

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
August 28, 2013

Dialog with Julie Davis, HC Finance Director, regarding acquisition and sale of **Private Property**.

This is a dialog with Julie Davis, Finance Director, Marty Stamey, County Manager, and June Ray, Clerk of Superior Court, regarding the acquisition and sale of two parcels of Private Property for Haywood County. These two parcels came to light when David Francis, Tax Collector (now Tax Administrator) tried to unload them at the August 19th county commission meeting. Unfortunately, **they can't do that**, as previously noted in the following issues of Haywood County Toeprints.

<http://haywoodtp.net/pubTP/T130731.pdf>
<http://haywoodtp.net/pubTP/T130816SE.pdf>
<http://haywoodtp.net/pubTP/T130817SE.pdf>

We know from **American Jurisprudence (Federal Case Law)**, AMJUR MUNCCORP, § 471, 56 Am. Jur. 2d. Municipal Corporations, Etc. § 471,

“Municipalities may acquire and hold title to real property only for legitimate corporate purposes. Because a municipal corporation or county may not expend public funds for a purpose that is not public, such entities have no authority to purchase and hold property for a purpose not connected with a public use.”

What we appear to have is a scheme for the county to purchase tax foreclosed property (at great cost to the taxpayer), and launder it through their buddies, in these two cases, Clarence (Chuck) Dickson and (Waynesville Mayor) Gavin Brown -

[re: County Commission agenda,
<http://www.haywoodnc.net/downloads/commissioners/agmin2013/081913/a6.pdf> , and
<http://www.haywoodnc.net/downloads/commissioners/agmin2013/081913/a7.pdf>].

There are four people to focus on in this dialog:

- David Francis, Tax Collector, now Tax Administrator
- Julie Davis, Finance Director
- Mark Pinkston, lawyer for Van Winkle
- June Ray, Clerk of Superior Court

The person at the top of this pyramid is David Francis, being propped up on a three-legged stool by Julie Davis, Mark Pinkston and June Ray. As you read through this dialog, keep § 471, 56 Am. Jur in the back of your mind.

Francis tried to pull a fast one by casually unloading these two properties at the last county commission meeting. The question I have is how many others are ready to go, and which of Francis's pals are being lined up to reap the benefits of these transactions?

Enjoy...

Monroe A. Miller Jr.
Haywood County Taxpayer

From: Monroe Miller
Sent: Friday, August 16, 2013 10:46 AM
To: Julie Davis
Cc: Marty Stamey; Jonnie Cure; Denny King; June Ray
Subject: Request for Public Information

Julie,

This is a request for public information. It involves the two properties on Monday's county commission meeting under new business, #3.

After examining the case files for both of these properties, I discovered that David Francis bid on both of these properties being sold by Mark Pinkston, an appointed Commissioner of these sales working for Van Winkle.

On the first property, 7687-04-4513, the taxes were \$893.54 and the reported sale was for \$6,219.53 (the amount the county paid).
On the second property, 8608-76-2254, the taxes were \$3,471.35, and the reported sale was \$12, 581.85 (the amount the county paid).

Van Winkle was handling disbursements with the proceeds from the sale with receipts that came from Haywood County, when Francis bid for the property.

Please provide the check number and account number where monies were used from the county to pay for these properties. I presume the checks went to Van Winkle, but please provide the accounting for these wherever they went. Furthermore, please identify where the money originated from for the account that was used to purchase this private property.

By the way, do you realize the county is taking a big hit (loss) by letting these properties go for only \$3,500? What a punch in the stomach to the taxpayers, huh? Will you volunteer and share that assessment with the commissioners Monday when this item comes up?

Thank you,

Monroe Miller

p.s. It appears as though the Affidavits for Publication and associated invoices from the Mountaineer were paid by Van Winkle for both of these transactions. You don't have to worry about these, but still awaiting word from you when you will pay the invoices for the last two properties the county bid on.

On 8/19/2013 2:11 PM, Julie Davis wrote:

There was no check paid from the county for these properties.

Julie

Julie H. Davis, Finance Director
Haywood County
215 N. Main Street
Waynesville, NC 28786
828-452-6724 phone
828-452-6725 fax

From: Monroe Miller
Sent: Tuesday, August 20, 2013 1:21 PM
To: Julie Davis
Cc: Marty Stamey; Jonnie Cure; Denny King; June Ray; Bill Hollingsed; Sheriff Greg Christopher
Subject: Re: Request for Public Information

Julie

Thank you for letting me know that there was no check paid from the county for these properties. Rather than playing 20 questions, and me trying to figure out the correct question to ask you, can you please cut to the chase and let me know how Van Winkle received the amounts stated below?

If you are having trouble determining this, I'll see if I can get you a little assistance to help you out here..

The first agency that comes to mind in the auditor who did the county's books. They should be able to track this down.

If they can't find out, I have all the forms necessary to contact the IRS Crime Investigation Unit and get them involved to help you get to the bottom of this.

Let me know if you have any more luck in finding how Van Winkle received the amounts stated below.

Thanks,

Monroe Miller

On 8/20/2013 5:21 PM, Julie Davis wrote:

Mr. Miller,

Van Winkle did not receive the amounts listed below from the county. The law firm is paid for legal services for the tax department as needed. Generally, the law firm bills the county for work done and the county pays those bills. Some bills are not invoiced or paid until the process is completed. In the case of the properties listed below, until the properties are sold, the process is not completed. I hope this answers your question.

