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December 16, 2022

Subject: Davenport analysis of Kevin Ensley Survey dated 1/14/2008, re: Joe Lipari.

You often hear of cases where a guy/person has been incarcerated for years, and diligent people do research and find, sometimes through new DNA results or some other mechanism, that guy/person is really innocent and gets released? Well, I have done research and have found proof that the survey made by **Kevin Ensley**, referenced as the "**Ensley Survey**" in 08-CVS-1193, Book 768, Page 450-453, **is wrong!** That means that Judge Brad Lett's Findings of Fact and Conclusions in his ruling, **are also wrong.** The lawyers on this case were **Pat Smathers** for the Plaintiffs, and **James Weaver "Kirk" Kirkpatrick the III** (recently thrown out as a county commissioner by Haywood County voters in the 2022 November election) who turned on his clients, Joe Lipari and sided with **Pat Smathers.**

This survey has to rate among the top four (4) events occurring in Haywood County that have not and will never be reported in the local media, i.e. , the mountaineer, and the smoky mountain news tabloid. Those past three events, to name a few are:

1. **Michael Bonfoey**, Haywood County District Attorney, threatened me, and is no longer here. (On www.haywoodtp.net) -

[Transcript - Meeting with Haywood County DA Michael Bonfoey, ADA \(Assistant DA\) Jeff Jones, ADA Rachel Groffsky, Law Enforcement Officer Russ Conner and Terry Ramey regarding my submitting Criminal Complaints directly to the Haywood County Grand Jury. 5/14/2012...](#)

[Audio \(.mp3\) - Meeting with Haywood County DA Michael Bonfoey, ADA \(Assistant DA\) Jeff Jones, ADA Rachel Groffsky, Law Enforcement Officer Russ Conner and Terry Ramey regarding my submitting Criminal Complaints directly to the Haywood County Grand Jury. 5/15/2012...](#)

2. **Julie Davis**, Haywood County Finance Director, falsified the ppp values on the Haywood County Funding Formula, and denied the Haywood County School System over \$15 Million Dollars. **Julie Davis** never recovered from this and is now gone.

[Flashback! The gift that keeps on giving. Cracked the Code on the Haywood County Schools Funding Formula! Julie Davis cooked the books \(i.e. falsified the calculation\). Denied School System \\$15 Million Dollars and should Resign or be Fired. 6/16/2014...](#)

3. **Lynda Bennett** attempted to replace Mark Meadows for Congressional Representative, but could never rise above the recording of her "Never Trump" tirade. **Lynda Bennett** is now out of sight - out of mind.

[LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part I of II. 9/22/2016. 2/6/2020...](#)

[.mp3. Recording of LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part I of II. 9/22/2016. 2/6/2020...](#)

[LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part II of II. This contains the infamous "I'm a Never Trump" tirade. 9/22/2016. 2/6/2020...](#)

[.mp3. Recording of LYNDA BENNETT on 9/22/2016 at HRA Headquarters, Part II of II. This contains the infamous "I'm a Never Trump" tirade. 9/22/2016. 2/6/2020...](#)

Background.

On or about 10/7/2021, James Davenport of Davenport, Ivey & Associates, Inc., Professional Land Surveyors, completed a two (2) week survey of the Joseph Lipari Property, DB 924, PG 1649 for Joe Lipari and Lois Hollis. Joe Lipari and Lois Hollis were concerned over the results of a previous survey by a **Kevin Ensley** for Judith Ann Smith, Survey dated 1/14/2008. The Davenport survey contradicted the results of the **Kevin Ensley** survey at the eastern property line of the Lipari property by 11.59 feet (Tie Lines T5), thus removing 11.59 feet from the original property line. The current owner of the adjacent property at 146 Johnson Hill Drive, **Ed Smathers**, constructed the “**Fence from Hell**” on the Lipari’s property, along with a yellow chain blocking the driveway, along with various No Trespass signs. The City of Waynesville prevented **Ed Smathers** from placing the fence at basically a zero lot line distance from the Lipari home, because the fuse box panel door could not be opened, and required **Ed Smathers** construct the fence three (3) feet from the home, to allow access to the fuse panel box.



