

# Towns County Herald

## Legal Notices for August 21, 2013

**NOTICE TO CREDITORS AND DEBTORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
RE: ESTATE OF Wilma Purpuse  
All creditors of the estate of Wilma Purpuse, deceased of Towns County, Hiawasse, 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 23rd day of July, 2013.  
C. Richard Perry  
1416 Enchantment Way,  
Hiawasse, GA 30546  
706-896-1416  
T(Aug7,14,21,2013)

**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, Hiawasse, 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 22nd day of July, 2013.  
Douglas Held  
15 Austin Place,  
Glendale, MO 63222  
314-517-5582  
T(Aug7,14,21,2013)

**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 required to make immediate payment to the undersigned.  
This 26th day of July, 2013.  
Essell M. Stookey, Attorney at Law  
Personal Representative  
P.O. Box 310  
Hiawasse, GA 30546  
706-896-2241  
T(Aug7,14,21,2013)

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
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 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 9th day of August, 2013.  
Personal Representative  
1285 Long Ridge Road  
Hiawasse, GA 30546  
706-896-4483  
T(Aug7,14,21,28,Sept4,11)

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
RE: ESTATE OF James H. McElroy  
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 9th day of August, 2013.  
Shirley Branson  
Personal Representative  
3812 Mutton Hollow Rd.  
Knoxville, TN 37920  
T(Aug7,14,21,28,Sept4,11)

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF GILMER**  
All creditors of the estate of William E. 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 to the undersigned.  
This 9th day of August, 2013.  
Kelly Smith, Executor  
of the Estate of William E. Meason  
1674 Summersweet Lane  
Dacula, Georgia 30019  
T(Aug7,14,21,28,Sept4,11)

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
RE: Estate of Dorothy M. Stocksedale  
All creditors of the estate of Dorothy M. Stocksedale, 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 9th day of August, 2013  
Sandra L. Persson  
2308 Hidden Lake Valley Road  
Hiawasse, GA 30546  
706-896-1225  
Gregg Allan Wolston  
16 Briar Hill Road  
Hopewell Junction, NY 12533  
518-857-4255  
T(Aug7,14,21,28,Sept4,11)

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
RE: Estate of Dorothy M. Stocksedale  
All creditors of the estate of Dorothy M. Stocksedale, 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 9th day of August, 2013  
Sandra L. Persson  
2308 Hidden Lake Valley Road  
Hiawasse, GA 30546  
706-896-1225  
Gregg Allan Wolston  
16 Briar Hill Road  
Hopewell Junction, NY 12533  
518-857-4255  
T(Aug7,14,21,28,Sept4,11)

**IN THE PROBATE COURT**  
**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Claude Raymond Nicholson, DECEASED  
ESTATE NO. 2013-28  
NOTICE  
Shirley Nicholson and Darlene Carly  
(List here all interested parties having unclaimed addresses to be served by publication)  
This is to notify you to file objection, if there is any, and any other objections to 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 pleadings/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.  
48 River St. Suite C  
Address  
Hiawasse, GA 30546  
706-896-3467  
Telephone Number  
David Rogers  
Judge of the Probate Court  
By: Kerry L. Berrong  
Clerk of the Probate Court  
T(Aug7,14,21,2013)

**NOTICE TO CREDITORS AND DEBTORS**  
All creditors of the estate of KATHERINE LINGER NYSTROM, deceased of Towns County, Hiawasse, 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  
Middlefield, Florida 32068  
T(Aug7,14,21,2013)

**IN THE SUPERIOR COURT**  
**OF TOWNS COUNTY**  
**STATE OF GEORGIA**  
Plaintiff: Christy Lea Lopez vs.  
Defendant: Francisco Javier Lopez Hernandez  
Civil Action No. 13-CV-195MM  
NOTICE OF PUBLICATION  
To: Francisco Javier Lopez Hernandez (Respondent)  
By Order for Service by Publication dated the 19th day of August, 2013, you are hereby notified that on the 19th day of August, 2013, the Plaintiff herein filed suit against you for Divorce.  
You are required to file with the Clerk of the Superior Court of Towns County, and to serve upon the Plaintiff Christy Lea Lopez, 320 Road 337, Hiawasse, GA 30546, Towns County, an answer in writing, within thirty (30) days of the date of the Order of Publication.  
Witness, the Honorable Murphy Miller, Judge of this Court.  
This 19th day of August, 2013  
Cecil Dye, Clerk  
Superior Court of Towns County  
48 River Street, Hiawasse, GA 30546  
T(Aug7,12,Sept11,13)

