

Towns County Herald

Legal Notices for January 7, 2015

NOTICE TO DEBTORS AND CREDITORS
State of Georgia
County of Towns
City of Young Harris, Georgia
RE: Estate of Janet Ann McNeely
Additional Information: Janet Ann McNeely, deceased, late of Towns County, Georgia, is 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 is the 15th day of December, 2014.
Annette Fisher
Personal Representative
97 Boxdale Ct.,
Toccoa, GA 30577
706-886-0056
TDec17,24,31,Jan7P

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Edward Grady Eller
All creditors of the estate of Edward Grady Eller, 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 is the 19th day of December, 2014
Judy Carpenter
Personal Representative
PO Box 863
Blairsville, GA 30514
TDec24,31,Jan7,14P

NOTICE
City of Young Harris, Georgia
P.O. Box 122, Young Harris, Georgia 30582-0122
Sewerage System Improvements
ADVERTISEMENT FOR BIDS
Sealed Bids for the construction of the Sewerage System Improvements, Additions to the Existing Water Pollution Control Plant, April 2014 will be received, by City of Young Harris, Georgia, at City Hall, 50 Irene Berry Drive, Young Harris, Georgia, 30582, until 3:00 p.m. local time on Tuesday, January 27, 2015, at which time the Bids received will be publicly opened and read. No submitted bid may be withdrawn after the scheduled closing time for receipt of bids for a period of ninety (90) days. The Project consists of construction of:
Additions to the existing water pollution control plant to include an influent structure, an aeration basin, a final clarifier, filters, an ultraviolet disinfection system, an effluent pump station, a temperature control system, an aerobic digester, a sludge dewatering building, a standby generator and a chemical feed system, all complete with appurtenances.
Time of construction is 450 consecutive calendar days.
Proposals for the complete work in one general contract shall be made on the proposal form provided and shall contain prices in words and figures for the work bid on.
All Bidders must have or be capable of acquiring a State of Georgia Utility Contractors License prior to bid award. Contractor must employ during construction a state Utility Manager certificate holder who will have oversight of the work. Documentation of these qualifications will be required prior to bid award. See Instructions to Bidders, Article 13.09.
The Issuing Office for the Bidding Documents is: G. Ben Turnipseed Engineers, Inc. 2255 Cumberland Parkway, Building 400, Atlanta, Georgia, 30339. Contact person is Kellie Barber, 770-333-0700, kbarber@gbtenge.com.
Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:00 a.m. to 5:00 p.m. and may obtain copies of the Bidding Documents from the Issuing Office as described below.
Bidding Documents also may be examined at the office of City of Young Harris, Georgia, at City Hall, 50 Irene Berry Drive, Young Harris, Georgia, 30582; Atlanta Builders Exchange in Atlanta, Georgia and the offices of the Engineer, G. Ben Turnipseed Engineers, Inc., in Atlanta and Augusta.
Copies of the plans and specifications may be obtained from G. Ben Turnipseed Engineers, Inc., 2255 Cumberland Parkway, Building 400, Atlanta, Georgia 30339 upon receipt of the following amounts:
Plans \$400.00
Reduced Drawings Available (Extra Set) \$400.00
Upon receipt of all documents in undamaged condition within thirty (30) days after the date of opening of bids, one-half of the deposit will be refunded. The difference between the deposit and the amount refunded represents the cost of reproduction. No refund will be made for documents received after thirty (30) days or in damaged condition.
A pre-bid conference will not be held.
Bid security shall be furnished in accordance with the Instructions to Bidders.
The Owner reserves the right to reject any or all bids and to waive informalities.
Owner: CITY OF YOUNG HARRIS, GEORGIA
By:
Date: December 16, 2014
TDec17-Jan28P