This is the driveway leading to the Lipari property, blocked by a fence, obstructed with a yellow chain and a flurry of No Trespass signs. There is a pin in the asphalt encircled with orange fluorescent paint located about three feet out from the gravel, and centered in the driveway. This is the actual property line.

December 2, 2022.

I set up an appointment with James R. Davenport, Land Surveyor, 233 Archway Drive, Cullowhee, NC 28723, (828) 293-3258, dbi@davenportsurveying.com, accompanied by Lois Hollis and Joe Lipari, to discuss why his survey -

- Joseph Lipari, Property in DB 924, PG 1649, survey dated 10/7/2021
H143-WORK SHEET 2.pdf
<https://www.haywoodtp.net/pubII/221204-H143-WORK-SHEET2.pdf>

differed from

- **Kevin Ensley**, Judith Ann Smith, survey dated 1/14/2008.
H-143 ENSLEY SURVEY #3.jpg
<https://www.haywoodtp.net/pubII/221203H-143ENSLEY-SURVEY3.jpg>

In addition, James Davenport referenced the following documents / drawings, and provided copies of each of these files, along with four (4) large prints of drawings of the first three (3) items listed below during the visit.

- Randy Herron, Iva Veazey Survey, DB 638, PG 1875, Map Book A - Page 35
H-143 HERRON SURVEY.jpg
<https://www.haywoodtp.net/pubII/221205H-143HERRON-SURVEY.jpg>
- **Kevin Ensley**, Judith Ann Smith, Survey dated 1/14/2008.
H-143 ENSLEY SURVEY #3.jpg
<https://www.haywoodtp.net/pubII/221203H-143ENSLEY-SURVEY3.jpg>
- **Kevin Ensley**, Secu*re, Inc. Survey, 4/18/2015, rev. 6/27/2016, rev. 5/30/2017
H-143 ENSLEY SURVEY #1.jpg
<https://www.haywoodtp.net/pubII/221206H-143ENSLEY-SURVEY1.jpg>
- **Kevin Ensley**, Kazandra Leigh Flech Survey, 2/8/2018
H-143 ENSLEY SURVEY #2.jpg
<https://www.haywoodtp.net/pubII/221207H-143ENSLEY-SURVEY2.jpg>
- H143-Layout1 work sheet 1.pdf
H143-Layout1 work sheet 1.pdf
<https://www.haywoodtp.net/pubII/221210H143-Layout1worksheet1.pdf>
- H143-Work Sheet 2.pdf
H143-WORK SHEET 2.pdf
<https://www.haywoodtp.net/pubII/221204-H143-WORK-SHEET2.pdf>
- H-143 Grandview, August 1913, CABB Page 5, A-35, (Map Book A, Page 35, CABB, slot 5)
H-143 GRANDVIEW SubDiv. map (1).jpg
<https://www.haywoodtp.net/pubII/221207H-143GRANDVIEW-SubDivMap.jpg>
- J-143 Grandview worksheetMAP A, PG 35.jpg
J-143 MAP A, PG 35.jpg
<https://www.haywoodtp.net/pubII/221210J-143MAP-A-%20PG35.jpg>

- GIS photo Lipari, 8615-47-4311
H-143 PHOTO.jpg
<https://www.haywoodtp.net/pubII/221210H-143PHOTO2.jpg>
- GIS photo (2) Lipari, 8615-47-4311
H-143 PHOTO 2.jpg
<https://www.haywoodtp.net/pubII/221210H-143PHOTO.jpg>
- Consent Order, Judge Brad Letts, 08CVS1193, Book 768, Pagev450-453, filed 8/17/2009
768-450 LIPARI CONSENT ORDER.pdf
<https://www.haywoodtp.net/pubII/220422-768-450.pdf>

These drawings and documents have been posted on www.haywoodtp.net, with the link starting with the original case number, 08CVS1193, as a reference for these documents.

