

**HABERSHAM COUNTY BOARD OF COMMISSIONERS**  
**EXECUTIVE SUMMARY**

**SUBJECT: City of Cornelia Annexation of 28.71 acres (Parcel 112C019)**

**DATE: March 7, 2024**

**RECOMMENDATION**

**POLICY DISCUSSION**

**BUDGET INFORMATION:**

**STATUS REPORT**

**ANNUAL- N/A**

**OTHER**

**CAPITAL- N/A**

**COMMISSION ACTION REQUESTED ON: March 18, 2024**

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**PURPOSE:** As required by Georgia law, the City of Cornelia has notified Habersham County of a proposed annexation application consisting of a single parcel totaling 28.71 acres. The Board of Commissioners have an opportunity to object if you feel the proposed annexation creates some issue with the potential land use or service issues. If objecting, the County must notify Cornelia within forty-five (45) days and we'd enter an arbitration process. Staff has reviewed the application and has an objection. The proposed annexation would create an unincorporated island.

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**BACKGROUND / HISTORY:** The City of Cornelia is legally obligated to provide an opportunity for the Board of Commissioners to object to the proposed annexations.

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**FACTS AND ISSUES:** Staff has reviewed the proposed annexation and find the following:

- a. The proposed annexation does create an unincorporated island. There are three county properties fronting Elrod Street which would become an island. State law would allow the annexation if a 50' strip of unincorporated land is maintained along Elrod Street.
  - b. The annexation is contiguous to the existing City of Cornelia.
  - c. The proposed use of the property is as a multi-family residential development.
  - d. The proposed zoning of R-2 zoning is consistent with the recommended Suburban Transition character area in the Comprehensive Plan. Multi-family residential is one of the recommended land uses in Suburban Transition.
  - e. The property is currently within the LI, Low Intensity District in the County. LI would not allow the proposed use.
  - f. There are concerns about the County being responsible for maintenance in front of the three county houses on Elrod Street if the annexation is approved as submitted. I recommend an agreement with Cornelia to maintain the road in front of those three houses if approved.
  - f. The BOC must vote for objection only and it must be based on a "material increase in burden" related to:
    - (a) Proposed change in zoning or land use;
    - (b) Proposed increase in density; or
    - (c) Infrastructure demands related to the proposed change in zoning or land use.
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**OPTIONS:** The Board of Commissioners could act on these applications as follows:

1. Vote to have no objections to the proposed annexations.
  2. Vote to have objections to one or more of the annexation applications by stating the objection is based on a material increase in burden as described above.
  3. Take no action, thus having no objections.
  4. Commission defined alternative.
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**RECOMMENDED SAMPLE MOTION:** Motion to object to the proposed annexation of Map Parcel 112C019 due to the creation of an unincorporated island as recommended by staff.

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**DEPARTMENT:**

Prepared by: Mike Beecham

Director \_\_\_\_\_

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**ADMINISTRATIVE  
COMMENTS:** \_\_\_\_\_

