

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
(828) 456-3718
June 10, 2013

The Grievance Committee
The North Carolina State Bar
208 Fayetteville Street
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

Subject: Complaint against Samuel P. Hyde.

I, the undersigned hereby complain against

Samuel P. Hyde
Assistant Clerk of Superior Court
285 North Main Street, Suite 1500
Waynesville, NC 28786
(828) 454-6501

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

Samuel P. Hyde's current position is that he is appointed to Assistant Clerk of Superior Court, under June Ray, the Clerk of Superior Court. Sam Hyde is a lawyer, while June Ray is not, and both act as Probate Judges for cases involving foreclosures. Sam Hyde was a previous partner in the firm of Smathers and Hyde [re: <http://www.judgeletts.com/legaldirectory.html#Hyewood>]. (See enclosure, 130607 Letts Directory, pages 1-3.)

There are three (3) specific complaints against Sam Hyde in this grievance complaint.

- Sam Hyde intentionally failed to list multiple Defendants when a Sheriff's foreclosure (initiated by David Francis, Haywood County Tax Collector, Case file 12CV1396) was converted over to a Trustee foreclosure (initiated by a lawyer, Rusty McLean, Case file 12-SP-441), thus isolating or preventing prior defendants from participating in the Trustee foreclosure against Terry Ramey;
- The appearance of impropriety and what appears to be a forged document when a Civil Summons for a COMPLAINT TAX FORECLOSURE was discovered in case file is not the same Civil Summons that was actually served against the Defendant, Terry Ramey. The document in Terry Ramey's possession has a different RECEIVED date stamp than the date stamp in the case file. Additionally, the officer who served the summons did not want to sign the summons, hence Terry Ramey's Civil Summons does not have a signature of the Deputy Sheriff Making Return, while the Civil Summons in the case file does have an officer signature;
- Sam Hyde was aware, as every other lawyer in town was aware, that Terry Ramey was and had been Rusty McLean's client for years and years. Sam Hyde should have recused himself from serving as the Probate Judge in a Foreclosure Hearing on January 31, 2013 in which Rusty McLean was causing the foreclosure action against his previous client.

Complaint #1.

Terry Ramey invited me to attend a foreclosure hearing at the Justice Center on January 31, 2013, to be presided over by Same Hyde. I brought two (2) audio recorders, intending to record these proceedings. Ramey was represented by Caleb Decker, an Asheville lawyer, and the action was brought by Rusty McLean and Clarence H. Dickson, III as Trustee, both Haywood County lawyers. Present and looking pretty was McLean's wife, Lisa A. Kosir, another Haywood County Lawyer. Hyde called the proceeding to order at 10am, and immediately required that all recording devices be turned off. Why?, I asked. Because I had not submitted the required form, [30B Local Civil Form 5, APPLICATION TO UTILIZE STILL PHOTOGRAPHY OR ELECTRONIC EQUIPMENT WITHIN THE COURTHOUSE FOR RECORDING OR PRESENTATION PURPOSES]. I subsequently asked Hyde during one of the breaks if I had submitted this form, would he have approved it? Hyde was evasive, and never gave me a solid response.

Hyde ordered the Foreclosure. (See enclosed document, My handwritten notes on 1/31/2013, Foreclosure Hearing).

While researching, I made some inquiries with Sherrie Rogers, the elected Register of Deeds, at the Haywood County Courthouse. She informed me that there are two types of foreclosures,

- Sheriff's Deed (County forced tax sale), and
- Trustee Deed (usually a bank foreclosure if someone fails to pay a mortgage).

I asked Sherrie what type of foreclosure was Terry Ramey's. She did not even have to look it up, as she said there were about a hundred people asking about this one. She indicated it was a Trustee Deed foreclosure, because the action was being brought by Rusty McLean and Clarence Dickson (Trustee). (See enclosed, handwritten notes with Sherrie Rogers on May 13, 2013).

Terry Ramey provided me with two documents on May 13, 2013. (See enclosed, two files).

- A CIVIL SUMMONS, COMPLAINT TAX FORECLOSURE NON JURY, case file 12CV1396, dated Dec. 14, 2013, and
- ORDER FOR CONTINUANCE, case file 12-SP-441, dated Jan. 3, 2013, signed by Sam Hyde.

The Defendant(s) named in the CIVIL SUMMONS are (case file 12CV1396):

- Terry Ramey and Robin Morgan Ramey (Owners),
- Town of Waynesville (Tax Authority)
- States Resources Corp (Lienholder)
- Russell L. McLean, III (Lienholder)
- American Tire Distributors, Inc. (Lienholder)
- Ball, Barden & Bell, PA (Lienholder)
- Marlin Leasing Corporation (Lienholder).

The Defendant(s) named in the ORDER FOR CONTINUANCE, (case file 12-SP-441) signed by Hyde,

- Clarence H. Dickson, III
- Terry E. Ramey (single) and Robin Morgan Ramey (single)

What in the hell happened to all the other people in line in this foreclosure?

Herein forms the basis for Complaint #1 in this grievance against Sam Hyde.

On May 31, 2013, I conducted an inspection of the files 12CV1396 and 12-SP-441. (See enclosed hand written notes for both files). I began at 11:20am and completed the inspection at 12:15pm. A county employee, Jarrad (sp, and unsure of his last name) was assigned to guard me the entire time. From this inspection, the defendants named in 12CV1396 were discovered and listed below with amounts associated with their own files:

- American Tire \$ 14,465
- Ball \$ 2,990
- Marlin \$ 22,452
- Town of Waynesville \$ 12,507

Who gave Sam Hyde the authority to put Rusty McLean at the head of the line and dumping these people out in the cold while conduct this selective foreclosure hearing?

Evidently, according to Terry Ramey, overhearing remarks at the Jan. 31, 2013 foreclosure hearing, Rusty McLean had a discussion with David Francis, the Haywood County Tax Collector, to put his hearing (a Trustee Deed foreclosure) ahead of the Tax Foreclosure (Sheriff's Deed foreclosure).

That explains when I had asked Sherrie Rogers what type of foreclosure this was, she said: "Simple. This is a Trustee Deed foreclosure".

It is my further understanding that a Sheriff's Deed foreclosure takes precedence over a Trustee Deed foreclosure.

To summarize Complaint #1 against Sam Hyde, why did he omit American Tire, Ball, Marlin and the Town of Waynesville as defendants when he set forth and administered Terry Ramey's foreclosure hearing on Jan. 31, 2013?

Complaint #2.

The original Civil Summons I initially received from Terry Ramey on May 13, 2013 had two curious anomalies. I have addressed the first regarding the missing defendants in Complaint #1. There is a place on page 2 of the Civil Summons for a Sheriff's Deputy signature to verify delivery of the summons. There is no Sheriff's Deputy's signature on the Civil Summons Terry Ramey was served. I asked Terry, why was that? Terry indicated that he knew the deputy, and the deputy didn't agree with the summons, and was not going to sign his signature, but handed the summons over without signing it. A red flag went up.

During my inspection of 12CV1396 on May 31, 2013, I happened to come across that very Civil Summons. I compared it with the copy I had received from Terry Ramey. The copy of that Civil Summons, with the same Haywood County time stamp dated December 14, 2012 and a similar "Received" rubber stamp dated December 2, 2012, had the signature of the Sheriff's Deputy signifying that document had been properly served. (See Civil Summons copied from courthouse file folder).