In essence, you are asking for something that is not there to find, no matter who looks for it.

Julie

Julie H. Davis, Finance Director
Haywood County
215 N. Main Street
Waynesville, NC 28786
828-452-6724 phone
828-452-6725 fax

From: Monroe Miller
Sent: Tuesday, August 20, 2013 8:50 PM
To: Julie Davis
Cc: Marty Stamey; Jonnie Cure; Denny King; June Ray; Bill Hollingsed; Sheriff Greg Christopher
Subject: Re: Request for Public Information

Sorry Julie,

I'm afraid we are not on the same wavelength yet.

You see, "the process" on these two properties -

On the first property, 7687-04-4513, the taxes were \$893.54 and the reported sale was for \$6,219.53 (the amount the county paid).

On the second property, 8608-76-2254, the taxes were \$3,471.35, and the reported sale was \$12, 581.85 (the amount the county paid).

was completed when the deeds were recorded and the county took possession. I am not talking about what happened at the county commission meeting last night, which was a joke, by the way, I'm talking about when the final report was made on the purchase of these properties signed off by both Mark Pinkston and June Ray.

If you say the law firm was paid for legal services for the tax department as needed, it seems you are saying in a round-about way that those amounts were buried in invoices from Van Winkle sometime during that time period. Please find those buried invoices from Van Winkle. Like I said, if you can't find them, I can arrange for some assistance for you.

Monroe Miller

On 8/21/2013 8:10 AM, Julie Davis wrote:

Mr. Miller,

When "the process" is complete - when the properties are sold and the invoices that will be sent to us are paid - then I will be happy to send you the amounts paid and the accounts from which they were paid. You are incorrect in your assumptions that "the process" on the two properties ended with the county taking possession.

Julie

Julie H. Davis, Finance Director
Haywood County
215 N. Main Street
Waynesville, NC 28786
828-452-6724 phone
828-452-6725 fax

From: Monroe Miller
Sent: Wednesday, August 21, 2013 8:23 AM
To: Julie Davis
Cc: Marty Stamey; Jonnie Cure; Denny King; June Ray; Bill Hollingsed; Sheriff
Greg Christopher; Roy Cooper
Subject: Re: Request for Public Information

Ms. Davis,

Why don't you clarify a little more for me why "the process" is not complete when THE FINAL REPORT OF THE FORECLOSURE SALE had been signed off by Mark Pinkston of Van Winkle and June Ray, Clerk of Superior Court, back on 9/15/2011 and 11/7/2011 respectively.

Your assumption is not correct. I don't have to wait until the properties are sold and the invoices that will be sent to you are paid. I want to know the accounts you used to provide the nearly \$19K to Van Winkle, as indicated in THE FINAL REPORT OF THE FORECLOSURE SALE, now.

Thank you,

Monroe Miller

On 8/21/2013 6:24 PM, Julie Davis wrote:

Mr. Miller,

The documents that you have requested do not exist.

Julie

Julie H. Davis, Finance Director
Haywood County
215 N. Main Street
Waynesville, NC 28786
828-452-6724 phone
828-452-6725 fax

Subject: Re: Request for Public Information
Date: Wed, 21 Aug 2013 18:55:54 -0400
From: Monroe Miller
To: June Ray <June.L.Ray@nccourts.org>
CC: Julie Davis <jhdavis@haywoodnc.net>, Marty Stamey <MStamey@haywoodnc.net>, Jonnie Cure <jcubed41@gmail.com>, Denny King <kingsplace@charter.net>, Bill Hollingsed <wpdchief@waynesvillepd.com>, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Roy Cooper <OpenGov@ncdoj.gov>

Ms. Ray,

You have been following this e-mail correspondence with Julie Davis and I.

What do you think?

How is it that the county (David Francis) can bid on these two properties, and you and Mark Pinkston sign off on these foreclosures, with THE FINAL REPORT OF THE FORECLOSURE SALE, an audit, while Julie Davis says these documents recording the transfer of money do not exist?

Can you explain how it is that you signed off on this?

Would you like to confer with Mark Pinkston on this?

By the way, can you please acknowledge my previous request for public information to you? Please respond.

Thanks,

Monroe Miller

On Aug 21, 2013, at 7:03 PM, "Monroe Miller" wrote:

Marty,

Can you please provide me the contact information for the auditor that audited Julie Davis and the county financials for the years 2010 - 2012?

Thank you,

Monroe Miller

On 8/24/2013 7:44 AM, Marty Stamey wrote:

Mr. Miller,

Dixon Hughes is the audit firm, which can be referenced online in the annual CAFRs, http://www.r.net/index.php?option=com_content&view=article&id=99:finance-department&catid=45:Finance&Itemid=93

Marty

Subject: Re: Request for Public Information
Date: Tue, 27 Aug 2013 09:01:58 -0400
From: Monroe Miller
To: Julie Davis <jhdavis@haywoodnc.net
CC: Marty Stamey <MStamey@haywoodnc.net, June Ray <June.L.Ray@nccourts.org,
Jonnie Cure <jcubed41@gmail.com, Denny King <kingsplace@charter.net, Bill
Hollingsed <wpdchief@waynesvillepd.com, Sheriff Greg Christopher
<GChristopher@haywoodnc.net

Please see attached.

[**Editors Note:** Attachment follows this last e-mail].

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
August 27, 2013

Julie Davis, Director
Haywood County Finance Department
215 N. Main Street
Waynesville, NC 28786
jhdavis@haywoodnc.net

Subject: Request for Public Information.

