Towns County Herald

Legal Notices for August 14, 2013

NOTICE TO CREDITORS AND DEBTORS

STATE OF GEORGIA COUNTY OF TOWNS RE: ESTATE OF Wilma Purpuse All creditors of the estate of Wilma Pur-puse, deceased of Towns County, Hiawas-see, Georgia are hereby notified to render in their demands to the undersigned ac-cording to law; and all persons indebted to said estate are required to make immediate payment to the undersigned. This 23rd day of July, 2013. C. Richard Perry

1416 Enchantment Way, Hiawassee, GA 30546 706-896-1416

NOTICE TO CREDITORS AND DEBTORS

STATE OF GEORGIA COUNTY OF TOWNS RE: ESTATE OF Gordon R. Held All creditors of the estate of Gordon R. Held, deceased of Towns County, Hiawas-see, Georgia are hereby notified to render in their demands to the undersigned ac-cording to law; and all persons indebted to said estate are required to make immediate payment to the undersigned. This 22nd day of July, 2013. Douglas Held

5 Austin Place, Glendale, MO 63122 314-517-5582

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS RE: ESTATE OF: OLA L. LEDFORD

All creditors of the estate of Ola L. Ledford 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 re-quired to make immediate payment to the

undersigned. This the 26th day of July, 2013. Russell M. Stookey, Attorney at Law Personal Representative P.O. Box 310 Hiawassee, GA 30546 706-896-2241

T(Jul31,Aug7,14,21)B NOTICE TO DERTORS AND CREDITORS

RE: ESTATE OF: Darlene Knight Chastain Hughes
All creditors of the estate of Darlene Knight Chastain Hughes, deceased, late of Towns County, Georgia, are hereby notified to ren-der their demands to the undersigned ac-

cording to law, and all persons indebted to said estate are required to make immedi-ate payment to the undersigned. This the 9th day of August, 2013. Harley Clay Hunter Personal Representative

1285 Long Ridge Road Hiawassee, GA 30546 706-896-4483

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA

COUNTY OF TOWNS
RE: ESTATE OF: All creditors of the estate of James H. McElroy, 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 9th day of August, 2013. Sheryl Branson

Personal Representative 3812 Mutton Hollow Rd. Knoxville, TN 37920 **NOTICE TO DEBTORS AND CREDITORS**

STATE OF GEORGIA

Meason, 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 the 5th day of August, 2013. By: Kelly Smith, Executor of the Estate of William E. Meason 1674 Summersweet Lane Dacula, Georgia 30019 IN THE PROBATE COURT

COUNTY OF GILMER
All creditors of the estate of William E.

COUNTY OF TOWNS STATE OF GEORGIA IN RE: ESTATE OF Claude Raymond Nicholson, DECEASED ESTATE NO. 2013-28 NOTICE

TO: Shane Nicholson and Darlene Carty (List here all interested parties having known addresses to be served by publication)
This is to notify you to file objection, if there

is any, to the above referenced petition, in this Court on or before August 26, 2013. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All plead-ings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number 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.

Hiawassee, GA 30546 706-896-3467 Telephone Number David Rogers Judge of the Probate Court By: Kerry L. Berrong Clerk of the Probate Court T(Jul31,Aug7,14,21)B NOTICE TO CREDITORS AND DEBTORS

Address

All creditors of the estate of KATHERINE LUNGER NYSTROM, deceased of Towns County, Hiawassee, Georgia are hereby notified to render in their demands to the undersigned according to law; and all persons indebted to said estate are required to make immediate payment to the undersigned.

This 29th day of July, 2013. Holly Nystrom Boatright, Executrix P.O. Box 4380 Banks Road Middleton, Florida 32068

IN THE PROBATE COURT COUNTY OF TOWNS STATE OF GEORGIA IN RE: ESTATE OF Amy Victoria Burch, DECEASED ESTATE NO. 2013-56 PETITION FOR LETTERS OF ADMINISTRATION TO: All Interested Parties

of Amy Victoria Burch deceased, of said County. The Petitioner has also applied for waiver of bond 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 notinot be granted. All objections to the peti-tion must be in writing, setting forth the grounds of any such objections, and must be filed with the court on or before August 14, 2013. All pleadings/objections must be signed under oath before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/ telephone number for the required amount of filing fees. If any objections are filed a 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

Kenneth Bruce Burch has petitioned to be appointed Administrator of the estate

By: Kerry L. Berrong Clerk of the Probate Court 48 River St. Suite C Hiawassee, GA 30546 Address 706-896-3467 Telephone Number

Notice is given that Articles of Incorpora-tion for Worthy Family Dentistry, P.C. will be delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the Corporation will be located at 19 South Main Street, Hiawassee, GA 30546, and its registered agent at such address is Claire E. Worthy.

