

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
~~April 19, 2015~~
May 21, 2015

Subject: Commissioners Leasing County Acquired Property for Private Use.

This is an Update of my torturous continuous attempt to extract information from Ira Dove, Haywood County Manager, since April 16th, 2015 [re: <http://haywoodtp.net/pubII/150419DenOfThieves.pdf>].

[**Editors Note:** The previous posting, [Commissioners Leasing County Acquired Property for Private Use, a violation of AmJur §471 Property for municipal or public purposes. One-way e-mail dialog requesting Public Information 4/19/2015...](#), or <http://haywoodtp.net/pubII/150419DenOfThieves.pdf>, follows at the end of this update.]

A separate posting on www.haywoodtp.net this date provides a whole bunch of bid and lease for private use information on the **James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park**, PIN # 8607-27-9452. See: <http://haywoodtp.net/pubII/150521Bid-LeasesKirkpatrickPark.pdf>

FLASH - UPDATE! The Maps On-Line feature of www.haywoodnc.net shows that the Market Value of this property is \$ 883,600. I recently learned the (approximate) actual Haywood County Taxpayer Cost for this Park.

- During a heated bidding process for this land, the county paid approximately \$1,100,000.
- There was a life-time dowry to Greg Ferguson on this dairy farmland, which the county had to purchase back at nearly \$385,000. Killian missed this minor detail in a Title Search.
- The lawyers fees alone were nearly \$106,000.

Total: around **\$1,600,000**, or about the amount these commissioners are asking from **you** with a 4.58% property tax hike. \$1,790,000. This land is in a flood zone [re: Kevin Ensley (RINO) survey for the county purchase of this land.]

But don't worry, your commissioners and county manager are right now, sealing a deal to lease the **James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park** for \$5,000 per year (although they have to violate Federal Law to do it [re: **AmJur § 471. Property for municipal or public purposes**]).

Review the bidding processes and leases these people have signed over the past 5-6 years on www.haywoodtp.net. Getting this information from Ira Dove was like extracting blood from a turnip. See: [County Bids and Leases on the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park Property - PIN 8607-27-9452. 5/21/2015...](#)

Still waiting for all of the leases these characters have in place on current county owned property [re: [http://haywoodtp.net/pubII/150517county%20 owned1.xls](http://haywoodtp.net/pubII/150517county%20owned1.xls)].

Enjoy this e-mail dialog with Dove and Killian. It's been a blast for me...

Monroe Miller
Haywood County Taxpayer.

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Sun, 19 Apr 2015 12:21:05 -0400
From: Monroe Miller
To: Stoney Blevins <tsblevins@haywoodnc.net>, Ira Dove <idove@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carlton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>, Jeremy Davis

All,

Here you go...

See: Commissioners Leasing County Acquired Property for Private Use, a violation of AmJur §471 Property for municipal or public purposes. One-way e-mail dialog requesting Public Information 4/19/2015...

or

<http://haywoodtp.net/pubII/150419DenOfThieves.pdf>

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: RE: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Sun, 19 Apr 2015 17:46:55 +0000
From: Ira Dove <IDove@haywoodnc.net>
To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>

Mr. Miller,

This is in response to the following request regarding the County owned property referenced as PIN # 8607-27-9452.

“I would like to inspect all lease records for this parcel of land since the county acquired this land for public purposes. I would also like to inspect any and all written bids received by Claire Carlton as stipulated by the above notice.”

Copies of the records related to this property should be available for inspection in Ms. Way’s Office on Friday, April 24, or, in the alternative, can be sent to you electronically on or before that date.

As to the other requests, "but all county property acquired by the county that is being leased for non-public purposes," this parcel and all other County property is to my understanding being held for public purpose and lawfully maintained, so no further documents will be forthcoming.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net
county_seal3a1 small

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Mon, 20 Apr 2015 10:55:56 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>

Mr. Dove,

Thank you for finally responding (approximately one hour and 20 minutes after my posting all this stuff on my website - Commissioners Leasing County Acquired Property for Private Use, a violation of AmJur §471 Property for municipal or public purposes. One-way e-mail dialog requesting Public Information 4/19/2015...).

