

LAW For Laypersons

Even before 1973 when the General Assembly abolished the crime of suicide in North Carolina, a successful suicide could not have been punished.

Death simply put the suicide beyond the reach of the types of punishment available for criminal acts in North Carolina.

What about an unsuccessful suicide?

After all, many who attempt suicide are not successful and could certainly be punished for the attempt by one of the punishments available today for criminal acts.

In 1961, prior to the abolishing of suicide as a crime, the North Carolina Supreme Court had to consider the question of whether an attempted suicide was a punishable criminal act.

A man had been charged with attempting to commit suicide by slashing and cutting his throat and by hanging himself by the neck from a barn rafter.

When these actions did not bring about his death, he was charged with the criminal act of attempted suicide.

The trial court judge disagreed with the charge and held that an attempted suicide was no longer a crime in North Carolina.

You and Your Pet

UNUSUAL APPETITE NEEDS ATTENTION

Dear Doctor: I have a Siamese cat. He is 1½ years old. He has a very bad habit that I cannot break him of. He chews everything. I had to take up my throw rugs as he was eating them.

I've had to keep my bedroom door shut as he was eating my clothes and sweaters.

I would find holes in them and towels he loves. I had a heavy plastic tablecloth under my lace cloth and one day I found big holes eaten out of the sides.

That is the only time he has vomited and I found large pieces of plastic in it. He has an enormous appetite. He eats feline D.C. dietary food I get from the veterinarian. He even chews the end of his tail and will eat your shoestrings if you don't watch him.

My veterinarian laughs and says it is the kitten in him but this all started when he was almost one year old. He has soft toys but never eats them and I'm afraid the material he eats will harm him. I've had cats all my life but never one who eats the things he does.

Answer: Although it sounds as if your cat is receiving a balanced all-encompassing diet as prescribed by your veterinarian, a perverted appetite could be an indication of several problems that need to be checked.

Have your cat examined for tapeworm or other forms of internal parasites, a vitamin/mineral deficiency and the possibility of a pancreatic ailment.

It could be that your cat is very hungry so try making his food available two or three times a day instead of a single daily feeding.

Another suggestion is that your cat may be bored and could use another cat as a companion. In this case two cats may be better than one.

A very positive solution to this problem is to have your cat neutered. Many times hormones can cause this kind of destructive behavior.

If he continues to be a problem, you may want to put him in a cage when you are out of the house.

Dear Doctor: This isn't strictly a pet problem but I hope you have some suggestions. My husband and I walk early in the morning. As we pass our neighbor's yards, their small dogs bark and bark.

We don't want to give up our exercise but on the other hand we don't want to wake up our neighbors with all the noise.

Is there a way to keep the dogs from barking?

We've tried other routes but there is no way out of our yard without passing barking dogs.

Answer: You are a very good neighbor. Unfortunately, there's nothing you can do since the owners are responsible for their barking dogs which, by the way, shouldn't be out that early in the morning alone.

(Do you have a question about pet care? If so send it to "YOU AND YOUR PET", 112 Johnston Street, Smithfield, N.C. 27577).

When the case was appealed, the Supreme Court reversed the lower court and held that an attempted suicide in North Carolina was indeed a punishable crime.

The court said the common law of suicide which developed in England was still a part of North Carolina law.

Although it realized that a successful suicide in North Carolina could not be punished, it nevertheless held that an attempted suicide was a misdemeanor in the state and could be punished by fine or imprisonment.

The case was then sent back to the trial court for further proceedings.

As reported earlier in this column, the North Carolina General Assembly abolished the common law crime of suicide in 1973.

It made no mention, however, about whether the crime of attempted suicide, which the Supreme Court had recognized in the 1961 case, was also abolished.

However, if one argues that an attempt to do an act which is no longer criminal can certainly not logically be a criminal attempt, then an attempted suicide is no longer a criminal offense, and the 1961 Supreme Court case is overruled by implication.

