

Towns County Herald

Legal Notices for October 21, 2020

STATE OF GEORGIA COUNTY OF TOWNS NOTICE TO DEBTORS AND CREDITORS

RE: LUCILLE NIXON BURGESS
All debtors and creditors of the estate of Lucille Nixon Burgess, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 25th day of September, 2020.

Laura Susan Miles, Executor
26763 Whispering Leaves Dr. Unit B
Newhall, CA 91321
Lawrence S. Sorgen
Attorney at Law
P. O. Box 67
Hiawassee, GA 30546

(Sept30,Oct17,14,21)

NOTICE TO CREDITORS AND DEBTORS

STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Eugene H. Bolsius, Jr.
All creditors of the estate of Eugene H. Bolsius, 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 29th day of September, 2020.

Mark Bolsius
Personal Representative
3805 Tullamore Way,
Cumming, GA 30040
770-853-7966

(7Oct17,14,21,28)

NOTICE TO CREDITORS AND DEBTORS

STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of James Cecil Berrong
All creditors of the estate of James Cecil Berrong, 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 30th day of September, 2020.

Jeffery Penland,
Personal Representative
P.O. Box 925
Hiawassee, GA 30546

(7Oct17,14,21,28)

STATE OF GEORGIA COUNTY OF TOWNS NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF GLADYS L. TOMLINSON
All debtors and creditors of the estate of Gladys L. Tomlinson, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 2nd day of October, 2020.

Harold Charles Baldwin, Executor
936 Sunnyside Road
Hiawassee, GA 30546
Lawrence S. Sorgen
Attorney at Law
P. O. Box 67
Hiawassee, GA 30546

(7Oct17,14,21,28)

STATE OF GEORGIA COUNTY OF TOWNS NOTICE TO DEBTORS AND CREDITORS

RE: MARY RACHEL ELLER
All debtors and creditors of the estate of Mary Rachel Eller, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 1st day of October, 2020.

Jason Emmitt Holdaway, Executor
Address: PO Box 87
Hiawassee, GA 30546
Phone: 706-897-3263

(7Oct14,21,28,Nov4)

NOTICE OF INTENT TO INCORPORATE

Notice is given that the Articles of Incorporation which will incorporate MOSS' CUTTING EDGE SERVICES LLC, a domestic limited liability company with a mailing address of 2800 Upper Bell Creek Road, Hiawassee, Georgia 30546, has been delivered to the Secretary of State for filing in accordance with the applicable provisions of the Georgia Business Corporation Code. The initial registered office of the corporation will be located at of 2800 Upper Bell Creek Road, Hiawassee, Georgia 30546, and its initial registered agent at such address is CODY MOSS.

PAMELA KENDALL FLOYD, P.C.
Attorney at Law
P.O. Box 1114
Hiawassee, Georgia 30546

(7Oct14,21)

STATE OF GEORGIA

COUNTY OF TOWNS

NOTICE TO DEBTORS AND CREDITORS

RE: CLARENCE JAMES YOUNGBLOOD
All debtors and creditors of the estate of Clarence James Youngblood, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 13th day of October, 2020

Paula Cunningham Youngblood Executor
122 Slave Drive
Hayesville, NC 28904
Lawrence S. Sorgen
Attorney at Law
P. O. Box 67
Hiawassee, GA 30546

(7Oct21,28,Nov4,11)

PUBLIC NOTICE

Request for Public Input for the State of Georgia's
Draft Consolidated Annual Performance and Evaluation Report (CAPER) FFY2019/SFY2020
The State of Georgia, in compliance with applicable U.S. Department of Housing and Urban Development (HUD) regulations, has prepared a draft version of the State's Consolidated Annual Performance and Evaluation Report (CAPER) for the Federal Fiscal Year 2019. The CAPER is the annual review of the State's performance in meeting the goals and objectives identified in the 2018-2022 Consolidated Plan and FY2019 Annual Action Plan. The CAPER also includes the State CDBG Performance and Evaluation Report (State PER) for the State of Georgia Community Development Block Grant (CDBG) Program. The State of Georgia encourages citizens, public agencies, and other interested parties to review the draft CAPER and submit their written comments.

