

MAYORS CALL FOR EASING OF POLICY

Sea Wall Debate Back On CRC Agenda

Legal Notices

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK
IN THE GENERAL
COURT OF JUSTICE
SUPERIOR COURT DIVISION
Before The Clerk
91 SP 147

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST EXECUTED BY LLOYD R. MILLIKEN DATED MARCH 30, 1990 AND RECORDED IN BOOK 800 AT PAGE 658 OF THE BRUNSWICK COUNTY REGISTRY BY WILLIAM O. J. LYNCH, TRUSTEE.

Under and by virtue of the power and authority contained in that certain Deed of Trust executed and delivered by Lloyd R. Milliken and dated March 30, 1990, and recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Book 800 at Page 658 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 Trustee will expose for sale at public auction to the highest bidder for cash the property therein described together with any improvements thereon to-wit:

INTERNATIONAL PAPER COMPANY ROUKR NO. 1—OUT NO. 2

Beginning at an iron pipe set in the northern R/W of NC Highway No. 130, said iron pipe being 73 degrees 58 minutes 41 seconds E 279.50 from an existing iron pipe, existing iron pipe being N 49 degrees 47 minutes 05 seconds W 10,201.95' from NCGS "Masonic" NAD 83 and having coordinates of $y = 78861.1998$ and $x = 2183329.832$, thence leaving said point of beginning in the line of N/E J.E. Stanley, et al N 73 degrees 58 minutes 43 seconds E 1164.29' to an existing iron pipe; said pipe being a corner common with N/E J.E. Stanley, Estate, thence S 75 degrees 48 minutes 35 seconds E 372.10' to an existing iron pipe, said iron pipe being a corner common with N/E George Stanley, Estate and Atlantic Telephone Membership Corp.; thence as a line with Atlantic Telephone Membership Corp. S 28 degrees 49 minutes 57 seconds W 914.33' to an existing iron pipe, said iron pipe being in the northern R/W of NC Highway No. 130, thence N 61 degrees 12 minutes 42 seconds W 1185.39' to an iron pipe set, said pipe being the point and place of beginning containing 14.94 acres more or less according to survey and plat by Ragsdale Consultants, P.A. dated 11/3/89 entitled "Survey For International Paper Co., Roukr No. 1 - Out No. 2".

PART OF ROUKR 31—OUT NO. 3

Beginning at a point where the southern right-of-way of N.C. Highway No. 130 intersects the centerline of NCSR No. 1320; thence as the centerline of NCSR No. 1320 South 63 degrees, 40 minutes, 46 seconds, West 705.32' to a P.K. nail set; thence leaving said centerline as the line of N/E Rebel McNeil North 00 degrees, 59 minutes, 03 seconds West 554.78' to an existing iron pipe; thence North 73 degrees, 58 minutes, 42 seconds East 137.60' to an iron pipe set on the southern right-of-way of N.C. Highway No. 130, thence as the southern right-of-way of N.C. Highway No. 130 South 61 degrees 12 minutes, 43 seconds East 581.32' to the point and place of beginning containing 4.707 acres as shown on a map by Ragsdale Consultants, P.A. entitled Survey for International Paper Company Roukr No. 1, Out No. 3 dated November 3, 1989.

These are the exact same tracts conveyed to William O. J. Lynch, Trustee by deed of trust recorded in Book 800 at Page 658 of the Brunswick County Register of Deeds.

The sale will be made subject to all prior liens, unpaid taxes, restrictions and easements of record and assessments, if any.

The record owners of the above-described real property as reflected on the records of the Brunswick County Register of Deeds' Office not more than ten (10) days prior to the posting of this Notice are Lloyd R. Milliken, Jan K. Dale and wife, Emma Laye Dale and James J. Stoffel.

Pursuant to North Carolina General Statutes 45-21.10(b), any successful bidder may be required to deposit with the Trustee immediately upon conclusion of the sale a cash deposit of ten (10%) percent of the bid up to and including \$1,000.00 plus five percent (5%) of any excess over \$1,000.00. Any successful bidder shall be required to tender the full balance of the purchase price so bid in cash or certified check at the time the Trustee tenders to him a deed for the property or attempts to tender such deed, and should such successful bidder fail to pay the full balance of the purchase price so bid at that time, he shall remain liable on his bid as provided for in North Carolina General Statutes 45-21.30(d) and (e).

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

Date of Sale: August 9, 1991
Time of Sale: 12:00 Noon
Place of Sale: North Door of Courthouse, Bolivia, N.C.