I would like to take you up on your offer and have you provide the Requested Public Information electronically before April 24th in Ms. Way's office. Please send it right now.

As to the other requests, you can start off with the county owned properties listed in the two attached pdf files - same original requested content.

I'm a little confused by your statement "this parcel and all other County property is to my understanding being held for public purpose and lawfully maintained, so no further documents will be forthcoming.". Is it your understanding yet that you just got caught red-handed by attempting to lease the land (PIN # 8607-27-9452) also soon to be known as the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Park, for "cultivation activities" to a private individual? Please explain, to the best of your understanding, information I have requested for the two county owned parcels described in the attachments. I have a small army of people now starting to research county owned properties and their usage, so expect more. It is interesting that Claire Carleton (and Stoney Blevins, Assistant County Manager) are starting to get dragged into this.

If you are still having difficulty understanding the county violating AmJur § 471. Property for municipal or public purposes, why don't you conference with the other two lawyers knee deep in this?

Kirk Kirkpatrick - Bar Card ID 21711
Leon Killian - Bar Card ID 2526
yourself - Bar Card ID 22703

If corn is going to be grown on the county owned public farmland, also soon to be known as the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Park, when this crop is ready to harvest, I think I will come over with my truck and pick some corn so that Terry Ramey and I can offer it along with the other food at our second annual Pig Pickin'. Care to help me out here with the fall harvest?

Looking forward to your sending the Requested Public Information.
Monroe Miller

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Tue, 21 Apr 2015 15:45:35 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>

Mr. Dove,

"Copies of the records related to this property should be available for inspection in Ms. Way's Office on Friday, April 24, or, in the alternative, can be sent to you electronically on or before that date."

Please send those records to me now.

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: RE: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Wed, 22 Apr 2015 03:36:36 +0000
From: Ira Dove <IDove@haywoodnc.net>
To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>

7 files have been attached via Copy
The attachments will be accessible until Thu May 21 23:37:09 2015 (EDT).

6-6-11 fully executed J Creek Property lease 06_01_11-05_31_15 C Medford signed by SWANGER
MEDFORD and STAMEY.pdf
2010 bid info.pdf
2015 Jonathan Creek property bid results.pdf
J Creek Bid opening 1-25-11.pdf
J Creek Bids 4-1-09.pdf
Medford H Co J Ck lease 2010-11.pdf
ROSS lease agreement SIGNED 4-20-09.pdf

[View All Attachments](#)

Mr. Miller,

This is in response to the following request regarding the County owned property referenced as PIN # 8607-27-9452. Attached are the files of which I am aware that meet this request.

To clarify “same original requested content,” as to the other later requested items, are you requesting the lease records and bids related to the parcels referenced as PIN 8637-81-6407 and 8637-42-1058?

Please note, that due to my work on the upcoming budget, and other duties, that I will not be available to work on this request for a minimum of ten to fifteen business days.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net
county_seal3a1 small

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Wed, 22 Apr 2015 10:35:45 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkinsley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Mr. Dove,

Thank you for forwarding "some" of the information I requested at 11:36pm last evening - "I would like to inspect all lease records for this parcel of land since the county acquired this land for public purposes. I would also like to inspect any and all written bids received by Claire Carlton as stipulated by the above notice."

Let's clear up your second sentence, which you said: "To clarify "same original requested content," as to the other later requested items, are you requesting the lease records and bids related to the parcels referenced as PIN 8637-81-6407 and 8637-42-1058? "

No!

I amended my originally requested information to include on any County owned land, not just for the property described by PIN 8637-81-6407 and 8637-42-1058. These properties were simply two examples.

