

Towns County Herald

Legal Notices for March 22, 2017

STATE OF GEORGIA
COUNTY OF TOWNS
RE: ESTATE OF James B. Jones
NOTICE TO CREDITORS AND DEBTORS
All creditors of the estate of James B. Jones, 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 17th day of February, 2017.
Billie Bowers Jones
705 Bell Creed Road
Hiawassee, Georgia 30546
706-896-3974
T(Mar1,8,15,22)B

NOTICE TO DEBTORS AND CREDITORS
All creditors of the estate of Rex Avon Burrell, deceased, 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 22nd day of February, 2017.
Personal Representative: Peggy Keys Burrell
Address: 429 Scataway Road
Hiawassee, GA 30546
Phone: (706) 896-9964
T(Mar1,8,15,22)B

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of James C. Nichols
All creditors of the estate of James C. Nichols, deceased, 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 13th day of March, 2017.
Laurie Main
Personal Representative
550 Kinsley Cove Road
Hiawassee, GA 30546
706-835-6200
T(Mar22,29,Apr5,12)B

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Joann Townsend
All creditors of the estate of Joann Townsend, deceased, 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 15th day of March, 2017.
Beverly Messer & Patricia Clayton
Personal Representative
863 Crane Creek Road
Young Harris, GA 30582
706-379-1932
T(Mar22,29,Apr5,12)B

STATE OF GEORGIA
COUNTY OF TOWNS
NOTICE TO DEBTORS AND CREDITORS
RE: ESTATE OF MARION C. STANSELL
All debtors and creditors of the estate of Marion C. Stansell, 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 3rd day of March, 2017.
Joyce S. Geiger, Executor
Address: 1412 Holly Point Drive
Hiawassee, GA 30546
T(Mar8,15,22,29)B

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
Shirlee Eller, Plaintiff
v.
Orlando Eller, Defendant
Civil Action Case No. 17-CV-11-RG
NOTICE OF PUBLICATION
TO: Orlando Eller
(LKA) 6699 Upper Hightower Road
Hiawassee, GA 30546
By Order for Service by Publication dated 14th day of February, 2017, You are hereby notified that on the 3rd day of February, 2017, the Plaintiff filed suit against you for Complaint for Divorce.
You are required to be filed with the Clerk of the Superior Court of Towns County, and to serve upon Counsel for the Plaintiff: Kris-Ann Poe, 231 Chatuge Way, Hiawassee, Georgia an answer to the complaint within sixty (60) day of the date of the first publication and notice.
Witness the Honorable Raymond George, Judge of this Court.
This 23 day of February, 2017
T(Mar8,15,22,29)B

IN THE PROBATE COURT
COUNTY OF TOWNS
STATE OF GEORGIA
IN RE: ESTATE OF
DAVID LEE KUNZ, DECEASED,
ESTATE NO. 2017-13
**NOTICE OF PETITION TO FILE FOR YEAR'S SUP-
PORT**
The Petition of Virginia W. Kunz, for a year's support from the estate of David Lee Kunz, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before April 10, 2017, why said Petition should not be granted.
All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections must be signed 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(Mar15,22,29,Apr5)B

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
FAMILY DIVISION
IN RE: the Name Change of:
Child: Ava Laine Swanson
Petitioner: Victoria Renee Owenby
And: Curtis Marvin Swanson
Civil Action File No: 12-CV-30MM
Notice of Petition to Change Name of Minor Child
Notice is hereby give that Victoria Renee Owenby and Curtis Marvin Swanson, the undersigned, filed a petition to the Superior Court of Towns County, Georgia on the 28th day of February, 2017, praying for change in the name of said minor child from Ava Laine Swanson to Ava Liane Swanson.
Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name change. Objections must be filed with said Court within 30 days of the filing of said Petition. Petitioners are the parents and natural guardians of said minor child.
This the 17 day of February, 2017
Victoria Renee Owenby
319 Abby Liza Lane
Hiawassee, GA 30546
706-970-5188
Curtis Marvin Swanson
147 Highway 180
Hiawassee, GA 30546
706-970-5188
T(Mar22,29,Apr5,12)B

