

# Officials May Change Way Highway Engineers Picked

Members of the state Board of Transportation may push to change the method used to select private engineers who do state road work.

The board voted Friday to review the process, which allows Department of Transportation staffers to select an engineer from a pool of applicants without a formal bidding process. The decision came at the same meeting in which board members awarded a \$220,000 design contract for a Hot Springs road project to Frank Coleman & Associates, a Raleigh firm headed by a former DOT engineer.

But officials said the two events were not related.

Coleman's contract was not a factor in the board's decision, said board member Brent B. Kincaid of Lenoir, chairman of a committee that recommended the study.

"The question has always been in the back of board members' minds: Would it be proper to ask for firms to bid on these projects?" Kincaid said. The board studied the question two years ago, he said but made no changes.

He said the board "has no feeling that there's anything amiss. We just want to keep our engineering costs as low as possible. The only tax dollars that count are what shows up on the road."

The firm owned by Coleman, former chief engineer at DOT, has

become known as "DOT North" because of the number of former state employees he has hired. The firm was awarded a contract Friday for design work on improvements to U.S. 25-70 from the North Carolina-Tennessee line to Hot Springs.

Coleman's contract was one of four private engineering pacts approved Friday by the board.

DOT uses private engineers to supplement its design staff during peak periods when its staff is overloaded.

W.G. Marley, manager of the highway design branch, said the state had paid private engineers \$6.5

million for 75 contracts in 1985. Last year, the number dropped to 15 contracts for \$2.5 million. So far this year, the board has approved 15 contracts worth about \$2.5 million.

Marley said DOT had placed notices about the pending projects in the state purchasing directory and had interviewed firms interested in the work. The staff then picks a top choice and two alternates and tries to negotiate a price with the first group. If no agreement is reached, DOT moves on to one of the alternates.

From 'Under the Dome' in The News and Observer

## State Allocates \$2.3 Million For U.S. 25-70 Project

The North Carolina Board of Transportation has allocated \$2.3 million in state and federal funds to purchase right of way on U.S. 25-70 in Madison County.

The approval, the first for right of way on the project, is for acquisition along 6.1 miles of the highway between Hot Springs and N.C. 208.

"This project is among Gov. Jim Martin's top priorities and I am pleased that the board and DOT staff have it moving toward completion," said state Transportation Secretary

James E. Harrington.

"When finished, the improvements to U.S. 25-70 will do much to enhance the safety and convenience of travel in Western North Carolina," Harrington said.

The board had previously approved \$550,000 for preliminary engineering on the project.

Design plans call for upgrading the existing roadway to a modern two-lane highway with paved shoulders.

Construction is scheduled to start in fiscal year 1988.

## Rusher Dismisses Charges

-Continued from Page 1

"I do not favor placing a chief of police, who was acting in performance of his official duties, on trial in situations where there is a low likelihood of being able to prove the case beyond reasonable doubt," he said.

Getman had been patrolling all weekend because of Hot Springs Homecoming activities and had been working for many hours without sleep at the time of the incident, he said.

Rusher interviewed several witnesses — except Miller, who could not be located — according to the

statement.

Rusher also criticized the magistrate's office for issuing warrants against Getman without first looking into the allegations.

"These warrants were issued by a Madison County magistrate without any concern as to whether or not the district attorney or any other agency had an opportunity to investigate the matters in a pre-accusation setting," he said about charges made by Miller and Riddle.

"I do not feel the warrant against the chief of police of Hot Springs in

this instance was providentially issued, since it is a felony charge issued where there had occurred no prior investigation and since it is a charge against a police officer where there had occurred no prior investigation," Rusher said of Leister's charge.

"My office operates under a policy where no felony charges will be prosecuted without a prior investigation and, moreover, charges against a law enforcement officer are not encouraged when no prior investigation has occurred," he said.

## Mars Hill OKs County Dispatchers

-Continued from Page 1

telephone number, eliminating confusion over which number to call, Fox said.

The board gave tentative approval to the plan.

In other business, Mars Hill Mayor Owen Tilson told the board that the town may not see funding promised by the former Madison County Board of Commissioners.

The former commissioners, before leaving office in November, agreed to give Mars Hill \$50,000 to help the town finance repairs to its water system.

Mars Hill has been under fire from state officials to make repairs to its spillway system. The estimated cost of the repairs is \$300,000.

Tilson told the board that the new

county commissioners are unable to guarantee the additional funding will be available.

