Towns County Herald

Legal Notices for June 19, 2013

NOTICE TO CREDITORS AND DEBTORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Arthur Francis Kiser, Jr.
All creditors of the estate of Arthur Francis Kiser, 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 3rd day of June, 2013.
Ernestine Kiser Kiser,
Person Representative
300 Fetter Point, Suite 100
Peachtree City, GA 30269
770-487-4775
TLJune5,12,19,2013

NOTICE TO CREDITORS AND DEBTORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Raymond H. Caruthers, Jr.
All creditors of the estate of Raymond H. Caruthers, Jr., deceased of Towns County, 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 7th day of May, 2013.
Cary D. Cox, Attorney at Law
Executor of Representative
PO Box 7480
Blairsville, GA 30514
706-745-7420
TLMay29,June5,12,2013

NOTICE TO CREDITORS AND DEBTORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Eunice Mae Carter Powell
All creditors of the estate of Eunice Mae Carter Powell, 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 13th day of June, 2013.
John Paul Peebles
Personal Representative
6930 Clarence Nichols Road
Young Harris, GA 30582
706-835-8259
TLJune19,26,2013

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Harry John Bostrom
All creditors of the estate of Harry John Bostrom, 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 13th day of June, 2013.
Marine, 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 18th day of June, 2013
Gail Hughes,
Personal Representative
119 Mailborough Road
Hiawassee, GA 30582
781-891-6348
TLJune19,26,July3,2013

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Bettie Mixon Sellers
All creditors of the estate of Bettie Mixon Sellers, 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 18th day of June, 2013
James R. Story,
Personal Representative
1020 Glendalyn Circle
Spartanburg, SC 29302
864-582-7034
TLJune19,26,2013

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Eunice Mae Carter Powell
Probate Judge
Probate Court
Towns County, Georgia
Blairsville, GA 30512
706-745-7420
TLJune19,26,July3,2013

NOTICE
(For Discharge from Office and all Liability)
PROBATE COURT OF TOWNS COUNTY
RE: PETITION OF Jason Garrett and Tammy Carter FOR DISCHARGE AS Executors OF THE ESTATE OF Joel Levon Garrett, DECEASED.
TO: all kinds known and unknown interested parties and anyone else, and all and singular the heirs of said deceased, 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 July 3, 2013.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number 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.
PROBATE JUDGE
By: Beverly Sue Dixon
PROBATE CLERK/DEPUTY CLERK
48 River St. Suite C
Hiawassee, GA 30546
ADDRESS
706-896-3467
TELEPHONE NUMBER
TLJune19TFR

NOTICE
(For Discharge from Office and all Liability)
PROBATE COURT OF TOWNS COUNTY
RE: PETITION OF James Landrum Brown FOR DISCHARGE AS Executor OF THE ESTATE OF Ray L. Brown, DECEASED.
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 July 1, 2013.
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number 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
PROBATE JUDGE
By: Kerry L. Berrong
PROBATE CLERK/DEPUTY CLERK
48 River St. Suite C
Hiawassee, GA 30546
ADDRESS
706-896-3467
TELEPHONE NUMBER
TLJune19TFR

