## Towns County Herald

Legal Notices for June 26, 2013

## **NOTICE TO CREDITORS AND DEBTORS**

STATE OF GEORGIA COUNTY OF TOWNS RE: Estate of Arthur Francis Kiser, Jr. All creditors of the estate of Arthur Fran-cis Kiser, Jr., 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 3rd day of June, 2013. Ernestine Perry Kiser, Person Representative 300 Prime Point, Suite 100 Peachtree City, GA 30269 770-487-4775

## **NOTICE TO CREDITORS AND DEBTORS** STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of Raymond H. Caruthers, Jr. All creditors of the estate of Raymond H. Caruthers, Jr., 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 imme-diate payment to the undersigned. This 30th day of May, 2013. Russell M. Stookey, Attorney at Law Personal Representative PO Box 310 Hiawassee. GA 30546 706-896-2241

NOTICE TO CREDITORS AND DEBTORS STATE OF GEORGIA

T(Jun12,19,26,Jul3)B

COUNTY OF TOWNS RE: Estate of Eunice Mae Carter Powell All creditors of the estate of Eunice Mae Carter Powell, 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 imme-diate payment to the undersigned. This 7th day of June, 2013. Cary D. Cox, Attorney at Law Personal Representative PO Box 748 Blairsville, GA 30514 706-745-7420

**NOTICE TO CREDITORS AND DEBTORS** STATE OF GEORGIA COUNTY OF TOWNS
RE: Estate of Roy H. Mullins

All creditors of the estate of Roy H. Mull-ins, deceased of Towns County, Hiawassee, Georgia are hereby notified to render in their demands to the undersigned accord-ing to law; and all persons indebted to said estate are required to make immediate payment to the undersigned. This 11th day of June, 2013. John Paul Peebles Personal Representative 6930 Clarence Nichols Road Young Harris, GA 30582

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS RE: Estate of Harry John Bostrom All creditors of the estate of Harry John Bostrom, deceased, late of Towns County,

706-835-8259

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 13th day of June, 2013 Marilyn C. Bortrom Personal Representative 891 Ed Nichols Road Young Harris, GA 30582 706-379-1317 T(Jun19,26,Jul3,10)P NOTICE TO DEBTORS AND CREDITORS

RE: Estate of George E. Thorne
All creditors of the estate of George E.
Thorne, deceased, late of Towns County,
Georgia, are hereby notified to render their
demands to the undersigned according to ulaminates to the intersing to lateral according to law, and all persons indebted to said estate are required to make immediate payment to the undersigned.
This the 16th day of June, 2013
Gail Hunghes Gail Hugh Personal Representative 119 Malborough Road Walton, MA 02452 781-891-6348

**COUNTY OF TOWNS** 

NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS RE: Estate of Bettie

All creditors of the estate of Bettie Mixon Sellers, 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 are required to make immediate to the undersigned.
This the 16th day of June, 2013 James R. Story,
Personal Representative
1020 Glendalyn Circle
Spartanburg, SC 29302
884-882-7034

864-582-7034 NOTICE TO DERTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS

RE: Estate of Cecelia R. Bibby All creditors of the estate of Cecelia R. Bibby, 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 21st day of June, 2013 Patricia A. Queen, Personal Representative PO Box 841,

McCaysville GA 30555 706-492-4997 T(Jun26, Jul3, 10, 17)P NOTICE TO DEBTORS AND CREDITORS STATE OF GEORGIA COUNTY OF TOWNS RE: Estate of Alan Wayne Minette All creditors of the estate of Alan Wayne

Minette, 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 21st day of June, 2013 Michael A. Minette, Personal Representative PO Box 854, Young Harris, GA 30582 706-851-9366 **NOTICE TO DEBTORS AND CREDITORS** 

COUNTY OF TOWNS
RE: Estate of Claude Raymond Nicholson All creditors of the estate of Claude Ray-mond Nicholson, deceased, late of Towns County, Georgia, are hereby notified to

STATE OF GEORGIA

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 19th day of June, 2013 Rodney Nicholson, Personal Representative 2556 Ruby Road, Hiawassee, GA 30546 706-994-2457

NOTICE

NOTICE
(For Discharge from Office
and all Liability)
PROBATE COURT OF TOWNS COUNTY
RE: PETITION OF Tommy Gibson FOR DISCHARGE AS Administrator OF THE ESTATE

OF Barnett Gibson, DECEASED. TO: Tedra Savage and all interested parties and (all and singular the heirs of said decedent,) (the beneficiaries under the will,) and to whom it may concern: This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before July 22, 2013. BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All plead-ings/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.