This 9th day of July, 1991,
William O. J. Lynch, Trustee
Aug. 8

ESTATE NOTICE

The undersigned, having qualified as Collector of the Estate of James William McMillion, Jr., deceased, late of Brunswick County, this is to notify all persons having claims against the estate to present them to the undersigned on or before the 27th day of December, 1991, 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 20th day of June, 1991,
Jacqueline McMillion, Collector of the Estate of James William McMillion, Jr.
Route 5, Box 50
Southport, NC 28461
July 18 pd.

EXECUTOR'S NOTICE

The undersigned, having qualified as Executor of the Estate of Edward S. Dennis Sr., deceased, late of Brunswick County, North Carolina, this is to notify all persons having claims against the estate to present them to the undersigned on or before the 28th day of December, 1991, 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 27th day of June, 1991,
Margaret V. Dennis
Route 5, Box 227
Shalotte, NC 28459
Prevatte, Prevatte, Peterson & Campbell
122 North Howe Street
Post Office Box 10969
Southport, NC 28461
July 18

BY DOUG RUTTER

A running debate on the state's ban on sea walls and other erosion-control devices resumes next week when the N.C. Coastal Resources Commission meets in Beaufort.

Discussion of the prohibition on bulkheads is likely to dominate the meeting July 25 and 26 at Duke Marine Lab Auditorium, said Jeanette Johnson, spokesperson with the N.C. Division of Coastal Management.

The CRC banned bulkheads and other structures that "harden" the beach in 1985. In recent months, however, some of the panel's members have said the rule is too strict and there should be a procedure to

"There's a middle of the road in this thing. I just don't think there's any law that fits every case."

—Mayor John Tandy
Holden Beach

allow exceptions.

In March, the commission discussed a proposal that would allow sea walls, jetties and groins on the beach if they would not "cause significant adverse impact" or if they would "provide overriding public benefit."

That proposal, which was initiated by several CRC members, is expected to be at the center of discussion next Thursday when a panel of nationally-known experts speaks before the CRC.

If it were left up to the mayors of the South Brunswick Islands beach towns, the six-year ban on bulkheads would be relaxed.

Legal Notices

NOTICE OF TRUSTEE'S FORECLOSURE SALE OF REAL PROPERTY

Under and by virtue of the power and authority contained in that certain Deed of Trust executed and delivered by Wallace Hickman et ux Celestial L. Hickman and George William Hickman dated January 29, 1981, and recorded in the Office of the Register of Deeds for Brunswick County, North Carolina, in Book 465, Page 833 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 Trustee will expose for sale at public auction to the highest bidder for cash, the property herein described, to-wit:

BEGINNING at a point in the center line of State Road 1303, said beginning point being designated by a nail where the center line SR 1303 crosses a box culvert in Shingle Tree Swamps; thence from said beginning N 82 degrees 14 minutes E along the center line of SR 1303 a distance of 1044.6 feet to a nail; thence S 7 degrees 46 minutes E, 390 feet to an iron pipe; thence N 82 degrees 14 minutes E, 494.19 feet to an iron pipe in a canal adjoining the J. M. Bennett Estate; thence S 55 degrees 52 minutes E, 124.68 feet to an iron pipe; thence S 44 degrees 05 minutes E, 417.82 feet to an iron pipe; thence N 82 degrees 34 minutes E, 204.99 feet to an iron pipe; thence S 69 degrees 41 minutes E, 412.72 feet to an iron pipe; thence S 67 degrees 07 minutes E, 144.75 feet to an iron pipe; thence S 68 degrees 19 minutes E, 599.3 feet to a lightwood stake, said lightwood stake being located 1 foot due south from a concrete monument; thence from said lightwood stake S 1501.4 feet to a concrete monument; thence N 85 degrees 00 minutes W, 400 feet to an iron pipe; thence N 70 degrees 00 minutes W, 89 feet to the center of Old Shingle Tree Swamp; thence along the Old Shingle Tree Swamp S 87 degrees 56 minutes W, 39.9 feet; thence S 79 degrees 40 minutes W, 297.6 feet; thence S 65 degrees 11 minutes W, 223.9 feet; thence N 45 degrees 28 minutes W, 138.17 feet; thence N 70 degrees 06 minutes W, 272.11 feet; thence N 76 degrees 34 minutes W, 190.63 feet; thence N 2 degrees 0 minutes E, 151.28 feet; thence N 34 degrees 20 minutes W, 367.63 feet; thence N 58 degrees 13 minutes E, 25 feet to the center of the new canal of Shingle Tree Swamp; thence with New Shingle Tree Swamp N 31 degrees 47 minutes W, 394.4 feet; thence N 36 degrees 50 minutes W, 453.3 feet; thence N 49 degrees 21 minutes W, 1062.2 feet; thence N 21 degrees 51 minutes W, 508 feet to the point of beginning in the center line of State Road 1303, containing 99.7 acres more or less.

