

# Towns County Herald

## Legal Notices for October 26, 2016

### NOTICE AS TO SPECIAL ELECTION CITY OF HIAWASSEE

Notice is hereby given that, in accordance with O.C.G.A. § 21-2-540, a Special Election shall be held in Hiawassee for the purpose of submitting to the Voters the following questions for approval or rejection:

The Special Election referendum to be held on the date established shall pose the following questions to City electors:

(1)  YES  NO

Shall the governing authority of the City of Hiawassee be authorized to issue licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises?

(2)  YES  NO

Shall the governing authority of the City of Hiawassee be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink?

(3)  YES  NO

Shall the governing authority of the City of Hiawassee be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?

The Special Election will be held on November 8, 2016 at Hiawassee City Hall, 50 River Street, Hiawassee, Georgia 30546. All persons who are not registered to vote and who desire to vote in the Special Election may register to vote at City Hall through the close of business on October 11, 2016. Advance voting for the election shall begin on Monday, October 17, 2016 and continue until Friday, November 4, 2016 and with advance voting taking place at the Hiawassee City Hall, 50 River Street, Hiawassee, Georgia 30546. Absence ballots will be available at the same location beginning Monday, October 17, 2016. The polls will be open on Election Day from 7:00 A.M. until 7:00 P.M.

This the 9th day of September, 2016.

Cenlya Galloway

City Clerk/Superintendent of Elections

T(Oct12,19,26,Nov2)B

### STATE OF GEORGIA COUNTY OF TOWNS

#### NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF DAVID PARRIS MULLINS, SR. All debtors and creditors of the estate of David Pararis Mullins, Sr., 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 14th day of October, 2016.

Margaret LaRanda Mauldin, Executor

Address: 4713 Arrowhead Road

Hiawassee, GA 30546

T(Oct19,26,Nov2,9)B

#### NOTICE TO CREDITORS AND DEBTORS

All creditors of the estate of SANDRA FAYE ROBERTS, 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 21st day of October, 2016

TERRY EARL ROBERTS, Executor

7166 Gumlog Road

Young Harris, Georgia 30582

T(Oct26,Nov2,9,16)B

### IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF

JANIS D. HART, DECEASED

ESTATE NO. 2016-57

PETITION FOR LETTERS OF ADMINISTRATION NOTICE

[NOTE: Strike the sentence in parenthesis below if not applicable.]

TO: All Interested Parties

[List here all heirs who have not acknowledged service]

Charles Christian Hart III has petitioned to be appointed Administrator of the estate of Janis D. Hart 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 Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before November 14, 2016.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

David Rogers

Judge of the Probate Court

By: Kerry L. Berrong

Clerk of the Probate Court

48 River St., Suite C

Hiawassee, GA 30546

Address

706-896-3467

Telephone Number

T(Oct19,26,Nov2,9)B

### IN THE SUPERIOR COURT OF TOWNS COUNTY STATE OF GEORGIA

In Re: The Name Change of: Cathy Diane Crumbley Kostak, Petitioner

Civil Action Case Number: 16-CV-138-RG

PETITION TO CHANGE NAME OF ADULT

The Petitioner files this Petition to Change Name of Adult, and states the following in support of the petition:

1) The Petitioner's name is Cathy Diane Crumbley Kostak, and she or he resides in Towns County, Georgia. Therefore, jurisdiction and venue are proper in this Court.

2) The Petitioner was born in April 21, 1957 in Thomas County, State of Georgia, USA.

3) The Petitioner wants to change his or her name from Cathy Diane Crumbley Kostak to Diane Crumbley.

T(Oct26,Nov2,9,16)B

#### NOTICE OF ARTICLES OF INCORPORATION

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

T(Oct19,26)B

#### NOTICE TO DEBTORS AND CREDITORS

##### STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of Linda Ruth Rubenstein

All creditors of the estate of Linda Ruth Rubenstein, 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 October, 2016

Vicki Laurel Fox, Personal Representative

1597 Asheforde Drive,

Marietta, GA 30068

770-231-8616

T(Oct26,Nov2,9,16)P

#### SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to requirements of the Georgia Constitution, Attorney General Samuel S. Olen, Secretary of State Brian P. Kemp, and Legislative Counsel Wayne R. Allen hereby provide the summaries of the proposed constitutional amendments that will appear on the November 8, 2016, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

- 1 -

Provides greater flexibility and state accountability to fix failing schools through increasing community involvement.