David Rogers PROBATE JUDGE By: Kerry L. Berrong PROBATE CLERK/DEPUTY CLERK 48 River St. Suite C ADDRESS Hiawassee, GA 30546 706-896-3467 TELEPHONE NUMBER

Notice is hereby given that FOUR-D FUN, INC. intends to register and conducts its retail business under the name of Mountain Watersports and Cycle Products, and it will conduct its business under said name of Mountain Watersports and Cycle Products Mountain watersports and Cycle Products in Towns County, the State of Georgia, as well as throughout the United States. The mailing address of FOUR-D FUN, INC is 1374 US Hwy. 76W, Hiawassee, Towns County, Georgia 30546. The registered agent for service of process for FOUR-D EIN INC. (d/b/a Mourtain Watersports and FUN, INC., d/b/a Mountain Watersports and Cycle Products, is Diane Wilsdon, 1374 US Hwy. 76W, Hiawassee, Towns County, Geor-NOTICE OF INTENT TO INCORPORATE

NOTICE OF REGISTRATION OF TRADE NAME

Notice is given that the Articles of Incorporation which will incorporate FOUR-D FUN, INC., a corporation whose nature of business is a restaurant in the State of Georgia and throughout the United States, and for any and all other lawful business purposes authorized by the Georgia Business Corpo-

rauons ACI.
The initial registered office of the corporation is 1374 US Hwy. 76W, Hiawassee, GA
30546 and its registered agent for service
of process is Diane S. Wilsdon, 1374 US
Hwy. 76W, Hiawassee, Towns County, Geor-

NOTICE
The Old Nicholson Sale is located within 10 miles north of Blairsville, GA and 2 miles east of Hwy 129 off of Highway 325 and John Smith Way, Forest Drive, Chapman-Ford Road, and Deavers Road in Compartment 410, Stands 3, 5, 7, 11, 12, 17, 21, 22, Compartment 411, Stands 11, 12, 18-21, 28, 44, and Compartment 412, Stands 14, 15, 19, 20, 21. The Forest Service will receive sealed bids in public at the Blue Ridge Ranger District Office at 1:00 PM local time on 07/30/2013 for an estimated volume of 80 CCF of Hardwoods sawtimber, 89 CCF 80 CCF of Hardwoods sawtimber, 89 CCF of Southern Yellow Pine sawtimber, 1329 CCF of Eastern W. Pine sawtimber, 1329 CCF of Hardwoods pulpwood, and 884 CCF of Southern Yellow Pine pulpwood marked or otherwise designated for cutting. The Forest Service reserves the right to reject any est Service reserves the right to reject any and all bids. Interested parties may obtain a prospectus from the office listed below. A prospectus, bid form, and complete in-formation concerning the timber, the con-ditions of sale, and submission of bids is available to the public from the Blue Ridge Ranger District Office, 2042 Highway 515 West, Blairsville, GA 30512. The USDA is an equal opportunity provider and employer.

IN THE PROBATE COURT COUNTY OF TOWNS STATE OF GEORGIA

IN RE: ESTATE OF
Donald Louis Smith, DECEASED
ESTATE NO. 2013-42
NOTICE OF PETITION TO FILE FOR YEAR'S

The petition of Marianne Smith, for a year's support from the estate of Donald Louis Smith, 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 July 22, 2013, why said petition should not be

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 sized before party white or before the state of the preceding the process of the pr 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 filing fees. If ber for the required amount 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 ADDRESS Hiawassee, GA 30546 706-896-3467 TELEPHONE NUMBER

