

## Haywood County "Toeprints"

September 15, 2013

Vol. #4 Issue #12 (Subject: **Fire Sale Continues! David Francis, Tracy Wells, June Ray, Byron Hickox**)

[www.haywoodtp.net](http://www.haywoodtp.net)

### What's Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

### Foreclosure Sales.

Two additional Sheriff's Deed Foreclosures were announced with a notice posted in the Tax Collection office, signed off by **June Ray**. These foreclosures were initiated by **David Francis** for non-payment of taxes. They are properties (PIN):

- 7699-94-7645, Sale at Courthouse steps - 9/24/13, 1:30p
- 8711-38-9493, Sale at Courthouse steps - 10/1/13, 1:30p

The assessed value of the first property is \$96,600, with taxes and stuff due of \$2,512.16. Would anyone like to make a quick profit of \$94,087.84?

The assessed value of the second property is \$14,100, with taxes and stuff due of \$1,176.43. Would anyone like to make less of a killing, but still a killing, on this of \$12,923.57?

Everything **David Francis** does about foreclosures is now on the radar.

We have seen that **David Francis** has been bidding on these foreclosures and purchasing them on behalf of Haywood County. Of course, he can't do that! [re: **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."**]

The question now is -

"What happens to all these properties that are auctioned on the courthouse steps (now outside the Justice Center) that are **not** sold, and are **not** bid on by **David Francis**?"

I have asked this question repeatedly to everyone I know, including Law Enforcement Officials, and the only answer I get in every single case is: A blank stare...

### Fire Sale Continues!

There is also a posting on the bulletin board in the tax office of another eleven (11) properties, with the caption:

"Parcels for sale by Haywood County.

See **David B. Francis** or **Tracy Wells** for further details."

**Clarence Dickson** and **Mayor Gavin Brown** (both lawyers) evidently had contacted one or both of these people (on behalf of their clients?), culminating in an attempt by **David Francis** to slip their clients purchases of two County Owned private property's under the radar at the August 19<sup>th</sup> County Commission Meeting.

[re: <http://haywoodtp.net/pubTP/T130903.pdf> ]

[**Editors Note:** Photo's of these three posted notices taken in the tax office appear on pages following this issue of Toeprints. In addition, a table of data is provided of relevant information relating to the eleven (11) County Owned private property.]

Here is how you research and dig into this stuff.

- Start with the PIN address.
- Look up with Maps Online.
- Grab the Deed of Records Book and Page Number.
- Print the most recent Deed, the one that says Haywood Co.
- Look up the association Case File on that property.
- Go to the Justice Center and start pulling files.
- Ask Jared Sutton for assistance, he is very helpful.
- You can go directly to where the files are stored - it is all public area.

Having done all that, I have summarized the information obtained from these files. The table at the end of this newsletter contains two sets of information. First, by column, the information on the original posting.

- PIN,
- Advertised Tax Value,
- Address.

Next, the data from the case files.

- Case number,
- Tax Proceeds,
- **Pinkston** Commission,
- **Van Winkle** legal fees.

All of the case files containing the letters “CVD” are civil cases, and contain all the evidence that the county bid on and purchased private property. There are two case files that contain “M”, and these are Sheriff’s Deeds, already reported in <http://haywoodtp.net/pubTP/T130731.pdf> , with these deeds being signed off by then Sheriff Bobby Suttles.

There is one instance of no case file. When this property is looked up, it shows that it is still owned by the original owners. How is **Francis** going to pull the sale of that property off?

The next column is called Tax Proceeds. As it turns out, all of these properties were handled by **Mark Pinkston**, who works for the **Van Winkle** Law Firm in Asheville. All of these property transactions contain the same insanely high costs from **Pinkston** and **Van Winkle** as the two properties reviewed before in Haywood County Toeprints,

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

When I had requested public information from **Julie Davis**, Finance Director for evidence that the county had paid these insanely high legal fees, all I got from her was:

- “There was no check paid from the county for these properties.”
- “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.”
- “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.”
- “The documents that you have requested do not exist.”

These Tax Proceeds are all signed off by **June Ray**, Clerk of Superior Courts as contained in the final audit for all of these files.

