

# Towns County Herald

## Legal Notices for January 8, 2014

**NOTICE TO CREDITORS AND DEBTORS**  
State of Georgia  
County of Towns  
RE: Estate of Rondal J. Nicholson  
All creditors of the estate of Rondal J. Nicholson, 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 16th day of December, 2013.  
Larry Nicholson  
Personal Representative  
1796 Upper Bell Creek Road,  
Hiawassee, GA 30546  
706-896-4417  
T(Jan8,15,22,29)B

**NOTICE TO CREDITORS AND DEBTORS**  
State of Georgia  
County of Towns  
RE: Estate of William Edward Dyer  
All creditors of the estate of William Edward Dyer, 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 18th day of December, 2013.  
Susan De Vries  
Personal Representative  
PO Box 219  
Hiawassee, GA 30546  
706-781-7265  
T(Jan8,15,22,29)B

**NOTICE TO CREDITORS AND DEBTORS**  
State of Georgia  
County of Towns  
RE: Estate of John Henry Hitchcock  
All creditors of the estate of John Henry Hitchcock, 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 17th day of December, 2013.  
Brenda Hitchcock  
Personal Representative  
6322 Little Mountain Road  
Hiawassee, GA 30546  
706-896-1020  
T(Jan8,15,22,29)B

**NOTICE TO DEBTORS AND CREDITORS**  
**STATE OF GEORGIA**  
**COUNTY OF TOWNS**  
RE: ESTATE OF DAVID C. MURPHY, SR.  
All creditors of the estate of David C. Murphy, Sr., 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 30th day of December, 2013.  
Katherine Disharoon Murphy, Executrix  
3338 Peachtree Road #809  
Atlanta, GA 30326  
(678) 478-1010  
T(Jan8,15,22,29)B

**IN THE PROBATE COURT**  
**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Wallace M. Buchanan, DECEASED  
ESTATE NO. 2013-90  
PETITION FOR LETTERS  
OF ADMINISTRATION  
NOTICE  
TO: All known and unknown interested parties  
Mary Marcus has petitioned to be appointed Administrator of the estate of Wallace M. Buchanan 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 January 20, 2014. 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(Jan8,15,22,29)B

**IN THE PROBATE COURT**  
**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Clayton Ernest Plummer, DECEASED  
ESTATE NO. 2013-89  
NOTICE OF PETITION  
TO FILE FOR YEAR'S SUPPORT  
The petition of Susan Esposito Plummer, for a year's support from the estate of Clayton Ernest Plummer, 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 January 20, 2014, 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.  
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T(Jan8,15,22,29)B