**NOTICE TO THE PUBLIC**  
YOU ARE HEREBY NOTIFIED that on the 3rd day of September 2013, at 9 a.m., at the Towns County Courthouse in the City of Hiawasse, Georgia, the presiding judge of the Superior Court of Towns County will hear the case of the STATE OF GEORGIA, Plaintiff v. JOINT DEVELOPMENT AUTHORITY OF FANNING COUNTY, TOWNS COUNTY & UNION COUNTY AND YOUNG HARRIS COLLEGE, Defendants, Civil Action File No. 13-CV-193-RG in the Superior Court of Towns County, the same being a proceeding to confirm and validate the issuance of a revenue bond in the principal amount of not to exceed \$10,000,000 (the "Bond"). The Bond is to be issued by the Joint Development Authority of Fanning County, Towns County and Union County (the "Issuer") and loaned to Young Harris College, a Georgia nonprofit corporation (the "Borrower") and the owner and operator of Young Harris College (the "College") for the purpose of (a) financing, refinancing or reimbursing the acquisition, construction and installation of certain land, buildings and personal property to be used as a student housing facility and related amenities located on the campus of the College in the City of Young Harris, Georgia, and (b) paying all or a portion of the costs of issuance of the Bond. Said Bond will be issued by the Issuer pursuant to a Facilities Financing Agreement. In said proceeding the Court will also pass upon the validity of said Facilities Financing Agreement, the Pledged Revenues, a Pledge and Assignment and certain Borrower Documents in connection therewith.  
Pursuant to O.C.G.A. Section 36-82-100, the Issuer hereby notifies all interested parties that no performance audit or performance review (the "Audit") will be conducted with respect to the Bond. However, the Issuer will ensure that the proceeds of the Bond are expended efficiently and economically as intended by the Audit.  
Any citizens of the State of Georgia residing in Towns County, Georgia, or any other person wherever residing who has a right to object, may intervene and become a party to this proceeding.  
This 15th day of August, 2013  
Cecil Dye, Clerk  
Superior Court, Towns County, Georgia  
T(Aug7,14,21,2013)

**NOTICE OF SALE UNDER POWER**  
**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 Deed Book 451, Page 332, Page 466, and Deed Book 451, Page 600, Towns County Records, said Security 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 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 & 81 of Towns County, Georgia, containing 4.359 acres, more or less, as shown on plat of survey for Robb 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, said plat is incorporated herein, by reference hereto, for a full and complete description of the above 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, if any.  
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 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  
SHAPIRO, SWERTFEGER & HASTY, LLP\*  
\*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
[FC-NO5]  
T(Aug7,14,21,2013)

**NOTICE OF SALE UNDER POWER**  
**IN SECURITY DEED**  
**COUNTY 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 Hiawasse, 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 dated July 23, 2009 and recorded in Deed Book 460, Page 101, aforesaid records; 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: PARCEL ONE:  
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN SECTION 1, DISTRICT 18, LAND LOT 119, 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 - 32 LOTS DRAWN FOR NCB DEVELOPMENT CORP." BY WILLIAM F. ROLANDER, R.S., DATED 1/2/91, REVISED 9/1/92 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 AMENDED IN DEED BOOK 129, PAGES 370-371. ALSO CONVEYED HERewith IS A PERPETUAL NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS FROM LONGVIEW DRIVE (A CITY STREET) TO SAID PROPERTY OVER ADJACENT LAND.  
THE PROPERTY IS CONVEYED SUBJECT TO THE DRIVEWAY EASEMENT AS SHOWN ON SAID PLAT.  
PARCEL TWO:  
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 118, 118TH 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 PLAT 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 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 AMENDED IN DEED BOOK 129, PAGES 370-371. ALSO CONVEYED HERewith IS A PERPETUAL NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS FROM LONGVIEW DRIVE (A CITY STREET) TO SAID PROPERTY OVER ADJACENT LAND.  
PROPERTIES KNOWN AS: LOTS R-1, R-2, V-1 AND V-2 OF NANTAHALA BAY CLUB, TOWNS COUNTY, HIAWASSE, 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 the original principal amount of \$212,496.00 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 unpaid balance until paid, and other 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 forecloseable according 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 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 James R. Shirley and Barbara L. Shirley.  
To the best of the undersigned's knowledge and belief, the party in possession of the real property is James R. Shirley and Barbara L. Shirley, and tenants holding under them.  
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiawasse, as Attorney-in-Fact for James R. Shirley and Barbara L. Shirley.  
M. Todd Westfall, Esquire  
Howick, Westfall, McBryan & Kaplan, LLP  
Suite 600, One Tower Creek  
3101 Towercreek Parkway  
Atlanta, Georgia 30339  
(770) 384-7005  
T(Aug7,14,21,2013)