NOTICE OF INTENT TO INCORPORATE

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA COUNTY OF TOWNS Because of a default in the payment of the indebtedness secured by a Security Deed executed by Robert L. McClure and Jana McClure to United Community Bank dated April 14, 2005, and recorded in Deed Book 332, Page 466, and Deed Book 451, Page 600, Towns County Records, said Security Deed baying been last sold assigned. rity Deed having been last sold, assigned, transferred and conveyed to CF SOUTH-EAST TRUST 2011-1, a Delaware Statutory Trust by Assignment, securing a Note in the original principal amount of \$301,127.50, the holder thereof pursuant to said Deed and Note thereby pursuant to sau beta and Note thereby secured has declared the entire amount of said indebtedness due and payable and, pursuant to the power of sale contained in said Deed, will on the first Tuesday, September 3, 2013, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for cash, the property described in said Deed, to-wit:

All that tract or parcel of land lying and being in the 1st Section, 17th District, Land Lots 80 and 81 of Towns County, Georgia, Lots 80 and 81 of Towns County, Georgia, containing 4.395 acres, more or less, as shown on plat of survey for Robbie McClure prepared by James L. Alexander, Georgia R.L.S. #2653, of Landtech Services, Inc., dated March 22, 2005 and recorded April 6, 2005 in Plat Book 34, Page 136, Towns County, Georgia Records. Said plat is incorporated herein, by reference hereto, for a full and complete description of the above property.

property. Said property is known as 6130 Martin Circle, Young Harris, GA 30582, together with all fixtures and personal property attached to and constituting a part of said property,

Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, whether or not now due and payable), the 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 Security

matters of record superior to the Security Deed first set out above. The proceeds of said sale will be applied to the payment of said indebtedness and all expenses of said sale as provided in said Deed, and the balance, if any, will be distributed as provided by law.

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 secured creditor. The property is or may be in the possession of Robert L. McClure and Jana McClure, successor in interest or tenant(s). CF SOUTHEAST TRUST 2011-1, a Delaware Statutory Trust as Attorney-in-Fact for Robert L. McClure and Jana McClure

File no. 13-041263 SHAPIRO, SWERTFEGER & HASTY, LLP* Attorneys and Counselors at Law 2872 Woodcock Blvd., Suite 100 Atlanta, GA 30341-3941 (770) 220-2535/AB

www.swertfeger.net *The Law firm is acting as a debt col-lector. Any information obtained will BE USED FOR THAT PURPOSE. T(Aug7,14,21,28)B

NOTICE OF SALE UNDER POWER IN SECURITY DEED

IN SECURITY DEED
STATE OF GEORGIA
COUNTY OF TOWNS
Under and by virtue of the Power of Sale
contained in the Deed to Secure Debt from
James R. Shirley and Barbara L. Shirley to
Bank of Hiawassee, dated July 25, 2008, and
recorded in Deed Book 440, Page 290, in the
offices of the Clerk of the Superior Court of
Towns County, Georgia; as modified by that
certain Modification of Deed to Secure Debt Towns County, Georgia; as modified by that certain Modification of Deed to Secure Debt dated July 23, 2009 and recorded in Deed Book 460, Page 101, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment recorded in Deed Book 486, Page 790, aforesaid records (as same may have been further modified from time to time, collectively, the "Security Deed"), the undersigned will sell at public outcry to the highest and best bidder for cash before the door of the Courthouse of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in September, 2013, the following described real property, to wit:

real property, to wit: PARCEL ONE: ALL THAT TRACT OR PARCEL OF LAND LY-ING AND BEING IN SECTION 1, DISTRICT 18, ING AND BEING IN SECTION 1, DISTRICT 16,
LAND LOT 118, TOWNS COUNTY, GEORGIA,
AND BEING KNOWN AS LOTS R-1 AND R-2
OF NANTAHALA BAY CLUB, AS SHOWN ON
A PLAT OF SURVEY ENTITLED "PRELIMINARY SITE PLAT OF NANTAHALA BAY CLUB

