

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2016 MAY -3 PM 12:18 FILE NO: 16-CVS-405

MARK R. MELROSE, Individually, HAYWOOD COUNTY, C.S.C.
and as Guardian Ad Litem for
MADISON MELROSE, a Minor Child, _____

Plaintiffs,

v.

**ORDER APPOINTING
GUARDIAN AD LITEM**

THE HAYWOOD COUNTY BOARD OF EDUCATION,

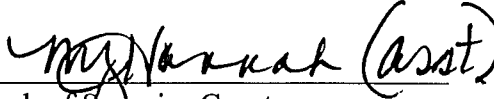
Defendant.

On motion that Mark R. Melrose be appointed as Guardian ad Litem for minor Plaintiff Madison Melrose and it appearing that Mark R. Melrose is the legal guardian and father of Plaintiff Madison Melrose and it appearing further that Mark R. Melrose is a discreet and appropriate person to be Guardian ad Litem of minor Plaintiff Madison Melrose.

It is therefore **ORDERED** that:

1. Mark R. Melrose be appointed Guardian ad Litem for the Plaintiff Madison Melrose for the purpose of prosecuting this action.

This the 03rd day of May, 2016.


Clerk of Superior Court

FILED

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
2016 MAY -3 PM 12:13 SUPERIOR COURT DIVISION

HAYWOOD COUNTY, C.S.C.

FILE NO: 16-CVS- 405

MARK R. MELROSE, Individually,
and as Guardian Ad Litem for
MADISON MELROSE, a Minor Child,

Plaintiffs,

v.

**MOTION FOR APPOINTMENT
OF GUARDIAN AD LITEM**

THE HAYWOOD COUNTY BOARD OF EDUCATION,

Defendant.

The undersigned applicant moves the Court pursuant to Rule 17 of the North Carolina Rules of Civil Procedure and respectfully shows the Court the following:

1.

The undersigned applicant Mark R. Melrose desires to be appointed guardian ad litem to prosecute this above-captioned matter on behalf of Madison Melrose, a minor child.

2.

Mark R. Melrose is the legal guardian and father of Plaintiff, Madison Melrose, a minor child.

3.

Plaintiff, Madison Melrose is a minor child without general or testamentary guardian.

4.

Movant prays that the verified motion be received as an affidavit.

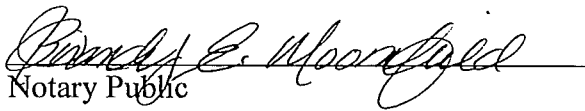
WHEREFORE the undersigned applicant moves the Court for the appointment of Mark R. Melrose as Guardian ad Litem for the Plaintiff, Madison Melrose, a minor child in this action.

This the 3rd day of May, 2016.



Mark R. Melrose

Sworn and subscribed before me this the 3rd day of May, 2016.



Notary Public

BRANDY E. MOOREFIELD
NOTARY PUBLIC
Haywood County
North Carolina

My Commission expires: June 22, 2018

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

FILED

2016 MAY -3 PM 12:12

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 16-CVS- 405

HAYWOOD COUNTY, C.S.C.
MARK R. MELROSE, Individually,
and as Guardian Ad Litem for
MADISON MELROSE, a Minor Child,

Plaintiffs,

v.

**COMPLAINT AND MOTION FOR
PRELIMINARY INJUNCTION**

THE HAYWOOD COUNTY BOARD
OF EDUCATION,

Defendant.

NOW COME the Plaintiffs, complaining of the Defendant, and allege and say as follows:

1.

The Plaintiff, Mark R. Melrose, is a citizen, resident, and taxpayer of Haywood County, North Carolina.

2.

The Plaintiff, Madison Melrose ("Madison"), is a minor child, daughter of Plaintiff Mark R. Melrose, and is a citizen and resident of Haywood County, North Carolina. Madison is currently enrolled and attending classes as a third grader at Central Elementary School in Haywood County.

3.

The Defendant ("Board") is a body corporate and politic capable of being sued in its capacity as the body authorized by the State to own and administer school property and administer school operations and personnel in Haywood County.

4.

The Defendant owns the real property and operates the elementary school located at 62 Joy Lane, Waynesville, North Carolina, known as Central Elementary School ("CES"), and has operated this elementary school continuously since on or about 1955.

5.

On the 11th day of January, 2016, the Defendant voted unanimously to “study” the “possibility” of closing CES at a regularly scheduled Board meeting upon a Motion by Board member Jim Francis on behalf of the Finance Committee (“Motion”). There was no discussion by Board members concerning this Motion in the open Board meeting, and the Motion passed unanimously after just a minute and thirty-five seconds without any questions being asked by Board members.

6.

Prior to the Motion being made on January 11, 2016, no public notice had been provided that this Motion was going to be presented at the Board meeting.

7.

The Motion was not on the published Board agenda for the January 11, 2016 public Board meeting which began about 7:00pm.

8.

Pursuant to the Defendant’s own Board Policy SB-2, the Defendant violated Section IV by not giving notice to the public of the concealed nature of the Motion that was fully known and expected to be forthcoming by Board member Jim Francis during the January 11, 2016 Board Meeting.

9.

The only reference in the published January 11, 2016 Agenda for the regular Board meeting regarding this explosive Motion was entitled “Regular Monthly Financial Reports—Jim Francis.”

10.

This knowing and intentional concealment of the Motion from the agenda was done with the purpose of preventing the public from learning about the Board’s intention to consider this Motion in advance, and for the purpose of misleading and depriving the public from making an informed decision whether to attend this meeting, diminish media attention, and to limit public outcry and attention to the Board’s secretive actions.

11.

After the Board approved the Motion without discussion on January 11, 2016, Board Chairperson Chuck Francis read from prepared notes advising of a required public hearing

("Public Hearing") on January 27, 2016 and scheduled a Board vote to consider the closure of CES during the February, 2016 Board meeting. No Board members asked questions about the scheduling or appeared to check their calendars.

12.

After Chuck Francis read from his prepared notes, he asked Board attorney Pat Smathers "Have we done that correctly, Mr. Smathers?"

13.

Previously, four days prior to this surprise Motion, and once again unknown to the public, on Thursday, January 7, 2016 the Board met during a Work Session ("Work Session") to discuss the 2016-2017 budget, specifically including the issue of closing CES. A videotaped record was made of most of this Work Session.

14.

Once again, the Board knowingly and intentionally concealed the true nature of this Work Session by labeling the planned discussion of the proposal to close CES to an agenda item simply labeled "CES."

