

NC State Bar Complaint Form
The Grievance Committee
The North Carolina State Bar
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Lois Hollis
Joseph Lipari
156 Johnson Hill Drive
Waynesville, NC 28786
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May 03, 2022

I am filing a complaint:

Attorney David F. Sutton Co-Counsel

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Superior Court Division case 08-CVS-1193

Instrument# 2009008895 Book 768 Page 453

DAVID F. SUTTON, attorney for the
Defendants

Attorney David F. Sutton is complicit in the Elder Fraud that took away the Liparis' property with a non-validated survey and the violations of handicap abuse, elder abuse, and disable veteran abuse. After this case, David F. Sutton continued with Attorney Kirkpatrick in his law firm.

2009 Attorney David F. Sutton, as a new law graduate, was sent by Attorney James Weaver Kirkpatrick III to investigate their property case 146/156 Johnson Hill Drive. Joseph Lipari owner of 156 did show David F. Sutton the metal property 96-year-old iron stake placed in the middle of 146/156 driveway that proved the shared driveway. Joseph also showed him the Herron Survey that he received when purchasing 156 property that confirmed the consistent 50-foot lots in the Grandview 1913 plans. Attorney David F. Sutton walked around the property without questions or writing reports. His three visits were short. He began aware of the boundary evidence of the permanent 96 year old iron marked located in the middle of the 156/146 driveway and the Herron Survey evidence that confirmed their shared driveway that contradicted the non-certified Ensley Survey.

The North Carolina Board of Examiners for Engineers and Surveyors has accepted the investigation into Kevin Ensley PLS Survey. Case V2022-022 L.



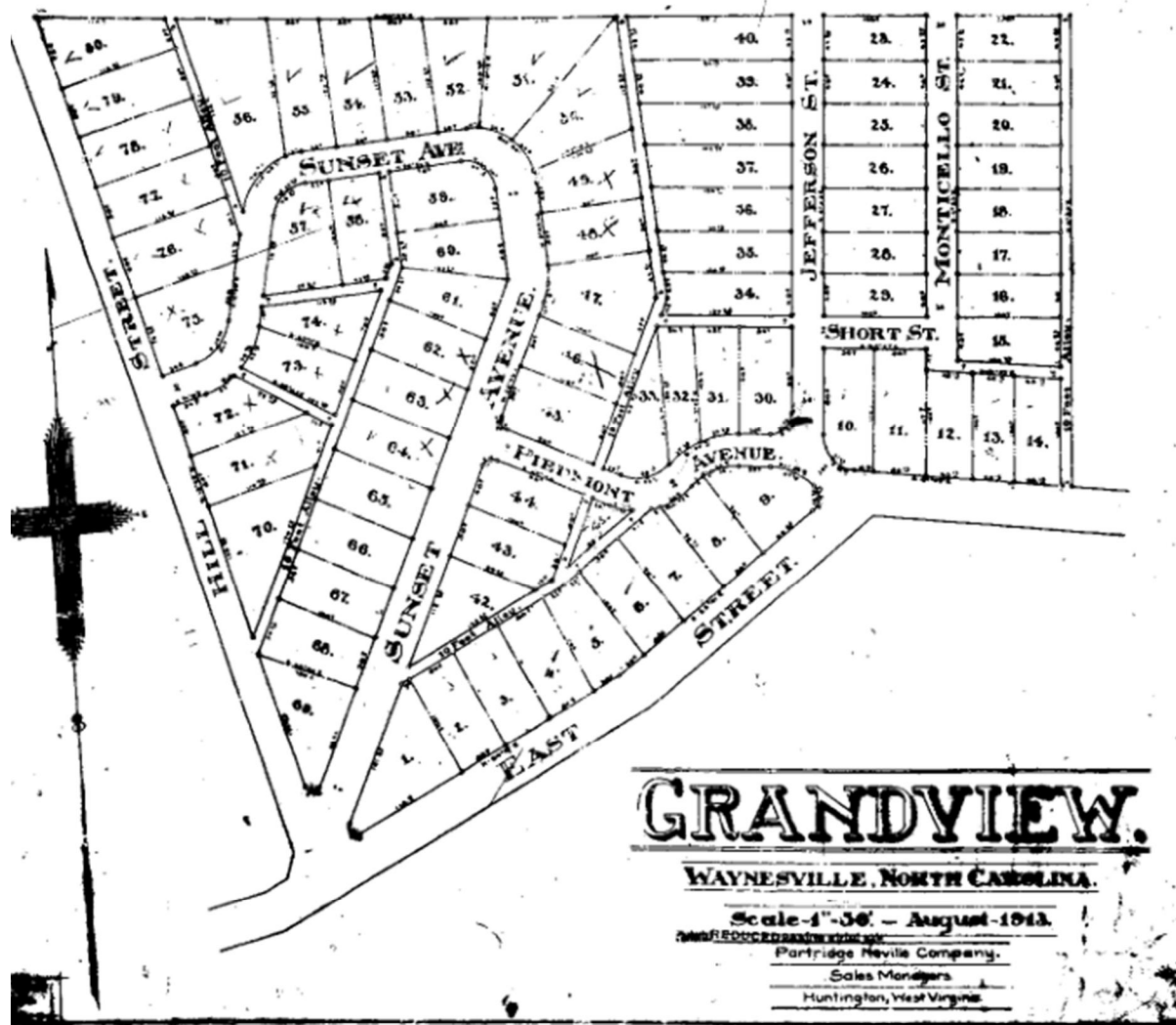
Pink Circle shows 96 year old iron property stake.

