

Towns County Herald

Legal Notices for August 25, 2021

NOTICE

Notice is given that articles of incorporation that will incorporate Allen Disposal, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Corporation Code. The initial registered office of the corporation is located at 231 Chatuge Way, Hiawassee, Georgia 30546 and its initial registered agent at such address is Stephanie W. McConnell.

T(Aug18,25)

NOTICE TO CREDITORS AND DEBTORS

All debtors and creditors of the Estate of JAMES STEPHEN HOWELL deceased of Towns County, Hiawassee, 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 Executor of the Estate of James Stephen Howell.

This 3rd day of August, 2021.
DONNA WILLIAMS HOWELL, Executor
Estate James Stephen Howell
6444 Airline Road
Young Harris, GA 30582

Submitted by:
Pamela Kendall Floyd, PC
Attorney for Estate
P.O. Box 1114
Hiawassee, GA 30546

T(Aug11-Sept1)

NOTICE TO DEBTORS & CREDITORS

RE: Estate of Debra Olene Moore King
All debtors and creditors of the Estate of , deceased, late of Towns County, 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 30th day of July, 2021

Eric T. King
6501 Mountain Laurel Rd
Hiawassee, GA 30546

706-896-5389

T(Aug11-Sept1)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF
MARTHA FAITH HEER, DECEASED
ESTATE NO. 2021-P-069
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

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

Susan M. Reid has petitioned to be appointed administrator(s) of the estate of

Martha Faith Heer, 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 September 6, 2021.

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: Michelle Smith
Clerk of the Probate Court
48 River St. Suite C
Hiawassee, GA 30546

Address
706-896-3467

Telephone Number

T(Aug11,18,25,Sept1)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF
VERNON JONES, DECEASED
ESTATE NO. 2021-P-070
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

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

William T. Jones has petitioned to be appointed administrator(s) of the estate of Vernon Jones 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 September 6, 2021.

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.

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T(Aug11,18,25,Sept1)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF
OSSIE MAE JONES, DECEASED
ESTATE NO. 2021-P-071
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

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

William T. Jones has petitioned to be appointed administrator(s) of the estate of Ossie Mae Jones 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 September 6, 2021.

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.

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T(Aug11,18,25,Sept1)

NOTICE TO DEBTORS AND CREDITORS

STATE OF GEORGIA

COUNTY OF TOWNS

RE: ESTATE OF: Iris Jean Herold
All creditors of the estate of Iris Jean Herold 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 6th day of August, 2021.

William George Herold

Personal Representative

PO Box 526

Hiawassee GA 30546

Address
706-781-4612

Phone

T(Aug11,18,25,Sept1)

STATE OF GEORGIA

COUNTY OF TOWNS

NOTICE TO DEBTORS AND CREDITORS

RE: TINEY KATHLEEN POTTS, a/k/a Kathleen Potts
All debtors and creditors of the estate of Tiney Kathleen Potts, 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 6th day of August, 2021.

Willie Potts, Executor
140 Camden Avenue
Buckhannon, WV 26201

Lawrence S. Sorgen

Attorney at Law

P. O. Box 67

Hiawassee, GA 30546

T(Aug11,18,25,Sept1)

NOTICE OF ABANDONED VEHICLE

RE: Abandoned vessel

Mfr. ID No: JCE07055M79C

License No: GA 6073NV

Color: Grey

Body Style: Boat

TO WHOM IT MAY CONCERN:

The above automobile was initial removed from:
It is presently located at 815 Murphy St., Young Harris, GA 30582 and is in the possession of H. Stanley Bryson.

Attempts to locate the owner have been unsuccessful. The vehicle is deemed abandoned under O.C.G.A. §40-11-2 and will be disposed of it not redeemed. This notice is given pursuant to Georgia law.

T(Aug11,18,25,Sept1)

STATE OF GEORGIA

TOWNS COUNTY

Re: Estate of DOROTHY MAY HANDY
All debtors and creditors of the estate of DOROTHY MAY HANDY, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of the estate, according to the law, and all persons indebted to said estate are required to make immediate payments to the Executor.

This 10th day of August, 2021.

By: Mark Lee Handy

170 Crane Creek Road

Young Harris, GA 30582

T(Aug18,25,Sept1,8)

NOTICE

Tillman Infrastructure, LLC proposes to build a 265-foot Self-Support Communications Tower at the approx. vicinity of 231 Bell Street, Hiawassee, Towns County, GA 30546. Public comments regarding potential effects from this site on historic properties may be submitted within 30 days from the date of this publication to: Trileaf Corp, Laura Elston, l.elston@trileaf.com, 1395 South Marietta Parkway, Building 400, Suite 209, Marietta, GA 30067; 678-653-8673.

