

Towns County Herald

Legal Notices for May 10, 2023

NOTICE TO DEBTORS AND CREDITORS

STATE OF GEORGIA
COUNTY OF TOWNS
RE: ESTATE OF: Roger Veal
All creditors of the estate of Roger Veal, 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 April, 2023.

Vicki Veal Turner
Personal Representative
6705 Mountain Laurel Rd Hiawassee GA 30546
Address
Phone
T(Apr19,26,May3,10)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA
IN RE: ESTATE OF
JEANETTE NICHOLSON DOVER,
DECEASED
ESTATE NO. 2023-P-032
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: All Interested parties and to whom it may concern:
Neal Roosevelt Dover has petitioned to be appointed administrator of the estate of Jeanette Nicholson Dover deceased, of said county. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause 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 with the Court on or before May 15, 2023. 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(Apr19,26,May3,10)

CITATION

PROBATE COURT OF TOWNS COUNTY
IN RE: ESTATE OF CAYLEIGH KENNER, FORMER MINOR
Date of Publication, if any: May 10, 2023
TO WHOM IT MAY CONCERN AND: All interested parties:

The conservator of the above estate, has applied for Discharge from said trust. This is to notify the above interested party(ies) to show cause, if any they can, why said conservator should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, 48 River St., Suite C Hiawassee GA 30546 on or before June 12, 2023, said date being more than 30 days from the date of publication. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/ telephone number for the required amount of filing fees.

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

David Rogers
PROBATE JUDGE
By: Kerry L. Berrong
PROBATE CLERK/DEPUTY CLERK
48 River St., Suite C
ADDRESS
Hiawassee, GA 30546
706-896-3467
TELEPHONE
T(May10)

NOTICE TO DEBTORS AND CREDITORS

STATE OF GEORGIA
COUNTY OF TOWNS
RE: ESTATE OF William Jerry Carnes
All creditors of the estate of William Jerry Carnes, 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 19 day of April, 2023
EXECUTOR(S):- Stephanie Carnes Stillner
ADDRESS: c/o Eddy A. Corn, Attorney
253 Big Sky Drive
Hiawassee, GA 30546
PHONE: (706) 896-3451
T(Apr19,26,May3,10)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA
IN RE:
CHARLES DUNCAN BOWER,
DECEASED
ESTATE NO. 2023-P-034
NOTICE OF PETITION TO FILE FOR YEAR'S SUP-
PORT

The Petition of Lois Marie Bower, for a year's support from the estate of Charles Duncan Bower, 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 May 22, 2023, 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 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(Apr26,May3,10,17)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA
IN RE: ESTATE OF
ROY HERBERT BRANDOW,
DECEASED
ESTATE NO. 2023-P-035
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: All Interested parties and to whom it may concern:
Patricia Brandow Daniel has petitioned to be appointed administrator of the estate of Roy Herbert Brandow deceased, of said county. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause 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 with the Court on or before May 22, 2023. 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(Apr26,May3,10,17)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA
IN RE: ESTATE OF
MARIE S. KELLEY,
DECEASED
ESTATE NO. 2023-P-039
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: All Interested parties and to whom it may concern:
Jamie Kelley Steele has petitioned to be appointed administrator of the estate of Marie S. Kelley deceased, of said county. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause 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 with the Court on or before June 5, 2023. 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(May10,17,24,31)

IN THE SUPERIOR COURT OF TOWNS COUNTY

STATE OF GEORGIA
Civil Action No. 22-CV-018-RG
RICKY EUGENE CATO,
Petitioner,
v.