[Note: When Terry Ramey made copies for me, the setting on his copier were set to "darken", and all of Terry's copies have a dark background].

After presenting this revelation to Terry Ramey, showing and comparing features of the two documents, like the location of the rubber "Receive" stamp, another revelation. The two receive date stamps did not match! Red Flag number two!

(See copies of the Civil Summons from Terry Ramey and the courthouse file which include a magnified image in the area of the "Receive" stamp.) Even to the casual observer, it is clear there are two different sets of this document floating about. To me, this appears to be forgery.

Sam Hyde should have been aware of and be required to explain why there appear to be two different sets of Civil Summons floating about, especially given the sensitive nature of this document in which he later excluded the majority of defendants names when he pressed forward with his ORDER FOR CONTINUANCE (See Complaint #1).

Given that Sam Hyde signed an Oath of Office as an Attorney at Law in the State of North Carolina (see enclosed blank form for your recollection), he is now responsible under

§ 11-11. Oaths of sundry persons; forms.

The oaths of office to be taken by the several persons hereafter named shall be in the words following the names of said persons respectively, after taking the separate oath required by Article VI, Section 7 of the Constitution of North Carolina:

ATTORNEY AT LAW

I, A. B., do swear (or affirm) that I will truly and honestly demean myself in the practice of an attorney, according to the best of my knowledge and ability; so help me, God.

and

**Public Law 96-303, July 3, 1980
"Code of Ethics for Government Service"**

IX. Expose corruption wherever discovered.

(See enclosed "Code of Ethics for Government Service", and Oath of Office in the State of North Carolina.:

This should take precedence over anything in the Rules of Profession Conduct by the North Carolina Bar, [re: <http://haywoodtp.net/pubII/130515ROPC.pdf>].

Complaint #3.

Sam Hyde was aware, as every other lawyer in town was aware, that Terry Ramey was and had been Rusty McLean's client for years and years. Terry Ramey had told Sam Hyde on multiple instances. Sam Hyde should have recused himself from serving as the Probate Judge in a Foreclosure Hearing on January 31, 2013 in which Rusty McLean was causing the foreclosure action against his previous and current client.

Furthermore, it was well known to Sam Hyde that Rusty McLean had loaned his client (Terry Ramey) money when times were tough, and the note Rusty McLean had with Terry was now the device to be used as the wedge to butt in line in front of everyone (Complaint #1) and force the foreclosure. This, by itself is unethical behavior - a lawyer is not supposed to lend his client anything! The problem for Sam Hyde is that he knew about all this illegality and did not nothing to report it. Sam Hyde was aiding and abetting an unethical act. He took an oath to expose corruption wherever discovered [re: **Public Law 96-303, XI**].

See two additional documents:

- A North Carolina Deed of Trust, BK: RB 758, PG: 514-520 dated 04-20-2009, which states:

WITNESSETH, that whereas the Grantor (Terry Ramey) is indebted to the Beneficiary (Rusty McLean) in the principal sum of Fifty-Two Thousand One Hundred Ninety-Five & 74/100 Dollars (\$52,195.74) ...

and

- ORDER ALLOWING FORECLOSURE, case number 12-SP-441, dated and signed by Sam Hyde on 2/26/2013, which states:

2. On April 20, 2009, a properly executed Deed of Trust to Michael T. Jordan, Trustee, securing a properly executed and delivered Promissory Note in the original amount of \$52,195.74 in favor of Russell L. McLean, III, was recorded in the Office of the Register of Deeds for Haywood County, North Carolina.

...

Sam Hyde knew about all of this!

Again, **Public Law 96-303, XI** should take precedence over anything in the Rules of Profession Conduct by the North Carolina Bar.

enc: 130607 Letts Directory, pages 1-3, references Hyde partner in Smathers Law Firm.
Jan. 31, 2013 handwritten notes of foreclosure hearing presided by Sam Hyde
May 13, 2013 handwritten notes of meeting with Sherrie Rogers, Register of Deeds
CIVIL SUMMONS / COMPLAINT TAX FORECLOSURE, dated Dec. 12, 2012
ORDER FOR CONTINUANCE, dated Jan. 3, 2013, signed by Sam Hyde
Handwritten notes for file contents 12CV1396 and 12-SP-441, dated May 31, 2013
Civil Summons copied from courthouse file folder
Magnified copies of Ramey's and Courthouse Civil Summons
NC State Bar Oath of Office (blank form)
Code of Ethics for Government Service, **Public Law 96-303**
Oath of Office in the State of North Carolina
North Carolina Deed of Trust, BK: RB 758, PG: 514-520 dated 04-20-2009
ORDER ALLOWING FORECLOSURE, case number 12-SP-441, signed by Sam Hyde on 2/26/2013

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
(828) 456-3718

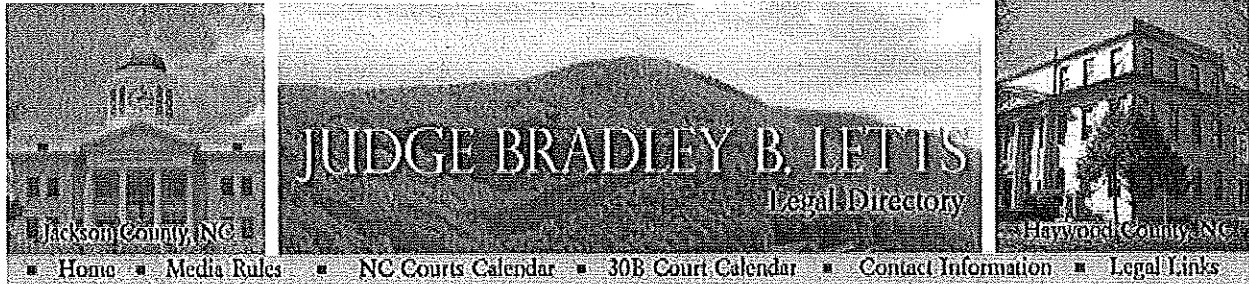
[Notary Stamp Here]

Jurat

Signed and sworn before me _____, on this day, the ____ day of _____, 2013.

Signed: _____

Printed: _____



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- [Local Civil Forms](#)
- [AOC Forms](#)

Legal Directory

Judge Letts has obtained permission from the following attorneys and court personnel from Jackson and Haywood counties to list their contact information on his site as a service to the public.

Haywood County

- [Judges](#)
- [Attorneys](#)
- [Other Court Personnel](#)

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Judges 30th Judicial District

Superior Court Judge 30A

James U. Downs
 Senior Resident Superior Court Judge
 P.O. Box 879
 Franklin, NC 28744

Telephone
 828-524-6414

Fax
 828-349-9835

Marilyn Jones
 Superior Court Trial Court Coordinator

828-524-6414

Superior Court Judge 30B

Bradley B. Letts
 285 N. Main Street
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 Waynesville, NC 28786

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 828-454-6490

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828-454-6512

District Court Judges 30th District

Chief District Court Judge

Richlyn D. Holt
 285 N. Main Street
 Suite 2300
 Waynesville, NC 28786

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 828-454-6511

Fax
 828-454-6446

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 Richard K. Walker
 Kristina Earwood
 Donna Forga
 Roy Wijewickrama

	<u>Telephone</u>	<u>Fax</u>
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Rachel Dotson District Court Judicial Assistant	828-454-6511	828-454-6446

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Haywood County Attorneys

┌

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Zev Haselkorn
145 Wall Street
Waynesville, NC 28786
Phone: (828) 452-9294
E-mail: haselkornz@aol.com

Samuel P. Hyde
(Smathers and Hyde)
118 Main Street, Suite B
Canton, NC 28716
Phone: (828) 648-8240
Fax: (828) 648-3869

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I

[Back to the top of the menu.](#)

J

Bill Jones
367 Dellwood Road, Building B
Waynesville, NC 28786
Phone: (828) 456-2887
Fax: (828) 456-2887
Website: www.attorneybilljones.com

Copy of my Handwritten Notes, 1/31/13, Foreclosure Hearing.
Monroe A. Miller Jr.