James Davenport provided a copy of a letter he received from the North Carolina Board of Examiners for Engineers and Surveyors, 10/27/2022 from Andrew L. Ritter, Executive Director, re: Case Number V2022-022.

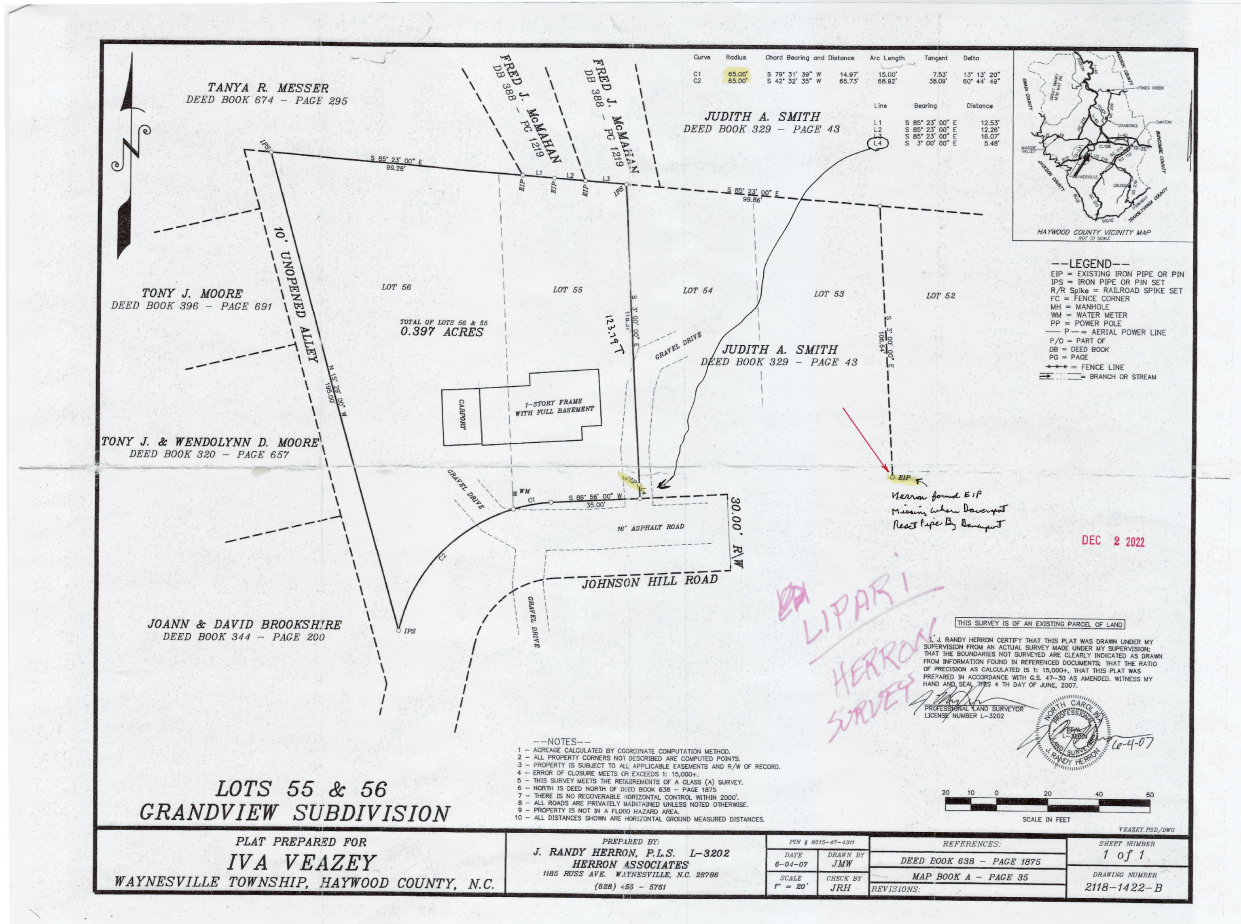
<https://www.haywoodtp.net/pubII/221204ResponseToAndrewRitter-NCBELS.pdf>