NOTICE OF SEIZURE OF PERSONAL PROPERTY VALUED AT LESS THAN $25,000.00
O.C.G.A. §16-16-2, and §16-16-2, any
claiming an interest in the following property is hereby notified that on the 3rd day of April, 2013, the undersigned agency in Cherokee County, North Carolina.
Property Seized:
2012 Diamond Plate Trailer
Gray in Color
VIN #: 5UHBE12135C005167
G.A Tag #: TLT627
Model Type: 15 x 5, Single Axle Cargo Trailer
Size: 6 x 12
Conduct giving rise to said seizure: On April 5, 2013, the above-referenced trailer was used to facilitate a burglary at a residence located at 1910 Creekview Lane, Young Harris, Towns County, Georgia. Items taken during the burglary were loaded into the aforementioned trailer and said trailer was used to transport the stolen items to 10 Blueberry Lane, Murphy, Cherokee County, North Carolina. Thereafter, the aforementioned trailer was used to store the stolen items at the above-referenced address. In addition, property belonging to the burglary victim was covered from within the trailer. Said property was found by the Towns County Sheriff's Office and Deputy Sheriff Williams. Said property was found in the possession of Terry D. Williams and the stolen property was found in the trailer of and to facilitate the commission of a burglary at the above-referenced Towns County address.
The owner of said property is purported to be:
Terry D. Williams
4673 Sherman Allen Road
Gainesville, Georgia 30507
Any party claiming and interest in said property is hereby notified that you must file any claim in accordance with §16-16-2(d) within 30 days of the second publication of this Notice of Seizure by serving said agency and the District Attorney by certified mail, return receipt requested.
This 6th day of June, 2013
Jeff Langley
District Attorney
Enotah Judicial Circuit
PO: Buck Jones
Assistant District Attorney
48 River Street, Suite A
Hiawassee, Georgia 30546
706-896-4612
SEIZING AGENCY:
Deputy Marc Barnette
Towns County Sheriff's Office
1875 Big Sky Lane
Young Harris, Georgia 30582
706-896-4444
TLJune12,19$8

NOTICE OF SALE UNDER POWER
STATE OF GEORGIA
COUNTY OF TOWNS
Because of a default in the payment of the indebtedness secured by a Security Deed executed by Robert H. Calhoun, III and Susan M. Calhoun to the Bank of Hiawassee dated September 12, 2003, and recorded in Deed Book 206, Page 798, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, NA by Assignment, securing a Note in the original principal amount of $175,500.00, 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, July 2, 2013, 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 the 17th District, 3rd Section, Land Lot 60 of Towns County, Georgia, containing 1.329 acres, and being more particularly described as Lots 38 and 45 of Mining Gap Trail Subdivision, as shown on a plat of survey by Tamrock Associates, Inc., Jon G. Stubblefield, RLS, dated 12-02-96, and recorded in Plat Book 27, Page 244 of the Towns County Records; Less and Except that 0.01 acre tract heretofore conveyed to John E. Fradd and Sandra P. Fradd by Quit Claim Deed dated 9-28-99, and recorded in Deed Book 102, Page 377 of the Towns County Records; the aforementioned plat of survey and quit claim deed being incorporated herein by reference.
The tract conveyed herein is that same land previously conveyed to Virginia L. Cooley by James R. Gibson by Warranty Deed dated 7-27-78, and recorded in Deed Book 62, Pages 552-553 of the Towns County Records, less and except the aforedescribed tract conveyed to Fradd.
This conveyance is made subject to the restrictions for Mining Gap Trail Subdivision as recorded in Deed Book 52, Page 171 of the Towns County Records.
Said property is known as 999 Mining Gap Trail, Young Harris, GA 30582, 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 pursuant to 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 name and address of the attorney representing the holder of the Security Deed first set out above.
Attorney Contact Number: (877) 813-0992
Case No. BAC-12-07486-000
Ad Run Dates: 06/05/2013, 06/12/2013, 06/19/2013, 06/26/2013
www.mwlaw.com/property-listings.php
TLJune5,12,19,2013