David Rogers PROBATE JUDGE By: Kerry L. Berrong CLERK OF THE PROBATE COURT IN THE JUVENILE COURT OF TOWNS COUN-

STATE OF GEORGIA In the interest of: B.D., DOB: 04/02/1999, Sex: Female

A Child Under the Age of Eighteen Case No. 139-13J-17A NOTICE OF DEPRIVATION HEARING TO: Janelle Gibson, Temporary Guardian/ Paternal Grandmother of the Above-Named By Order for Service by Publication dated the 4th day of June, 2013, you are hereby notified that on the 30th day of May, 2013,

the Towns County Department of Family and Children Services, Georgia Department of Human Services, filed a Petition for Temporary Custody (Deprivation) against you as to the above-named child alleging the child remains deprived. You are required to file with the Clerk of Juvenile Court, and to serve upon Special Assistant Attorney General Stephany L. Zaic, an answer in writing within sixty (60) days of the date of the Or-der for Service by Publication. This Court will conduct a provisional hear-

ing upon the allegations of the Petition and enter an interlocutory order of disposition pursuant to 0.C.G.A. § 15-11-39.2 on the 16th day of July, 2013, at 9:30 a.m., at the Towns County Courthouse, Hiawassee, Georgia. Parties to this auction are required to appear and asswer the allegations of to appear and answer the allegations of this Petition at the provisional hearing. The findings of fact and orders of disposition made pursuant to the provisional hearing will become final at the final hearing unless you appear at the final hearing. The child shall appear personally before this Court at the provisional hearing. This Court will conduct a final hearing upon the allegations of the Petition and enter an order of disposition on the 13th day of Au-gust, 2013 at 9:30 a.m. at the Towns County

Courthouse, Hiawassee, Georgia.
The child and other parties involved may be represented by a lawyer at all stages of these proceedings. If you want a lawyer, you may choose and hire your own lawyer. If you want to hire a lawyer, please contact

your lawer to mire a lawyer, prease contact your lawyer immediately. If you want a lawyer but are not able to hire a lawyer without undue financial hardship, you may ask for a lawyer to be appointed to represent you. The Court would inquire into your financial circumstances and if the Court finds you to be financially unable to hire a lawyer then be financially unable to hire a lawyer, then a lawyer will be appointed to represent you. If you want a lawyer appointed to represent you, you must let the Court or the officer of this Court handling this case know that you want a lawyer immediately.

Witness the Honorable Gerald Bruce, Judge Witness, the Honorable Gerald Bruce, Judge of said Court, this the 4th day of June, Honorable Gerald Bruce Judge, Juvenile Court Towns County, Georgia

**Enotah Judicial Circuit** NOTICE

To all persons claiming an interest in: 2000 - 24' - Sylvan - 24ELITE Michael Tabor will apply to SCDNR for title on watercraft/outboard motor. If you have any claim to the watercraft/outboard mo-

tor, contact SCDNR at 803-734-3858. Upon thirty days after the date of the last ad-vertisement if no claim or interest is made

Case No. 20130613950503

and the watercraft/outboard motor has not been reported stolen. SCDNR shall issue

## NOTICE OF SALE UNDER POWER STATE OF GEORGIA COUNTY OF TOWNS Because of a default in the payment of the

indebtedness secured by a Security Deed executed by Robert H. Calhoun, III and Susan M. Calhoun to Bank of Hiawassee dated September 12, 2003, and recorded in Deed Book 284, Page 799, Towns County Re-cords, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, NA by Assignment, securing a Note in the original principal amount of \$175,500.00, the holder thereof pursuant to said Deed and Note thereby secured has declared the entire amount of said indebtedness due and navelle and of said indebtedness due and payable and, pursuant to the power of sale contained in said Deed, will on the first Tuesday, July 2, 2013, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for

