

Towns County Herald

Legal Notices for May 24, 2023

IN THE SUPERIOR COURT OF TOWNS COUNTY STATE OF GEORGIA

WILLIAM MICHAEL HAYS Plaintiff,
v.
TINA CHERYL BAREFOOT, Defendant.
CIVIL ACTION

Case No. SUCV2023-64-BL
NOTICE OF PUBLICATION
TO: TINA CHERYL BAREFOOT, Defendant Named Above:

By Order for Service by Publication dated May 11, 2023, you are hereby notified that on the May 9, 2023, the Plaintiff filed suit against you, to wit, a Verified Complaint for Divorce, in the above-styled action.

You are required to file with the Clerk of the Superior Court of Towns County, and to serve upon the Petitioner's attorney, Kris-Ann Poe, at 231 Chatuge Way, Hiawassee, Georgia 30546, an answer to the complaint within sixty (60) days of the date of the first publication of notice. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness the Honorable T. Buckley Levins, Judge of this Court. This 11th day of May, 2023.

Clerk, Superior Court of Towns County

T(May17,24,31,Jun7)

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF LATHEL FAYE ROGERS aka FAYE ROGERS, DECEASED
ESTATE NO. 2023-P-044
NOTICE

IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed,

[For use if an heir is required to be served by publication]

TO: All known and unknown heirs
[List here all heirs having unknown addresses to be served by publication]

This is to notify you to file objection, if there is any, to the Petition to Probate Will in Solemn Form, in this Court on or before June 19, 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(May24,31,Jun7,14)

NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF Gaynelle M Fournier
All debtors and creditors of the estate of Gaynelle M Fournier, 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.

This 12 day of May, 2023.
Dabney Eifen
2926 Frank Robinson Dr.
Murfreesboro, TN 37130
206-218-7922
T(May24,31,Jun7,14)

NOTICE OF FORECLOSURE OF EQUITY OF REDEMPTION

TO: NORTHLAND TITLE PAWN, LLC, SOUTH-STATE BANK, NA, AS SUCCESSOR IN INTEREST TO PARK STERLING BANK, AS SUCCESSOR IN INTEREST TO CITIZENS SOUTH BANK, AS SUCCESSOR IN INTEREST TO BANK OF HIAWASSEE, GEORGIA DEPARTMENT OF REVENUE, AND OTHER PARTIES KNOWN OR UNKNOWN, WHO HAVE OR CLAIM ANY ADVERSE OR POSSESSORY RIGHT, TITLE OR INTEREST IN THE PROPERTY BELOW.

RE: FORECLOSURE OF EQUITY OF REDEMPTION FOR TAX SALE DEED (O.C.G.A. § 48-4-45, et seq.).

TAKE NOTICE THAT: This is a Notice pursuant to O.C.G.A. § 48-4-46 to Foreclose the Equity of Redemption for Tax Sale Deed.

The right to redeem the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 51, 17th District, 1st Section, Towns County, Georgia, being Lot 3, containing 1.36 acres, more or less, of Block "H" Lake Forest Estates, and being shown on a plat of survey done by Tamrok Associates, Inc., dated September 10, 1992 and filed and recorded at Plat Book 17, Page 37, Towns County, Georgia records. Said plat being incorporated herein by reference hereto.

The property is conveyed subject to all matters and conditions shown on the above referenced plat.

The property is conveyed subject to the restrictions for Block "H" Lake Forest Estates as recorded at Deed Book 93, Pages 617-619, Towns County, Georgia records.

As described in Deed Book 448, Page 670. Further described as Map & Parcel 19B170.

will expire and be forever foreclosed and barred on and after June 21, 2023.

The tax deed to which this notice relates is dated the 1st day of February, 2022, and is recorded in the Office of the Clerk of the Superior Court of Towns County, Georgia, in Deed Book 693 at Pages 844-845.

The property may be redeemed at any time before June 21, 2023 by payment of the redemption price as fixed and provided by law to the undersigned name at the following address:

Akins & Davenport, PC
P.O. Box 923
Blairsville, GA 30514
PLEASE BE GOVERNED ACCORDINGLY.
Daniel J. Davenport of Akins & Davenport, PC
Attorney for Holcomb Land Development, LLC
Georgia Bar No. 821237
80 Town Square, P.O. Box 923
Blairsville, GA 30514
(706) 745-0032
T(May17,24,31,Jun7)

NOTICE OF FORECLOSURE OF EQUITY OF REDEMPTION

TO: CARLTON WILLIAM EDWARDS, ESTATE OF CARLTON WILLIAM EDWARDS, HEIRS KNOWN OR UNKNOWN, AND OTHER PARTIES KNOWN OR UNKNOWN, WHO HAVE OR CLAIM ANY ADVERSE OR POSSESSORY RIGHT, TITLE OR INTEREST IN THE PROPERTY BELOW.