Grandview 1913-present 2022 all lots and all surveys report 50-foot lots.

Ensley Survey 2009 states 156 has 40-foot lot and 146 60-foot lot.

Davenport Survey 2021 confirms the Grandview 1913 map that illustrates 156 Johnson Hill 50-foot lot and 146 Johnson Hill 50-foot lot. Fraud was confirmed. The Liparis' at 156 Johnson Hill Drive had their driveway and front door access, the only access to their home, taken from them.

08/1913 all lots in Grandview, Johnson Hill Drive are 50-foot lots



Attorney David F. Sutton continued with the case with personal knowledge of the 156/146 iron property stake and Herron survey confirming the shared driveway. He also was aware of the severe physical and emotional Liparis' handicaps. Joseph Lipari age 64 and a 70% disabled veteran with severe hearing loss, recovering from heart surgery, and suicidal. Eileen Lipari age 60 wheelchair bound, partially blind with muscular dystrophy, cancer, depression, etc. and her mother age 83 schizophrenia with dementia.

According to the Ensley Survey, 156 had **no** entrance to their home. How can a home be built without any entrance? The Ensley Survey showed that the next-door neighbor's home at 146 had a double driveway with a 60-foot lot and 156 had a 40- foot lot, even though every Grandview lot had 50 foot.

This fraudulent situation continues today. Ed Smathers, owner of 146 Johnson Hill Drive since 2018, after 11 years activated the disputed property line case 08-CVS-1193. Joseph Lipari now 76 still 70% disabled veteran is unable to use his driveway or front door. Ed Smathers instead of doing another survey as per the instructions of Mr. Maguire, Waynesville Chief Code enforcement, erected the "the fence from hell" as Waynesville calls it. This Spite fence not only follows the case ruling to take away 156 driveway, and front door access, but also the entrance to their front addition that gave Joseph Lipari another entrance to his front door and the Johnson Hill Drive.

156 Johnson Hill Drive

146 Johnson Hill Drive



Ed Smathers

seems to have a relationship with Patrick Smathers who opposed Attorney Kirkpatrick in Superior Court Division case 08-CVS-1193.

Green Roof 156 146 Spite illegal fence *Austin v. Bald II*, 658 S.E.2d 1 (N.C. 2008)



October 7, 2021 Davenport's survey corrected the Ensley survey of moved markers to their original position. Elder fraud against Liparis was confirmed.

Fraud is a deception practiced inducing another to give up possession of property or surrender a right. The Superior Court Division case 08-CVS-1193 coerced the Liparis with severe mental and physical handicaps including a 70% disabled veteran to accept loss of their driveway and home entrance even though prior 156 residents for 52 years had access to their home.

Edward Smathers 146 posted the red NO TRESPASSING sign on 156 property to restrict Lipari 70% disabled veteran from using his front door to Johnson Hill Drive.



Joseph Lipari age 63 years

01/09/2008 EMERGENCY heart surgery with **5 arteries repair.**

Recovery contingent upon **no stress.** Advised reassessment for suicide risk.

PTDS medication needed

Service related 70% Disability PTSD and attention deficient

Navy Seal Underwater Demolition Team Honorable Discharge 08/11/1967

Agent orange Exposure Broken right ribs

Bilateral severe hearing loss with tinnitus from diving damage

Arthritic right elbow broken from naval boat Shortness of breath

Work two hours a day maximum with other days no work possible

Left lung with pleural effusion Left lower lung has lobe disease

Eileen Lipari wife 313 pounds 5'2" Joseph lifted Eileen with motorized lift.

Age 60 years	Died 8/2011
Severe Depression	Partially blind left eye
Muscular dystrophy	Confined to motorized wheelchair
Morbid Obesity	Cushing Disease
Hypertension	Breast Cancer
Asthma	Spondylolisthesis
Fibromyalgia	Respiratory Failure
Osteoarthritis	Diabetes with end organ damage
Chronic Kidney Failure	Anxiety loss of teeth related to grinding

Marie Heinke, age 83 Eileen Lipari's mother, lived with Eileen and Joseph Lipari when she was not in a mental health facility. Marie was diagnosed with schizophrenia, breast cancer, and dementia. Marie Heinke passed 2012.