All that tract or parcel of land lying and be-All that tract or parcel of land lying and being in the 17th District, 1st Section, Land Lot 60 of Towns County, Georgia, containing 1.329 acres, and being more particularly described as Lots 38 and 45 of Mining Gap Trail Subdivision, as shown on a plat of survey by Tamrok Associates, Inc., Jon G. Stubblefield, RLS, dated 12-02-98, and recorded in Plat Book 27, Page 244 of the Towns County Records; Less and Except that 0.01 acre tract heretofore conveved to

cash, the property described in said Deed,

that 0.01 acre tract heretofore conveyed to John E. Fradd and Sandra H. Fradd by Quit Claim Deed dated 9-28-99, and recorded in Deed Book 192, Page 577 of the Towns County Records; the aforementioned plat of survey and quit claim deed being incorporated bergin by reference. rated herein by reference.
The tract conveyed herein is that same land previously conveyed to Virginia L. Cooley by

James H. Gibson by Warranty Deed dated 7-27-78, and recorded in Deed Book 62, Pages 552-553 of the Towns County Records, less and except the aforedescribed tract conveyed to Fradd.
This conveyance is made subject to the restrictions for Mining Gap Trail Subdivision as recorded in Deed Book 52, Page 171 of the Towns County Records.

Said property is known as 999 Mining Gap Trail, 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

said property will be soft 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 dis-tributed as provided by law. The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to

final confirmation and audit of the status of the loan with the secured creditor.

The property is or may be in the possession of Robert H. Calhoun, III and Susan M. Cal-houn, successor in interest or tenant(s). Wells Fargo Bank, NA as Attorney-in-Fact for Robert H. Calhoun, III and Susan M. Calhoun File no. 11-026590 SHAPIRO, SWERTFEGER & HASTY, LLP\* Attorneys and Counselors at Law 2872 Woodcock Blvd., Suite 100

Atlanta, GA 30341-3941 AUBITIA, UN 30341-3941 (770) 220-2535/MD www.swertfeger.net \*THE LAW FIRM IS ACTING AS A DEBT COL-LECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
By virtue of a Power of Sale contained in that certain Security Deed from LESTER E PATRICK AND RITA M PATRICK to MORT-GAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIRST OHIO BANC & LENDING, INC, A OHIO CORPORATION, dated February 13, 2010, recorded March 8, 2010, in Deed Book 470, Page 755-763, Towns County, Georgia Records, said Security Deed having been given to secure a Note of even date in the original princia Note of even date in the original princi-pal amount of Two Hundred Sixty-Three Thousand One Hundred Twenty-Five and 00/100 dollars (\$263,125.00), with interest thereon as provided for therein, said Security Deed having been last sold, assigned and transferred to BANK OF AMERICA, N.A., secured creditor, 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 July, 2013, all property described in said Security Deed including but not limited to the following described THE LAND REFERRED TO HEREIN RELOW

THE LAND REFERRED TO HEREIN BELOW IS SITUATE IN THE COUNTY OF TOWNS, STATE OF GEORGIA AND IS DESCRIBED AS FOLLOWS: ALL THAT TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN SECTION 1, DISTRICT 18, LAND LOTS 297 AND 310, TOWNS COUNTY, GEORGIA, AND BEING LOT TWELVE (12), CONSISTING OF 1.015 ACRES, MORE OR LESS, OF VALLEY VIEW ESTATES AS MORE FULLY SHOWN ON SURVEY GEOR WALLEY WIEW ESTATES PER SURVEY FOR VALLEY VIEW ESTATES, PRE-PARED BY NORTHSTAR LAND SURVEYING, INC., REGISTERED SURVEY, DATED JULY 1 2002, REVISED SEPTEMBER 26, 2002 AND RECORDED IN PLAT BOOK 30 PAGE 70 OF THE TOWNS COUNTY RECORDS WHICH SUR-VEY IS INCORPORATED HEIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY

PROPERTY.
THE PROPERTY IS CONVEYED TOGETHER
WITH AND SUBJECT TO THE DRIVEWAY
EASEMENT AND RIGHT OF WAY OF MAULDIN CIRCLE AS MORE FULLY SHOWN ON
SAID REFERENCED SURVEY.
THE PROPERTY IS CONVEYED SUBJECT TO
THE DESTRICTIVE COVENANTS EDD WALLEY THE RESTRICTIVE COVENANTS FOR VALLEY VIEW ESTATES AS RECORDED IN DEED BOOK 279 PAGES 176-177 OF TOWNS COUNTY RE-CORDS AND SUBJECT TO PROVISIONS AS SHOWN ON SAID REFERENCED SURVEY.

