



STAFF PHOTO BY SUSAN USHER

Car Overtakes On Holden Road

At least three persons were injured Sunday in an accident that occurred about 6:30 p.m. on the Holden Beach Road near Oak Grove Baptist Church. A witness told The Beacon the car had started to pass another vehicle

when it met oncoming traffic. The car allegedly went out of control and flipped over, then end over end, coming to rest on its top in a ditch. No report was available Tuesday from the N.C. Highway Patrol.

Funeral Home Owners Claim Slander In \$4.5 Million Suit

BY TERRY POPE

The owners of a Southport funeral home destroyed by fire last year have filed suit against their insurance company, seeking more than \$4.5 million in damages caused by the fire and for slander.

Thomas E. and Evelyn H. Gilbert, owners of Gilbert's Funeral Service in Southport, filed suit last Friday in Brunswick County Superior Court against the Great American South Inc. insurance company of Raleigh. The Gilberts purchased their policy through The Stevens Insurance Agency of Southport, owned and managed by Margaret Harper.

According to the lawsuit, the South company has refused to pay the Gilberts' \$50,000 personal property loss claim plus \$8,496 for demolition of the destroyed building. The funeral home was destroyed on Aug. 11, 1984 by a fire of "unknown origin," it states.

In addition, the Gilberts are asking a Superior Court jury to award \$1 million for "compensatory and special damages arising from the numerous slanderous per se publications" made by the South company during the investigation of the fire, the suit states.

The couple is also seeking \$1 million in punitive damages for "wilful, wanton and aggravating conduct"; \$1.5 million for treble damages; \$500,000 for punitive damages for the company's "bad faith refusal to settle" the policy claim; \$400 per month since the fire for rental expenses and \$500,000 in general damages for breach of contract. The lawsuit was filed by Wilmington attorney Louis K. Newton.

Since the August 1984 fire, Gilbert's Funeral Service has been operating from a temporary location on North Howe Street. The fire was investigated by State Bureau of Investigation agents, which completed and closed its investigation in January 1985 and revealed that the fire "was an accidental fire of unknown origin," the suit states.

Upon hearing of the fire, the Gilberts, who were away on vacation at the time, "cancelled their remaining vacation plans and returned to Southport, N.C. to assess the possible damage caused by the fire. All of the plaintiffs' business property, both real and personal, was completely

destroyed by fire," the suit states.

C.D. Pickerrill, building inspector for Southport, advised the Gilberts that to "repair the building would far exceed the cost to demolish and rebuild a similar structure," the suit states. Another contractor also advised the couple that it would not be feasible to repair the existing structure.

The suit also states that an agent working for the South company investigated the fire and made "false and defamatory statements in a reckless manner that have adversely affected" the Gilberts' "personal and business reputations in the Southport community."

Gary Moss, who is licensed by the SBI, and an employee of the South company, was investigating the fire in early September when he allegedly told Thomas Gilbert that if he "gave to Moss the sum of \$5,000, he, Moss, would then close his investigation of the August 11, 1984 fire and advise" the company to pay the policy, it states.

During the same conversation, Moss allegedly told Gilbert that unless he "paid the stated sum of money to him," then he would not "receive any money under the policy," it states.

On Oct. 5, the company requested that the Gilberts submit to an oral examination and was instructed to produce specific documents, "all of which were destroyed during the August 11, 1984 fire in Plaintiffs' building, and which could not be reproduced," it states. The company also requested 21 other documents "that were not only irrelevant to the claim, but which suggested improper acts on the part of the plaintiffs," the suit states.

By refusing to pay the claim, the company has placed the Gilberts in "a disastrous financial position," it states. The couple cannot afford to rebuild or replace the personal property loss in the fire, are unable to borrow money and are in danger of losing their business entirely, the couple claim.

The city of Southport has begun foreclosure proceedings on the Gilberts' property at 603 North Howe Street because of their inability to pay taxes, the suit states. United Carolina Bank, which held a mortgage on property covered in the fire, has refused to extend further credit to enable them to rebuild, the suit states.

UCB was paid \$60,000 by the South company on May 3, 1985 under the mortgage clause in the insurance policy. On May 11, the Gilberts were notified by letter that their personal loss claim was denied because the final investigative findings issued by the SBI were doubted and the couple had failed to produce requested documents and to release "confidential information and tax returns" which the couple claim are irrelevant.

According to the lawsuit, Moss' "false and defamatory statements" that allege the Gilberts were guilty of arson based on their financial difficulties and being unable to meet their financial obligations were made to accountant Henry Wilkinson; postman Dusty Jones; Coble Funeral Service director Larry Andrews; Conley Koontz, owner of a Southport Exxon station; Birnie Baxter, owner of a body shop and Tommy Harrelson of Southport.

The Gilberts are asking for a jury trial.

Menhaden Options Go Before Fisheries Commission Today

Regulation of the menhaden industry, channel netting for shrimp and marking the protected fishing areas around ocean fishing piers are the topics of public hearings conducted today (Thursday) by the N.C. Marine Fisheries Commission in Beaufort.

The meeting begins at 9 a.m. at the Duke University Marine Laboratory. After hearing citizens' comments today, the commission will hold a business meeting at 9 a.m. Friday to make decisions on the public hearing topics. Any regulations adopted would become effective October 1 of this year.