IN THE SUPERIOR COURT OF TOWNS COUNTY,
STATE OF GEORGIA
In Re: the name change of: David Kuykendall,
Petitioner
Civil Action File #: 17-CV-37-RG
NOTICE OF PUBLICATION
You are hereby notified that on the 8 day of March, 2017, David Kuykendall, filed a Petition to Change Name in the Superior Court of Towns County. David Kuykendall desires to change his/her from David Fannin Kuykendall to Daniel Fannin Kuykendall. Any interested party has the right to appear in this case and file objections within 30 days after the Petition to Change Name was filed.
Signed this 8 day of March, 2017
Cecil Dye, Clerk of Superior Court, Towns County
David Kuykendall, Petitioner, Pro Se
4877 Upper Plott Town Road
Young Harris, GA 30582
706-994-1487
T(Mar15,22,29,Apr5)P

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
PNC Mortgage, a division of PNC Bank, National Association,
Plaintiff,
v.
George Thompson and Mary E. Thompson,
Defendants.
CIVIL ACTION FILE NUMBER
17-CV-19SG
TO: George Thompson and Mary E. Thompson
NOTICE OF PUBLICATION
By Order for Service by Publication, dated March 9, 2017, and filed on this Court's docket on March 9, 2017, you are hereby notified that on February 13, 2017, PNC Mortgage, a division of PNC Bank, National Association filed a Complaint for Reformation, Declaratory Judgment, and Equitable Relief and named you as a Defendant.
You are required to file with the Clerk of the Superior Court, and to serve upon Plaintiff's attorneys, Monica K. Gilroy and Tania Trumble an Answer in writing within sixty (60) days of the date of the Order for Publication.
This the 14th day of March, 2017.
TANIA TRUMBLE
Georgia State Bar No. 720348
KELSEA L. S. LAUN
Georgia State Bar No. 141960
ATTORNEYS FOR PLAINTIFF
Gilroy Bailey Trumble, LLC
3780 Mansell Road, Suite 140
Alpharetta, Georgia 30022
T: 678-280-1922 F: 678-280-1923
Tania.Trumble@gilroyfirm.com
Kelsea.Laun@gilroyfirm.com
T(Mar22,29,Apr5,12)B

NOTICE OF SEIZURE OF PERSONAL PROPERTY
ITEMS EACH VALUED AT \$25,000.00 OR LESS
PURSUANT TO O.C.G.A. 9-16-11(a)
TAKE NOTICE that on January 11th, 2107, law enforcement officers of the Office Of The Sheriff of Towns County, Georgia, in connection with a law enforcement investigation into multiple violations of the Georgia Controlled Substances Act seized the following items:
PROPERTY SEIZED
A) A certain SILVER in color, 2003 Year Model, Mercedes Benz S55 AMG, light pick-up truck, a motor vehicle, bearing VIN Number WDBNG74-J23A360218, and having been assigned with current Georgia Motor Vehicle License and Registration number QF19218 (Ga Tag #: QF19218) (hereinafter "Property One");
B) A certain black in color, Smith and Wesson, M&P-15, .223 caliber semi-automatic rifle bearing serial number 88938 (hereinafter "Property Two");
C) A certain brown in color, Mossberg, Model 380, .22 caliber semi-automatic pistol bearing M29202 (hereinafter "Property 3");
D) A certain brown in color, Wards Western Fields, Model 35, Serial No. U132001, 20 Gauge Shotgun (hereinafter "Property 4");
E) A certain brown in color, Marlin Model 60, a .22 caliber rifle bearing serial number MM60858K (hereinafter "Property 5");
F) \$573,000 in United States Currency (hereinafter "Proper 6");
CONDUCT GIVING RISE TO SEIZURE
PROPERTY ITEMS ONE THROUGH SIX, "the seized property" and various and multiple quantities of Heroin, a listed Scheduled Controlled Substance; Xanax, to wit: Alprazolam, a listed Scheduled Controlled Substance; Hydromorphone, a listed Schedule Controlled IV Substance, and an additional amount of Xanax; an amount of Oxycodone, listed Schedule II Controlled Substances, Oxycodone, a listed Scheduled II Controlled Substance; Marijuana and Marijuana Oil Derivatives a listed Schedule I Controlled Substance, MDMH a Schedule I Controlled Substance, and Heroin a listed Schedule I Controlled Substance.
The seized property was either directly or indirectly used or intended for use to facilitate the transportation of, possession of, and possession with intent to distribute in violation of O.C.G.A. 16-13-30 et seq.; and/or said contraband controlled substances were found in close proximity; and/or said property was purchased and/or acquired from the sale of these items, which therefore renders said seized property subject to forfeiture pursuant to the provisions of O.C.G.A. 16-13-49 (b).
FURTHER TAKE NOTICE
The purported owner of said property is STEVEN DOUGLAS ANDERSON formerly of 2147 Ridge Circle Hiawassee, Towns County, Georgia 30546.
The same individual was served via personal service at the Towns County Law Enforcement Detention Center on February 21st, 2017.
AND FURTHER TAKE NOTICE that the owner or interest holder may file a claim to the seized property within thirty (30) days after service by sending the claim to the District Attorney for the Enotah Judicial Circuit, 48 River Street, Suite A, Hiawassee, GA 30546 by certified mail or statutory overnight delivery, return receipt requested. The claim must be signed by the owner or interest holder and provide the following: 1) The name of the claimant; 2) The address at which the claimant resides; 3) A description of the claimant's interest in the property; 4) A description of the circumstances of the claimant's obtaining an interest in the property and, to the best of the claimant's knowledge, the date the claimant obtained the interest and the name of the person or entity that transferred the interest to the claimant; 5) The nature of the relationship between the claimant and the person who possessed the property at the time of the seizure; 6) A copy of any documentation in the claimant's possession supporting his or her claim; and 7) Any additional facts supporting his or her claim.
RESPECTFULLY SUBMITTED,
Jeffrey Langley
DISTRICT ATTORNEY
Enotah Judicial Circuit
T. Buckley Levins
Assistant District Attorney
T(Mar22,29,Apr5)B