I requested:

It has been brought to my attention that this parcel, PIN # 8607-27-9452, a.k.a. also soon to be known as the James Weaver "Kirk" Kirkpatrick III Park, may not be the only county owned property that the county is leasing out. This has to be extremely disturbing to all Haywood County Taxpayers, so I would like to clear this issue up by revising my original request to not only include "I would like to inspect all lease records for this parcel of land since the county acquired this land for public purposes. I would also like to inspect any and all written bids received by Claire Carlton as stipulated by the above notice.", but all county property acquired by the county that is being leased for non-public purposes.

I understand you are busy with budget stuff, approving a new Funding Formula, etc., but delaying my request 10 - 15 business days is distressing to me.

Even as we speak, I am attempting to get you additional help (with County and State investigators) to assist you in pulling all this information together.

You could certainly hand this task over to our new Haywood County Assistant County Manager Stoney Blevins, and he could pitch in to help.

There is always Claire Carleton, who seems to be up to her elbows in this, certainly she can help you.

Also, I noted in a Smoky Mountain News article (about me) by Becky Johnson - Judge rules harassing emails

not tantamount to cyber stalking in Haywood GOP drama, where she indicated: "The volume of email from Miller to county officials has plummeted since the cyberstalking charges were filed in January. During 2014, Miller sent 350 emails to various county employees. In the two-month period following the cyberstalking charges, Miller sent only 13 emails to county employees. The volume dropped by 75 percent, from one a day on average to one every four days on average. The email tallies were provided under a public records request to the county."

If you have employees that have nothing better to do than research how many e-mails I have sent in 2014, you can direct these people to start researching my request.

By the way, in glancing over some of the material you sent, I noticed in one of the lease agreements boilerplate [re: ROSS lease agreement SIGNED 4-20-09.pdf] contained within the following survey of the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park -

" ... containing 22.091 acres, per survey and plat of L. Kevin Ensley, PLS, dated March 23,2007, entitled Survey for "William Lucius Jones" and identified as Job B-005-07. ... This property is located withing a Flood Zone".

Kevin Ensley knew this property was in a flood zone in March of 2007. Why didn't Kevin Ensley say anything to other commissioners before they bought this land, deeded on August 30, 2007, knowing it was in a flood zone [re: Book 715, Page 657]?

Just asking...

Please have some people re-direct their efforts and fulfill my request for Public Information.

Monroe Miller

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Subject: RE: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.

Date: Tue, 28 Apr 2015 23:50:42 +0000

From: Ira Dove <IDove@haywoodnc.net>

To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lakensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Good evening Mr. Miller,

Thank you for clarifying your request. Because it included the following phrase: “, but all county property acquired by the county that is being leased for non-public purposes,”

I asked Mr. Killian to weigh in. Here is his response. "Leasing properties consistent with the applicable restrictions for the purpose of recreation; or maintenance cost avoidance thereby saving tax dollars is, in my opinion, a public purpose."

No documents meet your present request.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net
county_seal3a1 small

Subject: Re: 6th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 05 May 2015 10:08:38 -0400

From: Monroe Miller

To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Mr. Dove,

Let's try this a little different.

I am aware that it is your job as a lawyer to parse words, and your rendering in your and Chip Killian's (and I'm sure that Kirkpatrick had a hand in this also)"opinion" that no documents meet my present request, but you know one thing, and my past experience being arrested confirms this - "A lawyer can only render an opinion. It is the Judge that makes the ruling".

I will revise this request so you don't have to work too hard to parse it.

I would like a listing of all of the PIN numbers of property owned by Haywood County, and copies of any and all leases associated with those properties, like the one you just got caught red-handed with for the James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex Park and sent to me.

I will make an independent determination if these leases apply to recreation or maintenance cost avoidance purposes.

Monroe Miller

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Subject: RE: 6th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 5 May 2015 15:47:30 +0000

From: Chip Killian <chip.killian@nelsonmullins.com>

To: Monroe Miller

You have to comply, but really all he has to do is go to the Land Records office and they will print off all property in the name of Haywood County.