SAM HYDE.

1/31/2013

102

10:00a NO Recording

30-60 day Ex Term

A 60k - Heavy Equipment Auctioned off.

Tax Lien order of Sale Entered

Stay ahead of Tax People

Answered next 20-3 days

"YOUR HONOR?"

6 month Note - Been a couple of years

Need of Trust.

From

Power of Sale Clause

51 days most Hyde will grant.

10:15

• 1. Do Hyde's Judge? Ex Facts Probate Judge

• 2. Form to Request Recording? - Got it.

Consent

Enter order Then 70 days

Check DIXON to wait.

Date listed • 70 days From Today

IF Francis accelerates Ex action,

Can only Re Post Power 20 days, cannot move Back.

Agree on Date of Sale Today
if Court Moves forward,

Don't have to set Date of Sale.
Can't change once it is set.

ORDER OF FORECLOSURE ORDERED.

Call Reel
DIXON **TRUSTEE**
McLean
Chuck DIXON
Mrs McLean
Terry Ramsey

MARLIN Corp?
Lateral Party - Not Been
Served
QUICK TAKE

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786

MAY 13 2013

Sherru Rogers

5/13/13

Sherry can Tell
VISUALLY Tell

Sheriff's Deal

(County Forced)
Tax Sale

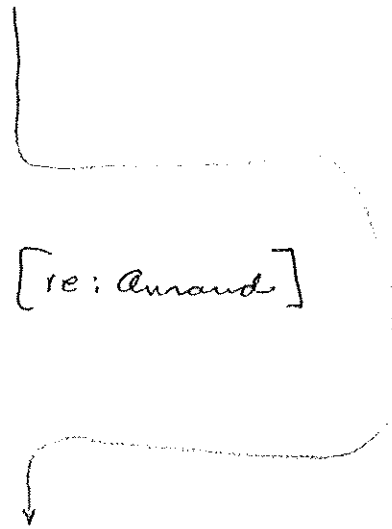
Execution



No way to Search.

Trustee's Deal

of attorney
(has Power to Sell for a Bank)



L LC has bought a lot IRA account [re: Aurand]

2nd Time Francis contacted
Francis Started Fore Closure
PUT ON HOLD
Dec 21, 2013

12 CVD 12 CV 01396

Terry Ramey

Trustee Foreclosure

Terry Ramey owes

Rusty McKeon ←

D/T

Terry owes H.C. Taxes ^{Back}

H.C. County notifies
Rusty McKeon

foreclosure

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786

MICHAEL JORDAN Trustee

Monroe @ Miller 6/8/13

HAYWOOD

County

In The General Court of Justice

District Superior Court Division

Name of Plaintiff
COUNTY OF HAYWOOD, A BODY POLITIC AND CORPORATE

Address
to Mark A. Pinkston, P.O. Box 7376
Asheville, North Carolina 28802-7376

2012 DEC 14 AM 10:03
CIVIL SUMMONS
MAY 13 2013
G.S. 1A-1, Rules 3, 4

VERSUS
Name of Defendant(s)
TERRY E. RAMEY AND ROBIN MORGAN RAMEY (OWNERS), TOWN OF WAYNESVILLE (TAXING AUTHORITY), STATES RESOURCES CORP. (LIENHOLDER), RUSSELL MCLEAN, III (LIENHOLDER), AMERICAN TIRE DISTRIBUTORS, INC. (LIENHOLDER), BALL, BARDEN, & BELL, PA (LIENHOLDER), MARLIN LEASING CORPORATION (LIENHOLDER)

Date Original Summons Issued
Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1
TERRY E. RAMEY (OWNER)
706 HAZELWOOD AVENUE
WAYNESVILLE, NC 28786

Alternate Address
RECEIVED
DEC 21 2012

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and

2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)
Mark A. Pinkston
Van Winkle Law Firm
P.O. Box 7376
Asheville, North Carolina 28802-7376

Date Issued
12/14/12
Time
10:03
 AM PM
Signature
Susan Rozen
 Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement
Time
 AM PM
Signature
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTE TO PARTIES: Many Counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

DEFENDANT 1

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
Name And Address of Person With Whom Copies Left (If corporation, give title of person copies left with)			
<input type="checkbox"/> Other manner of service (specify)			
<input checked="" type="checkbox"/> Defendant WAS NOT served for the following reason:			

DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.			
Name And Address of Person With Whom Copies Left (If corporation, give title of person copies left with)			
<input type="checkbox"/> Other manner of service (specify)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason:			

Service Fee Paid	Signature of Deputy Sheriff Making Return
Date Received	Name of Sheriff (Type or Print)
Date of Return	County of Sheriff

COUNTY OF HAYWOOD, A BODY
POLITIC AND CORPORATE,

Plaintiff,

vs.

TERRY E. RAMEY AND ROBIN
MORGAN RAMEY (OWNERS), TOWN OF
WAYNESVILLE (TAXING AUTHORITY),
STATES RESOURCES CORP.
(LIENHOLDER), RUSSELL L. MCLEAN,
III (LIENHOLDER), AMERICAN TIRE
DISTRIBUTORS, INC. (LIENHOLDER),
BALL, BARDEN, & BELL, PA
(LIENHOLDER), MARLIN LEASING
CORPORATION (LIENHOLDER),

Defendants.

COMPLAINT
TAX FORECLOSURE
NON JURY

NOW COMES the Plaintiff, Haywood County, complaining of the Defendants, and alleges and says as follows:

1. That the Plaintiff is a body politic and corporate of North Carolina and as such has the power and authority to assess, levy, and collect taxes against real and personal property located within its boundaries in accordance with the laws of the State of North Carolina.
2. That upon information and belief, Defendant, Terry E. Ramey and Robin Morgan Ramey (collectively "Owner Defendants"), are citizens and residents of Haywood County, North Carolina.
3. That upon information and belief, Defendant, States Resources Corp., is a corporation organized and existing under and by virtue of the laws of the State of Iowa conducting business in the State of North Carolina.
4. That upon information and belief, Defendant, Russell L. McLean, III, is a citizen and resident of Haywood County, North Carolina.
5. That upon information and belief, Defendant, American Tire Distributors, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware conducting business in the State of North Carolina.

