

Towns County Herald

Legal Notices for December 10, 2014

NOTICE TO DEBTORS AND CREDITORS

State of Georgia
County of Towns
RE: Estate of Mary Frances Griffith
All creditors of Mary Frances Griffith, 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 17th day of November, 2014.
Russell M. Stookey, Attorney at Law
Personal Representative
P.O. Box 310
Hiawassee, GA 30546
706-896-2241
T(Nov26,Dec3,10,17)P

NOTICE OF LEGAL STATE OF GEORGIA COUNTY OF TOWNS

The Towns County Water and Sewerage Authority has declared surplus a 1997 Ford F250 7.3 Liter Powerstroke Diesel Truck with mileage of 221,747. Towns County Water will accept sealed bids at the Authority office, 1224 Jack Dayton Circle, Young Harris GA 30582 or by mail P.O. Box 8, Young Harris GA 30582. Bids will be accepted until 4 p.m., December 17, 2014. Late bids will NOT be accepted. Bids will be opened at 4:30 p.m. On December 17th. The truck is being sold AS IS with NO warranty. Acceptance of the bid is final. The truck may be inspected by appointment by calling (706) 896-4372. The Authority reserves the right to reject any and all bids.

T(Nov26,Dec3,10,17)B

NOTICE OF LEGAL STATE OF GEORGIA COUNTY OF TOWNS

The Towns County Water and Sewerage Authority has declared surplus a 2001 Dodge 2500 5.9 liter Cummins Diesel Truck with mileage of 225,719. Towns County Water will accept sealed bids at the Authority office, 1224 Jack Dayton Circle, Young Harris GA 30582 or by mail P.O. Box 8, Young Harris GA 30582. Bids will be accepted until 4 p.m., December 17, 2014. Late bids will NOT be accepted. Bids will be opened at 4:30 p.m. On December 17th. The truck is being sold AS IS with NO warranty. Acceptance of the bid is final. The truck may be inspected by appointment by calling (706) 896-4372. The Authority reserves the right to reject any and all bids.

T(Nov26,Dec3,10,17)B

STATE OF GEORGIA COUNTY OF TOWNS

NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF EVELYN ELIZABETH MORRIS
All debtors and creditors of the estate of Evelyn Elizabeth Morris, deceased, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 1st day of December, 2014.
Carol Sue DeMarco, Executor
Address: 1905 NW 78th Avenue
Margate, FL 33063
T(Dec3,10,17,24)B

NOTICE TO DEBTORS AND CREDITORS

State of Georgia
County of Towns
RE: Estate of Mildred Taylor Andrew
All creditors of Mildred Taylor Andrew, 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 25 day of November, 2014.
Denise McDonald
Personal Representative
325 Nesbin Ct.,
Kennesaw, GA
770-846-2294
T(Dec3,10,17,24)P

NOTICE TO DEBTORS AND CREDITORS

State of Georgia
County of Towns
RE: Estate of William L. Bryan
All creditors of William L. Bryan, 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 1st day of December, 2014.
Faith J. Lanphar
Personal Representative
850 S. Tamiami, Unit #135
Sarasota, FL 34236
571-326-9531
T(Dec10,17,24,31)P

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 Barbara L. Loyd to Wells Fargo Home Mortgage, Inc. dated July 31, 2003, and recorded in Deed Book 281, Page 558, Towns County Records, securing a Note in the original principal amount of \$54,244.00, 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, January 6, 2015, 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 THE FOLLOWING DESCRIBED PROPERTY, TO WIT:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 268, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 0.426 ACRES AS SHOWN ON A PLAT OF SURVEY BY NORTHSTAR LAND SURVEYING, INC. W. GARY KENDALL, REGISTERED SURVEYOR, DATED DECEMBER 13, 1999 AND ENTITLED "SURVEY FOR BARBARA L. LOYD". SAID PLAT RECORDED IN PLAT BOOK 25, PAGE 198, TOWNS COUNTY, GEORGIA RECORDS, WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF. THE PROPERTY IS CONVEYED SUBJECT TO THE RESTRICTIONS OF RECORD PERTAINING TO HIAWASSEE RIVER ESTATE AS RECORDED IN DEED BOOK 81, PAGE 347-348, TOWNS COUNTY RECORDS.
THE PROPERTY IS CONVEYED SUBJECT TO A RIGHT OF WAY DEED AS RECORDED IN DEED BOOK 99, PAGE 443, TOWNS COUNTY RECORDS.

