848

Any interested party may obtain a copy of the drawings or maps or plats or portions thereof by paying a nominal fee and requesting in writing to:

Albert V. Shelby III, State Program Delivery Engineer

Office of Program Delivery
Attn: Dylan Curtis

curtis@dot.ga.gov

One Georgia Center
600 West Peachtree Street, NW

Atlanta, Georgia 30308
(404) 631-1606

Any written request or communication in reference to this project or notice SHOULD include the Project and P. I. Numbers as noted at the top of this notice.

T(Sep23,30,Oct17,14)B

IN THE PROBATE COURT COUNTY OF TOWNS STATE OF GEORGIA

IN RE: ESTATE OF
JAMES NEAL BOGGS, DECEASED
ESTATE NO. 2015-70

NOTICE

AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON SEPTEMBER 16, 2015, REQUIRING THE FOLLOWING: [For use if an heir is required to be served by publication]

TO: James Neal Boggs, Jr.

[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 October 19, 2015.

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/Deputy Clerk of the Probate Court
48 River St., Suite C
Hiawassee, GA 30546

Address
706-896-3467
Telephone Number

T(Sep23,30,Oct17,14)B

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA, COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in a Deed to Secure Debt given by CHRISTINA SMITH to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE FOR ACOPIA, LLC, dated 10/05/2010, and Recorded on 10/15/2010 as Book No. 482 and Page No. 692-710, AS AFFECTED BY BOOK 483, PAGE 245, TOWNS County, Georgia records, as last assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, A/K/A FANNIE MAE (the Secured Creditor), by assignment, conveying the after-described property to secure a Note of even date in the original principal amount of \$96,300.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash at the TOWNS County Courthouse within the legal hours of sale on the first Tuesday in October, 2015, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 103, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 0.612 ACRES, BEING SHOWN AS TRACT TWO (2) ON A PLAT OF SURVEY PREPARED BY LANDTECH SERVICES, INC., JAMES L. ALEXANDER, R.L.S. #2653 DATED 8/17/04 AS RECORDED IN PLAT BOOK 32, PAGE 230 TOWNS COUNTY, GEORGIA RECORDS WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART THEREOF. 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. Because the debt remains 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).

FEDERAL NATIONAL MORTGAGE ASSOCIATION, A/K/A FANNIE MAE holds the duly endorsed Note and is the current assignee of the Security Deed to the property. SETERUS, INC., acting on behalf of and, as necessary, in consultation with FEDERAL NATIONAL MORTGAGE ASSOCIATION, A/K/A FANNIE MAE (the current investor on the loan), is the entity with the full authority to negotiate, amend, and modify all terms of the loan. Pursuant to O.C.G.A. § 44-14-162.2, SETERUS, INC. may be contacted at: SETERUS, INC., 14523 SW MILLIKAN WAY, SUITE 200, BEAVERTON, OR 97005, 866-570-5277. Please note that, pursuant to O.C.G.A. § 44-14-162.2, the secured creditor is not required to amend or modify the terms of the loan. To the best knowledge and belief of the undersigned, the party/parties in possession of the subject property known as 202 JACK CREEK ROAD, HIWASSEE, GEORGIA 30546 is/are: CHRISTINA SMITH or tenant/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; 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 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. FEDERAL NATIONAL MORTGAGE ASSOCIATION, A/K/A FANNIE MAE as Attorney in Fact for CHRISTINA SMITH. THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

0000004841607 BARRETT DAFFIN FRAPPIER LEVINE & BLOCK, LLP 15000 Surveyor Boulevard Addison, Texas 75001 Telephone: (972) 341-5398.

T(Sep19,16,23,30)P

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, October 6, 2015, 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 PERTAINED 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 REVERSED 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 of 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 Blvd., Suite 100
Atlanta, GA 30341-3941
(770) 220-2535/KMM

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

09/09, 09/16, 09/23, 09/30, 2015
[FC-NOS]

T(Sep19,16,23,30)P

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 that certain Home Equity Line Deed to Secure Debt from Carolyn J. Tyson ("Grantor") in favor of Cadence Bank, N.A. ("Lender"), dated February 15, 2007 and recorded in Deed Book 401, page 17 in the offices of the Clerk of the Superior Court of Towns County, Georgia (as modified and/or amended from time to time, the "Deed to Secure Debt"), the undersigned will sell at public outcry before the door of the Courthouse of Towns County, Georgia during the legal hours of sale on the first Tuesday in October 2015 to the highest and best bidder for cash the following described property (the "Premises"), to wit:

All that tract or parcel of land lying and being in Land Lot 73, 18th District, 1st Section, Towns County, Georgia, containing a total of 0.838 acres and shown as Tract One (1) containing 0.811 acres and being Lot Six (6) of the Ernest H. Dowdy Subdivision, and Tract Two (2) containing 0.027 acre and being a part of Lot Seven (7) of the Ernest H. Dowdy Subdivision, as shown on a plat of survey by Tamrok Associates, Inc., dated 9/20/95 and recorded in Plat Book 20, Page 254 Towns County records, which description on said by is incorporated herein by reference.

Subject to any easements, restrictions and rights-of-way of record, if any.

Together with all present and future improvements and fixtures; all tangible personal property, including, without limitation, all machinery, equipment, building materials, and goods of every nature (excluding household goods) now or hereafter located on or used in connection with the real property, whether or not affixed to the land; all privileges, hereditaments, and appurtenances associated with the real property, whether previously or subsequently transferred to the real property from other real property or now or hereafter susceptible of transfer from this property to other real property; all leases, licenses and other agreements pertaining to the real property; all rents, issues and profits; all water, well, ditch, reservoir and mineral rights pertaining to the real property. TO HAVE AND TO HOLD all the aforesaid property, property rights, contract rights, equipment and claims (all of which are collectively referred to herein as the "Premises") to the use, benefit and behoof of the Grantee, forever, in FEE SIMPLE.

The debt secured by the Home Equity Line Deed to Secure Debt is evidenced by a Home Equity Line of Credit Agreement dated February 15, 2007 from Grantor to Cadence Bank, N.A. in the original principal amount of \$95,000.00 (as modified, amended, restated, or replaced from time to time, 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 indebtedness evidenced by the Note has been accelerated and the Security Deed has been declared foreclosable according to its terms.

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 attorneys' fees, notice of intent to collect attorneys' fees having been given. Said property will be sold subject to any outstanding ad valorem taxes and/or assessments (including taxes which are a lien but are not yet due and payable), possible redemptive rights of the Internal Revenue Service, if any, any matters which might be disclosed by an accurate survey and inspection of the property, and any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed. 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 audit and confirmation of the status of the loan and collateral with the holder of the Security Deed.

To the best of the undersigned's knowledge and belief, the Premises are presently owned by Joseph Tyson, Henry Hodge, and Orlando Tyson. To the best of the undersigned's knowledge and belief, the parties in possession of the Premises are Joseph Tyson, Henry Hodge, and Orlando Tyson, and tenants holding under Joseph Tyson, Henry Hodge, and Orlando Tyson.

Cadence Bank, N.A., as Attorney-in-Fact for Carolyn J. Tyson

Walter E. Jones, Esq.
Balch and Bingham, LLP
30 Ivan Allen Jr. Blvd., NW
Suite 700

Atlanta, Georgia 30308-3036
(404) 962-3574

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT. AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

T(Sep19,16,23,30)B