NOTICE OF SEIZURE OF PERSONAL PROPERTY VALUED AT LESS THAN \$25,000
Pursuant to O.C.G.A. §16-13-49(n), any party claiming an interest in the following property is hereby notified that on the 30th of October, 2014, said property was seized by the undersigned agency in Towns County, Georgia.
Property Seized:
PROPERTY ONE: 1999 GMC Yukon vehicle, VIN 1GKEC13R2XJ751560, GA tag, PTK2769
Conduct giving rise to said seizure: Said PROPERTY ONE was found in the possession of Juan Yovani Aguirre-Hambo on October 30, 2014, in close proximity to a quantity of marijuana. Said property was intended to facilitate the use, possession, possession with intent to distribute, and distribution of COCAINE, in violation of the Georgia Controlled Substances Act, or was the proceeds of said illegal activities. Further, the said vehicle was being operated by Juan Yovani Aguirre-Hambo in Towns County, Georgia, at the time of his arrest for violations of the Georgia Controlled Substances Act.
The owner(s) of said property is purported to be:
Monica Nambo & Juan Aguirre-Nambo
4470 Berkshire Road
Enoch Park, Georgia 30297
Any party claiming an interest in said property is hereby further notified that you must file any claim in accordance with O.C.G.A. §16-13-49(n)(4) within 30 days of the second publication of this Notice of Seizure in the Towns County Herald by serving said claim to the undersigned seizing agency and the District Attorney by certified mail, return receipt requested.
This 22nd day of December, 2014
District Attorney
Enoch Judicial Circuit
SEIZING AGENCY:
Tracy James
Hiwassee Police Department
P.O. Box 549
Hiwassee, Georgia 30546
(706) 896-2203
By: Cathy A. Cox-Brakefield
Chief Assistant District Attorney
65 Courthouse Street, Box 6
Blairsville, Georgia 30512
(706) 439-5027
TDec31,Jan7,14P

NOTICE
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Additions to the existing water pollution control plant to include an influent structure, an aeration basin, a final clarifier, filters, an ultraviolet disinfection system, an effluent pump station, a temperature control system, an aerobic digester, a sludge dewatering building, a standby generator and a chemical feed system, all complete with appurtenances.
Time of construction is 450 consecutive calendar days.
Proposals for the complete work in one general contract shall be made on the proposal form provided and shall contain prices in words and figures for the work bid on.
All Bidders must have or be capable of acquiring a State of Georgia Utility Contractors License prior to bid award. Contractor must employ during construction a state Utility Manager certificate holder who will have oversight of the work. Documentation of these qualifications will be required prior to bid award. See Instructions to Bidders, Article 13.09.
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Owner: CITY OF YOUNG HARRIS, GEORGIA
By:
Date: December 16, 2014
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Approximately 4,700 linear feet of 8-inch gravity sewer line complete with manholes and other appurtenances as required.
Time of construction is 120 consecutive calendar days.
Proposals for the complete work in one general contract shall be made on the proposal form provided and shall contain prices in words and figures for the work bid on.
All Bidders must have or be capable of acquiring a State of Georgia Utility Contractors License prior to bid award. Contractor must employ during construction a state Utility Manager certificate holder who will have oversight of the work. Documentation of these qualifications will be required prior to bid award. See Instructions to Bidders, Article 13.09.
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By:
Date: December 16, 2014
TDec17-Jan28P