15.

This concealment of the true nature of the agenda item was done purposefully in direct violation of the Board's own policies and state law and violated the spirit and letter of the Open Meetings Law, and was done in a manner designed to mislead the public.

16.

During the Work Session, Board Superintendent Anne Garrett stated that the issue of closure of CES had been discussed previously.

17.

Despite multiple previous Public Records requests by the undersigned, there are no known public records of previous Board discussions in official open meetings or committee meetings of the Defendant regarding the potential closure of CES before this January 7, 2016 Work Session.

18.

During the Work Session, members of the Board and Superintendent Anne Garrett and her staff engaged in direct discussions evidencing violation(s) of the letter and spirit of the Open Meetings Law with regard to closing CES, the disingenuous nature of the Study, and the real purpose behind the closure of CES.

19.

During the Work Session which lasted over two hours Anne Garrett and her staff presented a lengthy PowerPoint presentation to the Board regarding details about the proposed plan to close CES, enrollment numbers, and budget issues. This included items such as where the new district lines would be drawn to send the children to Hazelwood Elementary or Junaluska Elementary, the financial savings to be realized, teaching positions to be eliminated, and more.

20.

During the Work Session there was significant discussion, outlined below, regarding the Board's secretive plan to close CES under the false pretense of necessity due to a budget crisis to thereby provide the Board and its administrative staff a new location to house their Administrative Office operations. The Board, Anne Garrett and her staff repeatedly discussed the impending loss of their current office location due to a likely sale of their current office building, and the need for a new set of administrative offices.

21.

During this Work Session the welfare of the students and families who would be directly and traumatically affected by the closing of this community elementary school was not discussed except in passing. Instead, the focus of the meeting was entirely about the projected budget shortfall with the contention that closing CES would be necessary, and that this closure would provide the Defendant's administrative staff with a new location for their Administrative Offices.

22.

During the Work Session Board Members, staff, and Superintendent Anne Garrett made the following statements:

- a) Anne Garrett, "We've talked about our next topic 2-3 different times and I've had 2-3 different people ask me to include this on the agenda for tonight...we've talked about closing it or not closing it..." [referring to closing CES]
- b) Board Member Lynn Milner, "I think we're going to have to do this because we're going to have think of a place that we're going to go too. Where administration is going to go. I think we're going to have to look about going to Central."
- c) Anne Garrett, "I think Joe [Joe Buchanan] has some information on that about going to Central."

- d) Joe Buchanan, "it would take a year to be ready [to move the Central Offices'] if we had the go ahead right now." "His numbers [Referring to former Director of Maintenance Tracy Hardgrove] are 1 and a half million...I don't believe it would cost quite that much to get in there, and move Central Office and move child nutrition there [CES building]."
- e) Anne Garrett, "If you're going to close the school this is prime time."
- f) Anne Garrett, "I would recommend through your Finance and for your entire Board to take a vote Monday night."
- g) Anne Garrett, "We're meeting with them [County Commissioners] next Wednesday [January 13, 2016]...they like to meet in small committees so they don't have to make it public. And at that time I really feel like that's going to be on the table."
- h) Anne Garrett, "The word's out there that we're closing the school, but I haven't said a word."
- i) Anne Garrett, "Don't want the perception to be that your closing a school so that you can move the central office....that hurts all of us...so you might not want to do all this at one time...even if you come back in the Spring and do it, you'll have time to get it done."
- j) Anne Garrett, "Mr. [Jim] Francis, if it's OK with you we'll go ahead and put it under Finance, for the cuts for the projected 2016-2017 budget for next year, and also we'll put down Central Elementary but I'm not going to put 'closing' I'm just going to put Central Elementary [on agenda]."
- k) Anne Garrett in response to question about whether the Board should meet with the County Commissioners before they vote to close CES, "If we're going take Central Elementary we need to know how much money they [County Commissioners] are going to give us [to move Central Offices]. But we also don't want it to be that we're taking Central just so we can have a location to move. I think that would really give us a black eye."
- l) Todd Trantham, "You need to wait until they announce this [current Central Office location] this is sold then..."
- m) Anne Garrett, "Then we can say, Oh by the way we're going to have Central...it will look like we are being very conservative since we own the building."
- n) Walt Leatherwood, "When it comes to that point the Commissioners want us out of this building, I think we ought to be able to move to Central on an open checkbook in my opinion because they owe us, and they've tried to put us in every hole in the whole county to be honest with you, and we've talked about it,

and we need to stick by our guns...why not throw out two million...don't mention Central Office.

- o) Anne Garrett, "I think we do those two things Monday night [Finance meeting, and Board meeting to vote to do Study] and hold it for a while, then we'll have our meeting Wednesday, and that we'll get an idea of how much money they're going to give us [for move of Central Offices], but not tie the two together until maybe Springtime."

23.

The "Prime Time" subterfuge by the Defendant was intentionally designed to ramrod the "study" vote of the closure of CES through the Work Session, Finance Committee, and Regular Board meeting within 96 hours, and to purposefully deny public input into this matter.

24.

As part of the plan suggested by Superintendent Anne Garrett during the January 7, 2016 Work Session, the agenda item for the Finance Committee meeting was purposefully created in a misleading fashion to exclude any mention of the consideration of the closure of CES during the Finance Committee meeting.

25.

No known minutes were kept of the Defendant's Finance Committee meeting on January 11, 2016 that was held at 4:30pm, and the agenda of the Finance Committee hearing was intentionally published in a vague manner to avoid public scrutiny regarding the consideration of the closure of CES.

26.

An ad hoc committee designated by the Defendant met with an ad hoc committee designated by the Haywood Board of Commissioners on or about January 13, 2016 ("Joint Meeting") to discuss the Defendant's 2016-2017 budget, the closure of CES, and the cost and move of the Defendant's administrative offices to the CES campus.

27.

Upon information and belief, no minutes were kept of this Joint Meeting based upon the lack of such minutes being produced in response to the undersigned's previous Public Records Requests.

28.

Upon information and belief, if no minutes were kept of this Joint Meeting, this would be another violation of the Open Meetings Law, and further evidence of the scheme by the

Defendant to deprive the public of meaningful information concerning the Defendant's desire and plan to close CES.

29.

On or about the 21st day of January, 2016, the Board published online a document entitled "Study to Consider Closing of Central Elementary School." ("Study") A copy of said Study is labeled as Exhibit B and is attached hereto, and incorporated herein by reference.