6. That upon information and belief, Ball, Barden, & Bell, P.A., is a Professional Association organized and existing under and by virtue of the laws of the State of North Carolina.
7. That upon information and belief, Defendant, Marlin Leasing Corporation, is a corporation organized and existing under and by virtue of the laws of the State of New Jersey conducting business in the State of North Carolina.
8. That Plaintiff is advised that the Town of Waynesville may have a claim of lien for taxes and/or special assessments due it upon the real estate hereinafter described, and for that reason said defendant is made a party to this action.
9. That the Owner Defendants duly listed for taxes the real estate hereinafter described for the year(s) 2008-2011 or the real estate was lawfully listed for taxation for those years on behalf of the Owner Defendants, and plaintiff lawfully assessed the real estate and levied taxes thereon for these years, which taxes remain unpaid as will hereinafter appear.
10. That there are due and owing to the Plaintiff, taxes which have been duly assessed and levied and that, by operation of Sections 105-355 and 105-356 of the General Statutes, constitute a first lien against the real estate hereinafter described, subject to the provisions of the Revenue Act prescribing the priority of the lien for State taxes.
11. That the amount of the lien including interest thereon as computed under the provisions of Section 105-360 of the General Statutes for each of the years indicated, together with any penalties and or cost charged thereon, not including applicable costs and attorney's fees, is set out below following the description of each tract, parcel, or lot to which the lien applies:

The real estate is shown on the Haywood County Tax Records as Parcel Identification Number ("PIN") 8605-73-1634, and is that certain parcel, tract or lot of real estate situated in Waynesville Township, Haywood County, North Carolina described in Deed Book 449, at Page 1123, Haywood County, North Carolina Registry and is more particularly described as follows:

BEGINNING at a point in the Easternmost corner of the Ruth Noland Burgin property (89E-185, Haywood County), which point is the Southernmost corner of the W. F. Duncan property (Deed Book 129, Page 498, Haywood County Registry), and running thence on a common boundary with the said Ruth Noland Burgin South 15 deg. 03 min. 21 sec. East 187.97 feet to a point in the center of the asphalt street known as West Main Street (formerly Hazelwood, North Carolina, now Waynesville, North Carolina), and running thence with said West Main Street two (2) calls as follows: on a curve to the right (clockwise) with a radius of 386.04 feet, an arc distance of 106.62 feet (chord bearing North 78 deg. 10 min. 35 sec. West, chord 106.28 feet); thence North 70 deg. 15 min. 53 sec.

12. That all of such taxes remain due and owing to Plaintiff, although demand has been made for the payment thereof.
13. That Legal Fees, Costs and other charges allowed by Law are not included in the amounts set forth above, which in addition to taxes and interest, must be paid in order for this action to be dismissed. For a current payoff, please contact Mark A. Pinkston at 828-258-2991.
14. That taxes for subsequent years may accrue or become due upon the property before termination of this action; that such subsequently accruing taxes will also constitute a lien upon the real estate; that Plaintiff will present to the Court the certificate of the Tax Collector for Haywood County with respect to such taxes at the time such judgment is prayed for herein and will ask that such subsequent taxes be included in the judgment. A credit will be given for any and all amounts paid by Owner Defendants.
15. The interest of the Defendant(s) above-named other than the Owner Defendants, as disclosed by the public records of Haywood County, North Carolina, is set out in the Appendix attached hereto, and is incorporated herein by reference as if fully set forth herein.
16. In the event that payment of taxes is tendered before the judgment of sale is confirmed, Defendants are given notice that before this action will be dismissed, the costs of this action and of collection must be paid, including attorney's fees; and that Defendants have a right to a hearing before the Court on the amount of attorney's fees.

WHEREFORE, the Plaintiff, respectfully prays the Court as follows:

1. That the Plaintiff have and recover a judgment against the Owner Defendants hereinabove described for the amount of the taxes, interest, costs and attorney's fees due it as set out above plus any subsequently accruing taxes and penalties, interest, attorney's fees and costs thereon as allowed by law and the costs of this action less any amounts paid by the owner of the property; and that said taxes, interest, attorney's fees and costs be declared a first lien upon the real estate hereinabove described.
2. That a Commissioner be appointed to sell the Property hereinabove described after due advertisement and in accordance with law and under the direction of this Court, and to deliver to the Purchaser at such sale a Deed to said real estate in fee simple, free and clear of all encumbrances, and that the interests and the equities of redemption of any person or entity having any interest in and to said Property be forever barred and foreclosed.

3. That the Commissioner be ordered to pay from the proceeds of the sale of the Property the taxes, penalties, interest, attorney's fees and costs due the Plaintiff, together with the costs of this action and the Commissioner's fees, and to pay the surplus, if any, to such parties that may be entitled thereto or pay it into the Court for the benefit of said parties.
4. For such other and further relief as the Court may deem just and proper.

THIS THE 19th day of December, 2012.

VAN WINKLE, BUCK, WALL,
STARNES AND DAVIS, P.A.

By: 

MARK A. PINKSTON

North Carolina State Bar Number: 16789

Attorney for Plaintiff

11 North Market Street (28801)

Post Office Box 7376

Asheville, North Carolina 28802-7376

(828) 258-2991 (Telephone)

(828) 257-2767 (Facsimile)

(26066-375)

APPENDIX

DEEDS OF TRUST

1. Deed of Trust executed by Terry E. Ramey and his wife, Robin Morgan Ramey to TRSTE, Inc., Trustee for First Union National Bank of North Carolina recorded in Book 374, Page 2090, of the Haywood County Register of Deeds in the amount of \$162,000:00 ("Deed of Trust I"). Deed of Trust I was subsequently assigned to States Resources Corp. by Assignment of Mortgage and other Recorded Documents recorded in Book 673, at Page 228 of the Haywood County, North Carolina Registry.
2. Deed of Trust executed by Terry E. Ramey, a single man and Robin Morgan Ramey, a single woman to Michael T. Jordan, attorney at law, Trustee for Russell L. McLean, III recorded in Book RB 758, Page 514, of the Haywood County Register of Deeds in the amount of \$52,195.74.

JUDGMENTS

1. Judgment against Terry Ramey d/b/a Ramey Wrecker Service, the Defendant therein, in favor of American Tire Distributors, Inc., the Plaintiff therein, in the amount of \$ 14,465.56 plus interest and costs, File No. 03 CVD 376 of the Wilson County Clerk of Court's Office and Transcript File Number 03 M 112 of the Haywood County Clerk of Court's Office.
2. Judgment against Terry Ramey and Robin Ramey, the Defendants therein, in favor of Ball, Barden, & Bell, PA, the Plaintiff therein, in the amount of \$2,990.84 plus interest and costs, File No. 03 CVD 272 of the Buncombe County Clerk of Court's Office and Transcript File Number 03 M 77 of the Haywood County Clerk of Court's Office.
3. Judgment against Terry Ramey, the Defendant therein, in favor of Marlin Leasing Corporation, the Plaintiff therein, in the amount of \$22,452.00 plus interest and costs, File No. 05 CVS 104 of the Haywood County Clerk of Court's Office.

