

Wrongful Death Suit Settled

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contrary to a federal law that prohibits a trucker from driving more than eight hours at a time. Leisure had been on his way from New England to Charleston, S.C.

Also, said Fuller, Leisure was supposed to wear eyeglasses while driving, but no glasses were found at the scene of the accident.

Leisure was found not guilty on a charge of wrongful death in Brunswick County criminal court, on the defense that the van's brakes were faulty.

However, North American Van Lines lost the right to that defense in the civil action filed in 1987. An entry of default was ordered when the Fort Wayne, Ind.-based company failed repeatedly to produce materials requested by the plaintiffs during the pre-trial discovery process.

The entry of default was upheld by the N.C. Court of Appeals and discretionary review was denied by the N.C. Supreme Court.

Default, said Fuller, meant the defendant would be going into court with the equivalent of a guilty plea.

"We were ready to go to court; the clock had run out. Their appeals had not worked," he said. "I don't mind settling because my clients are happy."

Survivors

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ed to cramp. The temperature was in the lower 40s.

"The captain said, 'What's that floating?' The first thing in my mind was sharks," Lipp said. The fishing buoy had been tied to the rail of the boat. Part of the rail was still tied to the buoy when it floated over to the men.

"That was a miracle," Lipp said. "That was a gift from God. They were tied down to the handrails. I just can't imagine how it got free."

The large payload the boat was hauling when it went down might have been what kept sharks away from the men, they speculated.

When the three men were lifted up into the helicopter, Hannaford and some of the other guardsmen wrapped them in blankets and transported them to New Hanover Regional Medical Center in Wilmington. The guardsmen tore the patches off of their uniforms and placed them into the survivors' cold and shriveled hands. It was 1:49 a.m.

"I am just now starting to feel my toes," Lipp said last Wednesday afternoon.

At the hospital the men were placed on heating pads and wrapped in warm blankets to try to raise their body temperatures. They were kept for about four hours.

For Lipp, it was a bittersweet feeling being released from the hospital. All of his belongings were on the boat. He has no home in Brunswick County. Margaret and Woodrow Hewett, parents of James Millis, invited Lipp to stay with them. They are just thankful that their son is alive.

"We just couldn't turn him away," said Woodrow Hewett, who has worked on dredge boats.

"The ocean is fine if you're on a mighty big boat and can stay within sight of land," Hewett said. "With 12-foot seas, it's going to take a mighty big boat to make it through that."

As for Lipp, he hopes to find another job. This time on land.

"I don't know what I'll do," Lipp said. "I really don't. I need to find another job. I don't care what type of job. My id's are left at the bottom of the ocean. My eyeglasses. I lost it all."

He has no clothes, no money and no job.

Ms. Hewett said she hopes people will offer Lipp some help by calling their home at 754-9141.

"I've got to get back on my feet," Lipp said. "I've been down before, but not like this."

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NAPOLEON BAREFOOT JR. (left) takes the oath of office from his father, Barefoot Sr., during the swearing in ceremony last Wednesday. Holding the Bible is Barefoot's wife, Kelly.

REX GORE ASSUMES DA'S POSITION

Judge's Swearing-In A Family Affair

BY TERRY POPE

Like father, like son. Napoleon "Poli" Barefoot Jr. took the oath of office last week and became the new 13th Judicial District Court judge.

Administering the oath was his father, Napoleon Barefoot Sr., who is chief resident Superior Court judge for the 5th Judicial District in New Hanover County.

"I think that's probably something that's very unusual, very unique," said Superior Court Judge Giles Clark, who opened court last Wednesday in Brunswick County just for the swearing in ceremony.

Earlier Wednesday Shallotte attorney Rex Gore was sworn in as new district attorney for the 13th District, replacing Michael Easley of Southport. Gore won the seat in November over Tabor City challenger Frank Stanley. Easley chose not to run for re-election.

Barefoot's family, friends and fellow county employees crowded into the courtroom. It was standing room only as home video recorders taped the event and cameras flashed.

With his immediate family by his side, Barefoot became Brunswick County's only resident judge. He and his wife, Kelly, live in Old Towne near Leland. Barefoot has



GORE

served as assistant district attorney in Brunswick County since March 1984.

Barefoot was appointed by Gov. Jim Martin in November to fill the unexpired term of Judge William "Bill" C. Gore Jr., who was elected to a newly-created seat on the 13th Judicial District Superior Court bench. The 13th District includes Brunswick, Columbus and Bladen counties.