- 39 LOTS DRAWN FOR NBC DEVELOPMENT
CORP." BY WILLIAM F. ROLANDER, R.S.,
DATER 142001 REVISED 04(402 AND RE DATED 1/2/91, REVISED 9/1/92 AND RE-CORDED IN PLAT BOOK 17, PAGE 93 IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, TOWNS COUNTY, GEORGIA. SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE. SAID PROPERTY BEING CONVEYED SUBJECT SAID PROPERTY BEING CONVEYED SUBJECT TO THE SEWER LINE EASEMENT AS SHOWN ON PLAT AND IS CONVEYED SUBJECT OT THOSE RESTRICTIONS AND PROTECTIVE COVENANTS FOR NANTAHALA BAY CLUB AS RECORDED IN DEED BOOK 97, PAGE 207, TOWNS COUNTY RECORDS AND AS AMEND-ED IN DEED BOOK 129, PAGES 370-371.
ALSO CONVEYED HEREWITH IS A PERPETU-AL NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS FROM LONGVIEW DRIVE (A CITY STREET) TO SAID PROPERTY OVER ADMI-RAL'S POINT.

THE PROPERTY IS CONVEYED SUBJECT TO THE DRIVEWAY EASEMENT AS SHOWN ON SAID PLAT. PARCEL TWO: ALL THAT TRACT OR PARCEL OF LAND LY

ING AND BEING IN LAND LOT 118, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, AND BEING KNOWN AS LOT V-1 AND LOT V-2 OF NANTAHALA BAY CLUB, AS SHOWN ON A PLAT OF SURVEY ENTITLED "PRELIMINARY SITE PLAN OF NANTAHALA BAY CLUB – 39 LOTS DRAWN FOR NCB DEVELOPMENT CORP.", BY WILLIAM F. ROLANDER, R.S., DATED 1/2/91, REVISED 9/1/92, AND REFORDED IN 91 AT ROOK 17, PAGE 93 AND RECORDED IN PLAT BOOK 17, PAGE 93 IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, TOWNS COUNTY, GEORGIA. SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE.
SAID PROPERTY BEING CONVEYED SUBJECT

TO THE SEWER LINE EASEMENT AS SHOWN ON PLAT AND IS CONVEYED SUBJECT TO THOSE RESTRICTIONS AND PROTECTIVE COVENANTS FOR NANTAHALA BAY CLUB AS RECORDED IN DEED BOOK 97, PAGE 207, TOWNS COUNTY RECORDS AND AS AMEND-ED IN DEED BOOK 129, PAGES 370-371. ALSO CONVEYED HEREWITH IS A PERPETU-AL NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS FROM LONGVIEW DRIVE (A CITY STREET) TO SAID PROPERTY OVER ADMIRAL'S POINT. PROPERTIES KNOWN AS: LOTS R-1, R-2, V-1 AND V-2 OF NANTAHALA BAY CLUB, TOWNS COUNTY, HIAWASSEE, GEORGIA 30546.

The debt secured by the Security Deed is evidenced by a Renewal Note, dated July 23, 2009, from James R. Shirley and Barbara L. Shirley to Bank of Hiawassee in the original principal amount of \$212,496.00 as the same has been reduced to judgment as evidenced by that certain Default Judg-ment entered May 30, 2013 in Civil Action File No. 11-CV-262-MM, Superior Court of Towns County, State of Georgia (the Note as reduced to judgment is hereinafter referred to as the "Note"); plus interest from date on the unpaid balance until paid, and other Default has occurred and continues under the terms of the Note and Security Deed by reason of, among other possible events of default, the nonpayment when due of

the indebtedness evidenced by the Note and secured by the Security Deed and the failure to comply with the terms and conditions of the Note and Security Deed. By reason of this default, the Security Deed has been declared foreclosable according to the terms. to its terms. The above-described real property will be sold to the highest and best bidder for cash

as the property of James R. Shirley and Barbara L. Shirley, the proceeds to be ap-plied to the payment of said indebtedness, attorneys' fees, and the lawful expenses of said sale, all as provided in the Note and Security Deed. The sale shall be subject to the following: all outstanding ad valorem taxes and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all prior assessments, easements, restrictions or matters of re-To the best of the undersigned's knowledge and belief, the real property is presently owned by James R. Shirley and Barbara L.