Two local men, C.B. Caroon of Southport and Hall Watters of Wainabow, serve on the commission.

Reaction of local commercial and sports fishermen to the proposed regulations were not available, since most had not had an opportunity to review the proposals.

The commission had pledged to propose menhaden fisheries regulations in time for the fall harvest season.

The new proposals cover fishing seasons, closed areas, management by proclamation and responsibility by menhaden companies for cleanup arrangements and notification in the event of fish spills.

Other proposed amendments would require attendance at all times on channel net sets, and consideration of a marking, buoy, anchor and cable system to decrease hazards to

navigation. Proclamation authority for management of channel nets was to be considered also.

A system of marking the 750 foot protected fishing area around ocean fishing piers has also been proposed. Pier owners would be required to set yellow buoys in the water and markers on the beaches on both sides of the pier to mark the area.

Various options for regulating the menhaden catch are proposed in terms of season, area and distance from shore. Seasonal limitations range from a specified open season to holiday closings only in the summer. More than one option can be adopted.

Purse seine fishing, used for menhaden and thread herring, would be allowed only during the open fishing season. The season as proposed would begin sometime between May 1 and June 1 and close sometime between Nov. 1 and Jan. 31.

Between Nov. 1 and Jan. 31, specific areas could be closed by proclamation where the average size of the catch falls below six inches in length.

Various proposals would prohibit the taking of menhaden by purse seine within the Atlantic Ocean one-half mile to a mile off the beach from sometime between Nov. 1 through the third Saturday of December through Jan. 31. Another alternative would close it only between the North Carolina-Virginia border to Cape Hatteras under similar conditions.

Yet other options would prohibit menhaden fishing:

- Statewide one-quarter to one mile (to be determined) offshore in the Atlantic Ocean statewide from sunset on the Friday before Memorial Day through Labor Day; or

- Weekends only statewide (from sunset on Friday to sunrise of the following Monday) from Memorial Day through Labor Day; and the July 4th holiday whenever it may fall, or

- If options one or two are not passed, summer holidays only statewide—Memorial Day, Fourth of July and Labor Day.

If option one is not passed, the commission will also consider prohibiting menhaden fishing one mile off the beach from New River Inlet to the North Carolina-South Carolina line.

Another option would allow menhaden fishing in no internal coastal waters except those of Pamlico Sound and portions of the Pamlico River, Goose Creek, the Neuse River and Bogue Sound general areas.

One option would provide year-round closure of the Atlantic Ocean from the internal waters of the Cape Fear River south to include an area from Bald Head Island Lighthouse to the Yaupon Beach Fishing Pier.

Another would prohibit menhaden fishing within a 15-mile radius of the inlet listed for specified king mackerel tournaments, including the U.S. Open King Mackerel Tournament held in Southport each fall, at the mouth of the Cape Fear River.

Filing Opens Soon For Elections

(Continued From Page 1-A)

Wescott.

Bolling Spring Lakes—Voters will elect a mayor to a two-year term of office and two commissioners to four-year terms. The seats are now held by George Ball, mayor; and Florence Anderson and Thurston Cumbee, commissioners.

Southport—Voters will fill the seats of Aldermen C.B. Caroon and Ed Oliver, Ward I; Robert Thorsen, Ward II, and that of Mayor Norman Holden. Howe Street divides the town into wards.

Yaupon Beach—Voters will elect four commissioners, with three to serve four-year terms. The low voter-getter will serve only two years, filling the unexpired term of Harold Hines. Robert W. Brown, budget and finance commissioner, holds the seat now by appointment. Other commissioners whose terms expire are Ernie W. Rees, mayor pro tem; Homer W. Brewer, utilities and public health; and J.M. Warren, public safety and maintenance. Board members choose their own mayor after the election.

Ted Starr is chairman of the town's

board of elections.

Caswell Beach—The seats held by Bob McCracken and Duncan Stuart are up for election. Terms are for four years.

Belville—A mayor and two commissioners will be elected to two- and four-year terms respectively. The positions are held by Mildred Boney, mayor, and Edie Shupe and Eunice Long, commissioners.

Navassa—This northwestern community will elect a mayor to fill the office now held by Louis "Bobby" Brown, and commissioners to fill the seats of Thurman Mosley and Edward Williams. The mayor is elected every two years; commissioners serve staggered four-year terms.

Dosher Hospital

Smithville Township residents will elect three members to the board of trustees of the J. Arthur Doshier Memorial Hospital tax district. The district was established by township residents in an Aug. 17, 1976, referendum. The district can levy a tax of up to 6¢ per \$100 property tax valuation for support of the hospital. The current rate is 4¢.

Available are the seats held by Gene Hart, Evelyn Butler and Charles Rogers. Rogers was appointed to the seat held by the late Lorraine Bellamy. The person elected to that seat will serve the remainder of Mrs. Bellamy's term, until 1989, while the other two will serve six-year terms.

All five seats on the Leland Sanitary District governing board come available on Nov. 5. Members of the quasi-governmental district serve four-year terms. Current members are Leo J. Novak, John E. Jones, Ava V. Thomas, Preston Johnson and Virginia Browning. The district was established in May 1976 to provide limited services to a specified area. The district is currently developing a water distribution system and has signed a contract to buy water from Brunswick County.

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