Gore, a Columbus county resident, was sworn in at the Columbus County Courthouse Wednesday morning. He had to resign his position as District Court judge before taking the oath.

Barefoot joined former District Court judge Michael Easley's office in 1984 after two years of general practice in Hyde County. He is a graduate of Wake Forest University law school.

"I would just like to thank the people who helped me obtain this position," Barefoot said afterward. "I will do my very best to be fair and impartial."

Barefoot's appointment is for two years. Last Thursday, he held a District Court child support session as his first duty and was scheduled to hear three days of criminal court this week in Brunswick County.

"I'm very happy that he has received the honor," Clark said. "I believe the people of this district will be lucky to have him."

Clark has presided over Superior Court cases in Brunswick County

while Barefoot has been the prosecutor on a number of occasions since 1984.

"Some of those cases have been the most serious of nature," Clark added. "In my observation, he has done his job in the most competent manner. I've never known him to ask for anything in a case except that it be done in a fair manner."

In another decision affecting the 13th Judicial District, Judge D. Jack Hooks Jr. of Whiteville has been appointed chief District Court judge by Chief Justice James Exum. Hooks will replace Judge Gore.

Hooks was appointed a District Court judge by Gov. Martin in April 1985. He was certified by the N.C. Administrative Office of the Courts for hearing juvenile court cases in September 1987 and was re-elected without opposition in 1988.

Hooks is a graduate of Whiteville High School and graduated from the University of South Carolina with a B.A. degree in journalism. He received his law degree from Campbell University School of Law in 1980.

Rex Gore previously served as assistant district attorney in Brunswick County. He will replace Easley, who ran for the U.S. Senate last year instead of seeking re-election to the DA's office.

Easley will be going into general law practice with his wife, Mary P. Easley, Roy Bain and Mary Elizabeth Wertz. The law firm has offices in both Wilmington and Southport.

Sunset Beach Law Bans Thongs

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access area. Town Administrator Linda Fluegel said the town's engineer will work with architect Ken Cates, who drafted the original design for the project, in developing specifications.

The town plans to advertise bids for various facets of the project, subcontracting rather than hiring a general contractor. This will give the town more flexibility in budgeting should local economic conditions worsen. The town could interrupt the project at any point if the funds were needed to avoid a tax increase next year, for example, she said.

Plans for the 100-foot wide lot include some parking, a drop-off station, bike racks, covered and uncovered observation decks accessible to the physically handicapped and an accessway leading to the beach strand. The N.C. Office of Coastal Management is to survey the lot and determine the dimensions of the area available for use by the town under CAMA regulations.

Other Business

In other business the board:

- Heard from auditor John Caraway that the town is in good financial condition and that the audit was easier to complete this year due to improvements in data handling. The town had an excellent tax collection rate of 99.25 percent, he said.

■ Voted to continue not paying dues to Cape Fear Area Council of Governments (COG) and to continue reverting funds to the state rather than to COG. The decision came after Roseann Mack, acting COG director, asked the town to reconsider its position and presented information on services offered by the local COG. Town council members said they wanted to continue as is, giving as one reason that the COG merely duplicates services provided by other agencies.

■ Tabled a request from the N.C. League of Municipalities seeking a contribution to the Jake Wicker Scholarship Fund.

■ Set a public hearing for Feb. 4 at 7:30 p.m. on a request from Bud Scramton, a member of the board, to withdraw the last 30 feet of Stokes Drive, a dead-end road that runs by his home. If the request is approved, the land would be divided by the adjoining property owners.

■ Set a joint session with the planning board for Jan. 31 at 10 a.m. at the town hall. Council members allocated one hour each to discuss a proposed community facilities plan and a resolution of consideration to annex that includes the Sugar Sands area of Seadrift Plantation.

■ Following an executive session, hired Lisa Hoagland, who has completed a 12-month new hire probationary period, as a permanent, full-time officer on the recommendation of Chief J.B. Buell.

Search For Plane Continues

U.S. Coast Guardsmen and Marine Corps pilots continued to search late Tuesday evening for a single-engine airplane believed to have crashed near Frying Pan Shoals at the mouth of the Cape Fear River with two men thought to be on board.

"We are still out there," Dale Putman, a boatsman's mate first class at the Oak Island Coast Guard station, reported around 5 p.m. Tuesday. "A crew has just completed one of its search patterns and they're ready to go back out. There have been no changes, yet."

The two men were on a Cessna 172 plane that was reportedly lost off of radar around 5:30 p.m. Monday. The plane took off from the Brunswick County Airport near Oak Island around 4:20 p.m. and at last reports was about 10 miles northeast of the Cape Fear at Frying Pan Shoals.