Senate Resolution No. 287

Resolution Act No. 309

Ga. L. 2015, p. 1498

“( ) YES ( ) NO

Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?”

Summary

This proposal authorizes the General Assembly to provide for the creation of an Opportunity School District and authorizes the state to assume the supervision, management, and operation of failing public elementary and secondary schools, including the power to receive, control, and expend appropriated funds for such purposes. It amends Article VIII, Section V of the Georgia Constitution by adding a new Paragraph VIII.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -

Authorizes penalties for sexual exploitation and assessments on adult entertainment to fund child victims' services.

Senate Resolution No. 7

Resolution Act No. 306

Ga. L. 2015, p. 1497

“( ) YES ( ) NO

Shall the Constitution of Georgia be amended to allow additional penalties for criminal cases in which a person is adjudged guilty of keeping a place of prostitution, pimping, pandering, pandering by compulsion, solicitation of sodomy, masturbation for hire, trafficking of persons for sexual servitude, or sexual exploitation of children and to allow assessments on adult entertainment establishments to fund the Safe Harbor for Sexually Exploited Children Fund to pay for care and rehabilitative and social services for individuals in this state who have been or may be sexually exploited?”

Summary

This proposal authorizes the General Assembly to provide for additional penalties for various criminal sexual exploitation offenses and assessments on adult entertainment establishments and to dedicate revenue derived therefrom to the Safe Harbor for Sexually Exploited Children Fund for the purpose of providing care and rehabilitative and social services to sexually exploited persons. It amends Article III, Section IX, Paragraph VI of the Georgia Constitution.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 3 -

Reforms and re-establishes the Judicial Qualifications Commission and provides for its composition, governance, and powers.

House Resolution No. 1113

Resolution Act No. 537

Ga. L. 2016, p. 896

“( ) YES ( ) NO

Shall the Constitution of Georgia be amended so as to abolish the existing Judicial Qualifications Commission; require the General Assembly to create and provide by general law for the composition, manner of appointment, and governance of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges; require the Judicial Qualifications Commission to have procedures that provide for due process of law and review by the Supreme Court of its advisory opinions; and allow the Judicial Qualifications Commission to be open to the public in some manner?”

Summary

This proposal abolishes the existing Judicial Qualifications Commission and requires the General Assembly to replace it with a new Judicial Qualifications Commission and provide for the composition, manner of appointment, governance, powers and duties, procedures, and open meetings of such reformed commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges as provided in the Constitution, and for Supreme Court review of the commission's opinions and procedures. It amends Article VI, Section VII, Paragraph VI and Article VI, Section VII, Paragraph VII of the Georgia Constitution.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 4 -

Dedicates revenue from existing taxes on fireworks to trauma care, fire services, and public safety.

Senate Resolution No. 558

Resolution Act No. 530

Ga. L. 2016, p. 895

“( ) YES ( ) NO

Shall the Constitution of Georgia be amended so as to provide that the proceeds of excise taxes on the sale of fireworks or consumer fireworks be dedicated to the funding of trauma care, firefighter equipping and training, and local public safety purposes?”

Summary

This proposal provides that the proceeds of excise taxes on the sale of fireworks or consumer fireworks be dedicated to funding trauma care, fire services, and local public safety purposes. It amends Article III, Section IX, Paragraph VI of the Georgia Constitution.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

NT(Oct19,26,Nov2)B

#### NOTICE TO DEBTORS AND CREDITORS

##### STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of GILBERT E. FEW

All creditors of the estate of Gilbert E. Few, 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 14th day of October, 2016

Belinda Few, Personal Representative

1248 Dunwoody Knoll Drive,

Atlanta, GA 30338

404-764-6906

T(Oct19,26,Nov2,9)P

#### NOTICE TO DEBTORS AND CREDITORS

##### STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of William Elliott Sanders

All creditors of the estate of William Elliott Sanders, 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 10th day of October, 2016

