



**Planning Department  
Ocnee County, Georgia  
STAFF REPORT**

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**REZONE CASE #:** P23-0073

**DATE:** May 1, 2023

**STAFF REPORT BY:** Guy Herring (Director of Planning and Code Enforcement)

**APPLICANT NAME:** DUO G&G, LLC

**PROPERTY OWNER:** Steven Lamar & David Hale

**LOCATION:** 2521 Mars Hill Road (C-01-054D)

**PARCEL SIZE:** ±3.05 acres

**EXISTING ZONING:** AR (Agricultural Residential District)

**EXISTING LAND USE:** Single family residence

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Regional Center

**ACTION REQUESTED:** Rezone from AR to OIP zoning for a dental office along Mars Hill Road.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** May 15, 2023

**BOARD OF COMMISSIONERS:** June 6, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Warranty Deed
- Legal Description



**BACKGROUND INFORMATION & FINDINGS OF FACT**

## HISTORY

- The applicant is seeking a rezoning to change the zoning from AR to OIP to develop a dental office.
- The subject property is zoned AR and has been used for a single-family home since 1972.
- The subject property also has two concurrent special exception applications for the following:
  - The applicant requests 29 parking spaces to accommodate patients and staff. Per Sec. 604.01, the maximum parking permitted is 14 spaces.
  - The applicant also is requesting a single access point to the site from Hollow Creek Lane instead of on Mars Hill Road due to the Mars Hill Overlay Development requirements.
- Previous Conditions
  - There are no previous zoning conditions that are applicable to this property.

## SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Vacant land	B-1 (General Business District) and B-2 (Highway Business District)
SOUTH	Residential	AR (Agricultural Residential District)
EAST	Vacant land and residential	B-2 (Highway Business District) and AR (Agricultural Residential District)
WEST	Residential	AG (Agricultural District) and AR (Agricultural Residential District)

## PROPOSED DEVELOPMENT

- The applicant is requesting a rezoning to OIP to construct a dental office on the subject property.
- The proposed development includes one dental office building and associated parking on the subject property.
  - Dental office – 3,800 SF (One-story)
- The applicant did not include an estimated value of the proposed improvements in the application.
- The applicant did not include proposed construction schedule information.

## PROPOSED TRAFFIC PROJECTIONS

- There is an estimated additional 137 ADT (average daily trips) to be expected for the office park use (Trip Generation Manual, 11<sup>th</sup> Edition). Per the manual, the proposed development does not meet the 1,000 ADT threshold that is required to trigger a traffic impact analysis.
- The existing conditions generate minimal traffic, so the proposed dental office facility will result in a traffic increase.

## PUBLIC FACILITIES

### Water:

- The project is proposed to utilize County water services.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

### Sewer:

- The project is proposed to utilize County sewer services.
- The Water Resources Department has indicated in a letter that connection to the sewer system is not available for this location, but connection can be made through an extension requiring approval by the County. The applicant is responsible for the needed extension.

### Roads:

- If the special exception variance is approved, the site will be accessed from Hollow Creek Lane for the dental office use.

## ENVIRONMENTAL

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- The Public Works Department commented that an ADA ramp must be provided at the intersection of Mars Hill Road and Hollow Creek Lane to accommodate the future sidewalk along Mars Hill Road.

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- No comments

### **GEORGIA DEPARTMENT OF TRANSPORTATION**

- No comments

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## **STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

**A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**

Nearby lots are predominantly zoned AG, AR, B-1, B-2, and OBP. Primary land uses in the area are residential with commercial zoning to the north and east. The proposed dental office development should not impede the normal and orderly development of surrounding property due to the primarily commercial, office, and residential mix of zoning of the surrounding properties. Where the directly adjacent properties are residential uses, a 25-foot zoning buffer must be provided on the subject parcel where adjacent to AR properties per the code. Staff is of the opinion that the proposed development is suitable in view of the existing nearby zoning.

**B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**

The property has a reasonable economic use through the existing AR zoning; however, the proposed dental office use aligns with other adjacent zoning in the area.

**C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**

**i. Population density and effect on community facilities such as streets, schools, water, and sewer;**

The current request proposes one 3,800 SF dental office building. The development will cause an increase in demand for water, and water availability has been confirmed by the Water Resources Department. Increased traffic generation is also anticipated, with the applicant estimating 137 additional ADT over the current single-family residential parcel.

**ii. Environmental impact;**

No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

**iii. Effect on the existing use, usability and/or value of adjoining property.**

The proposed development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property. According to Sec. 806 – Table 8.1, a 25-foot buffer must be installed along the property line between the proposed development and adjacent AR properties due to adjacent less intense zoning.

**D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**

The subject property has an existing single-family residence; however, very little development has occurred in the immediate vicinity west of the Oconee Connector. However, office/commercial development has occurred east of the Oconee Connector, south along Mars Hill Road, and further west along Mars Hill Road. The proposed use fits the character of the properties in the vicinity of the subject property.

**E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**

The purpose of the OIP zoning district is to “provide an area for business and professional offices as well as for social, fraternal, political, civic and community organizations” along with “institutional uses such as hospitals, nursing homes, convalescent centers, institutional planned developments and clinics” (Unified

Development Code Sec. 205.08). The specific lot must be developed according to the principal uses allowed in the OIP zoning district. Staff notes that the proposed dental office development is allowed in OIP zoning.

**F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The proposed office use is not permitted by the existing AR zoning. The nearby B-1, B-2, and OIP developments to the north and east support the proposed OIP zoning as a transitional land use between the more intense zoning districts to the north and the less intense residential subdivision to the south. Staff holds that these conditions give supporting grounds for approval of the zoning proposal.

**G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**

The subject portion of the property lies within with the Regional Center character area, as shown on the Comprehensive Plan's Future Development Map. The Regional Center character area is characterized by "regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and entertainment facilities, higher-density residential planned developments, and single-family detached subdivision" (Comprehensive Plan, p. 63). The Comprehensive Plan lists professional offices as a primary land use in the Regional Center character area. Staff holds that the proposed rezoning along the southern edge of the Regional Center character area is compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan and Future Development Map as a use that will support the surrounding regional uses and align with nearby mixed uses.

**H. The availability of adequate sites for the proposed use in districts that permit such use.**

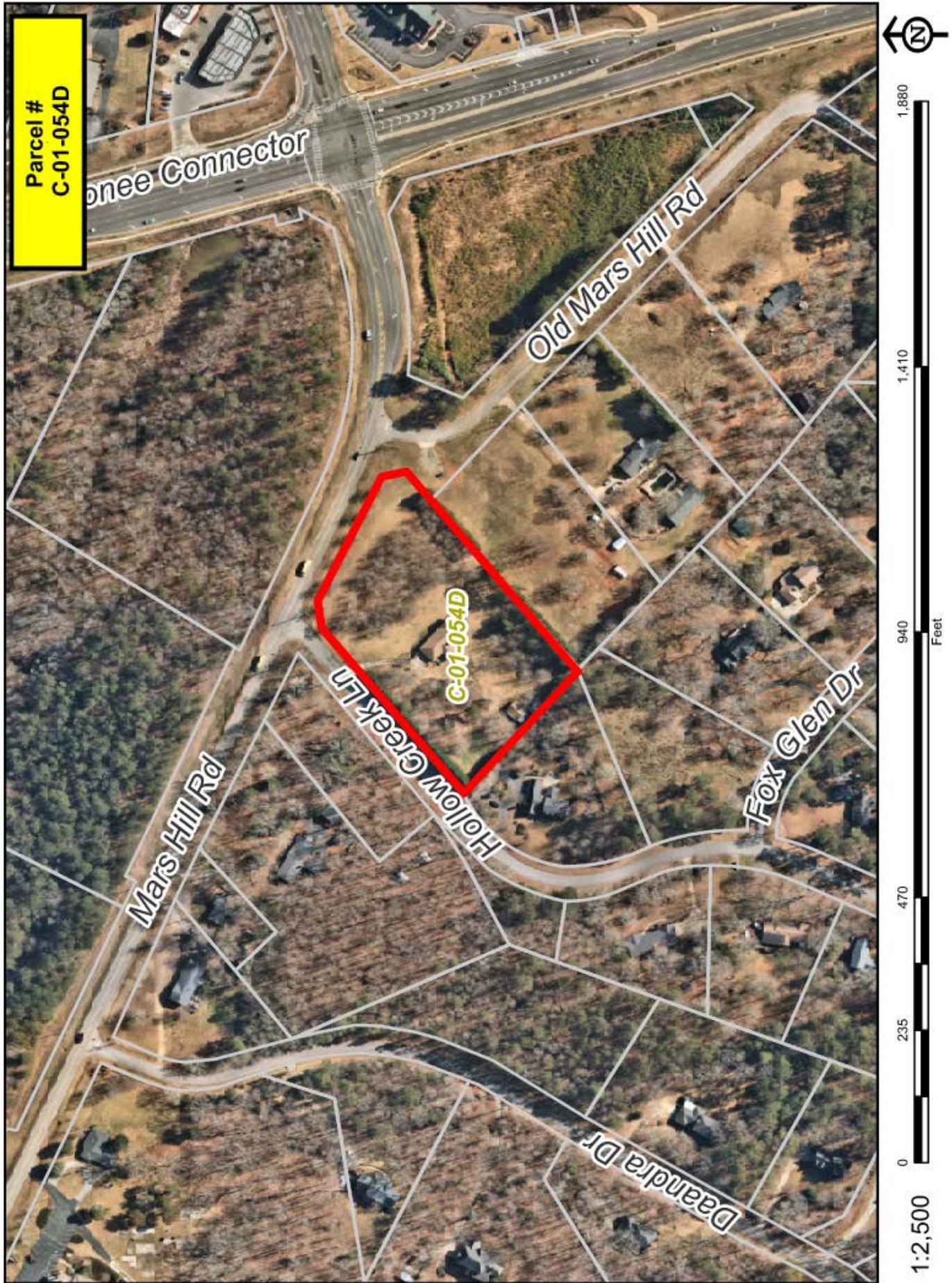
It is likely that other OIP-zoned properties exist in the county that would permit the requested dental office use. However, the OIP office use for the subject parcel aligns with the surrounding zoning patterns.

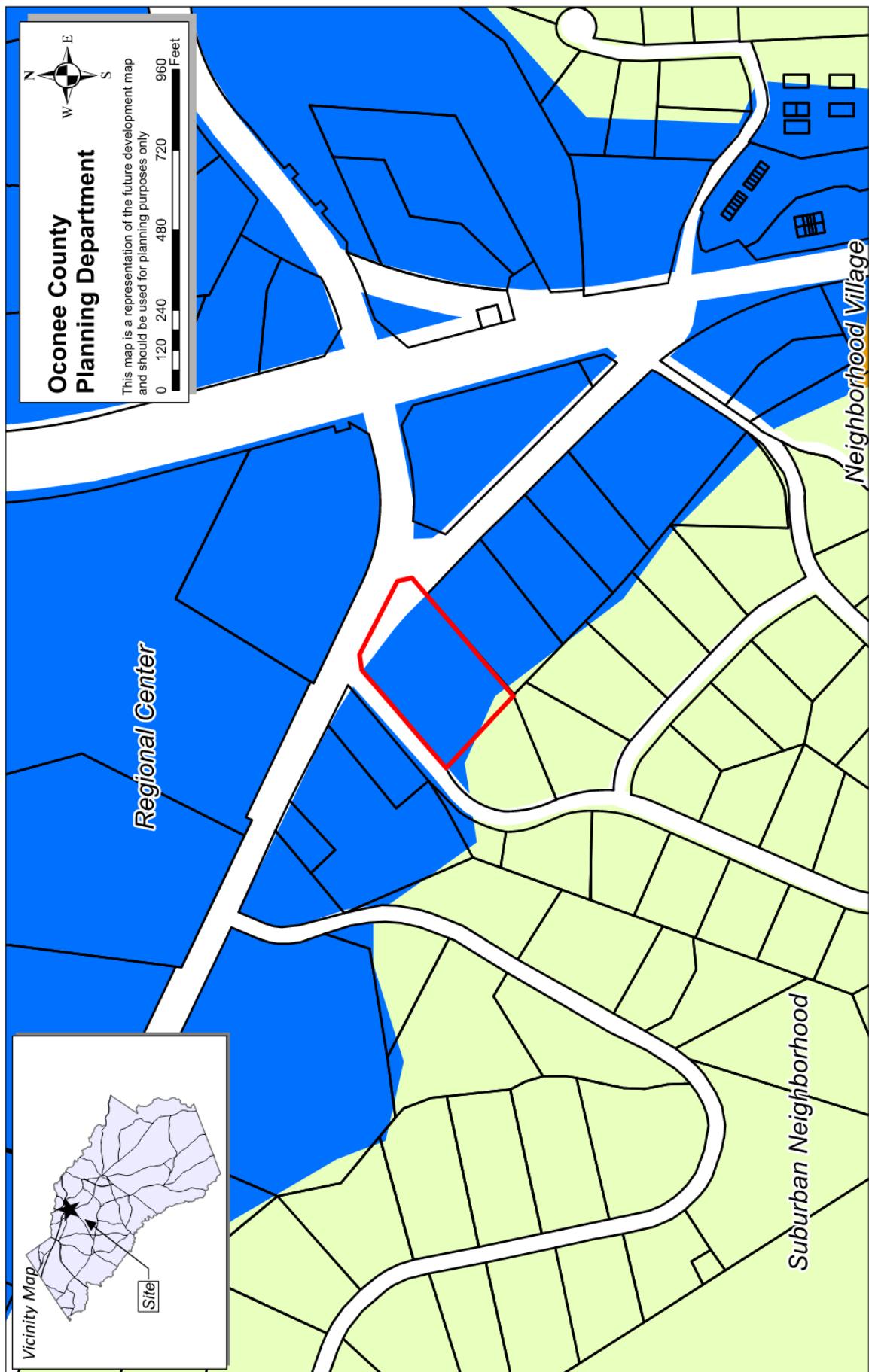
**STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:**

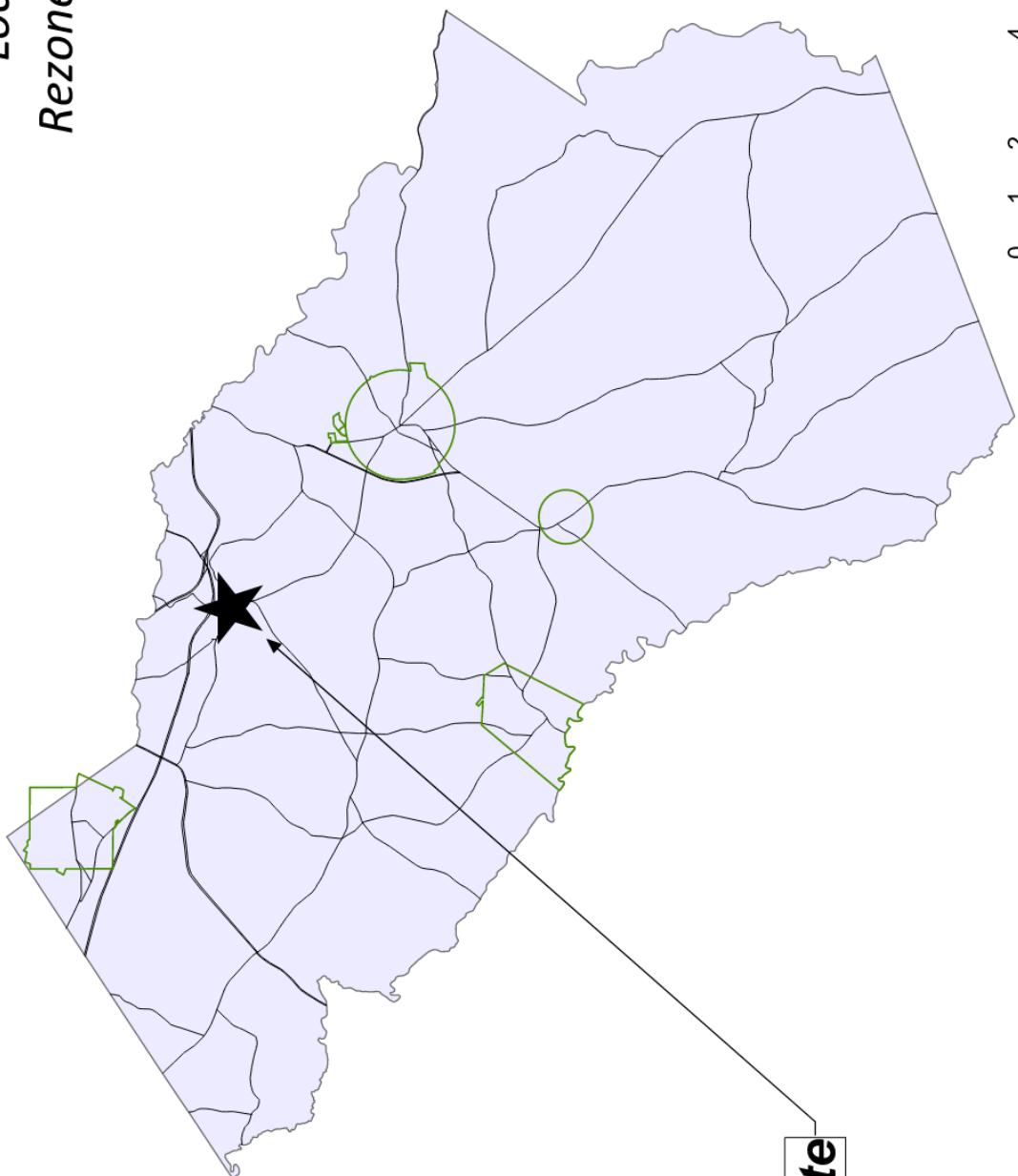
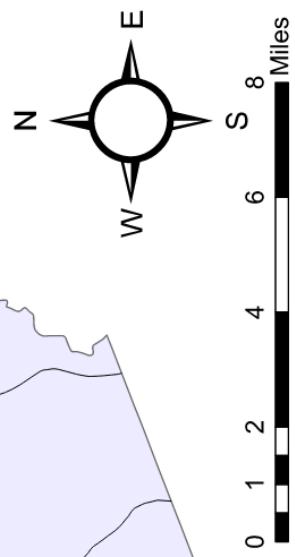
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.