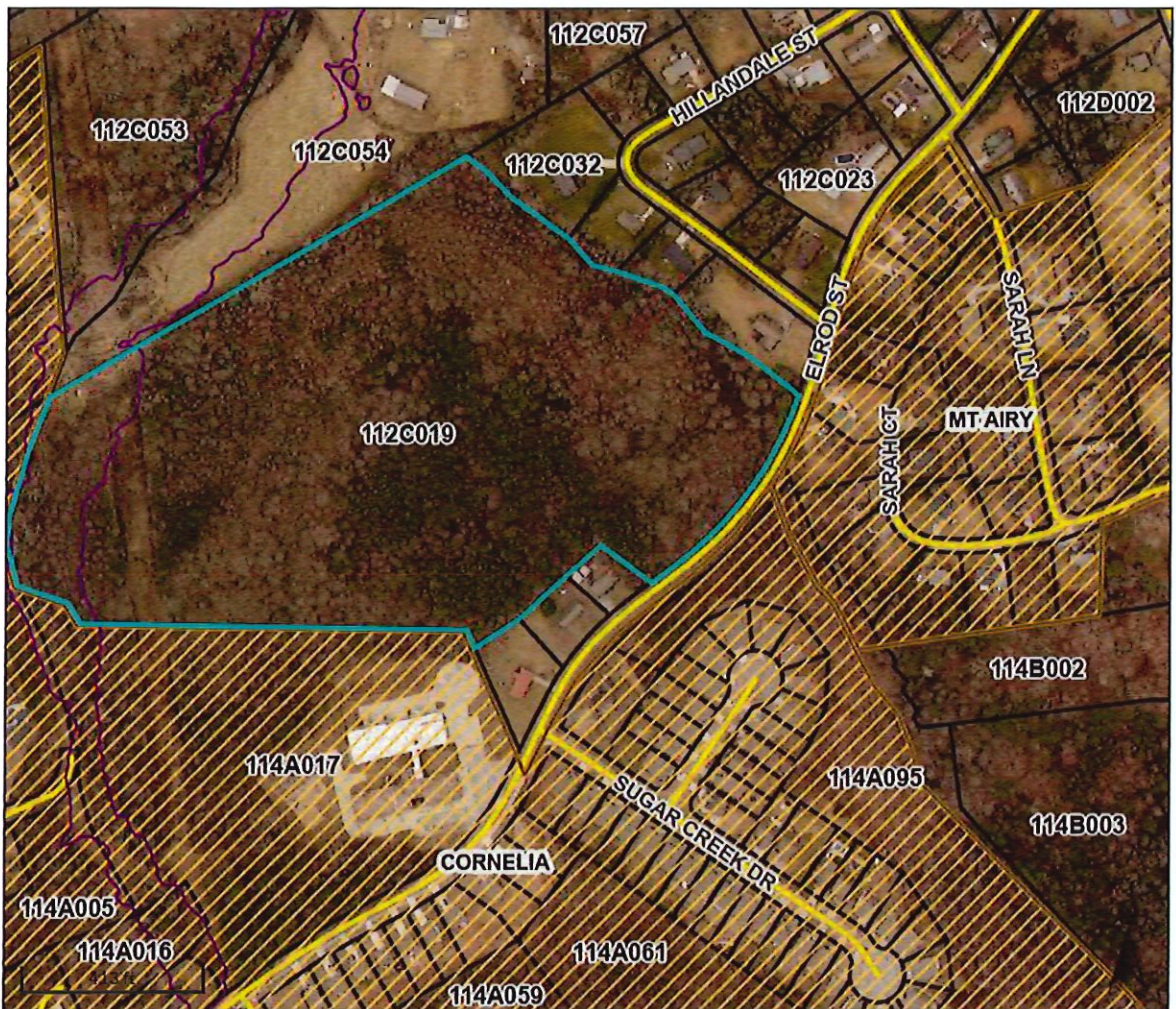
\_\_\_\_\_

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

County Manager

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- Legend**
-  Parcels
  -  Roads
  -  Flood Map
  -  City Limits

Parcel ID	112C019	Alternate ID	3495938	Owner Address	HIGGINS D AUBREY
Sec/Twp/Rng	n/a	Class	V		P O BOX 1
Property Address	ELROD ST	Acreage	28.71		CORNELIA GA 30531-0000
	01				
District	01				
Brief Tax Description	10-148 ELROD RD 130-619				
	<b>(Note: Not to be used on legal documents)</b>				

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMA's Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 3/8/2024  
 Last Data Uploaded: 3/8/2024 1:42:56 AM





## City of Cornelia

Jessie Owensby

PO Box 785 Cornelia, Ga. 30531

Telephone: 706-778-8585

Fax: 706-778-8585 Ext. 280

Email: [dmanager@cornelia.city](mailto:dmanager@cornelia.city)

To: The Board of County Commissioners of Habersham County  
CC: Planning Director, Mike Beecham  
130 Jacobs Way, Suite 130  
Clarkesville, GA 30523

March 5, 2024

Dear Commissioners:

Please be advised that the City of Cornelia, Georgia, by the authority vested in the Mayor and the Council of the City of Cornelia, Georgia by Article 6 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and the City Council.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of an application for annexation, a petition for annexation, or upon the adoption of a resolution for annexation by the City of Cornelia, in accordance with O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A. § 36-36-111.

The property to be annexed is parcel 112C019 located along Elrod street (34.5225917, -83.5190989), which is 28.71 acres, and is currently zoned LI.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the governing authority of the City of Cornelia, in writing and by certified mail, return receipt requested, of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter.

