Thursday, May 6, 1971

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

IS

Must the contract for the sale

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 creditfor \$50,000? ors 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 designat

ed date, and the contract is not registered, there is nothing to pre-vent 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 session at the time of the conveyall the facts.

Smith has no cause of action Smith has no cause of action legainst Thompson. His remedy is to sue Jones for breach of con tract. Let us hope that Jones still owns unencumbered property from which the judgment might be cattefied satisfied. \* \* \*

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

his deed registered promptly upon delivery to h'm.

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

**Duke Promotes** W. H. Grigg

Mountain schools superintendent, force such as we presently have has been promoted by Duke Pow- in Korea. er Company from vice presidentfinance to vice president and general counsel.

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

children.



able contract to convey his house and lot to Powell for an agreed price of \$50,000 on December 1, 1976. Tilfany had the legal side

Must the contract for the sale of land and the subsequently exe-cuted deed be registered? Registration is not necessary to The proposed purchaser is what 1970. On the evening of Novem. It was the proposed purchaser's ber 15, 1970, without the fault of interest in the house that was de-

enjoy.

he never had an opportunity to

stroyed, and it is he who must Tiffany, the house was completebear the loss. ly destroyed by fire. May Tiffany recover from Powell a judgment Powell could have procured insurance that would have protected him aaginst the loss.

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

# Resolution **By Broyhill**

The Law

Congressman James T. Broythough Smith has paid part of hill (R-N, C.) today introduced a the purchase price and is in pos- resolution in the House of Representatives to provide that all ance to Thompson. Furthermore, American troops should be with-it is immaterial that Thompson drawn from South Vietnam nine purchased with full knowledge of months after the release of all prisoners of war.

"I feel that the South Vietnamsentiative 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.

ainst White? Yes. White erred in not raving is deed registered promptly up-delivery to him 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.'

CHARLOTTE – W. H. Grigg, son of Claude Grigg, former Kings Mountain schools superinter der Broyhill also endorsed the goal CUBE STEAKS

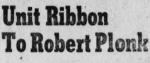
> The text of Broyhill's resolution reads as follows: "Whereas the program of Viet-

namization has been rapidly moving toward successful completion. permitting a continued and ac-celerated reduction of American military personnel in South Vietnam; and

prisoners of war:

nine months after the

#### THE KINGS MOUNTAIN HERALD, KINGS MOUNTAIN, N. C.



R. I.

OD STORE

GOVERNMENT

INSPECTED

WHOLE

(FHTNC) USS BASILONE-Navy Petty Onlicer Third Class Robert R. Flonk, son of Mr. and Mrs. Fred W. Plonk of 906 Crescent Cirele, Kings Mountain, N. C., was awarded the Meritorious Unit Commendation Ribbon while serving aboard the destroyer USS

Basilone, homeported at Newport, He  $\checkmark$ as serving aboard USS Basilone when she was cited for U. S. Sith Flect in the eastern

Sgt. Camp At March AFB

RIVIDSIDE Call - U. S. Arr Force Staff Sergean - ennoth R. Camp, son of Fred H. Camp Sr. of Kings Mountain, N C., has arrived for duty at March AFB, Calli. Sergeant Camp, a jet engine

of the Strategic Air Command. America's nuclear deterrent force of long range bombers and interontinental ballistic missiles.

Basilone when she was cited for U.S. Sith Flect in the eastern His wife, Sylvia, is the daughter meritorious achievement during Mediterranean from September of Al G. Phillo of 125A Palo contingency operations with the to December 1970.

## **Philbeck Finishes**

Aircraft Course (FHINC) LEMOORE, CALIF. Third Class Thomas F. Philbeck,

son of Mr. and Mrs. Inomas Philbeck of Route 1, Grover, N. C., has gradurited from Aircraf Mainle nance Management Course at the Naval Air Station, Lemoore, Calut. Philbeck is a graduate of Crest

technician, is assigned to a unit High School, Shelby, N. C. A 1959 graduate of Kings Mountain High School, the sergeant at-tended the University of Florida

and the University of Georgia.

Blanco, San Benito, Tex.



### **NEW STORE HOURS OPEN WEDNESDAY AFTERNOON UNTIL 6 P.M.**





SECTION C

Lb. Size