James Davenport also printed out three (3) relevant drawings, which he used to explain why the “Ensley Survey” is wrong. Mr. Davenport used yellow highlighter on these drawings, depicting where Kevin Ensley screwed up. The printouts were scanned, and will be incorporated into the Explanation section, which follows. The three (3) drawings are:

- Randy Herron, Iva Veazey Survey, DB 638, PG 1875, Map Book A - Page 35
H-143 HERRON SURVEY.jpg
<https://www.haywoodtp.net/pubII/221205H-143HERRON-SURVEY.jpg>
- **Kevin Ensley**, Judith Ann Smith, Survey dated 1/14/2008.
H-143 ENSLEY SURVEY #3.jpg
<https://www.haywoodtp.net/pubII/221203H-143ENSLEY-SURVEY3.jpg>
- **Kevin Ensley**, Kazandra Leigh Flech Survey, 2/8/2018
H-143 ENSLEY SURVEY #2.jpg
<https://www.haywoodtp.net/pubII/221207H-143ENSLEY-SURVEY2.jpg>

Explanation of why the “Ensley Survey” is wrong.

James Davenport explained the discrepancy between his survey, Joseph Lipari, Property in DB 924, PG 1649, survey dated 10/7/2021 and the **Ensley** survey, **Kevin Ensley**, Judith Ann Smith, dated 1/14/2008, by starting with the Randy Herron survey, Randy Herron, Iva Veazey, DB 638, PG 1875, Map Book A - Page 35. He printed a full size drawing which both he and I made notes, mine in black ink, with his using a yellow highlighter. I date stamped the drawing with the date “Dec 2, 2022”, in red, as I did with the other drawing print outs he provided.



[Editor’s Note: This is a full resolution image, so you can magnify the image of this document for clarity.]

