

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
April 5, 2023

Subject: 23CVS286 - Stunning Admission that Kevin Ensley's 1/14/2008 Survey is Wrong!

Pat Smathers (Zeb Smathers Daddy) filing a lawsuit, 23CVS286, against Lois Hollis and Joe Lipari, is a stunning admission that **Pat/Zeb/Ed Smathers** no longer believe **Kevin "Adjudication" Ensley's** 1/14/2008 survey is right! This "controversy" is entirely due to the Davenport Analysis, on www.haywoodtp.net -

[08CVS1193. Davenport analysis of "Ensley Survey" dated 1/14/2008. The survey made by Kevin "Adjudication" Ensley, referenced as the "Ensley Survey" in 08-CVS-1193, Book 768, Page 450-453, is wrong! That means that Judge Brad Lett's Findings of Fact and Conclusions in his ruling, are also wrong. Nothing but coal this year for Kevin "Adjudication" Ensley's Christmas stocking. 1/14/2008. 12/21/2022...](http://www.haywoodtp.net/pubII/221216DavenportAnalysis.pdf)

<https://www.haywoodtp.net/pubII/221216DavenportAnalysis.pdf>

Paragraph 7 of the COMPLAINT (23CVS286) states:

7. That a controversy has arisen between the parties as to the location of the boundary line, and Plaintiff is in need of having a registered land surveyor locate the boundary line to permit Plaintiff to locate the boundary line as set for in Consent Judgement to permit Plaintiff to verify location of a currently constructed fence in relation to the boundary line and build a more substantial fence for Plaintiff's protection and security.

Here, **Pat Smathers** is filing this lawsuit because he now believes **Kevin "Adjudication" Ensley's** is wrong. You have to read this lawsuit to see what relief this character **Pat Smathers** is demanding. Paragraphs 8 and 9 accuse Plaintiff's of

- unlawfully parking a vehicle on Plaintiff's real property, and
- Plaintiff is in need of a preliminary and permanent injunction, ordering and directing the Defendants from interfering with any surveyor and workers who will be hired by the Plaintiff to work on said fence.

[**Editor's Note:** Surveyors will be hired to work on verification of a boundary line, not to work on a fence.]

This whole lawsuit is not only laughable, but frivolous.

The following two pages show the COMPLAINT by **Pat Smathers, Zeb Smathers Daddy**. Relevant sections has been highlighted in yellow.

[**Editor's Note:** It is not clear if **Ed Smathers** is related to either **Zeb Smathers** or **Pat Smathers**. The only thing that is known for sure is that **Pat Smathers** is **Zeb Smathers Daddy**.]

COPY

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF HAYWOOD SUPERIOR COURT DIVISION
FILE NO. 23 CvS 284

EDWARD SMATHERS,
Plaintiff,

vs.

JOSEPH JAMES LIPARI and
LOIS ANN HOLLIS,
Defendants.

COMPLAINT

NOW COMES Plaintiff, complaining of the Defendants, and alleges and says:

1. That Plaintiff is a citizen and resident of the County of Haywood, State of North Carolina.
2. That Defendant James Joseph Lipari is a citizen and resident of the County of Haywood, State of North Carolina.
3. That Lois Ann Hollis is a citizen and resident of the County of Haywood, State of North Carolina.
4. That Plaintiff is the owner of certain real property as described in Deed Book 1013, Page 1418 Haywood County Registry. A copy of Plaintiff's deed is attached hereto as Exhibit "A".
5. That Defendants are purportedly the owners of certain real property as described in Deed Book 924, Page 1649, Haywood County Registry. A copy of Defendants' deed is attached hereto as Exhibit "B".
6. That the above-described properties of the Parties share a joint boundary line which has previously been the subject of legal proceedings resulting in a Consent Judgment entered in Haywood County File No. 08 CvS 1193, and recorded of record in Deed Book 768, Page 450, Haywood County Registry. A copy of said Consent Judgment is attached hereto as Exhibit "C".
7. That a controversy has arisen between the parties as to the location of the boundary line, and Plaintiff is in need of having a registered land surveyor locate the boundary line to permit Plaintiff to locate the boundary line as set forth in said Consent Judgment to permit Plaintiff to verify location of a currently constructed fence in relation to the boundary line and build a more substantial fence for Plaintiff's protection and security.