## Rezone # P23-0073 - Stephen Hale

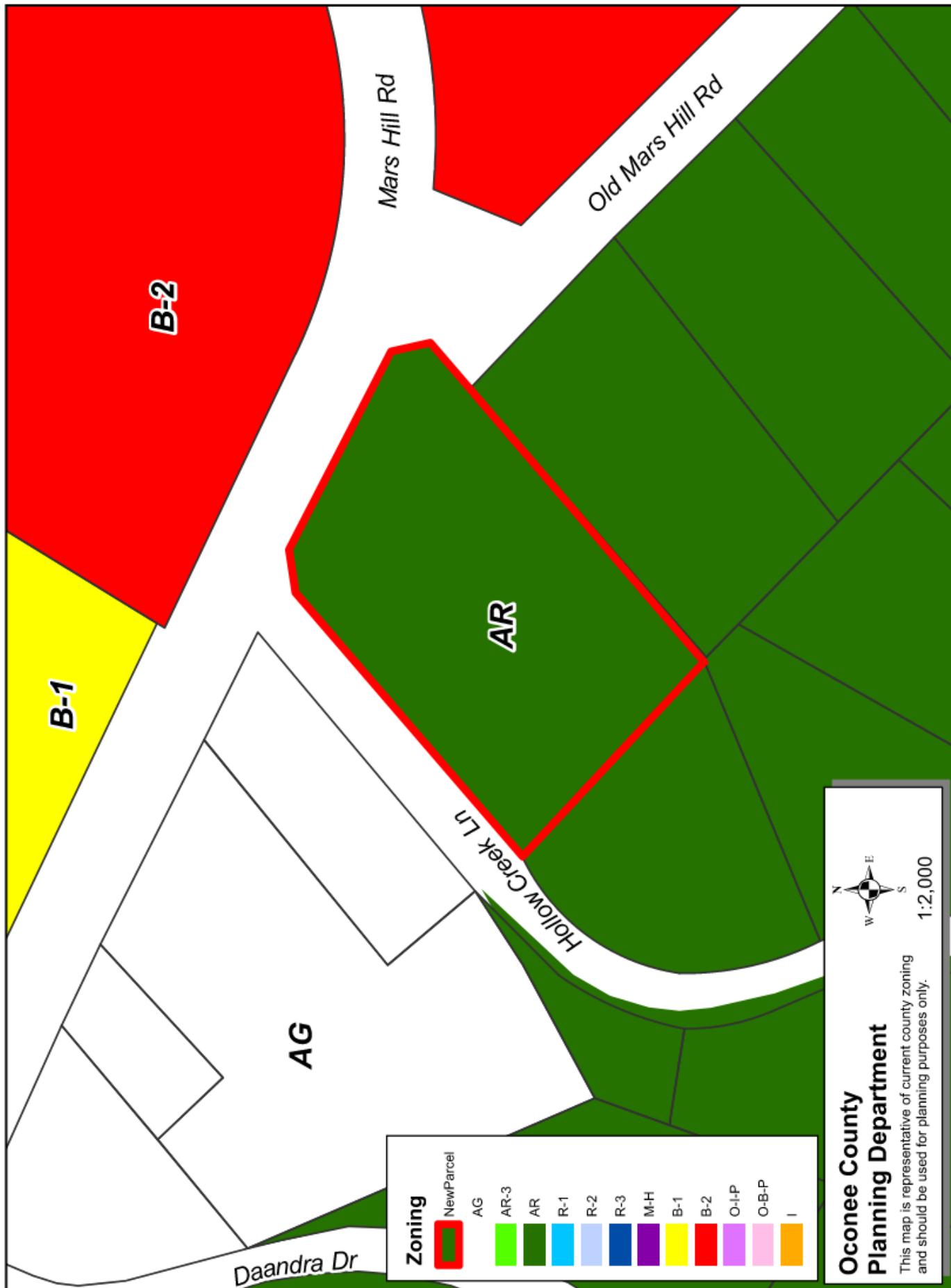




*Location Map -  
Rezone # P23-0073  
Steven Hale*



1:120,000



**Oconee County  
Planning Department**

This map is representative of current county zoning  
and should be used for planning purposes only.

1:2,000



# OCONEE COUNTY ZONING CHANGE APPLICATION

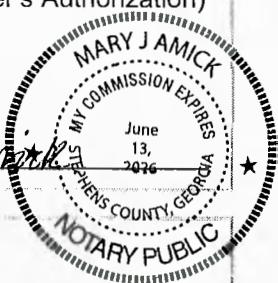
**Requested Action:**

Rezoning from: AR to OIP       Change in Conditions of Approval for Case # \_\_\_\_\_

Special Use Approval for: \_\_\_\_\_ in the \_\_\_\_\_ Zoning District

**Applicant**
**Name:** DUO G&G LLC
**Address:** 1031 Waverly Ridge Pte  
(No P.O. Boxes)  
Watkinsville, Ga 30677
**Telephone:** 706-461-3000
**Email:** beautifulsmiles2470@gmail.com
**Applicant is** (check one):  the Property Owner  Not the Property Owner (attach Property Owner's Authorization)

**Applicant's Certification:** I hereby certify that the information contained in and attached to this application is true and correct.

**Signature:** Mary Lynn Nail
**Date:** 1-9-23
Mary Lynn Nail as managing member of DUO G&G, LLC
**Property**
**Location:** 2521 Mars Hill Road
(Physical Description)
**Tax Parcel Number:** C 01 054D
**Size (Acres):** 3.05    **Current Zoning:** AR
**Future Development Map—Character Area Designation:** Regional Center
**Use**
**Current Use:** Single Family Residence
**Proposed Use:** Dental Office

**Attachments** (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Zoning Impact Analysis
- Narrative (Detailed Description of the Request)
- Concept Plan
- Attachments to the Concept Plan:
  - Water and/or Sewer Capacity Letter from OCUD
  - Representative Architecture/Photographs
- Proof all property taxes paid in full
- Other Attachments: \_\_\_\_\_

*For Oconee County Staff Use Only*

**Application**    Date Received: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

DRI Transmitted to RDC  Date: \_\_\_\_\_  N/A

Date Submitted: \_\_\_\_\_  Findings Complete

Posted: \_\_\_\_\_ Ad: \_\_\_\_\_ Ad: \_\_\_\_\_

Application Withdrawn  Date: \_\_\_\_\_

**APPLICATION NUMBER** \_\_\_\_\_

**Action**    **Planning Commission** Date: \_\_\_\_\_

Approval  With Conditions  Denial

**Board of Commissioners** Date: \_\_\_\_\_

Approved  With Conditions  Denied

LP  
V  
LP  
DOC# 005974  
FILED IN OFFICE  
10/3/2017 11:35 AM  
BK:1405 PG:629-630  
ANGELA ELDER-JOHNSON  
CLERK OF SUPERIOR  
COURT  
OCONEE COUNTY

*Angela Elder-Johnson*

Record and Return to:  
Lueder, Larkin & Hunter, LLC  
1045 S. Milledge Avenue; Ste 100  
Athens, GA 30605

REAL ESTATE TRANSFER TAX  
PAID: \$0.00

PT-61 108-2017-001690

\*\*\*\*DEED PREPARATION ONLY – NO TITLE EXAMINATION PERFORMED\*\*\*\*

Clerk: Please cross-reference Deed Book 8, pg. 255; Oconee County GA Deed Records

**LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF ATHENS-CLARKE

THIS INDENTURE, made this 2nd day of October, 2017, between

NELLIE F. HALE

as party or parties of the first part, hereinafter called Grantor, and

NELLIE F. HALE, STEVEN LAMAR HALE, and DAVID RAYMOND HALE,  
As Joint Tenants with Rights of Survivorship and Not as Tenants in Common

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

ALL THAT LOT OR PARCEL OF LAND, containing 2.736 acres, more or less, situate, lying and being on Bogart-Watkinsville Road, paved, and on an unpaved road, same being a corner lot, bounded now or formerly on the northeast by said paved road, southeast and southwest by lands of W.C. Lanier and Nellie Y. Lanier and northwest by said unpaved road, and having such shape, metes, courses and distances as will more fully appear by reference to a plat thereof made by Ben McLeroy and Associates, Surveyors, dated March 17, 1972, and recorded in Plat Book 4, page 14, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being part of the same property conveyed to Billy R. Hale and Nellie F. Hale by virtue of a Warranty Deed dated March 31, 1972, from W.C. Lanier and Nellie Y. Lanier, as recorded April 5, 1972 by the Oconee County Georgia Clerk of Superior Court.

Said property being currently known as 2521 Mars Hill Road; Watkinsville, Georgia 30677, according to the present system for numbering addresses in Oconee County, Georgia. Said property also being currently assigned Map/parcel # C01 054D by the Oconee County, Georgia Tax Assessor.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

LINK 7  
1405/629

*N. F. H*

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered  
in the presence of:

GRANTOR:

Andy Kunkford  
Unofficial Witness

Laurie P. Lunsford  
Notary Public  
My Commission Expires: 10/06/2021  
[Notary Seal]

Nellie F. Hale (SEAL)  
NELLIE F. HALE



DOC # 000539  
FILED IN OFFICE  
2/9/2015 10:15 AM  
BK #1270 PG#329-330  
ANGELA ELDER-JOHNSON  
CLERK OF SUPERIOR  
COURT  
OCONEE COUNTY

OCONEE COUNTY, GEORGIA  
Real Estate Transfer Tax

Paid \$ 0  
Date: 2/9/2015  
Angela Elder-Dooley  
Clerk of Superior Court  
PT-61 108-2015-139

**QUITCLAIM DEED**

*Georgia, Oconee County.*

THIS INDENTURE, made this 3rd day of February, 2015, between Oconee County, Georgia, a political subdivision of the State of Georgia, herein "Grantor", and Billy R. Hale and Nellie F. Hale, of Oconee County, Georgia, herein "Grantees",

WITNESSETH, that the Grantor, in consideration of exchange of property and Ten and No/100 (\$10.00) and all other valuable considerations, receipt of which is hereby acknowledged, has bargained and sold, and by these presents does remise, release and forever quit claim to the Grantees, their heirs, executors, administrators and assigns, all the right title, interest, claim or demand the Grantor, has or may have had in and to the following described property, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

This conveyance was authorized by action of the Board of Commissioners of Oconee County at its regularly scheduled meeting on February 3, 2015.

TO HAVE AND TO HOLD the said property, with all the rights, members and appurtenances thereto in anywise appertaining or belonging to the Grantees, their heirs, executors, administrators and assigns;

IN WITNESS WHEREOF, the Grantor, acting by and through its duly authorized officers, has hereto set its hand, affixed its seal and delivered these presents, the date first above written.

Signed, sealed and delivered  
in the presence of:

Kelly Hayes  
Witness

Angela Helwig  
Notary public.



OCONEE COUNTY BOARD OF  
COMMISSIONERS

BY: G. Melvin Davis  
G. Melvin Davis, Chairman Oconee  
County Board of Commissioners

ATTEST: Jane Greathouse  
Jane Greathouse, County Clerk



**EXHIBIT A**

All that tract or parcel of land lying and being in the 1331<sup>st</sup> G.M.D. Oconee County Georgia. Said tract is located on the South side of Mars Hill Road, West of the intersection with Epps Bridge Road. Said tract is further described in a plat of survey by ABE Consulting, Inc., dated 06-24-2014, and certified by Stacy C. Carroll, Georgia R.L.S. #2729.

Starting at Point of Commencement No. 1, the centerline intersection of Mars Hill Road and Old Mars Hill Road, thence S 51°35'53" W a distance of 91.62' to a computed point on the proposed right of way of Old Mars Hill Road, Point of Beginning No. 1; thence S 48°47'58"W a distance of 68.00' to a 2" open top pipe found; thence with a curve turning to the left with an arc length of 288.70', with a radius 1942.45', with a chord bearing of N 50°44'08"W, with a chord length of 288.44' to a computed point that is S 55° 05'42"E 11.38' from a 3/4" rebar found; thence N 82°09'11"E a distance of 30.03' to a computed point on the proposed right of way of Mars Hill Road; thence S 64°30'29"E a distance of 206.10' to a computed point on the proposed right of way of Mars Hill Road; thence with a curve turning to the left with an arc length of 40.90', with a radius of 653.14', with a chord bearing of S 66°18'06"E, with a chord length of 40.90' to a computed point on the proposed right of way of Mars Hill Road; thence S 30°03'21"E a distance of 42.42' to Point of Beginning No. 1, having an area of 0.324 Acre (14,097 square feet).

**IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA**

IN RE: ESTATE OF )  
NELLIE FRANCES PORTER HALE, )  
DECEASED )  
ESTATE NO. H-567

## LETTERS TESTAMENTARY

*[Relieved of Filing Returns]*

At a regular term of Probate Court, the Last Will and Testament dated November 4, 2020, of the above-named Decedent, who was domiciled in this County at the time of her death was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that Steven L. Hale, named as Executor in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor.

THEREFORE, the Executor, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of Executor under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 29 day of November, 2022.

  
Michael W. Dunn  
Judge of the Probate Court

*NOTE: The following must be signed if the  
Judge does not sign the original of  
this document:*

Issued by: [Seal]

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## Clerk of the Probate Court

IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
 )  
NELLIE FRANCES PORTER HALE, ) ESTATE NO. H-567  
DECEASED )

**PETITION TO PROBATE WILL IN SOLEMN FORM**

The Petition of Steven L. Hale, whose physical and mailing address is 561 Wilson Cemetery Road, Nicholson, Jackson County, Georgia 30565, shows to the Court the following:

1.

Nellie Frances Porter Hale A/K/A Nellie F. Hale whose place of domicile was 2521 Mars Hill Road, Watkinsville, Oconee County, Georgia 30677, departed this life on September 2, 2022.

2.

While alive, Decedent duly made and published a Last Will and Testament dated November 4, 2020, which is herewith offered for probate in Solemn Form as the Decedent's "Will". The named Executor is Steven L. Hale (A/K/A Steve L. Hale).

3.

Listed below are all of the Decedent's heirs at law, with age or majority status, address and relationship to the Decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
Steven L. Hale	Over 18	561 Wilson Cemetery Road, Nicholson, GA 30565	Son
David R. Hale	Over 18	2521 Mars Hill Road, Watkinsville, GA 30677	Son

4.

**Required:** [Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the names of any deceased heirs, the name and address of his or her Personal Representative, if any, and include the date of death for each. [See instructions for further clarification.] Also, state here all pertinent facts that may govern the method of giving notice to any party and that may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews

DATE FILED 11/18/22  
TIME 1:30 pm  
CLERK / JUDGE SP

*or nieces of the Decedent, indicate the deceased ancestor through whom they are related to the Decedent. If any executor nominated in the Will has a priority equal to or higher than the Propounder but will not qualify, indicate the name and reasons.]*

All the heirs of the Decedent are listed herein. Decedent was predeceased by her husband, Billy Raymond Hale. Decedent had two children, Steven L. Hale and David R. Hale. There were no other children born or adopted by Decedent.

5.

*[Initial one]*

SA (a) **To the knowledge of the Petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other Probate Court in this State or any other state.**

\_\_\_\_\_ (b) The probate of another purported Will of the Decedent is pending in the State of \_\_\_\_\_, in the \_\_\_\_\_ County \_\_\_\_\_ Court. The name(s) and address(es) of the Propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported Will to whom notice is required under O.C.G.A. § 53-5-22 (b) are listed on the attachment hereto, as Exhibit “\_\_\_\_,” which is expressly made a part hereof, as if fully set forth herein.

\_\_\_\_\_ (c) An Administration is pending in the State of \_\_\_\_\_, in the \_\_\_\_\_ County \_\_\_\_\_ Court. The name(s) and address(es) of each Petitioner and the name(s) and address(es) of any appointed Administrator(s), if any, are listed on the attachment hereto, as Exhibit “\_\_\_\_,” which is expressly made a part hereof, as if fully set forth herein.

6.

*[Initial all that apply; however, please note that this form may not be appropriate if the Petitioner(s) is/are seeking the appointment of a Testamentary Guardian, which requires notice to the relatives of the Decedent's minor child(ren) pursuant to O.C.G.A. § 29-2-4.]*

At the time of the Decedent's death, and at this time, the Decedent left (a) minor child(ren) and the Will names a Testamentary Conservator.

\_\_\_\_\_ (a) The Will names a Testamentary Conservator of (a) minor child(ren) of the Decedent. At the time of the Decedent's death, he/she had (a) minor child(ren) and there is/are no court-appointed Conservator(s); the following individual(s) is/are named as Testamentary Conservator(s) in the Decedent's Will:

Name	Address
_____	_____
_____	_____

\_\_\_\_\_  
(b) The Will names a Testamentary Conservator of (a) minor child(ren) of the Decedent. At the time of the Decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed Conservator(s), who is/are identified as follows: *[NOTE, if named Testamentary Conservator(s) and court-appointed Conservator(s) are different.]*

Name Address

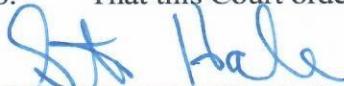
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Additional Data: *[Where full particulars are lacking, state here the reasons for any such omission.]*

WHEREFORE, Petitioner prays:

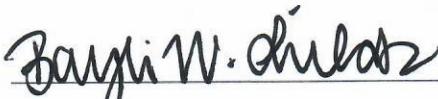
1. Leave to prove said Will in Solemn Form;
2. That due and legal notice be given as the law requires;
3. That said Will be admitted to record on proper proof;
4. That Letters of Testamentary Conservatorship issue, if applicable;
5. That Letters Testamentary issue; and
6. That this Court order such other relief as may be proper under the circumstances.



\_\_\_\_\_  
Signature of Petitioner

Steven L. Hale  
561 Wilson Cemetery Road  
Nicholson, GA 30565  
706.338.8658

Signature of Attorney



\_\_\_\_\_  
Printed Name of Attorney Bayli W. Fields

Address

\_\_\_\_\_  
Fields Elder Law & Estate Planning

\_\_\_\_\_  
1431 Capital Avenue, Suite 115

\_\_\_\_\_  
Watkinsville, GA 30677

Telephone Number

\_\_\_\_\_  
(706) 449-0874 State Bar # 896779

## VERIFICATION

### GEORGIA, OCONEE COUNTY

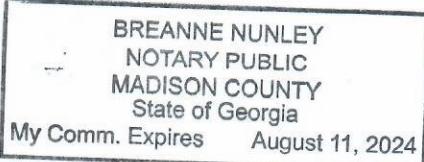
Personally appeared before me the undersigned petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing petition to probate will in solemn form (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this  
10<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
Signature of Petitioner

Breanne Nunley  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires: August 11, 2024

Steven L. Hale  
Printed Name of Petitioner



IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
 )  
NELLIE FRANCES PORTER HALE, ) ESTATE NO. \_\_\_\_\_  
DECEASED )  
 )

**ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PROBATE INSTANTER**

The undersigned, being 18 years of age or older, laboring under no legal disability, and being an heir of the above-named Decedent, hereby acknowledges service of a copy of Petition to Probate the Will in Solemn Form, purported Will, and notice, waives copies of same, waives further service and notice, and hereby assents to the probate of said Will in Solemn Form instanter.