**NOTICE OF SALE UNDER POWER**  
**IN SECURITY DEED**  
**COUNTY 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 Hiawasse, 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, 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; 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: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 18TH DISTRICT, 1ST SECTION, LAND LOT 226, TOWNS COUNTY, GEORGIA, AND 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 SUBDIVISION" DATED AND RECORDED FEBRUARY 14, 2003, AS REVISED AUGUST 23, 2004, FEBRUARY 20, 2006 AND MARCH 8, 2006 AS RECORDED IN PLAT BOOK 35, PAGES 270-271, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, TOWNS COUNTY GEORGIA, SAID PLAT BEING INCORPORATED BY REFERENCE HEREIN.  
ALSO CONVEYED IS AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE SUBDIVISION AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.  
SUBJECT TO MATTERS AS SHOWN ON ABOVE REFERENCED PLAT.  
THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK PAGES 591-595, TOWNS COUNTY RECORDS.  
PROPERTY KNOWN AS: LOTS 6, 7, 9, 12, 13, 14 AND 17 OF SCENIC VIEWS SUBDIVISION, TOWNS COUNTY, HIAWASSE, GEORGIA 30546.  
LESS AND EXCEPT LOT 4 OF THE ABOVE DESCRIBED PROPERTY HERETOFORE CONVEYED FROM CITIZENS SOUTH BANK TO SHIRLEY PROPERTIES, INC. BY QUILCLAIM DEED DATED APRIL 5, 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 IS REFERENCED.  
RECORD REFERENCE IS HEREBY MADE FOR COMPLETE BOUNDARIES AND DESCRIPTION.  
LESS AND EXCEPT LOT 11 OF THE ABOVE DESCRIBED PROPERTY HERETOFORE CONVEYED FROM CITIZENS SOUTH BANK TO SHIRLEY PROPERTIES, INC. BY QUILCLAIM DEED DATED APRIL 5, 2012, AND RECORDED IN DEED BOOK 510, PAGE 343, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF TOWNS COUNTY TO WHICH SAID DEED IS REFERENCED.  
RECORD REFERENCE IS HEREBY MADE FOR COMPLETE BOUNDARIES AND DESCRIPTION.  
The debt secured by the Security Deed is evidenced by a Renewal Note, dated July 23, 2009, from Shirley Properties, Inc. to Bank of Hiawasse 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 unpaid balance until paid, and other indebtedness.  
Default has occurred and continues under 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 forecloseable 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.  
Todd Westfall, Esquire  
Howick, Westfall, McBryan & Kaplan, LLP  
Suite 600, One Tower Creek  
3101 Towercreek Parkway  
Atlanta, Georgia 30339  
(770) 384-7000  
T(Aug7,14,21,2013)

**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 Burchell Deward Gilbert Jr. and Dana Diana Gilbert to Mortgage Electronic Registration Systems, Inc. as nominee for Encore Credit Corp., dated April 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 Receivables Trust 2005-1 Assignment record in Deed Book 436, 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 herein, the same to be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in September, 2013, to-wit: September 3, 2013, the following described property:  
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 Highway 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 line 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 surveyors 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 Easterly 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 40 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 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 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 5419 Sampson Road, 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): Burchell Deward Gilbert Jr. and Dana Diana Gilbert or their 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 9-3-172-1; 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 9-3-172-1, 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 filed authority to negotiate, amend and modify all 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:  
The Bank of New York Mellon (f/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 Gilbert  
Richard B. Maner, P.C.  
5775 Glenridge Drive  
Building D, Suite 1400  
Atlanta, GA 30328  
(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.  
T(Aug7,14,21,2013)