**IN THE PROBATE COURT**  
**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Terrance Lee Proffilo, DECEASED  
ESTATE NO. 2013-85  
PETITION FOR LETTERS  
OF ADMINISTRATION  
NOTICE  
TO: Christopher Lee Proffilo and all known and unknown interested parties  
Betty J. Sprinkles has petitioned to be appointed Administrator of the estate of Terrance Lee Proffilo 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 January 13, 2013. 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.  
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**IN THE PROBATE COURT**  
**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Virgil Junior Dockery, DECEASED  
ESTATE NO. 2013-84  
PETITION FOR LETTERS  
OF ADMINISTRATION  
NOTICE  
TO: All known and unknown interested parties  
Tommy Junior Dockery has petitioned to be appointed Administrator of the estate of Virgil Junior Dockery 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 January 13, 2013. 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.  
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**STATE OF GEORGIA**  
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ESTATE NO. 2013-90  
PETITION FOR LETTERS  
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TO: All known and unknown interested parties  
Mary Marcus has petitioned to be appointed Administrator of the estate of Wallace M. Buchanan 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 January 20, 2014. 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.  
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**STATE OF GEORGIA**  
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**COUNTY OF TOWNS**  
**STATE OF GEORGIA**  
IN RE: ESTATE OF  
Virgil Junior Dockery, DECEASED  
ESTATE NO. 2013-84  
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OF ADMINISTRATION  
NOTICE  
TO: All known and unknown interested parties  
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**NOTICE OF SALE UNDER POWER**  
**GEORGIA, TOWNS COUNTY**  
Because of default in the payment of the indebtedness, secured by a Security Deed executed by Jeffrey Holden and Amanda Holden to Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Bank, FSB, its successors and assigns dated January 9, 2009 in the amount of \$126,316.00, and recorded in Deed Book 448, Page 179, Towns County, Georgia Records; as last transferred to Lakeview Loan Servicing, LLC by assignment; the undersigned, Lakeview Loan Servicing, LLC pursuant to said deed and the 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 in February, 2014, during the legal hours of sale, at the Courthouse door in Towns 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 66, 17th District, 1st Section, Towns County, Georgia containing 0.095 acre, more or less, and being shown as Parcel One (1) on a Plat of Survey by Patterson & Dewar Engineers, Inc., dated March 12, 2002 recorded in Plat Book 27 Page 266 Towns County Records which description on said plat is incorporated herein by reference.  
Parcel ID #: 0008 0648  
which has the property address of 1040 So-shayma Ln, Young Harris, Georgia, together with all fixtures and other personal property conveyed by said deed.  
The sale will be held subject to any unpaid taxes, assessments, rights-of-way, easements, protective covenants or restrictions, liens, and other superior matters of record which may affect said property.  
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.  
Notice has been given of intention to collect attorneys' fees in accordance with the terms of the note secured by said deed. Notice has been also given, in writing and by certified mail, return receipt requested, to the borrower, of the name, address, and telephone number of the individual or entity who shall have full authority to negotiate, amend, and modify all terms of the Security Deed and the note thereby secured in accordance with O.C.G.A. Section 44-14-162.2(a).  
To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Jeffrey Holden and Amanda Holden or tenant or tenants and the proceeds of said sale will be applied to the payment of said indebtedness, the expense of said sale, all as provided in said deed, and the undersigned will execute a deed to the purchaser as provided in the aforementioned Security Deed.  
Pursuant to O.C.G.A. 44-14-162.2, the name, address and telephone number of the individual or entity who shall have the full authority to negotiate, amend, or modify all terms of the above-described mortgage is as follows: M & T Bank 1 Fountain Plaza, 7th Floor Buffalo, NY 14203 Phone Number: (800) 724-1633. The foregoing notwithstanding, nothing in O.C.G.A. 44-14-162.2 shall require the secured creditor to negotiate, amend or modify the terms of the mortgage instrument.  
Lakeview Loan Servicing, LLC  
Attorney in Fact for  
Jeffery Holden and Amanda Holden  
McCurdy & Candler, L.L.C.  
(404) 373-1612  
www.mccurdycandler.com  
Towns County Herald  
Publication Dates: 01-08-2014, 01-15-2014, 01-22-2014, 01-29-2014  
File No. 13-05267/FHA/lawson  
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
T(Jan8,15,22,29)B