To the best of the undersigned's knowledge and belief, the party in possession of the real property is James R. Shirley and Bar-bara L. Shirley, and tenants holding under

Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiawassee, as Attorneyin-Fact for James R. Shirley and Barbara L.

Shiriey. M. Todd Westfall, Esquire Howick, Westfall, McBryan & Kaplan, LLP Suite 600, One Tower Creek 3101 Towercreek Parkway Atlanta, Georgia 30339 (678) 384-7005

T(Aug7,14,21,28)B

NOTICE OF SALE UNDER POWER IN SECURITY DEED STATE OF GEORGIA COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in the Real Estate Deed to Secure Debt from Shirley Properties, Inc. to Bank of Hiawassee, dated July 3, 2007, and recorded in Deed Book 411, Page 381, in the offices of the Clerk of the Superior Court of Towns County Security as last modified by offices of the Clerk of the Superior Court of Towns County, Georgia, as last modified by that certain Modification of Deed to Secure Debt dated July 23, 2009 and recorded in Deed Book 460, Page 159, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment recorded in Deed Book 486, Page 790, aforesaid records (as same may have been further modified from time to time, collectively, the "Security Deed"). the undersigned will sell "Security Deed"), the undersigned will sell at public outcry to the highest and best bid-der for cash before the door of the Courthouse of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in September, 2013, the following described

September, 2013, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LY-ING AND BEING IN THE 18TH DISTRICT, 1ST SECTION, LAND LOT 226, TOWNS COUNTY, GEORGIA, BEING KNOWN AS LOT 4, LOT 6, LOT 7, LOT 9, LOT 11, LOT 12, LOT 13, LOT 14 AND LOT 17 OF SCENIC VIEWS SUBDIVISION, AS SHOWN ON A PLAT OF SURVEY ENTITLED "FINAL SURVEY FOR SCENIC VIEWS" BY LANDTECH SERVICES. INC... DATED BY LANDTECH SERVICES, INC., DATED FEBRUARY 14, 2003, AS REVISED AUGUST 23, 2004, FEBRUARY 20, 2006 AND MARCH

23, 2004, I LDIANT 20, 2000 AND MARCH
8, 2006 AS RECORDED IN PLAT BOOK 35,
PAGES 270-271, IN THE OFFICE OF THE
CLERK, SUPERIOR COURT, TOWNS COUNTY
GEORGIA, SAID PLAT BEING INCORPORATED
BY REFERENCE HEREIN.
ALSO CONVEYED IS AN EASEMENT FOR INBEESS ERGESS AND ITILITIES OVER THE

GRESS, EGRESS AND UTILITIES OVER THE SUBDIVISION ROADS AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY. SUBJECT TO MATTERS AS SHOWN ON ABOVE REFERENCED PLAT. SUBJECT TO RESTRICTIONS AS RECORDED

IN DEED BOOK 366, PAGES 591-595, TOWNS IN DEED BOUK 306, PAGES 591-595, LOWNS COUNTY RECORDS. PROPERTY KNOWN AS: LOTS 6, 7, 9, 12, 13, 14 AND 17 OF SCENIC VIEWS SUBDIVISION, TOWNS COUNTY, HIAWASSEE, GEORGIA 30546.

LESS AND EXCEPT LOT 4 OF THE ABOVE LESS AND EXCEPT LOT 4 OF THE ABOVE DESCRIBED PROPERTY HERETOFORE CONVEYED FROM CITIZENS SOUTH BANK TO SHIRLEY PROPERTIES, INC. BY QUITCLAIM DEED DATED MARCH 21, 2012, AND RECORDED IN DEED BOOK 510, PAGE 250, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF TOWNS COUNTY TO WHICH SAID DEED AND RECORD REFERENCE IS HEREBY MADE FOR COMPLETE ROLINDARIES AND