Golda Sanders, Personal Representative

1442 Kelley Way,

Hiawassee, GA 30546

770-855-5886

T(Oct19,26,Nov2,9)P

#### NOTICE OF SALE UNDER POWER

##### GEORGIA, TOWNS COUNTY

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

- 2 -

Under and by virtue of the Power of Sale contained in a Security Deed given by Jean R. Martin to Mortgage Electronic Registration Systems, Inc., as nominee for Ally Bank Corp. f/k/a GMAC Bank, its successors and assigns, dated September 15, 2010, recorded in Deed Book 481, Page 796. Towns County, Georgia Records, as last transferred to Green Tree Servicing LLC by assignment recorded in Deed Book 567, Page 581, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of TWO HUNDRED FIFTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-EIGHT AND 0/100 DOLLARS (\$253,878.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in November, 2016, the following described property: SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF 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 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, encumbrances, zoning ordinances, covenants, and matters of record superior to the Security Deed first set out above. Ditech Financial LLC FKA Green Tree Servicing LLC is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2. The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Ditech Financial LLC, 7360 S. Kyrene Rd., Tempe, AZ 85284 800-692-8469. To the best knowledge and belief of the undersigned, the party in possession of the property is Jean R. Martin or a tenant or tenants and said property is more commonly known as 3538 Riverfront Lane, Hiawassee, Georgia 30546. 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 holder of the security deed. Ditech Financial LLC FKA Green Tree Servicing LLC as Attorney in Fact for Jean R. Martin McCalla Raymer Pierce, LLC 1544 Old Alabama Road Roswell, Georgia 30076 www foreclosurehotline.net EXHIBIT “A” All that tract or parcel of land lying and being in Land Lot 234, 18th District, 1st Section, Towns County, Georgia being known as Building Number Five (5) and the property beneath the building footprint as shown on the plat of survey entitled “Hiawassee River Camp” prepared by Landtech Services, Inc., James L. Alexander, R.L.S. #2653, dated 02/24/06 and recorded in Plat Book 35, Page 269 Towns County Records which description on said plat is incorporated herein by reference and made a part hereof.

MR/mtj 11/1/16 Our file no. 5338216 - FT2

T(Oct19,26,Nov2)B

#### STATE OF GEORGIA

##### COUNTY OF TOWNS

#### NOTICE OF SALE UNDER POWER

Because of a default under the terms of the Security Deed executed by Arvind Raina and Maninder Kaur to Mortgage Electronic Registration Systems, Inc. as nominee for Provident Funding Associates, L.P. dated August 6, 2009, and recorded in Deed Book 460, Page 636, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, N.A. securing a Note in the original principal amount of \$312,000.00, 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, November 1, 2016, 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 159, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 3.407 ACRES, AND BEING AS TRACT ONE (1) ON A PLAT OF SURVEY BY T. KIRBY AND ASSOCIATES, INC. DATED 02/22/2008, RECORDED IN PLAT BOOK 38, PAGE 118, TOWNS COUNTY RECORDS WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

THE GRANOR GRANTS TO GRANTEE A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND THE RIGHT TO RUN WATER AND UTILITIES TO THE ABOVE DESCRIBED PROPERTY ALONG THE EASEMENT AS SHOWN ON SAID PLAT, RUNNING FROM VICTORIA WOODS ROAD. THE PROPERTY IS CONVEYED SUBJECT TO THE EASEMENT TO BLUE RIDGE MOUNTAIN EMC AS RECORDED IN DEED BOOK 216, PAGE 602, TOWNS COUNTY GEORGIA RECORDS.

THE PROPERTY IS ALSO CONVEYED SUBJECT TO THE RESTRICTIONS OF RECORD AS PERTAINS TO VICTORIA WOODS SUBDIVISION RECORDED IN DEED BOOK 94, PAGES 130-133 AND DEED BOOK 94, PAGES 207-209, TOWNS COUNTY GEORGIA RECORDS. PROPERTY IS CONVEYED SUBJECT TO THAT PERPETUAL WATER RIGHT TO THE SPRING LOCATED ON THE ABOVE DESCRIBED PROPERTY AND THE RIGHT TO RUN THE NECESSARY WATER LINE TO MAINTAIN SAME, ALONG WITH OTHER CONDITIONS AND LIMITATIONS AS RESERVED BY JERRY SANDERS IN DEED BOOK 199, PAGES 505-506, TOWNS COUNTY CLERKS OFFICE.

Said property is known as 1490 Ada Lane, 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 Arvind Raina and Maninder Kaur, successor in interest or tenant(s).

Wells Fargo Bank, N.A. as Attorney-in-Fact for Arvind Raina and Maninder Kaur

File no. 12-037205

SHAPIRO PENDERGAST & HASTY, LLP\*

Attorneys and Counselors at Law

211 Perimeter Center Parkway, Suite 300

Atlanta, GA 30346

770-220-2535/KMM

shapiroandhasty.com

\*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

10/05, 10/12, 10/19, 10/26, 2016

[FC-NOS]

T(Oct5,12,19,26)B