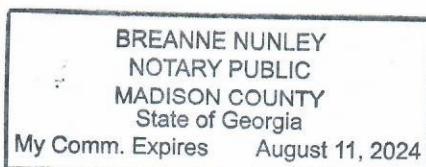
Sworn to and subscribed before me this

10<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
Signature of Heir

Breanne Nunley  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires: August 11, 2024

Steven L. Hale  
\_\_\_\_\_  
Printed Name of Heir



IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
 )  
NELLIE FRANCES PORTER HALE, ) ESTATE NO. H-567  
DECEASED )

**ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PROBATE INSTANTER**

The undersigned, being 18 years of age or older, laboring under no legal disability, and being an heir of the above-named Decedent, hereby acknowledges service of a copy of Petition to Probate the Will in Solemn Form, purported Will, and notice, waives copies of same, waives further service and notice, and hereby assents to the probate of said Will in Solemn Form instanter.

Sworn to and subscribed before me this  
14<sup>th</sup> day of November, 2022.

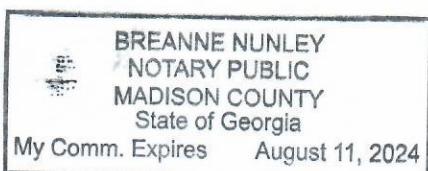


Signature of Heir

Breanne Nunley  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires: August 11, 2024

David R. Hale

Printed Name of Heir



IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
 )  
NELLIE FRANCES PORTER HALE )  
DECEASED/MINOR/ADULT WARD )  
 )  
ESTATE NO. H-567 )

**OATH**

*[Initial applicable]*

*[Strike through those portions in parenthesis that are not applicable.]*

**(EMERGENCY)(TEMPORARY)(TESTAMENTARY) GUARDIAN'S OATH**

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (emergency)(temporary)(testamentary) guardian of the minor/adult ward named above.

**(EMERGENCY)(TESTAMENTARY) CONSERVATOR'S OATH**

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (emergency)(testamentary) conservator of the minor/adult ward named above and faithfully account to the minor/adult ward named above for his or her estate.

**TEMPORARY ADMINISTRATOR'S OATH - O.C.G.A. § 53-6-32**

I do solemnly swear (or affirm) that the deceased died (testate)(intestate) and with an estate that is currently unrepresented, so far as I know or believe, and that I will well and truly administer on all the estate of the deceased and discharge to the best of my ability all my duties as temporary administrator. So help me God.

**ADMINISTRATOR'S OATH - O.C.G.A. § 53-6-24**

I do solemnly swear (or affirm) that the deceased died intestate, so far as I know or believe and that I will well and truly administer the estate in accordance with the laws of Georgia. So help me God.

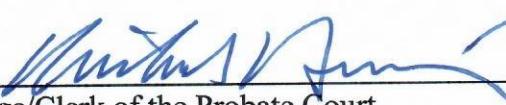
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**(ADMINISTRATOR WITH WILL ANNEXED) (EXECUTOR'S) OATH - O.C.G.A. § 53-6-16**

I do solemnly swear (or affirm) that this writing contains the true last will of the deceased, so far as I know or believe and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

Sworn to and subscribed before me this

29 day of November, 2021.

  
Judge/Clerk of the Probate Court

  
Fiduciary's Signature

  
Printed Name of Fiduciary

IN THE PROBATE COURT OF OCONEE COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
 )  
NELLIE FRANCES PORTER HALE, ) ESTATE NO. H-567  
DECEASED )

**ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN SOLEMN FORM**

An alleged Last Will and Testament dated November 4, 2020, was propounded. Steven L. Hale was nominated Personal Representative by the Testator. The Court finds that the Decedent died domiciled within the above County. The Court further finds that all the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will is self-proving.

ACCORDINGLY, IT IS ORDERED that the Will dated November 4, 2020, is established as the Last Will and Testament of the Decedent ("the Decedent's Will"); that the Will be admitted to record as proven in Solemn Form; and, that the nominated Executor named above has leave to qualify as Personal Representative by taking the required oath, after which Letters Testamentary shall issue. The Clerk shall serve the Personal Representative with copies of this Order and the Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representative shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that: *[initial all that apply]*

(a) An inventory shall be filed.  
 (b) Annual returns shall be filed.  
 (c) Letters of Testamentary Conservatorship shall issue to \_\_\_\_\_.

(d) Letters of Testamentary Guardianship shall issue to \_\_\_\_\_.

SO ORDERED this 18 day of November, 2022.

DATE FILED 11-18-22  
TIME 3:00 PM  
CLERK / JUDGE JFK

  
Judge of the Probate Court

**LAST WILL AND TESTAMENT  
OF  
NELLIE F. HALE**

I, NELLIE F. HALE, of Oconee County, Georgia, make this my Last Will and Testament, and I revoke all Wills and Codicils previously made by me.

**ARTICLE I.  
Identification**

I have two children, STEVE L. HALE and DAVID R. HALE. Accordingly, all references in this Will to "my children" are to them. In addition, all references in this Will to "my descendants" are to my children and to all their respective descendants.

**ARTICLE II.  
Specific Gifts**

I bequeath certain items of property as provided under the terms of a list which I anticipate preparing and attaching to this Will. It is my intention to update this list from time to time; so long as it is executed and attested in such a manner as to constitute a valid codicil to this Will, it shall be considered such; and, if it is so considered, I direct the Executor to be bound by it in making distributions of such property.

All the remainder of my household furniture and furnishings, books, pictures, objects of art, silverware, jewelry, clothing and other such personal effects, and any automobiles and boats I may own at the time of my death and not otherwise disposed of pursuant to the above paragraph, I bequeath equally between my children who survive me.

**ARTICLE III.  
Residue**

I devise and bequeath all the residue of my estate to my son David R. Hale to be held in accordance with the David R. Hale Trust established in Article IV below, if he survives me. If David R. Hale does not survive me, I devise and bequeath all the residue of my estate to my son Steve L. Hale, per stirpes. If neither Steve L. Hale nor any of his descendants survive me, I devise and bequeath such property to those persons who would be entitled to take such my property under the laws of descent and distribution of the State of Georgia.

**ARTICLE IV.  
David R. Hale Trust**

**A. Applicability.** Any share of this Trust that is to be distributed to my son David R. Hale must be held by my Trustee for his benefit.

**B. Distributions.** My Trustee shall distribute to David R. Hale such amounts of the income and principal of such trust as my Trustee, in my Trustee's absolute and uncontrolled

discretion, deems desirable from time to time to provide for David R. Hale's health, support, maintenance or education, directly and without the interposition of any guardian or conservator.

**C. Termination.** This Trust shall terminate upon David R. Hale's death. Upon the termination of this trust, any remaining property shall be distributed to the estate of David R. Hale.

#### **ARTICLE V.** **Contingent Trusts**

**A. Applicability.** Any share of my estate that is to be distributed to a person who is under the age of 30 (referred to herein as the "Beneficiary") may be held by my Trustee as a separate trust for the benefit of such Beneficiary.

**B. Distributions.** My Trustee shall distribute to the Beneficiary of each trust such amounts of the income and principal of such trust as my Trustee, in my Trustee's absolute and uncontrolled discretion, deems desirable from time to time to provide for such Beneficiary's health, support, maintenance or education, directly and without the interposition of any guardian or conservator.

**C. Termination.** Each trust created by this Article for a Beneficiary who is under age 30 shall terminate when such Beneficiary attains that age. Upon the termination of a trust created by this Article, the remaining property of such trust shall be distributed to the Beneficiary of such trust, but if a Beneficiary dies before the termination of such Beneficiary's trust, then upon such Beneficiary's death the remaining property of such trust shall be distributed to such Beneficiary's estate.

#### **ARTICLE VI.** **Supplemental Needs Trusts**

**A. Applicability.** Any share of my estate that is to be distributed to a Supplemental Needs Person (referred to herein as the "Supplemental Needs Beneficiary") must be held by my Trustee as a separate trust for the benefit of such Supplemental Needs Beneficiary. If a Beneficiary under this Will is eligible to have his or her share of my estate held in a Contingent Trust pursuant to Article V or the trust established under Article IV of my Will and a Supplemental Needs Trust pursuant to this Article, this Article will control. Such property will be administered pursuant to the terms of this Supplemental Needs Trust Article.

**B. Supplemental Needs Beneficiary Defined.** A "Supplemental Needs Beneficiary" refers to a beneficiary under this Will who:

- (1) is disabled as defined in United States Code Title 42, Section 1382c(a)(3), or under the law of the Supplemental Needs Beneficiary's domicile related to means-based government programs; or
- (2) is receiving, or is eligible to receive, assistance or other benefits under a

means-based government program (such as Medicaid or Supplemental Security Income). The term “assistance” means assistance or medical assistance as defined in United States Code Title 42, Section 1396d(a), or under Georgia law related to means-based government programs, and in particular Section 49-4-141(5) of the Georgia Code.

**C. Distributions of Income and Principal.** The Trustee shall collect income and, after deducting all charges and expenses attributed thereto, may apply for Supplemental Needs Beneficiary’s benefit, in-kind, or in cash, so much of the income and principal (even to the extent of the whole) as the Trustee deems advisable in the Trustee’s sole discretion, subject to the limitations set forth below. The Trustee shall add the balance of net income not paid or applied to the principal of the Supplemental Needs Trust.

(1) **Maximize Benefits.** Consistent with the purpose of the Supplemental Needs Trust, before expending any amounts from the net income and/or principal of this trust, the Trustee shall consider the availability of all benefits from government or private assistance programs for which Supplemental Needs Beneficiary may be eligible. The Trustee, where appropriate and to the extent possible, shall endeavor to maximize the collection and facilitate the distribution of these benefits for Supplemental Needs Beneficiary’s benefit.

(2) **No Reduction in Benefits.** None of the income or principal of the Supplemental Needs Trust shall be applied in such a manner as to supplant, impair or diminish any governmental benefits or assistance for which Supplemental Needs Beneficiary may be eligible or which Supplemental Needs Beneficiary may be receiving.

(3) **No Assignment.** Supplemental Needs Beneficiary shall not have the power to assign, encumber, direct, distribute or authorize distributions from the Supplemental Needs Trust.

(4) **No Reimbursement.** The Trustee shall not pay or reimburse any amounts to any governmental agency or department, unless proper demand is made by such governmental agency and reimbursement is required by the state.

(5) **Supplemental Needs Trust Savings Clause.** Notwithstanding any provision to the contrary, in the event that the Supplemental Needs Trust is challenged or faces imminent invasion by any governmental department or agency in such a way as to affect Supplemental Needs Beneficiary’s eligibility for benefits available under any governmental program, the Trustee is empowered to amend the trust so as to maintain Supplemental Needs Beneficiary’s eligibility for benefits under such governmental program.

**D. Supplemental Needs Defined.** “Supplemental needs” refers to the requisites for maintaining the good health, safety, and welfare of Supplemental Needs Beneficiary when, in the sole discretion of the Trustee, such requisites are not being provided by any public agency, office, or department of any state or of the United States.

Supplemental needs shall also include, but not be limited to, medical and dental expenses, annual independent checkups, clothing and equipment, programs of training, education, treatment and rehabilitation, private residential care, transportation (including vehicle purchases), maintenance, insurance, and essential dietary needs. Supplemental needs may include spending money; additional food; clothing; electronic equipment such as radio, recording and playback, television and computer equipment; camping; vacations; athletic contests; movies; trips; and money to purchase appropriate gifts for relatives and friends.

The Trustee shall have no obligation to expend trust assets for such needs, but if the Trustee, in the Trustee's sole discretion, decides to expend trust assets, under no circumstances should any amounts be paid to, or reimbursed to, the federal government, any state, or any governmental agency for any purpose, including for the care, support, and maintenance of Supplemental Needs Beneficiary.

**E. Objective to Promote Independence of Supplemental Needs Beneficiary.**

While actions are in the Trustee's sole discretion, the Trustee should be mindful that it is my wish that Supplemental Needs Beneficiary live as independently, productively, and happily as possible.

**F. No Seeking Order to Distribute.** For purposes of determining Supplemental Needs Beneficiary's state Medicaid program equivalent eligibility, no part of the principal or undistributed income of the Supplemental Needs Trust may be considered available to Supplemental Needs Beneficiary. The Trustee will deny any request by Beneficiary to:

(1) release principal or income of the trust to or on behalf of Supplemental Needs Beneficiary to pay for equipment, medication, or services that the state Medicaid program equivalent would provide if the trust did not exist; or

(2) petition a court or any other administrative agency for the release of trust principal or income for this purpose.

The Trustee may, in its sole discretion, take necessary administrative or legal steps to protect Supplemental Needs Beneficiary's state Medicaid program eligibility, including obtaining a ruling from a court of competent jurisdiction that the trust principal is not available to Supplemental Needs Beneficiary for purposes of determining eligibility. Expenses for this purpose, including reasonable attorney's fees, are a proper charge to Supplemental Needs Beneficiary's Supplemental Needs Trust.

**G. Indemnification of Trustee When Acting in Good Faith.** The Trustee shall be indemnified from the trust property for any loss or reduction of public benefits sustained by Supplemental Needs Beneficiary as a result of the Trustee exercising, in good faith, the authority granted to the Trustee under this Article.

**H. Termination and Distribution of Supplemental Needs Trust before Death of Supplemental Needs Beneficiary.** If the Trustee, in its sole discretion, determines that Supplemental Needs Beneficiary is no longer dependent on others and is able to provide

independent support, the Trustee shall distribute or retain the remaining Supplemental Needs Trust property according to the other provisions of my Will as though the provisions of this Article had not been effective. If the other provisions of my Will do not provide for the distribution or retention of the remaining property, then the Trustee shall distribute the remaining property to Supplemental Needs Beneficiary outright, free of trust.

(1) Independent Support Defined. "Independent support" shall be satisfied at such time as Supplemental Needs Beneficiary has been gainfully employed for thirty-three (33) months of a thirty-six (36) month period immediately preceding the decision to terminate the trust share.

(2) Gainful Employment Defined. The terms "gainful employment" and "gainfully employed" shall be construed to mean such full-time employment that produces sufficient net income to enable Supplemental Needs Beneficiary to contribute not less than 100 percent of the funds (exclusive of other sources of revenue) that are necessary to provide for the independent care, support, maintenance, and education of Supplemental Needs Beneficiary. The Trustee, in its sole discretion, shall determine whether or not Supplemental Needs Beneficiary has satisfied the condition of gainful employment.

**I. Distribution Upon the Death of Supplemental Needs Beneficiary.** Upon the death of Supplemental Needs Beneficiary, the Trustee shall distribute the remaining Supplemental Needs Trust property to those persons who would be entitled to take the Supplemental Needs Beneficiary's property under the laws of decent and distribution of the State of Georgia.

**J. Prohibition Against Supplemental Needs Beneficiary Serving as Trustee.** Notwithstanding any other provision of my Will, under no circumstances may Supplemental Needs Beneficiary serve as Trustee of any share that is being administered for his or her benefit under the provisions of this Supplemental Needs Trust Article.

**K. Limitation on Power to Remove and Replace Trustee.** Notwithstanding any other provision of my Will, Supplemental Needs Beneficiary does not have the power to remove or replace the Trustee of the Supplemental Needs Trust.

**L. Application of Article.** Any decision made by the Trustee under this Article shall be final, controlling and binding upon all beneficiaries subject to the provisions of this Article.

## **ARTICLE VII. Executor and Trustee Nominations**

**A. Executor and Trustee.** I nominate my son STEVE L. HALE to be Executor of my Will and Trustee of all trusts created by my Will. If Steve L. Hale fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, then my granddaughter AMANDA R. STEUCK will serve as Executrix of my Will and Trustee of all trusts created by my Will.

**B. Bond; Unsupervised Administration.** No bond or other security shall be required of my Executor or of my Trustee in any jurisdiction. My Executor shall administer my estate without court supervision, to the extent permitted by state law, and shall not be required to file or make an inventory, return, or report to any court or to the beneficiaries of my estate.

**C. Expenses and Compensation.** Every Executor and Trustee shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's or such Trustee's duties. Every Executor and Trustee shall be entitled to fair and reasonable compensation for services rendered by such Executor or such Trustee in an amount determined in accordance with the Georgia statutory rate prevailing at such time, or if no such statutory rate exists, in an amount not exceeding the customary and prevailing charges for services of a similar character at such time.

**D. Ancillary Executors and Trustees.** If my estate or any trust created by this Will contains property located in another state or a foreign jurisdiction and my Executor or Trustee cannot or chooses not to serve under the laws thereof, my Executor or Trustee shall have the power to nominate an ancillary individual or corporate Executor or Trustee of such property.

**E. Multiple Executors and Trustees.** Unless another meaning is clearly indicated or required by context or circumstances, the term "Executor" or "Trustee" shall also mean and include all persons or entities who may at any time be serving and any Co-Executors, Co-Trustees, alternates, or successors. Except as otherwise specifically provided in this Will, if two or more Executors or Trustees are named or serving hereunder and any one or more, but not all, decline, fail or cease to serve for any reason, then the remaining Executor or Trustee, or Co-Executors or Co-Trustees, as the case may be, shall be nominated or continue to serve in such capacity. In all matters relating to my estate or to any trust created by my Will, the decision of a majority of the Executors or Trustees then serving shall control. Any writing signed by the persons whose decision shall control shall be valid and effective for all purposes as if signed by all such Executors or Trustees.