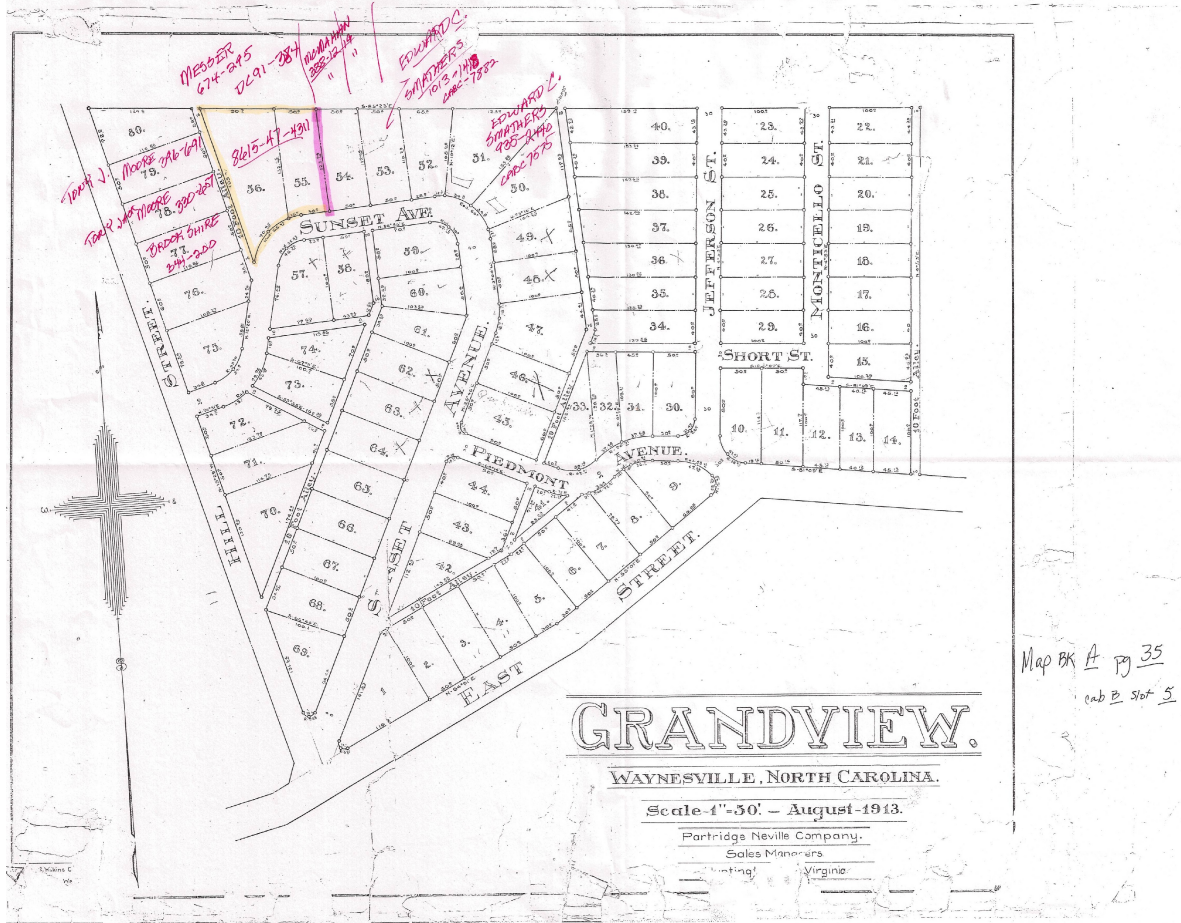
Ensley created his survey, working from the east to the west, Davenport postulated, evidently completely disregarding the Grandview drawing, while Davenport worked the survey from west to east, using the Grandview drawings as the anchor points, as did Herron. (Ensley created another later survey, **Kevin Ensley**, Secu*re, Inc. Survey, 4/18/2015, rev. 6/27/2016, rev. 5/30/2017, which is East of Joe Lipari’s property.)

Randy Herron found a EIP (Existing Iron Pipe) at the call between lot 53 and lot 52, S 3 00' 00" E and 106.84'. This EIP was missing when Davenport made his survey. The pipe was reset by Davenport.