Nelson Mullins
Leon M. Killian, III
Attorney at Law
chip.killian@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
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Tel: 919.877.3810
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Subject: RE: 6th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 5 May 2015 15:48:53 +0000

From: Chip Killian <chip.killian@nelsonmullins.com>

To: Monroe Miller

CC: Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>

Monroe. As I said, all you have to do is go to the Land Records Office. But if you still want the information to come from Ira Dove, I am sure he can arrange it. Chip

Nelson Mullins

Leon M. Killian, III

Attorney at Law

chip.killian@nelsonmullins.com

Nelson Mullins Riley & Scarborough LLP

GlenLake One, Suite 200

4140 Parklake Avenue, Raleigh, North Carolina 27612

Tel: 919.877.3810

Fax: 919.877.3143

www.nelsonmullins.com

Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 05 May 2015 13:21:23 -0400

From: Monroe Miller

To: Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>

CC: Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Leon,

I'm having some trust issues with David Francis with the content of the on-line Land Records Office web site being assured that all county owned land is on there, so rather than say I don't trust David Francis, I would like to see the complete list generated and provided by a county employee (other than David Francis). Don't forget the leases.

Thank you,

Monroe Miller

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Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 05 May 2015 17:49:32 -0400

From: Monroe Miller

To: Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>

CC: Chip Killian <chip.killian@nelsonmullins.com>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Say, Mr. Dove,

I wasn't sure if you know this or not, but Leon Killian's first e-mail to me at 11:47 am, where he says : "You have to comply, ..." , I'm pretty sure he originally meant to send that to you. Tried to cover his tracks a minute later with an e-mail to me when he realized the faux pas. I hate it when I do that. His e-mail should not have mattered though, as since you, Killian and Kirkpatrick are all lawyers, you all had to realize that "You have to comply, ..." under any circumstances. Don't forget the leases.

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Tue, 5 May 2015 21:52:27 -0400

From: Jonnie Cure

To: Monroe Miller

CC: Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Monroe, I am just now catching up with your endeavor to obtain information regarding all the real properties owned by Haywood County and any leases and bids that have been processed by the County on these properties. Keep me in this thread. Appreciate your "inquiring mind.".....Jonnie

p.s. What are the notices and disclaimers below?

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Wed, 06 May 2015 09:08:27 -0400

From: Monroe Miller

To: Jonnie Cure

CC: Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmcclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Chip Killian <CKillian@haywoodnc.net>

Jonnie,

Good Catch!

How astute of you to read to the end of this e-mail chain and catch this "Confidentiality Notice". I didn't catch that. Let me explain to you what is happening.

Most of the legal disclaimers I get from the county are similar to the first one you cited, except that law enforcement may be notified. Fortunately, law enforcement (i.e. Haywood County Sheriff Greg Christopher and Waynesville Police Chief Bill Hollingsed) are already copied on this e-mail chain. No worries there.

It wasn't until Leon Killian's faux pas when he presumably hit the "Reply" button prematurely and sent a message intended for Ira Dove to me. As far as I can tell, that e-mail, sent at 11:47 am, contained the actual "Confidentiality Notice". The second e-mail sent at 11:48 am, as far as I can tell, did not contain the "Confidentiality Notice".

Let's check out this "Confidentiality Notice" to see if we are violating anything. Remember, after being arrested, I am particularly acute and sensitive to things like this...

"This message is intended exclusively for the individual or entity to which it is addressed."

Both of Killian's e-mails were sent to me. No problem there.

"This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure."

The operative word here is "may". Doesn't seem like anything that is particularly proprietary, privileged, confidential or otherwise legally exempt from disclosure. All it contains is "You have to comply, ...". How many lawyers does it take to screw in a light bulb? Of course Dove has to comply. Mine is a simple Request for Public Information. What did Dove do? Send a request to Killian asking him if he had to comply? Was Kirkpatrick in on this conversation also?

"If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this

message or any part of it."

No problem there, I am the addressee.

"If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message."

