

# Towns County Herald

## Legal Notices for October 10, 2018

**STATE OF GEORGIA  
COUNTY OF TOWNS  
NOTICE TO DEBTORS AND CREDITORS**  
RE: ESTATE OF RUTH L. HALL, DECEASED  
All creditors of the Estate of Ruth L. Hall, deceased, late of Haywood County, North Carolina, owning real property in 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 21st day of September, 2018.  
By: Ernest G. Hall, III  
124 Todd Road  
Clyde, NC 28721  
T(Sep26,Oct3,10,17)B

**STATE OF GEORGIA  
COUNTY OF TOWNS  
IN RE: NOTICE OF USING TRADE NAME  
NOTICE OF USING TRADE NAME**  
Come now Norman Wesley David and Betsy David and do hereby state, of their own personal knowledge under oath, that they are carrying on a business known as Suubi Apriaries, inc., d/b/a Hiawassee Honey located at 2036 Townsend Mill Road, Young Harris, Towns County, Georgia 30582. (Mail at P.O. Box 4, Young Harris, GA 30582  
This 12th day of October, 2018  
Norman Wesley David  
Beth David  
T(Oct17,24,31,Nov7)B

**NOTICE TO CREDITORS AND DEBTORS**  
All creditors of the estate of PAUL REECE HODGE, 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 Administrator/Personal Representative.  
This 17th day of September, 2018  
ERNESTINE P. HODGE  
Personal Representative/Administrator of Estate PAUL REECE HODGE  
2741 Hidden Valley Drive  
Hiawassee, Georgia 30546  
Pamela Kendall Floyd, PC  
Attorney for Estate  
P.O. Box 1114  
Hiawassee, GA 30546  
T(Oct3,10,17,24)B

**NOTICE TO DEBTORS AND CREDITORS  
STATE OF GEORGIA  
COUNTY OF HOUSTON**  
IN RE: Kathy T. Broyles, Deceased  
All creditor of the Estate of Kathy T. Broyles, deceased, late of Houston 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 according to law.  
John A. Broyles, III, as Executor of the Estate of Kathy T. Broyles, 104 Links View Court, Bonaire, GA 31005  
T(Oct3,10,17,24)B

**IN THE PROBATE COURT OF TOWNS COUNTY  
STATE OF GEORGIA**  
IN RE: ESTATE OF  
JANIS D. HART, DECEASED  
ESTATE NO. 2016-57  
NOTICE  
[For Discharge from Office and all Liability]  
IN RE: Petition for Discharge of Personal Representative  
TO: All Interested Parties, all and singular the heirs of said Decedent 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 October 29, 2018.  
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.  
David Rogers  
Judge of the Probate Court  
By: Kerry L. Berrong  
Clerk of the Probate Court  
48 River St. Suite C  
Hiawassee, GA 30546  
Address  
706-896-3467  
Telephone Number  
T(Oct17)B

**NOTICE TO CREDITORS AND DEBTORS**  
All creditors of the estate of PAUL REECE HODGE, 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 Administrator / Personal Representative.  
This 17th day of September, 2018.  
ERNESTINE P. HODGE  
Personal Representative / Administrator of Estate PAUL REECE HODGE  
2741 Hidden Valley Drive  
Hiawassee, Georgia 30546  
Pamela Kendall Floyd, PC  
Attorney for Estate  
P.O. Box 1114  
Hiawassee, GA 30546  
T(Sep28,Oct3,10,17)B

**NOTICE TO DEBTORS AND CREDITORS  
STATE OF GEORGIA  
COUNTY OF TOWNS**  
RE: ESTATE OF JOHN W. MAYNARD  
All creditors of the estate of John W. Maynard 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 19th day of September, 2018.  
EXECUTOR: Terri A. Vincent  
ADDRESS: c/o Eddy A. Corn, Attorney  
253 Big Sky Drive  
Hiawassee, GA 30546  
PHONE: (706) 896-3451  
T(Sep26,Oct3,10,17)B

