

Towns County Herald

Legal Notices for January 18, 2023

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF RUSSELL M. STOOKEY, DECEASED

ESTATE NO. 2022-P-117 PETITION FOR LETTERS OF ADMINISTRATION NOTICE

TO: All Interested parties and to whom it may concern:

Loren C. Behuniak has petitioned to be appointed administrator of the estate of Russell M. Stookey

deceased, of said county. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, 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 23, 2023.

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

David Rogers

Judge of the Probate Court

By: Kerry L. Berrong
Clerk of the Probate Court
48 River St. Suite C
Hiawassee, GA 30546
Address

706-896-3467

Telephone Number

T(Dec28,Jan4,11,18)

NOTICE TO CREDITORS AND DEBTORS

All creditors of the Estate of Max E. Jones, a.k.a. Max Everett Jones, deceased of Towns County, Hiawassee, 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 Executor of the Estate of Max E. Jones, a.k.a. Max Everett Jones.

This 19th day of December 2022.

Vicki Gribble, Executor

Estate of Max E. Jones,
a.k.a. Max Everett Jones
2896 Gribble Edward Road
Hiawassee, GA 30546

Submitted by:

Pamela Kendall Floyd, PC

Attorney for Estate

P.O. Box 1114

Hiawassee, GA 30546

T(Dec28,Jan4,11,18)

NOTICE TO DEBTORS AND CREDITORS

RE: Estate of Sue K. Unger

All debtors and creditors of the Estate of Sue K. Unger, deceased, late of Towns County, 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.

This 20 day of December, 2022

Jeffrey S. Rice

9616 White Carriage Dr.

Wake Forest, NC 27587

443-466-5542

T(Dec28,Jan4,11,18)

NOTICE TO DEBTORS AND CREDITORS

RE: Estate of Rebecca H. Brown

All debtors and creditors of the Estate of Rebecca Hunt Brown, deceased, late of Towns County, 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.

This 20 day of December, 2022

Thomas Coach Brown III

2125 Dragton Way

Young Harris, GA 30582

770-789-3131

T(Dec28,Jan4,11,18)

TRADE NAME REGISTRATION

Notice is hereby given that the business operated at 403 White Street, Hiawassee, Georgia, 30546 in the trade name of To the Nations is owned and operated by Stephen H. Smith whose address is 403 White Street, Hiawassee, Georgia, 30546 and the statement relating thereto required by official code of Georgia 10-1-490 has been filed with the Clerk of Superior Court of Towns County, Georgia.

T(Jan11,18)

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

To: All Interested Agencies, Groups, and Individuals

This is to give notice that the City of Hiawassee under Part 58 has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity if funded under the Appalachian Regional Commission (ARC) under GA- 20948. The proposed project is located at approximately 1000 Hwy 76 West, Hiawassee, GA 30546 in Hiawassee, Towns County, Georgia. The purpose of this project is to build a boardwalk with fishing platforms to connect two recreational resources: Lloyd's Landing and Mayor's Park. The platform will be 815 feet long and 8 feet wide.

The City of Hiawassee has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: (i) the boardwalk must be built in the floodplain and wetland because there is no other place for it to be constructed; (ii) the only alternative that could be considered for this project was a No Action Alternative. Under this alternative, the project would not be constructed and would put users of the recreational resources at safety risk by no having a safe route between the two parks. It would also deprive the community of the proposed recreational opportunities associated with this project. Therefore, this alternative was not selected. (iii) The City of Hiawassee will make every effort to minimize adverse impacts and preserve natural and beneficial values of the project area. The City of Hiawassee is in compliance with all state and local wetland procedures.

The City of Hiawassee has reevaluated the alternatives to building in the floodplain and wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and 11990 are available for public inspection, review, and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification for these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Hiawassee at the following address on or before January 26, 2023: Attention: Denise McKay, Director of Economic Development City of Hiawassee, 50 River Street, Hiawassee, GA 30546 [Phone Number: 706-896-2202]. A full description of the project may also be reviewed from 8:00 AM to 5:00 PM at the same address as above. Comments may also be submitted via e-mail at dmckay@hiawasseeega.gov .