## **ARTICLE VIII.** **Executor and Trustee Powers**

Each Executor and Trustee shall, to the extent permitted by law, act independently and free from the control of any court as to my estate and as to every trust established under this Will (and as to all of the property of my estate and all of the property of every trust created under this Will). Each Executor and Trustee shall have and possess all powers and authorities conferred by statute or common law in any jurisdiction in which such Executor and Trustee may act, including all powers and authorities conferred by Section 53-12-261 of the Revised Georgia Trust Code of 2010 and by any future amendments thereto, except for any instance in which such powers and authorities may conflict with the express provisions of this Will, in which case the express provisions of this Will shall control. In addition to such powers and authorities, each Executor and Trustee shall have and possess the following powers and authorities (each of which shall be exercisable in the discretion of such Executor or Trustee) with respect to my estate and every trust established hereunder, and the following provisions shall apply to my estate and every trust established under this Will:

(1) To retain, in the discretion of my Executor or Trustee, any property owned by me without regard to the duty to diversify investments under the laws governing my estate or a trust created hereunder and without liability for any depreciation or loss occasioned by such retention;

(2) To exchange, sell or lease (including leases for terms exceeding the duration of all trusts created by this Will) for cash, property or credit, or to partition, publicly or privately, at such prices, on such terms, times and conditions and by instruments of such character and with such covenants as my Executor or Trustee deems proper, all or any part of the properties of my estate or any trust, including real property, and no vendee or lessee shall be required to look to the application of any funds paid to my Executor or Trustee;

(3) To borrow money from any source (including any Executor or Trustee) and to mortgage, pledge, or in any other manner encumber all or any part of the properties of my estate or any trust as may be advisable in the judgment of my Executor or Trustee for the advantageous administration of my estate or any trust;

(4) To make, in the discretion of my Executor or Trustee, any distribution required or permitted to be made to any beneficiary under this Will, or under any trust established by this Will, in any of the following ways when such beneficiary is a minor or is incapacitated: (i) to such beneficiary directly; (ii) to the guardian or conservator of such beneficiary's person or property; (iii) by utilizing the same, directly and without the interposition of any guardian or conservator, for the health, support, maintenance, or education of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform gifts to minors act or a uniform transfers to minors act of any state; (v) by reimbursing the person who is actually taking care of such beneficiary (even though such person is not the legal guardian or conservator) for expenditures made by such person for the benefit of such beneficiary; and (vi) by managing such distribution as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution; and the written receipts of the persons receiving such distributions shall be full and complete acquittances to my Executor or Trustee;

(5) To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of my estate or of any trust; and, in making any such divisions, partitions, or distributions, the judgment of my Executor or Trustee in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive; and, further, my Executor shall be authorized to make distributions from my estate on a non-pro rata basis;

(6) To invest and reinvest the properties of my estate or of any trust in any kind of property whatsoever, real or personal (including oil, gas and other mineral leases, royalties, overriding royalties and other interests), whether or not productive of income

and without regard to the proportion that such property or property of a similar character held may bear to my entire estate or to the entire trust, and to make loans to any beneficiary of any trust with adequate security and at an adequate interest rate; and

(7) To enter into any transaction on behalf of my estate or of any trust (including loans to beneficiaries for adequate security and adequate interest) despite the fact that another party to any such transaction may be (i) a trust of which any Executor or Trustee under this Will is also a trustee, including any trust established by this Will; (ii) an estate of which any Executor or Trustee under this Will is also an Executor, personal representative or administrator, including my estate; (iii) a business or trust controlled by any Executor or Trustee under this Will or of which any such Executor or Trustee, or any director, officer or employee of any such corporate Executor or corporate Trustee is also a director, officer or employee; or (iv) any beneficiary, Trustee, or Executor under this Will acting individually.

## **ARTICLE IX.**

### **Miscellaneous**

**A. Spendthrift Provisions.** Each trust created by this Will shall be a spendthrift trust to the fullest extent allowed by law. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under this Will or under any trust created by this Will shall, voluntarily or involuntarily, be subject to anticipation or assignment by any beneficiary, to the claims of a spouse for alimony, or to attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be void.

**B. Survivorship Provisions.** No person shall be deemed to have survived me if such person shall die within 30 days after my death. Any person who is prohibited by law from inheriting property from me shall be treated as having failed to survive me.

**C. Payment of Debts.** I direct that all of my legal debts, funeral and testamentary expenses, costs and expenses of administration of my estate, and all estate, inheritance, transfer and succession taxes (Federal, State and others) upon or with respect to any property required to be included in my gross estate under the provisions of any law, and whether or not passing hereunder, shall be paid as soon after my death as in the opinion of my Executor is practical and advisable. If at the time of my death any of my property is subject to a mortgage, lien, or other debt, I direct that the devisee taking such property shall take it subject to such mortgage, lien, or other debt, and that such person shall not be entitled to have the obligation secured thereby paid out of my general estate. My Executor is specifically given the right to renew, refinance and extend, in any form that my Executor deems best, any secured or unsecured debt or charge existing at the time of my death. Under no circumstances shall my Executor be required to prepay any debt of mine.

**D. Descendants.** References to "descendant" or "descendants" mean lineal blood descendants of the first, second or any other degree of the ancestor designated; provided, however, such references shall include, with respect to any provision of this Will, descendants who have been conceived at any specific point in time relevant to such provision and who thereafter survive birth; and provided, further, an adopted child and such adopted child's lineal descendants by blood or adoption shall be considered under my Will as lineal blood descendants of the adopting parent or parents and of anyone who is by blood or adoption a lineal ancestor of the adopting parent or of either of the adopting parents.

**E. Incapacitated.** A beneficiary shall be deemed "incapacitated" if my Executor or Trustee, in my Executor's or Trustee's absolute and uncontrolled discretion, determines that such beneficiary lacks the ability, due to a physical or mental condition, to manage his or her own personal and financial affairs. My Executor or Trustee shall be deemed "incapacitated" if and for as long as (i) a court of competent jurisdiction has made a finding to that effect, (ii) a guardian or conservator of such Executor's or Trustee's person or property has been appointed by a court of competent jurisdiction and is serving as such, or (iii) two physicians (licensed to practice medicine in the state where my Executor or Trustee is domiciled at the time of the certification, and one of whom shall be board certified in the specialty most closely associated with the cause of such Executor's or Trustee's incapacity) certify that due to a physical or mental condition my Executor or Trustee lacks the ability to manage his or her own personal and financial affairs. An incapacitated Executor or Trustee shall be deemed to have regained capacity if there is a finding to that effect by a court of competent jurisdiction or if two physicians (with the same qualifications described above) certify that the Executor or Trustee is capable of managing his or her personal and financial affairs.

**F. Governing Law.** The construction, validity and administration of each trust created under this Will shall be controlled by the laws of the State of Georgia. My Trustee may designate the laws of another jurisdiction as the controlling law with respect to the administration of a particular trust if the primary beneficiary of such trust resides in such designated jurisdiction, in which case the laws of such designated jurisdiction shall apply to such trust as of the date specified in such designation. Any such designation shall be in writing and shall be delivered to each beneficiary of the affected trust.

**G. Per Stirpes.** When a distribution is to be made to a person's descendants "per stirpes," property shall be divided into as many equal shares as there are (i) living children of such person, if any, and (ii) deceased children who left descendants who survive such person. Each living child shall receive one share, and the share that would have passed to each deceased child shall be divided in a similar manner (by reapplying the preceding rule) among his or her descendants who survive such person. For example, if a person has deceased children and surviving children when a distribution is to be made, the assets will be divided into equal shares at the child level and distributed per stirpes below that level; however, if the person has no surviving children at such time, that equal division will still be made at the child level and distributed per stirpes below that level. This definition is intended to override any conflicting or contrary common law definition.

IN TESTIMONY WHEREOF, I hereunto sign this, my Last Will and Testament, in the presence of two witnesses, who are acting as witnesses at my request, in my presence and in the presence of each other, on the 4th day of November, 2020.

Nellie F. Hale

NELLIE F. HALE, Testatrix

The foregoing instrument was signed by the Testatrix in our presence and declared by her to be her Last Will and Testament, and we, the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the Testatrix, and in the presence of each other, on the 4th day of November, 2020.

Breanne Nunley

Witness Signature

Alaina M. Steenwark

Witness Signature

## SELF-PROVING AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF OCONEE

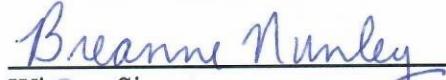
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BEFORE ME, the undersigned authority, on this day personally appeared NELLIE F. HALE, A. BREANNE NUNLEY and ALISA STEWART, known to me to be the testatrix and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said individuals being by me duly sworn, NELLIE F. HALE, testatrix, declared to me and to the witnesses in my presence that said instrument is the last will and testament and that the testatrix had willingly made and executed it as a free act and deed for the purposes expressed therein. The witnesses, each on oath, stated to me in the presence and hearing of the testatrix that the testatrix had declared to them that the instrument is the testatrix's last will and testament and that the testatrix executed the instrument as such and wished each of them to sign it as a witness; and under oath each witness stated further that the witness had signed the same as witness in the presence of the testatrix and at the testatrix's request; that the testatrix was 14 years of age or over and of sound mind; and that each of the witnesses was then at least 14 years of age.



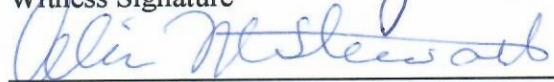
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NELLIE F. HALE, Testatrix



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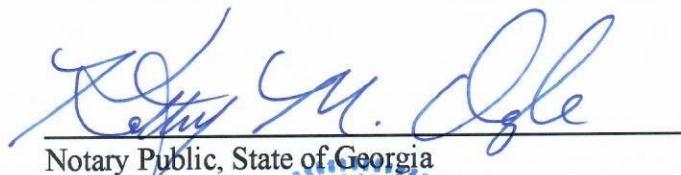
Witness Signature



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Witness Signature

Sworn to and subscribed before me by NELLIE F. HALE, testatrix, and sworn to and subscribed before me by A. BREANNE NUNLEY and ALISA STEWART, witnesses, on the 4th day of November, 2020.



---

Notary Public, State of Georgia



DOC# 005971  
 FILED IN OFFICE  
 10/3/2017 11:35 AM  
 BK:1405 PG:621-624  
 ANGELA ELDER-JOHNSON  
 CLERK OF SUPERIOR  
 COURT  
 OCONEE COUNTY

Record and Return to:  
 Lueder, Larkin & Hunter, LLC  
 1045 S. Milledge Avenue  
 Suite 100  
 Athens, GA 30605  
 \*\*\*\*Document Preparation Only – No Title Examination Performed\*\*\*\*

Clerk: Please cross-reference Deed Book 8, pg. 255; Oconee County GA Deed Records

#### AFFIDAVIT OF DESCENT

STATE OF GEORGIA  
 COUNTY OF ATHENS-CLARKE

The undersigned Affiant, being duly sworn, deposes and says on oath that she was personally acquainted with BILLY R. HALE, DECEASED, over a period of 32+ years, that Affiant was the spouse of said Decedent; that said Decedent died without a valid will, a resident of Oconee County, Georgia, on July 3, 2015, as more particularly described on the certified copy of his death certificate recorded simultaneously herewith, and made a part hereof by reference, and all debts of the estate have been paid and no state or federal estate taxes were due; that said decedent was married one time, as follows:

<u>Name of Spouse</u>	<u>Age</u>	<u>Address</u>
Nellie F. Hale	Over 18	2521 Mars Hill Road; Watkinsville GA 30677

Affiant further says on oath that the following are the children ever born to or adopted by said decedent:

<u>Name of Each Child</u>	<u>Age</u>	<u>Address</u>
1. Steven Lamar Hale	Over 18	561 Wilson Cemetery Rd; Nicholson GA 30565
2. David Raymond Hale	Over 18	2521 Mars Hill Rd; Watkinsville GA 30677

Affiant says on oath that the living persons above named constitute all the heirs at law of said Decedent and that all of said heirs are of age and sound mind.

Affiant further says on oath that she has been familiar over a period of 45 years with a tract of land now owned by Affiant, said land being currently known as 2521 Mars Hill Road; Watkinsville Georgia 30677 according to the present system for numbering addresses in Oconee County, Georgia (said property being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof). Affiant has been familiar with the history of the possession of said property over a period of 45 years and knows that, throughout said period, said property has been continuously used and occupied, personally or through agents and tenants, by said Deceased and by Affiant herein until the date of Deceased's death, at which point Affiant herein continuously used and occupied said property. To Affiant's knowledge, no other person(s), during said period, have occupied or claimed any part of said property adversely to said Affiant and said predecessors in title. Affiant further says that said possession has been open, notorious, continuous, exclusive and uninterrupted throughout said period of time.

Affiant's attention has been directed to the fact that the within affidavit will be relied upon by prospective purchasers, lenders and title insurers dealing with heirs herein named.

So sworn this 2<sup>nd</sup> day of October, 2017.

Sworn to and subscribed before me  
 this 2<sup>nd</sup> day of October, 2017:

  
 (SEAL)  
 Nellie F. Hale, Affiant

  
 Unofficial Witness

  
 Notary Public  
 My Commission Expires: 10/10/2021  
 [Notary Seal]



LINK 4  
 1405/621

"Exhibit A – Legal Description"

ALL THAT LOT OR PARCEL OF LAND, containing 2.736 acres, more or less, situate, lying and being on Bogart-Watkinsville Road, paved, and on an unpaved road, same being a corner lot, bounded now or formerly on the northeast by said paved road, southeast and southwest by lands of W.C. Lanier and Nellie Y. Lanier and northwest by said unpaved road, and having such shape, metes, courses and distances as will more fully appear by reference to a plat thereof made by Ben McLeroy and Associates, Surveyors, dated March 17, 1972, and recorded in Plat Book 4, page 14, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being part of the same property conveyed to Billy R. Hale and Nellie F. Hale by virtue of a Warranty Deed dated March 31, 1972, from W.C. Lanier and Nellie Y. Lanier, as recorded April 5, 1972 by the Oconee County Georgia Clerk of Superior Court.

Said property being currently known as 2521 Mars Hill Road; Watkinsville, Georgia 30677, according to the present system for numbering addresses in Oconee County, Georgia. Said property also being currently assigned Map/parcel # C01 054D by the Oconee County, Georgia Tax Assessor.

Subject to all easements, covenants, and restrictions of record, if any.

## GEORGIA DEATH CERTIFICATE

State File Number 2015GA000039596

1. DECEASED'S LEGAL FULL NAME (First, Middle, Last) <b>BILLY RAYMOND HALE</b>		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX <b>MALE</b>	2a. DATE OF DEATH (Mo., Day, Year) <b>ACTUAL DATE OF DEATH 07/03/2015</b>
3. SOCIAL SECURITY NUMBER  [REDACTED]	4b. AGE (Years)  86	4b. UNDER 1 YEAR Mo. Days Hours Mins.	4c. UNDER 1 DAY	5. DATE OF BIRTH (Mo., Day, Year)  01/17/1929	
6. BIRTHPLACE <b>GEORGIA</b>	7a. RESIDENCE - STATE <b>GEORGIA</b>	7b. COUNTY <b>OCONEE</b>	7c. CITY, TOWN <b>WATKINSVILLE</b>		
7d. STREET AND NUMBER <b>2821 MARS HILL ROAD</b>		7e. ZIP CODE <b>30677</b>	7f. INSIDE CITY LIMITS? <b>NO</b>	8. ARMED FORCES? <b>YES</b>	
8a. USUAL OCCUPATION <b>TOOL AND DYE MAKER</b>		8b. KIND OF INDUSTRY OR BUSINESS <b>CLOCK MANUFACTURING</b>			
9. MARITAL STATUS <b>MARRIED</b>	10. SPOUSE NAME <b>NELLIE PORTER</b>		11. FATHER'S FULL NAME (First, Middle, Last) <b>JASPER LEE HALE</b>		
12. MOTHER'S MARRIED NAME (First, Middle, Last) <b>SARAH MCCUNE</b>	13a. INFORMANT'S NAME (First, Middle, Last) <b>NELLIE HALE</b>		13b. RELATIONSHIP TO DECEASED <b>WIFE</b>		
13c. MAILING ADDRESS <b>2821 MARS HILL ROAD WATKINSVILLE GEORGIA 30677</b>		14. DECEASED'S EDUCATION <b>HIGH SCHOOL GRADUATE OR GED COMPLETED</b>			
15. ORIGIN OF DECEASED (Italian, Mexican, French, English, etc.) <b>NO, NOT SPANISH/HISPANIC/LATINO</b>		16. DECEASED'S RACE (White, Black, American Indian, etc.) (Specify) <b>WHITE</b>			
17a. IF DEATH OCCURRED IN HOSPITAL <b>HOSPICE FACILITY</b>		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify) <b>HOSPICE FACILITY</b>			
18. HOSPITAL OR OTHER INSTITUTION NAME (If not in either give street and no.) <b>GENTIVA HOSPICE IPU</b>		19. CITY, TOWN or LOCATION OF DEATH <b>ATHENS</b>		20. COUNTY OF DEATH <b>CLARKE</b>	
21. METHOD OF DISPOSITION (Specify) <b>BURIAL</b>	22. PLACE OF DISPOSITION <b>EVERGREEN MEMORIAL PARK ATHENS 3885 ATLANTA HIGHWAY ATHENS GEORGIA 30608</b>			23. DISPOSITION DATE (Mo., Day, Year) <b>07/05/2015</b>	
24a. EMBALMER'S NAME <b>HAROLD S PRITCHETT</b>	24b. EMBALMER LICENSE NO. <b>2889</b>	25. FUNERAL HOME NAME <b>BERNSTEIN FUNERAL HOME AND CREMATION SERVICE</b>			
26a. FUNERAL HOME ADDRESS <b>3195 ATLANTA HIGHWAY ATHENS GEORGIA 30606</b>		26b. FUN. DIR. LICENSE NO <b>3453</b>			
26a. SIGNATURE OF FUNERAL DIRECTOR <b>HAROLD S PRITCHETT</b>		26b. FUN. DIR. LICENSE NO <b>RN042875</b>		26c. AMENDMENTS	
27. DATE PRONOUNCED DEAD (Mo., Day, Year) <b>07/03/2015</b>		28. HOUR PRONOUNCED DEAD <b>00:50 MILITARY</b>		29c. DATE SIGNED <b>07/03/2015</b>	
29a. PRONOUNCER'S NAME <b>Connie T Tippett</b>		29b. LICENSE NUMBER <b>NATURAL</b>		29c. DATE SIGNED <b>07/03/2015</b>	
30. TIME OF DEATH <b>00:50 MILITARY</b>		31. WAS CASE REFERRED TO MEDICAL EXAMINER <b>NO</b>			
32. Part I. Enter the chain of events-diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.				Approximate interval between onset and death:	
A. RESPIRATORY ARREST Due to, or as a consequence of <b>multiple pulmonary nodules, suspect metastatic prostate cancer</b>				10 MINUTES	
B. SUSPECTED PROSTATE CANCER WITH BONE-LUNG METASTASES Due to, or as a consequence of				2 YEARS	
C. D.				2 YEARS	
Part II. Enter significant conditions contributing to death but not related to cause given in Part Ia. If female, indicate if pregnant or birth occurred within 90 days of death. <b>NO</b>		33. WAS AUTOPSY PERFORMED? <b>NO</b>		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
35. TOBACCO USE CONTRIBUTED TO DEATH <b>NO</b>		36. IF FEMALE (range 10-54) PREGNANT <b>NOT APPLICABLE</b>		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) <b>NATURAL</b>	
38. DATE OF INJURY (Mo., Day, Year) <b>07/13/2015</b>		39. TIME OF INJURY <b>00:50 MILITARY</b>		40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify) <b>CHARLES LANDIS BRAUCHER 1500 OGLETHORPE AVENUE ATHENS GEORGIA 30606</b>	
41. INJURY AT WORK? (Yes or No)					
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)					
43. DESCRIBE HOW INJURY OCCURRED				44. IF TRANSPORTATION INJURY	
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.) <b>CHARLES LANDIS BRAUCHER, MD, 30728</b>		46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)			
45a. DATE SIGNED (Mo., Day, Year) <b>07/13/2015</b>	45b. HOUR OF DEATH <b>00:50 MILITARY</b>	46a. DATE SIGNED (Mo., Day, Year) <b>07/15/2015</b>	46b. HOUR OF DEATH		
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH <b>CHARLES LANDIS BRAUCHER 1500 OGLETHORPE AVENUE ATHENS GEORGIA 30606</b>				49. DATE FILED - REGISTRAR (Mo., Day, Year) <b>07/15/2015</b>	
48. REGISTRAR (Signature) <b>/S/ DONNA L. MOORE</b>				50. DO NOT FOLD THIS CERTIFICATE	

THIS IS TO CERTIFY THAT THIS IS A TRUE REPRODUCTION OF THE ORIGINAL RECORD ON FILE WITH THE STATE OFFICE OF VITAL RECORDS, GEORGIA DEPARTMENT OF PUBLIC HEALTH. THIS CERTIFIED COPY IS ISSUED UNDER THE AUTHORITY OF CHAPTER 31-10, CODE OF GEORGIA, AND 290-1-3 DPH RULES AND REGULATIONS.