The board also heard from Cullen Patton of the Cullenwood-Silvers Construction Co. concerning the proposed townhouse project on Ponder Street. Project architect Wayne Roberts

showed the preliminary site plans for the townhouses, stating the project is for private home owners and each unit will sell for between \$80,000-\$120,000.

The board also agreed to hire Brian Tucker as a new police officer for the town.

## Welch May Get New Trial

-Continued from Page 1

League estimated that it would be eight to 10 months before the Court of Appeals decides whether Welch will actually receive a new trial.

"The final disposition of this case is still several months away," he said.

Welch was convicted of second-degree kidnapping and attempted rape of a 19-year-old female Mars Hill

College student. According to testimony in Welch's 1983 trial, he was driving the woman home after she visited her brother at the Welch home in Mars Hill when he covered her face with a cloth soaked in chloroform.

She fell unconscious, and awoke to find Welch sexually assaulting her, according to her testimony.

## TOWN OF MARS HILL

Mars Hill, North Carolina

### SALE OF REAL ESTATE FOR 1986 TAXES

At 12:00 o'clock noon, Monday, June 29, 1987, I will sell at public auction at the Town Hall, pursuant to the existing laws of North Carolina, the following real estate on which the 1986 taxes remain unpaid. This being all the real estate owned in the respective Town of Mars Hill, North Carolina. List of all property to be sold and the amount of taxes are as follows:

Ammons, L.W. (Woody), Mr. & Joyce	\$419.86
Ammons, L.W., Sr. (Heirs), c/o Woody Ammons	2.80
Ammons, Roy Y. & Betty G.	277.27
Anderson, Ralph	41.06
Crawford, Jon G.	257.60
English, Jess L. (Estate)	50.89
Fosson, Don	148.65
Geforth, Nancy Lee	160.02
Haynie, Troy M. & Jan H.	280.00
Holton, Mrs. Harry (Balance)	26.60
Hembres, William J.	12.60
Hunter, R. Alan & Sherry	288.54
Kirk, Maj. Charlotte Ann	14.00
Lee, R.M.	69.23
Lewis, Boyd	224.49
Mace, Juanita W. (Balance)	143.62
McClain, Ronald F.	208.43
Paris, Frank L.	189.77
Pender, Raymond E. & Bertha B.	108.61
Reed, Douglas S. & Janice Diane	195.58
Ross, Carl Dean	161.00
Shelton, D.	280.42
Stewart, J. (The Week)	498.10
Stewart, J. (The Week)	56.00
Stewart, J. (The Week)	2.80
Stewart, J. (The Week)	5.36
Stewart, J. (The Week)	26.25

### LEGALS

NOTICE OF PUBLIC SALE OF LAND  
MADISON COUNTY, NORTH CAROLINA  
TITLE OF ACTION: RUBY S. BUCKNER, WIDOW, ET AL., PETITIONERS VS. JAMES SEXTON AND WIFE, ET AL., RESPONDENTS, 86 SP 37.

PLEASE TAKE NOTICE THAT the undersigned will sell at public auction the real property that is described below, in accordance with the order of the Court in this action.

ADDRESS OF PROPERTY: Off Rector Corner Road

DATE OF SALE: Friday, June 19, 1987

TIME OF SALE: 11:15 A.M.

PLACE OF SALE: Madison County Courthouse door, Marshall, NC

TERMS OF SALE: To the highest bidder for cash. 10 percent deposit required at time of sale. Title and condition of property "as is" including any liens or taxes. Sale will be held open for ten days for upset bids according to law. If no upset bid, high bidder will be expected to make prompt settlement or per diem will be charged.

TAX LISTING I.D.: Township 1-S

LEGAL DESCRIPTION: Number 1 Township, Madison County, NC.

BEGINNING on a stake in a field and runs West 12 poles to a stake; thence South 14 poles to a stake; thence West 52 poles and 20 links to a stake in the old North and South line; thence South 70 poles to a poplar on the bank of the pond mill branch, Elthrus Rector's corner; thence down and with said branch crossing the railroad, South 49 deg. East 34 poles to the mouth of said branch and French Broad River; thence down and with said river North 41 deg. 30 min. East 114 poles to a maple on the bank of the river; thence leaving the river North 53 West 50 poles to the BEGINNING, containing 38 1/2 acres more or less.

SUBJECT TO the rights of way or easements of the Southern Railway Company.

Reference is made to Deed Book 37, Page 84, for a better description.