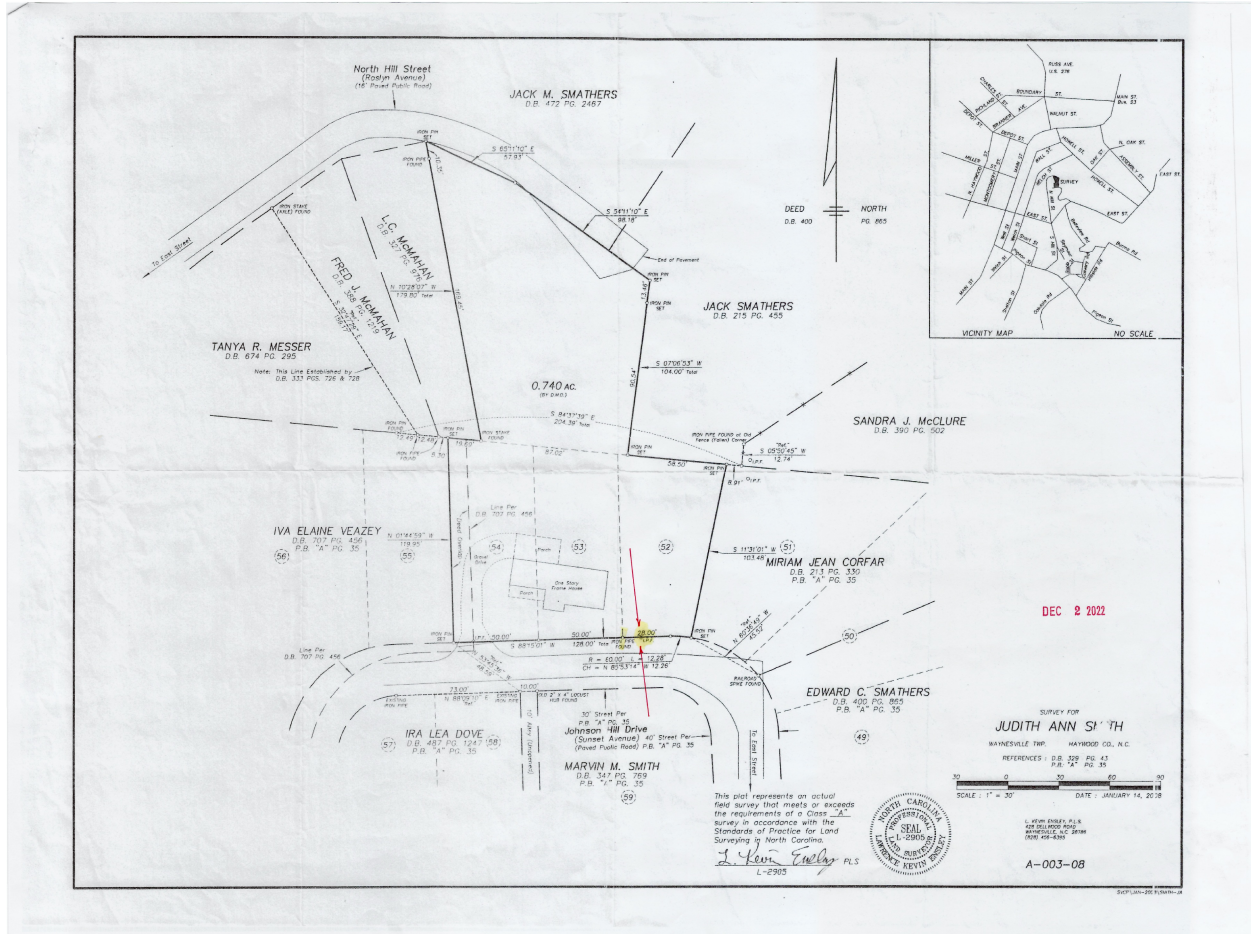
Additionally, Davenport pointed out that the call between lot 55 and lot 54 was actually composed of two different segments.

- S 3 00' 00" E and 118.31',
- plus an additional segment called L4, S 3 00' 00" E and 5.48', for a total length of 123.79', the forth of little line segments (Line L4) in a note in the upper left of the Herron survey, next to the Vicinity Map.

Next, Davenport referenced the Grandview drawings, and noted that the length of the line between lot 55 and lot 54 was actually the same line that was referenced in the Herron survey between lot 55 and lot 54, with the total length of 123.79, matching Herron's survey, totaling his two line segments.