Said property is known as 4579 Hiawassee River Ests, Hiawassee, GA 30546, 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 Barbara L. Loyd, successor in interest or tenant(s).
Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. as Attorney-in-Fact for Barbara L. Loyd
File no. 14-049428
SHAPIRO, SWERTFEGER & HASTY, LLP*
Attorneys and Counselors at Law
2872 Woodcock Blvd., Suite 100
Atlanta, GA 30341-3941
(770) 220-2535/KMM
www.swertfeger.net

*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
[FC-NOS]
T(Dec10,17,24,31)B

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 Panaccione and Patricia Panaccione to Mortgage Electronic Registration Systems, Inc. as nominee for Americas First Home Mortgage Co. dated June 23, 2006, and recorded in Deed Book 375, Page 806, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, N.A. by Assignment, securing a Note in the original principal amount of \$145,000.00, 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, January 6, 2015, 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 Land Lot 47, 17th District, 1st Section, Towns County, Georgia, containing 1.074 acres, more or less, and being shown as Lot 7 of Ragayle Village Subdivision on a plat of survey prepared by Tamrok Associates, Inc., dated 2/15/01 and recorded in Plat Book 28, Page 41, Towns County, Georgia records, said plat being incorporated herein by reference for a more complete description of said property.
Grantor grants to Grantee a non-exclusive perpetual easement for the use of the subdivision roads for ingress and egress to the above described property.

Subject to the Declaration of Protective Covenants as recorded in Deed Book 224, Page 708-713 and Deed Book 227, Page 486-491, Towns County, Georgia records.

Subject to easements and other matters of survey as shown on the above referenced plat.
Subject to an easement and Joint Driveway Agreement as recorded in Deed Book 354, Page 514, towns County, Georgia records and in Nat Book 35, page 152, Towns County, Georgia records.

Subject to a right of way deed as recorded in Deed book T-1, page 250, Towns County, Georgia records.

Said property is known as 1514 Millennium Drive, 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 Panaccione and Patricia Panaccione, successor in interest or tenant(s).
Wells Fargo Bank, N.A. as Attorney-in-Fact for Robert Panaccione and Patricia Panaccione
File no. 13-044823
SHAPIRO, SWERTFEGER & HASTY, LLP*
Attorneys and Counselors at Law
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Atlanta, GA 30341-3941
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[FC-NOS]
T(Dec10,17,24,31)B

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in the Deed to Secure Debt from Michelle Cain to Bank of Hiawassee, dated December 9, 2002, and recorded in Deed Book 259, Page 220, 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 from Michelle Cain, aka Angela Michelle Rogers, to Bank of Hiawassee, dated March 19, 2010 and recorded in Deed Book 471, Page 568, 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"), and pursuant to the Order of Dismissal for Failure to Pay Filing Fees, entered on November 21, 2014, in Chapter 13 Case No. 14-21971-jrs, United States Bankruptcy Court, Northern District of Georgia, Gainesville Division, 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 January, 2015, the following described real property, to wit:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 7 AND 30, 17TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, AND BEING KNOWN AS LOT 6 OF OLD BRASSTOWN ESTATES, CONTAINING 0.996 ACRES, MORE OR LESS, AS SHOWN ON A PLAT OF SURVEY PREPARED BY NORTHSTAR LAND SURVEYING, INC., DATED MAY 13, 2002, AS RECORDED IN PLAT BOOK 28, PAGE 134, TOWNS COUNTY, GEORGIA RECORDS, SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE FOR A MORE COMPLETE LEGAL DESCRIPTION.