MADE FOR COMPLETE BOUNDARIES AND DESCRIPTION.
LESS AND EXCEPT LOT 11 OF THE ABOVE DESCRIBED PROPERTY HERETOFORE CON-VEYED FROM CITIZENS SOUTH BANK TO SHIRLEY PROPERTIES, INC. BY QUITCLAIM DEED DATED APRIL 5, 2012, AND RECORDED IN DEED BOOK 511, PAGE 343, IN THE OF-FICE OF THE CLERK OF SUPERIOR COURT OF TOWNS COUNTY TO WHICH SAID DEED AND TOWNS COUNTY TO WHICH SAID DEED AND RECORD REFERENCE IS HEREBY MADE FOR COMPLETE BOUNDARIES AND DESCRIP-

The debt secured by the Security Deed is evidenced by a Renewal Note, dated July 23, 2009, from Shirley Properties, Inc. to Bank of Hiawassee in the original principal amount of \$481,487.00 as the same has been reduced to judgment as evidenced by that certain Default Judgment entered May 30, 2013 in Civil Action File No. 11-CV-262-MM, Superior Court of Towns County, State of Georgia (the Note as reduced to judgment is hereinafter referred to as the "Note"); plus interest from date on the un-paid balance until paid, and other indebt-Default has occurred and continues under the terms of the Note and Security Deed by reason of, among other possible events

of default, the nonpayment when due of the indebtedness evidenced by the Note and secured by the Security Deed and the failure to comply with the terms and con-ditions of the Note and Security Deed. By reason of this default, the Security Deed has been declared foreclosable according to its terms.

The above-described real property will be

sold to the highest and best bidder for cash as the property of Shirley Properties, Inc., the proceeds to be applied to the payment of said indebtedness, attorneys' fees, and the lawful expenses of said sale, all as provided in the Note and Security Deed. The sale shall be subject to the following: all outstanding ad valorem taxes and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all prior assessments, easements, restrictions or matters of record. To the best of the undersigned's knowledge and belief, the real property is presently owned by Shirley Properties, Inc. To the best of the undersigned's knowledge and belief, the party in possession of the real property is Shirley Properties, Inc., and

tenants holding under it.
Park Sterling Bank, successor by merger to
Citizens South Bank, as successor in interest to Bank of Hiawassee, as Attorney-inest to Bank of Hawassee, as Attorney-Ir Fact for Shirley Properties, Inc. M. Todd Westfall, Esquire Howick, Westfall, McBryan & Kaplan, LLP Suite 600, One Tower Creek 3101 Towercreek Parkway

T(Aug7,14,21,28)B **NOTICE OF SALE UNDER POWER** GEORGIA, TOWNS COUNTY

Atlanta, Georgia 30339 (678) 384-7005

Under and by virtue of the Power of Sale contained in a Deed to Secure Debt given by Burchell Deward Gilbert Jr. and Dana Diana Gilbert to Mortgage Electronic Registration Systems, Inc. as nominee for Encore Credit Corp., dated January 26, 2005, and recorded in Deed Book 326, Page 110, Towns County, Georgia records, as last transferred to The Bank of New York, as indenture trustee for Encore Credit Registrales. Encore Credit Receivables Trust 2005-1 by Assignment record in Deed Book 438, Page 735, Towns County, Georgia records, conveying the after-described property to secure a Note of even date in the original principal amount of \$69,000.00, 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 September, 2013, to wit: Sep-tember 3, 2013, the following described All that tract and parcel of land lying and

