

Maco Woman Seeks Payments For Home Damaged In Wreck

BY TERRY POPE

A Maco woman whose home and business were destroyed in a tractor-trailer wreck two years ago has filed a second lawsuit in Brunswick County Superior Court for \$1.6 million.

Marie B. Willetts, owner and operator of the former Willetts Place gas and grocery store on U.S. 74-76 near Leland, filed the lawsuit April 22. Another lawsuit seeking \$333,000 was filed last February in Brunswick County District Court against the owner of the tractor-trailer, Knight Publishing Co. of Delaware.

Ms. Willetts' home and store were destroyed on March 6, 1983 when a tractor-trailer drove off the highway and struck the building. The truck was heading west on U.S. 74-76 to Charlotte around 6:45 a.m. when the accident occurred.

Ms. Willetts' original lawsuit was transferred from District to Superior Court on a motion signed last month by Superior Court Judge Giles R. Clark of Elizabethtown. Both sides agreed to transfer the case that was scheduled for trial in Brunswick County Superior Court this week, but was delayed when Knight Publishing Co.'s attorney, John Crossley, had cases scheduled in other courts.

In the \$1.6 million lawsuit filed last Monday, Ms. Willetts has added the driver of the tractor-trailer, Ander James Blackwell, and The Observer Transportation Co., the firm that delivers The Charlotte Observer, as responsible for the accident. Knight Publishing Co., owner of The Charlotte Observer, is also listed as a defendant.

Brunswick County Superior Court Reporter Yvette White said Monday that neither side has filed for a dismissal of the original lawsuit, which is usually the case when a second suit is filed covering the same claim. The case has not been

rescheduled for Superior Court.

Ms. Willetts is seeking \$250,000 from Blackwell for damages and destruction of personal property; \$50,000 for mental and emotional distress and medical expenses; \$500,000 from the three parties for punitive damages; \$300,000 from Observer Transportation and Knight Publishing for negligent entrustment; and \$500,000 in punitive damages from the two companies.

The lawsuit alleges Blackwell was driving the 18-wheeler carelessly and negligently at a high rate of speed when it ran off the right side of the highway. The impact caused the "building to be knocked from its foundation and demolished while destroying the contents" inside, the lawsuit states.

Blackwell was charged with driving while under the influence of alcohol by the State Highway Patrol following the accident. He pleaded guilty in Brunswick County District Court to reckless operation and received a suspended sentence.

The driver had previously been convicted of driving while intoxicated, driving while under the influence of alcohol, reckless driving and exceeding safe speed in other states prior to the March 6 accident, the suit states. It claims the companies knew or should have known of the driver's previous traffic violations.

The combination home and business was "rendered uninhabitable" and damaged beyond repair, causing "substantial loss of inventory, personal property, equipment, appliances, fixtures, furniture, furnishings and income," the suit states.

Ms. Willetts is represented by W. Osborne Lee Jr. of Lumberton. The suit is asking for a jury trial.

Time Lapse Prevented Insurance From Paying

Brunswick Technical College's liability insurance policy with the Brunswick Insurance Services Inc. could not help pay for the school's \$12,500 lawsuit settlement with former math instructor Susan Arnold because of a lapse in reporting the claim.

In the April 4 issue of The Brunswick Beacon, BTC President Joseph Carter was quoted as stating the claim was not covered because the policy was "changed at a point that was crucial to this case."

Since the policy is a claims made policy, the wrongful act date and the claim date must both occur during the policy term and immediate written notice must be given to the insurance company, Ms. Clemmons said.

"Change of companies had nothing to do with the claim not being paid," she added.

"This claim originated in October 1982 and the insurance company was not advised until May 1984," said Brunswick Insurance Agent Judy Clemmons. "This lapse of time prohibited the insurance company from responding to the claim."

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VASELINE Petroleum Jelly 7 1/2 oz. 1.58	VASELINE Petroleum Jelly 3 3/4 oz. 1.19	PONDS Cold Cream 3.5 oz. 2.26	PONDS Dry Skin Cream 2.68
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