T(Aug25)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF
NANCY W. HINSON, DECEASED
ESTATE NO. 2020-P-050

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, the beneficiaries under the will, 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 September 6, 2021.

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: Michelle Smith

Clerk of the Probate Court

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Telephone Number

T(Aug25)

NOTICE TO DEBTORS AND CREDITORS

STATE OF GEORGIA

COUNTY OF TOWNS

RE: Estate of William J. Upshaw
All creditors of the estate of William J. Upshaw, 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 19th day of August, 2021

Trudy Piper Upshaw

Personal Representative

4005 Notting Hill Drive

Young Harris, GA 30582

Address
706-400-8383

Phone

T(Aug25-Sept15)

IN THE PROBATE COURT OF TOWNS COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF
PAUL EUGENE WADE, DECEASED
ESTATE NO. 2021-P-074
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

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

Darel Eugene Wade has petitioned to be appointed administrator(s) of the estate of Paul Eugene Wade 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 September 20, 2021.

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

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Clerk of the Probate Court

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Hiawassee, GA 30546

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T(Aug25,Sept1,8,15)

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA

COUNTY OF TOWNS

Under and by virtue the Power of Sale contained in that certain Commercial Real Estate Deed to Secure Debt, Future Advances and Future Obligations are Secured by this Real Estate Security Deed from Dhansukh (Dino) Patel and Usha Dhansukbai Patel (collectively, the "Borrower") in favor of United Community Bank as successor by merger to First Madison Bank & Trust (the "Original Lender"), dated September 21, 2018, and recorded in Deed Book 618, Pages 446-453, Towns County, Georgia Records (the "Security Deed") as assigned by Original Lender to UTRECHT ASSETS, LLC (the "Successor Lender") by that certain Assignment of Deed to Secure Debt dated April 27, 2021 (the "Assignment") (the Security Deed and Assignment are herein called, the "Security Deed")

(a) that certain Commercial Promissory Note from Borrower payable to the order of Lender, dated September 6, 2018, in the original principal amount of One Hundred Ninety Nine Thousand Seven Hundred Fifty and No/100ths Dollars (\$199,750.00) (the "Original Note"), from Borrower to Lender, a Deferred Payment Agreement and Modification of Promissory Note dated April 21, 2020 (the "Modification"), from Borrower to Lender, and an Assignment of Loan Documents dated April 27, 2021 (the "Assignment") from Original Lender to Lender (the Original Note, Modification and Assignment are hereinafter called the "Note"); and (b) such other indebtedness or obligations defined in the Note or the Security Deed or Guaranty, in the other documents evidencing and securing the Note (such other documents are referred to collectively herein as the "Loan Documents").

There will be sold, by the undersigned, at public outcry, to the highest bidder for cash, before the courthouse door in Towns County, Georgia, within the legal hours of sale on the first Tuesday in September, 2021, the following described property, together with all of Borrower's right, title and interest, if any, in and to the following described property and interests in land, estates, easements, tenements, rights, improvements, property, fixtures, equipment, appliances and appurtenances as more particularly defined in the Security Deed and the Note ("Secured Property"):

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 50 OF THE 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONDOMINIUM UNIT B, BUILDING 1 OF WATERCRESS AT FIELDSTONE CONDOMINIUMS, A CONDOMINIUM, PHASE ONE, AS MORE PARTICULARLY DESCRIBE AND DELINEATED IN THE DECLARATION OF CONDOMINIUM FOR WATERCRESS AT FIELDSTONE CONDOMINIUMS, RECORDED IN DEED BOOK 252, PAGE 594, ET SEQ., TOWNS COUNTY, GEORGIA RECORDS. AS MAY BE AMENDED, TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN THE COMMON ELEMENTS AS SET FORTH IN SAID DECLARATION.

THIS CONVEYANCE IS MADE SUBJECT TO THE DECLARATION AND ALL MATTERS REFERENCED THEREIN, ALL MATTERS SHOWN ON THE PLAT RECORDED IN CONDOMINIUM PLAT BOOK 1, PAGE 17, TOWNS COUNTY, GEORGIA RECORDS, AS MAY BE AMENDED.