Sorry Julie, your response “[The documents that you have requested do not exist](#)” doesn’t hack it. In fact, your last several responses to questions related to the acquisition or sale of private property owned by Haywood County appear to have been misleading and have been disappointing, to say the least.

Let’s review your recent contrived and tortured responses.

- In a question regarding the payment of two Affidavits of Publication submitted to the county by the Mountaineer for private property recently purchased by David Francis, cases 12M208 and 12M167 well over a year ago, you indicated:

“[Mr. Miller, The county has not yet paid the Mountaineer for the two advertisements that you mentioned in your request. I will be happy to let you know the specific account number and the fund from which these are paid, when they are, eventually, paid. Julie](#)”

I expect to hear the specific account number and the fund from which those were paid from you when hell freezes over.

- In another question asking you where David Francis got the money to pay the \$18,801.08 for purchasing two private property tax foreclosures, cases 10CVD109 and 09CVD1331, you responded:

“[Mr. Miller, Van Winkle did not receive the amounts listed below from the county. The law firm is paid for legal services for the tax department as needed. Generally, the law firm bills the county for work done and the county pays those bills. Some bills are not invoiced or paid until the process is completed. In the case of the properties listed below, until the properties are sold, the process is not completed. I hope this answers your question. In essence, you are asking for something that is not there to find, no matter who looks for it. Julie](#)”

“The process” has been completed, as we shall see from the colorful selections of documents from case file 09CVD1331. Another disappointing and contrived response.

- And lastly, your final response to the same question:

“[The documents that you have requested do not exist](#)”

What kind of twisted response is this?

You see, I have it in my mind that Van Winkle **did** receive \$18,801.08 [\$6,219.53 + \$12,581.85] from someone within Haywood County Government. It is logical to me that you would have knowledge of that transaction, since you are the finance gal, and know what account that money came out of to transfer to Van Winkle.

Your final tortured response of “[The documents that you have requested do not exist](#)” leads me to conclude one of the following:

- Incompetence? I know you are a smart person, so let’s look at other possibilities,
- Lying to cover your actions?
- Lying to cover someone else’s actions?
- Someone is writing checks (or using cash) for the county without your knowledge. That would revert back to the first item if you are unable to track it down.

I think, before we get the auditors involved, the best thing to do at this point is to assist you a little further in tracking this down with some of the information I pulled out of the two files -

- 09CVD1331
- 10CVD109

I went over to the Justice Center last Thursday and made copies of a couple of documents. Since these files are similar in a lot of respects, I will concentrate on **09CVD1331**, and you can take my word (or not) for it that there are corresponding documents associated with 10CVD109, since 09CVD1331 is the higher dollar value case.

I’ve scanned these documents and appended them to this letter. I’ll explain each document to you, so that you will see the relevance to my original request for public information.

- [Page 5] Haywood County Property Bid and Offer to Purchase. This, of course, is ATTACHMENT 7 to the August 19, 2013 Agenda, by David Francis. This is Francis trying to unload private property that the county had previously purchased and currently owns. Commissioners had no problem approving this request to sell these properties for \$3,500.00 even though they cost the county \$18,801.08.
- [Page 6] Report for 8608-76-2254. This is from www.haywoodnc.net Maps Online, showing the county owns this property and some interesting stats, including that the assessed value of this property is \$31,700. The aerial photo shows that this is a private property, and in no way, shape, or form, something that can be considered public land.
- [Pages 7 - 9] This is the Commissioners Deed, 3 pages, signed off by Mark Pinkston of Van Winkle. Notice his signature verifying the transaction. This was deeded over to the county on September 13, 2011.
- [Pages 10 - 12] This is the JUDGEMENT, filed 5/31/2011, signed by a District Court Judge. Note Exhibit “A”, Total taxes and Interest Due (at that time), \$3,471.35.
- [Page 13] This is a REPORT OF SALE. Note that the name of the purchaser was County of Haywood, the transaction was in **cash** for the amount of \$12,581.85. Note also, that Gavin Brown is listed as a Defendant in this foreclosure action. Coincidentally enough, he is the lawyer for the bidder of this property who bid \$2,000 at the last county commission meeting. When Francis bought this property for the county, what did he do - raid the petty cash drawer? Is that why you said “[The documents that you have requested do not exist](#)”? This document was signed by Mark Pinkston.
- [Page 14-17] This is an AFFIDAVIT. It lists some of the specific costs and names associated with this foreclosure. Again, Gavin Brown’s name is splashed throughout this document. EXHIBIT “A” is interesting, as it lists some of the myriad of legal fees racked up by Van Winkle plus other disbursements. It is interesting to note that Van Winkle paid for the Publication Fee; the Mountaineer, so we are relieved that the Mountaineer got paid on this one, rather than being stiffed by you for the Affidavits of Publication you have not paid yet for cases 12M208 and 12M167.