After all, the Supreme Court's decision confirming attempted suicide as a criminal act was based on the existence of the crime of suicide in North Carolina; once the crime of suicide is abolished, the basis for holding an attempted suicide as criminal is wiped away.

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NOTICE OF SECOND RESALE IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION BEFORE THE CLERK FILE NO. 82 SP 64

STATE OF NORTH CAROLINA COUNTY OF HOKE

IN THE MATTER OF THE SALE OF LAND OF T. CARSON DAVIS, and wife, IRIS T. DAVIS, UNDER FORECLOSURE OF DEED OF TRUST TO CHARLES A. HOSTETLER, TRUSTEE RECORDED IN BOOK 207, AT PAGE 58, HOKE COUNTY PUBLIC REGISTRY.

WHEREAS, the undersigned, acting as Trustee, in a certain Deed of Trust executed by T. Carson Davis and wife, Iris T. Davis, and recorded in Book 207, at Page 58 in the Office of the Register of Deeds of Hoke County, foreclosed and offered for sale the land hereinafter described; and whereas within the time allowed by law, an advanced bid was filed with the Clerk of the Superior Court and an order issued directing the Trustee to resell said land upon an opening bid of \$112,400.00 (ONE HUNDRED TWELVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS);

NOW, THEREFORE, under and by virtue of said order of the Clerk of the Superior Court of Hoke County, and the power of sale contained in said Deed of Trust, the undersigned Trustee, will offer for sale upon said opening bid at public auction to the highest bidder for cash at the door of the County Courthouse in Raeford, Hoke County, North Carolina, at 12:00 o'clock Noon on the 29th day of December, 1982, the following described property,

Being a 240 acre tract known as the J.C. Thomas tract, as shown in Map Book 5, Page 7 of the Hoke County Public Registry, and BEGINNING at a stake, the Northeast corner of the Thomasfield Subdivision, in the northeast corner of the 240 acre tract allotted to C.L. Thomas for life and to his children at his death according to the Will of J.C. Thomas; and runs thence S 9-30 E 2,896 feet to a stake to the Wright line; thence S 65-00 W 2,995 feet to an iron; thence N 56-20 W 181.5 feet to an iron; thence S 40 W 100 feet to the center of the run of Raft Swamp; thence with the run of Raft Swamp, N 30-10 W 230 feet and with the run, the following courses and distances; N 33 W 176.5 feet; N 42 W 186 feet; N 23-40 W 189 feet; N 0-40 E 326 feet; thence N 8-30 E 493 feet; thence N 33-15 W 568 feet; thence N 18-10 W 234 feet; thence N 3-20 E 276 feet; thence N 28-15 E 138 feet; thence N 5-40 W 546 feet to a road, the division line between the Thomas land and the Paulsen land; thence with said farm road, S 89-20 E 1,087 feet to a stake in the center of a ditch; thence with the Paulsen line, N 30-30 E 615 feet; thence N 10-50 E 168 feet; thence

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N 0-50 W 267 feet to the Paulsen line; thence with the Paulsen line, due East 1,693 feet to the point of BEGINNING, containing 240 acres, more or less.