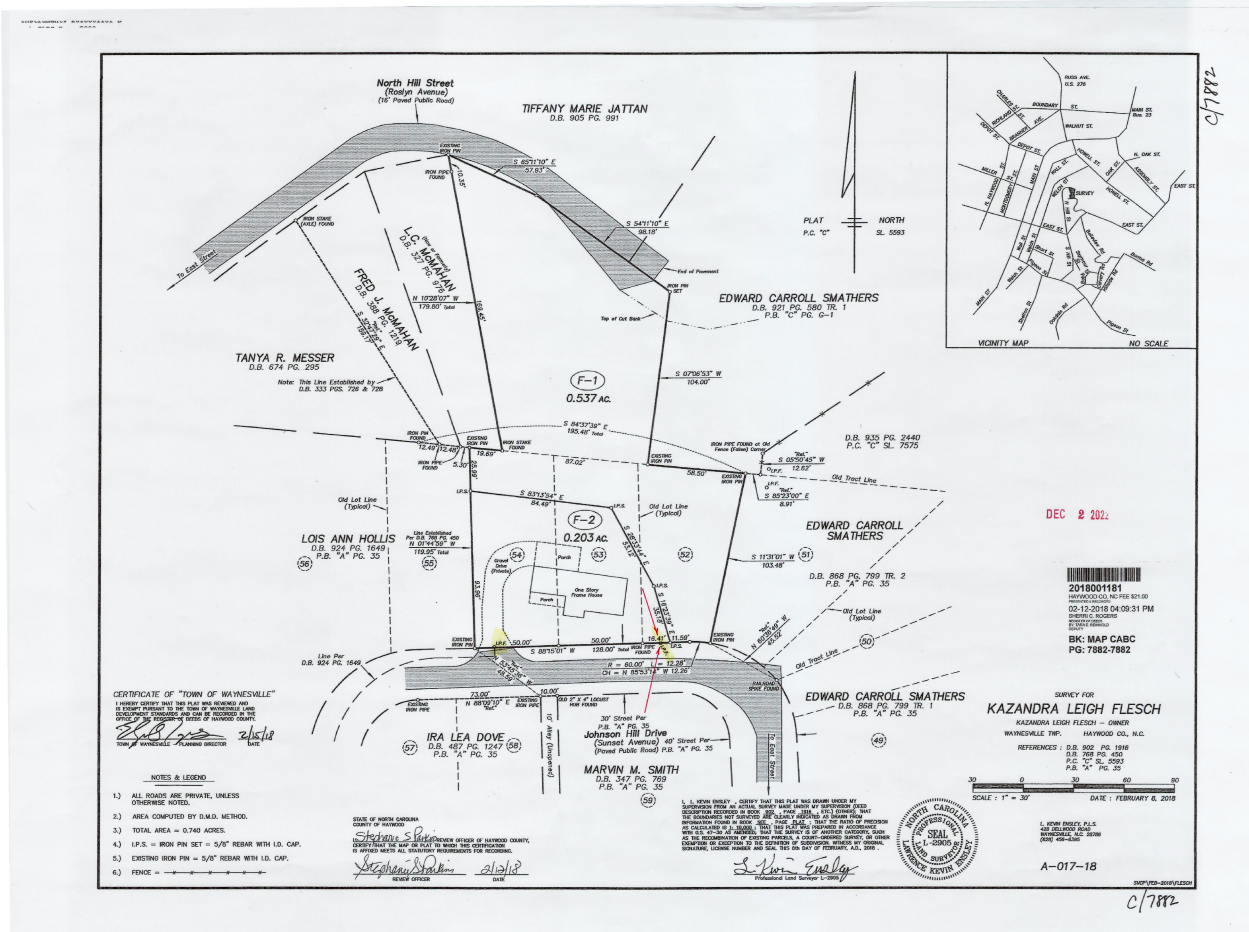
Next, Davenport referenced the **Ensley** survey, **Kevin Ensley**, Judith Ann Smith, dated 1/14/2008, and pointed out the basis of the error of Ensley's survey.