PROPOSED DRAFT ANNUAL ACTION PLAN
FEDERAL FISCAL YEAR 2017/STATE FISCAL
YEAR 2018
The Annual Action Plan is the review of the State's goals, objectives, and community and housing priorities for the upcoming year. The FFY 2017/SFY2018 Annual Action Plan is the fifth and final year implementation of the current five-year (2013-2017) Consolidated Plan. The Plan indicates how the anticipated funds received from the U.S. Department of Housing and Urban Development (HUD) will be implemented for the following programs: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and the National Housing Trust Fund (NHTF) Programs. The Plan draft includes goals of the priorities, citizen participation/consultation, housing needs assessment for the homeless, and the investment of resources to meet these needs and any minor amendments. It also provides a strategy for meeting the identified needs, addressing barriers to fair housing and lead-based paint hazards, non-housing community development plans, and anti-poverty strategies. The State of Georgia encourages all of its citizens, public agencies and other interested parties to review the contents of the Annual Action Plan and submit their written comments to the agency.
The Public Hearing and Webinar for the FFY2017 Annual Action plan will be held: March 29, 2017- 2:00 p.m. (Conference Room 302)
Department of Community Affairs
60 Executive Park South NE
Atlanta, GA 30329-2231
Use the link below to register for the webinar: <https://attendee.gotowebinar.com/register/2696990254086616066>
A copy of the draft Annual Action Plan will be available for public comment from March 27, 2017 after 5:00 PM through close of business on April 30, 2017.
View and Download the Plan: <http://www.dca.ga.gov/communities/CommunityInitiatives/programs/ConsolidatedPlan.asp>.
To request a hardcopy, send an email to housingplanning@dca.ga.gov
The Goals and Method of Distributions on how the State intends to implement the following programs can be reviewed here: <http://www.dca.state.ga.us/communities/CDBG/index.asp>
ESG and HOPWA programs can be reviewed here: <http://www.dca.state.ga.us/housing/specialneeds/programs/esp.asp>
NHTF can be reviewed here: <http://www.dca.state.ga.us/housing/HousingDevelopment/programs/NationalHousingTrustFund.asp>
Submit comments in writing to:
Department of Community Affairs
ATTN: ANNUAL ACTION PLAN PUBLIC COMMENTS
60 Executive Park South Atlanta Georgia 30329
Or email to housingplanning@dca.ga.gov.
DCA complies with Title II of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. Individuals with disabilities who are may need auxiliary aids or special modification to participate in the public comment process should call (404) 679-4840.
NT(Mar22)B