RE: FORECLOSURE OF EQUITY OF REDEMPTION FOR TAX SALE DEED (O.C.G.A. § 48-4-45, et seq.).

TAKE NOTICE THAT:

This is a Notice pursuant to O.C.G.A. § 48-4-46 to Foreclose the Equity of Redemption for Tax Sale Deed.

The right to redeem the following described property, to wit:

All that tract or parcel of land situate, lying and being in Section 1, District 17, Land Lot 8 & 29, Towns County, Georgia, containing 0.754 acres, more or less, as shown on a plat of survey entitled "Survey for Carlton William Edwards," dated October 28, 2002, by Northstar Land Surveying, Inc., W. Gary Kendall, Registered Surveyor, as recorded in Plat Book 28, Page 247, in the Office of the Clerk, Superior Court, Towns County, Georgia, said plat being incorporated by reference herein.

Subject to matters shown on the above reference plat.

Grantor grants to Grantee a non-exclusive perpetual easement for ingress and egress along "Murphy Road" and the "20' Easement" as shown on the above referenced plat.

As described in Deed Book 256, Page 514. Further described as Map & Parcel 773C.

will expire and be forever foreclosed and barred on and after June 21, 2023.

The tax deed to which this notice relates is dated the 1st day of February, 2022, and is recorded in the Office of the Clerk of the Superior Court of Towns County, Georgia, in Deed Book 693 at Pages 852-853.

The property may be redeemed at any time before June 21, 2023 by payment of the redemption price as fixed and provided by law to the undersigned name at the following address:

Akins & Davenport, PC
P.O. Box 923
Blairsville, GA 30514
PLEASE BE GOVERNED ACCORDINGLY.
Daniel J. Davenport of Akins & Davenport, PC
Attorney for Holcomb Land Development, LLC
Georgia Bar No. 821237
80 Town Square, P.O. Box 923
Blairsville, GA 30514
(706) 745-0032
T(May17,24,31,Jun7)

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF MARVELLA JEAN EDWARDS, DECEASED
ESTATE NO. 2023-P-040
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: All Interested parties and to whom it may concern:

David S. Edwards has petitioned to be appointed administrator of the estate of Marvella Jean Edwards 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 12, 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(May17,24,31,Jun7)

NOTICE OF FORECLOSURE OF RIGHT TO REDEEM PROPERTY

Take notice that: The right to redeem the following described property, to wit:

Lot 24 Twin Mountain according to the present system of numbering properties in Towns County Georgia, having Tax Parcel ID # 0031B037000 and being further described as follows:

All that certain piece, parcel of tract of land lying and being in Land Lot 116, 18th District, 1st Section, Towns County Georgia, and being Lot Twenty-four (24) of Twin Mountain Subdivision as shown on a plat of survey by Tamrok Engineering, Inc. dated 9/9/93 recorded in Plat Book 18, Page 99, Towns County Records, which description on said plat is incorporated herein by reference and made a part hereof. The property is subject to the road easement granted on Lot Twenty-seven (27) which was conveyed previously, and shown running across Lot Twenty-seven (27).

will expire and be forever foreclosed and barred on and after the day of June 22, 2023, or thirty days after legal service of this notice, whichever is later.

The tax deed to which this notice relates is dated the 1st day of February, 2022, and is recorded in the office of the Clerk of the Superior Court of Towns County, Georgia, in Deed Book 693 Page 846.

The property may be redeemed at any time before the day of June 22, 2023, or thirty days after legal service of this notice, whichever is later, by payment of the redemption price as fixed and provided by law to the undersigned at the following address: Fletcher Law Firm LLC, 328 SE Alexander Street, Suite # 10, Marietta GA 30060. Please be governed accordingly.

Sincerely, Robert Wilson
c/o James R. Fletcher II, Esq.

(706) 2894.0003

T(May17,24,31,Jun7)

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)

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)