

# This Is The Law

By ROBERT E. LEE  
(For the N. C. Bar Association)  
REAL ESTATE TRANSACTIONS

Must the contract for the sale of land and the subsequently executed deed be registered?

Registration is not necessary to make either the contract or the deed valid as between the parties. But both documents should be registered to save the rights of the buyer from claims of creditors of the seller and purchasers for value from him.

For example, if Jones agrees in writing to sell his house to Smith for a specified price and to deliver to him the deed on a designated date, and the contract is not registered, there is nothing to prevent Jones from selling the same house to Thompson. If Thompson is first in getting his deed registered, Thompson becomes the owner of the house free from any claims of Smith. This is true even though Smith has paid part of the purchase price and is in possession at the time of the conveyance to Thompson. Furthermore, it is immaterial that Thompson purchased with full knowledge of all the facts.

Smith has no cause of action against Thompson. His remedy is to sue Jones for breach of contract. Let us hope that Jones still owns unencumbered property from which the judgment might be satisfied.

White conveys land to Black by deed in 1968, but Black does not register his deed until 1970. In 1969 Green obtains and docks a judgment against White in the county where the land is located. May Green in 1971 have the land sold to satisfy his judgment against White?

Yes. White erred in not having his deed registered promptly upon delivery to him.

Tiffany on October 15, 1970, entered into a binding and enforce-

## Duke Promotes W. H. Grigg

CHARLOTTE — W. H. Grigg, son of Claude Grigg, former Kings Mountain schools superintendent, has been promoted by Duke Power Company from vice president-finance to vice president and general counsel.

Grigg is a graduate of Duke University and the Duke Law School. He spent four years in private practice in Charlotte before joining Duke Power in 1963 as assistant general counsel.

He was made vice president-finance in 1970. He is married to the former Margaret Anne Ford of Atlanta and they have three children.

For **COLDS** take **666**

able contract to convey his house and lot to Powell for an agreed price of \$50,000 on December 1, 1970. Tiffany had the legal title to the house and lot at the time of the agreement and he had agreed in writing to vacate the premises prior to December 1, 1970. On the evening of November 15, 1970, without the fault of Tiffany, the house was completely destroyed by fire. May Tiffany recover from Powell a judgment for \$50,000?

Yes. Powell must pay the full contract price for the house which

## Resolution By Broyhill

Congressman James T. Broyhill (R-N. C.) today introduced a resolution in the House of Representatives to provide that all American troops should be withdrawn from South Vietnam nine months after the release of all prisoners of war.

"I feel that the South Vietnamese are making progress in their ability to handle their own affairs and assume the major burden of repelling the enemy from their country," the 10th District Representative stated.

"President Nixon has set us on a course of withdrawal of our forces and I agree with his recent statement that one of the major factors to consider as we continue to wind down the war is the American prisoners held by North Vietnam," he continued.

"If this resolution is passed by the Congress, it would be, in my opinion, a clear statement to the North Vietnamese that they will have to share the responsibility of establishing a timetable for the complete withdrawal of American troops. By acting decisively to identify and release American prisoners, the North Vietnamese could ensure a definite date by which our troops would be withdrawn."

Broyhill also endorsed the goal stated by the President of a total withdrawal from Vietnam, without leaving a permanent residual force such as we presently have in Korea.

The text of Broyhill's resolution reads as follows: "Whereas the program of Vietnamization has been rapidly moving toward successful completion, permitting a continued and accelerated reduction of American military personnel in South Vietnam; and

Whereas the Congress of the United States remains committed to the safe return of American prisoners of war;

Now, therefore, be it Resolved by the Senate and the House of Representatives in Congress assembled, That the United States withdraw all American military personnel from South Vietnam nine months after the identification and exchange, under international supervision, of all prisoners of war in Southeast Asia."

he never had an opportunity to enjoy.

This is the rule applied in the absence of an express stipulation to the contrary in the contract of the parties. There have been cases in North Carolina and elsewhere so holding.

The proposed purchaser is what lawyers call the "equitable owner," and he is treated for nearly every purpose as the real owner. It was the proposed purchaser's interest in the house that was destroyed, and it is he who must bear the loss.

Powell could have procured insurance that would have protected him against the loss.

## Unit Ribbon To Robert Plonk

(FHNC) USS BASILONE—Navy Petty Officer Third Class Robert R. Plonk, son of Mr. and Mrs. Fred W. Plonk of 906 Crescent Circle, Kings Mountain, N. C., was awarded the Meritorious Unit Commendation Ribbon while serving aboard the destroyer USS Basilone, homeported at Newport, R. I.

He was serving aboard USS Basilone when she was cited for meritorious achievement during contingency operations with the

## Sgt. Camp At March AFB

RIVERSIDE CALIF. — U. S. Air Force Staff Sergeant Kenneth R. Camp, son of Fred H. Camp Sr. of Kings Mountain, N. C., has arrived for duty at March AFB, Calif.

Sergeant Camp, a jet engine technician, is assigned to a unit of the Strategic Air Command, America's nuclear deterrent force of long range bombers and inter-continental ballistic missiles.

U. S. 8th Fleet in the eastern Mediterranean from September to December 1970.

## Philbeck Finishes Aircraft Course

(FHNC) LEMOORE, CALIF. April 26 — Navy Petty Officer Third Class Thomas F. Philbeck, son of Mr. and Mrs. Thomas Philbeck of Route 1, Glover, N. C., has graduated from Aircraft Maintenance Management Course at the Naval Air Station, Lemoore, Calif. Philbeck is a graduate of Crest High School, Shelby, N. C.

A 1959 graduate of Kings Mountain High School, the sergeant attended the University of Florida and the University of Georgia. His wife, Sylvia, is the daughter of A. G. Phillips of 125A Palo Blanco, San Benito, Tex.

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