30.

A public hearing was conducted by the Defendant on January 27, 2016 regarding the closure of CES.

31.

The Board voted 7-2 to close Central Elementary School on February 16, 2016 during a regular Board Meeting.

32.

The Study was not intended nor designed to meet the statutory requirements of N.C. Gen. Stat. § 115C-72, but was instead considered by the Defendant to be a necessary evil for the Board to complete their plan to close CES for an improper purpose without adequate time and input from the public and in violation of law.

33.

In order for the Defendant to lawfully take action to close CES it must comply with the procedures set forth in N.C. Gen Stat. § 115C-72.

34.

In order for the Board actions on January 11, 2016 and February 16, 2016 to be lawful and enforceable, the Board must also have complied with the Open Meetings Laws set forth in Article 33C of Chapter 143 of the North Carolina General Statutes.

35.

Pursuant to N.C. Gen. Stat. § 115c-72, it states, in part, that the Board "...shall cause a thorough study of such school to be made, having in mind primarily the welfare of the students to be affected..."

36.

The North Carolina Department of Public Instruction has published official guidelines regarding School Closing Procedure to direct local Boards of Education in the required process of closing or consolidating schools. A copy of said DPI Procedures is labeled as Exhibit A and is attached hereto, and incorporated herein by reference.

37.

CES currently enrolls the most diverse student body with more minority children and families of color than any other school in Haywood County.

38.

CES currently enrolls a large number of students who live geographically close to the CES Campus, and whose family members of limited means will have hardships attending school events and transporting their children to another school.

FIRST CLAIM FOR RELIEF
VIOLATION OF OPEN MEETING

That Paragraphs 1-38 of this Complaint are hereby realleged and incorporated by reference herein.

39.

The Defendant's actions described above are multiple violations of the Open Meetings Law of North Carolina contained in Article 33C of Chapter 143 of the North Carolina General Statutes.

40.

The Defendant engaged in purposeful and knowing violations of the Open Meetings Law as part of a scheme to deprive the public from being fully informed and aware of the discussions, comments, deals and other matters related to the closure of CES.

41.

The Defendant purposefully engaged in meetings with less than the majority and/or full membership of the Defendant's Board in order to meet concerning the closure of CES in private and outside the disinfecting sunlight of public scrutiny.

42.

Upon information and belief, the Defendant used its school superintendent, Anne Garrett, and other staff members as messengers to communicate with the Haywood County Manager, individual Board Members of the Defendant in numbers fewer than the majority of the Board to discuss the closure of CES and the funding of the move of the Administrative Offices to the CES campus in an effort to violate the letter and spirit of the law.

SECOND CLAIM FOR RELIEF
VIOLATION OF SCHOOL CLOSURE LAW

That Paragraphs 1-42 of this Complaint are hereby realleged and incorporated by reference herein.

43.

The Defendant violated N.C. Gen. Stat. § 115C-72 and/or the guidelines promulgated by the North Carolina Department of Public Instruction School Planning Section when it failed to adequately and properly conduct a thorough study the effect of the proposed closure of CES.

44.

The Defendant failed to primarily consider the welfare of the students to be affected by the proposed closure which is the guiding light of the statute.

45.

The Defendant, instead, conducted an inadequate study released to the public on January 21, 2016, using impermissible and irrelevant factors, including, but not limited to the following:

- a) Failed to even mention the word "Welfare" in the Study
- b) Failed to even mention the word "Affect" in the Study
- c) Used the Defendant's desire to relocate its Administrative Offices to a nearby building in downtown Waynesville at the expense and hardship of students enrolled at CES.
- d) Failed to consider any expert information from teachers and principals at CES, psychologists, or other professionals as to the hardship this sudden school closure would have upon the students at CES.
- e) Failed to consider the effect on minority students of color at CES, and the practical effect of diluting by 50% this diverse community.
- f) Failed to consider the disproportionate effect the closure would have on minority students relationships with their peers by diluting those relationships by half.
- g) Failed to consider the effect closure of CES would have on the students by depriving them of long-term relationships with other students, staff, and teachers who have nurtured a positive learning environment.

- h) Failed to use any identifiable scientific or mathematical methodology to demonstrate its basis for the projected future loss of students enrolled at CES.
- i) Failed to consider in any way the effect this closure would have on the welfare of the students, but rather focused exclusively upon financial considerations, and the impermissible desire by the Defendant to move its Administrative Offices to the CES campus.
- j) Failed to consider with respect to the projected enrollment numbers at CES how many students the Defendant had previously allowed a waiver from the CES school district to another Haywood County elementary school over the past 10 years of enrollment.
- k) Failed to consider whether the Defendant was impermissibly allowing students waivers from required attendance at CES based upon the location of their residence, and whether such waivers were being granted and denied in an arbitrary and capricious manner.
- l) Failed to consider whether the waivers of attendance from CES that were granted over the past 10 years increased the diversity of the CES student body, and decreased the socio-economic makeup of the student body.
- m) Failed to consider closing other schools in Haywood County
- n) Considered the lack of full capacity at CES to be a negative factor rather than a positive factor as contemplated by the Legislature.
- o) Any other factor revealed by discovery in this matter.

THIRD CLAIM FOR RELIEF
VIOLATION OF THE DEFENDANT'S POLICIES

That Paragraphs 1-45 of this Complaint are hereby realleged and incorporated by reference herein.

46.

The Defendant intentionally and purposefully violated its own policies regarding the proper conduct of official business in one or more of the following ways:

- a) Failed to publish meaningful agendas for official Board business in a timely manner related to the issues surrounding the closure of CES.
- b) Failed to keep adequate minutes of the Finance Committee meeting on January 11, 2016 and other Finance Committee meetings related to the closure of CES.
- c) Failed to keep complete minutes or recordings of the Defendant's Work Session on January 7, 2016.
- d) Failed to comply with its policies regarding advance notice of agenda items for each board meeting.
- e) Failed to make the actual agenda and support information available to the public before inspection of the Finance Committee and regular Board meetings related to the closure of CES.

FOURTH CLAIM FOR RELIEF
DECLARATORY JUDGMENT ACT

That Paragraphs 1-46 of this Complaint are hereby realleged and incorporated by reference herein.

47.

The Plaintiffs are entitled to a Declaratory Judgment to declare past conduct of the Defendant in violation of law, to declare such prior acts null and void, and to declare the future rights of the parties with respect to the Defendant's duties to follow the applicable law.