EXCEPTING THEREFROM: EXCEPTION NO. I: The property described in Book 165, at Page 29, which runs around and embraces the Thomasfield Subdivision as shown in Map Book 6, Page 23, and described in metes and bounds as follows: BEGINNING at a concrete monument, the northeastern corner of the Thomas Tract and running thence with the eastern line of the Thomas tract and the western line of the Town of Raeford and Woodview Subdivision as shown in Plat Book 4, Page 82, Hoke County Registry, South 09 degrees 20 minutes East, 2096.44 feet to a point; thence following lot lines on plat of Thomasfield Subdivision Section I, as recorded in Map Book 5, at Page 23 of the Hoke County Public Registry; North 64 degrees 08 minutes West 452.80 feet to the southeast corner of Lot No. 53; thence North 25 degrees 52 minutes East, 30.00 feet to the southeast corner of Lot No. 48; thence North 64 degrees 08 minutes West, 165.00 feet to the southwest corner of Lot No. 48; thence crossing a proposed 60 foot street; North 06 degrees 24 minutes West 112.36 feet to the southeast corner of Lot No. 43; thence North 64 degrees 08 minutes West 150.00 feet to the southwest corner of Lot No. 43; thence North 25 degrees 52 minutes East, 200 feet; to the rear corner of Lots No. 44 and 45; thence with the western line of Lots 45 and 26, North 11 degrees 36 minutes East 179.74 feet to the southern margin of 60 foot proposed street, thence crossing said street, North 10 degrees 30 minutes West, 60.74 feet to the Southwestern corner of Lot No. 16; thence North 01 degrees 33 minutes West, 154.29 feet to the rear corner of Lots 16 and 17; thence North 09 degrees 32 minutes West, 138.92 feet to a point; thence North 54 degrees 40 minutes West, 126.25 feet to the rear corner of Lots 18 and 19; thence North 39 degrees and 27 minutes West, 168.37 feet to a point in the rear line of Lot No. 20; thence North 34 degrees 42 minutes West 237.17 feet to the rear corner of Lots No. 21 and 22; thence North 21 degrees 48 minutes West, 107.70 feet to the rear corner of Lots 22 and 23; thence with the southwestern line of Lot No. 23, North 53 degrees 11 minutes West, 208.25 feet to the eastern right of way margin of proposed extension of State Road No. 1209; thence with the eastern margin of said road, North 17 degrees 39 minutes East 278.31 feet to Thomas' northern line; thence due East 732.36 feet to the point of BEGINNING, containing 25.369 acres of land, more or less.

EXCEPTION NO. II: BEGINNING at an iron stake in the Southern right of way line of a private road, said iron stake being South 25 degrees 52' West, 485 feet from an iron stake, the Southeast corner of Lot No. 43 in Thomasfield Subdivision as recorded in Book of Maps No. 6, at Page 23, Hoke County Registry; thence South 25 degrees 52' West 165 feet to an iron stake at the edge of a pond; thence with the Northern edge of said pond, North 64 degrees 08' West, 120 feet to an iron stake; thence North 25 degrees 52' East, 165 feet to an iron stake in the Southern right of way line of said private road; thence with the Southern right of way line of said private road, South 64 degrees 08' East, 120 feet to an iron stake, the point of BEGINNING, and containing .48 of an acre.

EXCEPTION NO. III: BEGINNING at an iron stake in the Southern right of way line of a private road, said iron stake being South 25 degrees 52' West, 485 feet from an iron stake, the Southeast corner of Lot No. 43 in the Thomasfield Subdivision as recorded in Book of Map No. 6, at Page 23, Hoke County Registry; thence South 25 degrees 52' West, 165 feet to an iron stake at the edge of a pond; thence with the Northern edge of said pond, South 64 degrees 36' East, 191.35 feet to an iron stake; thence North 26 degrees 09' East, 200 feet to an iron stake in a curve of the Southern right of way line of said private road; thence with the curve of the Southern right of way line of said private road, a chord being North 76 degrees 50' West 166.4 feet to an iron stake, the point of curvature; thence continuing with the Southern right of way line of said private road, North 64 degrees 08' West, 30 feet to an iron stake, the point of BEGINNING, containing .81 acre.

EXCEPTION NO. IV: Lying and being in Raeford Township, Hoke County, North Carolina, and bounded on the North by J.H. Wright, et al; on the East by T.