THE PROPERTY IS CONVEYED SUBJECT TO THE BLUE RIDGE MOUNTAIN EMC AS RECORDED IN DEED BOOK 252, PAGE 219 AND DEED BOOK 252, PAGE 217 OF THE TOWNS COMMONLY KNOWN AS 5794 MAULDIN CIRCLE, HIAWASSEE, GEORGIA 30546, HOW-EVER, BY SHOWING THIS ADDRESS NO AD-DITIONAL COVERAGE IS PROVIDED. BEING KNOWN AS PARCEL NUMBER 62112. BEING KNOWN AS PARGEL NOWBER 02/112.
Said legal description being controlling, however the property is more commonly known as 5794 MAULDIN CIRCLE, HIAWAS-SEE, 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, including but not limited to the nonpayment of the indebted-ness as and when due. The indebtedness remaining in default, this sale will be made for the purpose of paying the same, all ex-penses 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 creditor 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; assess-ments; 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 LESTER E PAT-RICK AND RITA M PATRICK, 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 The entity having full authority to negotiate, amend or modify all terms of the loan (although not required by law to do so) is:

Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, Loss Mitigation Dept., 7105 Corporate Drive, PTX-A-274, Plano, TX 75024, Tele-phone Number: 800-720-3758 for and on phone Number: 800-720-3758 for and on behalf of the secured creditor. BANK OF AMERICA, N.A. as Attorney in Fact for LESTER E PATRICK AND RITA M PATRICK 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 PUR-POSE

Attorney Contact: Rubin Lublin, LLC, 3740 Davinci Court, Suite 150, Peachtree Corners, GA 30092 Telephone Number: (877) 813-0992 Case

Telephone Number: (877) 813-0992 Case No. BAC-12-07486-0003 Ad Run Dates 06/05/2013, 06/12/2013, 06/19/2013, 06/26/2013 www.rubinlublin.com/property-listings. T(Jun5,12,19,26)B

NOTICE OF SALE UNDER POWER GEORGIA, TOWNS COUNTY
THIS LAW FIRM IS ACTING AS A DEBT COL-LECTOR ATTEMPTING 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 Gregory A Bishop to Mortgage Electronic Registration Systems, Inc. as nominee for Branch Banking and Trust Company, it's successor's and assigns, dated April 15, 2011, recorded in Deed Book 493, Page 280, Towns County, Genria Benords as 280, Towns County, Georgia Records, as last transferred to Branch Banking and Trust Company by assignment to be re-corded in the Office of the Clerk of Superior Court of Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED FIFTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY-SEVEN AND 0/100 DOLLARS (\$158,867.00), 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 atternative, within the legal hours of sale atternative, within the legal hours of sale on the first Tuesday in July, 2013, 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 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 re-maining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in Secu-rity 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 va-lorem taxes (including taxes which are a lien, but not yet due and payable), any mat-ters which might be disclosed by an accu-rate survey and inspection of the property, rate 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. Branch Banking and Trust Company is the holder of the Note and 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 mortage with the debtor is: Branch Banking gage with the debtor is: Branch Banking & Trust Company, 301 College Street, PVN #101729, Greenville, SC 29601, 800-827-3722. To the best knowledge and belief of the undersigned, the party in possession of the property is Gregory A Bishop or a tenant or tenants and said property is more com-monly known as 824 Bent Tree Ln, Young Harris, Georgia 30582. The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bank-ruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed. Branch Bank-ing and Trust Company as Attorney in Fact for Gregory A Bishop McCalla Raymer, LLC 1544 Old Alabama Road Roswell, Georgia 30076 www.foreclosurehottine.net MR/ts1 7/2/13 Our file no. 5205213-FT8 EXHIBIT "A" All that tract or parcel of land lying and being in Land Lots 63, 17th District, and being in Land Lobs So, 17th Distlet, 1st Section, Towns County, Georgia, containing 0.79 acres, and being shown as Lot Seventy-Nine (79) of Pine Crest Subdivision, Phase II, on a plat of survey by Tamrok Engineering, Inc., dated June 4, 1988, recorded in Plat Book 11, Page 138, Towns County records which description of said County records, which description of said plat is incorporated herein and made a part hereof. The property is conveyed subject to the restrictions of record pertaining to Pine Crest Development, Phase II as recorded in Deed Book 94, Pages 179-180, as amended in Deed Book 438, Pages 133-170, Towns County, Georgia records. The property is conveyed subject to the road rights of way as shown on said plat MB/8s 172(13) 0.00. as shown on said plat.. MR/ts1 7/2/13 Our file no. 5205213 - FT8