NOTICE OF SALE UNDER POWER
STATE OF GEORGIA
COUNTY OF TOWNS
Under and by virtue of the power of sale contained in that certain Security Deed from LESTER E. PATRICK AND PATRICK, HUGH ELEAGE ELECTRIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIRST OHIO BANC & LENDING, INC. A OHIO CORPORATION, recorded in Deed Book 470, Page 755-765, Towns County, Georgia Records, said Security Deed having been given to secure a Note of even date in the original principal amount of Two Hundred Sixty-Three Thousand Six Hundred Twenty-Five and 00/100 dollars ($263,125.00), with interest thereon as provided therein, said Security Deed having been last sold, assigned and transferred to BANK OF AMERICA, N.A., secured creditor, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, during the legal hours of sale on the first Tuesday in July, 2013, that being July 2, 2013, the following described property:
ALL LAND REFERRED TO HEREIN BELOW IS SITUATE IN THE COUNTY OF TOWNS, STATE OF GEORGIA AND IS DESCRIBED AS FOLLOWS: ALL THAT TRACT OR PARCEL OF LAND, SITUATED, LYING AND BEING IN SECTION 1, DISTRICT 18, LAND LOTS 297 AND 310, TOWNS COUNTY, GEORGIA, AND BEING LOT TWELVE (12), CONSISTING OF 1.01 ACRES, MORE OR LESS, OF RIVERLAKE VIEW ESTATES AS MORE FULLY SHOWN ON SURVEY FOR VALLEY VIEW ESTATES, PREPARED BY NORTHSTAR LAND SURVEYING, INC., REGISTERED SURVEYOR, DATED JULY 1, 2002, REVISED SEPTEMBER 26, 2002 AND RECORDED IN PLAT BOOK 30 PAGE 70 OF THE TOWNS COUNTY RECORDS WHICH SURVEYS ARE INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY.
THE PROPERTY IS CONVEYED TOGETHER WITH AND SUBJECT TO THE EXCLUSIVE EASEMENT AND RIGHT OF WAY OF MAULDIN CIRCLE AS MORE FULLY SHOWN ON SAID REFERENCED SURVEY.
THE PROPERTY IS CONVEYED SUBJECT TO THE RESTRICTIVE COVENANTS FOR VALLEY VIEW ESTATES RECORDED IN DEED BOOK 279 PAGES 176-177 OF TOWNS COUNTY RECORDS, AND SUBJECT TO PROVISIONS AS SHOWN ON SAID REFERENCED SURVEY.
THE PROPERTY IS CONVEYED SUBJECT TO THE BLUE RIDGE MOUNTAIN EMC AS RECORDED IN DEED BOOK 252, PAGE 27 AND DEED BOOK 252, PAGE 217 OF THE TOWNS COUNTY RECORDS.
COMMONLY KNOWN AS 5794 MAULDIN CIRCLE, DEAR WILDERNESS, GA 30546.
THE PROPERTY IS CONVEYED SUBJECT TO ANY AND ALL OTHER EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, EVIDENCE OF ACCESS, AND ANY OTHER MATTERS OF RECORD.
BEING KNOWN AS PARCEL NUMBER 62112.
Said legal description being controlling, however the property is more commonly known as 5794 MAULDIN CIRCLE, HIAWASSEE, GA 30546.
The indebtedness secured by said Security Deed is in default and is declared due because of default under the terms of said Security Deed and Note, including but not limited to the nonpayment of the indebtedness as when due. The indebtedness remaining in default, this sale will be made for the purpose of paying the same and expenses of the sale, including attorney's fees (notice to debtor: same has been given) and all other payments provided for under the power of the Security Deed and Note. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named creditor to the undersigned. The sale will be subject to the following items which may be found to exist: 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 or by an inspection of the property; all assessments, liens, encumbrances; zoning ordinances, restrictions, covenants, and matters of record superior to said Security Deed.
The undersigned will execute a deed to the purchaser as authorized in the aforementioned Security Deed.
Attorney Contact: Robin Lublin, LLC, 3740 Davinci Court, Suite 300, Norcross, GA 30092
Telephone Number: (877) 813-0992 Case No. BAC-12-07486-000
Ad Run Dates: 06/05/2013, 06/12/2013, 06/19/2013, 06/26/2013
www.mwlaw.com/property-listings.php
TLJune5,12,19,2013