**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 ("Security Deed") executed by Thomas E. Barnhill and Bonnie J. Barnhill in favor of Citizens South Bank dated August 17, 2012, recorded at Deed Book 518, Pages 412-426 of the Towns County Deed Records, the undersigned will sell at public outcry to the highest bidder for cash before the door of the Courthouse of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in November, that being November 6, 2018, the following described property: All that tract or parcel of land lying and being in Land Lot 259, 18th District, 1st Section of Towns County, Georgia, being Tract 1 (Lot 12, Block A), containing 0.132 acres, more or less, and Tract 2 (Lot 13, Block A), containing 0.156 acres, more or less, of Bald Mountain Park Subdivision as shown on a plat of survey by Northstar Surveying & Mapping, Inc., dated 6/30/05 and recorded at Plat Book 29, Page 204 in Towns County, Georgia Records. Said plat of survey is incorporated herein, by reference hereto, for a full and complete description of the above described property.  
The property is conveyed subject to all matters and conditions as shown on above referenced plats of survey.  
Also conveyed herewith is the mobile home located on the property as is more particularly described in the Certificate of Permanent Location recorded at Deed Book 513, Page 153, Towns County, Georgia records.  
The debt secured by said Security Deed is evidenced by a Note (the "Note") from Thomas E. Barnhill, dated August 17, 2012, in the original principal amount of \$59,600.00, payable, principal and interest from the date thereof shown on said Note on the unpaid balance until paid. Default has occurred in the payment of the debt evidenced by the Note and secured by the Security Deed as a result of the nonpayment of installments owed thereunder. The total balance of said debt has, therefore, been declared due and the Security Deed foreclosable according to its terms.  
The debt remaining in default, the property will be sold to the highest bidder for cash as the property of Thomas E. Barnhill and Bonnie J. Barnhill, the proceeds to be applied to the payment of said indebtedness, attorneys' fees (notice of intention to collect attorneys' fees having been given), and the lawful expenses of said sale, all as provided in the Note and the Security Deed, said sale to be subject to any and all unpaid taxes and assessments, and restrictions, easements and liens of record with priority over the Security Deed referenced above.  
To the best of the undersigned's knowledge and belief, the property is in the possession of Thomas E. Barnhill and Bonnie J. Barnhill and will be sold as the property of Thomas E. Barnhill and Bonnie J. Barnhill.  
The undersigned will execute a deed to the purchaser as authorized in the aforementioned Security Deed.  
Thomas E. Barnhill and Bonnie J. Barnhill  
By: South State Bank, successor in interest to Park Sterling Bank, successor in interest to Citizens South Bank as Attorney-in-Fact  
Hulsev, Oliver & Mahar, LLP  
P. O. Box 1457  
Gainesville, GA 30503  
(770) 532-6312  
T(Oct10,17,24,31)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 JERRY BRADFORD MCFALLS to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE FOR ACOPIA, LLC, A CORPORATION, ITS, SUCCESSORS AND ASSIGNS , dated 08/17/2012, and Recorded on 08/27/2012 as Book No. 518 and Page No. 706-717, TOWNS COUNTY, Georgia records, as last assigned to JPMORGAN CHASE BANK, N.A. (the Secured Creditor), by assignment, conveying the after-described property to secure a Note of even date in the original principal amount of \$162,610.00, 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 November, 2018, the following described property: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 18TH DISTRICT, 1ST SECTION, LAND LOT 145, TOWNS COUNTY, GEORGIA, CONTAINING 2.165 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS LOT 6, CONTAINING 0.993 ACRES, AND LOT 9, CONTAINING 1.172 ACRES OF RAINBOW RIDGE ACRES SUBDIVISION, AND SHOWN ON A PLAT OF SURVEY BY TAMROCK ASSOCIATES, INC., JON G. STUBBLEFIELD, RLS, DATED 11/05/1997 AND RECORDED IN PLAT BOOK 23, PAGE 55, TOWNS COUNTY, GEORGIA RECORDS, SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE; TOGETHER WITH ALL GRANTOR'S RIGHT, TITLE AND INTEREST TO THAT LAND LYING BETWEEN THE AFOREDESCRIBED LOTS AND THE CENTERLINE OF RAINBOW RIDGE ROAD, NO. 2, SUBJECT TO THE RIGHT OF WAY FOR SAID ROAD, SUBJECT TO EASEMENT AND OTHER MATTERS OF SURVEY AS SHOWN ON THE ABOVE REFERENCED PLAT. 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). JPMORGAN CHASE BANK, N.A. holds the duly endorsed Note and is the current assignee of the Security Deed to the property. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, acting on behalf of and, as necessary, in consultation with JPMORGAN CHASE BANK, N.A. (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, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION may be contacted at: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, 3415 VISION DRIVE, COLUMBUS, OH 43219, 866-550-5705. 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 2304 RAINBOW RIDGE RD, HIWASSEE, GEORGIA 30546 is/are: JERRY BRADFORD MCFALLS 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. JPMORGAN CHASE BANK, N.A. as Attorney in Fact for JERRY BRADFORD MCFALLS. THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 00000007509920 BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP 4004 Belt Line Road, Suite 100 Addison, Texas 75001 Telephone: (972) 341-5398.  
T(Oct10,17,24,31)B

**SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS**  
Pursuant to requirements of the Georgia Constitution, Attorney General Christopher Carr, Secretary of State Brian P. Kemp, and Legislative Counsel Richard C. Ruskell hereby provide the summaries of the proposed constitutional amendments that will appear on the November 6, 2018, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

- 1 -  
Creates the Georgia Outdoor Stewardship Trust Fund to protect water quality, wildlife habitat, and parks.  
House Resolution No. 238  
Resolution Act No. 414  
Ga. L. 2018, p. 1138  
“( ) YES ( ) NO  
Without increasing the current state sales tax rate, shall the Constitution of Georgia be amended so as to create the Georgia Outdoor Stewardship Trust Fund to conserve lands that protect drinking water sources and the water quality of rivers, lakes, and streams; to protect and conserve forests, fish, wildlife habitats, and state and local parks; and to provide opportunities for our children and families to play and enjoy the outdoors, by dedicating, subject to full public disclosure, up to 80 percent of the existing sales tax collected by sporting goods stores to such purposes without increasing the current state sales tax rate?”  
Summary

This proposal authorizes the General Assembly to provide for an annual allocation of up to 80 percent of the revenue derived from the state sales and use tax collected by sporting goods stores to a trust fund to be used for the protection and preservation of conservation land. Any law adopted pursuant to this proposal shall provide for automatic repeal not more than ten years after its effective date; however, such repeal date may be extended for a maximum of ten additional years. It amends Article III, Section IX, Paragraph VI of the Georgia Constitution by adding a new subparagraph (p).  
A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -  
Creates a state-wide business court to lower costs, enhance efficiency, and promote predictable judicial outcomes.  
House Resolution 993  
Resolution Act No. 410  
Ga. L. 2018, p. 1130  
“( ) YES ( ) NO  
Shall the Constitution of Georgia be amended so as to create a state-wide business court, authorize superior court business court divisions, and allow for the appointment process for state-wide business court judges in order to lower costs, improve the efficiency of all courts, and promote predictability of judicial outcomes in certain complex business disputes for the benefit of all citizens of this state?”  
Summary

This proposal creates a state-wide business court with state-wide jurisdiction for use under certain circumstances. It contains provisions relating to venue, jurisdiction, and powers of such court and provides for selection, terms, and qualifications of state-wide business court judges. It amends Article VI of the Georgia Constitution by revising Sections I, II, III, IV, and VII.  
A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 3 -  
Encourages the conservation, sustainability, and longevity of Georgia's working forests through tax subclassification and grants.  
House Resolution No. 51  
Resolution Act No. 297  
Ga. L. 2018, p. 1127  
“( ) YES ( ) NO

Shall the Constitution of Georgia be amended so as to revise provisions related to the subclassification for tax purposes of and the prescribed methodology for establishing the value of forest land conservation use property and related assistance grants, to provide that assistance grants related to forest land conservation use property may be increased by general law for a five-year period and that up to 5 percent of assistance grants may be deducted and retained by the state revenue commissioner to provide for certain state administrative costs, and to provide for the subclassification of qualified timberland property for ad valorem taxation purposes?”  
Summary

