

Towns County Herald

Legal Notices for August 12, 2015

NOTICE TO CREDITORS AND DEBTORS

All creditors of the estate of LEONARD T. GIBSON, 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 Co-Executors.

This 15th day of July, 2015.
Stephen Gibson
441 Hwy 141
Murphy, North Carolina 28906
Stanley Gibson
129 Sam Dye Road
Young Harris, Georgia 30582

T(Aug22,29,Aug5,12)B

NOTICE TO DEBTORS AND CREDITORS

All creditors of the estate of Reggie Ray Townsend, 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 16th day of July, 2015.
Bruce L. Ferguson, Attorney for
May Ann Townsend, Executrix
of the Estate of Reggie Ray Townsend
PO Box 524
Hiawassee, GA 30546
706-896-9699

T(Aug22,29,Aug5,12)B

NOTICE TO DEBTORS AND CREDITORS

STATE OF GEORGIA
COUNTY OF TOWNS

RE: Estate of Margaret E. Sullivan
All creditors of the estate of Margaret E. Sullivan, 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 16th day of July, 2015
Shelagh Sullivan Whitney
Personal Representative
1555 Mica Mine Road,
Hayesville, NC 28904
828-508-8272

T(Aug22,Aug5,12,19)P

NOTICE TO DEBTORS AND CREDITORS

All creditors of the estate of Louise O'Brien Napier, late of Towns County, 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.

Name Executor of the Estate of Louise O'Brien Napier:
Debrah N. Smith c/o John C. Leggett, Attorney, P.O. Box 275, Calhoun, GA 30703
Towns County Probate File No. 2015-21

T(Aug5,12,19,26)P

IN THE SUPERIOR COURT OF TOWNS COUNTY

STATE OF GEORGIA
Civil Action No: 15-CV-142-SG
In Re: Elizabeth Jane Strub
Order for Notice of Petition to Change Name
A petition has been filed in the Superior Court of Towns County, Georgia on the 30th day of July, 2015, praying for a change in her name from Elizabeth Jane Strub to Liza Jane Strub. Notice is hereby given pursuant to law to any interested or affected party to appear in said Court and to file objections to such name change. Objections must be filed with said Court within 30 days of the filing of said petition.

This 30th day of July, 2015
Cecil Dye, Clerk
Towns County Superior Court
Enotah Judicial Circuit

T(Aug5,12,19,26)B

NOTICE OF INTENT OF ORGANIZATION

OF LIMITED LIABILITY COMPANY
Notice is given that the Articles of Organization which will organize A & W ROOTS, LLC, have been delivered to the Secretary of State for filing in accordance with the applicable provisions of the Georgia Business Corporation Code. The initial registered office of the limited liability company will be located at 114 Sunset Drive, Fitzgerald, Georgia 31750, and its initial registered agent at such address is Walter Brooks.

PAMELA KENDALL FLOYD, P.C.
Attorney at Law
P.O. Box 1114
Hiawassee, Georgia 30546

T(Aug5,12)B

IN THE PROBATE COURT

COUNTY OF TOWNS
STATE OF GEORGIA
IN RE: ESTATE OF
RANDY KEVIN NICHOLSON, DECEASED
ESTATE NO. 2015-53
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: All known and unknown interested parties
Wilda Joan Davenport has petitioned to be appointed Administrator of the estate of Randy Kevin Nicholson 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 August 24, 2015. All pleadings/objections must be signed under oath before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a 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/Deputy Clerk of the Probate Court
48 River St., Suite C
Hiawassee, GA 30546
Address
706-896-3467
Telephone Number

T(Aug29,Aug5,12,19)B

IN THE PROBATE COURT

COUNTY OF TOWNS
STATE OF GEORGIA
IN RE: ESTATE OF
BRUCE FREY EICKHOFF, a.k.a. BRUCE F. EICKHOFF DECEASED
ESTATE NO. 2015-54
NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT

The Petition of Mary Elizabeth Eickhoff, for a year's support from the estate of Bruce Frey Eickhoff a.k.a. Bruce F. Eickhoff, deceased, for decedent's surviving spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before August 24, 2015, 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 on or before the time stated in the preceding sentence. 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
Hiawassee, GA 30546
Address
706-896-3467
Telephone Number
David Rogers
Judge of the Probate Court
By: Kerry L. Berrong
Clerk/Deputy Clerk of the Probate Court

T(Aug29,Aug5,12,19)B

STATE OF GEORGIA

COUNTY OF TOWNS

NOTICE TO DEBTORS AND CREDITORS

RE: ESTATE OF LASSIE W. SLUDER
All debtors and creditors of the estate of Lassie W. Sluder, 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 6th day of August, 2015.
Michael Marion Williams, Executor
Address: P. O. Box 407
Hiawassee, GA 30546