being in the 17th District, 1st Section, Land Lot 154 of Towns County, Georgia, containing 0.95 acre, more or less, as shown on a plat of survey prepared by Bernard Gregory, County Surveyor, dated June 29, 1987, and recorded in Plat Book 12, Page 82 of Towns County records, said plat being incorporated herein by reference and said plat being more particularly described as follows: BEGINNING at the intersection of GA High-way 76 and County Road 152 and running North 31 West a distance of 232 feet along the easterly side of County Road 152 to the Beginning Corner, which is located on the easterly side of County Road 152 and the center line of a branch; thence following the center line of the branch Is marked by surveyors cords as follows: North 15 West 78 feet; North 11 West 42 feet; North 7 West 71 feet; North 14 West 142 feet to a point in the centerline of said branch and the intersection of the centerline of another branch; thence following the centerline of said second branch as marked by a sur-veyors cord North 47 West 58 feet; thence leaving the centerline of said branch and running South 40 West 211 feet to an Iron pin located on the Easterly side of County Road 152; thence running along the East-erly side of said County Road 152, South 51 East 164 feet to a point; thence continuing along the Easterly side of said County Road 152, South 46 30 East 155 feet to the Beginning Point. 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, includ-ing attorney's fees (notice of intent to collect attorney's fees having been given). Said property is commonly known as 5419 Sampson Road, Young Harris, GA 30582, together with all fixtures and personal pronerty attached to and constituting a part of said property. To the best knowledge and belief of the undersigned, the party (or par-ties) in possession of the subject property is (are): Burchell Deward Gilbert Jr. and Dana Diana Gilbert 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, encum-brances, 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 confirma-tion and audit of the status of the loan with the holder of the security deed. Pursuant to 0.C.G.A. Section 9-13-172.1, which allows for certain procedures re-garding the rescission of judicial and propulation selection 10-13-172.1 nonjudicial sales in the State of Georgia, the Deed Under Power and other foreclo-sure documents may not be provided until

final confirmation and audit of the status loan as provided in the preceding 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.

3815 South West Temple Salt Lake City, Utah 84115 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 nower of sale

Attention: Loss Mitigation Department

secured creditor under the power of sale granted in the aforementioned security in-strument, specifically being The Bank of New York Mellon (t/k/a The Bank of New York), as indenture trustee for Encore Credit Receivables Trust 2005-1 as attorney in fact for Burchell Deward Gilbert Jr. and Dana Diana Richard B. Maner. P.C. 5775 Glenridge Drive Building D, Suite 100

THIS LAW FIRM IS ACTING AS A DEBT COL-

LECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. T(Aug7,14,21,28)B

Atlanta, GA 30328 (404)252-6385

NOTICE OF SALE UNDER POWER IN SECURITY DEED STATE OF GEORGIA COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in the Real Estate Deed to Secure Debt from Peter J. Busteed and Sherry L. Debt from Peter J. Busteed and Sherry L. Busteed to Bank of Hiawassee, dba Bank of Blairsville, dated March 31, 2006, and re-corded in Deed Book 368, Page 353, in the offices of the Clerk of the Superior Court of Towns County, Georgia, as last modified by that certain Modification of Security Deed dated March 24, 2011 and recorded in Deed dated March 24, 2011 and recorded in Deed Book 492, Page 519, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment recorded in Deed Book 486, Page 790, aforesaid re-cords (as same may have been further modified from time to time, collectively the "Security Deed"), the undersigned will sell at public outcry to the highest and best bidder for cash before the door of the Court-house of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in

September, 2013, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 11, 24, 25 & 26, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA CONTAINING 1,046 ACRES AND REING SHOWN AS LOT TIMENTY. SEVEN (27) TY, GEORGIA CONTAINING 1.046 ACRES AND BEING SHOWN AS LOT TWENTY-SEVEN (27) OF MEADOW BROOKE SUBDIVISION, PHASE 1, ON A PLAT OF SURVEY BY LANDTECH SERVICES, INC., RS #2653, DATED 1/23/05, REVISED 1/31/06 AND RECORDED IN PLAT BOOK 35 PAGES 245-247 TOWNS COUNTY RECORDS, WHICH PLAT IS BY REFERENCE INCORPORATED HEREIN AND MADE A PART HEREOF.

HEREOF.
THE PROPERTY IS SUBJECT TO THE ROAD EASEMENTS AND RIGHT OF WAYS AS SHOWN ON SAID PLAT.
THE PROPERTY IS SUBJECT TO THE RESTRICTIONS RECORDED IN DEED BOOK 365 PAGES 517-528, RE-RECORDED IN DEED BOOK 366 PAGES 434-445 TOWNS COUNTY RECORDS, FURTHER RE-RECORDED IN DEED BOOK 368 PAGES 340-351, TOWNS COUNTY RECORDS. RECORDS

RECORDS.
THE PROPERTY IS SUBJECT TO THE EASEMENT TO BLUE RIDGE MOUNTAIN EMC RECORDED IN DEED BOOK 362 PAGE 659 TOWNS COUNTY RECORDS.
THE PROPERTY IS SUBJECT TO THE SETBACK LINES AS SHOWN ON SAID PLAT. THE PROPERTY IS SUBJECT TO EASEMENTS FOR UTILITIES INCLUDING POWER, WATER, TEI EPHONE FTC. TELEPHONE, ETC.
GRANTOR GRANTS TO GRANTEE A NONEXCLUSIVE EASEMENT TO AND FROM STATE
HIGHWAY 17 AND THENCE ALONG THE SUBDIVISION ROADS FOR INGRESS AND EGRESS
TO THE ABOVE PROPERTY.
BY NOWN AS LOT 27 MEADOW.