A TRACT OF LAND IN LAND LOTS 22, 23, 34 AND 35, 19TH DISTRICT, 1ST SECTION OF TOWNS COUNTY, GEORGIA, CONTAINING 25.293 ACRES AS SHOWN ON PLAT BOOK 39, PAGE 179, TOWNS COUNTY GEORGIA RECORDS, AND AS THEIR RESPECTIVE INTERESTS MAY APPEAR: ESTATE OF ROBERT M. CHASTAIN, HEIRS KNOWN OR UNKNOWN, ESTATE OF WANDA CHASTAIN, HEIRS KNOWN OR UNKNOWN, ESTATE OF JURA CHASTAIN GIONET, HEIRS KNOWN OR UNKNOWN, ESTATE OF BESSIE CHASTAIN TIPTON ADAMS, HEIRS KNOWN OR UNKNOWN, BOBO ADAMS, ESTATE OF WADE CHASTAIN, HEIRS KNOWN OR UNKNOWN, CAROL JEAN CHASTAIN, VIRGINIA CHASTAIN ELLER, ESTATE OF TRUIETT CHASTAIN, HEIRS KNOWN OR UNKNOWN, LEWIS CARL CHASTAIN, BARBARA J. CHASTAIN SMITH, WILMA LEE CHASTAIN HUNTLY, ROBERT W. CHASTAIN, ALL THE WORLD AND ALL PERSONS KNOWN OR UNKNOWN WHO AVE OR CLAIM ANY ADVERSE OR POSSESSORY RIGHT, TITLE OR INTEREST IN THE RESPONDENT PROPERTY, Respondents.

NOTICE OF SUMMONS
TO: ROBERT M. CHASTAIN, ESTATE OF ROBERT M. CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: WANDA CHASTAIN, ESTATE OF WANDA CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: JURA CHASTAIN GIONET, ESTATE OF JURA CHASTAIN GIONET, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: BESSIE CHASTAIN TIPTON ADAMS A/K/A BESSIE TIPTON, INDIVIDUALLY AND AS ADMINISTRATOR OF ESTATE OF ROBERT M. CHASTAIN, ESTATE OF BESSIE CHASTAIN TIPTON ADAMS, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN

TO: BOBO ADAMS, ESTATE OF BOBO ADAMS, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: WADE CHASTAIN, ESTATE OF WADE CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: CAROL JEAN CHASTAIN, ESTATE OF CAROL JEAN CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: VIRGINIA CHASTAIN ELLER, ESTATE OF VIRGINIA CHASTAIN ELLER, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: TRUIETT CHASTAIN, ESTATE OF TRUIETT CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: LEWIS CARL CHASTAIN, ESTATE OF LEWIS CARL CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN

TO: BARBARA J. CHASTAIN SMITH, ESTATE OF BARBARA J. CHASTAIN SMITH, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: WILMA LEE CHASTAIN HUNTLY, ESTATE OF WILMA LEE CHASTAIN HUNTLY, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
TO: ROBERT W. CHASTAIN, ESTATE OF ROBERT W. CHASTAIN, HEIRS KNOWN OR UNKNOWN, WHEREABOUTS UNKNOWN
A Petition to Establish Quiet Title pursuant to O.C.G.A. § 23-3-60 has been filed in the Superior Court of Union County, Georgia by Petitioner RICKY EUGENE CATO on February 15, 2022, as to the following property:

All that tract or parcel of land lying and being in Land Lots 22, 23, 34 and 35 of the 19th Land District, 1st Section of Towns County, Georgia, containing 25.293 acres, more or less, as shown on a Plat of Survey recorded in Towns County, Georgia records in Plat Book 39, Page 179, reference to said plat is being made for a more full and complete description.
Subject to existing restrictions, easements and rights of way for public roads and highways and public utilities, if any, extending into, through, over, or across the above described property.
This being the same property recorded in Deed Book 502, Page 849, Towns County, Georgia deed records.
You are hereby notified that the above-styled action is seeking a Petition to Establish Quiet Title and you are therefore given notice of said suit and are directed to file any response within thirty (30) days of the Order for Publication entered by the Court on April 12, 2023. You are hereby commanded and required to file with the clerk of said Court and serve upon Daniel J. Davenport, Petitioner's attorney, whose address is 80 Town Square, P.O. Box 923, Blairsville, Georgia, an answer to the Petition. Witness the hand of the Honorable Raymond George, Superior Court Judge, Towns County, this 13th day of April, 2023.