OTHER LIENS AND INTERESTS

Town of Waynesville taxes owing for 2003-2012 in the amount of \$12,507.98 as of 12/13/2012.

and running thence with the center of Richland Creek eleven (11) calls as follows: North 27 deg. 33 min. 41 sec. West 452.29 feet to a point; thence North 23 deg. 36 min. 35 sec. West 51.42 feet to a point; thence North 14 deg. 22 min. 28 sec. East 59.61 feet to a point; thence North 57 deg. 11 min. 28 sec. East 63.16 feet to a point; thence North 57 deg. 11 min. 48 sec. East 68.49 feet to a point; thence North 28 deg. 24 min. 22 sec. East 36.41 feet to a point; thence North 37 deg. 29 min. 23 sec. East 33.13 feet to a point; thence North 16 deg. 41 min. 32 sec. East 66.35 feet to a point; thence North 27 deg. 43 min. 59 sec. East 53.58 feet to a point; thence North 29 deg. 50 min. 40 sec. East 49.67 feet to a point; thence North 27 deg. 58 min. 18 sec. East 91.09 feet to a point; thence leaving the center of Richland Creek and running on a common boundary with Robert E. Forga (Deed Book 274, Page 66, Haywood County Registry), South 16 deg. 34 min. 20 sec. East 44.49 feet to a point in the Northwesternmost corner of Nicholas Mastriana (Deed Book 375, Page 1045 and Deed Book 376, Page 846, Haywood County Registry), and running thence on a common boundary first with said Mastriana and thence with Robert E. Forga (Deed Book 274, Page 66, Haywood County Registry), South 16 deg. 34 min. 20 sec. East 188.67 feet to a point marked by an iron set in the Westernmost corner of Lloyd Blanton (Deed Book 115, Page 269, Haywood County Registry), and running thence on a common boundary with said Lloyd Blanton, South 15 deg. 53 min. 50 sec. East 250.01 feet to a point marked by an iron found in the Westernmost corner of Jarvis B. Brock (Deed Book 378, Page 719, Haywood County Registry), and running thence on a common boundary with said Jarvis B. Brock, Paul Brock Heirs (Deed Book 77, Page 192, Haywood County Registry), Naomi Palmer Hall (Deed Book 178, Page 518, Haywood County Registry), Frank W. Duncan (Deed Book 343, Page 433, Haywood County Registry), and W. F. Duncan (Deed Book 129, Page 498, Haywood County Registry), South 16 deg. 57 min. 36 sec. East 343.48 feet to the point of BEGINNING. Said tract containing 5.810 acres, according to the plat of survey titled, "Plat Prepared for Terry E. & Robin M. Ramey", by J. Randy Herron, R.L.S., dated September 6, 1995, being drawing number 2233-422-A.

SUBJECT TO any and all easements, covenants, conditions, rights of way, and restrictions of record.

Taxes currently Due and Payable:

Tax Year	Amount (including Interest)
2008	\$1,207.87
2009	\$1,214.47
2010	\$414.47
2011	\$4,447.47
2012	\$1,364.08
Total Taxes and Interest Due:	\$8,711.32

IN THE MATTER OF THE FORECLOSURE by)
 CLARENCE H. DICKSON, III, Substitute)
 Trustee of a Deed of Trust executed by)
 TERRY E. RAMEY (single) and)
 ROBIN MORGAN RAMEY (single), dated)
 April 13, 2009, and recorded on)
 April 20, 2009, in Book 758 at Page)
 514, of the Haywood County Public)
 Registry.)

MAY 13 2013

ORDER FOR CONTINUANCE

HAYWOOD COUNTY, N.C. S.C.

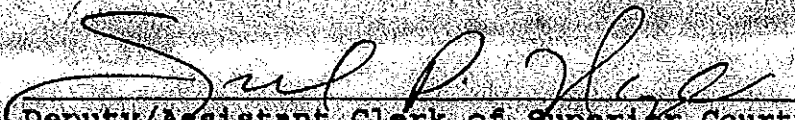
2013 MAY -3 AM 10:01

FILED

Upon motion of Caleb Decker, attorney for Terry Ramey, and upon motion of Trustee, the hearing in this matter is continued until

Jan 24, 2013

This 3rd day of January, 2013.


 Deputy/Assistant Clerk of Superior Court
 Haywood County, North Carolina

CV 1396

12/14/12 Van Winkle

2/1/13 Rusty McLean

3/1/12 Rusty McLean

?

3/1/13 Motion To Dismiss and Answer Haywood Co + Russell McLean

3/1/13 Entry of Default June Ray

3/1/12 " Van Winkle

3/1/13 Affidavit, Entry of Default Van Winkle

3/1/13 Order for Extension of Time Clerk of Court

3/1/13 Motion for Extension of Time McLean

3/1/13 Affidavit of Service of Process By Cert Mail (Cert Receipts by Terry Roney)

3/21/13 Civil Summons Affidavit of Service 1/2/13

(Cert Receipt - Heather Somers 12/27/12)

(Cert Receipt - Phyllis McClure) 12/27/12

(Cert Receipt - POOVEY 12/27/12)

(Cert Receipt - Roney 12/27/12)

3/21/12 Civil Summons Deputy Signature DUSTIN JOAN ?

3 Civil Summons. 2 signed, one Not.
None look like my copy.

3/14/12 Complaint Tax Foreclosure Non Jay Mail Parulista

Deed of Trust Book 758 Page 514 \$52,195.74

Judgment: American Turf 14,465.56 03 CVD 376

Ball 2,990.84 03 CVD 272

Marlin 22,452 05 CVS 104

3/1/12 Complaint Tax Foreclosure Van Winkle
PIN 86 05-78-1634

Town of Waymire 12,507 Monroe A Miller Jr. 4/8/13

3/1/12 Civil Summons

4 Includes Rusty McLean

Right Side of Folder

- 4-26-13 Report of Foreclosure Roster McLean 66,452.87
- 4/25/13 Notice of Sale Clarence Reubin
- 1/31/13 Order Allowing Foreclosure Clarence Reubin
- 1/31/13 Memoranda of Judgment McLean Ramney, Cadel.
- 1/31/13 Deed of Trust
- 4/13/09 Promissory Note 52,195.74 McLean by Ramney
- 12/4/12 Notice Statement of Debt
- 1/31/13 Substitution of Trustees
- 1/28/13 Order for Continuance Clerk
- 1/28/13 " " Reubin
- 1/31/13 Request to Sine Note Clerk
- 1/31/13 " " Reubin
- 1/31/13 Order for Continuance Clerk
- 1/31/13 " " Reubin
- 1/2/13 Motion Reubin
- 12/4/12 Request to Sine Note Clerk
- 12/4/12 Notice of Hearing Reubin
- 12/4/12 Request To Sine Clerk

Left Side of Folder

5/21/13	Notice of Liquidated Bid	Singleton	137,812	Δ6K
5/20/13	"	MANAY LLC	Los Vegas 131,250	Δ6K
5/8/13	"	Singleton	125,000	Δ30K
5/7/13	"	Manay	94,500	Δ4K
5/3/13	"	Manay	[]	Δ4K
5/1/13	"	TEOY		
4/25/13	"	TEOY, MUSE (Keratan)	90,000	Δ17K
4/25/13	"	Manay	73,264.30	
		Singleton	69,775.52	Δ4K

Email 12:15P

Reubin not see 1/3/13 Order for Continuance Signed by Sam Hyde!