PROPERTY KNOWN AS: LOT 27 MEADOW-BROOKE SUBDIVISION, TOWNS COUNTY, YOUNG HARRIS, GEORGIA 30582. The debt secured by the Security Deed is evidenced by a Renewal Promissory Note, dated March 24, 2011, from Peter J. Busteed and Sherry L. Busteed to The Bank of Blairsville, a division of Citizens South Bank in the original principal amount of \$69,446.63 as the same has been reduced to judgment as evidenced by that certain Summary Judgment entered July 15, 2013 in Civil Action File No. 13-CV-196-RG, in the Superior Court of Union County, State of Georgia (the Note as reduced to judgment is harvingther referred to as the "Note"). is hereinafter referred to as the "Note"); plus interest from date on the unpaid bal-ance until paid, and other indebtedness.

Default has occurred and continues under the terms of the Note and Security Deed by reason of, among other possible events of default, the nonpayment when due of the indebtedness evidenced by the Note and secured by the Security Deed and the failure to comply with the terms and con-ditions of the Note and Security Deed. By reason of this default, the Security Deed has been declared foreclosable according to its terms.

The above-described real property will be sold to the highest and best bidder for cash as the property of Peter J. Busteed and Sherry L. Busteed, the proceeds to be applied to the payment of said indebtedness, attorneys' fees, and the lawful expenses of said sale, all as provided in the Note and Security Index The sale shall be subject to

Security Deed. The sale shall be subject to the following: all outstanding ad valorem taxes and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all prior assessments, easements, restrictions or matters of re-To the best of the undersigned's knowledge and belief, the real property is presently owned by Sherry L. Busteed and the estate of Peter J. Busteed. To the best of the undersigned's knowledge

Security Deed. The sale shall be subject to

and belief, the party in possession of the real property is Sherry L. Busteed and the estate of Peter J. Busteed, and tenants holding under them.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiawassee d/b/a Bank of Blairsville, as Attorney-in-Fact for Peter J. Busteed and Sherry L. Busteed.

M. Todd Westfall, Esquire Howick, Westfall, McBryan & Kaplan, LLP Suite 600, One Tower Creek 3101 Towercreek Parkway Atlanta, Georgia 30339 (678) 384-7000 T(Aug7,14,21,28)B

STATE OF GEORGIA COUNTY OF TOWNS NOTICE OF SALE UNDER POWER

Under and by virtue of the power of sale

contained in a Security Deed from WENDY PETERSEN MCARTHUR, NOT PERSON-ALLY BUT AS TRUSTEE ON BEHALF OF THE CHATUGE TRUST UNDER PROVISIONS OF A TRUST AGREEMENT DATED JUNE 2, 2011 to UNITED COMMUNITY BANK, dated September 25, 2012, recorded September 27, 2012, in Deed Book 520, Page 664, Towns County, Georgia records, as last modified by Modification of Security Deed dated March 25, 2013, recorded in Deed Book 533, Page 10, Towns County, Georgia records, said Security Deed being given to secure a Note from WENDY PETERSEN MCARTHUR, TRUSTEE OF THE CHATUGE TRUST dated March 25, 2013, in the original principal amount of Seven Hundred Eighty One Thousand Three Hundred Seventy Three and 70/100 (\$781,373.70) Dollars, with interest from date at a rate per cent per annum on the unpaid balance until paid; there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door at Towns County, Georgia, within the legal hours of sale on the first Tuesday in September, 2013, the following described property:

described property:
All that tract or parcel of land lying and being in Land Lot 20, 17th District, 1st Section, Towns County, Georgia, and being Lot Fifty-Five (55) of Chatuge Shores Subdivision, containing 0.479 acres as shown on a plat of survey by Tamrok Associates, Inc., dated 4/18/55, as filed and recorded in Plat dated 4/18/95, as filed and recorded in Plat Book 20, Page 172, Towns County, Georgia records. Said plat is being incorporated herein by reference hereto. Said property is conveyed subject to all matters and conditions shown on the above described plat of survey. Said property is conveyed subject to the power line easement as shown on the

above described plat of survey. Said property is conveyed subject to the TVA flowage easements to the land located below the 1933' contour line of Lake The debt secured by said Security Deed has been and is hereby declared due be-cause of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner pro-vided 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 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, easements, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