48.

Pursuant to the North Carolina Declaratory Judgment Act, N.C. Gen. Stat § 1-253 the Plaintiff prays that the Court issue an Order declaring one or more of the following:

- a) The Defendant violated the Open Meetings Law as described above.
- b) The Defendant failed to provide adequate public notice of agendas and Defendant's committee and Board meetings.
- c) The Defendant violated the School Closure Law pursuant to N.C. Gen. Stat § 115C-72.
- d) The Defendant violated its own Board Policies with regard to open meetings, notice, agenda items, and minutes of Board and Committee actions.

MOTION FOR PRELIMINARY INJUCTION

That Paragraphs 1-48 of this Complaint are hereby realleged and incorporated by reference herein.

49.

Now come the Plaintiffs and based upon the allegations stated above, hereby move this Honorable Court pursuant to N.C. Gen. Stat § 143.318.16, and in equity due to violations of N.C. Gen. Stat. 115C-72 and the Defendant's Public Board Policies to enjoin the Defendant from some or all of the following:

- a) Violations of the Open Meetings Law as described above, both past and future similar conduct.
- b) Prohibit the purported closure of Central Elementary School pursuant to a vote taken by the Defendant on February 16, 2016.
- c) Prohibit the Defendant from utilizing the January 21, 2016 Study to support the closure of CES.

- d) Violations of the Defendant's Board Policies as described above, both past and future similar conduct.

WHEREFORE, the Plaintiffs pray the Court to issue a judgment in the Plaintiffs' favor and against the Defendant as follows:

1. That the Defendant be enjoined from violations of the Open Meetings Law as described above, both past and future similar conduct.
2. That the Defendant be prohibited from closing of Central Elementary School pursuant to a vote taken by the Defendant on February 16, 2016.
3. That the Defendant be enjoined from and prohibited from utilizing the January 21, 2016 Study to support the closure of CES.
4. That the Defendant be enjoined from violations of the Defendant's Board Policies as described above, both past and future similar conduct.
5. That the Court enter a Declaratory Judgment as to each Claim for Relief for all violations of the law proven by the Plaintiffs.
6. That the Court declare all of the Defendant's actions and inactions described above in violation of the applicable set forth above to be null and void.
7. That the Defendant be ordered to pay the costs of this action.
8. For such other and further relief as the Court deems just and proper.

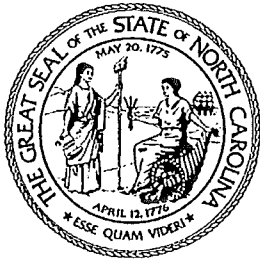
This the 3rd day of May, 2016.



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(828) 452-3141 Telephone
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EXHIBIT

A



Public Schools of North Carolina
State Board of Education
Department of Public Instruction
Financial and Business Services
Division of School Support
School Planning Section

School Closing Procedure

Relating to the
Public Schools of North Carolina

February - 2008

In compliance with federal law, including the provisions of Title IX of the Education Amendments of 1972, NC Public Schools administers all state-operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.

Acknowledgments

The Department of Public Instruction gratefully acknowledges the contributions of the following, without which the development of this publication would have been difficult.

Kenneth Phelps, Architect / School Planning Consultant, School Planning Section, N.C. Department of Public Instruction, Raleigh, NC. Primary author for this publication.

Steve Taynton, AIA, Chief, School Planning Section, N.C. Department of Public Instruction, Raleigh, NC.

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Greg Flynn, Consulting Architect, School Planning Section, N.C. Department of Public Instruction, Raleigh, NC.

Pam Ray, Program Assistant, School Planning Section, N.C. Department of Public Instruction, Raleigh, NC.

School Closing Procedure

North Carolina Department of Public Instruction
School Planning Section

The following procedure is intended as a guide to be used when school closing is contemplated, and upon which local board policy may be based. The procedure is presented in a sequential manner; however, its sections may be used separately or together as local conditions require. It is primarily intended to identify the various kinds of information to be considered, as well as the particular processes to be undertaken by the local board of education prior to closing a school.

Publications of the School Planning Section, referenced herein, may be accessed at the website, www.schoolclearinghouse.org.

General Statutes

Whenever it is contemplated that a school may be closed, the local board of education should review, with an attorney, the applicability of General Statutes 115C-72 and 115C-518(a) to the proposed action, as well as the applicability of other statutes.

Evaluation of Facility

A facility evaluation shall be undertaken when it is apparent that physical condition will influence the decision to close a school. The evaluation should be performed by an individual qualified to make technical judgments, such as an architect, engineer, or other appropriate consultant.

A report should be submitted to the local education agency (LEA) superintendent, properly identifying the general condition of the facility and detailing any special problems relating to age, adaptability to Educational Program needs, North Carolina Building Code violations, the structure, or the utility systems. The report should include an estimate of useful life expectancy and, in particular, an accounting of repairs to be made if the facility is continued in service. (Some schools may be closed regardless of age and condition.) It may be beneficial to refer to the "Feasibility and Cost Analysis Form" published by School Planning Section, NCDPI, at www.schoolclearinghouse.org/pubs/costfeas.pdf.

Capacity of Facility

Useful capacity may be calculated in terms of the numbers of students the facility can accommodate, using formulas approved by the local board of education. Each local board of education will determine its own formula for capacity calculation. Some suggested methods to determine capacity are as follows:

- Capacity may be determined by multiplying the pupil-teacher ratio established by the board of education by the number of classrooms.
- Capacity may be determined by dividing the square footage in an instructional area by the per-pupil square footage recommended for the purpose for which it is used.
- Capacity may be determined through the standard procedure of the School Planning Section, DPI, using the "School Capacity Worksheet" provided on the website, at http://www.schoolclearinghouse.org/pubs/space_profiles.htm.

The capacities calculated may not exceed the class-size limits mandated by the General Statutes.

Membership

Present and projected membership should be a necessary part of any decision to close a school. The local board of education should calculate pupil population projections for a period of time beyond the year the school closing is considered – normally a minimum of five years – so that the decision will not be adversely effected by normal fluctuations in the population. This should be done for the school system as a whole, all schools included. See, for example, the “10-Year ADM Growth Projections” (a summary for each LEA), and “ADM Growth Analysis” (with details for each grade level), both available from School Planning. These are reports of statistical calculations, and do not account for local variances caused by manufacturing plants opening or closing, or similar influences.

