

## Appraiser acted properly, attorney general says

The Perquimans County tax supervisor did nothing illegal in entering an addition to a Hertford resident's home after securing the permission of carpenters on the premises, according to an opinion issued by the N.C. Attorney General's office.

Special deputy general Myron C. Banks wrote that the appraiser may, however, wish to secure the permission of the property owner in similar situations to avoid future disputes.

If permission is denied, he wrote, the burden of proving whether or not an appraisal is accurate falls on the property owner. The appraiser does not

have the right to enter property if permission is denied by the property owner or occupant, according to Banks' opinion.

The county board of commissioners had sought a ruling from the attorney general's office following a complaint from Hertford resident Carl Skinner, that tax supervisor Keith Haskett visited an addition to his home without permission to make an appraisal for tax purposes.

County attorney John Matthews reminded the board that the letter was an opinion, rather than a court ruling.

"It's not a court," said Matthews.

"The attorney general's office is just a bunch of lawyers up there (in Raleigh) who are asked to answer questions."

Matthews said the board needed to decide what kind of procedure it wants the tax supervisor to follow in appraising property, and that the decision would affect the quality of appraisals and the public's perception of county government.

In a previous opinion, Matthews had said that the tax supervisor has a duty to visit property in order to provide a fair and accurate appraisal.

Commissioner Lester Simpson said, "What I'd like to know is if we've got a

problem or if we've got complaints because somebody's doing his job."

He said that if a property owner refuses to let Haskett visit his property it should be appraised at the maximum amount possible.

In another matter, the N.C. Department of Natural Resources and Community Development informed the county that some monies are available for the monitoring of area rivers.

The board elected to invite earth sciences professor Maurice Powers of Elizabeth City State University to attend its next meeting and help draw up a plan of study.

The board also approved a 700 square-foot addition to the Farm-Home Administration office in the county office building on Edenton Road Street.

FmHA supervisor Melvin Howell said the addition is needed because of overcrowding, and will create room for an additional staff person.

He said that the state will increase the amount of rent it pays to the county for the office following the improvement.

Howell approximated the cost of the addition at \$15,000, and said it will add 700 square feet of office space to the current 400 square foot FmHA work area.

In other action, the board:
 

- heard another complaint of a regular occurrence of red water entering the home of a county water customer, and promised to work to correct the situation;
- reappointed Dr. Allan Bonner, Lester Simpson, and Pat Harrell to the Albemarle District Health Board;
- approved a \$50 Christmas donation to the Caswell Center in Kinston for mentally retarded county residents who are housed there, and;
- again discussed the need to begin making plans for a county-wide vote on whether or not to fund a recreation program with tax dollars.

## Court decision may affect area developments

by JACK GROVE

In District Court Wednesday, the Holiday Island Property Owners Association (HIPOA) sought to establish a binding legal basis for its assessments of property owners of the subdivision.

Judge John T. Chaffin heard arguments in the non-jury trial of HIPOA vs. Matthew J. and Hazel C. Kahl. This first "test" case sought \$218 allegedly owed to HIPOA by the Kahls for non-payment of a maintenance assessment and dues for 1979.

Holiday Island assesses property owners of residential lots at \$106 per lot per year with a \$2 penalty for late payment.

At the end of the four hour hearing, Judge Chaffin ruled in favor of the defendants on a defense motion for a directed verdict of dismissal.

Witnesses called by HIPOA's attorneys Herb Mullen and John Halstead of Elizabeth City, included the General Manager of Holiday Island, William J. Jeffress, Mrs. Hazel Kahl, Theodore G. Weeks, Jr., immediate past member of the HIPOA Board of Governors and past HIPOA Treasurer and John Carson, a current member of the board.

Testimony centered around the relationship of the Kahls, as property owners of the subdivision to the Property Owners Association — as to membership in the association and financial relationship.

The restrictive covenants and by-laws of HIPOA were entered into evidence and used by both sides in arguing their cases.

While both agreed that the restrictive covenants formed a legal basis for paying a maintenance assessment of \$36 per year, the wording of the by-laws concerning assessments and dues became the bone of contention.

The Kahls' attorney, John V. Matthews, successfully argued that the by-laws were unclear in providing any legal basis for assessments and dues to property owners in excess of the \$36 assessment.

Also called into question was the issue of membership in the association. Matthews pointed out that the by-laws called for applications for membership and screening of the applications by a membership committee.

He contended that since the Kahls had not formally applied for membership, they were not, in fact, members of the association and therefore not liable for any additional assessments or dues.

The loss of this case could have a devastating financial impact on the subdivision. Assessments were originally raised from the \$36 by the association to \$70 in 1976.

They were again raised to \$106 in 1978 which is the present charge. Camping lot owners pay a higher fee to include a yearly payment for electricity, water and sewage services. Their assessments were raised at the same times and ratios as residential lot owners.