NOTICE OF SEIZURE OF PERSONAL PROPERTY VALUED AT LESS THAN \$25,000
Pursuant to O.C.G.A. §16-13-49(n), any party claiming an interest in the following property is hereby notified that on the 30th of October, 2014, said property was seized by the undersigned agency in Towns County, Georgia.
Property Seized:
PROPERTY ONE: 1999 GMC Yukon vehicle, VIN 1GKEC13R2XJ751560, GA tag, PTK2769
Conduct giving rise to said seizure: Said PROPERTY ONE was found in the possession of Juan Yovani Aguirre-Hambo on October 30, 2014, in close proximity to a quantity of marijuana. Said property was intended to facilitate the use, possession, possession with intent to distribute, and distribution of COCAINE, in violation of the Georgia Controlled Substances Act, or was the proceeds of said illegal activities. Further, the said vehicle was being operated by Juan Yovani Aguirre-Hambo in Towns County, Georgia, at the time of his arrest for violations of the Georgia Controlled Substances Act.
The owner(s) of said property is purported to be:
Monica Nambo & Juan Aguirre-Nambo
4470 Berkshire Road
Enoch Park, Georgia 30297
Any party claiming an interest in said property is hereby further notified that you must file any claim in accordance with O.C.G.A. §16-13-49(n)(4) within 30 days of the second publication of this Notice of Seizure in the Towns County Herald by serving said claim to the undersigned seizing agency and the District Attorney by certified mail, return receipt requested.
This 22nd day of December, 2014
District Attorney
Enoch Judicial Circuit
SEIZING AGENCY:
Tracy James
Hiwassee Police Department
P.O. Box 549
Hiwassee, Georgia 30546
(706) 896-2203
By: Cathy A. Cox-Brakefield
Chief Assistant District Attorney
65 Courthouse Street, Box 6
Blairsville, Georgia 30512
(706) 439-5027
TDec31,Jan7,14P

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 Bradley Jay Wilson and Andrea C. Wilson dated January 28, 2010, and recorded in Deed Book 470, Page 298, in the offices of the Clerk of the Superior Court of Towns County, Georgia; 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 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 February, 2015, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 144 & 145, 18TH DISTRICT, 1ST SECTION OF TOWNS COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 1.18 ACRES, MORE OR LESS, AS SHOWN ON A PLAT OF SURVEY BY LANDTECH SERVICES, INC., JAMES L. ALEXANDER R. L. S. #2653, DATED JANUARY 27, 2004 AND FILED AND RECORDED IN PLAT BOOK 35, PAGE 239, TOWNS COUNTY, GEORGIA RECORDS. SAID PLAT IS INCORPORATED HEREIN AS REFERENCE HERETO AND SUBJECT TO ALL MATTERS AND CONDITIONS AS SHOWN ON ABOVE REFERENCED PLAT OF SURVEY.
SUBJECT TO THE DECLARATIONS OF RESTRICTIONS, LIMITATIONS AND COVENANTS RUNNING WITH THE LAND AS FILED AND RECORDED IN DEED BOOK 363, PAGES 546-547, TOWNS COUNTY, GEORGIA RECORDS.
SUBJECT TO THE EASEMENT FILED AND RECORDED IN DEED BOOK E-1, PAGE 229, TOWNS COUNTY, GEORGIA RECORDS.
SUBJECT TO THE RIGHT OF WAY AS FILED AND RECORDED IN DEED BOOK Q-108, TOWNS COUNTY, GEORGIA RECORDS.
THE DEBT SECURED BY THE SECURITY DEED IS EVIDENCED BY A RENEWAL NOTE, DATED APRIL 4, 2011, FROM BRADLEY JAY WILSON TO BANK OF HIWASSEE, AS ASSIGNED TO PARK STERLING BANK, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$37,673.10 (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 Bradley Jay Wilson and Andrea C. Wilson, 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 public outcry to the highest and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all other 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 Bradley Jay Wilson and Andrea C. Wilson.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Bradley Jay Wilson and Andrea C. Wilson, and tenants holding under them.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, as Attorney-in-Fact for Bradley Jay Wilson and Andrea C. Wilson.
M. Todd Westfall, Esquire
Howick, Westfall, McBryan & Kaplan, LLP
Suite 600, One Tower Creek
3101 Towercreek Parkway
Atlanta, Georgia 30339
(678) 384-7005
TJan7,14,21,28P