- [Page 18] The JUDGEMENT OF CONFIRMATION OF TAX FORECLOSURE SALE offers proof that Van Winkle received payment from the county for \$12,581.85, when June Ray, Clerk of Superior Court signed off on the following statement: “ ... and the Commissioner is hereby ordered to deliver to the purchaser a deed to the real property in fee simple, upon receipt of the purchase price.” [Highlighted in yellow in the attachment]. We will get to why June Ray signed off on the county purchasing private property a little later. The county has the deed, as previously shown.
- [Page 19] Here is a check paid to Mark Pinkston from Van Winkle for his services as Commissioner. Do you think Van Winkle would be issuing a check to Mark Pinkston from their internal funds without having been reimbursed already for this little transaction from the county?
- [Pages 20 - 21] Finally, a FINAL REPORT OF TAX FORECLOSURE SALE. I believe any sane person would conclude that “the process” has been completed for this transaction. This is the elusive audit for this case file, which June Ray has never produced for the recent county purchase of private property, case files 12M208 and 12M167. Again, June Ray has a couple of problems of her own to deal with. June Ray has verified that Mark Pinkston has “received the purchase price for the property”.

Ms. Davis, it appears that your responses have been so contrived and tortured, that you must be using a lawyer to come up with some of these responses. We (I and the small army of people that are working on this) have a side bet going on to guess who you are using for a lawyer to come up with your responses. Please select the correct answer:

1. Kirk Kirkpatrick
2. Mark Pinkston
3. Chip Killian
4. Leon Killian
5. Charles Meeker
6. Your own personal lawyer
7. Someone else.
8. All of the above.

[My guess is #8].

Under any circumstances, the person(s) assisting you with this are not doing so hot. My recommendation is get someone else.

In order to get a little help for you in locating these documents that don't exist, I am copying this material to Dixon Hughes PLLC, the auditor you have selected for the last couple of years, to see if they can assist you in locating these documents that don't exist. We will see shortly if they are part of the solution or part of the problem.

Checkmate.

Monroe A. Miller Jr.

cc: Dixon Hughes PLLC, HC Independent Auditor

bcc:

Haywood County Property Bid and Offer to Purchase

I, Gavin A Brown atty, hereby submit a bid and offer to purchase certain real property owned by the Haywood County.

The property is identified in the Haywood County Tax Office as:

Parcel Number: 8608-76-2254

Street Address: 447 Sunshine Cove Road, Waynesville NC

The bid for the property is \$ 2000 and attached hereto is a check or cash in the amount of \$ 200 as a deposit of not less than 5% of my bid.

Upon notification that my offer is accepted and there have been no upset bids, the remaining balance will be paid in full by cash or certified check.

Haywood County will prepare a quitclaim deed in the following name(s) as:

Grantee(s): Kenneth & Lisa Jacobine

Bidder/ Grantee understands that they are responsible for all expenses involved in recording the deed.

NAME: Gavin A Brown atty for Bidders

ADDRESS: 370 N Main St, Suite 200
Waynesville, NC 28786

TELEPHONE: 828-457-1454

Report For 8608-76-2254

HAYWOOD COUNTY

HAYWOOD COUNTY COURTHOUSE
215 N MAIN ST
WAYNESVILLE, NC 28786

Account Information:

PIN: 8608-76-2254
Deed: 809/2250

Site Information:

447 SUNSHINE COVE RD

SINGLE WIDE
MANUFACTURED HOUSING
HOMESITE PRIMARY

Heated Area: 672
Year Built: 1986
Total Acreage: 0.4007
Township: JONATHAN CREEK

Site Value Information:

Land Value: \$22,100
Building Value: \$9,600
Market Value: \$31,700
Deferred Value: (\$0)
Assessed Value: \$31,700
Sale Price: \$12,581
Sale Date: 9/22/2011
Taxes 2012: \$336.73
Taxes 2011: \$263.26



1: 717

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from various public records and other public records and data. Users of this site are hereby notified that the aforementioned public property information should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

PENDING REVIEW FOR TAX LISTING



2011007785
HAYWOOD CO, NC FEE \$25.00
STATE OF NC REAL ESTATE EXT
\$26.00

PRESENTED & RECORDED
09-22-2011 10:43:34 AM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: DEB SCHAEFER
DEPUTY

BK: RB 809
PG: 2250-2252

DATE 9/22/11 BY SP

HAYWOOD COUNTY TAX CERTIFICATION

There are **no** delinquent taxes due that are a lien against parcel number(s) 8608-76-2254

David B. Francis, Haywood County Tax Collector

Date: 9/22/2011 By: [Signature]

PREPARED BY AND RETURN TO: **Mark A. Pinkston**
VAN WINKLE, BUCK, WALL, STARNES & DAVIS, P.A.
POST OFFICE BOX 7376
ASHEVILLE, NORTH CAROLINA 28802

STAMPS: \$26.00

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

COMMISSIONER'S DEED

THIS DEED, made this 13th day of September, 2011, by and between **Mark A. Pinkston**, Commissioner, hereinafter sometimes referred to as "Grantor", and County of Haywood, a body politic and corporate of 215 N. Main Street, Waynesville, NC 28786, hereinafter sometimes referred to as "Grantee".