This being the same property as being surveyed by Blackmon and Associates and recorded on April 4, 1968 in Map Book 9 Page 15 of the Brunswick Registry.

This deed of trust extends to all farm allotments assigned to this described property as was this day conveyed by the grantors to the makers of this deed of trust and upon foreclosure, should that occur, these allotments will revert and be covered under any foreclosure proceeding.

Address of Property: Shallotte Township, Brunswick County, North Carolina.

Present Record Owner(s): Wallace Hickman and wife, Celestial L. Hickman.

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%) of the high bid up to and including \$1,000.00 plus five percent (5%) of any excess over \$1,000.00.

The real property hereinabove described will be sold subject to any 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 for Sale: July 24, 1991, 12:00 noon.

Place of Sale: Brunswick County Courthouse.

Date of this Notice: July 3, 1991.

Mason H. Anderson, Trustee
ANDERSON & MCLAMB
Attorneys at Law
P.O. Box 345, Shallotte, NC 28459
July 18

CAMA PERMIT NOTICE

Pursuant to NCGS 113A-119(b), the municipality of Ocean Isle Beach, a locality authorized to issue CAMA permits in the areas of environmental concern, hereby gives NOTICE that on July 16, 1991, applicants Don and Carol Kauffman applied for a CAMA minor development permit to construct a single-family dwelling at Lot 5, Block 11, Section B, 118 East First Street.

The application may be inspected at the below address. Public comments received by July 25, 1991, will be considered. Later comments will be accepted and considered up to the time of permit decision. Project modifications may occur based on further review and comments. Notice of the permit decision in this matter will be provided upon written request.

T. D. Roberson
Local CAMA Permit Officer
3 West 3rd Street
Ocean Isle Beach, NC 28459
(919)579-2166
July 18

Legal Notices

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK
IN THE GENERAL
COURT OF JUSTICE
SUPERIOR COURT DIVISION
Before The Clerk
91 SP 148

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST EXECUTED BY LLOYD R. MILLIKEN DATED MARCH 30, 1990 AND RECORDED IN BOOK 800 AT PAGE 673 OF THE BRUNSWICK COUNTY REGISTRY BY WILLIAM O. J. LYNCH, TRUSTEE.

NOTICE OF TRUSTEE'S SALE OF REAL PROPERTY

Under and by virtue of the power and authority contained in that certain Deed of Trust executed and delivered by Lloyd R. Milliken and dated March 30, 1990, and recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Book 800 at Page 673 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 Trustee will expose for sale at public auction to the highest bidder for cash the property therein described together with any improvements thereon to-wit:

INTERNATIONAL PAPER COMPANY ROUKR NO. 1—OUT NO. 3

Beginning at an iron pipe set in the southern R/W of NC Highway No. 130, said iron pipe being located S 00 degrees 29 minutes 10 seconds W 56.77 from a point in the centerline of NC Highway No. 130, said centerline point being located N 43 degrees 44 minutes 26 seconds W 7221.70' from NCGS monument "Masonic" NAD 83 having coordinates of $y = 78861.1998$ and $x = 2183329.832$; thence leaving said beginning point as the line with Sylvester Williams S 00 degrees 29 minutes 10 seconds W 1346.98' to an existing iron pipe, said existing iron pipe being in the line of N/E Leroy Mintz; thence S 00 degrees 15 minutes 13 seconds W 1041.37' to an existing iron pipe, said existing iron pipe being a corner common with N/E Leroy Mintz and John Mintz; thence S 87 degrees 17 minutes 36 seconds W 2716.22' to an existing iron pipe, said existing iron pipe being a corner common with John Mintz and N/E Grady Hardwick; thence N 00 degrees 59 minutes 03 seconds W 3943.36' to an existing iron pipe, said existing iron pipe being a corner common with N/E Rebel McNeil; thence N 73 degrees 58 minutes 42 seconds E 137.60' to an iron pipe set, said iron pipe being in the southern R/W of NC Highway No. 130; thence S 61 degrees 12 minutes 43 seconds E 3040.49' to an iron pipe set, said iron pipe being the place and point of beginning and containing 198.40 acres, more or less according to a survey and plat by Ragsdale Consultants, P.A., dated 11/3/89 entitled "Survey For International Paper Co. Roukr No. 1 - Out No. 3".

This is the exact same property conveyed to William O. J. Lynch, Trustee by deed of trust recorded in Book 800 at Page 673 of the Brunswick County Register of Deeds.