THIS PROPERTY IS CONVEYED TOGETHER WITH AND SUBJECT TO A NON EXCLUSIVE, PERPETUAL EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 50 FEET IN WIDTH, ALONG BRASSTOWN LANE AS SHOWN ON THE ABOVE REFERRED TO PLAT OF SURVEY.

THE PROPERTY IS CONVEYED SUBJECT TO PROTECTIVE COVENANTS AND RESTRICTIONS PERTAINING TO OLD BRASSTOWN ESTATES AS RECORDED IN DEED BOOK 243, PAGE 731, TOWNS COUNTY, GEORGIA RECORDS.
PROPERTY BEING MORE COMMONLY KNOWN AS: 2111 BRASSTOWN LANE, YOUNG HARRIS, GEORGIA 30582-1658.

The debt secured by the Security Deed is evidenced by a Renewal Note, dated March 19, 2010, from Angela Michelle Rogers to Bank of Hiawassee in the original principal amount of \$57,420.22, as assigned to Citizens South Bank (as same may have been further modified, renewed or amended, collectively the "Note"); plus interest from date on the unpaid balance 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 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 Michelle Cain, aka Angela Michelle Rogers, 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 Michelle Cain, aka Angela Michelle Rogers. To the best of the undersigned's knowledge and belief, the party in possession of the real property is Michelle Cain, aka Angela Michelle Rogers, and tenants holding under her.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiawassee, as Attorney-in-Fact for Michelle Cain, aka Angela Michelle Rogers.

M. Todd Westfall, Esquire
Howick, Westfall, McBryan & Kaplan, LLP
Suite 600, One Tower Creek
3101 Towercreek Parkway
Atlanta, Georgia 30339
(678) 501-7951

T(Dec10,17,24,31)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 Deed to Secure Debt from Richard A. Focke and Henry R. Focke, Jr. to Bank of Hiawassee dated January 24, 2008, and recorded in Deed Book 427, Page 314, in the offices of the Clerk of the Superior Court of Towns County, Georgia, as last modified of record by that certain Modification of Security Deed dated June 18, 2013 and recorded in Deed Book 536, Page 354, aforesaid records; and 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 and/or assigned 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 January, 2015, the following described real property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 7 and 8, 19th DISTRICT, 1ST SECTION OF TOWNS COUNTY, GEORGIA, BEING LOT 25, CONTAINING 1.35 ACRES, MORE OR LESS, OF HI RIVER COUNTRY, PHASE II AS SHOWN ON A PLAT OF SURVEY BY TAMROK ENGINEERING, INC., DATED 8/10/93, RECORDED IN PLAT BOOK 17, PAGE 109, TOWNS COUNTY, GEORGIA RECORDS, WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE.

SUBJECT TO ALL MATTERS AND CONDITIONS AS SHOWN ON ABOVE REFERENCED PLAT OF SURVEY.

THE PROPERTY IS CONVEYED SUBJECT TO THE SAME RESTRICTIONS THAT APPLY TO HI RIVER COUNTRY AS RECORDED IN DEED BOOK 80, PAGES 762-763, TOWNS COUNTY, GEORGIA RECORDS.
PROPERTY KNOWN AS: 2623 FAWN LANE, HIAWASSEE, GA 30546.

The debt secured by the Security Deed is evidenced by a Renewal Promissory Note dated March 22, 2013 made by Richard A. Focke and Henry R. Focke, Jr. in favor of Park Sterling Bank, in the original principal amount of \$175,238.24, as modified by Change in Terms Agreement dated June 18, 2013 by and between Richard A. Focke and Henry R. Focke, Jr., as Borrower, and Park Sterling Bank, as Lender, reducing principal balance to \$174,750.13 (as same may have been further modified or renewed, hereinafter collectively 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 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 its terms.

The above-described real property will be sold to the highest and best bidder for cash as the property of Richard A. Focke and Henry R. Focke, Jr., 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 Richard A. Focke and Henry R. Focke, Jr. To the best of the undersigned's knowledge and belief, the party in possession of the real property is Richard A. Focke and Henry R. Focke, Jr., 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 Richard A. Focke and Henry R. Focke, Jr.
M. Todd Westfall, Esquire
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T(Dec10,17,24,31)B