WITNESSETH:

THAT WHEREAS, Mark A. Pinkston was appointed commissioner under a judgment of the District Court of Haywood County, North Carolina, in the tax foreclosure proceeding entitled "County of Haywood, A Body Politic and Corporate vs. James Michael Jacobs, et al.", File Number 09 CvD 1331, and;

WHEREAS, Mark A. Pinkston, as commissioner, was directed by the judgment to sell the property hereinafter described at public sale after due advertisement according to law, and;

WHEREAS, Mark A. Pinkston, commissioner, did on the 19th day of July, 2011, offer the land hereinafter described at a public sale at the Haywood County Courthouse door, in Waynesville, North Carolina, and County of Haywood, a body politic and corporate became the last and highest bidder for said land for the sum of \$12,581.85, and;

WHEREAS, the sale having been confirmed, and Mark A. Pinkston, commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money, and;

WHEREAS, said property was not the primary residence of the record owner; and,

NOW, THEREFORE, in consideration of the premises and the sum of Twelve Thousand Five Hundred Eighty One and 85/100 Dollars (\$12,581.85), paid to the said Grantor by the said Grantee, the receipt of which is hereby acknowledged, Mark A. Pinkston, commissioner, does hereby bargain, sell, grant, and convey unto County of Haywood, a body politic and corporate, Grantee, its successors and/or heirs and assigns forever, all that certain piece, parcel or lot of land, situate, lying and being in Haywood County, North Carolina, and bounded and more particularly described as follows:

The real estate is shown on the Haywood County Tax Records as Parcel Identification Number ("PIN") 8608-76-2254, and is that certain parcel, tract or lot of real estate situated in Jonathan Creek Township, Haywood County, North Carolina described in Deed Book 499, at Page 1503, Haywood County, North Carolina Registry and is more particularly described as follows:

BEGINNING at a point in center of 30-foot right of way at the southmost corner of the Chasse lot (Deed Book 339, page 413, Haywood County Registry) and runs thence S. 39 deg. 24 min. 45 sec. E. 26.75 feet to a point in center of intersecting 30-foot right of way; thence with center of same S. 58 deg. 23 min. 41 sec. W. 94.51 feet; thence N. 62 deg. 33 min. 28 sec. W. 233.73 feet; thence N. 88 deg. 00 min. 00 sec. E. 233.95 feet to a point in center of cul-de-sac; thence S. 08 deg 19 min. 42 sec. W. 32.81 feet to the BEGINNING and BEING designated as Lot No. 10 of that property as described in Deed Book 267, page 857, Haywood County Registry.

TOGETHER WITH and INCLUDING and SUBJECT TO the joint use of the rights of way hereinabove mentioned and those rights of way now laid out and in use from the property herein conveyed to the State maintained road.

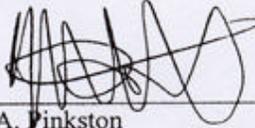
TOGETHER WITH a one-half interest in the well located on the property described in deed to Darwin C. Odum and Wife, Jane A. Odum, dated July 7, 1989, for Lot No. 4, together with the right to receive water from the well, the right to maintain underground pipelines as they are presently laid out and the right to go upon said property herein described for the purpose of repairing and maintaining said pipelines and well.

TO HAVE AND TO HOLD the said land and premises, and all privileges and appurtenances thereto belonging, unto the said Grantee, its successors and/or heirs and assigns forever, in as full and ample manner as the said Commissioner is authorized and empowered to convey the same.

This conveyance is made subject to Haywood County and city property taxes, the payment of which shall be assumed by the grantee.

The words Grantor and Grantee shall include and be applicable to the parties hereto, whether singular, plural or corporate.

WITNESS the following signature and seal, this the day and year first above written.



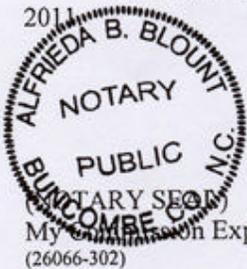
Mark A. Pinkston
Commissioner
Post Office Box 7376
Asheville, North Carolina 28802-7376
828-258-2991

STATE OF NORTH CAROLINA

COUNTY OF Buncombe

I, Alfreda B. Blount, a Notary Public for the County and State aforesaid, certify that **Mark A. Pinkston**, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS MY HAND AND NOTARIAL SEAL this the 13th day of September,



Alfreda B. Blount
NOTARY PUBLIC
Printed Name: Alfreda B. Blount

My Commission Expires: August 23, 2012
(26066-302)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

09 CvD 1331

COUNTY OF HAYWOOD, A BODY
POLITIC AND CORPORATE,

Plaintiff,

vs.

JAMES MICHAEL JACOBS, SPOUSE OF
JAMES MICHAEL JACOBS, if any,
AMERICAN GENERAL FINANCE, INC.
(Lienholder), GAVIN BROWN (Trustee for
American General Finance, Inc.), ROLANDE
BOUCHER and HUSBAND, JAY L.
BOUCHER (Lienholders), STEPHEN J.
MARTIN, (Trustee for Rolande Boucher and
Husband, Jay L. Boucher), and THE STATE
OF NORTH CAROLINA HAYWOOD
COUNTY DEPARTMENT OF SOCIAL
SERVICES (Judgment Creditor)

Defendants.

97

HAYWOOD COUNTY, C.S.C.

2011 MAY 31 AM 10:22

FILED

JUDGMENT

This matter came on for hearing before the undersigned Judge on Motion of the Plaintiff for Summary Judgment, and it appearing to the Court that there is no genuine issue as to any material fact and movant is entitled to Judgment as a matter of law;

And it appearing to the Court that this is an action for the foreclosure of the lien for taxes due to Plaintiff upon real property described in the Complaint;

It further appearing to the Court that the Plaintiff, at the time of the institution of this action, filed a Complaint setting out the amount of its tax lien against the real property;

And now files a property certificate showing the amount of taxes that have been subsequently accrued against the real property, as authorized by §105-374(e) of the General Statutes;

And it further appearing that all Defendants named in this action have been properly served with Summons and Complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have a first and prior lien upon the parcel or tract of real property described below for the taxes for the years and amounts set forth on Exhibit "A" attached herewith, together with the costs of this action.