The indebtedness has been and is hereby declared due because of the failure of the Borrower to comply with the terms and conditions contained in the Note, the Security Deed, and the Loan Documents. The indebtedness remaining in default, the sale will be made for the purpose of applying the proceeds thereof to the payment of the indebtedness, accrued interest and expenses of sale, and all other payments provided for under the Note, the Security Deed, and the Loan Documents, including attorneys' fees as provided in the Note and the Security Deed, notice of intention to collect attorneys' fees having been given as provided by law, and the remainder, if any, shall be applied as provided by law.

The Secured Property will be sold on an "as is, where is" basis without recourse against Lender and without representation or warranty, express or implied, of any kind or nature whatsoever with respect thereto, with no assurance afforded as to the exact acreage of the land, and will be sold subject to (a) any and all outstanding ad valorem taxes and assessments, (b) all matters which would be disclosed by a current and accurate survey and inspection of the Secured Property, (c) all easements, assessments, liens, encumbrances, zoning ordinances, covenants, restrictions, Uniform Commercial Code financing statements, and other matters of record, if any, which the Security Deed is junior and subordinate in terms of priority, under the laws of the State of Georgia.

Pursuant to O.C.G.A. § 44-14-162.2, the name, address and telephone number of the individual or entity who shall have the full authority to negotiate, amend or modify all terms of the above described Security Deed is as follows: UTRECHT ASSETS, LLC, c/o Sam Maguire, 6075 Barfield Road, Suite 119, Sandy Springs, Georgia 30328, Telephone (404) 257-4261. The foregoing notwithstanding, nothing in O.C.G.A. § 44-14-162.2 shall be construed to require the Lender to negotiate, amend, or modify the terms and of the Security Deed described herein.

To the best knowledge and belief of the undersigned, the Secured Property is presently owned by Borrower, and the Secured Property is in the possession of Borrower, or parties claiming by, through or under Borrower, including without limitation tenants who may be occupying the Secured Property pursuant to unrecorded leases.

The sale will be conducted subject (i) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (ii) to final confirmation and audit of the status of the loan with the Lender of its Security Deed.

UTRECHT ASSETS, LLC, as Attorney-In-Fact for Dhansukh (Dino) Patel and Usha Dhansukbai Patel

Samuel F. Maguire, Jr., Esq.

The Law Offices of Sam Maguire, Jr., P.C.

SynerG Law Complex

6075 Barfield Road, Suite 119

Sandy Springs, Georgia 30328

Telephone: (404) 257-8885

SFM #C213162

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

T(Aug11,18,25,Sept1)

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 ANTHONY GENOVESE AND ROSE GENOVESE to BANK OF AMERICA, N.A., dated 09/22/2006, and Recorded on 09/27/2006 as Book No. 385 and Page No. 3-25, TOWNS County, Georgia records, as last assigned to BANK OF AMERICA, 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 \$80,910.00, 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 September, 2021, the following described property: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEIG IN LAND LOT 25, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA CONTAINING 0.769 ACRES, MORE OR LESS, AND BEING LOT 6 OF CHATUGE MANOR, AS SHOWN ON A PLAT OF SURGEY DONE BY LAND TECH SERVICES, INC. DATED JUNE 24, 2005 AS FILED AND RECORDED AT PLAT BOOK 34, PAGE 161-162, TOWNS COUNTY, GEORGIA RECORDS. SAID PLAT BEING INCORPORATED HEREIN FOR A MORE PARTICULAR DESCRIPTION.

PROPERTY IS CONVEYED SUBJECT TO ALL MATTERS AND CONDITIONS AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.

SUBJECT TO THE RESERVATIONS AND RESTRICTIVE COVENANTS FOR CHATUGE MANOR PHASE II, AS RECORDED IN DEED BOOK 311, PAGES 642-643, AMENDED AT DEED BOOK 333, PAGE 800 TOWNS COUNTY RECORDS. 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). BANK OF AMERICA, N.A. holds the duly endorsed Note and is the current assignee of the Security Deed to the property. BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, acting on behalf of and, as necessary, in consultation with BANK OF AMERICA, 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, BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP may be contacted at: BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, 7105 CORPORATE DRIVE, PLANO, TX 75024, 800-669-6650. 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 LOT 6 CHATUGE MANOR SUBDIV, YOUNG HARRIS, GEORGIA 30546 is/are: ANTHONY GENOVESE AND ROSE GENOVESE 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. BANK OF AMERICA, N.A. as Attorney in Fact for ANTHONY GENOVESE AND ROSE GENOVESE. THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION ATTEMPTING TO BE USED FOR THAT PURPOSE. 0000009277039 BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP 4004 Belt Line Road, Suite 100 Addison, Texas 75001 Telephone: (972) 341-5398.

T(Aug11,18,25,Sept1)