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
By virtue of a Power of Sale contained in that certain Security Deed from LESTER E. PATRICK AND PATRICK, HUGH ELEAGE ELECTRIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIRST OHIO BANC & LENDING, INC. A OHIO CORPORATION, dated March 8, 2010, in Deed Book 470, Page 755-765, Towns County, Georgia Records, said Security Deed having been given to secure a Note of even date in the original principal amount of Two Hundred Sixty-Three Thousand Six Hundred Twenty-Five and 00/100 dollars ($263,125.00), with interest thereon as provided therein, said Security Deed having been last sold, assigned and transferred to BANK OF AMERICA, N.A., secured creditor, 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 the first Tuesday in July, 2013, all property described in said Security Deed including the following described property:
ALL LAND REFERRED TO HEREIN BELOW IS SITUATE IN THE COUNTY OF TOWNS, STATE OF GEORGIA AND IS DESCRIBED AS FOLLOWS: ALL THAT TRACT OR PARCEL OF LAND, SITUATED, LYING AND BEING IN SECTION 1, DISTRICT 18, LAND LOTS 297 AND 310, TOWNS COUNTY, GEORGIA, AND BEING LOT TWELVE (12), CONSISTING OF 1.01 ACRES, MORE OR LESS, OF RIVERLAKE VIEW ESTATES AS MORE FULLY SHOWN ON SURVEY FOR VALLEY VIEW ESTATES, PREPARED BY NORTHSTAR LAND SURVEYING, INC., REGISTERED SURVEYOR, DATED JULY 1, 2002, REVISED SEPTEMBER 26, 2002 AND RECORDED IN PLAT BOOK 30 PAGE 70 OF THE TOWNS COUNTY RECORDS WHICH SURVEYS ARE INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY.
THE PROPERTY IS CONVEYED TOGETHER WITH AND SUBJECT TO THE EXCLUSIVE EASEMENT AND RIGHT OF WAY OF MAULDIN CIRCLE AS MORE FULLY SHOWN ON SAID REFERENCED SURVEY.
THE PROPERTY IS CONVEYED SUBJECT TO THE RESTRICTIVE COVENANTS FOR VALLEY VIEW ESTATES RECORDED IN DEED BOOK 279 PAGES 176-177 OF TOWNS COUNTY RECORDS, AND SUBJECT TO PROVISIONS AS SHOWN ON SAID REFERENCED SURVEY.
THE PROPERTY IS CONVEYED SUBJECT TO THE BLUE RIDGE MOUNTAIN EMC AS RECORDED IN DEED BOOK 252, PAGE 27 AND DEED BOOK 252, PAGE 217 OF THE TOWNS COUNTY RECORDS.
COMMONLY KNOWN AS 5794 MAULDIN CIRCLE, DEAR WILDERNESS, GA 30546.
THE PROPERTY IS CONVEYED SUBJECT TO ANY AND ALL OTHER EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, EVIDENCE OF ACCESS, AND ANY OTHER MATTERS OF RECORD.
BEING KNOWN AS PARCEL NUMBER 62112.
Said legal description being controlling, however the property is more commonly known as 5794 MAULDIN CIRCLE, HIAWASSEE, GA 30546.
The indebtedness secured by said Security Deed is in default and is declared due because of default under the terms of said Security Deed and Note, including but not limited to the nonpayment of the indebtedness as when due. The indebtedness remaining in default, this sale will be made for the purpose of paying the same and expenses of the sale, including attorneys' fees (notice to debtor: same has been given) and all other payments provided for under the power of the Security Deed and Note. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named creditor to the undersigned. The sale will be subject to the following items which may be found to exist: 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 or by an inspection of the property; all assessments, liens, encumbrances; zoning ordinances, restrictions, covenants, and matters of record superior to said Security Deed.
The undersigned will execute a deed to the purchaser as authorized in the aforementioned Security Deed.
Attorney Contact: Robin Lublin, LLC, 3740 Davinci Court, Suite 300, Norcross, GA 30092
Telephone Number: (877) 813-0992 Case No. BAC-12-07486-000
Ad Run Dates: 06/05/2013, 06/12/2013, 06/19/2013, 06/26/2013
www.mwlaw.com/property-listings.php
TLJune5,12,19,2013