Pursuant to O.C.G.A. § 36-36-4 a public hearing on zoning of the property to be annexed as (insert zoning classification) will be held (insert time and place). If the county has an objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify Jessie Owensby, Community Development Director, within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Jessie Owensby  
City of Cornelia  
Community Development Director



City of Cornelia  
181 Larkin Street  
P.O. Box 785  
Cornelia, Ga. 30531

706-778-8585  
Fax# 706-778-2234

**APPLICATION TYPE**

Variance: \_\_\_\_\_ Conditional Use: \_\_\_\_\_ Rezoning: \_\_\_\_\_ Annexation:  X

{Check appropriate application(s)}

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant/Primary Contact Gary R. Hammond, Jr.

Address 7000 Peachtree Dunwoody Rd, Suite 4-100 City Atlanta State GA Zip 30328

Telephone # (770) 481-0855 ext. 100 Cell Phone # (404) 543-0855

Fax # (678) 638-4230 E-Mail grh@grhco.com

Property Owner(s): D. Aubrey Higgins

Address P.O. Box 1 City Cornelia State GA Zip 30531

Telephone # (706) 776-6000 Cell Phone (706) 706-499-9000

Fax # ( ) E-Mail daubreyhiggins@gmail.com

Agent: \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone # ( ) Cell Phone # ( )

Fax # ( ) E-Mail \_\_\_\_\_

Location of Property: Parcel 112C019 located along Elrod Street (34.5225917, -83.5190989)

Street Address: Elrod Street (adjacent to 719 Elrod St NE), Cornelia, GA

Acreage of Site; 28.71 Tax Map & Parcel #: Parcel 112C019 Existing Zoning: LI

Action Requested: Annexation into the City of Cornelia with conforming R-2 zoning

Cite Pertinent Section (s): O.C.G.A. 36-36-6

Existing Use: Vacant Land

Proposed Use: Multi-Family Residential

Paul Lewallen  
City Marshal  
plewallen@cornelia.city  
706-778-8585 ext. 248

Jessie Owensby  
Community Development Director  
dmanager@cornelia.city  
706-778-8585 ext. 280



City of Cornelia  
 181 Larkin Street  
 P.O. Box 785  
 Cornelia, Ga. 30531

706-778-8585  
 Fax# 706-778-2234

**PROPERTY OWNER'S CERTIFICATION**

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent in the pursuit of the proposed application of this property.

Kou Hagan  
 Signature of Property Owner/Executor/Officer

3 / 1 / 24  
 Date of Signature

\_\_\_\_\_  
 Estate/Company/Corporation

\_\_\_\_\_  
 Authorized Agent (Please Print)

\_\_\_\_\_  
 Signature of Authorized Agent

\_\_\_\_\_  
 Date of Signature

\_\_\_\_\_  
 Estate/Company/Corporation

\_\_\_\_\_  
 Authorized Agent (Please Print)

\_\_\_\_\_  
 Signature of Authorized Agent

\_\_\_\_\_  
 Date of Signature

**ACKNOWLEDGEMENT:**

It is the responsibility of the Applicant/Developer to insure that all information presented on a final plat is correct and complete; and that the proposed development adheres to the City of Cornelia Developments Regulations. This is not an exhaustive checklist. It is at the discretion of the City of Cornelia Staff if a final plat is complete.

[Signature]  
 Applicants Signature

3/1/2024  
 Date of Signature

\_\_\_\_\_  
 Developers Signature

\_\_\_\_\_  
 Date of Signature

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 City Marshal  
 plewallen@cornelia.city  
 706-778-8585 ext. 248

Jessie Owensby  
 Community Development Director  
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Fax# 706-778-2234

**CAMPAIGN CONTRIBUTION DISCLOSURE FORM**  
Required for all Zoning Procedures

**Disclosure of Campaign Contributions:**

When any application is made for Public Hearing regarding a Zoning Procedure within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of applicant to file a disclosure report with the governing body of the respective local government showing:

- (1) The Name and Official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3) The disclosure shall be marked by the applicant, property owner, or person representing the property owner and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have \_\_\_\_\_; I have not ; (please check one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