The local board should be aware of two other factors in projecting membership. They are (1) the relationship between increases or decreases in the general population and school membership, and (2) the need to project membership in a given attendance area where it is anticipated that a school may be closed.

It could be appropriate for the local board of education to create a policy that any school whose membership falls below a certain number (e.g., 100) will be closed after due process, and all pupils and school personnel reassigned. The board may, of course, choose its own minimum membership number.

Organization of the School System

Any proposal to close a school should address the operational needs of the school system, to focus on the possibility of reorganizing the school rather than closing it. For example, a change from the traditional Grade 6-8 Middle School to a K-5 Elementary School may prevent a sound facility from being removed from service. Even adding or removing grades at the elementary level may permit a facility to continue in service.

Every five years, all local boards of education are required by G.S. 115C-521(a) to submit a Facility Needs Assessment (Long Range Plans) to the State Board of Education. The results of this survey will assess projected facility needs for the next 5-10 years. Current tabulations of the results can be viewed at “Facility Needs Survey,” published by School Planning.

It will, therefore, be expedient for the local board of education to understand the long-range programmatic needs of the school system before deciding to close a school. It may be appropriate to close a school for some temporary purpose which, in the final analysis, will serve the long-term goals of the school system. Organization should be examined in light of solidly established purposes.

Costs of Operation

For the local board to be justified in its assessment to close a school, it must calculate the financial costs of operating the facility and, more especially, the funds to be saved by closing the facility. These costs may be compared to per-capita costs of operating other similar

schools, to determine the savings (if any) of educating the displaced student body at another site.

These financial assessments normally include, but are not restricted to, the areas of (1) personnel reassigned or eliminated, (2) utilities for a designated time period, such as a year, (3) maintenance and repair costs per year, (4) custodial costs per year, (5) transportation costs, and (6) insurance costs. If the facility is to be closed and not replaced, a substantial capital outlay may be avoided.

Transportation

It is not always possible to realize cost savings in transportation by closing a school, since reassignment of pupils sometimes increases transportation responsibilities. However, this aspect must be included in the decision to close or not to close.

Specifically, rerouting buses and the effect upon time and distance should be examined. There may be a need for fewer buses, or additional buses. Maintenance costs, number of drivers needed, economy of routing, etc. should be assessed.

Diversity

Local school boards recognize that diversity is a sensitive factor in school enrollment. No school board should take an action which so seriously affects pupil assignment as does closing a school, without being completely aware of its ramifications on diversity. The probability is that diversity alone will not determine whether or not a school is closed; however, it is an important matter that should not be overlooked.

Alternative Uses

The total program needs of the school system should be examined before a conclusion is reached that a closed school has no useful alternative purpose which is compatible with the mandate of the local board of education to teach children. Instructional programs as well as auxiliary services should be examined.

A number of possible alternatives suggest themselves. They are (1) special education, (2) special purpose schools, (3) social and community purposes, (4) maintenance and repair services, (5) storage, and (6) office space. Current expense and capital outlay costs always ought to be included in any assessment of alternative uses.

Program Considerations

Before closing a school, the local board of education should understand where students will be reassigned and what effect closing will have on program opportunity, resulting from staff reassignments and the reallocation of resources.

Tentative Decision

After the local board of education carefully studies the facility evaluations, facility capacity, school membership, school organizations, costs of operation, effect on transportation, alternative uses for the facility, effect on diversity, and effect on local governmental planning, the board should make a tentative decision. If the tentative decision is to close the school, the board should schedule informational meetings and hearings.

Informational Meetings

General Statute 115C-72 requires a local board of education to hold a public hearing prior to closing a school. Even without this mandate, the board should, in order to ensure good public relations, hold certain informational meetings with their various publics prior to closing a school. These activities are for the purpose of providing information, answering questions and, most important of all, establishing in the mind of those affected that their reactions and opinions are being evaluated. Closing schools is much easier with public support. These meetings should involve but should not necessarily be restricted to (1) parents, (2) school-related groups, (3) board of county commissioners, and (4) other public officials in local government.

It is incumbent upon the board to keep a displaced faculty as well informed as can be. Personnel reassignment plans should be prepared and given to affected individuals as soon as possible.

Closing Decision

After all essential information has been obtained and evaluated by the local board of education and after all essential activities, as determined by the board, have been carried out, then the board should vote in official session regarding closing the school. If the board votes to close the school, the motion should be specific as to termination date and it should be accomplished in conjunction with applicable general statutes.

Disposition of Surplus Property

The local board of education has a number of options available to it in deciding what to do with a closed facility which has been legally declared to be surplus or "unnecessary or undesirable for public school purposes." These options are fairly standard in most cases and the usefulness of a particular one will depend upon the needs of the school system as perceived by the board.

General Statute 115C-518(a) requires surplus property first to be made available to the board of commissioners. If the commissioners do not want or need the property, the local board of education has the following options: (1) surplus facilities may be leased to eligible clients, (2) surplus facilities may be sold at public auction to eligible customers, (3) surplus facilities may be exchanged with another governmental body, and (4) surplus structures may be demolished and the site sold at public auction to eligible customers.

One successful reuse of structurally-sound schools has been conversion into housing, especially for the elderly. When considering such an option, however, evaluate the cost of modifications required by the Building Code, and any other applicable regulation. Local zoning regulations may impact this and similar decisions.

Demolition of School / Construction of new School

The General Statutes of North Carolina prohibit a local board of education from investing any construction money in a new school building to replace an existing school building unless it submits to the State Superintendent of Public Instruction an analysis that 1) compares the feasibility and costs of building the new building and of renovating the existing

building; and 2) clearly indicates the desirability of building the new building. The State Superintendent is required to forward such analyses to the North Carolina Historical Commission.

The School Planning Section of the Department of Public Instruction provides a form which may be used to conduct and submit the required analysis. See the "Feasibility and Cost Analysis Form" on the website, at www.schoolclearinghouse.org/pubs/costfeas.pdf. All analyses, regardless of format, should be forwarded to School Planning, which acts as designated agent for the State Superintendent. (Forms will be forwarded to the N.C. Historical Commission for their review.) The process of review can be expedited by the inclusion of 1) an address and location map for the existing building; 2) a site plan showing the placement of the existing and proposed buildings; 3) a floor plan of the existing building; and 4) a photograph of the exterior of the existing building; 5) the report resulting from an evaluation by an architect, engineer, asbestos consultant, environmentalist, etc.