So **Julie**, if we look at the total of all Tax Proceeds for monies that have been collected from God-knows-where, the total comes to **\$52,832**.

So **Julie**, we are now looking at **\$52,832**. Do you think you can find out where that money came from to pay off **Van Winkle**?

Not finished yet. Lets look at what **Mark Pinkston** and **Van Winkle** raked out of this. Remember, **Mark Pinkston** was a commissioner for these proceedings, appointed by **June Ray**. **Pinkston** made **\$3,053** in commissioner fees. **Van Winkle** made **\$28,433** in legal fees.

**Upset Bidding on Francis’s under the radar private properties.**

In what appears to be **Francis** and **Killian** making up rules as they go along, **Killian** declared that Upset Bidding should start subsequent to the August 19<sup>th</sup> county commission meeting on the following two properties:

- a. Parcel Number – 7687-04-4513 – Case **10CVD109**
- b. Parcel Number – 8608-76-2254 – Case **09CVD1331**

Notices started appearing on the county web page (the following is one of them).

[http://www.haywoodnc.net/downloads/Bids\\_Notices/sept2013/upsetbid091313.pdf](http://www.haywoodnc.net/downloads/Bids_Notices/sept2013/upsetbid091313.pdf)

I have not noticed if these are appearing in the Mountaineer, as I only purchase the paper if my name appears on the front page.

**Byron Hickox.**

**Byron Hickox** is a Code Enforcement Official for Town of Waynesville, NC.

[This space left blank intentionally.]

**Jason Rogers.**

**Jason Rogers** is a Code Administrator for the Town of Waynesville, NC.

[This space left blank intentionally.]

**Legend:** If any name is in **bold**, it can’t be a good thing. [RINO] Republican In Name Only (i.e. **Kevin Ensley**, **Mitchell Powell**).

[Editors Note: Who is **Mitchell Powell**?]

Monroe A. Miller Jr.,  
Haywood County Taxpayer  
19 Big Spruce Lane  
Waynesville, NC 28786  
[www.haywoodtp.net](http://www.haywoodtp.net)

# FORECLOSURE SALE

## September 24<sup>th</sup>, 2013

On Tuesday, September 24<sup>th</sup> at 1:30 p.m. the following properties will be sold on the courthouse front steps.



Map generated by the Haywood County Map Server

8/15/2013

### Report For 7699-94-7645

MOLSTER, WILLIAM  
MOLSTER, CARMEN  
C/O UNIFORM SOLUTIONS INC  
9441 172ND ST  
HALEAH, FL 33018

Account Information  
PIN: 7699-94-7645  
Oxid: 695/1194

Site Information  
346 VIREO LN

DWELLING  
SINGLE FAMILY  
HOMESITE PRIMARY

Heated Area: 750  
Year Built: 1978  
Total Acreage: 0.8537  
Township: JONATHAN CHEER

#### Site Value Information:

Land Value: \$29,200  
Building Value: \$47,400  
Market Value: \$96,600  
Deferred Value: (\$0)  
Assessor Value: \$96,600  
Sale Price: \$0  
Sale Date: 2/12/2007  
Taxes 2012: \$603.18  
Taxes 2013: \$1,213.08



1.817

Disclaimer: The map on this site is for informational purposes only. It is not intended to be used as a legal document. The map is generated by the Haywood County Map Server and is subject to change without notice. The map is not a substitute for a professional survey. The map is not intended to be used as a legal document. The map is generated by the Haywood County Map Server and is subject to change without notice.

STATE OF NORTH CAROLINA  
COUNTY OF HAYWOOD

FILE # 13 M 38

In the General Court of Justice  
Superior Court Division  
Before the Clerk

Haywood County, a body politic  
and corporate, and a political subdivision  
of the State of North Carolina

Plaintiff

vs

William Molster and wife, Carmen Molster  
Defendant(s)

EXECUTION

To the Clerk of the Superior Court of Haywood County

Whereas there is docketed in the Office of the Clerk of the Superior Court of Haywood County a judgment in favor of the above-named plaintiff and against real property listed for taxes for 2007, 2008, 2011 and 2012 by the above-named defendants in the amount of \$1,930.04, of which is the amount of \$486.43, with interest in the amount \$96.85 on this judgment at 8 percent per annum from February 8, 2013, all amounting to \$2,512.16 as of this date, which judgment constitutes a first lien prior to all other liens upon the property located in Jonathan Creek Township, Haywood County, North Carolina and described as follows:

SEE COPY OF DEED ATTACHED HERETO

Property Description: Deed Book 695 Page 1194, Haywood County Registry  
Parcel #7699-94-7645 - 8537 acre (and) dwelling, 346 Vireo Lane,  
Jonathan Creek Township, Waynesville, NC

And whereas the judgment remains unpaid and the amount now actually due hereon, including principal, interest, and costs is \$2,512.16

You are, therefore, commanded to satisfy the judgment by a sale of the property or as much thereof as is necessary to pay the judgment, principal, interest, and costs as they appear at the time of the first report, and to return this execution within not more than ninety days from the date hereof to the undersigned

This execution is issued the 15<sup>th</sup> day of August 2013

*Shirley A. Ray*  
Clerk of the Superior Court

RETURN ON EXECUTION

Received \_\_\_\_\_ Sent \_\_\_\_\_

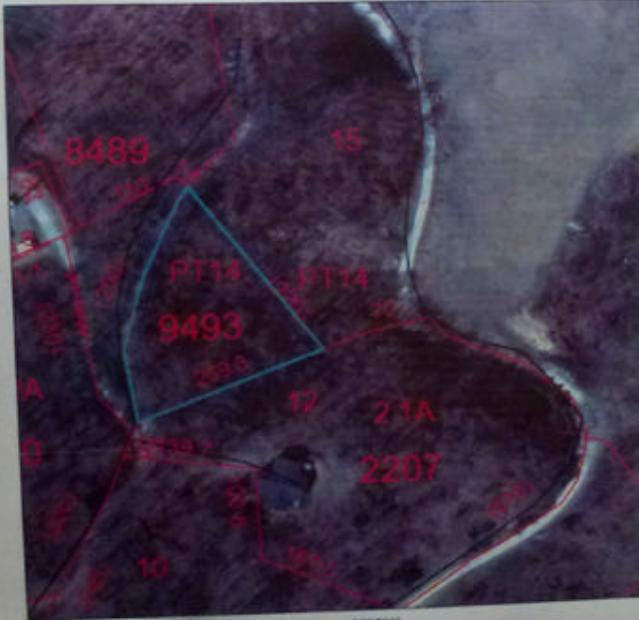
Clerk of Haywood County, North Carolina

By \_\_\_\_\_  
Deputy

# FORECLOSURE SALE

## October 1<sup>st</sup>, 2013

On Tuesday, October 1<sup>st</sup> at 1:30 p.m. the following properties will be sold on the courthouse front steps.



Map generated by the Haywood County Map Server

8/19/2013

### Report For 8711-38-9493

STEWART, RAYMOND B  
STEWART, JESSICA L  
10110 WINCHESTER WOOD

NAPLES, FL 34109-1670

Account Information:  
PIN: 8711-38-9493  
Deed: 8401824

Site Information:  
ROSALE LN  
THE ROSALE

#### HOME SITE PRIMARY

Heated Area: 0  
Year Built: 0  
Total Acreage: 0.39  
Township: WATKINS OAK

#### Site Value Information:

Land Value: \$14,700  
Building Value: \$0  
Market Value: \$14,700  
Deferred Value: \$0  
Assessed Value: \$14,700  
Sale Price: \$6,000  
Sale Date: 8/23/2005  
Taxes 2012: \$142.37  
Taxes 2011: \$348.56



1:1000

This map is for informational purposes only. It is not intended to be used as a legal document. The map is generated by the County's GIS system and is subject to change without notice. The County is not responsible for any errors or omissions on this map. For more information, please contact the GIS Department at 813-949-3100.