All I need is an e-mail from Killian admitting his faus pas, and I'll be requesting your assistant to e-blast it to your entire e-mail list, it will go up on my website (it is almost there now), and don't forget about Facebook (I am not even on Facebook).

Hope this clears up your questions and concerns about these disclosures. And don't forget to read my disclosure, thanks to having this being brought to my attention (being arrested and all). N.C.G.S. § 14-196.3,, Section (e) covers me like a blanket.

Monroe

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: Re: 8th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Wed, 06 May 2015 13:09:11 -0400

From: Monroe Miller

To: Stoney Blevins <tsblevins@haywoodnc.net>

CC: Jonnie Cure, Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmcclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Chip Killian <CKillian@haywoodnc.net>

Mr. Blevins,

Can you nudge your boss, Ira Dove, along here a little. It is obvious to the casual observer that he is simply stalling for time by not providing the Public Information I have been requesting. Besides, you may be taking over his position before you know it.

Please examine the first attachment - ROSS lease agreement SIGNED 4-20-09.pdf. It is a lease on the soon to be dedicated James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex Park for a guy named Ross, signed by David Cotton. He was a previous county manager who resigned very suddenly (you're welcome very much).

Now examine the next two attachments - Medford H Co J Ck lease 2010-11.pdf, and 6-6-11 fully executed J Creek Property lease 06_01_11-05_31_15 C Medford signed by SWANGER MEDFORD and STAMEY(1).pdf, for successive leases on the soon to be dedicated James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex Park, this time signed off by the next county manager, Marty Stamey. He was the last county manager prior to your boss, Ira Dove, who resigned suddenly due to stress (you're welcome very much).

Your boss, Ira Dove, is going to have to make a decision on the most recent round of bidding for the soon to be dedicated James Weaver "Kirk" Kirkpatrick III Super Duper Sports Complex Park. See the attachment 2015 Jonathan Creek property bid results.pdf. I suspect this guy Ross will get the honor of jumping into this bear trap, and guess whose name is going to have to go on this lease? Yes. You guessed it, your boss, Ira Dove. Can't wait for that to happen. Remember, this all has to be consummated before May 31, 2015 to run contiguous. Time is of the essence, you know.

Anyway, there might be a possibility of Ira Dove resigning suddenly (you're welcome very much), so get ready, Mr. Assistant County Manager, for some new job responsibilities.

Monroe Miller

Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Fri, 8 May 2015 22:02:57 -0400

From: Jonnie Cure

To: Monroe Miller

CC: Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmcclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Chip Killian <CKillian@haywoodnc.net>

Monroe,,,,, who answers when you call that number? when the lights come back on in Waynesville I will call and see who answers.

Sent from my iPad

Subject: Re: 7th Request for Public Information - Request For Proposals To Lease Property - AMENDED, again.

Date: Sat, 09 May 2015 09:00:25 -0400

From: Monroe Miller

To: Jonnie Cure

CC: Chip Killian <chip.killian@nelsonmullins.com>, Ira Dove - Haywood County (idove@haywoodnc.net) <idove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, KEVIN ENSLEY <lkensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Chip Killian <CKillian@haywoodnc.net>

Jonnie,

For the 800 number, see:

[Columbia, SC - Nelson Mullins Riley & Scarborough, LLP ...](#)

[www.nelsonmullins.com/.../columbi...](#)

[Nelson Mullins Riley & Scarborough](#)

[... purposes only. Past success does not indicate the likelihood of success in any future legal representation.](#)

[Contact Nelson Mullins Toll Free at 1-800-237-2000.](#)

Monroe

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: RE: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Tue, 12 May 2015 00:00:56 +0000
From: Ira Dove <IDove@haywoodnc.net>
To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Mr. Miller:

1. Your request for the location and pin numbers of all county-owned property is available from our Land Records Office. You will need to fill out a request form available in that office. The fee is \$20 for the report and depending on the type of media you want the data placed on, it could raise the price by \$1-\$2. The information is also available for free online using the County's mapping website.
2. A copy of each lease agreement on county-owned property will be available to you on CD as soon as practicable. The proposed date for completion is within two weeks of today, if all goes well. You will be notified when it is ready. I have requested that an employee create a cd of all County leases. Although we have no documents that would show "getting caught red-handed," it has been determined that this verbiage is not part of the request. These lease agreements should include all flood recovery property owned by the County, the Senior Resource Center, community centers, Haywood Pathways, and any others.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net
county_seal3a1 small

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

[Editors Note: EOF - End of File to this point. Previous posting follows on the next page for continuity].