Changes to the DPI School Name and Address (SNA) file

The local board of education may finalize the closing of a school by submitting a modification of the School Name and Address File, online at <http://sna.dpi.state.nc.us/>. If there are any questions, contact the SNA Coordinator at 919-807-3700. Only SNA "authorized users" at each LEA have the ID and password necessary to log into the system and to edit and update their information.

DPI School numbers are assigned to populations, not to buildings. If the LEA builds a new building at a new site, closes an old building, and moves the students and staff of the old building to the new site, the school number goes with them. If the LEA moves another pre-existing school into that old building, it would bring its school number (of the relocated school) with it. If the LEA is dividing a school or schools to fill the old building, then a new number would be assigned.

Changes to the records of the School Planning Section

The School Planning Section also assigns tracking numbers to schools, but its designation is for the campus itself, not the population. Therefore, if a particular school building is closed (and demolished, or sold, or given over to an alternative use) its school number would cease to exist. The LEA should notify the School Planning Section of DPI about any such change.

Changes to the records of the Insurance Section

(If the LEA is insured by the DPI Insurance Section)

Any closing or demolition of any building should be reported to the Insurance Section of DPI. To discuss the appropriate format for this notification, contact the Insurance Section at 919-807-3521.

February 2008

Checklist for School Closing Procedure

The following checklist of information and activities necessary to school closing is intended to provide a quick reference to be used in implementing the procedure.

- Evaluation of Facility
 - Examine by architect, engineer, or other appropriate consultant
 - Report on physical condition
 - State useful life expectancy
 - Identify specific maintenance or code problems
 - Adaptability to the needs of the Educational Program
- Capacity of Facility; Determine useful pupil capacity by approved formula:
 - Division of School Planning recommendations
 - North Carolina law allowances
 - Staff formula
- Membership
 - Project membership five years as minimum
 - Identify minimum membership for automatic closing
 - Project membership for specific attendance area
- Organization of School System
 - Needs of total school system
 - Reorganization required by closing
- Costs of Operation
 - Current expense and capital outlay savings because of closing
 - Per capita costs in comparison to other schools
- Transportation
 - Rerouting needs including additional buses
 - Cost savings, if any
- Diversity
- Alternative Uses
 - Total school system program needs
 - Auxiliary uses
- Program Considerations
- Tentative Decision
- Informational Meetings
 - Parents, county commissioners, public officials
 - School-related groups
- Closing Decisions
 - General Statute 115C-72
 - General Statute 115C-518(a)
- Disposition of Surplus Property
 - Other school system needs
 - Lease to local government or private enterprise
 - Exchange with governmental agency
 - Sell
- Inform NC DPI
 - School Name and Address file (SNA)
 - School Planning section
 - Insurance section (if applicable)

February 2008

Haywood County Schools
Study to Consider
Closing of Central Elementary School

The Board of Education met on Monday, January 11, 2016 and passed a motion to authorize a study to close Central Elementary School as per G.S. 115C-72. The Board of Education directed Board Attorney Pat Smathers, Superintendent Anne Garrett, and Central Office personnel to conduct a study and report the findings. The following is the result of the study based in part upon preliminary information presented to the Finance Committee on January 11th. The study followed the guidelines for School Closing Procedures obtained from Public Schools of North Carolina, State Board of Education, Department of Public Instruction, Financial and Business Services, Division of School Support, and School Planning Section.

Evaluation of Facility

- The facility at Central Elementary School was evaluated on January 8, 2016 by the Director of Maintenance. The report used is a facilities study mandated by North Carolina Department of Public Instruction and conducted every five years. The facilities study was completed in January 2016. The survey indicates Central Elementary School buildings were constructed in 1954 and 1976. Within a five year period, the facility will need a new roof (\$33,750.00), flooring (\$56,250.00), and hazard abatement (\$20,000.00) for a total of \$110,000.00.
- In addition, dining room furniture will need to be replaced (\$15,600.00) and installation of a washer and dryer (\$5,000.00). Also, a loading dock will have to be built (\$50,000.00). Within the next six to ten years, additional flooring (\$56,250.00), painting (\$8,500.00), air conditioning (\$146,250.00), life safety (\$15,000.00), hazard abatement (\$20,000.00) will need to be included in the budget. Therefore, during the next ten years, \$426,600.00 will be needed for capital outlay.
- Central Elementary School has the oldest original building among our elementary schools.
- The life of a school is dependent upon the type of use and the District's financial ability to maintain the facility; therefore, it is difficult to determine the expected life of this building. With the information currently available, the facilities at Central Elementary School are in reasonable condition compared to other schools in the District. Although there are some areas in need of modernization, our current financial resources will not

allow for significant changes. These facts do not diminish the life expectancy of this facility.

- At present, all specific maintenance and or code issues have been resolved.
- Central Elementary School has adapted to meet the needs of students. A federally funded Pre-Kindergarten exists on this campus. The class is located in the 1976 building. Also, a Day Treatment Program was established which occupies the lower level of the 1954 building.

Capacity of Facility

- As per the North Carolina Department of Public Instruction formula, Central Elementary's maximum capacity is 312. At the beginning of the year, 235 (excluding Pre-Kindergarten) attend this school. Pre-Kindergarten students are excluded on the Average Daily Membership (ADM) count as per NCDPI requirements. The school hosts approximately 40 students who are out of district. Sixteen of these students participate in the pre-kindergarten and eight in the Day Treatment Program. As of January 2016, 248 (including Pre-Kindergarten) students are enrolled at Central Elementary. Pre-Kindergarten students are included to demonstrate numbers only.

*Capacity without Central Elementary School

School	School Number	Current	With CES	Total	MAX Capacity	Capacity %
Bethel Elementary	314	498	7	505	672	75.15%
Clyde	328	463	12	475	720	65.97%
Hazelwood	348	462	115	577	720	80.14%
Jonathan Valley	349	346	8	354	552	64.13%
Junaluska	350	336	94	430	552	77.90%
Meadowbrook	364	309	1	310	542	57.20%
North Canton	368	356	7	363	456	79.61%
Riverbend	332	212	4	216	384	56.25%
			248	3230	4598	70.25%

*Capacity with Central Elementary School

School	School Number	Current	MAX Capacity	Capacity %
Bethel Elementary	314	498	672	74.11%
Central Elementary	324	248	312	79.49%
Clyde	328	463	720	64.31%
Hazelwood	348	462	720	64.17%
Jonathan Valley	349	346	552	62.68%
Junaluska	350	336	552	60.87%
Meadowbrook	364	309	542	57.01%
North Canton	368	356	456	78.07%
Riverbend	332	212	384	55.21%
		3230	4910	65.78%

*Numbers reflect out of school district students returning to their home school. Board Policy 4150, School Assignment, provides guidelines for out of district students.