STATE REGISTRAR AND CUSTODIAN  
GEORGIA STATE OFFICE OF VITAL RECORDS

County Custodian: Heather M. Stuck  
Issued by: Heather M. Stuck  
Date Issued: 7/15/15

Any reproduction of this document is prohibited by statute. Do not accept unless embossed with a raised seal.

VOID IF ALTERED OR COPIED

DOC# 005974  
FILED IN OFFICE  
10/3/2017 11:35 AM  
BK:1405 PG:629-630  
ANGELA ELDER-JOHNSON  
CLERK OF SUPERIOR  
COURT  
OCONEE COUNTY

*Angela Elder-Johnson*

Record and Return to:  
Lueder, Larkin & Hunter, LLC  
1045 S. Milledge Avenue; Ste 100  
Athens, GA 30605

REAL ESTATE TRANSFER TAX  
PAID: \$0.00

PT-61 108-2017-001690

\*\*\*\*DEED PREPARATION ONLY – NO TITLE EXAMINATION PERFORMED\*\*\*\*

*Clerk: Please cross-reference Deed Book 8, pg. 255; Oconee County GA Deed Records*

**LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF ATHENS-CLARKE

THIS INDENTURE, made this 2nd day of October, 2017, between

NELLIE F. HALE

as party or parties of the first part, hereinafter called Grantor, and

NELLIE F. HALE, STEVEN LAMAR HALE, and DAVID RAYMOND HALE,  
As Joint Tenants with Rights of Survivorship and Not as Tenants in Common

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

ALL THAT LOT OR PARCEL OF LAND, containing 2.736 acres, more or less, situate, lying and being on Bogart-Watkinsville Road, paved, and on an unpaved road, same being a corner lot, bounded now or formerly on the northeast by said paved road, southeast and southwest by lands of W.C. Lanier and Nellie Y. Lanier and northwest by said unpaved road, and having such shape, metes, courses and distances as will more fully appear by reference to a plat thereof made by Ben McLeroy and Associates, Surveyors, dated March 17, 1972, and recorded in Plat Book 4, page 14, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being part of the same property conveyed to Billy R. Hale and Nellie F. Hale by virtue of a Warranty Deed dated March 31, 1972, from W.C. Lanier and Nellie Y. Lanier, as recorded April 5, 1972 by the Oconee County Georgia Clerk of Superior Court.

Said property being currently known as 2521 Mars Hill Road; Watkinsville, Georgia 30677, according to the present system for numbering addresses in Oconee County, Georgia. Said property also being currently assigned Map/parcel # C01 054D by the Oconee County, Georgia Tax Assessor.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

*N. F. H*

DOC# 005972  
 FILED IN OFFICE  
 10/3/2017 11:35 AM  
 BK:1405 PG:625-626  
 ANGELA ELDER-JOHNSON  
 CLERK OF SUPERIOR  
 COURT  
 OCONEE COUNTY

Record and Return to:  
 Lueder, Larkin & Hunter, LLC  
 1045 S. Milledge Avenue  
 Suite 100  
 Athens, GA 30605  
 \*\*\*\*Document Preparation Only – No Title Examination Performed\*\*\*\*

*Clerk: Please cross-reference Deed Book 8, pg. 255; Oconee County GA Deed Records*

### AFFIDAVIT OF DESCENT

STATE OF GEORGIA  
 COUNTY OF ATHENS-CLARKE

The undersigned Affiant, being duly sworn, deposes and says on oath that he was personally acquainted with BILLY R. HALE, DECEASED, over a period of 60+ years, that Affiant was the son of said decedent; that said Decedent Billy R. Hale died without a valid will, a resident of Oconee County, Georgia, on July 3, 2015, as more particularly described on the certified copy of his death certificate recorded simultaneously herewith, and made a part hereof by reference, and all debts of the estate have been paid and no state or federal estate taxes were due; that said decedent was married one time, as follows:

<u>Name of Spouse</u>	<u>Age</u>	<u>Address</u>
Nellie F. Hale	Over 18	2521 Mars Hill Road; Watkinsville GA 30677

Affiant further says on oath that the following are the children ever born to or adopted by said decedent:

<u>Name of Each Child</u>	<u>Age</u>	<u>Address</u>
1. Steven Lamar Hale	Over 18	561 Wilson Cemetery Rd; Nicholson GA 30565
2. David Raymond Hale	Over 18	2521 Mars Hill Rd; Watkinsville GA 30677

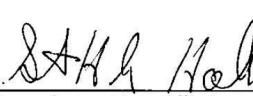
Affiant further says on oath that the living persons above named constitute all the heirs at law of said decedent and that all of said heirs are of age and sound mind.

Affiant further says on oath that he has been familiar over a period of 63 years with a tract of land now owned by Nellie F. Hale, said land being currently known as 2521 Mars Hill Road; Watkinsville Georgia 30677 according to the present system for numbering addresses in Oconee County, Georgia (said property being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof). Affiant has been familiar with the history of the possession of said property over a period of 63 years and knows that, throughout said period, said property has been continuously used and occupied, personally or through agents and tenants, by said Deceased and by Nellie F. Hale, until the date of Deceased's death, at which point Nellie F. Hale continuously used and occupied said property. To Affiant's knowledge, no other person(s), during said period, have occupied or claimed any part of said property adversely to said Nellie F. Hale and said predecessors in title. Affiant further says that said possession has been open, notorious, continuous, exclusive and uninterrupted throughout said period of time.

Affiant's attention has been directed to the fact that the within affidavit will be relied upon by prospective purchasers, lenders and title insurers dealing with heirs herein named.

So sworn this 2<sup>nd</sup> day of October, 2017.

Sworn to and subscribed before me  
 this 2<sup>nd</sup> day of October, 2017:

  
 (SEAL)  
 Steven Lamar Hale, Affiant

Unofficial Witness

  
 Notary Public  
 My Commission Expires: 10/06/2021  
 [Notary Seal]



LINK 5  
 1405/625

**"Exhibit A – Legal Description"**

ALL THAT LOT OR PARCEL OF LAND, containing 2.736 acres, more or less, situate, lying and being on Bogart-Watkinsville Road, paved, and on an unpaved road, same being a corner lot, bounded now or formerly on the northeast by said paved road, southeast and southwest by lands of W.C. Lanier and Nellie Y. Lanier and northwest by said unpaved road, and having such shape, metes, courses and distances as will more fully appear by reference to a plat thereof made by Ben McLeroy and Associates, Surveyors, dated March 17, 1972, and recorded in Plat Book 4, page 14, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being part of the same property conveyed to Billy R. Hale and Nellie F. Hale by virtue of a Warranty Deed dated March 31, 1972, from W.C. Lanier and Nellie Y. Lanier, as recorded April 5, 1972 by the Oconee County Georgia Clerk of Superior Court.

Said property being currently known as 2521 Mars Hill Road; Watkinsville, Georgia 30677, according to the present system for numbering addresses in Oconee County, Georgia. Said property also being currently assigned Map/parcel # C01 054D by the Oconee County, Georgia Tax Assessor.

Subject to all easements, covenants, and restrictions of record, if any.

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 FILED IN OFFICE  
 10/3/2017 11:35 AM  
 BK:1405 PG:627-628  
 ANGELA ELDER-JOHNSON  
 CLERK OF SUPERIOR  
 COURT  
 OCONEE COUNTY

Record and Return to:  
 Lueder, Larkin & Hunter, LLC  
 1045 S. Milledge Avenue  
 Suite 100  
 Athens, GA 30605

\*\*\*\*Document Preparation Only – No Title Examination Performed\*\*\*\*

Clerk: Please cross-reference Deed Book 8, pg. 255; Oconee County GA Deed Records

### AFFIDAVIT OF DESCENT

STATE OF GEORGIA  
 COUNTY OF ATHENS-CLARKE

The undersigned Affiant, being duly sworn, deposes and says on oath that he was personally acquainted with BILLY R. HALE, DECEASED, over a period of 53 years, that Affiant was the son of said decedent; that said Decedent Billy R. Hale died without a valid will, a resident of Oconee County, Georgia, on July 3, 2015, as more particularly described on the certified copy of his death certificate recorded simultaneously herewith, and made a part hereof by reference, and all debts of the estate have been paid and no state or federal estate taxes were due; that said decedent was married one time, as follows:

<u>Name of Spouse</u>	<u>Age</u>	<u>Address</u>
Nellie F. Hale	Over 18	2521 Mars Hill Road; Watkinsville GA 30677

Affiant further says on oath that the following are the children ever born to or adopted by said decedent:

<u>Name of Each Child</u>	<u>Age</u>	<u>Address</u>
1. Steven Lamar Hale	Over 18	561 Wilson Cemetery Rd; Nicholson GA 30565
2. David Raymond Hale	Over 18	2521 Mars Hill Rd; Watkinsville GA 30677

Affiant further says on oath that the living persons above named constitute all the heirs at law of said decedent and that all of said heirs are of age and sound mind.

Affiant further says on oath that he has been familiar over a period of 55 years with a tract of land now owned by Nellie F. Hale, said land being currently known as 2521 Mars Hill Road; Watkinsville Georgia 30677 according to the present system for numbering addresses in Oconee County, Georgia (said property being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof). Affiant has been familiar with the history of the possession of said property over a period of 55 years and knows that, throughout said period, said property has been continuously used and occupied, personally or through agents and tenants, by said Deceased and by Nellie F. Hale, until the date of Deceased's death, at which point Nellie F. Hale continuously used and occupied said property. To Affiant's knowledge, no other person(s), during said period, have occupied or claimed any part of said property adversely to said Nellie F. Hale and said predecessors in title. Affiant further says that said possession has been open, notorious, continuous, exclusive and uninterrupted throughout said period of time.

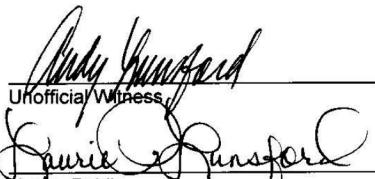
Affiant's attention has been directed to the fact that the within affidavit will be relied upon by prospective purchasers, lenders and title insurers dealing with heirs herein named.

So sworn this 2<sup>nd</sup> day of October, 2017.

Sworn to and subscribed before me  
 this 2<sup>nd</sup> day of October, 2017:

  
 (SEAL)  
 David Raymond Hale, Affiant

LINK 6  
 1405/627

  
 Unofficial Witness

Notary Public  
 My Commission Expires: 10/06/2021  
 [Notary Stamp]



**“Exhibit A – Legal Description”**

ALL THAT LOT OR PARCEL OF LAND, containing 2.736 acres, more or less, situate, lying and being on Bogart-Watkinsville Road, paved, and on an unpaved road, same being a corner lot, bounded now or formerly on the northeast by said paved road, southeast and southwest by lands of W.C. Lanier and Nellie Y. Lanier and northwest by said unpaved road, and having such shape, metes, courses and distances as will more fully appear by reference to a plat thereof made by Ben McLeroy and Associates, Surveyors, dated March 17, 1972, and recorded in Plat Book 4, page 14, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being part of the same property conveyed to Billy R. Hale and Nellie F. Hale by virtue of a Warranty Deed dated March 31, 1972, from W.C. Lanier and Nellie Y. Lanier, as recorded April 5, 1972 by the Oconee County Georgia Clerk of Superior Court.

Said property being currently known as 2521 Mars Hill Road; Watkinsville, Georgia 30677, according to the present system for numbering addresses in Oconee County, Georgia. Said property also being currently assigned Map/parcel # C01 054D by the Oconee County, Georgia Tax Assessor.

Subject to all easements, covenants, and restrictions of record, if any.

## AS-SURVEYED LEGAL DESCRIPTION - TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the G.M.D. 1331, Oconee County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set at the southwesterly end of the mitered intersection of the southeasterly R/W line of Hollow Creek Lane (apparent 60' R/W) with the southwesterly R/W line of Mars Hill Road (variable with R/W); THENCE running along said mitered intersection North 82 degrees 52 minutes 33 seconds East a distance of 19.90 feet to an iron pin set; THENCE leaving said mitered intersection and running along a curve to the right an arc distance of 288.71 feet; said arc having a radius of 194.25 feet and a chord bearing South 50 degrees 47 minutes 42 seconds East a distance of 288.71 feet; THENCE bearing South 50 degrees 47 minutes 42 seconds East a chord distance of 288.71 feet and a radius of 194.25 feet to an iron pin set; said arc having a radius of 194.25 feet and a chord bearing South 50 degrees 47 minutes 42 seconds East a distance of 288.71 feet; THENCE bearing South 48 degrees 48 minutes 18 seconds West a distance of 400.29 feet to a 2.5" open top pipe; THENCE North 50 degrees 54 minutes 04 seconds West a distance of 299.64 feet to a 2.5" open top pipe found on the southwesterly R/W line of Hollow Creek Lane; THENCE running along said southwesterly R/W line of Hollow Creek Lane North 48 degrees 44 minutes 24 seconds East a distance of 386.22 feet to an iron pin set; said point being the POINT OF BEGINNING.

Said tract or parcel of land containing 119,300 square feet, or 2.739 acres.

## AS-SURVEYED LEGAL DESCRIPTION - TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in the G.M.D. 1331, Oconee County, Georgia, and being more particularly described as follows:

COMMENCING at an iron pin set at the southwesterly end of the mitered intersection of the southeasterly R/W line of Hollow Creek Lane (apparent 60' R/W) with the southwesterly R/W line of Mars Hill Road (variable with R/W); THENCE running along said mitered intersection North 82 degrees 52 minutes 33 seconds East a distance of 19.90 feet to an iron pin set; said point being the POINT OF BEGINNING.

THENCE continuing along said mitered intersection North 82 degrees 05 minutes 37 seconds East a distance of 39.00 feet to an iron pin set on the southwesterly R/W line of Mars Hill Road; THENCE running along said R/W line of Mars Hill Road South 64 degrees 34 minutes 03 seconds East a distance of 106.10 feet to a point; THENCE continuing along said R/W line of Mars Hill Road and along a curve to the left an arc distance of 40.91 feet, said arc having a radius of 193.14 feet, and a chord bearing South 66 degrees 21 minutes 40 seconds East a chord distance of 40.90 feet to an iron pin set at the northwesterly end of the mitered intersection of the southwesterly R/W line of Mars Hill Road with the westerly R/W line of Old Mars Hill Road; THENCE continuing along said R/W line of Old Mars Hill Road North 53 degrees 53 seconds East a distance of 42.43 feet to a PK nail set; THENCE leaving said R/W line of Old Mars Hill Road and along a curve to the left an arc distance of 288.71 feet, said arc having a radius of 194.25 feet, and a chord bearing North 48 degrees 44 minutes 24 seconds West a distance of 68.00 feet to a 1/2" rebar found in a 2" open top pipe; THENCE along a curve to the left an arc distance of 288.71 feet, said arc having a radius of 194.25 feet, and a chord bearing North 48 degrees 44 minutes 24 seconds West a distance of 288.44 feet to an iron pin set; said point being the POINT OF BEGINNING.

Said tract or parcel of land containing 14,098 square feet, or 0.324 acres.

## SURVEY REFERENCE DOCUMENTS

1. SURVEY FOR NELLIE F. HALE & BILLY R. HALE, PREPARED BY BEN MCLEROY & ASSOCIATES, DATED SEPTEMBER 22, 1972, AS RECORDED IN PLAT BOOK 4, PAGE 14, OCONEE COUNTY RECORDS.
2. SURVEY FOR PERRY AYCOCK, PREPARED BY BEN MCLEROY & ASSOCIATES, DATED FEBRUARY 2, 1976, AS RECORDED IN PLAT BOOK 6, PAGE 85, OCONEE COUNTY RECORDS.
3. SURVEY FOR JOHN COLVIN, PREPARED BY BEN MCLEROY & ASSOCIATES, DATED SEPTEMBER 22, 1975, AS RECORDED IN PLAT BOOK 6, PAGE 47, OCONEE COUNTY RECORDS.
4. SURVEY FOR A.B. GRIFFITH, PREPARED BY BEN MCLEROY & ASSOCIATES, DATED SEPTEMBER 22, 1975, AS RECORDED IN PLAT BOOK 6, PAGE 41, OCONEE COUNTY RECORDS.

## ZONING NOTES

- FOR AR ZONING, THE SETBACKS ARE AS FOLLOWS:

(SEE CODE SECTION 412.02 TABLE 4.1)

FRONT SETBACK - 40' FROM MAJOR THOROUGHFARE; 30' FROM MINOR STREET

SIDE SETBACK - 15'

MAX. HEIGHT - 40'

MAX. LOT COVERAGE - N/A

**SURVEY NOTES**  
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 45,287 FEET, AN ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. A PORTION OF THIS SURVEY, INCLUDING THE ESTABLISHMENT OF HORIZONTAL AND VERTICAL CONTROL, WAS PERFORMED USING A CARLSON BRX7 GNSS BASE AND ROVER WITH NETWORK ADJUSTED FOR POSITIONING. THE REQUIREMENTS REFERENCED TO THE LEICA HXGN SMARTNET NETWORK. THE GPS SURVEY INCLUDED REDUNDANT MEASUREMENTS WITH POSITIONAL ACCURACY OF BETTER THAN 0.04" (HORIZONTAL) AND 0.07" (VERTICAL).  
2. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 14,941 FEET.  
3. HORIZONTAL DATUM - NAD83  
VERTICAL DATUM - NAV89 USING GEODID MODEL GEOD2018.

4. THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND SIGNED BY A REGISTERED LAND SURVEYOR OF PARAMOUNT SURVEYS, INC., AUTHORITY OF O.C.G.A. 43-15-22.  
5. ZONING INFORMATION WAS OBTAINED FROM OCONEE COUNTY PUBLIC RECORDS AT THE TIME OF SURVEY. THIS SURVEYOR MAKES NO VERIFICATION TO MATTERS OF ZONING. IT IS THE RESPONSIBILITY OF THE CLIENT, DEVELOPER, OR BUILDER TO VERIFY ANY MATTERS OF ZONING SHOWN ON THIS SURVEY HEREON PRIOR TO ANY DEVELOPMENT, CONSTRUCTION OR BUILDING ACTIVITY.

6. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM FIELD RUN TOPOGRAPHIC SURVEY UTILIZING THE ROBOTIC TOTAL STATION AND GNSS EQUIPMENT MENTIONED IN SURVEY NOTE #1.

7. NO PROBLEMS, CHANGES IN STREET R/W LINES OR SIDEWALK CONSTRUCTION WAS OBSERVED AT THE TIME OF SURVEY. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION WAS OBSERVED AT THE TIME OF SURVEY.

8. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS CONDUCTING THE FIELDWORK.

9. THE SURVEYOR MADE NO OBSERVATION ON THE SURVEY AT A MINIMUM SIZE OF 12' AT THE CLIENT'S REQUEST.

10. NO ENCROACHMENTS WERE OBSERVED BY THIS SURVEYOR AT THE TIME OF SURVEY OTHER THAN THE FOLLOWING:

a. BRICK COLUMNS NEAR END OF CONCRETE DRIVEWAY ENTRANCE THE R/W OF HOLLOW CREEK LANE AS NOTED.

11. NO OTHER GATES EXIST BETWEEN TRACT 1 AND TRACT 2.

12. TO THIS SURVEYOR'S KNOWLEDGE, THIS PROPERTY IS ACCESSIBLE VIA THE PUBLIC RIGHTS-OF-WAY AS SHOWN ON THIS SURVEY. THIS SURVEYOR RECOMMENDS THAT THE CLIENT, PROPERTY OWNER, DEVELOPER, OR BUILDER VERIFY ANY MATTERS OF ACCESSIBILITY WITH THE APPROPRIATE MUNICIPALITY OR D.O.T. OFFICE PRIOR TO ANY DEVELOPMENT, CONSTRUCTION OR BUILDING ACTIVITY.

13. THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT #2-4226, DATED NOVEMBER 20, 2022, IS THE SAME AS THE PROPERTY SHOWN ON THIS SURVEY.

**TITLE REFERENCES**  
FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NO. 2-4226  
EFFECTIVE DATE: NOVEMBER 20, 2022 AT 5:00 PM

(g) All those matters as disclosed by that certain plat recorded in Plat Book 4, Page 14, Records of Oconee County, Georgia.  
[No matters on this plat affect subject property other than property lines of Tract 1 as shown on survey.]

RECORDING INFORMATION

## LEGEND

AE	ACCESS EASEMENT
BFE	BASEMENT FLOOR ELEVATION
BOC	BACK OF CURB
C&G	CURB & GUTTER
C/L	CENTERLINE
C/MF	CONCRETE/MONUMENT FOUND
CMP	CORRUGATED METAL PIPE
C/O	CLEAN OUT
CTP	CRIMPED TOP PIPE
DB/PG	DEED BOOK/PAGE NUMBER
DE	DRAWING OR EASEMENT
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
EB	ELECTRIC BOX/TRANSFORMER
EP	EDGE OF PAVEMENT
ELEV	ELEVATION
EXIST	EXISTING
FH	FENCE LINE
FES	FLARED END SECTION
FFE	FLUSH EASEMENT
FLA	FLUSH ARROW
FSB	FRONT BUILDING SETBACK LINE
GV	GAS VALVE
GI	GRATE INLET
GW	GUY WIRE
H/W	HIGH/WOOD TREE
HW	HEADWALL
ICV	IRRIGATION CONTROL VALVE
IE/INV	INVERT ELEVATION
IPF	IRON PIN FOUND
IPS	IRON PIN SET
IS	JUNCTION BOX
LP	LIGHT POLE/AMP POST
LL	LAND LOT
LLL	LAND LOT LINE
MFE	MINIMUM FLOOR ELEVATION
NOV	NOT OVERLAY
NTS	NOT TO SCALE
OCS	OUTLET CONTROL STRUCTURE
-OHP-OHP-	OVERHEAD POWER LINE
OTP	OPEN TOP PIPE
PN	PINE TREE
P/PG	PLATE/PAGE
P.O.C.	PROPERTY LINE
P.O.C.	POINT OF BEGINNING
POL	POINT ON LINE
POWER	POWER LINE
RAH	RECORD ANGLE HELD
RSB	REAR BUILDING SETBACK LINE
RD	RECORD DISTANCE
RDH	RECORD DISTANCE HELD
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
RWM	RIGHT OF WAY MONUMENT
SMH	SANITARY MANHOLE
SWCB	SINGLE WING CATCH BASIN
SSB	SIDE BUILDING SETBACK LINE
SSS-SS-	SANITARY SEWER LINE
SSS	SANITARY SEWER EASEMENT
STA	STATION
TBM	TEMPORARY BENCHMARK
TBX	TELEPHONE BOX/PEDESTAL
TSB	TELEPHONE SIGNAL BOX
TSR	TRAFFIC SIGNAL POLE
T-T-T-	UNDERGROUND TELECOMM LINE
-E-E-E-	UNDERGROUND ELECTRIC LINE
-G-G-G-	UNDERGROUND GAS LINE
-W-W-W-	UNDERGROUND WATER LINE
WM	WATER METER
WI	WATER VALVE
WI	WEIR INLET

## AS-SURVEYED LEGAL DESCRIPTION - OVERALL

ALL THAT TRACT OR PARCEL OF LAND lying and being in the G.M.D. 1331, Oconee County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set at the southwesterly end of the mitered intersection of the southeasterly R/W line of Hollow Creek Lane (apparent 60' R/W) with the southwesterly R/W line of Mars Hill Road (variable with R/W); THENCE running along said mitered intersection North 82 degrees 52 minutes 33 seconds East a distance of 19.90 feet to an iron pin set; THENCE continuing along said mitered intersection North 82 degrees 05 minutes 37 seconds East a distance of 39.00 feet to an iron pin set on the southwesterly R/W line of Mars Hill Road; THENCE running along said R/W line of Mars Hill Road South 64 degrees 34 minutes 03 seconds East a distance of 106.10 feet to a point; THENCE continuing along said R/W line of Mars Hill Road and along a curve to the left an arc distance of 40.91 feet, said arc having a radius of 193.14 feet, and a chord bearing South 66 degrees 21 minutes 40 seconds East a chord distance of 40.90 feet to an iron pin set at the northwesterly end of the mitered intersection of the southwesterly R/W line of Mars Hill Road with the westerly R/W line of Old Mars Hill Road; THENCE continuing along said R/W line of Old Mars Hill Road North 53 degrees 53 seconds East a distance of 42.43 feet to a PK nail set; THENCE leaving said R/W line of Old Mars Hill Road and along a curve to the left an arc distance of 288.71 feet, said arc having a radius of 194.25 feet, and a chord bearing North 48 degrees 44 minutes 24 seconds West a distance of 68.00 feet to a 1/2" rebar found in a 2" open top pipe; THENCE along a curve to the left an arc distance of 288.71 feet, said arc having a radius of 194.25 feet, and a chord bearing North 48 degrees 44 minutes 24 seconds West a distance of 288.44 feet to an iron pin set; said point being the POINT OF BEGINNING.

Said tract or parcel of land containing 133,398 square feet, or 3.063 acres.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT. THOSE UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

FLOOD HAZARD NOTE  
BY GRAPHIC PLOTTING ONLY. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA PER THE FEMA FLOOD INSURANCE RATE MAP OF OCONEE COUNTY, GEORGIA AND INCORPORATED AREAS, MAP NUMBER 13219C00652, DATED SEPTEMBER 15, 2022.



SURVEY NOTES  
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 45,287 FEET, AN ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. A PORTION OF THIS SURVEY, INCLUDING THE ESTABLISHMENT OF HORIZONTAL AND VERTICAL CONTROL, WAS PERFORMED USING A CARLSON BRX7 GNSS BASE AND ROVER WITH NETWORK ADJUSTED FOR POSITIONING. THE REQUIREMENTS REFERENCED TO THE LEICA HXGN SMARTNET NETWORK. THE GPS SURVEY INCLUDED REDUNDANT MEASUREMENTS WITH POSITIONAL ACCURACY OF BETTER THAN 0.04" (HORIZONTAL) AND 0.07" (VERTICAL).  
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10. NO ENCROACHMENTS WERE OBSERVED BY THIS SURVEYOR AT THE TIME OF SURVEY OTHER THAN THE FOLLOWING:

a. BRICK COLUMNS NEAR END OF CONCRETE DRIVEWAY ENTRANCE THE R/W OF HOLLOW CREEK LANE AS NOTED.

11. NO OTHER GATES EXIST BETWEEN TRACT 1 AND TRACT 2.

12. TO THIS SURVEYOR'S KNOWLEDGE, THIS PROPERTY IS ACCESSIBLE VIA THE PUBLIC RIGHTS-OF-WAY AS SHOWN ON THIS SURVEY. THIS SURVEYOR RECOMMENDS THAT THE CLIENT, PROPERTY OWNER, DEVELOPER, OR BUILDER VERIFY ANY MATTERS OF ACCESSIBILITY WITH THE APPROPRIATE MUNICIPALITY OR D.O.T. OFFICE PRIOR TO ANY DEVELOPMENT, CONSTRUCTION OR BUILDING ACTIVITY.

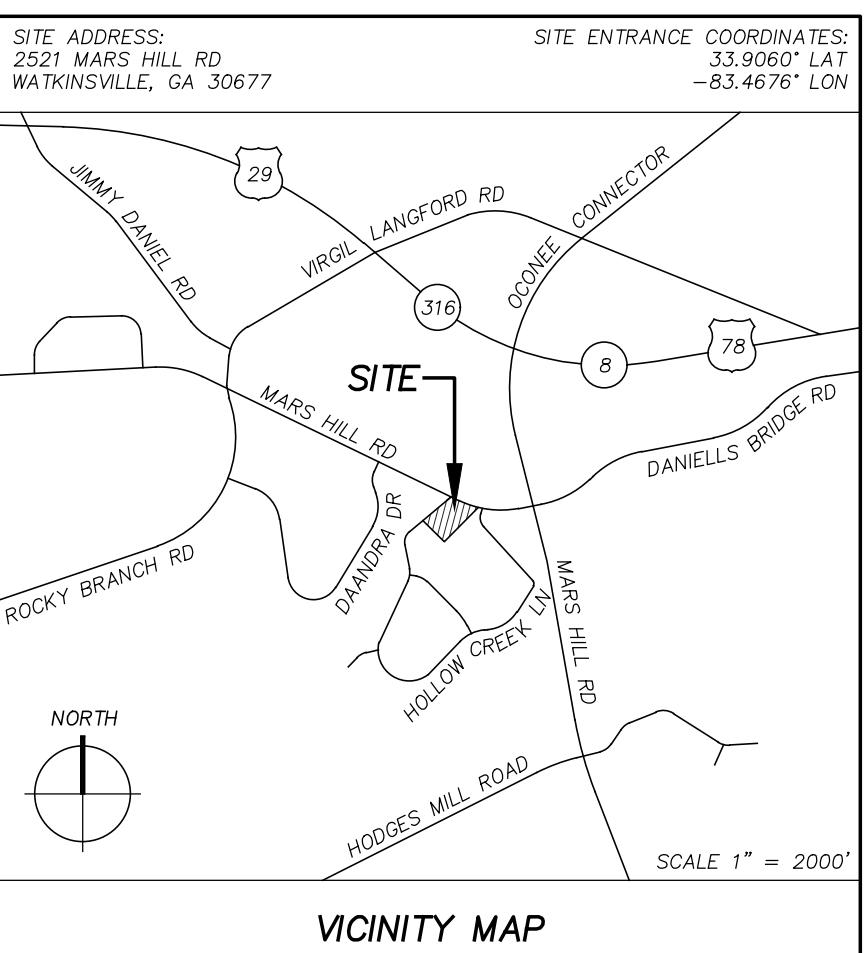
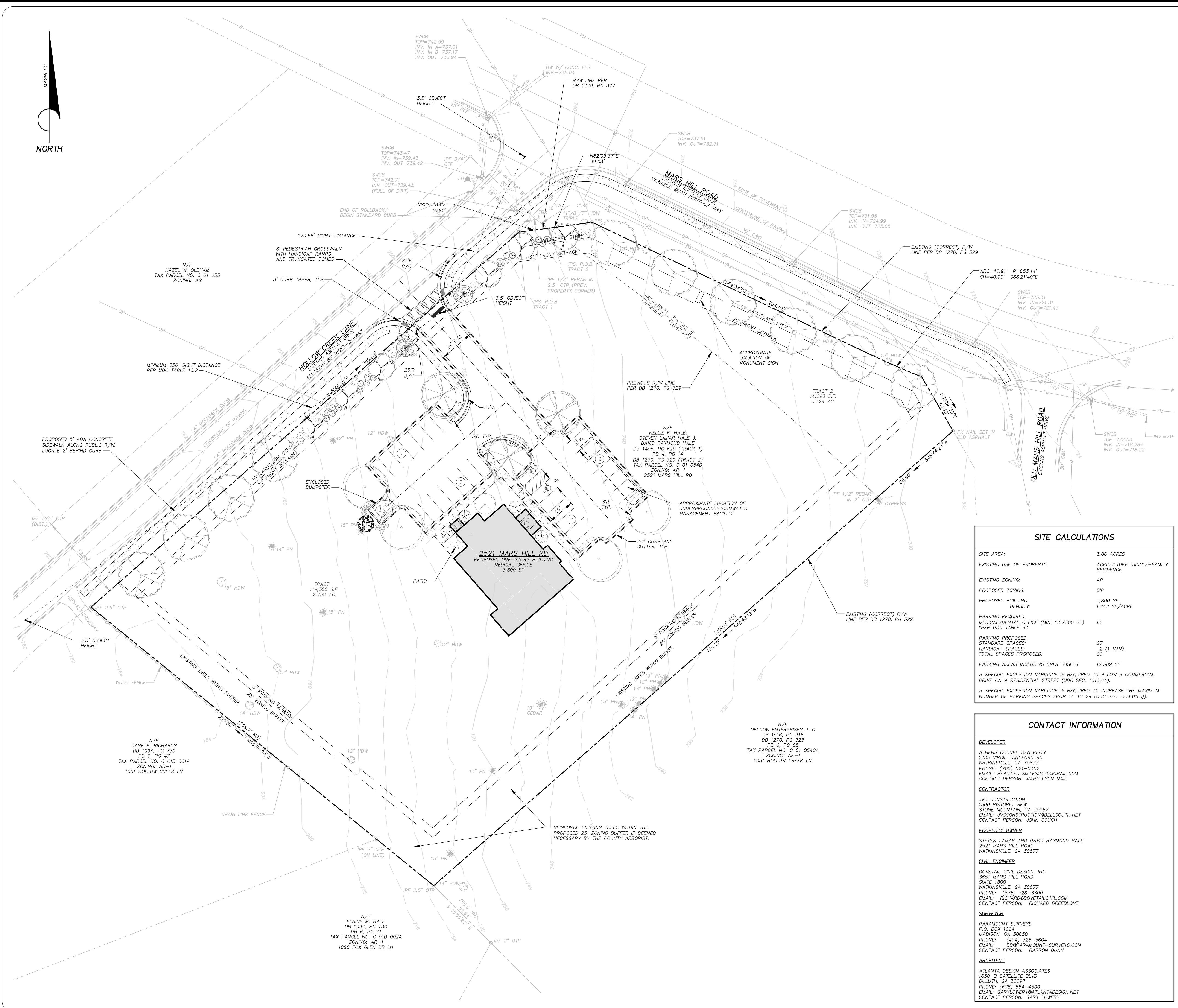
13. THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT #2-4226, DATED NOVEMBER 20, 2022, IS THE SAME AS THE PROPERTY SHOWN ON THIS SURVEY.

RECORDING INFORMATION

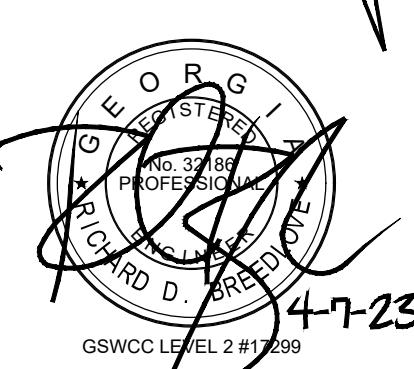
ALL THAT TRACT OR PARCEL OF LAND lying and being in the G.M.D. 1331, Oconee County, Georgia, and being more particularly described as follows:

COMMENCING at an iron pin set at the southwesterly end of the mitered intersection of the southeasterly R/W line of Hollow Creek Lane (apparent 60' R/W) with the southwesterly R/W line of Mars Hill Road (variable with R/W); THENCE running along said mitered intersection North 82 degrees 52 minutes 33 seconds East a distance of 19.90 feet to an iron pin set; said point being the POINT OF BEGINNING.

THENCE continuing along said mitered intersection North 82 degrees 05 minutes 37 seconds East a distance of 39.00 feet to an iron pin set on the southwesterly R/W line of Mars Hill Road; THENCE running



AOD001  
REZONING  
4/7/23



## PROJECT NOTES

# DOVETAIL

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c i v i l d e s i g n i n c

3651 Mars Hill Road  
Suite 1800  
Watkinsville, GA 30677  
Office: (678) 726-3300  
Fax: (678) 804-1874  
[www.dovetailcivil.com](http://www.dovetailcivil.com)

## GENERAL NOTES

DEVELOPER WILL DEFEND AND HOLD HARMLESS OCONEE COUNTY  
FOR LIABILITY OR PROPERTY DAMAGE RESULTING FROM USE OF  
DRIVE, ACCESS AND UTILITY EASEMENTS.

WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY,  
AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN  
AT TIME OF CONSTRUCTION PLAN APPROVAL.

ILITIES ARE TO BE LOCATED WITHIN UTILITY EASEMENTS.

IN EASEMENTS AND SIGNS SHALL COMPLY WITH THE OCONEE  
SIGN REGULATIONS IN EXISTENCE AT THE TIME OF SIGN  
ING.

## OCONEE COUNTY INSPECTIONS

NEE COUNTY INSPECTOR AT LEAST 24 HOURS BEFORE BEGINNING OF CONSTRUCTION.

ITY CONSTRUCTION NOTE

ATION, RELOCATION OR REMOVAL OF ANY UTILITY LINES OR  
S MUST BE PERFORMED AT THE SUPERVISION AND DISCRETION OF  
PRIATE UTILITY DEPARTMENT. INSTRUCTIONS AND REQUIREMENTS  
THE UTILITY DEPARTMENTS SHALL SUPERSEDE THOSE SHOWN ON  
S IF THEY EXCEED THE RECOMMENDATIONS INCLUDED HEREIN.