Date: January 18, 2023

T(Jan18)

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice: January 18, 2023

City of Hiawassee

50 River Street

Hiawassee, GA

706-896-2202

On or about January 27, 2023, the City of Hiawassee will submit a request to the Georgia Department of Community Affairs for the release of Appalachian Regional Commission funds under 24 CFR Part 58, Section 58.35(a) to undertake a project known as the Boardwalk Project for the purpose of building a boardwalk across Lake Chatuge to connect two recreational resources: Lloyd's Landing and Mayor's Park.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at 50 River Street, Hiawassee, GA 30546 and may be examined or copied weekdays 8:00 A.M to 5:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Denise McKay, Economic Development Director. All comments received by January 26, 2023 will be considered by the City of Hiawassee prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The City of Hiawassee certifies to Georgia that Liz Ordiales in her capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. Georgia's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Hiawassee to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

Georgia will accept objections to its release of funds and the City of Hiawassee's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: a) the certification was not executed by the Certifying Officer of the City of Hiawassee; (b) the City of Hiawassee has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs, or undertake activities not authorized by 24 CFR Part 58 before approval of a release of funds by Georgia; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Georgia Department of Community Affairs, Attn: Appalachian Regional Commission, 60 Executive Park South, NE, Atlanta, GA 30329. Potential objections should contact Georgia to verify the actual last day of the objection period.

Liz Ordiales, Mayor

City of Hiawassee

50 River Street

Hiawassee, GA 30546

T(Jan18)

NOTICE TO DEBTORS AND CREDITORS

RE: Estate of Paul Richard Van Nus

All debtors and creditors of the Estate of Paul Richard Van Nus, deceased, late of Towns County, 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.

This 5 day of January, 2023

Christine Van Nus

PO Box 1032

Hiawassee, GA 30546

706-994-9547

T(Jan11,1825,Feb1)

IN THE PROBATE COURT OF TOWNS COUNTY STATE OF GEORGIA

IN RE: ESTATE OF ROBERT REID FARIE, JR.,

DECEASED

ESTATE NO. 2022-P-115

PETITION FOR LETTERS OF ADMINISTRATION

NOTICE

TO: All Interested parties and to whom it may concern:

Mary Elizabeth Nelson has petitioned to be appointed administrator of the estate of Robert Reid Farie, Jr. deceased, of said county. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, 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 23, 2023

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

David Rogers

Judge of the Probate Court

By: Kerry L. Berrong

Clerk of the Probate Court

48 River St. Suite C

Hiawassee, GA 30546

Address

706-896-3467

Telephone Number

T(Dec28,Jan4,11,18)

NOTICE OF SALE UNDER POWER

GEORGIA, TOWNS COUNTY

Under and by virtue of the Power of Sale contained in a Security Deed given by William P Banister and Cassandra I Banister to Mortgage Electronic Registration Systems, Inc., as grantee, as nominee for First Community Mortgage, Inc., its successors and assigns, dated June 13, 2018, recorded in Deed Book 613, Page 693, Towns County, Georgia Records, as last transferred to FLAGSTAR BANK, N.A. by assignment recorded in Deed Book 689, Page 671, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of ONE HUNDRED EIGHTY-FIVE THOUSAND FOUR HUNDRED SEVEN AND 0/100 DOLLARS (\$185,407.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Towns County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in March, 2023, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given).

Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), 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 any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned.

FLAGSTAR BANK, N.A. is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2.

The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Flagstar Bank, N.A., 5151 Corporate Drive, , Troy, MI 48098, 800-945-7700.

Note, however, that such entity is not required by law to negotiate, amend or modify the terms of the loan.

To the best knowledge and belief of the undersigned, the party in possession of the property is William P Banister and Cassandra I Banister or a tenant or tenants and said property is more commonly known as 2280 Lovingood Road, Hiawassee, Georgia 30546. Should a conflict arise between the property address and the legal description the legal description will control.

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.

FLAGSTAR BANK, N.A.

as Attorney in Fact for

William P Banister and Cassandra I Banister

McCalla Rayer Leibert Pierce, LLC

1544 Old Alabama Road

Roswell, GA 30076

www.foreclosurehotline.net

EXHIBIT "A"

All that tract or parcel of land lying and being in the 18th District, 1st Section, Land Lot 187, Towns County, Georgia, being Lot One (1), containing 0.93 acres, more or less, and being more particularly described on a plat of survey by Tamrok Engineering, Inc., Tommy J. Phillips, R.S., dated August 9, 1993 and recorded at Plat Book 18, Page 78, Towns County, Georgia records, which description on said plat is incorporated herein by reference hereto.

The property is subject to the road easements and all other matters and conditions as shown on the above referenced plat of survey.

The grantor grants to grantee a perpetual 20' foot road right of way for ingress and egress to the property to begin on Fodder Creek Road and run to the property along Lovingood Lane as shown on the above referenced plat of survey.

The property is also conveyed subject to Blue Ridge Mountain EMC easement recorded in Deed Book 121, Page 304, Towns County, Georgia records.

MR/meh 3/7/23

Our file no. 22-09125GA - FT18

T(Dec28-Mar1)