***** Previous Posting on 4/19/2015*****

The county commissioners, Swanger, Ensley and the others, purchased a piece of farmland years ago in Jonathan Creek off Route 276. This farmland did not have a clear title (bungled by our County Attorney, Chip Killian), and Swanger, Ensley and the other commissioners had to cough up an additional \$100K to clear the title. Numbers I have heard for the purchase of this property (including the extra \$100K) varies between \$1 Million to \$1.3 Million Dollars. The intent was to make this into some kind of super park. Unfortunately, over half of this acreage is in a designated flood zone, and you can't building anything in a flood plane. James Weaver "Kirk" Kirkpatrick III is desperate to get this park named after him.

This land was acquired by the county as Public Land. No one pays any property tax on this land. The parcel is PIN # 8607-27-9452. The current assessed value is \$883,600.00.

There it sits.

Then, a small notice appeared on www.haywoodnc.net, an RFP (Request for Proposal) regarding leasing some county owned land for "cultivation activities".

During a casual conversation between Terry Ramey and James Weaver "Kirk" Kirkpatrick III a couple of days ago, Ramey said to Kirkpatrick, you can't do that, it's illegal.

Evidently, Swanger, Ensley and the other county commissioners went into full lock-down after that.

Unfortunately, commissioners and county managers (that includes Stoney Blevins, new Assistant County Manager) neglected AmJur § 471. Property for municipal or public purposes, which says:

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.

Efforts to get anything out of anyone (both newspapers are being copied on all this stuff, and as usual, are remaining completely silent) is met with stony silence. [Get it - "stony"?]. No one, absolutely no one will respond to my requests for public information on this matter. I have to assume one of the following:

- Everyone's computer is broken
- Everyone has dove into the Bunker along with David Francis and Julie Davis
- Everyone is now trying to figure out how not to be arrested.

Here are the "one way" e-mails requesting information relating to leasing the acquired property soon to be called the James Weaver "Kirk" Kirkpatrick III Park.

Enjoy...

Monroe A. Miller Jr.
Haywood County Taxpayer.

Subject: Request for Public Information - Request For Proposals To Lease Property

Date: Wed, 15 Apr 2015 13:49:41 -0400

From: Monroe Miller

To: Ira Dove <idove@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Claire Carlton <ccarleton@haywoodnc.net>

CC: Candace Way <ecway@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>

Mr. Dove and Ms. Carlton,

This is a Request for Public Information. On or about 3/13/2015, a notice was posted on www.haywoodnc.net, Request For Proposals To Lease Property, pointing to http://haywoodnc.net/index.php?option=com_content&view=article&id=1807:news-recrfp031615&catid=1:latest-news

Haywood County is seeking proposals for the lease of approximately 22 acres it owns. The property in described at PIN # 8607-27-9452 and is off Highway 276 near Potts Drive in the JonathanCreek area. The lease will be for a term of one year and is limited to cultivation activities.

To review a copy of the proposed lease terms, please contact Claire Carleton, Haywood County Recreation and Parks Director at 828-452-6789, 63 Elmwood Way, Waynesville, NC 28786; ccarleton@haywoodnc.net. Written bids to the attention of Ms. Carleton must be received by mail or delivery to the above address or by email by 5 p.m., Friday, March 27, 2015.

DATE: March 13, 2015

It is my understanding that this parcel of land, also soon to be known as the James Weaver Kirk Kirkpatrick III Park, was also leased last year, to some guy named Ross, I believe, for the purposes of growing corn.