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Carson Davis, Jr., and wife, Iris T. Davis; on the south by McLean and on the West by Boyles, and more particularly described as follows: BEGINNING at an iron stake in the west margin of State Road Number 1244; said stake being at the intersection of the west margin of said road (40 feet from center) with the J.H. Wright and Old Thomas line, crossing said road and runs with the Wright-Thomas line, S 64-53 W 1899.15 feet to an iron near the swamp; thence N 56-20 W 181.5 feet; thence S 40-00 W 100 feet to the run of a branch (one of the tributaries of Raft Swamp); thence up the run of the branch (now in a small pond) the following courses and distances; N 30-10 W 230 feet; N 33-00 W 176.5 feet; N 42-00 W 186 feet; N 23-40 W 189 feet; N 0-40 E 326 feet; N 8-30 E 493 feet; N 33-15 W 568 feet; N 18-10 W 234 feet; N 3-20 E 276 feet; N 28-15 E 138 feet; N 5-40 W 546 feet to the center of an old field road; thence with said road, S 89-20 E 1087 feet to a point over a ditch; thence N 30-30 E 615 feet to a curve in the ditch; thence N 10-50 E 168 feet to another curve in the ditch; thence N 0-50 W 267 feet to a corner of the Lentz (now Paulsen) tract; thence with the old Lentz line, N 88-43 E 415.7 feet to an iron in a field; thence S 16-22 W 830.9 feet to an iron pipe; thence S 11-19 W 348 feet to an iron pipe; thence S 0-31 E 721.4 feet to an iron; thence S 11-48 E crossing a drain, 537.7 feet; thence S 21-36 E 464.2 feet to an iron in a field; thence S 29-48 E 720 feet; thence N 64-53 E 441 feet to a stake in the margin of State Road Number 1244; thence with said road, S 30-00 E 60 feet to the BEGINNING, containing 116.34 acres, and being part of that 240 acre tract shown in Map Book 5, at Page 7, Hoke County Registry.

EXCEPTION NO. V: Lying and being in Raeford Township, Hoke County, North Carolina and bounded on the North and East by Thomasfield Subdivision; on the South by other lands of T. Carson Davis and wife, Iris T. Davis, and on the West by State Road No. 1244. BEGINNING at a stake in a Northern edge of an unopened road, the Southwest corner of Lot. No. 16 of the Thomasfield Subdivision as shown in Map Book 6, Page 23 of the Hoke County Public Registry; and runs thence S 88-27 W 410 feet; and thence N 83-56 W 430 feet to the Eastern edge of State Road No. 1244; thence with the Eastern edge of State Road No. 1244, N 10-34 E 165 feet; thence continuing with the Eastern edge of State Road No. 1244, N 13-39 E 100 feet; thence N 16-19 E 100 feet; thence N 17-39 E 540 feet to the Southwest corner of Lot No. 23 of the Thomasfield Subdivision as shown in Map Book 6, Page 23; thence with the Thomasfield Subdivision line, the following courses and distances: S 53-11 E 208.25; thence S 21-48 E 107.7 feet; thence S 34-42 E 237.17 feet; thence S 39-27 E 168.37 feet; thence S 54-40 E 126.24 feet; thence S 9-32 E 138.92 feet; thence S 1-33 E 154.29 feet to a point of BEGINNING, containing 10.45 acres, more or less, and being a portion of the property described in Book 204, at Page 558 of the Hoke County Public Registry.

Subject to the following: All easements to Carolina Power & Light Company, Highway right of way recorded in Book 187, at Page 398. Drainage Easement to Thomas & Davis Corporation recorded in Book 171, at Page 444. Easement to N.C. Natural Gas Recorded in Book 5, at Page 250.

THIS SALE will be made subject to all outstanding taxes, if any, and prior liens of record, if any.

CASH DEPOSIT: Ten per cent (10%) of the first \$1,000.00 and five per cent (5%) on any additional amount bid will be required at the sale.

Done, this the 13th day of December, 1982.