STATE OF GEORGIA, COUNTY OF TOWNS COUNTY OF TOWNS

Under and by virtue of the power of sale in a certain Deed to Secure Debt from Robert T. Mullis, Grantor, to PlantersFIRST, Grantee, dated the 26th day of September, 2006 and recorded in Deed Book 385, Page 66, Clerk's Office, Towns County Superior Court, said Deed to Secure Debt having been given to secure a note dated the 26th day of September, 2006, renewed by note dated December 1, 2010, with a Loan Modification Agreement dated January 5, 2012 and a Change in Terms Agreement dated December 20, 2012, there will be sold by the undersigned at public outcry, during the legal hours of sale before the Courthouse of Towns County, Georgia on the first house of Towns County, Georgia on the first Tuesday in July, 2013, to-wit: the 2nd day of July, 2013, to the highest and best bidder for cash, the following described property: All that tract or parcel of land lying and be-ing in the 18th District, 1st Section, Land Lot 174 of Towns County, Georgia, contain-ing 1.85 acres, more or less, and being more particularly described as follows: BEGINNING at the Northeast original corner of land 174; thence following the East/ West original line N 90 degrees W 29 feet to a point located on the Eastern line of the right-of-way of U.S. Highway 76; thence following the line of said right-of-way in the following courses and distances: \$ 57 degrees W 44 feet, \$ 49 degrees W 50 feet, \$ 45 degrees W 50 feet, \$ 33 degrees E 50 S 45 degrees W 50 feet, S 33 degrees E 50 feet, S22 degrees W 50 feet, S 8 degrees W 50 feet, S 3 degrees E 40 feet, S 17 degrees E 60 feet, S 28 degrees E 46 feet, S 38 degrees E 132 feet, S 37 degrees E 49 feet and S 23 degrees 30 minutes E 77 feet to an iron pin located upon the North/South original line and on the line common to the property of the U.S. Forest Service; thence following said line N 0 00 E 639 feet to the point of Beginning. Said tract being therice following Satul line N 0 U C 503 feet to the point of Beginning. Said tract being more particularly described upon a plat of survey of same by B. Gregory, County Surveyor, dated 4/23/79, recorded in Plat Book 6, Page 62 of the Towns County Records. Said Plat is incorporated hereby by reference thereto. Deed Ref.: Book 64, Page 560: Book 161, Page 772. This conveyage. reference thereto. Deed Net.: BOOK 64, Page 569; Book 161, Page 702. This conveyance is subject to a 66 foot wide road right-of-way in favor of the U.S. Department of Agriculture, for Bear Knob Road #100A (now known as Dicks Creek Gab Rd. #315) dated 9/14/61, recorded in Deed Book H-1, Page 64, said Towns County Records.
The debt secured by said Deed to Secure Debt and Note has been and is hereby de-clared due and payable in full because of default pursuant to the terms of said Deed

to Secure Debt and note. Notice has been given to enforce provisions for collection of attorney's fees and foreclosure in accordance with the legal requirements and the terms of the Deed to Secure Debt and Note. The indebtedness remaining in default, the sale will be made for the purpose of apply-ing proceeds thereof to the payment of the indebtedness secured by the Deed to Secure Debt, accrued interest and expenses of the sale and other sums secured by the Deed to Secure Debt, including the attornev's fees and the remainder, after applying said proceeds to other indebtednesses owed by Grantor to Grantee, if any, shall be applied as provided by law. To the best of the undersigned's knowledge and belief, the property is in the possession

of Robert T. Mullis and said property will be sold as the property of Robert T. Mullis. Said property will also be sold subject to all outstanding ad valorem taxes, street im-provements, and easements or restrictions of record, if any. The undersigned will execute a deed to the purchaser at said sale as provided in the Deed to Secure Debt. 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 Deed to The law firm of Emmett L. Goodman, Jr. for Plaintiff is acting as a debt collector attempting to collect a debt. Any informa-tion obtained will be used for that purpose.