#### CONTACT INFORMATION

TRISTY  
RD RD  
0677  
0352  
MILES2470@GMAIL.COM

MARY LYNN NAIL  
SA 30087  
CTION@BELLSOUTH.NET

AD  
0677  
GN, INC.  
AD  
0677  
-3300

COVETAREGIE.COM  
RICHARD BREEDLOVE

0  
28-5604  
AMOUNT SURVEYS.COM

BARRON DUNN  
ASSOCIATES  
BLVD  
-4500  
Y@ATLANTADESIGN.NET  
GARY LOWERY

# GEORGIA811

**Know what's below.  
Call before you dig.**

# Athens Oconee Dentistry

<b>REZONE CONCEPT PLAN</b>	
<u>SITE INFORMATION</u>	<u>DEVELOPER INFORMATION</u>
2521 MARS HILL RD WATKINSVILLE, GA OCONEE COUNTY GMD 1331 ZONNING TO OIP ZONING 3.06 ACRES	ATHENS OCONEE DE 1285 VIRGIL LANGF WATKINSVILLE, GA, PHONE: (706) 521 CONTACT PERSON: MAR 4-HR CONTACT: MARY LYNN NAIL, (706) 521-

NUMBER:	AOD001
	4/7/23
BER:	2
BY:	RDB

## REZONE CERT PLAN

MBER:

OF 1 SHEET

PROPERTY OWNER'S  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67 A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made (or N/A if not applicable):

N/A

B. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution (or N/A if not applicable):

Amount: N/A

Date of contribution: \_\_\_\_\_

C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

N/A

Signature of owner: \_\_\_\_\_

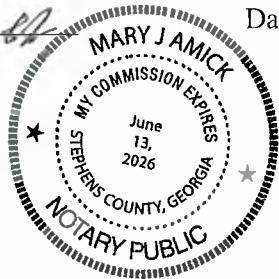
Date: \_\_\_\_\_

Signature of applicant: *Mary Lynn Nail*  
Mary Lynn Nail as managing member of DUO G&G, LLC

Date: 1-9-23

Signature of Notary Public: *Mary J. Jamick*

Date: 1/9/2023



**PROPERTY OWNER'S**  
**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**  
**APPLICATION FOR REZONING**

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Date of contribution: \_\_\_\_\_

C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

N/A

Signature of owner:

DAVID RAYMOND HALE

Date: 1/13/2023

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Notary Public: Mary J Amick

Date: 1/13/2023



PROPERTY OWNER'S  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

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Amount: N/A

Date of contribution: \_\_\_\_\_

C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

N/A

Signature of owner: STEVEN LAMAR HALE

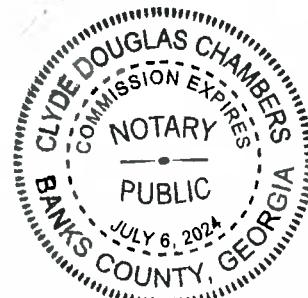
Date: 1-16-23

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Notary Public: C. Clyde Douglas Chambers

Date: 1-16-23



DISCLOSURE OF INTEREST  
APPLICATION FOR REZONING  
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

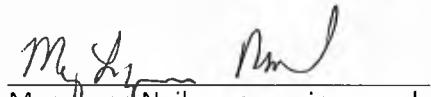
Signature of owner

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Date

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Signature of Applicant



Date

1-9-23

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Mary Lynn Nail as managing member of DUO G&G, LLC

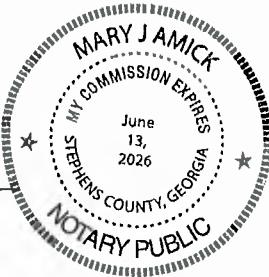
Signature of Notary Public



Date

1/1/2023

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DISCLOSURE OF INTEREST  
APPLICATION FOR REZONING  
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

Signature of owner

David Raymond Hale

DAVID RAYMOND HALE

Date

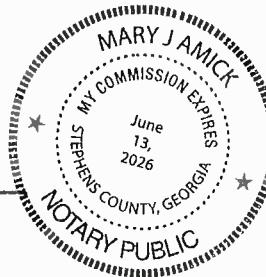
11/13/2023

Signature of Applicant

Date

Signature of Notary Public

Mary J Amick



Date

11/13/2023

DISCLOSURE OF INTEREST  
APPLICATION FOR REZONING  
OCONEE COUNTY, GEORGIA

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Signature of owner



STEVEN LAMAR HALE

Date

1-16-23

Signature of Applicant

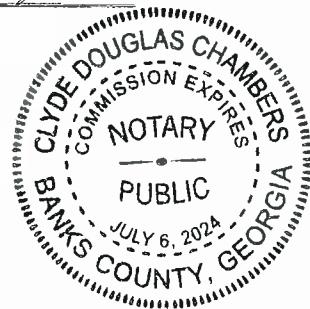
Date

Signature of Notary Public

Date



1-16-2023



## LEGAL DESCRIPTION

### Overall

ALL THAT TRACT OR PARCEL OF LAND lying and being in the G.M.D. 1331, Oconee County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set at the southwesterly end of the mitered intersection of the southeasterly R/W line of Hollow Creek Lane (apparent 60' R/W) with the southwesterly R/W line of Mars Hill Road (variable width R/W); THENCE running along said mitered intersection North 82 degrees 52 minutes 33 seconds East a distance of 19.90 feet to an iron pin set; THENCE continuing along said mitered intersection North 82 degrees 05 minutes 37 seconds East a distance of 30.03 feet to an iron pin set on the southwesterly R/W line of Mars Hill Road; THENCE running along said R/W line of Mars Hill Road South 64 degrees 34 minutes 03 seconds East a distance of 206.10 feet to a point; THENCE continuing along said R/W line of Mars Hill Road and along a curve to the left an arc distance of 40.91 feet, said arc having a radius of 653.14 feet, and a chord bearing South 66 degrees 21 minutes 40 seconds East a chord distance of 40.90 feet to an iron pin set at the northwesterly end of the mitered intersection of the southwesterly R/W line of Mars Hill Road with the westerly R/W line of Old Mars Hill Road; THENCE running along said mitered intersection South 30 degrees 06 minutes 53 seconds East a distance of 42.43 feet to a PK nail set; THENCE leaving said R/W line South 48 degrees 44 minutes 24 seconds West a distance of 68.00 feet to a 1/2" rebar found in a 2" open top pipe; THENCE South 48 degrees 48 minutes 18 seconds West a distance of 400.29 feet to a 2.5" open top pipe found; THENCE North 50 degrees 54 minutes 04 seconds West a distance of 299.64 feet to a 2.5" open top pipe found on the southwesterly R/W line of Hollow Creek Lane; THENCE running along said southwesterly R/W line of Hollow Creek Lane North 48 degrees 46 minutes 35 seconds East a distance of 386.22 feet to an iron pin set; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 133,398 square feet, or 3.063 acres.

**Dakota Carruthers**  
t: 678.690.5710  
f: 404.869.6972  
dakotacarruthers@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

March 20, 2023

**VIA ONLINE PORTAL**

Ocnee County  
Planning and Code Enforcement  
1291 Greensboro Highway  
Watkinsville, GA 30677

Re: Ocnee County Rezone Change Application ("Rezoning Application") and Ocnee County Appeal Application (Special Exception) ("Special Exception Application"; with the Rezoning Application, the "Applications") by DUO G&G, LLC ("Applicant") with respect to approximately 3.06 acres of property commonly known as 2521 Mars Hill Road, being Tax Parcel Number C 01 054D (the "Property")

**LETTER OF INTENT<sup>1</sup>**

Ladies and Gentlemen:

This law firm has the pleasure of representing Applicant with respect to the Applications. Applicant respectfully submits for consideration the Applications, seeking to rezone the Property from AR (Agricultural Residential) to OIP (Office Institutional Professional District), pursuant to The Unified Development Code of Ocnee County, Georgia, as amended from time to time (the "Development Code"), to allow for redevelopment of the Property to include a one-story, dental office not to exceed 4,000 square feet, with concurrent special exceptions to allow the driveway as shown on the enclosed concept plan. The Property is proposed to be the replacement location for the nearby existing Athens Ocnee Dentistry, owned and operated by Applicant at 1285 Virgil Langford Road (the "Existing Practice").

**Relocation Background and Property Existing Zoning**

The members of Applicant are Ocnee County residents, Brent and Mary Lynn Nail, who own and operate the Existing Practice approximately one mile away. After having established his dental practice more than twenty years ago and operating in rental premises, Dr. Nail and his wife rezoned the Existing Practice property in April of 2017, bought that property and constructed their existing building, moving the practice to that location in 2018. Because of GDOT Project Number 0013768, Virgil Langford Road is being re-routed to run right through the Existing Practice,

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<sup>1</sup> Please note that this letter of intent is being submitted with each Application (rather than separate letters of intent).

## Oconee County Planning & Code Enforcement

March 20, 2023

Page 2

requiring it be shut down and forcing Applicant to find and construct an alternate business location to continue operating. The Nails do not want to relocate. But, they have no alternative to continue to operate.

After conversations with various County staff and others and months of searching for replacement locations, Applicant was able to secure a contract to acquire the Property from the Hale family (“**Owner**”), subject to it being rezoned for the relocation of the dental practice. The Property is located at the corner of Mars Hill Road and Hollow Creek Lane, west of the Oconee Connector. Like the Existing Practice before it was rezoned, the Property is zoned AR.<sup>2</sup> A single-family detached home currently exists on the Property, accessed from Hollow Creek Lane, and has been in the Hale family since 1972. The Property is approximately 3.06 acres, with significant undeveloped property to the north across Mars Hill Road<sup>3</sup>, zoned B1 and B2, and single-family neighbors to the south, east and west, zoned AR. The Property is located within an area designated as a Regional Center per the County’s existing Comprehensive Plan Future Development Map.

### Proposed Redevelopment and Rezoning

Applicant is requesting rezoning of the Property to allow for the relocated Existing Practice. The attached site plan illustrates the proposed office building with 27 parking spaces to serve employees and patients and a main access point off of Hollow Creek Drive. Applicant intends to construct an office that is substantially similar, in all material respects, including architectural design, to the existing dental office and will adhere to all architectural requirements of the Mars Hill Overlay District. Photos of the existing office are attached as part of the Rezoning Application. Architectural materials include board and batten siding, decorative wood columns, a stone water table, and cedar shake detailing.

Applicant proposes no variances to buffer or landscape strip requirements which involve a 25-foot buffer along each residential property to the east and south of the Property and a 10-foot landscape strip along both Hollow Creek Lane and Mars Hill Road. Dense buffers against residentially zoned properties will also serve as a design opportunity for the business where oversized windows in patient care rooms will overlook the vegetation. A five-foot sidewalk will be installed three-feet off of back of curb along Mars Hill Road and Hollow Creek Lane in compliance with the Mars Hill Road Overlay standards.

The proposed rezoning is consistent with the County’s Comprehensive Plan Future Development Map designation of Regional Center. The Comprehensive Plan characterizes Regional Center character areas as areas that offer regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and

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<sup>2</sup> The Existing Practice was rezoned in 2017 per case numbers Rezone No. 7059 and concurrent Oconee County Appeal Application (Special Exception) from AR-1(Agricultural-Residential-One Acre) to B-2 (Highway Business), with 5 conditions. Applicant notes that it anticipates requesting substantially similar conditions to approval for this Property.

<sup>3</sup> This property to the north most recently was the subject of the “Publix rezoning case” (Oconee County Case Number P22-0155, denied by the Oconee County Board of Commissioners on February 23, 2023.

## Oconee County Planning & Code Enforcement

March 20, 2023

Page 3

entertainment facilities, higher-density residential planned developments, and single-family detached subdivisions. Medical and professional offices are identified as a primary land use of the Regional Center character area. Furthermore, the Property is located within the Mars Hill Overlay district and is classified as a future development opportunity property.

The development schedule and project cost will be subject to GDOT timing and construction prices at the time of build. Applicant is eager to begin this project as soon as possible to limit or eliminate time between offices.

### **Local Impacts and Utilities**

The proposed use will have no impact on the area at large given that this use replaces, and is not in addition to, existing area business. A dental office is one of the least intensive out of the primary uses identified in the Regional Center and would result in a minimal, if any, increase in traffic in the immediate area. The estimated average trips per day according to the ITE trip manual is 137 and there will be no impact on the local school system given that this is a commercial project.

Applicant will use local providers such as AAA sanitation for trash, weave for phone and internet, and Walton EMC for electric. Stormwater will be collected by an underground detention facility located at the north end of the parking lot as shown on the concept plan. Water and sewer services will be provided by Oconee County as stated in the water and sewer availability letter, made part of this application. The proposed office will connect to an existing water main located in the in the Mars Hill Road right-of-way nearest to the property line, using an estimated 230 gallons per day on average. Applicant assumes the responsibility of connecting to the existing water main on Mars Hill and connecting a gravity sewer line to a manhole at the corner of Mars Hill and the Oconee Connector.

### **Proposed Special Exceptions**

Applicant thoughtfully requests two special exceptions only as absolutely necessary to allow the proposed business to function as intended and accommodate all patients of the Existing Practice. These concurrent special exceptions are more particularly described in the Special Exception Application and below:

1. **604.01(c) The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 110 percent of the minimum number of parking spaces as determined for the type of land use by Table 6.1.**

Parking table 6.1 requires a minimum of 1 space per 300 square feet of gross floor area, equaling 13 spaces for the Property. The maximum number of parking spaces permitted based on Development Code Section 604.01(c) is 14 spaces. Applicant requests 29 spaces to accommodate patients and staff comfortably. The Existing Practice has 22 spaces and has an existing need for additional staff parking. The additional spaces in excess of the maximum would not affect the surrounding properties as there is more than sufficient area available on the Property to allow these spaces without infringing on any setback or buffer.

## Oconee County Planning & Code Enforcement

March 20, 2023

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2. **1013.04(b): Nonresidential development projects on corner lots that have frontage on interior residential subdivision streets shall have access only from the main street unless the nonresidential project and the residential subdivision are integral parts of a Master Plan for a PUD or a Concept Plan for an MPD approved by the Board of Commissioners.**

Applicant proposes a single access point off of Hollow Creek Lane, located in approximately the same area as the existing residential driveway of the Property. Locating the access on Mars Hill Road is prohibited by Mars Hill Overlay Development Code Section 206.04(d) 3b which states that as a matter of policy, a new driveway proposed to connect to the Oconee Connector, Mars Hill Road or Experiment Station Road within the Mars Hill Overlay District may not be approved within 300 feet of an existing driveway or street intersection on the same side of the road.

### **Application Requirements<sup>4</sup>**

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<sup>4</sup> Applicant notifies Oconee County of its constitutional concerns with respect to its Applications. If the Oconee County Board of Commissioners (the “**Board**”) denies either Application in whole or in part, then the Property does not have a reasonable economic use under the Development Code. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government’s police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies either Application in whole or in part, such an action will deprive Applicant and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to a classification other than OIP without Applicant’s consent, or if the Board limits its approval by attaching revised conditions to such approval affecting the Property or the use thereof without Applicant’s consent or inconsistent with Applicant’s request, then such approval would deprive Applicant and Owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see* Ga. Const. 1983, Art. I, § 3, para. 1(a)), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see* U.S. Const. Amend. 5). To the extent that the Development Code allows any such an action by the Board, the Development Code is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the either Application or a conditional approval of either or both Applications (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant’s rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see* Ga. Const. 1983, Art. I, § 1, para. 1) and the Fifth and Fourteenth Amendments of the United States Constitution (*see* U.S. Const. Amend. 5 and 14). Applicant further challenges the constitutionality and enforceability of the Development Code, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board’s discretion in considering or deciding applications for like the Applications. Nevertheless,

## Oconee County Planning & Code Enforcement

March 20, 2023

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In support of each Application, Applicant submits the following documents:

1. Application Form;
2. Application Fee;
3. Owner Authorization Form;
4. Warranty Deed;
5. Legal Description;
6. Plat of Survey;
7. Disclosure of Interest;
8. Disclosure of Campaign Contributions;
9. Proof of Property Taxes Paid;
10. Impact Analysis<sup>5</sup>;
11. Concept Plan;
12. Water/Sewer Capacity Letter;
13. Representative Photos; and
14. Petitions in Support of Applications.

The Development Code provides standards for governing consideration of a zoning change (Section 1207) and standards for special exception variance approval (Section 1303.03). The Impact Analysis included as part of each Application provides substantial evidence for approval of the requests.

Applicant hosted two open house meetings at the Existing Practice prior to submitting the Applications, sending flyers to more than eighty (80) area neighboring property owners in advance of each meeting. Two neighbors attended the first open house on February 2, each of whom presented questions about the project and expressed concerns about commercial development in the area. The flyers for the second open house were also mailed to those who spoke in opposition to the Publix rezoning. At the March 16 open house, only one person attended, who was in support of the Applications.

Finally, Applicant encloses petitions with signatures from more than 300 area residents in support of the Applications.

Applicant respectfully requests that the Planning and Code Enforcement Department (the ***“Department”***) recommend approval of the Application to the Board of Commissioners. Applicant

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Applicant remains optimistic that Board's consideration of the Applications will be conducted in a constitutional manner.

<sup>5</sup> Applicant has prepared separate impact analysis for each of the Applications.

**Oconee County Planning & Code Enforcement**

March 20, 2023

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is happy to answer questions or provide any additional information that the Department and the Board may have with regard to these Applications.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dakota Carruthers".

Dakota Carruthers  
Entitlements Manager

DC/dc

cc: Ellen W. Smith, Esq.



