

IN THE SUPERIOR COURT OF GORDON COUNTY JUN 14 2012
STATE OF GEORGIA

BRIAN BRANNON

HAMILTON STATE BANK,)
)
)
Petitioner,)
)
v.)
)
TICH HOSPITALITY, LLC, TICH)
PROPERTIES, LLC, WILLIAM)
ROGERS, IV, and JOHN T. GRAVES, JR.,)
)
Respondents.)

CIVIL ACTION FILE NO. 12CV 60440

142226

REPORT OF SALE AND APPLICATION FOR CONFIRMATION
AND APPROVAL OF FORECLOSURE SALE

Comes now Hamilton State Bank ("HSB") and files its REPORT OF SALE AND APPLICATION FOR CONFIRMATION AND APPROVAL OF FORECLOSURE SALE, showing this Court the following:

1.

This is a report of sale and application for the confirmation and approval of a foreclosure sale of real property located in Gordon County. The foreclosure sale was conducted under a power of sale and the real property (the "Property") that was sold is more particularly described in the Deed to Secure Debt, dated March 30, 2007, filed and recorded April 9, 2007, in Deed Book 1422, Page 426, of the Official Records of the Clerk of Superior Court of Gordon County, Georgia (the "Security Deed").

2.

The Property is located in Gordon County; therefore, this Court has jurisdiction over the matter.

3.

When the Security Deed was executed, Tich Hospitality, LLC's address was known to be 1510 Red Bud Road, N.W., Calhoun, Georgia 30701. Tich Hospitality, LLC may be served wherever its registered agent and/or managing member may be located.

4.

Tich Properties, LLC is a Georgia limited liability company and may be served through its registered agent, Lee Woodring, at 264 Highway 53 East, Calhoun, Georgia 30701, or wherever any of its members and/or managers may be located.

5.

John T. Graves, Jr. is a resident of Georgia and may be served accordingly at 475 Craig Road, Ranger, Georgia 30734, or wherever he may be located.

6.

William Rogers, IV is a resident of Georgia and may be served accordingly at 418 Beechwood Lane, Woodstock, Georgia 30189, or wherever he may be located.

7.

The Security Deed was given to secure certain indebtedness of Tich Hospitality, LLC, Tich Properties, LLC, John T. Graves, Jr., and William Rogers, IV (the "Respondents") to Bartow County Bank, a predecessor in interest to HSB, in the original principal amount of \$2,254,989.00, plus interest (the "Note").

8.

The Security Deed contains a power of sale provision that authorizes HSB, in the case of default, to sell the Property for the purpose of paying the indebtedness evidenced by the Note. HSB is authorized to sell the Property by public sale before the courthouse door of the county in which

the Property is located to the highest bidder for cash, after first giving notice of the time, place and terms of such sale by advertisement published once a week for four (4) weeks in a newspaper in which advertisements of sheriff's sales are published in such county.

9.

Respondents defaulted in the payments due under the Note, and pursuant to the power of sale provisions of the Security Deed, HSB properly advertised the sale of the Property in *The Calhoun Times*, such newspaper being the newspaper of Gordon County in which sheriff's advertisements are published. The advertisement and notices were properly published in said newspaper on May 9, 16, 23, and 30, 2012.

10.

All notices to the debtor/Respondents required by O.C.G.A. § 44-14-161, et seq. were properly given.

11.

Pursuant to the terms of the power of sale provision of the Security Deed, HSB offered the Property for sale on June 5, 2012, before the courthouse door in Gordon County, Georgia within the legal hours of sale, and did sell the Property, and was the highest bidder for the cash sum of \$370,000.00, the true market value of the Property.

12.

As of the date of foreclosure, the amount of Respondents' indebtedness to C & S under the Note was an approximate total amount of \$1,884,581.00. The amount owed is greater than the true market value of the Property.

13.

The true market value of the Property at the time of sale was no more than \$370,000.00.

14.

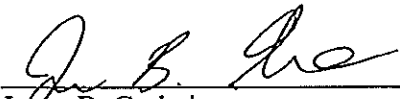
With lawful notice and advertisement, HSB has conducted a fair, regular and legal sale of the Property in accordance with the law and the terms of the Security Deed, and is therefore entitled to an order from this Court confirming and approving the sale of the Property.

WHEREFORE, Hamilton State Bank requests the following:

(a) that the Court fix a time and place for a hearing on this application for confirmation, and that the Court direct notice of said hearing to the Respondents at least five (5) days prior to said hearing; and

(b) that at the hearing the Court pass upon the legality of the notice, advertisement and regularity of the foreclosure sale and confirm and approve the sale pursuant to O.C.G.A. § 44-14-161, et seq.

This 14th day of June, 2012.



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