Officials at New Hanover County Airport lost all radio contact with the plane around 5:30 p.m. when weather conditions grew worse. No distress signals were issued by the pilot before the plane disappeared off radar, but checks with local airports indicated the plane had not landed in the area.

The National Weather Service had issued a gale warning for Monday evening, when the plane is believed to have gone down in the Atlantic. Sustained winds were estimated between 39 and 54 mph and continued into Tuesday, hampering rescuers.

The Guardsmen were searching for survivors or debris possibly caused from a downed plane in an area ranging up to 10 miles off the coast. Putman said crews will work through the night if weather permits. The helicopters spent most of Monday night on the ground because of poor weather conditions.

"However, they're back out there this morning," Putman said Tuesday.

The plane was not believed to have been carrying an emergency locator transmitter which emits a radio signal in an emergency. The devices activate themselves in the event of a crash or landing in water. Coast Guard stations reported they have not received such a distress signal in the area.

DA Chooses Bollinger

Shallotte attorney Lee Bollinger has been named as the county's new assistant district attorney.

He was chosen last week by District Attorney Rex Gore to fill the position left vacant when Napoleon "Poli" Barefoot Jr. resigned to take his appointed seat as a 13th Judicial District Court judge.

A 1989 graduate of Campbell University law school, Bollinger has worked in general practice for the law firm of Anderson and McLamb in Shallotte since August 1989. It was his first job out of law school.

Bollinger graduated from Lumberton Senior High School in 1981 and from the University of North Carolina at Chapel Hill in 1985 with a degree in journalism and political science.

"I will be exclusively, and I use that term loosely, in Brunswick

County," Bollinger said Tuesday. "I will be working primarily in the Brunswick County office in Shallotte."

The 13th Judicial District includes Brunswick, Columbus and Bladen counties. Bollinger was in Columbus County Tuesday morning training in District Court.

He will handle court dockets in Brunswick County court involving criminal, juvenile and child support sessions. Bollinger is expected to prosecute cases in District Court for nine months before becoming eligible to prosecute Superior Court cases.

While in general practice for 16 months, Bollinger also accepted criminal court cases.

He is married to Yulanda Bollinger. The couple have two children, Chelsea Thomas and Hannah Rebecca, and live in Shallotte.

Board Puts Off Debate

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the waterway that runs through the site.

■ Delayed action on a request from the Future Farmers of America award-winning hunter safety program of the West Brunswick High School agriculture program for permission to shoot on campus. While

Slockett has said the board erred and should attempt to remedy the situation.

Monday night Slockett said Mrs. Rogers would like the board to extend an invitation to her to discuss the matter.

Most of Monday's meeting was devoted to a series of program reviews and minor items of business.

Other Business

In other business the board:

■ Received but did not discuss the school system's first "report card" from the N.C. Department of Public Instruction, which ranked the Brunswick County Schools as "subpar" in relation to systems of similar size and socioeconomic advantages.

Superintendent P. R. Hankins refused to release the report to The Brunswick Beacon Monday or to discuss its contents, saying he did not want to violate a state-imposed Wednesday release date. The report is intended to provide a means for measuring a system's performance and improvements from one year to the next. The N.C. Press Association filed a complaint this week in Wake County Court seeking to have report card data for all systems released immediately on the basis that they are public documents.

■ Agreed to pay half the \$4,000 cost of Shallotte Middle School teacher Gwen Causey's People To People goodwill visit to the Soviet Union and Finland April 13-27. Mrs. Causey, a former Brunswick County Teacher of The Year, teaches a self-contained fourth grade class. On the trip with fellow Teachers of The Year from across the state she will meet with educators, visit schools and teacher training institutions and attend diplomatic briefings. Upon her return, she will serve as a resource for fellow educators.

■ Took no action on naming the new elementary school to be built at Supply, but mentioned four names under consideration: Central Brunswick, Doe Creek, Royal Oak and Supply. Royal Oak is the name of

the school's long-range planning initiative, with the board chairman and possibly other members planning to participate.

The board also heard updates on the Reading Recovery, substance abuse prevention education and D.A.R.E. programs.

■ Approved routine personnel actions taken by staff.

■ Voted to request extension of county water service to Union Primary and West Brunswick High schools. The county hired an engineering firm Monday to design an extension of the water system in that area.

Firings Are Overturned

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Tenants employees were also called in to work the emergency.

Water System Director Jerry Webb said the men were told by