**NOTICE OF SALE UNDER POWER**  
**GEORGIA, TOWNS COUNTY**  
By virtue of a Power of Sale contained in that certain Security Deed from TONYA CHERI MCCARTER a/k/a TONYA C. MCCARTER AND JAMES MELVIN MCCARTER, JR. a/k/a JAMES M. MCCARTER, JR. to UNITED COMMUNITY BANK, dated August 23, 2007, recorded August 28, 2007, in Deed Book 414, Page 471-488, Towns County, Georgia Records, said Security Deed having been given to secure a Note of even date in the original principal amount of Two Hundred Ten Thousand and 00/100 dollars (\$210,000.00), with interest thereon as provided for therein, said Security Deed having been last sold, assigned and transferred to U.S. Bank Trust National Association, not in its individual capacity but solely as trustee for MountainView Mortgage II AIV, Trust A, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, within the legal hours of sale on the first Tuesday in February, 2014, all property described in said Security Deed including but not limited to the following described property:  
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 35, 18TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, BEING SHOWN AS TRACT TWO (2) CONTAINING 2.030 ACRES ON A PLAT OF SURVEY PREPARED BY NORTHSTAR SURVEYING & MAPPING, INC., W. GARY KENDALL, R.L.S. #27288, DATED 09/28/06 AS RECORDED IN PLAT BOOK 36, PAGE 162 TOWNS COUNTY RECORDS, WHICH DESCRIPTION OF SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.  
THE PROPERTY IS CONVEYED SUBJECT TO THE ROAD EASEMENT AS SHOWN ON THE ABOVE REFERENCED PLAT.  
THE PROPERTY IS CONVEYED SUBJECT TO THE RIGHT OF WAY DEED AS RECORDED IN DEED BOOK 69, PAGE 266 TOWNS COUNTY RECORDS.  
SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.  
Said legal description being controlling, however the property is more commonly known as 578 HOGSED RD, HIWASSEE, GA 30546.  
The indebtedness secured by said Security Deed has been and is hereby declared due because of default under the terms of said Security Deed and Note. The indebtedness remaining in default, this sale will be made for the purpose of paying the same, all expenses of the sale, including attorneys' fees (notice to collect same having been given) and all other payments provided for under the terms of the Security Deed and Note.  
Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned. The sale will also be subject to the following items which may affect the title: 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; matters which would be disclosed by an accurate survey or by an inspection of the property; all zoning ordinances; assessments; liens; encumbrances; restrictions; covenants; and any other matters of record superior to said Security Deed.  
To the best of the knowledge and belief of the undersigned, the owner and party in possession of the property is TONYA CHERI MCCARTER a/k/a TONYA C. MCCARTER AND JAMES MELVIN MCCARTER, JR. a/k/a JAMES M. MCCARTER, JR. or tenants(s). 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.  
The entity having full authority to negotiate, amend or modify all terms of the loan (although not required by law to do so) is: ROUNDPOINT MORTGAGE SERVICING CORPORATION, Loss Mitigation Dept., 5032 Parkway Plaza Blvd, Charlotte, NC 28217, Telephone Number: 704-426-8621  
U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR MOUNTAINVIEW MORTGAGE II AIV, TRUST A as Attorney in Fact for TONYA CHERI MCCARTER A/K/A TONYA C. MCCARTER AND JAMES MELVIN MCCARTER, JR. A/K/A JAMES M. MCCARTER, JR.  
THE BELOW LAW FIRM MAY BE HELD TO BE ACTING AS A DEBT COLLECTOR, UNDER FEDERAL LAW. IF SO, ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
Agency Contact: Ruben Lublin, LLC, 3740 Davinell Court, Suite 150, Peachtree Corners, GA 30092  
Telephone Number: (877) 813-0992 Case No. RMS-13-06851-2  
Ad Run Dates: 01/08/2014, 01/15/2014, 01/22/2014, 01/29/2014  
www.rubinelublin.com/property-listings.php  
T(Jan8,15,22,29)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 D. Bryan Johnson to Mortgage Electronic Registration Systems, Inc. as nominee for Americas First Home Mortgage Co. dated June 16, 2006, and recorded in Deed Book 374, Page 775, 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 \$284,000.00, 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 and Note, on the first Tuesday, February 4, 2014, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for cash, the property described in said Deed, to-wit:  
All that tract or parcel of land lying and being in the 18th District 1st Section, Land Lot 112, of Towns County, Georgia, and being more particularly described as Unit A2 of Mountain Lake Vista, PUD, as shown on a plat of survey by Northstar Land Surveying, Inc., W. Gary Kendall, RLS, dated 3-04-04, and recorded in Plat Book 32, Page 107 of the Towns County Records, said plat being incorporated herein by reference; together with and subject to the rights and obligations of the respective parties and the matters as set forth in that Restated Declaration of Covenants, Conditions and Restrictions for Mountain Lake Vista Planned Unit Development dated theist day of November, 2004, and recorded in Deed Book 324, Pages 511-527 of the Towns County Records.  
Said property is known as 323 Berrong Street, 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 Inherit The Land, LLC, successor in interest or tenant(s).  
Wells Fargo Bank, N.A. as Attorney-in-Fact for D. Bryan Johnson  
File No. 13-043733  
SHAPIRO, SWERTFEGER & HASTY, LLP\*  
Attorneys and Counselors at Law  
2672 Woodcock Blvd., Suite 100  
Atlanta, GA 30328-3941  
(770) 220-2535/KMM  
www.swertfege.net  
\*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
[FC-NOS]  
T(Jan8,15,22,29)B