Pursuant to O.C.G.A. Section 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: Ms. Grace Kirksey, PlantersFIRST, 1400 Sam Nunn Blvd., Perry GA 31069, Telephone: (478)218-5324, Ex-PlantersFIRST PlantersFIRS1 as attorney-in-fact of Robert T. Mullis EMMETT L. GOODMAN, JR., LLC 544 Mulberry Street, Suite 800 Macon, Georgia 31201-2776 Telephone: (478)745-5415 TUBS 12 19 2818

**NOTICE OF SALE UNDER POWER** NOTICE OF SALE UNDER POWER
By virtue of the power of sale contained
in a Deed to Secure Debt by ELIZABETH
PHILLIPS to Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee
for Countrywide Home Loans, Inc., dated
September 7, 2005 and filed for record
September 14, 2005 in Deed Book 347,
Page 370, Towns County, Georgia records,
and securing a Note in the original principal amount of \$250,000.00; last transferred
to The Bank of New York Mellon FKA The
Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan cateholders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 by Assignment, filed for record in Deed Book 526, Page 821, Towns County, Georgia records, there will be sold at a public outcry for cash to the highest bidder before the Courthouse door of Towns County, Georgia, between the legal hours of sale on the first Tuesday in July, 2013, by The Bank of New York Mel-lon FKA The Bank of New York, as Trustee for The Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 as Attorney-in-Fact for ELIZABETH PHILLIPS the following property to-wit:

ALL THAT TRACT OR PARCEL OF LAND Iying and being in Land Lots 145 & 146, 18th
District, 1st Section, Towns County, Georgia, designated Tract One (1) consisting
of 3.326 acres, more or less, as more fully
shown on a plat of survey for Kris Phillips,
prepared by Northstar Land Surveying, Inc.,
Registered Surveyor, dated February 23 Registered Surveyor, dated February 22, 2000 and recorded in Plat Book 24, Page 221, Towns County, Georgia Records which survey is incorporated herein by reference for a complete description of said property. The property is conveyed subject to the right-of-way of Rainbow Ridge Road, and all other matters on shown on the above referenced plat of survey. The property is conveyed subject to the easement in favor of Blue Ridge Mountain EMC, as recorded in Deed Book 203, Page

15, Towns County, Georgia Records. TRACT TWO ALL THAT TRACT OR PARCEL OF LAND lying

and being in Land Lots 145 & 146, 18th District, 1st Section, Towns County, Georgia, and designated as Tract Two (2) consisting of 1.000 acres, more or less, as more fully shown on a plat of survey for Kris Phillips, prepared by Northstar Land Surveying, Inc., Registered Surveyor, dated February 22, 2000 and recorded in Plat Book 24, Page 221, Towns County, Georgia Records which zery, towns county, deorgia necords which survey is incorporated herein by reference for a complete description of said property. The property is conveyed subject to the right-of-way of Rainbow Ridge Road, and all other matters on shown on the above referenced plat of survey. The property is conveyed output to the account in force conveyed subject to the easement in favor of Blue Ridge Mountain EMC, as recorded in Deed Book 203, Page 15, Towns County, Georgia Records. LESS AND EXCEPT: EXHIBIT "1"