- The consideration to close the school is not based upon Central Elementary School's capacity. It is based upon the overall decrease in enrollment in the school and district, the need to reduce the local budget by \$2.4 million dollars, and the proximity of neighboring schools that could accommodate the students and staff.
- All elementary students in Haywood County Schools receive the same curriculum and programs. Class size is similar at each school.
- The capacity of Central Elementary School is 312 as per NCDPI's five year Facility Needs Survey.

Membership

The 10 year enrollment history based on 10 day Average Daily Membership is:

10 Year Enrollment History -- Based on 10 Day ADM

School Year	CES Enrollment
2006-07	281
2007-08	301
2008-09	281
2009-10	256
2010-11	262
2011-12	275
2012-13	253
2013-14	275
2014-15	257
2015-16	235

***Does not include pre-kindergarten students (as per NCDPI guidelines)**

- The enrollment history represents a 10 year enrollment decrease of 16% of the student population from 281 students to 235 students. This represents an average loss of five students per year over the last 10 years.
- The enrollment history represents a decrease of 21% from the highest enrollment of 301 students in 2007-2008 to 235 students in 2015-2016. This represents an average loss of 7 students per year over the last 9 years.
- The greatest enrollment decrease occurred in the last two school years from 275 to 235 students. This represents an average loss of 20 students per year over the last two years.
- Using this historic data, it is reasonable to estimate the school population to decrease 25-100 students during the next five years.

**Haywood County Schools
10-Year Enrollment History**

10 Day Average Daily Membership	
2015-2016	7188
2014-2015	7400
2013-2014	7584
2012-2013	7567
2011-2012	7677
2010-2011	7694
2009-2010	7742
2008-2009	7892
2007-2008	8013
2006-2007	7933

Organization of School System

- The fiscal year 2015-2016 local current expense budget is \$16,620,576.83. The appropriated fund balance makes up \$1,933,961.00 of the local budget. Fiscal Year 2014-2015 expenditures included 63% in salary and benefits, 34% in other costs (insurance, electrical, internet, heating/cooling), and 3% for specialized programs.
- The Fiscal year 2016-2017 budget will be approximately \$14,154,000.00. Therefore, a reduction of \$2,466,576.83 will be required.
- Haywood County Schools fund balance includes:

FUND BALANCE		
FY 2012-13	\$ 5,019,203.00	
		FUND BALANCE USED
FY 2013-14	\$ 4,623,674.00	\$ 395,529.00
FY 2014-15	\$ 3,515,292.00	\$ 1,108,382.00
FY 2015-16	\$ 1,933,961.00	Fund Balance Appropriated
	\$ 1,316,446.00	Unassigned

Cost of Operation for Central Elementary School

Category	Positions	Savings	
Local Staff/Positions	9	\$345,000.00	9 Positions
Haywood County Schools Operations		\$105,000.00	
Cafeteria Operations		\$30,000.00	
Est. Other Cost (supplies, technology)		\$40,000.00	\$520,000.00

Transportation

As per Haywood County Schools Director of Transportation, if Central Elementary School is closed and students are assigned to Hazelwood Elementary or Junaluska Elementary, the additional cost would be approximately \$7,000.00 per year. It is approximately 14 miles of additional travel per day. Central Elementary School is 1.9 miles from Hazelwood Elementary and 2.7 miles from Junaluska Elementary School. There should be no great inconvenience or hardship of the students due to the proximity of Hazelwood Elementary School and Junaluska Elementary School.

Diversity

The minority population in Haywood County Schools is approximately 10%. The possibility of closing Central Elementary school would not significantly impact the diversity across the school district.

Alternative Uses

- Because of declining enrollment in Haywood County Schools, the facility is not needed as a traditional school. The Board of Education has not made any decisions about the use of the facility.
- A third party has inquired about acquiring Central Elementary School.

Tentative Decision

The Haywood County Board of Education met in a regular session Monday, January 11, 2016 at 6:54 p.m. The Board approved a motion to recommend the Board of Education to authorize a study to close Central Elementary School as per G.S. 115C-72. Prior to this meeting, the Finance Committee for Haywood County Schools approved the authorization to conduct a feasibility study to be conducted at Central Elementary School.

Informational Meetings

- January 11, 2016 the Board of Education approved a motion to authorize a study to close Central Elementary School. As per G.S. 115C-72, a report will be developed by Board Attorney Pat Smathers, Superintendent Anne Garrett, and Central Office Staff and will be made available January 21, 2016. The report will be available on Haywood County School's website and other media outlets. A public hearing will be held Tuesday, January 26, 2016 at 7:00 p.m. at Central Elementary School. In the event of inclement weather, the make-up date will be Wednesday, January 27, 2016.
- The superintendent, associate superintendent, human resource director, and a board member met with the staff at Central Elementary School Tuesday, January 12, 2016 at 7:30 a.m. at Central Elementary to inform the staff of Board action.
- The superintendent, associate superintendent, human resource director, finance director, and transportation director met with principals, assistant principals, and central office staff on Tuesday, January 12, 2016 at 10:00 a.m. at the Education Center to inform the staff of Board actions regarding overall budget reduction.
- A press conference was conducted by superintendent, associate superintendent, and finance officer on Tuesday, January 12th at 12:00 p.m. at the Education Center to share Board actions.
- Two board members, superintendent, associate superintendent, school food service director, finance officer, maintenance director, and transportation director met with Haywood County Finance Officer, Chair of County Commissioners and a County Commissioner on Wednesday, January 13, 2016 at 12:00 p.m. at the Board of Education. The 2.4 million shortfall/reduction was discussed
- The superintendent visited Central Elementary School on Thursday, January 14th to support the staff and address staff questions or concerns.

Closing Decisions

G.S. 115C-72

- § 115C-72. *Consolidation of Districts and Discontinuance of Schools.*

(a) Local boards of education shall have the power and authority to close or consolidate schools located in the same district, and with the approval of the State Board of Education, to consolidate school districts or other school areas over which the board has full control, whenever and wherever in its judgment the closing or consolidation will better serve the educational interest of the local school administrative unit or any part of it.