STATE OF NORTH CAROLINA

12CV 01396
File No. 12 CVD

HAYWOOD County

FILED

In The General Court of Justice

District Superior Court Division

Name of Plaintiff
COUNTY OF HAYWOOD, A BODY POLITIC AND
CORPORATE

DEC 14 AM 10:03

MAY 31 2013

CIVIL SUMMONS

Address
c/o Mark A. Pinkston P.O. Box 7376
City, State, Zip
Asheville North Carolina 28802-7376

Alias and Pluries Summons

VERSUS

G.S. 1A-1, Rules 3, 4

Name of Defendant(s)
TERRY E. RAMEY AND ROBIN MORGAN RAMEY
(OWNERS), TOWN OF WAYNESVILLE (TAXING
AUTHORITY), STATES RESOURCES CORP.
(LIENHOLDER), RUSSELL L. MCLEAN, III (LIENHOLDER),
AMERICAN TIRE DISTRIBUTORS, INC. (LIENHOLDER),
BALL, BARDEN, & BELL, PA (LIENHOLDER), MARLIN
LEASING CORPORATION (LIENHOLDER)

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1
TERRY E. RAMEY (OWNER)
706 HAZELWOOD AVENUE
WAYNESVILLE, NC 28786

Alternate Address

RECEIVED

DEC 21 2012

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

BY

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)
Mark A. Pinkston
Van Winkle Law Firm
P.O. Box 7376
Asheville, North Carolina 28802-7376

Date Issued 12/14/12 Time 10:03 AM PM
Signature *A. Susan Rozen*
 Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement Time AM PM
Signature
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTE TO PARTIES: Many Counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served <i>12/28/2012</i>	Time Served <i>11:29</i>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Name of Defendant <i>JERRY E. ARMEY</i>
----------------------------------	-----------------------------	--	--

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name of Defendant
-------------	-------------	---	-------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to person named below.

Name And Address of Person With Whom Copies Left (if corporation, give title of person copies left with)

Other manner of service (specify)

Defendant WAS NOT served for the following reason.

Service Fee Paid \$	Signature of Deputy Sheriff Making Return <i>Dustin Turner</i>
Date Received <i>12/21/2012</i>	Name of Sheriff (Type or Print) <i>B. SUITZELS</i>
Date of Return <i>12/28/2012</i>	County of Sheriff <i>WAYWOOD</i>

2013 JAN -2 PM 12:10
 CLERK OF SUPERIOR COURT
 C.S.C.

RECEIVED

DEC 21 2012

BY

plaintiff as follows:

for the plaintiff or plaintiff's attorney within thirty (30) days
or by delivering a copy to the plaintiff or by mailing it to the

Superior Court of the county named above.

the Court for the relief demanded in the complaint.

Date Issued

12/14/12

Time

10:03

AM

PM

Signature

Deputy

STATE OF NORTH CAROLINA

HAYWOOD County

FILED

In The General Court of Justice

District Superior Court Division

Name of Plaintiff
COUNTY OF HAYWOOD, A BODY POLITIC AND CORPORATE
Address
c/o Mark A. Pinkston P.O. Box 7376
City, State, Zip
Asheville North Carolina 28802-7376

2012 DEC 14 AM 10:03
HAYWOOD COUNTY, C.S.C.

MAY 31 2013

CIVIL SUMMONS

Alias and Pluries Summons

VERSUS

G.S. 1A-1, Rules 3, 4

Name of Defendant(s)
TERRY E. RAMEY AND ROBIN MORGAN RAMEY (OWNERS), TOWN OF WAYNESVILLE (TAXING AUTHORITY), STATES RESOURCES CORP. (LIEN HOLDER), RUSSELL L. MCLEAN, III (LIENHOLDER), AMERICAN TIRE DISTRIBUTORS, INC. (LIENHOLDER), BARDEN, BARDEN, & BELL, PA (LIENHOLDER), MARLIN LEASING CORPORATION (LIENHOLDER)

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1
TERRY E. RAMEY (OWNER)
708 HAZELWOOD AVENUE
WAYNESVILLE, NC 28786

Alternate Address

RECEIVED

DEC 21 2012

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

BY _____

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)
Mark A. Pinkston
Van Winkle Law Firm
P.O. Box 7376
Asheville, North Carolina 28802-7376

Date Issued 12/14/12 Time 10:03 AM PM

Signature Susan Roan
 Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

Date of Endorsement Time AM PM

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this summons must be served is extended sixty (60) days.

Signature
 Deputy CSC Assistant CSC Clerk of Superior Court

NOTICE TO PARTIES: Many Counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

BAYWOOD COUNTY CLERK OF COURT

109430 05/31/13 12:17:29

PAID BY MILLER, MONROE
PAID FOR COPIES
CASE: VCAP:IN
CITIZEN:

2100 COPY FEES	2.50
TOTAL PAID	2.50
CASH TENDERED	3.00
CHANGE	.50

1094 ID C43CWM

JUN 7 2013

THE NORTH CAROLINA STATE BAR

_____ County

Re: Oath of Office as an Attorney at Law

I, _____, do solemnly swear that I will support the Constitution of the United States; so help me God.

I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, _____, do swear that I will truly and honestly demean myself in the practice of an Attorney, according to the best of my knowledge and ability, so help me God.

Signature of Petitioner

_____ has been presented to the undersigned judge presiding of the General Court of Justice in open court for admission to the practice of law in North Carolina by a duly licensed North Carolina attorney. The attorney for admission has exhibited to the Court a certificate of license to practice law in North Carolina issued by the North Carolina Board of Law Examiners. The attorney for admission has taken the oaths prescribed for attorneys before the undersigned. The attorney for admission is entitled to be admitted to the practice of law in North Carolina.

IT IS ORDERED that _____ be and is hereby admitted to the practice of law in all the Courts of this State.

This the _____ day of _____, 20 _____.

Judge Presiding

_____ Court Division
General Court of Justice



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You are 1 of 399 active visitors

FINISH DATE: 07/2013



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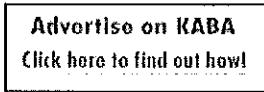


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> Suggested Reading > Oaths Taken Before Taking Office or Position Search: [] GO!

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Oath of Office in the State of North Carolina

Compiled by KeepAndBearArms.com with the help of friends. Most notably was Jeff Rau, Grassroots North Carolina Inter-organizational Coordinator

He who cheats on an oath acknowledges that he is afraid of his enemy, and he thinks little of God. ~~ Plutarch

If you are a public servant in the State of North Carolina or any city, town, county or municipality thereof and are not abiding by your oath of office, you are operating outside the law. At least two generations of political and social pressures have urged disregard of certain of your most important legal duties, and the time has come to say enough is enough. Below are Federal and state laws and statutes by which you MUST abide.

- The North Carolina Constitution's Requirement to Take the Oath of Office
The North Carolina Statute's Requirement to Take the Oath of Office
The Actual Oath of Office Public Servants in North Carolina are Required to Take
The North Carolina Constitution on the Right to Keep And Bear Arms
The U.S. Constitution on the Right to Keep And Bear Arms
The U.S. Constitution Comes Before Statutes, Edicts, Ordinances, Rules or Regulations
The Civil Rights Act (every violator of rights is liable)
Public Law 96-303, Code of Ethics for Government Service
Links to All 50 State Constitutions
All 50 State Constitutions on the Right to Keep And Bear Arms

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YOUR VOTE COUNTS



Do you support or oppose the Obama Administration's plan for a U.N. Arms Trade Treaty?

- Support
- Oppose
- Undecided



Current results
Earlier poll results
13216 people voted

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- » [Colt Collectors Assoc.](#)
- » [Personal Defense Solutions](#)

The North Carolina Constitution's Requirement to take the Oath of Office

Article 6. Suffrage and Eligibility to Office

Sec. 7. Oath:

Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as, so help me God."

Source: <http://www.ncga.state.nc.us/html2001/LegInfo/constitution/article6.html>

Governor

Article 3, Executive

Sec. 4. Oath of office for Governor.

The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of governor.

Source: <http://www.ncga.state.nc.us/html2001/leginfo/constitution/article3.html>

General Assembly

Article 2, Legislative

Sec. 12. Oath of members.

Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Source: <http://www.ncga.state.nc.us/html2001/leginfo/constitution/article2.html>


[back to top](#)

The North Carolina Statute's Requirement to take the Oath of Office

Chapter 11. Oaths.