**STATE OF GEORGIA**  
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All that tract or parcel of land lying and being in the 18th District 1st Section, Land Lot 112, of Towns County, Georgia, and being more particularly described as Unit A2 of Mountain Lake Vista, PUD, as shown on a plat of survey by Northstar Land Surveying, Inc., W. Gary Kendall, RLS, dated 3-04-04, and recorded in Plat Book 32, Page 107 of the Towns County Records, said plat being incorporated herein by reference; together with and subject to the rights and obligations of the respective parties and the matters as set forth in that Restated Declaration of Covenants, Conditions and Restrictions for Mountain Lake Vista Planned Unit Development dated theist day of November, 2004, and recorded in Deed Book 324, Pages 511-527 of the Towns County Records.  
Said property is known as 323 Berrong Street, 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.  
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Wells Fargo Bank, N.A. as Attorney-in-Fact for D. Bryan Johnson  
File No. 13-043733  
SHAPIRO, SWERTFEGER & HASTY, LLP\*  
Attorneys and Counselors at Law  
2672 Woodcock Blvd., Suite 100  
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(770) 220-2535/KMM  
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All that tract or parcel of land lying and being in the 18th District 1st Section, Land Lot 112, of Towns County, Georgia, and being more particularly described as Unit A2 of Mountain Lake Vista, PUD, as shown on a plat of survey by Northstar Land Surveying, Inc., W. Gary Kendall, RLS, dated 3-04-04, and recorded in Plat Book 32, Page 107 of the Towns County Records, said plat being incorporated herein by reference; together with and subject to the rights and obligations of the respective parties and the matters as set forth in that Restated Declaration of Covenants, Conditions and Restrictions for Mountain Lake Vista Planned Unit Development dated theist day of November, 2004, and recorded in Deed Book 324, Pages 511-527 of the Towns County Records.  
Said property is known as 323 Berrong Street, 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.  
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Wells Fargo Bank, N.A. as Attorney-in-Fact for D. Bryan Johnson  
File No. 13-043733  
SHAPIRO, SWERTFEGER & HASTY, LLP\*  
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\*THE LAW FIRM IS ACTING AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.  
[FC-NOS]  
T(Jan8,15,22,29)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 D. Bryan Johnson to Mortgage Electronic Registration Systems, Inc. as nominee for Americas First Home Mortgage Co. dated June 16, 2006, and recorded in Deed Book 374, Page 775, 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 \$284,000.00, 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 and Note, on the first Tuesday, February 4, 2014, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for cash, the property described in said Deed, to-wit:  
All that tract or parcel of land lying and being in the 18th District 1st Section, Land Lot 112, of Towns County, Georgia, and being more particularly described as Unit A2 of Mountain Lake Vista, PUD, as shown on a plat of survey by Northstar Land Surveying, Inc., W. Gary Kendall, RLS, dated 3-04-04, and recorded in Plat Book 32, Page 107 of the Towns County Records, said plat being incorporated herein by reference; together with and subject to the rights and obligations of the respective parties and the matters as set forth in that Restated Declaration of Covenants, Conditions and Restrictions for Mountain Lake Vista Planned Unit Development dated theist day of November, 2004, and recorded in Deed Book 324, Pages 511-527 of the Towns County Records.  
Said property is known as 323 Berrong Street, 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 Inherit The Land, LLC, successor in interest or tenant(s).  
Wells Fargo Bank, N.A. as Attorney-in-Fact for D. Bryan Johnson  
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