CHARLES A. HOSTETLER, TRUSTEE 34-35C

NOTICE OF SALE STATE OF NORTH CAROLINA COUNTY OF HOKE 82 SP 84

Under and by virtue of the power of sale contained in a certain Deed of Trust executed by Timothy C. Taylor, Jr., to Bertie A. Parker, Jr., Trustee, dated the 18th day of March, 1981, and recorded in Book 217, Page 703, in the Office of the Register of Deeds for Hoke County, North Carolina, default having been made in the payment of the indebtedness thereby secured and the said Deed of Trust being by the terms thereof subject to foreclosure, and the holder of the indebtedness thereby secured having demanded a foreclosure thereof for the purpose of satisfying said indebtedness, and the Clerk of the Court granting permission for the foreclosure, the undersigned Trustee will offer for

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sale at public auction to the highest bidder of cash at the Courthouse door in Raeford North Carolina, at 12:00 Noon, on the 21st day of December, 1982, the land, as improved, conveyed in said Deed of Trust, the same lying and being in McLaughlin Township, Hoke County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the southern right-of-way margin of State Road No. 1422 S 86-48 W 348.21 feet from an iron stake at the intersection of said State Road No. 1422 with the western right-of-way of the Aberdeen and Rockfish Railroad; thence S 03-12 E 493.81 feet to a point; thence N 28-00 W 219.79 feet to point; thence N 03-12 W 294.28 feet to a point in the southern right-of-way margin of State Road No. 1422; thence with the southern right-of-way margin of State Road No. 1422 N 86-48 E. 92.17 feet to the BEGINNING.

This being a part of that five (5) acre tract conveyed to L & O Investments, Inc., as recorded on a Deed from Daniel DeVane and wife, as recorded in Book 196 at Page 702 of the Hoke County Public Registry. This being the same land acquired by the United States of America by Deed date July 18, 1977, and recorded in Deed Book 198 at Page 412 of the Hoke County Public Registry.

Five percent (5%) of the amount of highest bid must be deposited with the Trustee pending confirmation of the sale.

Dated this 30 day of Nov., 1982 THURMAN E. BURNETTE, Trustee, Substituted by that certain instrument recorded in Book 224, Page 141, Hoke County Registry, North Carolina, Bobby B. McNeill Agent 33-34C

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 82-E-95 82-8-153

STATE OF NORTH CAROLINA HOKE COUNTY

EXECUTOR'S NOTICE

Having qualified as Executrix of the estate of Richard Alton Norris of Hoke County, North Carolina, this is to notify all persons having claims against the estate of said Richard Alton Norris to present them to the undersigned within 6 months from date of the publication of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 9th day of December, 1982.

Kitzy N. Jones 840 E. Donaldson Ave. Raeford, N.C. 28376

NOTICE OF THIRD RESALE IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION BEFORE THE CLERK FILE NO. 82 SP 54 STATE OF NORTH CAROLINA COUNTY OF HOKE

IN THE MATTER OF THE SALE OF LAND OF JAMES C. LENTZ and wife, LARUE B. LENTZ, UNDER FORECLOSURE OF DEED OF TRUST TO BOBBY BURNS McNEILL, TRUSTEE, RECORDED IN BOOK 197, AT PAGE 143, HOKE COUNTY PUBLIC REGISTRY

WHEREAS, the undersigned, acting as Trustee, in a certain Deed of Trust executed by James C. Lentz and wife, Larue B. Lentz, and recorded in Book 197, at Page 143, in the Office of the Register of Deeds of Hoke County, foreclosed and offered for sale the land hereinafter described; and whereas within the time allowed by law, an advanced bid was filed with the Clerk of the Superior Court, and an order issued directing the Trustee to resell said land upon an opening bid of \$3,301.30 (THREE THOUSAND THREE HUNDRED ONE AND 30/100 DOLLARS)