ALL THAT TRACT OR PARCEL OF LAND ly-ing in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, which is more particularly described as follows: To find the POINT OF BEGINNING commence at a point on the Northeast corner of Ruby Roach's property Deed Book 101, Page 316 THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to seconds East a distance of 124.48 feet to a point; THENCE South 40 degrees 19 minutes 52 seconds West a distance of 91.18 feet to a point, said point being the TRUE POINT OF BEGINNING. From the TRUE POINT OF BEGINNING as thus established, THENCE South 67 degrees 15 minutes 46 seconds East a distance of 10.56 feet to an iron pin set; THENCE South 40 degrees 22 minutes 04 seconds West a distance of 100.00 feet to an iron pin set; THENCE North 67 degrees 15 minutes 46 seconds West a distance of 100.00 feet to an iron pin set; THENCE North 67 degrees 15 minutes 46 seconds West a distance of 100.00 feet to an iron pin set; THENCE North 40 degrees 22 minutes 04 seconds East a 40 degrees 22 minutes 04 seconds East a distance of 100.00 feet to an iron pin set; THENCE South 67 degrees 15 minutes 46 seconds East a distance of 89.44 feet to a point, said point being the TRUE POINT OF BEGINNING. Said tract of land contains 10,000 square feet and is shown on and described according to that certain plat titled "Hiawassee" Site No. NC253 for SBA Towers, by Landair Surveying, Inc., dated March 28, 2000, and bears the seal of H. Tate Jones GA. RLS # 2339, which survey is hereby made part of this legal description by this reference. LESS AND EXCEPT:

EXHIBIT "2"
ALL THAT TRACT OR PARCEL OF LAND lying in Land Lot 145 and 146, of the 18th District, of Towns County, Georgia, - a utility and access easement 20 feet wide, lying 10 feet on either side of the centerline, which is more particularly described as follows: To find the POINT OF BEGINNING commenc at a point on the northeast corner of Ruby Roach's property Deed Book 101, Page 316. THENCE South 45 degrees 35 minutes 25 seconds East a distance of 124.48 feet to a point on the centerline of said ease-ment, said point being the TRUE POINT OF BEGINNING. From the TRUE POINT OF OF BEGINNING. From the TRUE POINT OF BEGINNING as thus established, THENCE South 40 degrees 19 minutes 52 seconds West a distance of 91.18 feet to a point and the termination of the easement. Said tract of land is shown on and described according to that certain plat titled "Hiawassee" Site No. NC253 for SBA Towers, by Landair Surveying, Inc., dated March 28, 2000, and bears the seal of H. Tate Jones GA. RLS # 2339. which survey is hereby made part of 2339, which survey is hereby made part of this legal description by this reference. The above described property is also known as 2602 RAINBOW RIDGE ROAD, HIAWASSEE, GA 30546-0000.
The indebtedness secured by said Deed to

Secure Debt having been declared due and payable because of default in the payment of the indebtedness secured thereby, this sale will be made for the purpose of paying the same and all expenses of sale, including attorney's fees, if applicable. The property will be sold as the property of the aforesaid grantor subject to the following: all prior restrictive covenants, easements, rights-of-way, security deeds, or encumbrances of record; all valid zoning ordinances; matters which would be disclosed by an accurate survey of the prop-erty or by any inspection of the property; all outstanding taxes, assessments, unpaid bills, charges, and expenses that are a lien against the property whether due and payable or not yet due and payable. 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 pegatiate amend or modific

full authority to negotiate, amend or modify all terms of the above described mortgage is as follows: Bank of America. N.A. Home Loan Assistance Dept 7105 Corporate Drive Plano, TX 75024

1-800-699-6650
The foregoing notwithstanding, nothing in O.C.G.A. § 44-14-162.2 shall be construed to require Bank of America, N.A. to negotiate, amend or modify the terms of the Deed to Secure Debt described herein. The Bank of New York Mellon FKA The Bank of New York, as Trustee for The Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-63, Mortgage Pass-Through Certificates, Series 2005-63 as Attorney-in-Fact for ELIZABETH PHILLIPS SHUPING, MORSE & ROSS, L.L.P. By: S. Andrew Shuping, Jr. 6259 Riverdale Road, Suite 100 Riverdale, GA 30274 770-991-0000 THIS LAW FIRM IS ATTEMPTING TO COL-LECT A DEBT.

ANY INFORMATION OBTAINED WILL BE

**USED FOR THAT PURPOSE** T(Jun5,12,19,26)B