	\$	/	/	
Name of Official (s)	Office	Amount	Date of Contribution	

D. Aubrey Higgins  
Applicant's Name (Please Print)

[Signature]  
Signature of Applicant

8 / 1 / 2024  
Date of Signature

Paul Lewallen  
City Marshal  
[plewallen@cornelia.city](mailto:plewallen@cornelia.city)  
706-778-8585 ext. 248

Jessie Owensby  
Community Development Director  
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	\$	/	/	
Name of Official (s)	Office	Amount	Date of Contribution	

GARY R. HAMMOND JR  
 Applicant's Name (Please Print)

Signature of Applicant

3 / 1 / 2024  
 Date of Signature

Paul Lewallen  
 City Marshal  
[plewallen@cornelia.city](mailto:plewallen@cornelia.city)  
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Agent: \_\_\_\_\_

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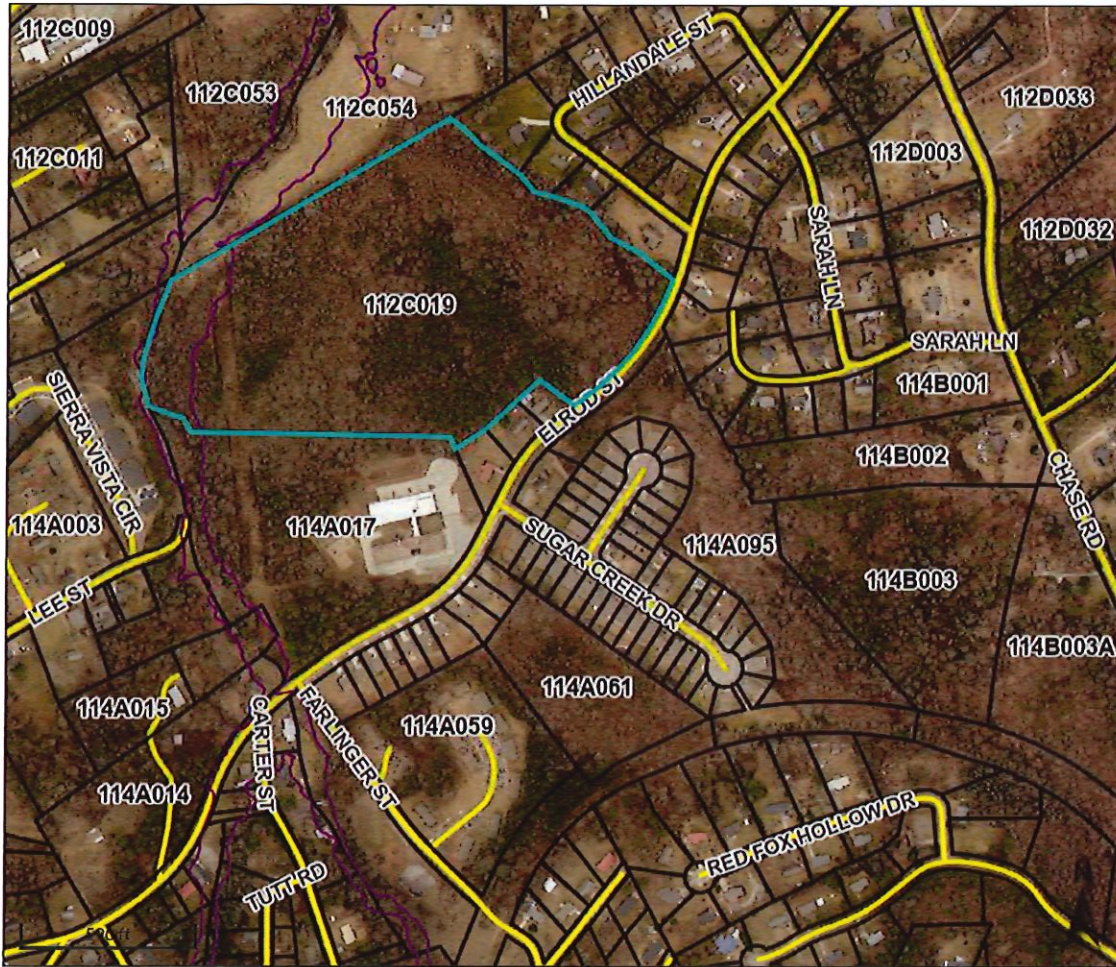
Cite Pertinent Section (s): O.C.G.A. 36-36-6