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 Kerry Louis Wilson to Bank of Hiwassee dated April 12, 2007, as recorded in Deed Book 403, Page 345, 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 June 26, 2012 and recorded in Deed Book 516, Page 91, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment dated as of March 19, 2010 and 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 February, 2015, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 146 & 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 1.18 ACRES, MORE OR LESS, AS SHOWN ON A PLAT OF SURVEY BY LANDTECH SERVICES, INC., JAMES L. ALEXANDER R. L. S. #2653, DATED JANUARY 27, 2004 AND FILED AND RECORDED IN PLAT BOOK 35, PAGE 239, TOWNS COUNTY, GEORGIA RECORDS. SAID PLAT IS INCORPORATED HEREIN AS REFERENCE HERETO AND SUBJECT TO ALL MATTERS AND CONDITIONS AS SHOWN ON ABOVE REFERENCED PLAT OF SURVEY.
SUBJECT TO THE DECLARATIONS OF RESTRICTIONS, LIMITATIONS AND COVENANTS RUNNING WITH THE LAND AS FILED AND RECORDED IN DEED BOOK 363, PAGES 546-547, TOWNS COUNTY, GEORGIA RECORDS.
SUBJECT TO THE EASEMENT FILED AND RECORDED IN DEED BOOK E-1, PAGE 229, TOWNS COUNTY, GEORGIA RECORDS.
SUBJECT TO THE RIGHT OF WAY AS FILED AND RECORDED IN DEED BOOK Q-108, TOWNS COUNTY, GEORGIA RECORDS.
THE DEBT SECURED BY THE SECURITY DEED IS EVIDENCED BY A RENEWAL NOTE, DATED APRIL 4, 2011, FROM BRADLEY JAY WILSON TO BANK OF HIWASSEE, AS ASSIGNED TO PARK STERLING BANK, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$37,673.10 (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 Bradley Jay Wilson and Andrea C. Wilson, 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 public outcry to the highest and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all other 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 Bradley Jay Wilson and Andrea C. Wilson.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Bradley Jay Wilson and Andrea C. Wilson, and tenants holding under them.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, as Attorney-in-Fact for Bradley Jay Wilson and Andrea C. Wilson.
M. Todd Westfall, Esquire
Howick, Westfall, McBryan & Kaplan, LLP
Suite 600, One Tower Creek
3101 Towercreek Parkway
Atlanta, Georgia 30339
(678) 384-7005
TJan7,14,21,28P

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 Kerry Louis Wilson to Bank of Hiwassee dated April 12, 2007, as recorded in Deed Book 403, Page 345, 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 June 26, 2012 and recorded in Deed Book 516, Page 91, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment dated as of March 19, 2010 and 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 February, 2015, the following described real property, to wit:
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The above-described real property will be sold to the highest and best bidder for cash as the property of Bradley Jay Wilson and Andrea C. Wilson, 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 public outcry to the highest and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all other 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 Bradley Jay Wilson and Andrea C. Wilson.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Bradley Jay Wilson and Andrea C. Wilson, and tenants holding under them.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, as Attorney-in-Fact for Bradley Jay Wilson and Andrea C. Wilson.
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Howick, Westfall, McBryan & Kaplan, LLP
Suite 600, One Tower Creek
3101 Towercreek Parkway
Atlanta, Georgia 30339
(678) 384-7005
TJan7,14,21,28P

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 146 & 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 1.18 ACRES, MORE OR LESS, AS SHOWN ON A PLAT OF SURVEY PREPARED BY NORTSTAR 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 OVER A 17' 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 Hiwassee 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 public outcry to the highest and/or assessments, if any; possible redemptive rights of the Internal Revenue Service, if any; and all other 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 them.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, 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
TJan7,14,21,28P