**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 Hiawasse, 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, 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; 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: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 18TH DISTRICT, 1ST SECTION, LAND LOT 226, TOWNS COUNTY, GEORGIA, AND 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 SUBDIVISION" DATED AND RECORDED FEBRUARY 14, 2003, AS REVISED AUGUST 23, 2004, FEBRUARY 20, 2006 AND MARCH 8, 2006 AS RECORDED IN PLAT BOOK 35, PAGES 270-271, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, TOWNS COUNTY GEORGIA, SAID PLAT BEING INCORPORATED BY REFERENCE HEREIN.  
ALSO CONVEYED IS AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE SUBDIVISION AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.  
SUBJECT TO MATTERS AS SHOWN ON ABOVE REFERENCED PLAT.  
THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK PAGES 591-595, TOWNS COUNTY RECORDS.  
PROPERTY KNOWN AS: LOTS 6, 7, 9, 12, 13, 14 AND 17 OF SCENIC VIEWS SUBDIVISION, TOWNS COUNTY, HIAWASSE, GEORGIA 30546.  
LESS AND EXCEPT LOT 4 OF THE ABOVE DESCRIBED PROPERTY HERETOFORE CONVEYED FROM CITIZENS SOUTH BANK TO SHIRLEY PROPERTIES, INC. BY QUILCLAIM DEED DATED APRIL 5, 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 IS REFERENCED.  
RECORD REFERENCE IS HEREBY MADE FOR COMPLETE BOUNDARIES AND DESCRIPTION.  
The debt secured by the Security Deed is evidenced by a Renewal Note, dated July 23, 2009, from Shirley Properties, Inc. to Bank of Hiawasse 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 unpaid balance until paid, and other indebtedness.  
Default has occurred and continues under 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 forecloseable 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.  
Todd Westfall, Esquire  
Howick, Westfall, McBryan & Kaplan, LLP  
Suite 600, One Tower Creek  
3101 Towercreek Parkway  
Atlanta, Georgia 30339  
(770) 384-7000  
T(Aug7,14,21,2013)

**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. Busteded and Sherry L. Busteded to Bank of Hiawasse, d/b/a Bank of Blairsville, dated March 31, 2006, and recorded 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 Book 452, Page 515, aforesaid records; 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: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 11, 24, 25 & 26, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA CONTAINING 1.046 ACRES AND BEING SHOWN AS LOT TWENTY-SEVEN (27) OF MEADOW BROOKE SUBDIVISION, PHASE 1, ON PLAT OF SURVEY BY LANDTECH SERVICES, INC. #2653, DATED 1/22/05, 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.  
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.  
THE PROPERTY IS SUBJECT TO THE EASEMENT TO BLUE RIDGE MOUNTAIN EMB RECORDED IN DEED BOOK 362 PAGE 659 17TH DISTRICT, SECTION 17, TOWNS COUNTY RECORDS.  
THE PROPERTY IS SUBJECT TO THE SET-BACK LINES AS SHOWN ON SAID PLAT.  
THE PROPERTY IS SUBJECT TO EASEMENTS FOR UTILITIES INCLUDING POWER, WATER, TELEPHONE, ETC. AS SHOWN ON SAID PLAT.  
GRANTOR GRANTS TO GRANTEE A NON-EXCLUSIVE EASEMENT TO AND FROM STATE HIGHWAY 17 AND THENCE ALONG THE SUB-DIVISION ROADS FOR INGRESS AND EGRESS TO THE ABOVE PROPERTY.  
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. Busteded and Sherry L. Busteded to The Bank of Blairsville, a division of Citizens South Bank in the original principal amount of \$69,000.00, with interest from date 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 hereinafter referred to as the "Note"); plus interest from date on the unpaid balance until paid, and other indebtedness.  
Default has occurred and continues under 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 forecloseable 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. Busteded and Sherry L. Busteded, 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 Sherry L. Busteded and the estate of Peter J. Busteded.  
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Sherry L. Busteded and the estate of Peter J. Busteded, and tenants holding under them.  
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiawasse d/b/a Bank of Blairsville, as Attorney-in-Fact for Peter J. Busteded and Sherry L. Busteded.  
Todd Westfall, Esquire  
Howick, Westfall, McBryan & Kaplan, LLP  
Suite 600, One Tower Creek  
3101 Towercreek Parkway  
Atlanta, Georgia 30339  
(770) 384-7000  
T(Aug7,14,21,2013)

**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 a Security Deed from WENDY PETERSEN MCARTHUR, NOT PERSONALLY 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 20, 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 (\$781,573.70) Dollars, with interest from date at a rate per cent per annum on the unpaid balance until paid; and by the Note 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 107th 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 Fannok Associates, Inc. dated 4/18/97, 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 plat of survey.  
Said property is conveyed subject to the TVA flowage easements to the land located below the 1933' contour line of Lake Chatuge.  
The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).  
Said property 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 SOUTHERN MULTICAPITAL CORPORATION or a tenant or 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  
Sites & Harbison, PLLC  
520 West Main Street  
Blue Ridge, Georgia 30513  
(706) 632-7923  
File No. 7484A-03526  
THIS LAW FIRM IS ATTEMPTING TO