That the real property upon which this Judgment is a lien is located in Haywood County, North Carolina and is more particularly described as follows:

BEGINNING at a point in center of 30-foot right of way at the southmost corner of the Chasse lot (Deed Book 339, page 413, Haywood County Registry) and runs thence S. 39 deg. 24 min. 45 sec. E. 26.75 feet to a point in center of intersecting 30-foot right of way; thence with center of same S. 58 deg. 23 min. 41 sec. W. 94.51 feet; thence N. 62 deg. 33 min. 28 sec. W. 233.73 feet; thence N. 88 deg. 00 min. 00 sec. E. 233.95 feet to a point in center of cul-de-sac; thence S. 08 deg 19 min. 42 sec. W. 32.81 feet to the BEGINNING and BEING designated as Lot No. 10 of that property as described in Deed Book 267, page 857, Haywood County Registry.

TOGETHER WITH and INCLUDING and SUBJECT TO the joint use of the rights of way hereinabove mentioned and those rights of way now laid out and in use from the property herein conveyed to the State maintained road.

TOGETHER WITH a one-half interest in the well located on the property described in deed to Darwin C. Odum and Wife, Jane A. Odum, dated July 7, 1989, for Lot No. 4, together with the right to receive water from the well, the right to maintain underground pipelines as they are presently laid out and the right to go upon said property herein described for the purpose of repairing and maintaining said pipelines and well.

IT IS FURTHER ORDERED that all the right, title and interest of the Defendants in and to the real property are hereby barred and forever foreclosed except as to the rights to redeem before confirmation of the sale and to participate in the distribution of any surplus resulting from the sale herein authorized in accordance with any relative claim thereto.

IT IS FURTHER ORDERED AND ADJUDGED that Mark A. Pinkston be appointed as Commissioner to sell the real property at public auction for cash to the highest bidder, at the Courthouse door in Haywood County, after first posting Notice of Sale at the Courthouse in Haywood County for twenty (20) days preceding the sale, and also advertising once a week for two (2) successive weeks in a newspaper published in Haywood County, and the Commissioner shall sell the real property free and clear of all interests, rights, claims, and liens whatever, except ad valorem taxes, the amount of which cannot be determined, and the taxes and assessments of taxing units that are not parties to this action;

And the commissioner shall within three (3) days after sale make a report thereof to this Court. A cash deposit of 5% shall be required on the sale at public auction unless the highest bidder is the taxing unit; then a deposit shall not be required.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that upon delivery of the Deed and collection of the purchase price, the Commissioner shall apply the proceeds as provided by law.

THE COURT FURTHER ORDERS that a reasonable Commissioner's fee, not to exceed 5% of the purchase price, and a reasonable attorney's fee for the Plaintiff are to be determined at a later date, and that the costs of this action shall be recovered by Plaintiff.

This cause of action is remanded to the Clerk of this Court for further proceedings in accordance with the Judgment and the law provided in such cases.

THIS the 31st day of May, 2011.



District Court Judge Presiding

DMS:4835-7094-3753v1|28066-28066-0302|3/15/2011

EXHIBIT "A"

The following taxes are liens in favor of the Plaintiff on the property identified as PIN Number 8608-76-2254 and which is the subject of this action:

<u>Tax Year</u>	<u>Amount (including Interest)</u>
2010	\$263.26
2009	\$240.22
2008	\$240.71
2007	\$260.73
2006	\$228.17
2005	\$210.20
2004	\$222.94
2003	\$528.62
2002	\$256.65
2001	\$295.70
2000	\$283.81
1999	\$294.36
1998	\$145.98
Total Taxes and Interest due:	\$3,471.35

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILED
2011 JUL 19 AM 10:39

09 Cvd 1331

COUNTY OF HAYWOOD, A BODY POLYTIC AND CORPORATE.

Plaintiff,

vs.

JAMES MICHAEL JACOBS, SPOUSE OF
JAMES MICHAEL JACOBS, if any,
AMERICAN GENERAL FINANCE, INC.
(Lienholder), GAVIN BROWN (Trustee for
American General Finance, Inc.), ROLANDE
BOUCHER and HUSBAND, JAY L.
BOUCHER (Lienholders), STEPHEN J.
MARTIN, (Trustee for Rolande Boucher and
Husband, Jay L. Boucher), and THE STATE
OF NORTH CAROLINA HAYWOOD
COUNTY DEPARTMENT OF SOCIAL
SERVICES (Judgment Creditor).

Defendants.

REPORT OF SALE

The undersigned, **Mark A. Pinkston**, respectfully reports to the court:

That pursuant to the power and authority vested in me as commissioner under a Judgment entered in this action by the presiding District Court Judge on the 31st day of May, 2011, the undersigned offered for sale at public auction **to the last and highest bidder for cash**, on the 19th day of July, 2011, at 10:00 a.m. at the Haywood County Justice Center door in Haywood County, the real property described in the Notice of Sale in this action after due advertisement of the sale in the manner prescribed by law. The property described in the Notice of Sale was sold as follows:

Name of purchaser and highest bidder is **County of Haywood, a body politic and corporate**. The address of purchaser and highest bidder is **215 N. Main Street, Waynesville, NC 28786**. The amount of the bid was **\$12,581.85**.

This the 19th day of July, 2011.