SCOTT CARTER, Commissioner of Counsel:  
CARTER AND KROPELNICKI, P.A.  
75 N. Market Street  
Asheville, N.C. 28801  
Telephone: (704)252-9804  
May 28, June 4, 11, 18, 1987

NORTH CAROLINA  
MADISON COUNTY  
NOTICE

The undersigned having qualified as Executor of the Estate of W. M. Bishop, a/k/a William Marcellus Bishop, deceased, late of Madison County, this is to notify that all persons having claims against said estate to present them to the undersigned, on or before the 18th day of December, 1987, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This 12th day of June, 1987.  
Janice H. Peeg, Executrix  
c/ Charles E. Mashburn  
P.O. Box 98,  
Marshall, N.C. 28753  
June 18, 25, July 2, 9, 1987

NOTICE OF PUBLIC SALE OF LAND  
MADISON COUNTY, NORTH CAROLINA

TITLE OF ACTION: RUBY S. BUCKNER, WIDOW, ET AL., PETITIONERS, VS. JAMES

### LEGALS

SEXTON AND WIFE, ET AL., RESPONDENTS, 86 SP 38.

PLEASE TAKE NOTICE THAT the undersigned will sell at public auction the real property that is described below, in accordance with the order of the Court in this action.

ADDRESS OF PROPERTY: Pan Handle Branch

DATE OF SALE: Friday, June 19, 1987

TIME OF SALE: 11:00 A.M.

PLACE OF SALE: Madison County Courthouse door, Marshall, NC

TERMS OF SALE: To the highest bidder for cash. 10 percent deposit required at time of sale. Title and condition of property "as is" including any liens or taxes. Sale will be held open for ten days for upset bids according to law. If no upset bid, high bidder will be expected to make prompt settlement or per diem will be charged.

TAX LISTING I.D.: Township 1-N

LEGAL DESCRIPTION: LYING and being in Madison County and on the waters of Panhandle Branch:

FIRST TRACT, BEGINNING at a pine stump James Smith corner and runs South 32 deg. East 48 poles to a stake; then North 58 deg. East 12 poles to a stake another corner of the said James Smith; thence South 32 deg. E 44 poles to a stake and pointers in Jacob Allman's line; thence with Allman's line North 85 deg. West 123 poles to a white oak, said Allman's corner; thence with said Allman's other line North 37 deg. West 53 poles to a stake in John Patton's line (old); thence with said last mentioned line East 58 poles to a post oak, said John Patton's Southeast corner; thence with said Patton's line North 17 poles to a pine corner on top of the ridge in a line made between John Cole and Patterson Reeces; thence East with John Cole's line 48 poles to the place of the BEGINNING, containing fifty acres be the same more or less.

SECOND TRACT, BEGINNING on a stake in James Lunsford's spring branch in Smith's line or James Smith's line 58 poles to the said Panhandle Branch; thence up said branch to the mouth of James Lunsford branch; thence up said Lunsford branch 71 poles to the place of the BEGINNING, containing three acres be the same more or less.

Reference is made to Deed Book 25, Page 502, for a better description.

SCOTT CARTER, Commissioner of Counsel:  
CARTER AND KROPELNICKI, P.A.  
75 N. Market Street  
Asheville, NC 28801  
Telephone: 704-252-9804  
May 28, June 4, 11, 18, 1987

NOTICE OF FORECLOSURE SALE OF REAL

PROPERTY

Under and by virtue of the power and authority contained in the certain Deed of Trust executed and delivered by William D. Kemp, Linda D. Lombardo, Russell A. Thomas and Jan J. Thomas dated February 18, 1981 and recorded in the Office of the Register of Deeds for Madison County, N.C. in Book 88 at Page 875, and because of default having been made in the payment of the indebtedness secured by said Deed of Trust and failure to do and perform the stipulations and agreements therein contained, and pursuant to demand of the Owner and Holder of the indebtedness secured by said deed of Trust, the undersigned Wilder Wadford, will expose for sale at public auction to the highest bidder for cash the property therein

### LEGALS

described, to wit:  
All that certain tract of land containing 106.3 acres, more or less, lying and being in No. 3 Township, Madison County, North Carolina on the waters of Back Branch of Big Pine Creek and being known as the Hollow Log Tract being located on the North by Johnny Randall heirs, Fred Frady, Mark Roberts, on the East by Burnett Frady and Sol Caldwell, on the South by Burnett Frady and J. N. Roland, on the West by the property known as "Wooliesher". Said tract of land is more particularly described according to a plat prepared by Ben. H. Frady, Sr., R.L.S., dated May 11, 1971 as follows:

BEGINNING on an iron stake South of the Bruce Road, a chestnut log in the line of Burnett Frady, and being the beginning corner of a certain 63 acre tract of land described in a deed dated April 2, 1902 from G. W. Roberts, to R. S. Caldwell of record in Deed Book 13 at Page 60, Madison County Registry, and runs thence with the line of the 63 acre tract, Burnett Frady and later Sol Caldwell, North 7 deg. East 34 poles, North 19 deg. East 15 poles, North 13 deg. West 22 poles to a point on the top of Snake Den Ridge, thence with Snake Den Ridge and the line of Fred Frady and later the line of Mark Roberts North 38 deg. West 44 poles and North 66 deg. West 26.5 poles to a black gum, common corner of the 63 acre tract above mentioned and also beginning corner of a 66.1 acre tract described in a deed dated March 4, 1915 from A. L. Gudger, Agent to Jacob Caldwell of record in Deed Book 35 at Page 309, Madison County Registry; thence with the line of Johnnie Randall heirs and Snake Den Ridge and the line of the 60.1 acre tract, North 32 deg. West 21 poles, North 45 deg. West 34 poles, North 70 deg. West 42 poles, North 42 deg. West 18 poles, North 70 deg. West 22 poles to the top of the mountain that divides Big Pine and Spring Creeks; thence along the top of the mountain and Wooliesher, South 34 deg. West 36 poles, South 10 deg. West 36 poles to a high rock where Pole Cat Ridge intersects the top of the mountain; thence along the top of Pole Cat Ridge with its meanders and with the line of J.N. Roland, South 47 deg. East 12 poles, South 80 deg. East 10 poles, South 73 deg. East 30 poles, South 5 deg. East 10 poles, South 4 deg. East 16 poles, South 40 deg. East 32 poles, South 44 deg. East 15 poles, thence with the line of the 63 acre tract, South 45 deg. East 48 poles, thence with the line of Burnett Frady and the top of Pole Cat Ridge as it meanders South 79 deg. East 110 poles, more or less, to the point of BEGINNING. Being the same property as described in Deed Book 154 at Page 155, Madison County Registry.

TOGETHER WITH and SUBJECT TO assessment, restrictions, and rights of way of record including the Boundary Line Agreement as contained in Deed Book 110 at Page 593, Madison County Registry.

Address of Property:  
Number 1  
Back Branch  
Marshall, N.C. 28753  
Present Record Owners:  
William D. Kemp  
Linda D. Lombardo  
Russell A. Thomas  
Jan J. Thomas

The terms of the sale are that the real property hereinbefore described will be sold for cash to the highest bidder and that the undersigned may require the successful bidder at the sale to immediately deposit cash or a certified check in the amount of ten percent (10 percent) of the high bid.

The real property hereinabove described will be sold subject to any and all superior liens, including taxes and special assessments.

The sale will be held open for ten (10) days for upset bids as by law required.

Date and hour of sale: June 30, 1987 at 12:00 p.m.  
Place of sale: Madison County Courthouse  
Date of this Notice: June 9, 1987.

Wilder Wadford  
June 18, 25, 1987



## NOTICE OF ELECTION

The Farmers Home Administration (FmHA) County Committee election this year will be held on 6/30/87. The ballot below must be filled out, detached and mailed and received or returned in person to FmHA, Marshall, N.C. not later than 6/30/87. If you do not vote in person you should mail your ballot inside a blank envelope marked ballot to ensure a secret ballot. This blank envelope should be placed inside the envelope you use to mail your ballot. Your name and address must be legible on the outer envelope. Failure to provide this information will render your ballot invalid. Ballots and envelopes may also be obtained from your local FmHA office.

The slate of nominees for Madison County are listed in the ballot below. The qualifications of persons voting are described in the "Voter Certification Statement." For further information regarding voting and voter eligibility, see the county office listed below. FmHA elections are open to all eligible voters without regard to race, color, religion, national origin, age, political affiliation, marital status, sex, and/or handicap.

U.S. DEPARTMENT OF AGRICULTURE  
FARMERS HOME ADMINISTRATION  
BALLOT FOR COUNTY COMMITTEE MEMBER(S)

State (Name): North Carolina County (Name): Madison

Candidate(s): DENNIS R. FREEMAN

ONLY VOTE FOR: ONE (1) CANDIDATE(S)

Please detach this notice before voting ballot

VOTER CERTIFICATION STATEMENT

Subpart W of part 2054 of Title 7, Code of Federal Regulations requires that all voters for FmHA county or area committee elections certify the following eligibility requirements: (1) be farmers; (2) derive at least 25 percent of their income from farming (there is more than 50 acres of land in the county); (3) be a resident of the county for