8. That the Defendants, without permission, authority and consent of the Plaintiff, have been unlawfully parking a vehicle on Plaintiff's real property, in violation of the Consent Order, and the same constitutes a trespass upon Plaintiff's real property.

9 That the parties have been involved in a series of incidents which have been hostile, resulting in various legal proceedings. That the Plaintiff, upon information and belief, is confident that the Defendants will take action to harass, intimidate, and interfere with any surveyor which locates the boundary, and any workers who may work on the fence. As a result, the Plaintiff is in need of, and entitled to a preliminary and permanent injunction, ordering and directing the Defendants, and any agents or those acting with their permission from interfering with any surveyor and workers who will be hired by the Plaintiff to work on said fence.

10. That without an order of Court, the Plaintiff, upon information and belief, will be harmed by continuous harassment and intimidation and interference in the right of Plaintiff to locate and construct a fence.

11. That Plaintiff has been damaged as a result of Defendants' actions for trespass in an amount to be determined by the Court.

WHEREFORE, Plaintiff prays the Court:

1. That the Court enter a preliminary and permanent injunction ordering and directing the Defendants, their agents or those action on their behalf from interfering and obstructing in any way, or attempt to intimidate and harass the Plaintiff or his agents, including a registered land surveyor or workers from locating the boundary line between the Parties, and constructing a fence. Further, that the Defendants be ordered and directed to cease parking any vehicle, or otherwise placing any personal property upon the real property of the Plaintiff.

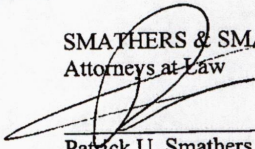
2. That the Defendants be found liable for trespass and damages awarded by the Court.

3. That the costs of this action be taxed to the Defendants.

4. For such other and further relief as the Court may deem just and proper.

This the 30 day of March, 2023.

SMATHERS & SMATHERS
Attorneys at Law


Patrick U. Smathers
Attorney for Plaintiff
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There are so many absurdities with this lawsuit, it is difficult to figure out a starting point. So, in no particular order, here we go...

- Why is **Pat Smathers**, **Zeb Smathers** Daddy, filing this lawsuit with **Ed Smathers** as his client, and not **Zeb Smathers**, who already represents **Ed Smathers** in the Assault against a Female case, 22CR50955?

Pat Smathers was the original lawyer against Joe Lipari, 08-CVS-1193, so maybe **Pat Smathers** is trying to wipe some egg off his face? **James Weaver “Kirk” Kirkpatrick the III** was Joe Lipari’s defense lawyer, but turned on Joe Lipari. **James Weaver “Kirk” Kirkpatrick the III** has since been thrown out as a county commissioner by Haywood County Voters in the last election.

Why didn’t **Zeb Smathers** file this lawsuit? Is **Zeb Smathers** too busy with other stuff to be bothered with this lawsuit? After all, **Zeb Smathers** has to contend with -

- His lawsuit against Mission Hospital,
 - Defending himself against a Grievance with the North Carolina Bar Association, 22G1392,
 - Figuring out how to calm **Ed Smathers** who has busted every order given to him by Judge Monica Leslie,
 - Dealing with the Evergreen Paper Mill plant shut down.
- Doesn’t **Pat Smathers** have enough to do representing the Haywood County School Board?
 - **Pat/Zeb/Ed Smathers** find themselves in a quandary, because the “Fence from Hell” is now on thin ice. This is the fence **Ed Smathers** put up, on now a questionable boundary line to harass Lois Hollis and Joe Lipari, also cutting off their original driveway.



- Why is **Pat Smathers** requesting a preliminary and permanent injunction, ordering and directing the Defendants from interfering with any surveyor and workers who will be hired by the Plaintiff to work on said *fence*?