Mark A. Pinkston, Commissioner
(26066-302)

James Michael Jacobs
325 King Road
Pisgah Forest, NC 28768

Spouse, if any, of James Michael Jacobs
325 King Road
Pisgah Forest, NC 28768

James Michael Jacobs
447 Sunshine Cove Rd
Waynesville, NC 28785

Spouse, if any, of James Michael Jacobs
447 Sunshine Cove Rd
Waynesville, NC 28785

James Michael Jacobs
963 Jonathon Creek Rd. Apt. H
Waynesville, NC 28785

Spouse, if any, of James Michael Jacobs
963 Jonathon Creek Rd. Apt. H
Waynesville, NC 28785

James Michael Jacobs
447 Sunshine Cove Rd, #10
Waynesville, NC 28785

Spouse, if any, of James Michael Jacobs
447 Sunshine Cove Rd, #10
Waynesville, NC 28785

Springleaf Financial Services of North Carolina, Inc.
f/k/a American General Finance, Inc.
c/o Corporation Service Co., Reg. Agent
327 Hillsborough Street
Raleigh, NC 27603

State of North Carolina
Haywood County Dept. of Social Services
c/o Tony Beaman, Director
486 E. Marshall Street
Waynesville, NC 28786

Stephen J. Martin, Trustee
Rolande Boucher & Jay Boucher
482 S. Main Street
Waynesville, NC 28786

Jay L. Boucher
229 Langston Drive NE
Calhoun, GA 30701

Roland Boucher
P.O. Box 216
Coosa, GA 30129

Rolande Boucher
229 Langston Drive NE
Calhoun, GA 30701

Gavin Brown, Trustee
American General Finance, Inc.
370 North Main Street, Suite 206
Waynesville, NC 28786

Jay L. Boucher
646 Mauldin Road NW
Calhoun, GA 30701

Stephen G. Ellis, Agency Attorney
Haywood County Dept. of Social Services
486 East Marshall Street
Waynesville, NC 28786

Stephen G. Ellis, Agency Attorney
Haywood County Dept. of Social Services
160 N Main St # 6
Waynesville, NC 28786-3968

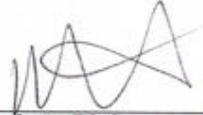
Haywood County Tax Collector

To cmiller@haywoodnc.net

9. That a copy of the Notice of Foreclosure Sale was published in a local newspaper in the county where the land lies in accordance with the Affidavit of Publication attached hereto as Exhibit "B".
10. That the property in question was sold in accordance with the Notice of Foreclosure Sale at the place stated therein on the 19th day of July, 2011.

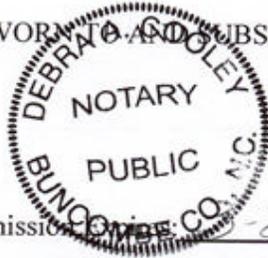
SO SAYING, THE DEPONENT SAYETH NO MORE.

THIS the 29th day of August, 2011.



Mark A. Pinkston

SWORN TO AND SUBSCRIBED before me this 29th day of August, 2011.



Debra A Cooley

Notary Public

My Commission Expires: 8-27-16

EXHIBIT "A"

Haywood County Tax Collector vs. JAMES MICHAEL JACOBS, SPOUSE OF JAMES MICHAEL JACOBS, if any, AMERICAN GENERAL FINANCE, INC. (Lienholder), GAVIN BROWN (Trustee for American General Finance, Inc.), ROLANDE BOUCHER and HUSBAND, JAY L. BOUCHER (Lienholders), STEPHEN J. MARTIN, (Trustee for Rolande Boucher and Husband, Jay L. Boucher), and THE STATE OF NORTH CAROLINA HAYWOOD COUNTY DEPARTMENT OF SOCIAL SERVICES (Judgment Creditor)
09 CvD 1331

Attorney Fees:

Attorney/ Paralegal	Hours	Amount
Kristen R. Smith	13.6	2798.55
Mark A. Pinkston	10	3429.50
Marc Smith	4.5	450.00
Tracy Logan	1.6	144.00
Total Fees		6,822.05

Disbursements:

Postage	174.04
Photocopies	184.90
Computer Research (Accurint)	86.10
Filing Fee- Clerk of Court	92.00
Service Fee- Sheriff/ Publication	606.05
Publication Fee; The Mountaineer	435.50
Recording Fee	25.00
Mileage	29.76
Stamps	26.00
Total Disbursements	1,659.35

(26066-302)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

09 CvD1331

COUNTY OF HAYWOOD, A BODY
POLITIC AND CORPORATE,
Plaintiff,

vs.
JAMES MICHAEL JACOBS, SPOUSE OF
JAMES MICHAEL JACOBS, if any,
AMERICAN GENERAL FINANCE, INC.
(Lienholder), GAVIN BROWN (Trustee for
American General Finance, Inc.), ROLANDE
BOUCHER and HUSBAND, JAY L.
BOUCHER (Lienholders), STEPHEN J.
MARTIN, (Trustee for Rolande Boucher and
Husband, Jay L. Boucher), and THE STATE
OF NORTH CAROLINA HAYWOOD
COUNTY DEPARTMENT OF SOCIAL
SERVICES (Judgment Creditor),

Defendants.