STATE OF NORTH CAROLINA  
COUNTY OF HAYWOOD

FILE # 13 M 106

In the General Court of Justice  
Superior Court Division  
Before the Clerk

Haywood County, a body politic  
and corporate, and a political subdivision  
of the State of North Carolina

Plaintiff

vs

Raymond B. Stewart and wife,  
Jessica L. Stewart

Defendant(s)

To the Clerk of the Superior Court of Haywood County:

Whereas there is docketed in the Office of the Clerk of the Superior Court of Haywood County a judgment in favor of the above-named plaintiff and against the above-named defendant in the amount of \$602.40, of 2008; in the amount of \$471.45, with interest in the amount of \$22.58 on the judgment of 8 percent per annum from April 10, 2013, all other items upon the property located in White Oak Township, Haywood County, North Carolina and described as follows:

SEE COPY OF DEED ATTACHED HERETO

Property Description: Deed Book 940 Page 1024, Haywood County Registry  
Parcel #8711-38-9493, 0.39 acre land only, in 214, The Rosale,  
White Oak Township, Haywood County, NC.

And whereas the judgment remains unpaid and the amount now actually due thereon, including principal, interest, and costs, is \$1,175.43.

You are, therefore, commanded to satisfy the judgment by a sale of the property or so much thereof as is necessary to pay the judgment, principal, interest, and costs as they appear at the time of the first report, and to return this execution within not more than ninety days from the date hereof to the undersigned.

This execution is issued the 14<sup>th</sup> day of August, 2013.

*John L. Ray*  
Clerk of the Superior Court

RETURN ON EXECUTION

Received: \_\_\_\_\_

Served: \_\_\_\_\_

Signer of Haywood County, North Carolina

By: \_\_\_\_\_  
Deputy

**Parcels for sale by  
 Haywood County.**  
 Please see  
**David B. Francis or  
 Tracy Wells**  
**for further details.**

Parcel Number	Property Address	Property Description	Tax Value
8666-08-2739	27 Winfield St. Canton	.1500 acre - vacant land	\$900.00
7666-97-3194	Soco Road, Maggie Valley	.7700 acre - vacant land	\$19,300.00
8713-51-9902	Irwin Way, Clyde	.9879 acre - vacant land	\$31,200.00
8713-51-7847	Blackberry Lane, Clyde	.7540 acre - vacant land	\$27,600.00
8608-76-2254	447 Sunshine Cove Rd, Waynesville	4007 acre - land & single wide	\$31,700.00
7687-04-4513	Off Braves Knob Rd., Maggie Valley	1.1469 acres - vacant land	\$24,800.00
7699-65-7779	Spellbound Rd., Waynesville	3.660 acres - vacant land	\$45,700.00
7697-32-5891	Lt 28, Sect N, Maggie Valley Country Club	3886 acre - vacant land	\$36,900.00
8700-38-2600	Teaberry Ridge Rd., Waynesville	3.0505 acres - vacant land	\$37,000.00
8713-53-6585	Lt 6, Sect B, Hurricane Ridge, Clyde	3.1309 acres - vacant land	\$43,600.00
8666-29-4258	36 Gibson Street, Canton	1703 acre - land & dwelling	\$52,200.00

PIN	Advertised Tax Value	Address	Case No.	Tax Proceeds	Pinkston Commission	Van Winkle
7666-97-3194	19,300	Soco Road, Maggie Valley	08CVD700	6,779	750	4,005
7687-04-4513	24,800	Off Braves Knob Road, Maggie Valley	10CVD109	6,220	311	3,640
7697-32-5891	36,900	Lot 28, Sec N, Maggie Valley Country Club	10CVD112	7,532	377	3,977
7699-65-7779	45,700	Spellbound Road, Waynesville	11CVD1219	7,206	360	2,802
8608-76-2254	31,700	477 Sunshine Cove Road, Waynesville	09CVD1331	12,582	629	6,822
8666-08-2739	900	27 Winfield Street, Canton	10CVD328	5,271	264	3,571
8666-29-4258	52,200	36 Gibson Street, Canton				
8700-38-2600	37,000	Teaberry Ridge Road, Waynesville	12M167			
8713-51-7847	27,600	Blackberry Lane, Clyde	11CVD269	7,242	362	3,616
8713-51-9902	31,200	Irwin Way, Clyde	11CVD269			
8713-53-6585	43,600	Lot 6, Sec B, Hurricane Ridge, Clyde	12M208			
<b>Totals</b>	<b>350,900</b>			<b>52,832</b>	<b>3,053</b>	<b>28,433</b>