I would like to inspect all lease records for this parcel of land since the county acquired this land for public purposes. I would also like to inspect any and all written bids received by Claire Carlton as stipulated by the above notice.

Then, I would like for you to explain how the [expletive deleted] that you all can lease this land for the private use of people growing crops, in flagrant disregard for § 471. Property for municipal or public purposes (see attached). It states:

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.

Please acknowledge this request for Public Information.

Monroe Miller



American Jurisprudence, Second Edition
Database updated August 2011
Municipal Corporations, Counties, and Other Political Subdivisions
George Blum, J.D., Romualdo P. Eclavea, J.D., Tracy Bateman Farrell, J.D., Alan J. Jacobs, J.D., Jack K. Levin,
J.D., and Amy G. Gore, J.D. and Anne E. Melley, J.D., LL.M., of the staff of the National Legal Research
Group, Inc.

XII. Property
A. Acquisition and Ownership

Topic Summary Correlation Table References

§ 471. Property for municipal or public purposes

West's Key Number Digest

West's Key Number Digest, Counties ↪ 103, 106
West's Key Number Digest, Municipal Corporations ↪ 223
West's Key Number Digest, Towns ↪ 35.3, 35(1), 35(2)

Trial Strategy

Proof of Offer and Acceptance of Dedication of Land to Public Use, 77 Am. Jur. Proof of Facts 3d 1

Forms

Am. Jur. Legal Forms 2d § 180:85 (Resolution accepting historic landmark)

Municipalities may acquire and hold title to real property only for legitimate corporate purposes.[1] 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.[2] Valid municipal purposes for which property may be purchased include developing a state prison,[3] maintaining off-street parking facilities,[4] operating a municipal landfill,[5] owning and leasing a miniature golf course,[6] and maintaining a sewage system.[7] In contrast, land acquired by a village solely to frustrate efforts to acquire such land for a forest preserve is not acquired for a valid public purpose.[8]

Municipal corporations may hold real estate that is not devoted or intended to be devoted to any public purpose when such property has come to it by a lawful gift or devise[9] or has ceased to be used for the public purpose for which it was originally acquired.[10]

[FN1] *Lewis v. City of Shreveport*, 108 U.S. 282, 2 S. Ct. 634, 27 L. Ed. 728 (1883); *Timothy Christian Schools v. Village of Western Springs*, 285 Ill. App. 3d 949, 221 Ill. Dec. 261, 675 N.E.2d 168 (1st

Dist. 1996); *Hogge v. Rowan County Fiscal Court*, 313 Ky. 387, 231 S.W.2d 8 (1950); *Wilson Coalition v. Mayor and Common Council of City of Summit*, 245 N.J. Super. 616, 586 A.2d 346, 65 Ed. Law Rep. 811 (Law Div. 1990).

[FN2] *Walbridge v. Carroll*, 172 Ohio App. 3d 429, 2007-Ohio-3586, 875 N.E.2d 144 (6th Dist. Wood County 2007); *Holecek v. Sundby*, 2007 SD 128, 743 N.W.2d 131 (S.D. 2007).

[FN3] *Burks v. City of Licking*, 980 S.W.2d 109 (Mo. Ct. App. S.D. 1998).

[FN4] *CLEAN v. City of Spokane*, 133 Wash. 2d 455, 947 P.2d 1169 (1997).

[FN5] *State ex rel. Birk v. City of Jackson*, 907 S.W.2d 181 (Mo. Ct. App. E.D. 1995).

[FN6] *Kautza v. City of Cody*, 812 P.2d 143 (Wyo. 1991).

[FN7] *Kelley v. City of Griffin*, 257 Ga. 407, 359 S.E.2d 644 (1987).

[FN8] *Village of Fox River Valley Gardens v. Lake County Forest Preserve Dist.*, 224 Ill. App. 3d 919, 166 Ill. Dec. 855, 586 N.E.2d 813 (2d Dist. 1992).