STATE OF GEORGIA
COUNTY OF TOWNS
Under and by virtue of the power of sale in certain Security Deed executed by Robert T. Mullis, Grantor, to PlantersFIRST, Grantee, dated the 26th day of September, 2006 and recorded in Deed Book 385, Page 66, Clerk's Office, Towns County Superior Court, said Deed to Secure Debt having been given to secure a note dated the 26th day of September, 2006, renewed by note dated December 1, 2010, with a Loan Modification Agreement dated January 5, 2012 and a Change in Terms Agreement dated December 20, 2012, there will be sold by the undersigned at public outcry, before the legal hours of sale before the Courthouse of Towns County, Georgia on the first Tuesday in July, 2013, to-wit: the 2nd day of July, 2013, to the highest and best bidder for cash, the following described property:
All that tract or parcel of land lying and being in the 18th District, 1st Section, Land Lot 174 of Towns County, Georgia, containing 1.85 acres, more or less, and being more particularly described as follows: BEGINNING at the Northeast original corner of land 174; thence Southerly, on the East/West original line N 90 degrees W 29 feet to a point located on the Eastern line of the right-of-way of U.S. Highway 76; thence following the line of said right-of-way in the following courses and distances: S 57 degrees W 44 feet, S 45 degrees W 50 feet, S 45 degrees W 50 feet, S 23 degrees E 50 feet, S22 degrees W 50 feet, S 9 degrees E 100 feet, S 3 degrees W 42 feet, S 8 E 50 feet, S 17 degrees E 60 feet, S 28 degrees E 48 feet, S 38 degrees E 132 feet, S 51 degrees E 48 feet and S 23 degrees 30 minutes E 77 feet to an iron pin located upon the North South original line and on the line common to the property of the U.S. Forest Service; thence following said line N 0 00 E 639 feet to the point of Beginning. Said tract being more particularly described upon a plat of survey of same by B. Gregory, County Surveyor, dated 4/23/79, recorded in Plat Book 6, Page 62 of the Towns County Records. Said Plat is incorporated hereby by reference therein. Deed Ref: Book 64, Page 589; Book 161, Page 702. This conveyance is subject to a 66 foot wide road right-of-way in favor of the U.S. Department of Agriculture, for Beat Scale Road #1004 (now known as Dicks Creek Gap Rd. #315) dated 5/14/91, recorded in Deed Book K-1, Page 54, said Towns County Records.
The note secured by said Deed to Secure Debt and Note has been and is hereby declared due and payable in full because of default pursuant to the terms of said Deed to Secure Debt and note. Notice has been given to enforce provisions for collection of attorney's fees and foreclosure in accordance with the legal requirements and the terms of the Deed to Secure Debt and Note. The indebtedness remaining in default, the sale will be made for the purpose of applying proceeds thereof to the payment of the indebtedness secured by the Deed to Secure Debt, accrued interest and expenses of the sale and other sums secured by the Deed to Secure Debt, including the attorney's fees and the remainder, after applying said proceeds to other indebtedness owed by Grantor to Grantee, if any, shall be applied as provided by law.
To the best of the undersigned's knowledge and belief, the property is in the possession of Robert T. Mullis and said property will be sold as the property of Robert T. Mullis. Said property will also be sold subject to all outstanding ad valorem taxes, street improvements, and easements or restrictions of record, if any. The undersigned will execute a deed to the purchaser at said sale as provided in the Deed to Secure Debt. 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 Deed to Secure Debt.
The law firm of Emmett L. Goodman, Jr. for Plaintiff is acting as a debt collector attempting to collect a debt. Any information obtained will be used for that purpose. Pursuant to O.C.G.A. Section 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: Ms. Grace Kirksey, PlantersFIRST, 1400 Sam Nunn Blvd., Perry GA 31069, Telephone: (478)218-5324, Extension 8608.
PlantersFIRST
as attorney-in-fact of
Robert T. Mullis
EMMETT L. GOODMAN, JR., LLC
544 Mulberry Street, Suite 800
Macon, Georgia 31201-2776
Telephone: (478)745-5415
TLJune5,12,19,2013