Holiday Island has some 1,600 property owners, and an annual operating budget of \$206,000 according to Jeffress. Increased assessments above the \$36 original figure amount to \$278 per lot since 1976 or about \$500,000 (half a million dollars).

Asked about the possible impact on Holiday Island if property owners filed suit to recover the \$278 overpayment, HIPOA Treasurer Forest Myers said simply, "It would bankrupt us if everyone demanded his money back."

Holiday Island has filed a notice of appeal to the State Court of Appeals in Raleigh.

Snug Harbor followed Holiday Island on Thursday in court with a similar case and result.

That subdivision sought compensation from two of its property owners for unpaid assessments. But before plaintiff's attorney, William J. Bentley, could argue the case, it was dismissed by Judge Chaffin on a defense motion. The motion, made by Gerald F. White (law partner of Herb Mullen) claimed failure to state a claim for relief.

Bentley said the Snug Harbor case had also been appealed to the State Court of Appeals. He said that the difference in his case was that, after review, the state court could remand the case back to District Court for trial while the Holiday Island case would be argued in Raleigh on its merits.

Mullen and Bentley said they expected that it would be between six months and a year before the state court ruled on their cases.



### To beat the bands

Members of the Perquimans County Marching Band section blow out a tune for the judges in the Oyster Bowl Parade

in Norfolk on Saturday morning. It was the band's first appearance in their new

uniforms, which arrived on Friday. See page 9 for more photos.

## Marines share memories, meal in 205th birthday celebration

It was like a reunion. One common experience had brought these men together, almost as though they were family.

And in a sense they were. All 23 of them had at one time or another served in the United States Marine Corps, and Thursday night at Angler's Cove in Bethel, they celebrated the corps 205th birthday.

Together, they represented 321 years of service to their country. Between them all had seen almost every corner of the globe.

Put 23 Marines together in the same room and some things will be a virtual certainty. You're bound to hear some reminiscing, some ribbing, and an off-color joke or two.

"Let's have a show of hands. How many of you went to boot camp at Paris Island and how many of you went to San Diego?" asked one Marine. Only two men said they had been through San Diego.

"What you really want to know is how many of us went through boot camp and how many of us went to Dago," responded another.

Donald Parks was the youngest former Marine in the group, finishing up his four year hitch in 1978. "Heck, his shoes are

still shined," said a fellow sitting across the table.

But then, so were Earnest Sutton's. Sutton had on a military outfit from his gleaming black shoes to his army green sweater, and he retired from full time service in 1955.

The Durants Neck resident pulled out his wallet and displayed an old photograph of an extremely young man. "That's me sitting on the Great Wall in 1934," he said.

Sutton was referred to by the other men as a "China Marine," because he spent much of his career in China.

He entered the Marine Corps in 1933, right after the Great Depression. "It was more of an economic thing. My daddy couldn't buy me no new car," Sutton said.

"What made the Marines so special? "The main thing was we didn't back off or nothing. That's something that's unheard of now," he said.

"When I went in there were 17,000 Marines in the world and the sun never set on us," Sutton said.

Murray Smith served from 1932 to 1936, and now resides between Woodville and New Hope. Grey headed, and a little hard of hearing, Smith had some wise observations on the esprit de corps of the Marines.

"If you believe what they try to put into you, you'll think you're super. In time

you'll find out you're not," said Smith.

"Discipline, blind discipline," was the

(Continued on page 2)



### A sweet tradition

As has become a tradition at the annual gathering of area Marines, oldest corpsman Walter Oakley offers the first slice

of birthday cake to youngest corpsman Donald Parks.

## Seven charged in drug bust

An undercover investigation that began in June resulted in the arrests of seven area residents on drug-related charges last week.

The investigation was conducted jointly by the Hertford Police Department and the State Bureau of Investigation. The police department, along with the Perquimans County Sheriff's Department, began making arrests last week.

SBI special agent A.C. Cummings did the undercover work, using state money to purchase marijuana, according to police officer Robert Morris.

Arrested were:

- Kenneth Castro Ferebee, 19, of 325 Grubb Street, charged with conspiracy to sell and deliver marijuana and with sale and delivery of marijuana;
- Robert Eugene Brown, 18, of Rt. 2,

Hertford, charged with sale and delivery of marijuana;

•Mickey Johnson, 26, of 211 South Edenton Road St., Hertford, charged with conspiracy to sell and deliver and with aiding and abetting the sale and delivery of marijuana;

•Derryl Zachary Madrey, 18, of Rt. 3, Box 629, Hertford, charged with two counts of sale and delivery of marijuana;

•Reginald Geodella Jones, 26, of Rt. 1, Box 74, Hertford, charged with sale and delivery of marijuana;

•Stephen Wood Finley, 21, of Shiloh, N.C., charged with conspiracy to sell marijuana, and;

•William Edward Holloman, 51, of 103 West Peterson St., Edenton, charged with one count of false pretense.

Finley was arrested by the Elizabeth

(Continued on page 2)