It is certainly in the best interest of Lois Hollis and Joe Lipari to have another independent surveyor come in and re-confirm their suspicions, as outlined in the Davenport Analysis, and have this new surveyor re-establish the original boundary line. Why on God's Green Earth would they want to interfere?

I know! Pick me, pick me!

Pat/Zeb/Ed Smathers will want to keep this new surveyor from discovering the Davenport Analysis, and by them imposing an injunction, maybe the new surveyor will not find out about the Davenport Analysis.

- Looks like **Pat/Zeb Smathers** are not the only one's with egg on their face. Let's not forget about the NC Board of Examiners for Engineers and Surveyors, with their two letters, first exonerating **Kevin Ensley** from any wrongdoing, by Andrew Ritter, Executive Director on October 27, 2022, then chastising James Davenport for his pointing out **Ensley's** 10' overlap. See the two (2) letters by Andrew Ritter on the following two pages...
- If this case goes to Superior Court, Judge Brad Letts will probably have to recuse himself, as he was the original District Court Judge (at the time) who ruled on this case, using what is now described as a "controversial" survey by **Kevin "Adjudication Ensley**.

The list could go on and on, so please stay tuned to www.haywoodtp.net for more of this cluster [Expletive Deleted].

Monroe A. Miller, Jr.
Haywood County Taxpayer



**NORTH CAROLINA BOARD OF EXAMINERS
FOR ENGINEERS AND SURVEYORS**

4601 Six Forks Rd Suite 310
Raleigh, North Carolina 27609

October 27, 2022

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**Andrew L. Ritter
Executive Director**

Lois Ann Hollis
Joseph Lipari
156 Johnson Hill Drive
Waynesville, NC 28786

Re: Case No. V2022-022 – L. Kevin Ensley, PLS

Dear Ms. Hollis and Mr. Lipari:

The Review Committee of the North Carolina Board of Examiners for Engineers and Surveyors recently met, at which time the charges in the above-referenced matter were considered.

As a result of the charges, the Board conducted an investigation of the allegations therein. The Review Committee considered all available evidence to include information you provided, the respondent's explanation, and the results of the investigation.

After a thorough review of all matters relating to the case, the Review Committee recommended, and the Board closed the case. The Board's decision was based upon a lack of evidence of gross negligence, incompetence or misconduct. Therefore, the charges were deemed unfounded.

Accordingly, this case is closed, and all parties are being so informed. The Board appreciates your interest in this matter.

For the Board,

Andrew L. Ritter
Executive Director

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(919) 791-2000

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www.ncbels.org



**NORTH CAROLINA BOARD OF EXAMINERS
FOR ENGINEERS AND SURVEYORS**

4601 Six Forks Rd Suite 310
Raleigh, North Carolina 27609

October 27, 2022

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Executive Director**

James R. Davenport, PLS
Davenport, Ivey & Associates, Inc.
PO Box 234
Cullowhee, NC 28723

Dear Mr. Davenport:

The North Carolina Board of Examiners for Engineers and Surveyors administers the provisions of the Engineering and Land Surveying Act, Chapter 89C, of the North Carolina General Statutes.

A Land Surveying Review Committee of the Board recently met, at which time it considered a case involving L. Kevin Ensley, PLS, in which you were interviewed as a witness by Board staff.

Based upon its review of the matter, the Committee directed that you be cautioned regarding a survey entitled "JOSEPH LIPARI," bearing your certification dated October 7, 2021. The Committee opined that the statement on your map, "BOUNDARY AS PER ENSLEY SURVEY CREATING 10' OVERLAP," is not clear and factual [.1602(f)]. As you know, this matter was settled by Haywood County CONSENT ORDER 08-CVS-1193 (Haywood County Book 768, Page 450), which was signed on August 17, 2009. The court used the Ensley survey as the "true and undisputed" boundary line.

Should you have any questions about this letter, G. S. 89C or the Board Rules, please contact David J. Evans, Assistant Executive Director, at extension 113 or by e-mail at djevans@ncbels.org.

Sincerely,

Andrew L. Ritter
Executive Director

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