T(Aug12,19,26,Sept3)B

NOTICE OF SALE UNDER POWER,

TOWNS COUNTY

Pursuant to the Power of Sale contained in a Security Deed given by Christina C Brown and Michael E Brown to Mortgage Electronic Registration Systems, Inc. as nominee for Quicken Loans Inc. dated 2/2/2007 and recorded in Deed Book 396 Page 3, Towns County, Georgia records; as last transferred to or acquired by Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2007-0A1, Mortgage Pass-Through Certificates, Series 2007-0A1, conveying the after-described property to secure a Note in the original principal amount of \$ 252,000.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Towns County, Georgia, within the legal hours of sale on September 01, 2015 (being the first Tuesday of said month unless said date falls on a Federal Holiday), the following described property:

All that tract or parcel of land lying and being in Land Lot 294, 18th District, 1st Section, Towns County, Georgia, containing 0.970 acres and being shown as Lot 2, Revised of Spaniard Hills Subdivision on a plat of survey done by Northstar Surveying & Mapping, Inc., dated 12/31/06 and filed and recorded at Plat Book 36, Page 251, Towns County, Georgia records, which plat is incorporated herein by reference hereto.

Subject to all matters and Conditions as shown on above referenced plat of survey and the plat of survey recorded at Plat Book 35, Pages 144-145, Towns County, Georgia records.

Subject to the easement to Blue Ridge Mountain Electric as recorded in Deed Book 79, Page 644, Towns County, Georgia records.

Subject to those certain Covenants and Restrictions for Spaniard Hills Subdivision recorded in Deed Book 354, Pages 424-425, Towns County, Georgia records.

Subject to the eighty-foot (80') road right of way of Owl Creek Road as shown on said Plat. 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 is commonly known as 1202 Spaniard Branch, Hiawassee, GA 30546 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Spaniard Mission Trust, M. Casino, as Trustee, a Land Trust or tenant or tenants.

Ocwen Loan Servicing, LLC is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage.

Ocwen Loan Servicing, LLC
Foreclosure Loss Mitigation
1661 Worthington Road
Suite 100
West Palm Beach, FL 33409
1-877-596-8580

Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.
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) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial 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 immediately above.

Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2007-0A1, Mortgage Pass-Through Certificates, Series 2007-0A1 as agent and Attorney in Fact for Christina C Brown and Michael E Brown Aldridge Pite, LLP (formerly known as Aldridge Connors, LLP), 15 Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305, (404) 994-7400.

1017-659896A

THIS LAW FIRM MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1017-659896A

T(Aug5,12,19,26)B

NOTICE OF SALE UNDER POWER

STATE OF GEORGIA, COUNTY OF TOWNS

Under and by virtue of the Power of Sale contained in a Deed to Secure Debt given by ROGER ELSBERRY to UNITED COMMUNITY MORTGAGE SERVICES, INC., dated 03/04/2005, and Recorded on 03/09/2005 as Book No. 329 and Page No. 10-25, TOWNS COUNTY, Georgia records, as last assigned to WELLS FARGO BANK, N.A. AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF IMH ASSETS CORP., COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-3 (the Secured Creditor), by assignment, conveying the after-described property to secure a Note of even date in the original principal amount of \$150,000.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash at the TOWNS County Courthouse within the legal hours of sale on the first Tuesday in September, 2015, the following described property: ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN THE 18TH DISTRICT, 1ST SECTION, LAND LOTS 188, 187, 193 & 194, TOWNS COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 3.26 ACRES, MORE OR LESS, AND TRACT 2, CONTAINING 0.14 ACRE, MORE OR LESS, AS SHOWN ON A PLAT OF SURVEY BY TAMROK ENGINEERING, INC. TOMMY J. PHILLIPS, REGISTERED LAND SURVEYOR, AS RECORDED IN PLAT BOOK 16, PAGE 23, TOWNS COUNTY RECORDS WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE. The debt secured by said Deed to Secure Debt has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Deed to Secure Debt. Because the debt remains 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). WELLS FARGO BANK, N.A. AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF IMH ASSETS CORP., COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-3 holds the duly endorsed Note and is the current assignee of the Security Deed to the property.

BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, acting on behalf of and, as necessary, in consultation with WELLS FARGO BANK, N.A. AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF IMH ASSETS CORP., COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-3 (the current investor on the loan), is the entity with the full authority to negotiate, amend, and modify all terms of the loan. Pursuant to O.C.G.A. § 44-14-162.2, BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP may be contacted at: BANK OF AMERICA, N.A., AS SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP, 7105 CORPORATE DRIVE, PLANO, TX 75024, 800-869-6650. Please note that, pursuant to O.C.G.A. § 44-14-162.2, the secured creditor is not required to amend or modify the terms of the loan. To the best knowledge and belief of the undersigned, the party/parties in possession of the subject property known as 2349 ROBIN HOOD TRAIL, HIWASSEE, GEORGIA 30546 is/are: ROGER ELSBERRY or tenant/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; and (2) final confirmation and audit of the status of the loan with the holder of the security deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial 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. WELLS FARGO BANK, N.A. AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF IMH ASSETS CORP., COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-3 AS Attorney in Fact for ROGER ELSBERRY. THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 00000005287925 BARRETT DAFFIN FRAPPIER LEVINE & BLOCK, LLP 15000 Surveyor Boulevard Addison, Texas 75001 Telephone: (972) 341-5398.