Cecil Dye
Clerk of Superior Court, Towns County
T(Apr26,May3,10,17)

NOTICE
Notice is hereby given that the Petition of Julie Ann Rogers Milam and Joshua Shane Milam for Change of Name of the Minor Child, Jaxson Gene Milam was file in the Superior Court of Towns County on March 29, 2023, Civil Action No. SUCV2023000043RG, requesting the name of said minor to be changed to JAXSON GENE ROGERS MILAM. Any interested or affected party may appear to file objections as provided by law.
This 18th day of April 2023.
Cecil Dye
Clerk of Court, Towns County
T(Apr26,May3,10,17)

SUPERIOR COURT OF TOWNS COUNTY

STATE OF GEORGIA
CIVIL ACTION NUMBER SUCV2023000015
State of Georgia
PLAINTIFF

vs.
Owen, Gary
Borst, Robert
DEFENDANTS
SUMMONS
TO: OWEN, GARY
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiffs attorney, whose name and address is:
Sidney Landreau
Enotah Circuit District Attorney
65 Courthouse St. Box 6
Blairsville, Georgia 30512
an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.
This 27th day of January, 2023.
Clerk of Superior Court
Cecil Dye, Clerk
Towns County, Georgia
IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
Enotah Judicial Circuit
STATE OF GEORGIA, ex rel
JEFFREY LANGLEY CIVIL
DISTRICT ATTORNEY,
ENOTAH JUDICIAL CIRCUIT, Plaintiff,
vs.
\$20,124.00 In United States Currency,
Defendant In rem,
RE PROPERTY OF GARY GENE OWEN, ROBERT BORST
Purported Owner(s)/Interest Holders
CIVIL ACTION NO.

COMES NOW THE STATE OF GEORGIA, by and through Jeffrey Langley, District Attorney for the Enotah Judicial Circuit and files this complaint for forfeiture pursuant to the Official Code of Georgia Annotated SS 16-13-49 (b) and 9-16-12 and shows the Court as follows:
1. The property sought to be forfeited is described in the above-styled caption and is incorporated herein by reference hereto (hereinafter the defendant property)
2. The defendant property is in the custody of the Hiawassee Police
Department and/or the Towns County Sheriffs Office and is therefore in Towns County and in the venue and jurisdiction of this Court.
3. On October 20, 2022, a search of a vehicle owned by Robert Borst and occupied by he and Gary Owen revealed Methamphetamine and Marijuana. Also found in the vehicle was a white bag containing the defendant property and additional methamphetamine. Said defendant property was located in close proximity to illegal controlled substances.
4. The search of the vehicle of Robert Borst and occupied by he and the Gary Owen resulted in the seizure of the above described illegal controlled substances and the defendant property described in the caption hereof.
5. The defendant property is contraband and subject to forfeiture to the State of Georgia pursuant to the provisions of O.C.G.A. SI 6-13-49(b), in that the defendant property was directly or indirectly used or intended for use to facilitate the possession of marijuana and cocaine in violation of O.C.G.A. 16-13-30 and/or is proceeds derived or realized therefrom and/or was found in close proximity to Marijuana and methamphetamine and/or other property which is subject to forfeiture pursuant to the provisions of O.C.G.A. 16-13-49(b).

6. The State filed an administrative forfeiture on 10/25/22. Both Robert Borst and Gary Owen were served. Gary Owen filed a response. For reasons unknown to the State, The response was notarized on November 8, 2022 but was not transmitted to the Office of the District Attorney until January 17, 2023.
Robert Borst has not filed a claim to the property.
6. The names and addresses of all known persons who may be owners and/or interest holders of the defendant property, or any part thereof, are as follows:
Gary Owen Gary Owen
% Attorney Jed Carter
621 Spring Street SE
Gainesville GA 30501
7 There are no other known claimants. However, the State does seek, service by publication against any unknown claimants pursuant to the provisions of O.C.G.A. § 9-16-12(b)(3)
8, Attorney James (Jed) Carter has notified the District Attorney's Office that he represents Gary Owen and will accept service upon his behalf.