The report will be available for review on November 1, 2020 by 5:00 p.m.
https://www.dca.ga.gov/node/4565
The report may also be obtained from the Georgia Department of Community Affairs by calling 404-576-7500 or by e-mail to HUDplanning@dca.ga.gov. Written comments should be submitted by email or post no later than Friday, November 30, 2020 at 12:00 p.m. Georgia Department of Community Affairs Housing Finance and Development Attn: CAPER – GHFA HOME Admin 60 Executive Park South, NE Atlanta, GA 30329-2231

NT(0ct21)

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

STATE OF GEORGIA

COUNTY OF TOWNS

The undersigned hereby certifies that Trevor Donovan McGaha is conducting a business as Dirt Road Code in the City of Young Harris, County of Towns, in the State of Georgia, under the name of Dirt Road Code and that the nature of the business is Apparel and that the names and addresses of the persons, firms, or partnership owning and carrying on said trade or business are Trevor McGaha, 8307 Ivy Log Gap Road, Young Harris, GA 30582.

(7Oct14,21)

STATE OF GEORGIA

COUNTY OF TOWNS

NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF HUGH O. HOWELL
All debtors and creditors of the estate of Hugh O. Howell, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 8th day of October, 2020.

Lou Ellen Howell, Executor
268 Hidden Lakeview Circle
Hiawassee, GA 30546
Lawrence S. Sorgen
Attorney at Law
P. O. Box 67
Hiawassee, GA 30546

(7Oct14,21,28,Nov4)

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA COUNTY OF TOWNS

Under and by virtue the Power of Sale contained in that certain Deed to Secure Debt and Security Agreement (the "Security Deed") from Sand B&G, LLC, a Georgia limited liability company ("Grantor" or "Borrower") in favor of KDM, filed December 14, 2018, and recorded in Deed Book 622, Pages 222-227, Towns County, Georgia Records (the "Security Deed"), as assigned by KDM to Chatuge Loan Funding LLC by that certain Assignment of Deed to Secure Debt dated August 26, 2020, and recorded in Deed Book 655, Page 223, as further assigned by Chatuge Loan Funding LLC to Lender by that certain Assignment of Deed to Secure Debt dated August 27, 2020, and recorded in Deed Book 655, Page 594, Grantee, as attorney-in-fact for Grantor, will sell at public outcry to the highest and best bidder for cash before the courthouse doors in Towns County, Georgia, during the legal hours of sale on November 3, 2020, the following described real property, to wit:

All that tract or parcel of land lying and being in the 17th District, 1st Section, Land Lots 50 and 51 of Towns County, Georgia containing 1.422 acres, as shown on a plat of survey for D's Designs of Tallahassee, Inc., by Northstar Surveying & Mapping, Inc., W. Gary Kendall, RLS, dated October 11, 2018 and recorded in Plat Book 41, Page 77, Towns County records, said plat being incorporated herein by reference; together with a non-exclusive easement of ingress and egress over, above and across the paved road(s) shown on said plat (known as Dogwood Lane) for access to and from the aforescribed tract and U.S. Hwy. No. 76/ State Route No. 2.

Also, a non-exclusive right of access to and use of the Lift Station adjacent to the northeast corner of the aforescribed tract (shown on the above referenced plat of survey) for use and service of sanitary sewer discharge from the real property herein conveyed, subject to such rules, regulations and laws applicable thereto and subject to the sewer charges therefor as may be assessed by any lawful government agency, authority or entity for the transportation and processing of sanitary sewer waste water from the above described premises, which compliance and charges therefor shall be the sole responsibility of Grantee, its successors and assigns.

Together with all other "Property," as such term is defined in the Security Deed.
THE ABOVE-REFERENCED REAL PROPERTY IS COMMONLY KNOWN AS LAND LOTS 50 AND 51, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA CONTAINING 1.422 ACRES AND ITS TAX IDENTIFICATION NUMBER IS 19 74 A 1.

The debt secured by the Security Deed is evidenced by that certain Purchase Money Promissory Note (the "Note") dated as of December 5, 2018, executed by The Sand Bar and Grille, Inc., a Georgia corporation ("Borrower #1") in favor of KDM Holdings, L.L.C., a Georgia limited liability company ("KDM") and assigned and endorsed by Allonge dated August 26, 2020 to Chatuge Loan Funding LLC, as further assigned by Assignment and Assumption of Purchase Money Promissory Note dated August 27, 2020 to Utrecht Assets, LLC, a Georgia limited liability company, in the original principal amount of \$523,271.00, (the "Note") plus interest 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. By reason of this default, the Security Deed has been declared foreclosable according to its terms.

The above-described real property will be sold to the highest and best bidder for cash, the proceeds to be applied to the payment of said indebtedness, attorney's fees, and the lawful expenses of said sale, all as provided in the Note and Security Deed. The sale shall be subject to the following: all outstanding ad valorem taxes and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all other prior assessments, easements, restrictions or matter of record. To the best of the undersigned's knowledge and information, the party or parties who may be in possession of the Property are Grantor or its agents or tenants of Grantor.