In determining whether two or more public schools shall be consolidated, or in determining whether or not a school shall be closed and the pupils transferred therefrom, local boards of education of the several counties shall observe and be bound by the following rules:

(1) In any question involving the closing or consolidation of any public school, the local board of education of the school administrative unit in which such school is located shall cause a thorough study of such school to be made, having in mind primarily the welfare of the students to be affected by a proposed closing or

consolidation and including in such study, among other factors, geographic conditions, anticipated increase or decrease in school enrollment, the inconvenience or hardship that might result to the pupils to be affected by such closing or consolidation, the cost of providing additional school facilities in the event of such closing or consolidation, and such other factors as the board shall consider germane. Before the entry of any order of closing or consolidation, the local board of education shall provide for a public hearing in regard to such proposed closing or consolidation, at which hearing the public shall be afforded an opportunity to express their views. Upon the basis of the study so made and after such hearing, said board may, in the exercise of its discretion, approve the closing or consolidation proposed.

(2) The provisions of this section shall not deprive any local board of education of the authority to assign or enroll any and all pupils in schools in accordance with the provisions of G.S. 115C-366(b) and 115C-367 to 115C-370.

(b) This section does not govern merger of a city school administrative unit with another school administrative unit. Such merger is governed by G.S. 115C-67. (1955, c. 1372, art. 8, s. 3; 1981, c. 423, s. 1; 1983, c. 308; c. 752; 2009-570, s. 27.)

Disposition of Surplus Property

- Other school system needs include operating within the allotments and local budget. Fiscal Year 2016-2017, a cut of 2.4 million has to take place.
- A lease to local government or private enterprise has not been discussed or pursued.
- An exchange with governmental agencies has not been pursued.
- Selling the Central Elementary School property has not been pursued.
- In the event Central Elementary School is closed and the Board of Education determines there is no other use for the property, it may be disposed of as per General Statute 115C-518 and Board Policy 9400 Sale, Disposal, and Lease of Board-Owned Real Estate.

Inform NC Department of Public Instruction (NCDPI)

The NCDPI will be notified immediately if the decision to close Central Elementary School takes place and procedures as per NCDPI will be followed.

STATE OF NORTH CAROLINA

File No.

16-CVS-405

HAYWOOD

County FILED

In The General Court Of Justice
District Superior Court Division

Name And Address Of Plaintiff 1
MARK R. MELROSE, Individually and as Guardian Ad Litem
for MADISON MELROSE, a Minor Child

GENERAL

CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b), General Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

MARK R. MELROSE
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POST OFFICE BOX 567

WAYNESVILLE NC 28786

Telephone No. (828) 452-3141

Cell Telephone No.

NC Attorney Bar No. 17175

Attorney E-Mail Address MELROSE@MOUNTAINVERDICT.COM

Name And Address Of Plaintiff 2
BY

VERSUS

Name Of Defendant 1
THE HAYWOOD COUNTY BOARD OF EDUCATION

Initial Appearance in Case

Change of Address

Summons Submitted Yes No

Name Of Firm
MELROSE LAW, PLLC

FAX No. (828) 246-6221

Name Of Defendant 2

Counsel for All Plaintiffs All Defendants Only (List party(ies) represented)

Summons Submitted Yes No

Jury Demanded In Pleading
Complex Litigation

Amount in controversy does not exceed \$15,000
Stipulate to arbitration

TYPE OF PLEADING

- (check all that apply)
Amend (AMND) Assess Motions Fee (SEE NOTE)
Amended Answer/Reply (AMND-Response) Assess Motions Fee (SEE NOTE)
Amended Complaint (AMND) Assess Motions Fee
Answer/Reply (ANSW-Response) (SEE NOTE)
Change Venue (CHVN) Assess Motions Fee
Complaint (COMP)
Confession Of Judgment (CNFJ)
Consent Order (CONS)
Consolidate (CNSL) Assess Motions Fee
Contempt (CNTP) Assess Motions Fee
Continue (CNTN) Assess Motions Fee
Compel (CMPL) Assess Motions Fee
Counterclaim (CTCL) Assess Court Costs
Crossclaim (List On Back) (CRSS) Assess Court Costs
Dismiss (DISM) Assess Court Costs
Exempt/Waive Mediation (EXMD) Assess Motions Fee
Extend Statute Of Limitations, Rule 9 (ESOL) Assess Motions Fee
Extend Time For Complaint (EXCO) Assess Motions Fee

- (check all that apply)
Failure To Join Necessary Party (FJNP) Assess Motions Fee
Failure To State A Claim (FASC)
Improper Venue/Division (IMVN) Assess Motions Fee
Intervene (INTR) Assess Motions Fee
Interplead (OTHR) Assess Motions Fee
Lack Of Jurisdiction (Person) (LJPN) Assess Motions Fee
Lack Of Jurisdiction (Subject Matter) (LJSM) Assess Motions Fee
Rule 12 Motion In Lieu of Answer (MDLA) Assess Motions Fee
Sanctions (SANC) Assess Motions Fee
Set Aside (OTHR) Assess Motions Fee
Show Cause (SHOW) Assess Motions Fee
Transfer (TRFR) Assess Motions Fee
Third Party Complaint (List Third Party Defendants on Back) (TPCL)
Vacate/Modify Judgment (VCMD) Assess Motions Fee
Withdraw as Counsel (WDCN) Assess Motions Fee
Other (specify and list each separately)

NOTE: See Side Two for a list of motions not subject to the motions fee.

NOTE: Assess fee only if court permission is required to amend.

CLAIMS FOR RELIEF

- Administrative Appeal (ADMA)
Appointment Of Receiver (APRC)
Attachment/Garnishment (ATTC)
Claim And Delivery (CLMD)
Collection On Account (ACCT)
Condemnation (CNDM)
Contract (CNTR)
Discovery Scheduling Order (DSCH)
Injunction (INJU)
Medical Malpractice (MDML)
Minor Settlement (MSTL)
Money Owed (MNYO)
Negligence - Motor Vehicle (MVNG)
Negligence - Other (NEGO)
Motor Vehicle Lien G.S. 44A (MVLN)
Limited Driving Privilege - Out-Of-State Convictions (PLDP)
Possession Of Personal Property (POPP)
Product Liability (PROD)
Real Property (RLPR)
Specific Performance (SPPR)
Other (specify and list separately)
Declaratory Relief

Date 05/03/2016

Signature Of Attorney/Party

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a General Civil (AOC-CV-751), Motion (AOC-CV-752) or Court Action (AOC-CV-753) cover sheet.