ARTICLE 1. General Provisions.

§ 11-7. Oath or affirmation to support Constitutions; all officers to take.

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Every member of the General Assembly and every person elected or appointed to hold any office of trust or profit in the State shall, before taking office or entering upon the execution of the office, take and subscribe to the following oath:

"I,, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."(1781, c. 342, s. 1, P.R.; R.C., c. 76, s. 4; Code, s. 3312; Rev., s. 2358; C.S., s. 3194; 1985, c. 756, s. 5.)

Source: <http://www.ncga.state.nc.us/statutes/statutes%5fin%5fhtml/chp0110.html>

Also in this section of statutes:

- § 11-1. Oaths and affirmations to be administered with solemnity.
- § 11-2. Administration of oaths.
- § 11-3. Administration of oath with uplifted hand.
- § 11-4. Affirmation in lieu of oath.
- § 11-5. Oaths of corporations.
- § 11-7.1. Who may administer oaths of office.

Source: <http://www.ncga.state.nc.us/statutes/statutes%5fin%5fhtml/chp0110.html>

[back to top](#)

The Actual Oath of Office Public Servants in North Carolina are Required to Take

This One Comes First:

§ 11-7. Oath or affirmation to support Constitutions; all officers to take.

Every member of the General Assembly and every person elected or appointed to hold any office of trust or profit in the State shall, before taking office or entering upon the execution of the office, take and subscribe to the following oath:

"I,, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."(1781, c. 342, s. 1, P.R.; R.C., c. 76, s. 4; Code, s. 3312; Rev., s. 2358; C.S., s. 3194; 1985, c. 756, s. 5.)

Source: <http://www.ncga.state.nc.us/statutes/statutes%5fin%5fhtml/chp0110.html>

Then The Following Officers Have Another Oath to Take:

ARTICLE 2. Forms of Official and Other Oaths.



ABOUT SSL CERTIFICATES

§ 11-11. Oaths of sundry persons; forms.

The oaths of office to be taken by the several persons hereafter named shall be in the words following the names of said persons respectively, **after taking the separate oath required by Article VI, Section 7 of the Constitution of North Carolina:**

Administrator, Attorney at Law, Attorney General, State District Attorneys and County Attorneys, Auditor, Book Debt Oath, Book Debt Oath for Administrator, Clerk of the Supreme Court, Clerk of the Superior Court, Commissioners Allotting a Year's Provisions, Commissioners Dividing and Allotting Real Estate, Executor, Grand Jury--Foreman of, Grand Jurors, Grand Jury--Officer of, Jury--Officer of, Oath for Petit Juror, Justice, Judge, or Magistrate of the General Court of Justice, Register of Deeds, Secretary of State, Sheriff, Law Enforcement Officer, State Treasurer, Surveyor for a County, Treasurer for a County, Witness to Depose before the Grand Jury, Witness in a Capital Trial, Witness in a Criminal Action, Witness in Civil Cases, Witness to Prove a Will, Witness before a Legislative Committee or Commission

Source: <http://www.ncga.state.nc.us/statutes/statutes%5fin%5fhtml/chp0110.html>

NOTE: All oaths mentioned in Chapter 11 are to be taken **AFTER** taking the oath in Article VI, Section 7.

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North Carolina Constitution on the right to keep and bear arms (defending life and liberty, protecting property, pursuing and obtaining safety, happiness, privacy)

Article 1, Section 30

Militia and the right to bear arms

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

Source: <http://www.ncga.state.nc.us/html2001/leginfo/constitution/article1.html>

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U.S. Constitution on the right to keep and bear arms

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Source: Bill of Rights, Second Amendment (ratified 1791, and still the Law of the Land)

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The Constitution Comes Before Statutes, Edicts, Ordinances, Rules or Regulations

Article VI, U.S. Constitution

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

From Law.Cornell.Edu:

"This means that state governments and officials cannot take actions or pass laws that interfere with the Constitution, laws passed by Congress, or treaties. The Constitution was interpreted, in 1819, as giving the Supreme Court the power to invalidate any state actions that interfere with the Constitution and the laws and treaties passed pursuant to it. That power is not itself explicitly set out in the Constitution but was declared to exist by the Supreme Court in the decision of McCulloch v. Maryland."

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CIVIL RIGHTS ACT

42 U.S.C. Chapter 21

SUBCHAPTER I--GENERALLY

Sec. 1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. Sec. 1979; Pub. L. 96-170, Sec. 1, Dec. 29, 1979, 93 Stat. 1284.)

Source: For date law was enacted, history of law, amendments (slight, and very much intact in spirit), go here: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC1983

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PUBLIC LAW 96-303

CODE OF ETHICS FOR GOVERNMENT SERVICE (signed into law on July 3, 1980)

ANY PERSON IN GOVERNMENT SERVICE SHOULD:

I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

- II. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
- III. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
- IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- V. Never discriminate unfairly by the dispensing of special favors or
- VI. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
- VII. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
- VIII. Never use any information gained confidentially in the performance of government duties as a means for making private profit.
- IX. Expose corruption wherever discovered.
- X. Uphold these principles, ever conscious that public office is a public trust.

DECA Poster 80-3, Feb 94

When this law was passed, it included a requirement for posting the above in government facilities. That requirement was later repealed. ([Source 1](#), [Source 2](#)) But the law itself is still very much a LAW.

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U.S. State Constitutions

Alabama	Hawaii	Massachusetts	New Mexico	South Dakota
Alaska	Idaho	Michigan	New York	Tennessee
Arizona	Illinois	Minnesota	North Carolina	Texas
Arkansas	Indiana	Mississippi	North Dakota	Utah
California	Iowa	Missouri	Ohio	Vermont
Colorado	Kansas	Montana	Oklahoma	Virginia
Connecticut	Kentucky	Nebraska	Oregon	Washington
Delaware	Louisiana	Nevada	Pennsylvania	West Virginia
Florida	Maine	New Hampshire	Rhode Island	Wisconsin
Georgia	Maryland	New Jersey	South Carolina	Wyoming

State Constitutions on the Right to Keep And Bear Arms

North Carolina Constitution

<http://www.ncga.state.nc.us/html2001/LegInfo/constitution/ncconstitution.html>

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QUOTES TO REMEMBER

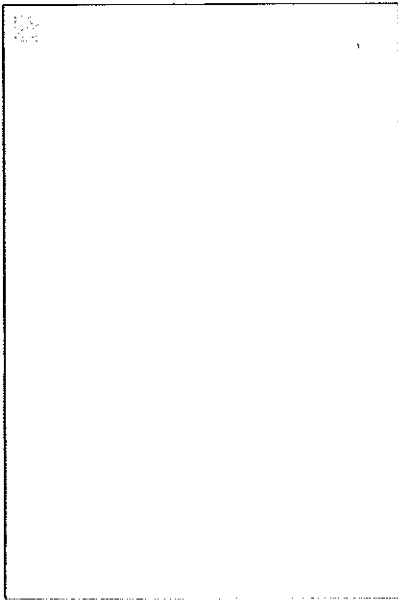
The real destroyer of the liberties of the people is he who spreads among them bounties, donations and benefits. —PLUTARCH

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CODE OF ETHICS FOR GOVERNMENT SERVICE

House Concurrent Resolution No. 175, July 11, 1958, 72 Stat. B12, provided for a Code of Ethics for all Government employees, including officeholders. See Public Law 96-303, set out below.