NOTICE OF SALE UNDER POWER
By virtue of the power of sale contained in a Deed to Secure Debt by ELIZABETH PULLIAM LIPS to Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for Countrywide Home Loans, Inc., dated September 7, 2005 and filed for record September 14, 2005 in Deed Book 347, Page 370, Towns County, Georgia records, and securing a Note in the original principal amount of $100,000.00; last transferred to The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificate-holders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 by Assignment, filed for record in Deed Book 526, Page 521, Towns County, Georgia records, 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 July, 2013, by The Bank of New York Mellon FKA The Bank of New York, as Trustee for The Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 as Attorney-in-Fact for ELIZABETH PULLIAM LIPS the following property to-wit:
TRACT ONE
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 145 & 146, 18th District, 1st Section, Towns County, Georgia, containing 3.326 acres, more or less, as more fully shown on a plat of survey for Kris Phillips, prepared by Northstar Land Surveying, Inc., Registered Surveyor, dated February 20, 2000 and recorded in Plat Book 24, Page 221, Towns County, Georgia Records which survey is incorporated herein by reference for a complete description of said property. The property is conveyed subject to the right-of-way of Blue Ridge Mountain EMC, as recorded in Deed Book 203, Page 15, Towns County, Georgia Records.
LESS AND EXCEPT:
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, and being more fully described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316, THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point, said point being the TRUE POINT OF BEGINNING. Said tract of land contains 0.41 acre, more or less, and is shown and described according to that certain plat titled "Hiawassee" Site No. 80250 for SBA Towers, by Landair Surveying, Inc., dated March 29, 2000, and bears the seal of R. Tate Jones GA. RLS # 2339, which survey is hereby made part of this legal description by this reference.
LESS AND EXCEPT:
EXHIBIT "2"
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, and being more fully described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316, THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point, said point being the TRUE POINT OF BEGINNING. Said tract of land contains 0.41 acre, more or less, and is shown and described according to that certain plat titled "Hiawassee" Site No. 80250 for SBA Towers, by Landair Surveying, Inc., dated March 29, 2000, and bears the seal of R. Tate Jones GA. RLS # 2339, which survey is made part of this legal description by this reference.
LESS AND EXCEPT:
EXHIBIT "3"
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, and being more fully described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316, THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point, said point being the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, THENCE South 40 degrees 10 minutes 52 seconds West a distance of 91.18 feet to a point and the terminus of the easement. Said tract of land is shown on and described according to that certain plat titled "Hiawassee" Site No. NC253 for SBA Towers, by Landair Surveying, Inc., dated March 29, 2000, and bears the seal of R. Tate Jones GA. RLS # 2339, which survey is hereby made part of this legal description by this reference.
The above described property is also known as 2602 RAINBOW RIDGE ROAD, HIAWASSEE, GA 30546.
The indebtedness secured by said Deed to Secure Debt has been declared due and payable because of default in the payment of the indebtedness. Proceeds of the sale will be made for the purpose of paying the same and all expenses of the sale, including attorney's fees, if applicable.
The property will be sold subject to the property of the aforesaid grantor subject to the following: all prior restrictive covenants, easements, rights-of-way, security deeds, or encumbrances; all zoning ordinances and ordinances; matters which would be disclosed by an accurate survey of the property or by any inspection of the property; all outstanding ad valorem taxes, assessments, bills, charges, and expenses that are a lien against the property whether due and payable or not yet due and payable.
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:
Bank of America, N.A.
Home Loan Association Dept
7105 Corporate Drive
Plano, TX 75024
1-800-669-6650
The foregoing notwithstanding, nothing in O.C.G.A. § 44-14-162.2 shall be construed to require Bank of America, N.A. to negotiate, amend or modify the terms of the Deed to Secure Debt and Note.
The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificate-holders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63
as Attorney-in-Fact for
ELIZABETH PHILLIPS
SHAPIRO, MORSE & ROSS, L.L.P.
By: S. Andrew Shupin, Jr.
6299 Riverside Road, Suite 100
Riverdale, GA 30274
770-991-0000
THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
TLJune5,12,19,2$8