To the best knowledge and belief of the undersigned, the party in possession of the property is WENDY PETERSEN MCARTHUR, NOT PERSONALLY BUT AS TRUSTEE ON BE-HALF OF THE CHATUGE TRUST UNDER PRO-VISIONS OF A TRUST AGREEMENT DATED JUNE 2, 2011 or a tenant or tenants.

JUNE 2, 2011 of a tenant of tenants.
UNITED COMMUNITY BANK,
as attorney in Fact for WENDY PETERSEN
MCARTHUR, NOT PERSONALLY BUT AS
TRUSTEE ON BEHALF OF THE CHATUGE
TRUST L. Lou Allen Stites & Harbison, PLLC 520 West Main Street Blue Ridge, Georgia 30513 (706) 632-7923 File No. 7484A-03526

THIS LAW FIRM IS ATTEMPTING TO COL-LECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

STATE OF GEORGIA

COUNTY OF TOWNS
NOTICE OF SALE UNDER POWER
Under and by virtue of the power of sale
contained in a Security Deed from SOUTHERN MULTICAPITAL CORPORATION to UNITED COMMUNITY BANK, dated December 29,
2010, recorded January 3, 2011, in Deed 2010, recorded January 3, 2011, in Deed Book 487, Page 199, Towns County, Georgia records, as last modified by Modification of Security Deed dated February 9, 2011, re-corded in Deed Book 491, Page 130, Towns County, Georgia records; also that certain Assignment of Rents dated December 29, 2010, recorded in Deed Book 487, Page 194, Towns County, Georgia records, said Security Deed being given to secure a Note from SOUTHERN MULTICAPITAL CORPORATION dated December 29, 2010, in the RATION dated December 29, 2010, in the original principal amount of Seventy Two Thousand and 00/100 (\$72,000.00) Dollars; said Security Deed also given to secure a Note dated February 9, 2011, in the original principal amount of Sixteen Thousand and 00/100 (\$16,000.00) Dollars, with interest from date at a rate per cent per annum on the unpaid balance until paid; there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door at Towns County, Georgia, within the legal hours of sale on the first

Tuesday in September, 2013, the following described property:
All that tract or parcel of land lying and being in Land Lot 6, 17th District, 1st Section, Towns County, Georgia, containing 0.863 acres, being shown as Lot Fourteen (14) of Rustic Ridge Subdivision on a plat of sur-Rustic Ridge Subdivision on a plat of survey by Northstar Land Surveying, Inc., as recorded in Plat Book 32, Page 213, Towns County records which description on said plat is incorporated herein by reference and made apart hereof. Subject to Reservations and Restrictive Covenants as recorded in Deed Book 311, Pages 309-310, Towns County records. Subject to easements as recorded in Deed Book 68, Page 691, Deed Book 240, Page 474 and Deed Book 300, Page 21, Towns

County, Georgia records. Subject to any easements, restrictions and rights-of-way as shown on said plat. All Inventory, Fixtures and Building Materi-The debt secured by said Security Deed has been and is hereby declared due be-cause of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner pro-vided in the Note and Security Deed. The debt remaining in default, this sale will be made for the number of naving the same

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 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 in-spection of the property, any assessments, liens, easements, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

Deed Tirst set out above.

To the best knowledge and belief of the undersigned, the party in possession of the property is SOUTHERN MULTICAPITAL CORPORATION or a tenant or tenants.

UNITED COMMUNITY BANK, as attorney in Fact for SOUTHERN MULTI-CAPITAL CORPORATION

LI DIA MILEN

LI DIA MILEN L. Lou Allen Stites & Harbison, PLLC

520 West Main Street Blue Ridge, Georgia 30513 (706) 632-7923 File No. 7484A-03527