This proposal revises provisions subclassifying forest land conservation use property for ad valorem taxation purposes. It revises the methodology for establishing the value of forest land conservation use property and related assistance grants. The proposal also permits the subclassification of qualified timberland property for ad valorem taxation purposes. It amends Article VII, Section I, Paragraph III of the Georgia Constitution by revising subparagraph (f) and by adding a new subparagraph (f.1).  
A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 4 -  
Provides rights for victims of crime in the judicial process.  
Senate Resolution No. 146  
Resolution Act No. 467  
Ga. L. 2018, p. 1139  
“( ) YES ( ) NO  
Shall the Constitution of Georgia be amended so as to provide certain rights to victims against whom a crime has allegedly been perpetrated and allow victims to assert such rights?”  
Summary

This proposal recognizes certain rights of victims against whom a crime has been perpetrated and provides for the enforcement of such rights. It amends Article I, Section I of the Georgia Constitution by adding a new Paragraph XXX.  
A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 5 -  
Authorizes fair allocation of sales tax proceeds to county and city school districts.  
Senate Resolution No. 95  
Resolution Act No. 278  
Ga. L. 2017, p. 857  
“( ) YES ( ) NO  
Shall the Constitution of Georgia be amended so as to authorize a referendum for a sales and use tax for education by a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county and to provide that the proceeds are distributed on a per student basis among all the school systems unless an agreement is reached among such school systems for a different distribution?”

Summary  
This proposal authorizes a county school district or an independent school district or districts within the county having a majority of the students enrolled within the county to call for a referendum for a sales and use tax for education and provides that the proceeds are distributed on a per student basis among all the school systems unless an agreement is reached among such school systems for a different distribution. It amends Article VIII, Section VI, Paragraph IV of the Constitution by revising subparagraphs (a) and (g).  
A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.  
SUMMARIES OF PROPOSED STATE-WIDE REFERENDUM QUESTIONS  
Pursuant to Code Section 21-2-4 of the O.C.G.A., the Secretary of State is authorized to include with the summaries of proposed constitutional amendments summaries of any state-wide referendum questions to be voted on at the same general election:

- A -  
Provides for a homestead exemption for residents of certain municipal corporations.  
House Bill No. 820  
Act No. 346  
Ga. L. 2018, p. 235  
“( ) YES ( ) NO  
Do you approve a new homestead exemption in a municipal corporation that is located in more than one county, that levies a sales tax for the purposes of a metropolitan area system of public transportation, and that has within its boundaries an independent school system, from ad valorem taxes for municipal purposes in the amount of the difference between the current year assessed value of a home and the adjusted base year value, provided that the lowest base year value will be adjusted yearly by 2.6 percent?”  
Summary

This proposal authorizes a new homestead exemption from ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the adjusted base year value of such homestead. This exemption would only apply to persons residing in a municipal corporation that is located in more than one county, that levies a sales tax for the purposes of a metropolitan area system of public transportation, and that has within its boundaries an independent school system. It enacts Code Section 48-5-44.1 of the Official Code of Georgia Annotated.  
If approved by a majority of the voters, the Act becomes effective on January 1, 2019, and applies to all tax years beginning on or after that date.

- B -  
Provides a tax exemption for certain homes for the mentally disabled.  
House Bill No. 196  
Act No. 25  
Ga. L. 2017, p. 55  
“( ) YES ( ) NO  
Shall the Act be approved which provides an exemption from ad valorem taxes on nonprofit homes for the mentally disabled if they include business corporations in the ownership structure for financing purposes?”  
Summary

This proposal clarifies that the existing exemption from ad valorem taxation for nonprofit homes for the mentally disabled applies even when financing for construction or renovation of the homes is provided by a business corporation or other entity. It amends paragraph (13) of Code Section 48-5-41 of the Official Code of Georgia Annotated.  
If approved by a majority of the voters, the Act becomes effective on January 1, 2019, and applies to all tax years beginning on or after that date.

T(Oct17,24,31)B