NOW, THEREFORE, under and by virtue of said order of the Clerk of the Superior Court of Hoke County and the power of sale contained in said Deed of Trust, the undersigned Trustee, will offer for sale upon said opening bid at public auction to the highest bidder for cash at the door of the Hoke County Courthouse in Raeford, Hoke County, North Carolina, at 12:00 o'clock Noon on the 21st day of December, 1982, the following described property, located in the City of Raeford, Hoke County, North Carolina, and

BEGINNING at the northwest corner of Younger Snead residence premises in the south margin of Prospect Avenue, and runs thence South 1-30 West 150 feet to a stake;

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thence N 88-30 West 125 feet to a stake, O.L. Crowder's corner; thence as dividing line between said Crowder and Lentz, North 1-30 East 150 feet to a stake in the south margin of said Avenue, also Crowder's corner; thence along the margin of said Avenue, South 88-30 East 125 feet to the BEGINNING, running around and embracing the premises known and used as Lentz Mortuary and Funeral Home.

This being the same property conveyed to James C. Lentz and wife, Larue B. Lentz by Administrator of Veterans Affairs and as recorded in Book 196, at Page 100 of the Hoke County Public Registry to which reference is hereby made.

This sale will be made subject to all outstanding taxes, if any, and prior liens of record, if any.

This sale will be made subject to rights of the United States Government to redeem the property according to the Federal Tax Lien laws.

CASH DEPOSIT: Ten per cent (10%) of the first \$1,000.00 and five per cent (5%) on any additional amount bid will be required at the sale.

Done, the 30th day of November, 1982.

BOBBY BURNS McNEILL, TRUSTEE 33-34C

NOTICE OF SERVICE OF PROCESS BY PUBLICATION IN THE GENERAL COURT OF JUSTICE Before the Clerk File No. 82-SP STATE OF NORTH CAROLINA COUNTY OF HOKE

IN THE MATTER OF THE ABANDONMENT OF DORSEY DOMANTA DUDLEY, minor

TO: Father of Dorsey Domanta Dudley, minor child born on November 8, 1981, said child's natural mother being Paulette Crawford of Hoke County, North Carolina.

Take notice that a petition seeking relief against you has been filed in the above-entitled action, wherein the petitioners, Tommie Dorsey Dudley and Barbara Jean Dudley, are seeking to have your minor child, named herein, to wit: Dorsey Domanta Dudley, declared to be abandoned by you and further requesting that the Court appoint the Director of the Department of Social Services of Hoke County as the guardian ad litem of said minor child for the purpose of giving or withholding consent in the adoption proceeding to be filed by the petitioners named herein above.

You are required to make defense to such pleading not later than the 12th day of January, 1983, said date being forty (40) days from the first publication of this notice, at the office of the Clerk of Court of Hoke County, North Carolina, in the Courthouse in Raeford, and upon your failure to do so, the petitioners seeking service and relief against you will apply to the Court for the relief sought.

This is the 23rd day of November, 1982.

Warren L. Pate Attorney for the Petitioners Post Office Drawer 688 127 West Edinborough Avenue Raeford, North Carolina 28376 Telephone: (919) 875-2137 32-34C

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION FILE NUMBER: 82 CVD 314

NORTH CAROLINA HOKE COUNTY

NOTICE OF SERVICE OF PROCESS BY PUBLICATION

ROGER LEE DUDDEY

vs WANDA FAYE DUDDEY

TO: WANDA FAYE DUDDEY

TAKE NOTICE THAT:

A pleading seeking relief against you has been filed in the above entitled action and notice of service of process by publication began on Thursday, Nov. 25, 1982.

The nature of the relief being sought is as follows: Child custody, child support, counsel fees and costs.

You are required to make defense to such pleading not later than forty (40) days after the date of the first publication of the notice stated above, exclusive of such date, and upon your failure to do so, the party seeking service of process by publication will apply to the court for the relief sought.

This the 25th day of November, 1982.

Hubert Wooten, Attorney for Plaintiff 711 Fulton Street Raeford, North Carolina 28376 31-34C