Existing Use: Vacant Land

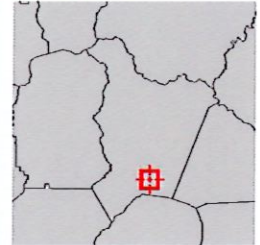
Proposed Use: Multi-Family Residential

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706-778-8585 ext. 280



Overview



Legend

-  Parcels
-  Roads
-  Flood Map

Parcel ID	112C019	Alternate ID	3495938	Owner Address	HIGGINS D AUBREY
Sec/Twp/Rng	n/a	Class	V		P O BOX 1
Property Address	ELROD ST 01	Acreage	28.71		CORNELIA GA 30531-0000

District 01  
 Brief Tax Description 10-148 ELROD RD 130-619  
 (Note: Not to be used on legal documents)

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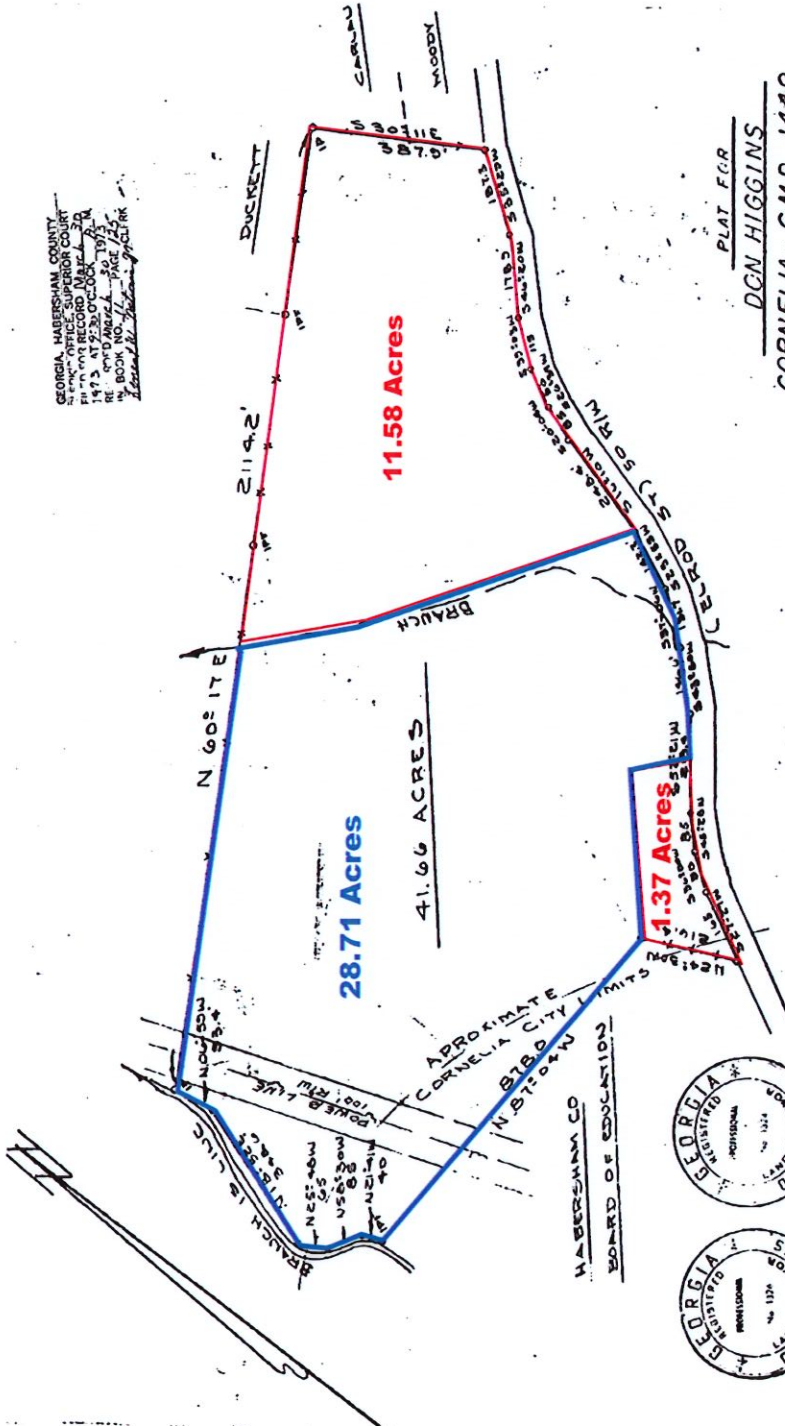
Date created: 3/1/2024  
 Last Data Uploaded: 3/1/2024 1:02:38 AM