The sale will be made subject to all prior liens, unpaid taxes, restrictions and easements of record and assess ents, if any.

The record owners of the above-described real property as reflected on the records of the Brunswick County Register of Deeds' Office not more than ten (10) days prior to the posting of this Notice are Lloyd R. Milliken, Jan K. Dale and wife, Emma Laye Dale and James J. Stoffel.

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

Date of Sale: August 9, 1991

Time of Sale: 12:00 Noon

Place of Sale: North Door of Courthouse, Bolivia, N.C.

This 9th day of July, 1991,
William O. J. Lynch, Trustee
Aug. 8

They think the Coastal Resources Commission should loosen the ban on hard structures, and consider each bulkhead, sea wall and groin proposal on its own merits.

"There's a middle of the road in this thing," Holden Beach Mayor John Tandy said Monday. "I just don't think there's any law that fits every case."

Tandy said the CRC has been too rigid in enforcing the beach hardening policy. "It's got to be a little more flexible than it has been."

Ocean Isle Beach Mayor Betty Williamson agrees. She said she never likes to apply one rule to ev-

ery case. "I think each situation is different. Each town or project is different," she said. "I would think you would need to investigate and try to determine if it would be good or if it would be bad from that."

Tandy said the CRC should not allow sea walls or bulkheads that restrict public access to the beach.

But he thinks the commission should consider cases in which a structure such as a rock jetty at the tip of an island would improve access to the ocean for fishermen.

Tandy bases his opinion in part on recent erosion at Holden Beach. "In the last six or seven years we've had an unbelievable infiltration by the ocean," he said. "Right now it's coming in at a healthy lick."

At Sunset Beach, there hasn't been an erosion problem for years and there aren't any bulkheads, sea walls or groins on the strand.

Mayor Mason Barber said he hasn't thought much about the Coastal Resources Commission de-

bate. "Since it's never been an issue with us, we've never had to explore it," he said.

But Barber agrees with mayors at Ocean Isle and Holden Beach. He said the CRC should consider each case instead of holding to a "blanket policy."

Tandy said coastal management experts don't have enough data to conclude that all sea walls and other hard structures harm the beach.

"I really have some peculiar feelings about it...being down here a long time and watching what has happened to us," he said.

Thirty years ago, remains of the Civil War ship *Ranger* could be seen sticking out of the sand at low tide. Tandy remembers sitting on the shipwreck and fishing with his son.

But the mayor hasn't seen the ship in many years because of erosion. Just last year, Tandy's son was fishing near the wreck in a boat. "It looked like they were halfway to France," he said.

CRC Rules Could Affect Permits And Dredging

The N.C. Coastal Resources Commission is considering a rule that would make coastal property owners promise to move or demolish their homes if they become threatened by erosion.

A public hearing will be held next week on a plan to make the agreement to relocate or demolish a condition of receiving a minor CAMA permit and building on the beach.

The proposal is one of three that will go to public hearing at next week's CRC meeting at the Duke Marine Lab Auditorium in Beaufort.

Hearings also will be held on proposals to loosen restrictions on maintenance dredging and to increase the fee for a minor permit. All three hearings are scheduled Thursday, July 25, starting at 4 p.m.

The CRC already encourages homeowners to relocate or destroy homes that are in danger of falling into the ocean. In Brunswick County, most homes within 20 feet of the ocean are considered "imminently threatened."

"It not a shift in policy, but it makes it stricter," said Jeanette Johnson, spokesperson with the N.C. Division of Coastal Management.

A plan to allow maintenance dredging in shellfish beds, coastal wetlands and submerged vegetation also goes to public hearing next week.

Prior to any dredging, however, the applicant would have to demonstrate and document that a water-dependent need exists, and excavation

material would have to be placed in an approved disposal area.

Maintenance dredging would only be allowed in a previously-permitted channel constructed or mandated under state or federal permits or in a channel built before permits were required. There also must be clear evidence that the channel was continuously used for a specific purpose.

The original width and depth of the channel could not be increased to allow for a new or expanded use, said Ms. Johnson.

Coastal Resources Commission

members will conduct a third public hearing on a plan to increase the minor CAMA permit fee from \$25 to \$50.

Local governments that administer minor permits receive the fees. Minor permits are needed for all development in areas of environmental concern that is not considered major.

Projects that are larger than 20 acres or have a structure that covers more than 60,000 square feet or that require another state or federal permit must receive a major permit from the Division of Coastal Management.



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Ricky Parker — Owner
842-4003 Monday-Friday 9-5, Saturday by appointment only
Hwy. 130, Holden Beach Rd., 4 1/2 miles from Shallotte





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