WHEREFORE THE STATE OF GEORGIA PRAYS:
1. That all purported owners and/or interest holders listed herein be personally served with a copy of the complaint and summons.
2. That the custodians of the defendant property be personally served with a copy of the complaint and summons
3. That service by publication be made by publishing notice of proceedings once per week for two consecutive weeks in the legal organ of the county in which this complaint is pending.
4. That the Court hold a hearing within sixty (60) days of the service of this complaint upon the last defendant as provided by O.C.G.A. S 9-16-12(f).
5. That the Court enter judgment in favor of the State of Georgia declaring the defendant property or any part thereof forfeited to the State of Georgia pursuant to the provisions of O.C.G.A. S 16-13-49.
6. That the Court retain jurisdiction to direct the proper disposition and distribution of the forfeited property as provided by S 9-16-19 and
7. The State be afforded such other relief and remedies as are available under law and for due process to enforce the forfeiture.

JEFFREY LANGLEY
DISTRICT ATTORNEY
Sidney (Buster) Landreau
Assistant District Attorney
State Bar # 970247
48 River Street Ste A
Hiawassee, Ga 30546
VERIFICATION
Pursuant to the provisions of O.C.G.A. Section 9-16-12 (a), I hereby verify that the information contained in the foregoing complaint is true and correct to the best of my belief and knowledge.
This 25 day of January, 2023
Jeremy Parker
Clerk
T(May10,17,24,31)

NOTICE OF SALE UNDER POWER

GEORGIA, TOWNS COUNTY
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Under and by virtue of the Power of Sale contained in that certain Georgia Security Deed and Security Agreement given by Thomas Kucharczyk to Branch Banking and Trust Company now known as Truist Bank, dated 03/08/2016 and filed 05/25/2016, recorded in Deed Book 581, Page 198, Towns County, Georgia Records, conveying the after-described property to secure a BB&T Discounted Home Equity Line Agreement & Initial Disclosure Statement in the original principal amount of Twenty Five Thousand Dollars and No Cent (\$25,000.00), 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, within the legal hours of sale on Tuesday June 6, 2023, the following described property:
THE FOLLOWING DESCRIBED PROPERTY SITUATED IN TOWNS COUNTY, GEORGIA:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 97, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 0.759 ACRES, MORE OR LESS, AND BEING SHOWN AS LOT 33 OF TIMBERLINE ACRES SUBDIVISION ON A PLAT OF SURVEY BY NORTHSTAR LAND SURVEYING, INC., W. GARY KENDALL, G.R.L.S. NO. 2788, DATED JULY 7, 2004, AND RECORDED IN PLAT BOOK 32, PAGE 197, TOWNS COUNTY RECORDS. SAID PLAT IS INCORPORATED HEREIN, BY REFERENCE HERETO, FOR A FULL AND COMPLETE DESCRIPTION OF THE ABOVE DESCRIBED PROPERTY.
SUBJECT TO RESTRICTIONS SHOWN IN DEED BOOK V-1, PAGE 365, TOWNS COUNTY RECORDS.
SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AS SHOWN ON SAID PLAT. SUBJECT TO ELECTRIC LINE RIGHT-OF-WAY EASEMENT TO BLUE RIDGE MOUNTAIN EMC RECORDED IN DEED BOOK V-1, PAGE 366, TOWNS COUNTY RECORDS.