DISPLAY IN FEDERAL BUILDINGS OF CODE OF ETHICS FOR GOVERNMENT SERVICE

Public Law 96-303, July 3, 1980, 94 Stat. 855, provided: "That, under such regulations as the Administrator shall prescribe, each agency shall display in appropriate areas of Federal buildings copies of the Code of Ethics for Government Service.

"Section 2 (a) The Administrator shall provide for the publication of copies of such Code of Ethics and for their distribution to

agencies for use under the first section of this Act.

"(b) The Administrator may accept on behalf of the United States any unconditional gift made for the purposes of this Act.

"Section 3. For purposes of this Act -

"(1) the term 'agency' means an Executive agency (as defined by Section 105 of Title 5, United States Code), the United States Postal Service, and the Postal Rate Commission;

"(2) the term 'Administrator' means the Administrator of the General Services Administration;

"(3) the Code of Ethics for Government Service shall read as follows -

"CODE OF ETHICS FOR GOVERNMENT SERVICE

"Any person in Government service should:

"I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"II. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.

"III. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.

"IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

"V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

"VI. Make no private promises of any kind binding upon the duties of office, since a Governmental employee has no private word which can be binding on public duty.

"VII. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.

"VIII. Never use any information gained confidentially in the performance of governmental duties as a means of making a private profit.

"IX. Expose corruption wherever discovered.

"X. Uphold these principles, ever conscious that public office is a public trust.

Your agency ethics official and the Office of Government Ethics are available to answer questions on conflicts of interest; and

"(4) the term 'Federal building' means any building in which at least 20 individuals are regularly employed by an agency as civilian employees.

"Section 4. The provisions of this Act shall take effect October 1, 1980. There shall be no costs imposed on the Federal Government for the printing, framing, or other preparation of the Code of Ethics for Government Service under this Act."

[Corpus Justice Index] [Houston Progressive Index]

JUN 8 2013



2009003620

HAYWOOD CO, NC FEE \$42.00

PRESENTED & RECORDED:

04-20-2009 11:43:32 AM

AMY R. MURRAY

REGISTER OF DEEDS
BY DEB SCHEFFER
DEPUTY

BK: RB 758

PG: 514-520

NORTH CAROLINA DEED OF TRUST

Mail after recording to: Russell L. McLean, III

Prepared by: Russell L. McLean, III

Parcel Identifier No.:

SATISFACTION: This debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____, 20____.

Signed: _____

THIS DEED OF TRUST made this 13th day of April, 2009, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
Terry E. Ramey, a single man Robin Morgan Ramey, a Single woman	Michael T. Jordan Attorney At Law	Russell L. McLean, III

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that whereas the Grantor is indebted to the Beneficiary in the principal sum of Fifty-Two Thousand One Hundred Ninety-Five & 74/100 Dollars (\$52,195.74), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is December 13, 2009.

JUN 8 2013

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
BEFORE THE CLERK
12-SP-441

IN THE MATTER OF THE FORECLOSURE by)
CLARENCE H. DICKSON, III, Substitute)
Trustee of a Deed of Trust executed by)
TERRY E. RAMEY (single) and)
ROBIN MORGAN RAMEY (single), dated)
April 13, 2009, and recorded on)
April 20, 2009, in Book 758 at Page)
514, of the Haywood County Public)
Registry.)

ORDER ALLOWING
FORECLOSURE

REC'D BY THE CLERK
JUN 10 2013

TO: CLARENCE H. DICKSON, III, Substitute Trustee

THIS CAUSE, heard before the undersigned Assistant Clerk of Superior Court of Haywood County, North Carolina, on January 31, 2013, pursuant to N.C.G.S Chapter 45 to determine whether foreclosure shall be allowed. The Clerk, having heard the evidence and having examined the relevant documents, does hereby find as follows:

1. The Notice of Hearing was properly served upon the interested parties, pursuant to Orders to Serve issued on December 4, 2012, and January 3, 2013. This service occurred at least Ten (10) days prior to the date of this hearing in accordance with the service of process requirements as set forth in the North Carolina General Statutes, and that the service requirement in this action has been satisfied in accordance with North Carolina law.
2. On April 20, 2009, a properly executed Deed of Trust to Michael T. Jordan, Trustee, securing a properly executed and delivered Promissory Note in the original amount of \$52,195.74 in favor of Russell L. McLean, III, was recorded in the Office of the Register of Deeds for Haywood County, North Carolina. On December 4, 2012, Clarence H. Dickson, III, was substituted as Trustee (Book 836 at Page 1024).
3. That certain Promissory Note dated April 13, 2009, and properly secured with that Deed of Trust recorded April 20,

2009, in Book 758 at Page 514, is evidence of a valid debt against the makers thereof.

4. That Deed of Trust recorded April 20, 2009 in Book 758 at Page 514 contains a valid power of sale vested in the Trustee, granting to the Trustee the right to foreclose in the event of a default in the secured obligation.

5. A default has occurred under the provisions of the Promissory Note and Deed of Trust, and the holder thereof has, within Thirty (30) days of the issue of the Notice of Hearing in this matter, caused a written statement which claimed default, accelerated the debt, and indicated the amount of principal, interest and expenses owed as of the date of said statement. And such default entitles the Acting Trustee to foreclose and expose the subject property to a public sale to satisfy the debt.

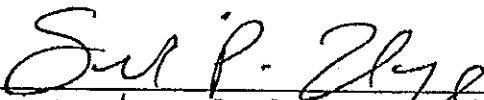
6. That the Promissory Note and underlying obligation is not a "sub prime" loan or "Home Loan" loan as defined in N.C.G.S. Chapter 45-101, and is not subject to notice requirements as set forth in N.C.G.S. Chapter 45-102.

7. That the foreclosure is not prohibited by N.C.G.S. 45-21.12A.

NOW, THEREFORE, it is hereby ORDERED, ADJUSTED AND DECREED that Clarence H. Dickson, III, Substitute Trustee, may proceed to foreclose under the power of sale granted under that Deed of Trust recorded on April 20, 2009, in Book 758 at Page 514 of the Haywood County Register's Office, after giving Notice of Sale to all parties entitled to such notice in accordance with the terms of the Deed of Trust and pursuant to the process set forth in the North Carolina General Statutes.

Issued this 31st day of January, 2013.

Signed 2/26/13



Clerk of Superior Court



The North Carolina State Bar
Grievance Committee

John M. Silverstein, Chair
217 East Edenton Street (27601)
Post Office Box 25908
Raleigh, North Carolina 27611
Telephone (919) 828-4620
Fax: (919) 834-8156
Web: www.ncbar.gov

April 21, 2014

APR 24 2014

Mr. Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786

Re: Grievance against Attorney Samuel Paul Hyde
Our file number: 13G0507

Dear Mr. Miller:

Thank you for submitting the above-captioned grievance to the North Carolina State Bar for review.

Your grievance was reviewed by the Chair of the Grievance Committee and a staff attorney with the State Bar's Office of Counsel. After careful consideration of all of the material provided, it was determined that the available information did not show that the attorney's conduct violated the Rules of Professional Conduct. The grievance was therefore dismissed.

If you have questions about this matter you may contact Susannah Cox, the staff attorney assigned to this file. Again, thank you for writing to the State Bar with your concerns.

Sincerely yours,

John M. Silverstein, Chair
Grievance Committee

JMS/lb