## OCONEE COUNTY PROPERTY OWNER AUTHORIZATION

### FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):

2521 Mars Hill Road \_\_\_\_\_

Tax Parcel #: C 01 054D \_\_\_\_\_

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: DUO G&G, LLC

Address (No P.O. boxes): 10314 Waverly Ridge Pte

City, State, & Zip Code: Watkinsville, GA 30677

Telephone Number: 706-461-3000

SIGNATURE OF OWNER OR MANAGING MEMBER: SA Hale

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): STEVEN LAMAR HALE

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: \_\_\_\_\_

DATE: \_\_\_\_\_

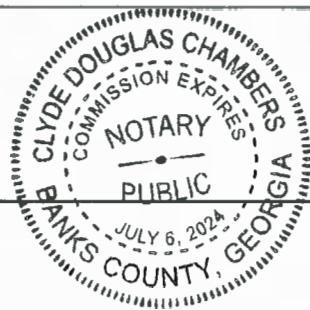
#### NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 16 DAY OF January, 20 23

NOTARY SIGNATURE: C. John Clark

DATE: 1/16/2023

SEAL:





## OCONEE COUNTY PROPERTY OWNER AUTHORIZATION

### FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):

2521 Mars Hill Road \_\_\_\_\_  
\_\_\_\_\_

Tax Parcel #: C 01 054D \_\_\_\_\_

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: DUO G&G, LLC  
Address (No P.O. boxes): 1031 Waverly Ridge Pte  
City, State, & Zip Code: Watkinsville, GA 30677  
Telephone Number: 706-461-3000

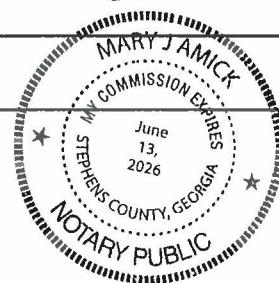
**SIGNATURE OF OWNER OR MANAGING MEMBER:** David Raymond Hale  
NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): DAVID RAYMOND HALE  
OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: \_\_\_\_\_  
DATE: 1/13/2023

#### NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 13 DAY OF January, 20 23

NOTARY SIGNATURE: Mary J Amick  
DATE: 1/13/2023

SEAL:



## 2022 Property Tax Statement

JENNIFER T. RIDDLE  
Oconee County Tax Commissioner  
PO BOX 106  
WATKINSVILLE, GA 30677  
oconeecountypay.com

**MAKE CHECK/MONEY ORDER PAYABLE TO:**  
Oconee County Tax Commissioner

HALE NELLIE F,  
STEVEN LAMAR & DAVID RAYMOND  
2521 MARS HILL ROAD  
WATKINSVILLE, GA 30677

**RETURN THIS PORTION WITH PAYMENT**

(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2022-6873	11/15/2022	\$0.00	\$112.40	\$0.00	Paid 11/09/2022

Map: C 01 054 D  
Location: 2521 MARS HILL RD

A

Printed: 11/29/2022

Please note that taxes outstanding as of 11/15 (or applicable due date) will be subject to additional interest and penalties set forth by Georgia law.

If property tax remains unpaid, the Office of the Tax Commissioner has the right and responsibility to levy on the property for nonpayment (additional fees apply). This is considered a last resort tax collection and other collection methods are always preferred.

Please visit our website [oconeecountypay.com](http://oconeecountypay.com) for additional information and to make online payments.

NO BAC NO CITY NO APPEAL

JENNIFER T. RIDDLE  
Oconee County Tax Commissioner  
PO BOX 106  
WATKINSVILLE, GA 30677  
oconeecountypay.com

Phone: (706) 769-3917 Fax: (706) 769-3964



**Tax Payer:** HALE NELLIE F,

**Map Code:** C 01 054 D Real

**Description:** 1405/621-630 8/255 4/14 ; MARS HILL RD

**Location:** 2521 MARS HILL RD

**Bill No:** 2022-6873

**District:** 001

Building Value	Land Value	Acres	Fair Market Value		Due Date	Billing Date	Payment Good through	Exemptions
198,710.00	138,715.00	3.0500	\$337,425.00		11/15/2022			MC MC SC
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	\$337,425	\$134,969	\$129,730	\$5,239	9.694000	\$50.79	\$0.00	\$50.79
INSURANCE PREMIUM ROLLBACK	\$337,425	\$134,969	\$129,730	\$5,239	-0.850000	\$0.00	-\$4.45	-\$4.45
SALES TAX ROLLBACK	\$337,425	\$134,969	\$129,730	\$5,239	-2.890000	\$0.00	-\$15.14	-\$15.14
SCHOOL M&O	\$337,425	\$134,969	\$129,730	\$5,239	15.500000	\$81.20	\$0.00	\$81.20
STATE TAX	\$337,425	\$134,969	\$131,730	\$3,239	0.000000	\$0.00	\$0.00	\$0.00
<b>TOTALS</b>				<b>21.454000</b>	<b>\$131.99</b>	<b>-\$19.59</b>	<b>\$112.40</b>	

We accept partial payments. Outstanding balances as of the due date will accrue interest monthly and additional penalties. Payments can be made in person, by mail or online at [oconeecountypay.com](http://oconeecountypay.com). We accept cash, check (e-check online-\$1.50), money order, and debit/credit cards. There is a service fee to pay with a card in the office or online. Please remit top portion to your mortgage company if applicable. Status of payment received may be verified online at [oconeecountypay.com](http://oconeecountypay.com). Mortgage companies usually remit payment the first week of November.

Owner occupied residences may qualify for certain homestead exemptions. PERSONS OVER AGE 65 MAY BE ELIGIBLE FOR ADDITIONAL EXEMPTIONS (age 62 eligibility-net income less than \$10,000). The full law relating to each exemption must be referred in order to determine eligibility (details available at [oconeecountypay.com](http://oconeecountypay.com) or 706-769-3917). Applications for homestead exemptions must be received by April 1 each year. It is not necessary to refile for exemptions each year, unless there is a change in the property deed.

<b>Current Due</b>	\$112.40
<b>Penalty</b>	\$0.00
<b>Interest</b>	\$0.00
<b>Other Fees</b>	\$0.00
<b>Previous Payments</b>	\$112.40
<b>Back Taxes</b>	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
<b>Paid Date</b>	11/09/2022

### Summary

Parcel Number	C 01 054D
Location Address	2521 MARS HILL RD
Legal Description	1405/621-630 8/255 4/14 ; MARS HILL RD (Note: Not to be used on legal documents)
Class	R4-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	AR-1
Tax District	UNINCORPORATED (District 01) 
Millage Rate	23.186
Acres	3.05
Neighborhood	N/A
Homestead Exemption	Yes (MC)
Landlot/District	N /

[View Map](#)



### Owner

NELLIE F, HALE  
STEVEN LAMAR & DAVID RAYMOND  
2521 MARS HILL ROAD  
WATKINSVILLE, GA 30677

### Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	3.05

### Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
LT	2000	12x32 / 0	0	\$536
LT	2000	6x18 / 0	0	\$151
GARAGE - WOOD AVG PITCH UNFIN	2000	24x24 / 0	0	\$8,315
DRIVE-CONCRETE	1995	0x0 / 1700	0	\$4,097

### Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/2/2017	1405 629 ✓	4 14	\$0	Survivorship Deed	HALE, NELLIE F,	HALE, NELLIE F, STEVEN LAMAR & DAVID R
10/2/2017	1405 621 ✓	4 14	\$0	Deed of Assent	HALE, BILLY R.	HALE, NELLIE F,
2/3/2015	1270 329 ✓		\$0	Quit Claim Deed	OCONEE COUNTY, GEORGIA	HALE, BILLY R. & NELLIE F
2/3/2015	1270 327 ✓		\$0	Quit Claim Deed	HALE, BILLY R. & NELLIE F	OCONEE COUNTY, GEORGIA

### Valuation

	2022	2021	2020	2019	2018
Previous Value	\$289,854	\$259,470	\$257,118	\$246,178	\$199,348
Land Value	\$138,715	\$109,225	\$89,528	\$89,528	\$89,528
+ Improvement Value	\$185,611	\$167,484	\$156,332	\$157,010	\$146,357
+ Accessory Value	\$13,099	\$13,145	\$13,610	\$10,580	\$10,293
= Current Value	\$337,425	\$289,854	\$259,470	\$257,118	\$246,178

No data available for the following modules: Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits.

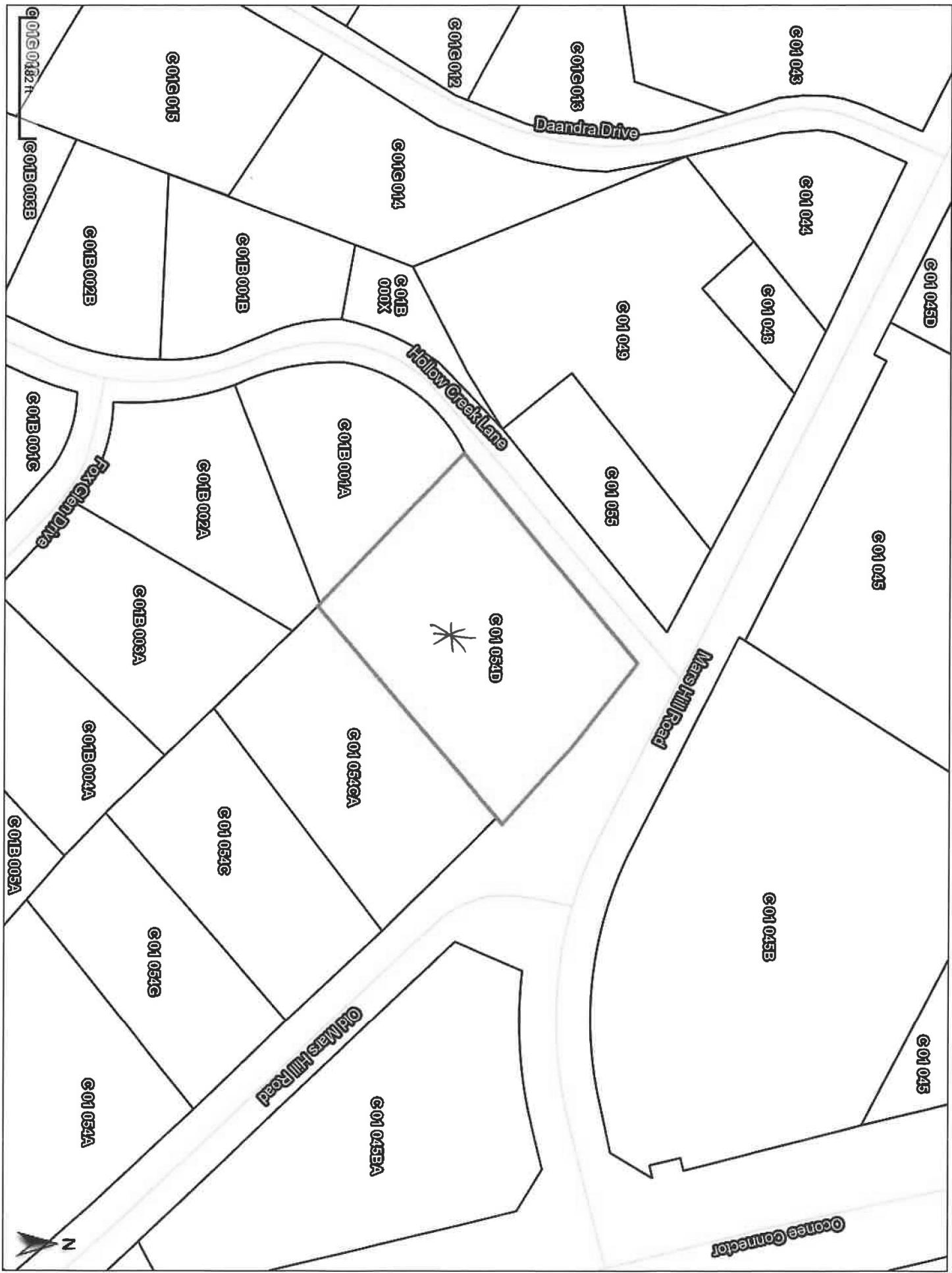
The information in this web site represents current data from a working file which is updated continuously. Information is believed reliable, but its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein, or its use.

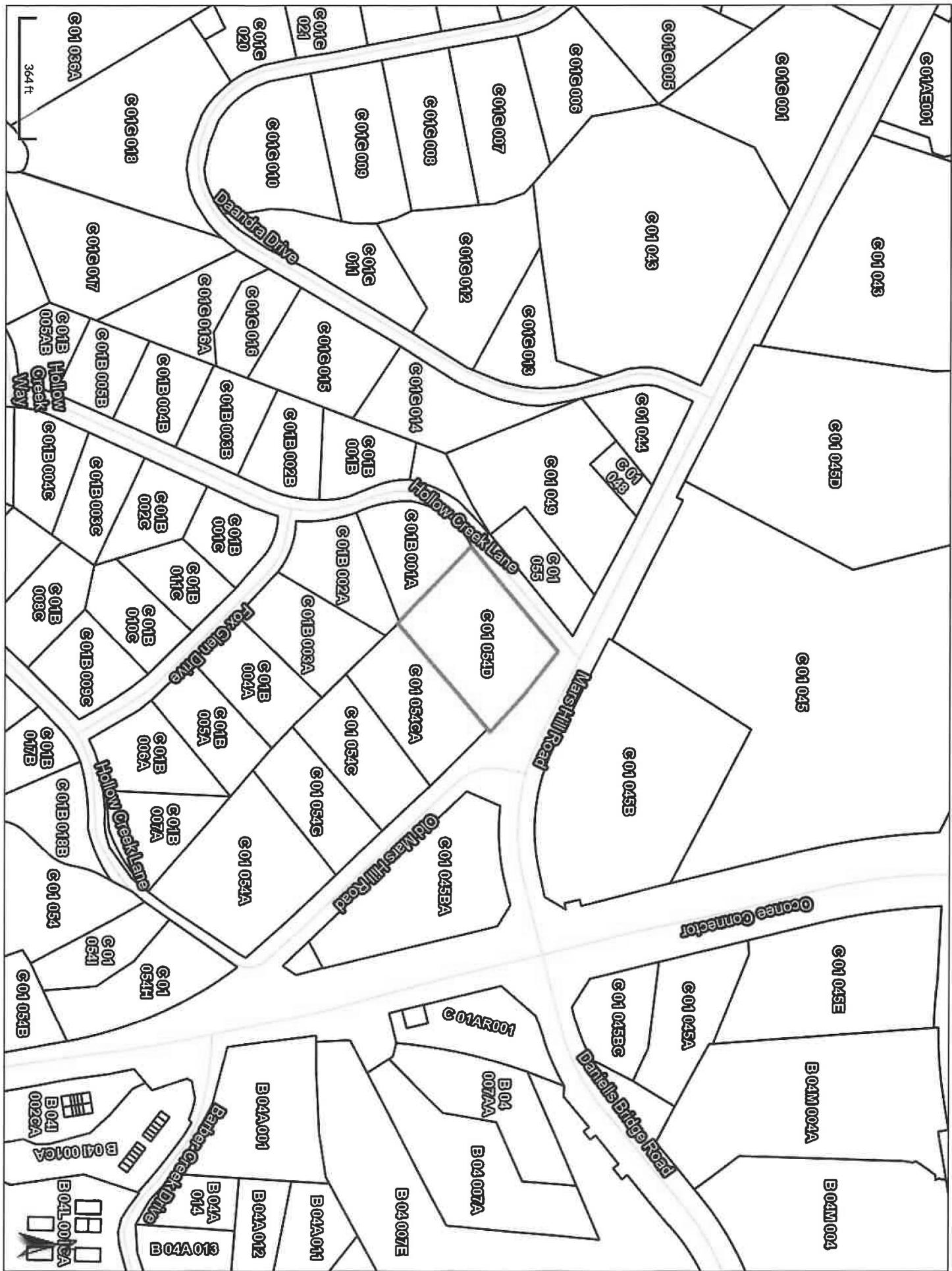
[User Privacy Policy](#)  
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Last Data Upload: 11/18/2022, 5:52:07 PM

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 Schneider GEOSPATIAL

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Re: Oconee County Rezone Change Application ("**Rezoning Application**") and Oconee County Appeal Application (Special Exception) ("**Special Exception Application**"; with the Rezoning Application, the "**Applications**") by DUO G&G, LLC ("**Applicant**") with respect to approximately 3.06 acres of property commonly known as 2521 Mars Hill Road, being Tax Parcel Number C 01 054D (the "**Property**")<sup>1</sup>

### **REZONING STANDARDS IMPACT ANALYSIS**

Applicant is seeking to rezone the Property from AR to OIP. The Development Code provides standards for governing consideration of a zoning change in Section 1207. Analysis of these standards with respect to the Rezoning Application reflects that the County should approve the Rezoning Application.

**a. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**

The property directly north of the Property is zoned B2 and is currently undeveloped. Properties to the south, east and west are zoned AR and AG, and are improved with older single-family residential homes. The relocation of the Existing Practice would provide a low-intensity neighborhood service as a transition from existing residential properties to the more intense commercial uses located along the Oconee Connector and further sections of Mars Hill Road as they exist or are contemplated by the County's Future Land Use Map and commercial zonings.

**b. Whether the property to be rezoned has a reasonable economic use as currently zoned.**

The Property does not have a reasonable economic use as currently zoned. Instead, the County's own Future Land Use Map and the Mars Hill Overlay District Map both contemplate that the highest and best use of the Property is for redevelopment for non-residential use.

**c. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**

**(1) Population density and effect on community facilities such as streets, schools, water and sewer;**

The Applications would slightly minimize the impact on schools because it would reduce the opportunity for the Property to be used as single family (or subdivided and used for more than one residence). They would have a similar effect on population as they would not increase population. There would be minimal impact on traffic given that approval of the Applications would result in the relocation of the Existing Practice and the minimal traffic it generates would be within the same general area. Water and sewer is available as Applicant will connect to an existing public line nearby, and Applicant has verified capacity for each of these.

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<sup>1</sup> Capitalized terms not otherwise defined in this analysis shall have the same meanings given them in the letter of intent filed with the Applications.

**Oconee County Planning and Code Enforcement**

March 20, 2023

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**(2) Environmental impact;**

Applicant is not aware of an environmental impact to the surrounding area, especially since this is the redevelopment of the already improved Property.

**(3) Effect on the existing use, usability and/or value of adjoining property.**

Redevelopment of the Property would not diminish the value of adjoining properties. Instead, it is likely to raise property values following the improvement and beautification of the Property. Applicant proposes to mimic the outstanding site landscaping and architecture of the Existing Practice as shown on the photographs enclosed. Redevelopment of the Property will also allow conformity with the Mars Hill Overlay development and architectural standards that are not currently being met.

**d. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**

The Property has been used as a single family residence by Owner since the early 1970s. It is currently vacant as a result of a death in the family late last summer. In the context of the County's Comprehensive Development Plan and Future Land Use Map, the Property is underutilized as a single family residence and the County has contemplated that the Property will be redeveloped with non-residential uses.

**e. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**

It is the intent of the OIP District to provide an area for business and professional offices as well as for social, fraternal, political, civic and community organizations. The proposed use meets the intent of the OIP zoning district and further, meets the intent of the Regional Center character area which is characterized by regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and entertainment facilities, higher-density residential planned developments, and single-family detached subdivisions.

**f. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

As intended by the Oconee County Comprehensive Plan, the Regional Center character area is slowly and thoughtfully growing as commercial development in the area and adjacent to Mars Hill Road continues.

**g. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**

The proposed rezoning is consistent with the Comprehensive Plan Future Development Map designation of Regional Center. Medical and professional offices are identified as a primary land use of the Regional Center character area.