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
Under and by virtue of the Power of Sale contained in a Security Deed given by Margaret M Brooks and Thomas F Brooks to MetLife Home Loans, a division of MetLife Bank, N.A., dated June 24, 2009, recorded in Deed Book 458, Page 541, Towns County, Georgia Records and as re-recorded in Deed Book 469, Page 35, Towns County, Georgia Records, as last transferred to Nationstar Mortgage LLC d/b/a Champion Mortgage Company by assignment recorded in Deed Book 588, Page 485, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINE HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED FIFTY AND 0/100 DOLLARS (\$938,250.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in April, 2017, the following described property: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given). Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above. Nationstar Mortgage LLC d/b/a Champion Mortgage Company is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2. The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Champion Mortgage LLC, 8950 Cypress Waters Boulevard , Coppell, TX 75019 855-683-3095. To the best knowledge and belief of the undersigned, the party in possession of the property is Margaret M Brooks, Estate of Thomas F Brooks and Thomas F Brooks or a tenant or tenants and said property is more commonly known as 7081 Speese Drive, Hiawassee, Georgia 30546. 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 security deed. Nationstar Mortgage LLC d/b/a Champion Mortgage Company as Attorney in Fact for Margaret M Brooks and Thomas F Brooks McCalla Raymer Leibert Pierce, LLC 1544 Old Alabama Road Roswell, Georgia 30076 www.foreclosurehotline.net EXHIBIT "A" All that parcel of land situate in Land Lot 21 and 19th District, Towns County and State of Georgia, being known and designated as Lot 84 and part of Lot 85, Hi River Country, Phase I and more fully described as ametes and bounds property. By fee simple deed from Margaret M. Brooks as set forth in Deed Book 455 Page 472 dated 5/19/2009 RECORDED 5/21/2009. Towns County Records, State of Georgia. Tax ID: 063A150 MR/mjtj 4/4/17 Our file no. 5486816 - FT2
T(Mar8,15,22,29)B

NOTICE OF SALE UNDER POWER,
TOWNS COUNTY
Pursuant to the Power of Sale contained in a Security Deed given by Julie Maria Payne and Donnie H. Payne to Mortgage Electronic Registration Systems, Inc. as a nominee for Americas First Home Mortgage Co. dated 1/11/2007 and recorded in Deed Book 394 Page 469 Towns County, Georgia records; as last transferred to or acquired by Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America, conveying the after-described property to secure a Note in the original principal amount of \$ 305,000.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Towns County, Georgia (or such other area as designated by Order of the Superior Court of said county), within the legal hours of sale on April 04, 2017 (being the first Tuesday of said month unless said date falls on a Federal Holiday, in which case being the first Wednesday of said month), the following described property:
All that tract or parcel of land lying and being in Land Lot 121, 18th District, 1st Section, Towns County, Georgia and being all of Lot Four (4), containing 1.046 acres, more or less of the Kimsley Ridge Subdivision as more fully shown on a survey for Kimsley Ridge Subdivision, prepared by Northstar Land Surveying, Inc., registered surveyor, dated February 22, 2004, and recorded in Plat Book 34, Page 203, Towns County, Georgia records, which plat is by reference incorporated herein and made a part hereof.
Grantors further convey to Grantees a perpetual easement for ingress and egress of Fifty (50) feet over, thru and across Kimsley Ridge Road as shown on above referenced plat.
The above property is subject to those Restrictions as set forth on said referenced plat of survey and the Northwest corner of Lot Four (4) is subject to the Mountain Protections Act. The above property is also subject to those certain Covenants and Restrictions as recorded in Deed Book 337, Pages 785-789, Towns County, Georgia records.
The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).
Said property is commonly known as 508 Kimsley Ridge Road, , Hiawassee, GA 30546 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Julie Maria Payne and Donnie H. Payne or tenant or tenants.
Seterus, Inc. is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage.
Seterus, Inc.
Loss Mitigation
PO Box 4121
Beaverton, OR 97076-4121
866.570.5277
Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.
Said property will be sold subject to: (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.
The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.
Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America as agent and Attorney in Fact for Julie Maria Payne and Donnie H. Payne Aldridge Pite, LLP, 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7637.
1168-4672A
THIS LAW FIRM MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1168-4672A
T(Mar8,15,22,29)B