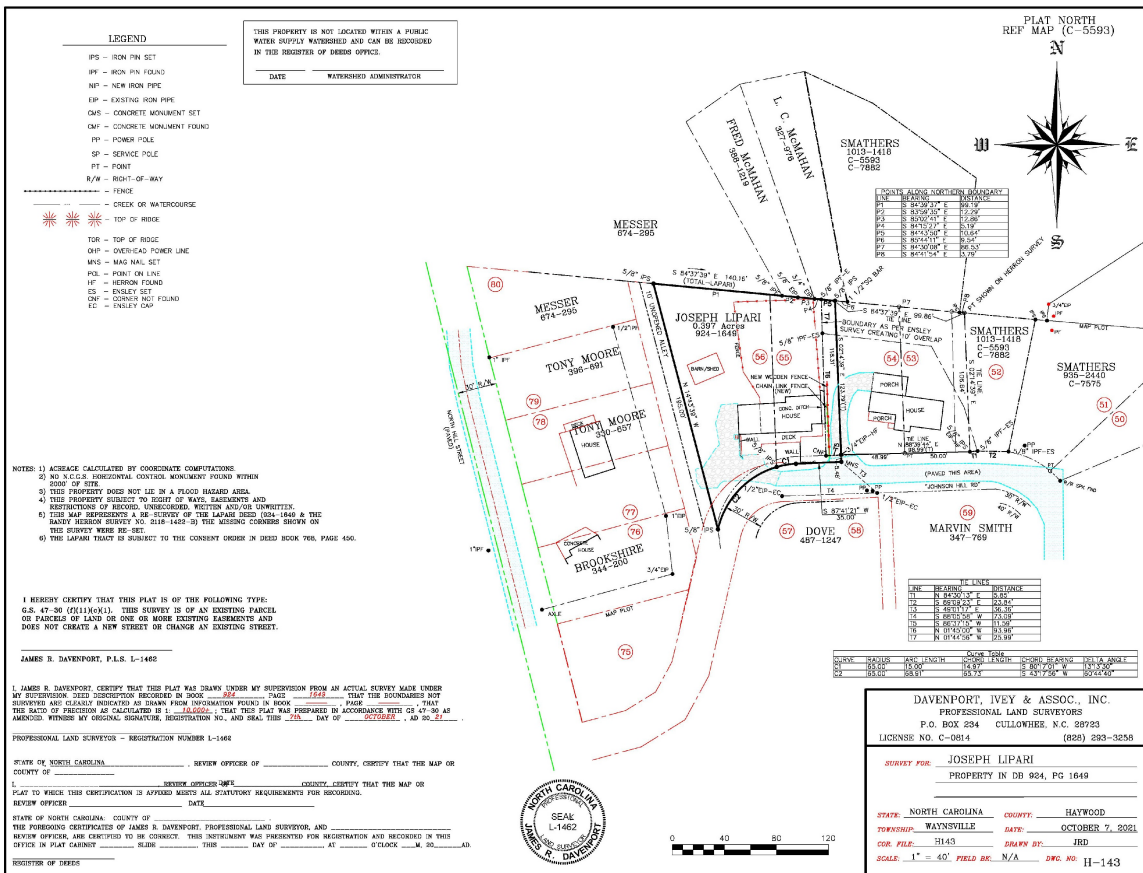
On the line nearest to the road, comprised of lots 52, 53, and 54, **Ensley** notes an Iron Pipe Found between lots 53 and 52. This does not correlate with Herron's EIP. However, **Ensley** has a little notation of I.P.F. (Iron Pipe Found) along the same line, further east. This little notation is the match on Herron's survey between the same lots, yet Ensley completely disregards this point!

This is the basis for **Ensley** shifting everything to the West, and changing the original lot line for Joe Lipari's property.

Davenport pointed out that this little unmarked I.P.F. (Iron Pipe Found) symbol remains on a subsequent drawing by **Ensley**, "**Kevin Ensley**, Kazandra Leigh Flech, 2/8/2018", which again, **Ensley** completely ignores in his descriptions of property lines.



Davenport then presented two worksheets, which overlay the differences between the **Ensley** survey and his survey. It is clear **Ensley is in error**, and the basis for the ruling by Judge Brad Letts in 08CVS1193 is **faulty**, and the property line for the Lipari property needs to be restored to it's original line.



[Editor's Note: The above image is a .jpg file, converted from the original .pdf file from Davenport. Thus, there is a slight degradation of the image. Since this is a .jpg file, it allows you to magnify within this document. The pdf files on www.haywoodtp.net are better resolution than these two .jpg conversions of the original pdf files. Look there for more precise image.]

- H143-Work Sheet 2.pdf
- H143-WORK SHEET 2.pdf
- <https://www.haywoodtp.net/pubII/221204-H143-WORK-SHEET2.pdf>

