

LAW For Laypersons

Suppose a woman is married and has under her care three small children when her husband disappears on his way home from work. A search is made, but he is not found. He is gone for two days, three days, then a week, then two weeks.

Besides her concern for her husband, the wife must also be concerned for her material support, as well as the support of her children.

Needless to say, her husband's paycheck will not come in anymore as long as he is gone.

If she does not work or does not earn enough to support her family, the wife must begin to think about using money in savings accounts or possibly selling some real estate that they own or

perhaps even trying to get the proceeds from life insurance policies on her husband's life.

Her problem may be that the savings account and the real estate are in her husband's name, and the life insurance company may not want to pay out since it is not sure that her husband is really dead.

Meanwhile, people continue to present bills to her for expenses incurred both before and after her husband's disappearance. What can the wife do?

North Carolina General Statutes section 28-C provides a procedure that can help the wife in fairly short order.

She does not need to wait seven years before her husband can be declared dead so that she can get to

his assets.

The North Carolina law provides that if her husband is absent from his place of residence for a period of 30 days or more and a diligent inquiry has not located him, then any interested person, such as the wife, may start an action in the Superior Court in the county where the husband lived.

Her complaint, which will institute the action, should include the name, age, occupation, and last known address of her husband. In addition, it should include the dates and circumstance of his disappearance, a schedule of all his property within the state, the names and addresses of those who would take his property if he

were dead, and the names and addresses of all those who claim any interest in his property.

Finally, the complaint should include a prayer that a receiver be appointed to take custody and control of his property and manage it until final disposition.

After the complaint is filed, the judge of the Superior Court may appoint a temporary receiver who will take charge of the husband's property and conserve it against loss or deterioration until a full hearing on the wife's complaint.

The General Statutes do not give the temporary receiver any specific duties or powers, but the judge has the authority to tell him what he should do with the husband's assets until the full hearing.

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LEGALS

CREDITOR'S NOTICE
 All persons, firms and corporations having claims against Lonnie McDonald Chason, deceased, are hereby notified to exhibit them to Mary C. McKenzie & Charles M. Chason, Route 1, Box 130-A Lumber Bridge, N.C. 28357, as co-executors of the decedent's estate on or before the 30th day of June, 1983, or be barred from their recovery. Debtors of the decedent are asked to make immediate payment to the above named co-executors.

This the 30th day of December, 1982.
 Mary C. McKenzie
 Charles M. Chason
 co-executors
 Willcox & McFadyen
 Attorneys at Law,
 P.O. Box 126
 Raeford, North Carolina 28376
 36-39C

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

IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 BEFORE THE CLERK
 FILE NO. 82 SP 54

NOTICE OF FOURTH RESALE
 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 \$5,000.00 (FIVE THOUSAND 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 19th day of January, 1983, 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; 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 130 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 also be made sub-

LEGALS

ject 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 requested at the sale.

Done, the 28th day of December, 1982.

BOBBY BURNS McNEILL, TRUSTEE
HOSTETLER & McNEILL
 ATTORNEYS AT LAW
 RAEFORD, N.C.

37-38C

IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 82 SP 61

NORTH CAROLINA
 HOKE COUNTY

NOTICE OF RESALE

LINDA B. LAMONT and husband, ANDREW M. LAMONT
 Petitioners

vs.
 ANN L. FAIRCLOTH and husband, WYMAN FAIRCLOTH, and BOBBY BURNS McNEILL, Guardian ad Litem for AUDRA C. LAMONT, a minor
 Respondents

Under and by virtue of the Order of Resale of the Clerk of Superior Court of Hoke County entered in the special proceeding entitled above on December 20, 1982, the undersigned Commissioner will, on the 7th day of January, 1983 at 12:00 o'clock noon at the door of the Hoke County Courthouse, Raeford, North Carolina, offer for sale to the highest bidder for cash that certain tract of land lying and being in McLauchlin Township, Hoke County, North Carolina, and being more particularly described as follows:

LYING AND BEING in McLauchlin Township, Hoke County, North Carolina

BEGINNING at an iron stake 3 feet northeast of a telephone pole and 59 1/2 feet north of a cedar tree in the east edge of the Layton yard and runs thence S 42 W 190 feet to a stake; thence S 48 E 270 feet to a stake in pasture; thence N 42 E 190 feet to a stake in field; thence N 48 W 270 feet to the BEGINNING containing 1.17 acres.

This lot is completely surrounded by the land of W.M. Brock.

The bidding for the said land will begin at Fifteen Thousand Eight Hundred Seventy-Five and no/100 (\$15,875.00) Dollars. The highest bidder at the sale is required to deposit ten (10) percent of the bid price with the Commissioner pending confirmation of the sale by the Clerk of Court. The balance of the sales price will be due and payable in full thirty (30) days after confirmation of the sale by the Clerk of Court.

This the 21 day of December, 1982.

Duncan B. McFadyen, III,
 Commissioner
 Willcox & McFadyen
 P.O. Box 126
 Raeford, North Carolina
 28376
 Telephone: (919) 875-4065
 36-37C

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