[FN9] *Treadwell v. Beebe*, 107 Kan. 31, 190 P. 768, 10 A.L.R. 1359 (1920);

Kennedy v. City of Nevada, 222 Mo. App. 459, 281 S.W. 56 (1926); *Berg Development Co. v. City of Missouri City*, 603 S.W.2d 273 (Tex. Civ. App. Houston 14th Dist. 1980), writ refused n.r.e., (Oct. 29, 1980).

As to the possibility of reverter when land is gifted or devised upon condition, see Am. Jur. 2d, Estates § 207.

[FN10] *Kennedy v. City of Nevada*, 222 Mo. App. 459, 281 S.W. 56 (1926).

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AMJUR MUNCCORP § 471

END OF DOCUMENT

Subject: Re: Request for Public Information - Request For Proposals To Lease Property

Date: Wed, 15 Apr 2015 13:58:54 -0400

From: Monroe Miller

To: Stoney Blevins <tsblevins@haywoodnc.net>

CC: Ira Dove <idove@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Claire Carlton <ccarleton@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>

Mr. Blevins,

If Ira Dove is too busy to acknowledge this Request for Public Information, presumably because all of his time is consumed with the re-write of the EMO, this Request for Public Information will be coming straight to you.

Thank you,

Monroe Miller

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Subject: Re: Request for Public Information - Request For Proposals To Lease Property

Date: Wed, 15 Apr 2015 15:44:07 -0400

From: Monroe Miller

To: Stoney Blevins <tsblevins@haywoodnc.net>

CC: Ira Dove <idove@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Claire Carlton <ccarlton@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>

Mr. Blevins (Assistant County Manager),

Let me know if you think I should be adding the SBI on this copy list. I now have a great contact I met during my meeting with the FBI and SBI back in January [re: HCGOP donation irregularities]. As an aside, they all seemed pretty interested in keeping up with David Francis' activities. I understand he might be involved in this.

Patiently awaiting a response from anyone...

Thank you,

Monroe Miller

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Subject: Re: Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Thu, 16 Apr 2015 10:49:27 -0400
From: Monroe Miller
To: Stoney Blevins <tsblevins@haywoodnc.net>, Ira Dove <idove@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Claire Carlton <ccarleton@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>

Mr. Dove (County Manager) and Mr. Blevins (Assistant County Manager),

It has been brought to my attention that this parcel, PIN # 8607-27-9452, a.k.a. also soon to be known as the James Weaver "Kirk" Kirkpatrick III Park, may not be the only county owned property that the county is leasing out. This has to be extremely disturbing to all Haywood County Taxpayers, so I would like to clear this issue up by revising my original request to not only include "I would like to inspect all lease records for this parcel of land since the county acquired this land for public purposes. I would also like to inspect any and all written bids received by Claire Carlton as stipulated by the above notice.", but all county property acquired by the county that is being leased for non-public purposes.

Ms. Way, I seem to be having a problem getting any kind of acknowledgement for this Request for Public Information from your boss, Mr. Dove, and Mr. Blevins. Do you report to Mr. Blevins also? The organizational chart is not clear on this. I presume Dove must be busy with re-writing the EMO and I imagine Mr. Blevins is researching whether or not the SBI should be added to this copy list.

Patiently awaiting a response from anyone...

Thank you,

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Thu, 16 Apr 2015 20:53:11 -0400
From: Monroe Miller
To: Stoney Blevins <tsblevins@haywoodnc.net>, Ira Dove <idove@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carlton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Killian <chip.killian@nelsonmullins.com>, KEVIN ENSLEY <lakensley@bellsouth.net>, Mark Swanger <markswanger@bellsouth.net>, Michael Sorrells <sorrells@cbvnol.com>, Bill Upton <billupton@bellsouth.net>, KIRK KIRKPATRICK <kirk@jwklaw.net>, David Francis <dbfrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Greg Christopher <gchristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <kmclure@haywoodnc.net>

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