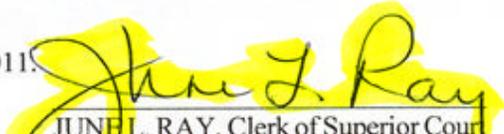
FILED
2011 SEP -7 P 12: 29
HAYWOOD COUNTY, C.S. C.
**JUDGMENT OF CONFIRMATION
OF TAX FORECLOSURE SALE**

THIS MATTER coming on to be heard upon Motion of the Commissioner, before the Honorable Clerk of Court of Haywood County, North Carolina and upon the presentation of the evidence, the undersigned Clerk of Superior Court makes the following Findings:

That Mark A. Pinkston, Commissioner, filed a report on the 19th day of July, 2011, and it appearing from the report that the Commissioner did, on the 19th day of July, 2011, offer for sale the real property described in the judgment entered in this action, after due advertisement in accordance with law, at which sale County of Haywood, a body politic and corporate offered **the last bid in the amount of \$12,581.85**, and that more than ten days have elapsed since the sale and no upset bids have been filed;

It is therefore ordered that the sale be confirmed, **and the Commissioner is hereby ordered to deliver to the purchaser a deed to the real property in fee simple, upon receipt of the purchase price;** that the attorney for the plaintiff is hereby allowed \$6,822.05 as an attorney fee and \$1,659.35 for the costs disbursed, and these fees and costs shall be taxed as part of the costs; it is further ordered that the Commissioner appointed in this cause shall be allowed \$629.10 as a fee for his services rendered in connection herewith, and this fee shall also be taxed as part of the costs; and the Commissioner is ordered to file his final report showing the disbursement of the proceeds of the sale in accordance with the judgment heretofore rendered in this action.

This the 7 day of Sept, 2011.


JUNE L. RAY, Clerk of Superior Court
Haywood County, North Carolina
(26066- 302)

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER



THE
VAN WINKLE
LAW FIRM

VAN WINKLE, BUCK, WALL, STARNES AND DAVIS, P.A.
P.O. BOX 7376
ASHEVILLE, NC 28802



SUNTRUST ASHEVILLE, NC

66-46/531

105925

NUMBER

105925

Six Hundred Twenty-Nine and 10/100 Dollars-----

DATE

AMOUNT

8/30/2011

\$629.10

PAY
TO THE
ORDER
OF

Mark Pinkston

Handwritten signature: Teresa D. King

VOID AFTER 90 DAYS

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK - TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

⑈ 105925 ⑈ ⑆ 0531004651 ⑆ ⑈ 000033407692 ⑈

VAN WINKLE, BUCK, WALL, STARNES AND DAVIS, P.A.
ASHEVILLE, NC

Mark Pinkston

8/30/2011

\$629.10

Inv.Date	Inv.No.	Invoice Description
08-30-2011	26066-302	MAP/vac

Amount	105925
629.10	

105925

Check Total:

\$629.10

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

09 CvD1331

COUNTY OF HAYWOOD, A BODY
POLITIC AND CORPORATE,

Plaintiff,

vs.

JAMES MICHAEL JACOBS, SPOUSE OF
JAMES MICHAEL JACOBS, if any,
AMERICAN GENERAL FINANCE, INC.
(Lienholder), GAVIN BROWN (Trustee for
American General Finance, Inc.), ROLANDE
BOUCHER and HUSBAND, JAY L.
BOUCHER (Lienholders), STEPHEN J.
MARTIN, (Trustee for Rolande Boucher and
Husband, Jay L. Boucher), and THE STATE
OF NORTH CAROLINA HAYWOOD
COUNTY DEPARTMENT OF SOCIAL
SERVICES (Judgment Creditor),

Defendants.

FILED

9/15/11 @ 5:00 p.m.
HAYWOOD COUNTY C.S.C.

[Signature]

FINAL REPORT OF TAX
FORECLOSURE SALE

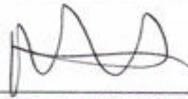
The undersigned, Mark A. Pinkston, Commissioner, respectfully reports to the court as follows:

That he has executed and delivered to County of Haywood, a body politic and corporate, the purchaser of the real property described in the judgment, a deed as ordered by the court and has received the purchase price for the property; and the commissioner reports receipts and disbursements as follows:

DATE	ITEM	DISBURSEMENTS	RECEIPTS
	Proceeds	.	\$12,581.85
	Court Costs	92.00	
	The Mountaineer Publishing Co.	435.50	
	County of Haywood- Ad Valorem Taxes	3,471.35	
	Mark A. Pinkston- Commissioner Fee	629.10	
	Van Winkle, Buck, Wall, Starnes and Davis, P.A.- Attorney Fees	6,822.05	
	Register of Deeds- Recording Fee	25.00	
	Register of Deeds- Stamps	26.00	

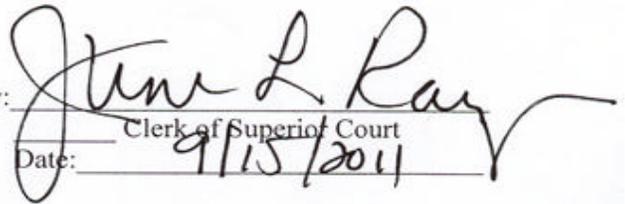
	Misc. Disbursements- Postage, Photocopies, Mileage, Sheriff Service Fee	1,080.85	
	Clerk of Court- surplus proceeds		
	TOTAL	\$12,581.85	\$12,581.85

Respectfully submitted, this 15 day of September, 2011.



MARK A. PINKSTON, COMMISSIONER
(26066- 302)

Audited and approved by:



Clerk of Superior Court
Date: 9/15/2011