Developed by 

## **Legal Description**

The site to be annexed is reflected in the tax card for Parcel 112C019 shown as 28.71 acres. This is a portion of the 41.66 acre tract of land described within the Deed filed March 30, 1973 attached.

GEORGIA, HABERSHAM COUNTY  
CLERK OF SUPERIOR COURT  
FILED FOR RECORD MAR 20  
1973 AT 2:30 O'CLOCK  
RE CORNELIA, PAGE 125  
BY BOARD OF SUPERVISORS  
of Board of Habersham County Clerk



PLAT FOR  
DCN HIGGINS  
CORNELIA GMD 1449  
HABERSHAM CO. GEORGIA  
SCALE 1"=200'  
JAN. 2, 1973



STATE OF GEORGIA, HABERSHAM County

This Indenture, Made this 30th day of March in the year of our Lord One Thousand, Nine Hundred and Seventy-Three, between

RALPH LOUDERMILK of the County of Habersham and State of Georgia, of the first part,

and D. AUBREY HIGGINS of the County of Habersham and State of Georgia, of the second part,

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of OTHER GOOD AND VALUABLE CONSIDERATIONS and TEN (\$10.00) - - - Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said part Y of the second part, his heirs and assigns, all that tract or parcel of land lying and being in Land Lots Nos. 147 and 148 of the 10th Land District of Habersham County, Georgia, and being more particularly described according to Plat of Survey made by Patton & Pless, Registered Surveyors, under date of January 2, 1973, a copy of said plat being of record in the office of the Clerk of Superior Court of Habersham County, Georgia, in Plat Book 11, page 125, as follows: BEGINNING at a corner common to lands of Habersham County Board of Education on the northwesterly side of Elrod Street; thence North 24 degrees 30 minutes West 216.4 feet along the line of lands of Habersham County Board of Education to corner; thence North 87 degrees 04 minutes West 878 feet along the line of lands of Habersham County Board of Education to an iron pin corner at a branch; thence up the center of the branch the following courses and distances: North 21 degrees 41 minutes West 40 feet, North 58 degrees 30 minutes West 85 feet, North 25 degrees 48 minutes West 65 feet, North 18 degrees 52 minutes East 348.6 feet, and North 06 degrees 59 minutes West 93.4 feet to an iron pin corner; thence North 60 degrees 17 minutes East 2114.2 feet to an iron pin corner; thence South 30 degrees 11 minutes East 387.9 feet to corner on the northwesterly side of Elrod Street; thence along Elrod Street the following courses and distances: South 35 degrees 29 minutes West 187.3 feet, South 46 degrees 20 minutes West 178.9 feet, South 39 degrees 03 minutes West 115 feet, South 26 degrees 39 minutes West 90 feet, South 20 degrees 04 minutes West 85 feet, South 16 degrees 10 minutes West 248.4 feet, South 25 degrees 55 minutes West 142.2 feet, South 37 degrees 06 minutes West 131.7 feet, South 43 degrees 50 minutes West 146.6 feet, South 52 degrees 21 minutes West 218.4 feet, South 45 degrees 28 minutes West 85 feet, South 36 degrees West 90 feet, and South 27 degrees 27 minutes West 165 feet to the point of beginning, containing 41.66 acres, more or less.

NOTE: This deed is made subject to an easement for an electric transmission line right-of-way 100 feet in width as shown on said Plat of Survey.

NOTE: The Grantee herein assumes and agrees to pay the 1973 ad valorem taxes on the above described land.