T(Aug5,12,19,26)B

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. Under and by virtue of the Power of Sale contained in a Security Deed given by Gladys L Anderson to Mortgage Electronic Registration Systems, Inc., as nominee for First Magnus Financial Corporation, an Arizona Corporation, its successors and assigns, dated September 11, 2006, recorded in Deed Book 387, Page 499, Towns County, Georgia Records, as last transferred to Green Tree Servicing LLC by assignment recorded in Deed Book 540, Page 617, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of TWO HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND 0/100 DOLLARS (\$244,800.00), 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 September, 2015, 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 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, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above. 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: Green Tree Servicing LLC, 4250 North Freeway, Fort Worth, TX 76137 877-816-9125. To the best knowledge and belief of the undersigned, the party in possession of the property is Gladys L Anderson or a tenant or tenants and said property is more commonly known as 4748 Anderson Road, 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. Green Tree Servicing LLC as Attorney in Fact for Gladys L Anderson McCalla Raymer, LLC 1544 Old Alabama Road Roswell, Georgia 30076 www.foreclosurerehotline.net EXHIBIT "A" ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOTS 89, 102 AND 103 OF THE 18 DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS: TRACT A (11.52 ACRES), AND TRACT B (2.33 ACRES) ON A PLAT OF SURVEY BY JASON WATKINS, R.L.S. NO. 3241, DATED SEPTEMBER 27, 2013, AND RECORDED ON FEBRUARY 4, 2014 IN PLAT BOOK 40, PAGE 56, TOWNS COUNTY, GEORGIA RECORDS, SAID PLAT BEING INCORPORATE DBY REFERENCE HEREIN FOR A MORE COMPLETE DESCRIPTION. SUBJECT TO AN EGRESS/INGRESS EASEMENT ALONG WITH 10 FOOT GRAVEL DRIVE IN THE NORTHEAST CORNER OF TRACT A TO HE LOT NOW OR FORMERLY OWNED BY KEVIN ANDERSON, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 40, PAGE 56, TOWNS COUTNY, GEORGIA RECORDS. ALSO SUBJECT TO AN EGRESS/INGRESS EASEMENT FROM SCATTAWAY ROAD ALONG HTE 10 FOOT ASPHALT DRIVE, CONTIUNG ACROSS THENORTH BORDER OF TRACT A TO THE PROPERTY NOW OR FORMERLY OWNED BY DEBBIE MORRIS DURAND AND LARRY K. DURAND, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 40, PAGE 56, TOWNS COUNTY, GEORGIA RECORDS. MR/sju 9/1/15

T(Aug5,12,19,26)B

STATE OF GEORGIA

COUNTY OF TOWNS

NOTICE OF SALE UNDER POWER

Because of a default in the payment of the indebtedness secured by a Security Deed executed by Mary Twiggs Wright to Mortgage Electronic Registration Systems, Inc. as nominee for Primary Capital Advisors LC it's successors and assigns dated December 9, 2003, and recorded in Deed Book 291, Page 619, and Deed Book 295, Page 797, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR STRUCTURED ADJUSTABLE RATE MORTGAGE LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-2 by Assignment, securing a Note in the original principal amount of \$120,000.00, 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, September 1, 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 138, 17th District, 1ST Section, Towns County, Georgia, containing 1.124 acres, more or less, and being Lot Thirteen (13) of Morgan Creek Subdivision Phase 1, as shown on a plat of survey done by Tamrok Associates, Inc. dated 2/3/98, recorded in Plat Book 24, Page 297, Towns County, Georgia records, which description on said plat is incorporated herein by reference and made a part hereof.

Subject to all matters as shown on the above-referenced plat of survey.
Subject to the restrictions of record, recorded in Deed Book 211, Page 645-647, Towns County, Georgia records.

Subject to a utility easement to Blue Ridge Mountain EMC as recorded at Deed Book 166, Page 536, Towns County, Georgia records. Said property is known as 6704 Morgan Ct, 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 Mary Twiggs Wright, a/k/a Mary Beth Wright a/k/a Elizabeth Wright, a/k/a Beth Wright a/k/a Mary Elizabeth Wright a/k/a Mary Wright a/k/a Mary T. Wright and Chutuge Properties, LLC, successor in interest or tenant(s). THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR STRUCTURED ADJUSTABLE RATE MORTGAGE LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-2 as Attorney-in-Fact for Mary Twiggs Wright
File no. 15-050476
SHAPIRO, SWERTFEGER & HASTY, LLP*
Attorneys and Counselors at Law
2872 Woodcock Blvd., Suite 100
Atlanta, GA 30341-3941
(770) 220-2535/SJ

www.swertfeeger.net

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

T(Aug5,12,19,26)B