THIS BEING THE SAME PROPERTY CONVEYED TO THOMAS KUCHARCZYK, DATED 07/28/2004 AND RECORDED ON 07/29/2004 IN BOOK 310, PAGE 201, IN THE TOWNS COUNTY RECORDERS OFFICE.
PARCEL NUMBER: 0014A036
The debt secured by said Georgia Security Deed and Security Agreement 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 BB&T Discounted Home Equity Line Agreement & Initial Disclosure Statement and Georgia Security Deed and Security Agreement. 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 Georgia Security Deed and Security Agreement 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 unpaid water or sewage bills that constitute a lien against the property whether due and payable or not due and payable and which may not be of record, any 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 Georgia Security Deed and Security Agreement first set out above that certain Security Deed given by Thomas Kucharczyk to Mortgage Electronic Registration Systems, Inc. as nominee for Branch Banking and Trust Company, dated 10/20/2010 and filed 10/21/2010, recorded in Deed Book 483, Page 45, Towns County, Georgia Records, conveying the above-described property to secure a Note in the original principal amount of \$84,000.00. To the best knowledge and belief of the undersigned, the party in possession of the property is Thomas Kucharczyk or a tenant or tenants and said property is more commonly known as 4242 Rocky Knob Dr, Young Harris GA 30582. In compliance with Georgia law, please find below the contact information for the entity who has authority to negotiate, amend, and modify the terms of the loan documents which may include a note, mortgage, security deed or deed to secure debt.
Truist Bank
Mail code 306-40-06-45
1001 Semmes Avenue
Richmond, VA 23224
1(888) 519 3479
888-883-4228
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 Georgia Security Deed and Security Agreement, to any rights of rescission of the party conducting this foreclosure sale pursuant to Georgia law including, but not limited 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.
Please note that 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 and final review by the party conducting this foreclosure sale for compliance with contractual and legal obligations pursuant to the terms of the loan documents and State and Federal law, including but not limited to any and all rights of rescission.
Truist Bank, formerly known as Branch Banking and Trust Company, as Attorney in Fact for Thomas Kucharczyk
By: Andrew D. Gleason
Attorney for Truist Bank, formerly known as Branch Banking and Trust Company
Lefkoff, Rubin, Gleason, Russo & Williams , P.C.
5555 Glenridge Connector
Suite 900
Atlanta, Georgia 30342
(404)869-6900
(404)869-6909 (fax)
T(May10,17,24,31)

NOTICE OF SALE UNDER POWER

GEORGIA, TOWNS COUNTY
Under and by virtue of the Power of Sale contained in a Deed to Secure Debt given by Shirley Tressa Ditmore and Mark Thomas Ditmore to Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for Advanced Financial Services, Inc., dated February 18, 2005, and recorded in Deed Book 328, Page 524, Towns County, Georgia records, as last transferred to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R1, Mortgage-Backed Notes, Series 2021-R1 by corrected Assignment recorded in Deed Book 708, Page 713, Towns County, Georgia records, conveying the after-described property to secure a Note of even date in the original principal amount of \$110,000.00, 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, within the legal hours of sale on the first Tuesday in June, 2023, to wit: June 6, 2023, the following described property:

All that tract or parcel of land lying and being in Land Lot 23, 17th District, 1st Section, Towns County, Georgia containing 2.34 acres as shown on a plat of survey by Blairsville Surveying Co. dated March 5, 2001 and recorded in Plat Book 27, Page 114, Towns County Records, which description on said plat is incorporated herein by reference.
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. 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 Deed to Secure Debt and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).
Said property is commonly known as 2401 Lakeview Drive, Young Harris, GA 30582, together with all fixtures and personal property attached to and constituting a part of said property. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Shirley Tressa Ditmore, as to life estate, and Mark Thomas Ditmore, as remainderman or tenant or 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; (2) O.C.G.A. Section 9-13-172.1; and (3) 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.
Pursuant to O.C.G.A. Section 44-14-162.2, the entity that has full authority to negotiate, amend and modify all terms of the mortgage with the debtor is:
Select Portfolio Servicing, Inc.
Attention: Loss Mitigation Department
3217 S. Decker Lake Drive
Salt Lake City, Utah 84119
1-888-818-6032
The foregoing notwithstanding, nothing in OC.G.A. Section 44-14-162.2 shall be construed to require the secured creditor to negotiate, amend or modify the terms of the Deed to Secure Debt described herein.
This sale is conducted on behalf of the secured creditor under the power of sale granted in the aforementioned security instrument, specifically being
U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-R1, Mortgage-Backed Notes, Series 2021-R1 as attorney in fact for
Shirley Tressa Ditmore and Mark Thomas Ditmore
Richard B. Maner, P.C.
180 Interstate N Parkway, Suite 200
Atlanta, GA 30339
404.252.6385
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
FC22-253
T(May10,17,24,31)