Habersham County
Real Estate Transfer Tax
\$ 85.40
Date March 30, 1973
James W. Williams, Jr.
Clerk of Superior Court

-CONTINUED-

STATE OF GEORGIA, HABERSHAM County

This Indenture, Made this 30th day of March in the year of our Lord One Thousand, Nine Hundred and Seventy-Three, between

RALPH LOUDERMILK of the County of Habersham and State of Georgia, of the first part, and D. AUBREY HIGGINS of the County of Habersham and State of Georgia, of the second part.

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of OTHER GOOD AND VALUABLE CONSIDERATIONS and TEN (\$10.00) - - - Dollars,

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said part Y of the second part, his heirs and assigns, all that tract or parcel of land lying and being in Land Lots Nos. 147 and 148 of the 10th Land District of Habersham County, Georgia, and being more particularly described according to Plat of Survey made by Patton & Pless, Registered Surveyors, under date of January 2, 1973, a copy of said plat being of record in the office of the Clerk of Superior Court of Habersham County, Georgia, in Plat Book 11, page 125, as follows: BEGINNING at a corner common to lands of Habersham County Board of Education on the northwesterly side of Elrod Street; thence North 24 degrees 30 minutes West 216.4 feet along the line of lands of Habersham County Board of Education to corner; thence North 87 degrees 04 minutes West 878 feet along the line of lands of Habersham County Board of Education to an iron pin corner at a branch; thence up the center of the branch the following courses and distances: North 21 degrees 41 minutes West 40 feet, North 58 degrees 30 minutes West 85 feet, North 25 degrees 48 minutes West 65 feet, North 18 degrees 52 minutes East 348.6 feet, and North 06 degrees 59 minutes West 93.4 feet to an iron pin corner; thence North 60 degrees 17 minutes East 2114.2 feet to an iron pin corner; thence South 30 degrees 11 minutes East 387.9 feet to corner on the northwesterly side of Elrod Street; thence along Elrod Street the following courses and distances: South 35 degrees 29 minutes West 187.3 feet, South 46 degrees 20 minutes West 178.9 feet, South 39 degrees 03 minutes West 115 feet, South 26 degrees 39 minutes West 90 feet, South 20 degrees 04 minutes West 85 feet, South 16 degrees 10 minutes West 248.4 feet, South 25 degrees 55 minutes West 142.2 feet, South 37 degrees 06 minutes West 131.7 feet, South 43 degrees 50 minutes West 146.6 feet, South 52 degrees 21 minutes West 218.4 feet, South 45 degrees 28 minutes West 85 feet, South 36 degrees West 90 feet, and South 27 degrees 27 minutes West 165 feet to the point of beginning, containing 41.66 acres, more or less.

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NOTE: The Grantee herein assumes and agrees to pay the 1973 ad valorem taxes on the above described land.

Habersham County, Georgia
Real Estate Transfer Tax
\$ 85.40
Date March 30, 1973
James W. Nations, Jr.
Clerk of Superior Court

-CONTINUED-

619

To Have and to hold the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of D. Aubrey Higgins the said party of the second part his heirs and assigns, forever, in fee simple.

And the said party of the first part, for his heirs, executors, and administrators, will warrant and forever defend the right and title of the above described property unto the said party of the second part, his heirs and assigns, against the claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed, and delivered in the presence of

(ALMA R. JONES)  
*(Signature)*  
(STEPHEN D. FRANKUM)  
*(Signature)*  
Notary Public;  
(NOTARIAL SEAL AFFIXED)

*(Signature)* (Seal)  
(Ralph Loudermilk) (Seal)

GEORGIA, HABERSHAM COUNTY, CLERK'S OFFICE, SUPERIOR COURT.  
Filed for record March 30, 1973, at 9:40 a.m. Recorded April 2, 1973.

(two) *Ernest W. Robinson, Jr.* CLERK

40-516-11  
311  
10/1/73

WARRANTY DEED

FROM  
RALPH LOUDERMILK  
TO  
D. AUBREY HIGGINS  
GEORGIA, Habersham County  
CLERK'S OFFICE, SUPERIOR COURT  
Filed for Record *March 30*  
19 *73*, at *9:40* o'clock *P.*M.  
Recorded in Book \_\_\_\_\_, Folio \_\_\_\_\_, 19 \_\_\_\_\_  
Clerk  
Duty Report Co., 125 1/2 Pryor St., S. W.  
Atlanta, Ga.