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 Kerry Louis Wilson to Bank of Hiwassee dated April 12, 2007, as recorded in Deed Book 403, Page 345, 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 June 26, 2012 and recorded in Deed Book 516, Page 91, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment dated as of March 19, 2010 and 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 February, 2015, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LL 146 & 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, TRACT 17 (LOT 34) KONEHATH [sic] VILLAGE SUBDIVISION AS SHOWN ON A PLAT OF SURVEY DONE BY ROCHESTER ASSOCIATES, INC., DATED 04/21/03, RECORDED AT PLAT BOOK 30, PAGE [sic] 276-277, 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 ALL MATTERS AND CONDITIONS AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.
AND
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LL 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, TRACT 21 AS SHOWN ON A PLAT OF SURVEY DONE BY ROCHESTER ASSOCIATES, INC., DATED 04/21/03, REVISED 3/24/05, SAID PLAT BEING INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.
THE PROPERTY IS CONVEYED SUBJECT TO ALL MATTERS AND CONDITIONS AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.
AND
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LL 146 & 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, TRACT 15 (LOT 32) AND TRACT 16 (LOT 33) OF KONAHEATH VILLAGE SUBDIVISION AS SHOWN ON A PLAT OF SURVEY DONE BY ROCHESTER ASSOCIATES, INC., DATED 04/21/03, RECORDED AT PLAT BOOK 30, PAGE [sic] 276-277, 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 ALL MATTERS AND CONDITIONS AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY.
PROPERTY BEING MORE COMMONLY KNOWN AS: TRACT 15, 16, 17 ON AN IRON PIN; THENCE S 44 12 59 E 178.96 FEET TO AN IRON PIN; THENCE S 51 15 15 W 262.26 FEET TO THE TRUE POINT OF BEGINNING.
THE DEBT SECURED BY THE SECURITY DEED IS EVIDENCED BY A RENEWAL PROMISSORY NOTE FROM KERRY L. WILSON (THE "BORROWER") TO CITIZENS SOUTH BANK, DATED JUNE 26, 2012, IN THE ORIGINAL PRINCIPAL AMOUNT OF \$162,643.05 (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 Kerry L. Wilson, 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 other 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 Kerry L. Wilson.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Kerry L. Wilson, and tenants holding under him.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, as Attorney-in-Fact for Kerry L. Wilson.
M. Todd Westfall, Esquire
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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 Kerry Louis Wilson to Bank of Hiwassee dated April 12, 2007, as recorded in Deed Book 403, Page 345, 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 June 26, 2012 and recorded in Deed Book 516, Page 91, aforesaid records; as assigned to Citizens South Bank by that certain Master Assignment dated as of March 19, 2010 and 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 February, 2015, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 146 & 147, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, BEING TRACT 3, CONTAINING 1.17 ACRES, AS SHOWN ON A PLAT OF SURVEY PREPARED BY TAMROK ASSOCIATES, INC., DON G. STURBLEFIELD, G.R.L.S. NO. 2599, DATED MARCH 6, 1995, AND RECORDED IN PLAT BOOK 20, PAGE 190, TOWNS COUNTY RECORDS, WHICH DESCRIPTION ON SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.
ALSO CONVEYED HEREIN ARE ALL IMPROVEMENTS ON THIS PROPERTY.
ALSO CONVEYED HEREIN ARE ALL GRANTOR'S RIGHTS, TITLE AND INTEREST IN AND TO THE REAL PROPERTY LOCATED BETWEEN AND ADJACENT TO THE EAST PROPERTY LINE OF THE SUBJECT PROPERTY AS IT EXTENDS EASTERLY TO THE CENTERLINE OF U.S. HIGHWAY #76 AND STATE ROUTE #2, AS SHOWN ON SAID PLAT OF SURVEY.
SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY AS SHOWN ON SAID PLAT.
PROPERTY BEING MORE COMMONLY KNOWN AS: 579 NORTH MAIN STREET, HIWASSEE, GEORGIA 30546.
The debt secured by the Security Deed is evidenced by a renewal Promissory Note from Kerry L. Wilson (the "Borrower") to Citizens South Bank, dated August 9, 2010, in the original principal amount of \$85,783.63 (as same may have been further modified, renewed or amended, 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 Kerry L. Wilson, 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 other 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 Kerry L. Wilson.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Kerry L. Wilson, and tenants holding under him.
Park Sterling Bank, successor by merger to Citizens South Bank, as successor in interest to Bank of Hiwassee, as Attorney-in-Fact for Kerry L. Wilson.
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NOTICE OF SALE UNDER POWER IN SECURITY DEED
STATE OF GEORGIA
COUNTY OF