

Towns County Herald

Legal Notices for August 28, 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 the 9th day of August, 2013.
Harley John Hunter
Personal Representative
12265 Long Ridge Road
Hiawassee, GA 30546
706-896-4483
T(Aug14,21,28,Sept4)8

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
3612 Hemlock Hollow Rd.
Knoxville, TN 37920
T(Aug14,21,28,Sept4)8

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 the 5th day of August, 2013.
By: Kelly Smith, Executor
In the estate of William E. Meason
1674 Summersweet Lane
Dacula, Georgia 30019
T(Aug14,21,28,Sept4)8

NOTICE TO DEBTORS AND CREDITORS
All creditors of the Estate of Margie Barrett Shook, late of Towns County, Georgia, deceased, are hereby notified to render their demands to the undersigned according to law, and all persons indebted to said estate are required to make immediate payment to the undersigned.
This the 13th day of August, 2013.
Bruce L. Ferguson, Attorney for
Betty Shook Secklinger, Executor
of the Estate of Margie Barrett Shook
PO BOX 524
Hiawassee, GA 30546
706-896-3639
T(Aug14,21,28,Sept4)11B

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Dorothy M. Stocksdale
All creditors of the estate of Dorothy M. Stocksdale, 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
2308 Hidden Lake Valley Road
Hiawassee, GA 30546
706-896-1225
Bruce L. Ferguson, Attorney for
Holly Nystrom Boatright, Executrix
P.O. Box 4380 Banks Road
Middletown, Florida 32068
T(Aug14,21,28,Sept4)11B

NOTICE TO CREDITORS AND DEBTORS
All creditors of the estate of KATHERINE LUNGER NYSTROM, 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.
This the 29th day of July, 2013.
Holly Nystrom Boatright, Executrix
P.O. Box 4380 Banks Road
Middletown, Florida 32068
T(Aug7,14,21,28)8

APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED UNDER TRADE NAME, PARTNERSHIP OR OTHERS
Notice is given that the Application To Register A Business To Be Conducted Under Trade Name, Partnership Or Others which has been delivered to the Towns County Clerk of Court for filing. The undersigned does hereby certify that William J. Pierson, Sandra L. Persson
2308 Hidden Lake Valley Road
Hiawassee, GA 30546
706-896-1225
Bruce L. Ferguson, Attorney for
Holly Nystrom Boatright, Executrix
P.O. Box 4380 Banks Road
Middletown, Florida 32068
T(Aug7,14,21,28,Sept4)11B

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
Plaintiff: Christy Lea Lopez
vs.
Defendant: Francisco Javier Lopez Hernandez
Civil Action File 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 Defendant.
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, Hiawassee, 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, Hiawassee, GA 30546
T(Aug21,28,Sept4)11B

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 Hiawassee, 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 FANNIN 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 Fannin County, Towns County and Union County (the "Issuer") and loaded 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 36-92-100, the Court (a) paying all or a portion of the costs of issuance of the Bond and (b) making such determination as to the 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 used for the purposes intended and economically as intended by the Audit.
Any citizens of the State of Georgia residing in Towns County, Georgia, or any other persons 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(Aug14,21,28)8

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 having been last sold, assigned, transferred and conveyed to OF 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 hereby conveyed and assigned 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 81-1 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 P.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.
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 to (1) to the indebtedness evidenced by the Note and confirmed 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).
OF 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
2772 Woodcock Blvd., Suite 100
Atlanta, GA 30241-3941
(770) 220-2635/AB
www.swertfeger.net
*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
[FC-NOS]
T(Aug7,14,21,28)8

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 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 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 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 - 30 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 BY THAT CERTAIN MASTER ASSIGNMENT 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, 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 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 (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, HIWASSEE, 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 Shirley Properties, Inc. 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 Judgment entered May 30, 2013 in Civil Action File 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 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 James R. Shirley and Barbara L. Shirley, 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 Hiawassee, 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
(678) 384-7005
T(Aug7,14,21,28)8

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, Georgia, as last 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:
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 1/22/05, FEBRUARY 14, 2003, AS REVISED AUGUST 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 RIGHTS AS RECORDED IN THE ABOVE REFERENCED PLAT OF SURVEY.
SUBJECT TO MATTERS AS SHOWN ON ABOVE REFERENCED PLAT.
THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK 365, PAGES 591-595, TOWNS COUNTY RECORDS.
PROPERTY KNOWN AS: LOTS 6, 7, 9, 12, 13, 14 AND 17 OF SCENIC VIEWS SUBDIVISION, TOWNS COUNTY, HIWASSEE, 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.
THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK 365, PAGES 591-595, TOWNS COUNTY RECORDS.
PROPERTY KNOWN AS: LOTS 6, 7, 9, 12, 13, 14 AND 17 OF SCENIC VIEWS SUBDIVISION, TOWNS COUNTY, HIWASSEE, 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 511, PAGE 343, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF TOWNS COUNTY TO WHICH SAID DEED IS REFERENCED.
THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK 365, PAGES 591-595, TOWNS COUNTY RECORDS.
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THE ABOVE RESTRICTIONS AS RECORDED IN DEED BOOK 365, PAGES 591-595, TOWNS COUNTY RECORDS.
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