NOTICE OF SALE UNDER POWER
By virtue of the power of sale contained in a Deed to Secure Debt by ELIZABETH PULLIAM LIPS to Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for Countrywide Home Loans, Inc., dated September 7, 2005 and filed for record September 14, 2005 in Deed Book 347, Page 370, Towns County, Georgia records, and securing a Note in the original principal amount of $100,000.00; last transferred to The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificate-holders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 by Assignment, filed for record in Deed Book 526, Page 521, Towns County, Georgia records, 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 July, 2013, by The Bank of New York Mellon FKA The Bank of New York, as Trustee for The Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 as Attorney-in-Fact for ELIZABETH PHILLIPS the following property to-wit:
TRACT ONE
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 145 & 146, 18th District, 1st Section, Towns County, Georgia, containing 3.326 acres, more or less, as more fully shown on a plat of survey for Kris Phillips, prepared by Northstar Land Surveying, Inc., Registered Surveyor, dated February 20, 2000 and recorded in Plat Book 24, Page 221, Towns County, Georgia Records which survey is incorporated herein by reference for a complete description of said property. The property is conveyed subject to the right-of-way of Blue Ridge Mountain EMC, as recorded in Deed Book 203, Page 15, Towns County, Georgia Records.
LESS AND EXCEPT:
EXHIBIT "1"
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, and being more fully described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316, THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point, said point being the TRUE POINT OF BEGINNING. Said tract of land contains 0.41 acre, more or less, and is shown and described according to that certain plat titled "Hiawassee" Site No. 80250 for SBA Towers, by Landair Surveying, Inc., dated March 29, 2000, and bears the seal of R. Tate Jones GA. RLS # 2339, which survey is made part of this legal description by this reference.
LESS AND EXCEPT:
EXHIBIT "2"
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, and being more fully described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316, THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point, said point being the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, THENCE South 40 degrees 10 minutes 52 seconds West a distance of 91.18 feet to a point and the terminus of the easement. Said tract of land is shown on and described according to that certain plat titled "Hiawassee" Site No. NC253 for SBA Towers, by Landair Surveying, Inc., dated March 29, 2000, and bears the seal of R. Tate Jones GA. RLS # 2339, which survey is hereby made part of this legal description by this reference.
The above described property is also known as 2602 RAINBOW RIDGE ROAD, HIAWASSEE, GA 30546.
The indebtedness secured by said Deed to Secure Debt has been declared due and payable because of default in the payment of the indebtedness. Proceeds of the sale will be made for the purpose of paying the same and all expenses of the sale, including attorney's fees, if applicable.
The property will be sold subject to the property of the aforesaid grantor subject to the following: all prior restrictive covenants, easements, rights-of-way, security deeds, or encumbrances; all zoning ordinances and ordinances; matters which would be disclosed by an accurate survey of the property or by any inspection of the property; all outstanding ad valorem taxes, assessments, bills, charges, and expenses that are a lien against the property whether due and payable or not yet due and payable.
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:
Bank of America, N.A.
Home Loan Association Dept
7105 Corporate Drive
Plano, TX 75024
1-800-669-6650
The foregoing notwithstanding, nothing in O.C.G.A. § 44-14-162.2 shall be construed to require Bank of America, N.A. to negotiate, amend or modify the terms of the Deed to Secure Debt and Note.
The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificate-holders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63
as Attorney-in-Fact for
ELIZABETH PHILLIPS
SHAPIRO, MORSE & ROSS, L.L.P.
By: S. Andrew Shupin, Jr.
6299 Riverside Road, Suite 100
Riverdale, GA 30274
770-991-0000
THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
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