THE LAW OFFICES OF SAM MAGUIRE, JR. P.C.
SYNERG LAW COMPLEX
6075 BARFIELD ROAD, SUITE 119
SANDY SPRINGS, GA 30329
File #: C202938
(404) 257-8885

(7Oct17,14,21,28)

SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to requirements of the Georgia Constitution, Attorney General Christopher Carr, Secretary of State Brad Raffensperger, and Legislative Counsel Richard C. Ruskell hereby provide the summaries of the proposed constitutional amendments that will appear on the November 3, 2020, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

- 1 -
Authorizes dedication of fees and taxes to their intended purposes by general state law.

House Resolution No. 164
Resolution Act No. 597
Ga. L. 2020, p. 919
() YES
() NO

Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from fees or taxes to the public purpose for which such fees or taxes were intended?"

Summary
This proposal authorizes the Georgia General Assembly by general law to require that fees or taxes collected for some specific intended public purpose be used as so intended. It requires any such general law to identify the specific public purpose, name the state agency to administer the funds, require the agency to make annual reports of revenues and expenses, and automatically end the fee or tax within ten years. It prohibits the General Assembly from designating funds when total revenues so dedicated equal or exceed one percent of the total state revenues based on the previous fiscal year's appropriated state revenues. It exempts such general laws from certain state constitutional restrictions. It requires that such general laws, including amendments, be approved by two-thirds of each chamber of the General Assembly, but allows for repeal of such general laws by simple majority vote. It prohibits attempts to reallocate dedicated funds through any appropriations act or amendment. It provides for temporary suspension of such general laws by the Governor or by the General Assembly in the event of a financial emergency, subject to certain limitations. It amends Article III, Section IX, Paragraph VI of the Georgia Constitution by redesignating the second subparagraph (o), relating to the dedication of the excise tax on the sale of fireworks, as subparagraph (p), by redesignating subparagraph (p), relating to the Georgia Outdoor Stewardship Fund, as subparagraph (q), and by adding a new subparagraph (r). 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 -
Waives state and local sovereign immunity for violation of state laws, state and federal constitutions.
House Resolution 1023
Resolution Act No. 596
Ga. L. 2020, p. 917
() YES
() NO

Shall the Constitution of Georgia be amended to waive sovereign immunity and allow the people of Georgia to petition the superior court for relief from governmental acts done outside the scope of lawful authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the United States?"

Summary
This proposal waives state and local sovereign immunity so as to allow citizens to sue the State of Georgia, its departments and other agencies, and its local governments in superior courts and authorizes superior courts to order state and local officers and employees to cease violations of the Georgia Constitution, the laws of the State of Georgia, or the United States Constitution, beginning with violations occurring on or after January 1, 2021. It requires that such suits be brought only against the State or Georgia, or in the case of a local government, against the specific local government. It requires superior courts to dismiss any such lawsuit that names any individual state or local public officer or employee as a defendant. It maintains the ability of superior courts to dismiss such suits based on other appropriate legal or equitable grounds or limitation on review in superior court. It prohibits any type of monetary award, including attorney's fees or costs of litigation, unless authorized by an Act of the Georgia General Assembly. It does not prohibit the General Assembly from further waiving certain other immunities provided for under Georgia's Constitution, though it does not waive any immunity provided for by the United States Constitution. It amends Article I, Section II, Paragraph V of the Georgia Constitution by rendering the current text subparagraph (a) and adding a new subparagraph (b). 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 tax exemption for certain single-family homes owned by tax exempt charities.

House Bill No. 344
Act No. 149
Ga. L. 2019, p. 438
() YES
() NO

Shall the Act be approved which provides an exemption from ad valorem taxes for all real property owned by a purely public charity, if such charity is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code and such real property is held exclusively for the purpose of building or repairing single-family homes to be financed by such charity to individuals using loans that shall not bear interest?"

Summary
This proposal authorizes a new exemption from ad valorem taxes for all real property owned by a purely public charity, if such charity is exempt from federal taxation and such property is used only for building or repairing single-family homes to be financed by such charity to individuals using zero interest loans. It amends Code Section 48-5-41 of the Official Code of Georgia Annotated by deleting "and" at the end of paragraph (14), by replacing the period with "; and" at the end of paragraph (15), and by adding a new paragraph. If approved by a majority of the voters, the Act becomes effective on January 1, 2021, and applies to all tax years beginning on or after that date.

(7Oct14,21,28)