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NORTH CAROLINA)
FORSYTH COUNTY)

IN THE SUPERIOR COURT
BEFORE THE CLERK
SPECIAL PROCEEDING NO. 5095

THE REDEVELOPMENT COMMISSION
OF WINSTON-SALEM,

12

Petitioner

vs.

JUDGMENT

NELLIE M. HAIRSTON BAUSMAN, Executrix of
the Estate of W. P. Hairston; NELLIE M.
HAIRSTON BAUSMAN, Trustee u/w of W. P.
Hairston; NELLIE M. HAIRSTON BAUSMAN and
husband, JOHN P. BAUSMAN; MYRTLE HAIRSTON
STEPP, widow; WILLIAM HOWARD HAIRSTON and
wife, OPAL HAIRSTON; ELINOR D HAIRSTON
PEELER and husband, ABRAHAM H. PEELER; MAMIE
S. HAIRSTON SERUBY and husband, NORMAN
SERUBY; WALTER MOORE HAIRSTON and wife,
IRENE HAIRSTON; FLORECE HAIRSTON WINFREY
and husband, SOL W. WINFREY; CONSTANCE
LORRAINE HAIRSTON MORTON and husband,
JAMES T. MORTON; W. F. THOMAS, T/A
LONGFOSTER'S; CITY OF WINSTON-SALEM, T/A
KATE BITTING REYNOLDS MEMORIAL HOSPITAL;
HARRELL V. PACK, T/A OLD SALEM CONCRETE
COMPANY; NORTH CAROLINA NATIONAL BANK;
PARRISH TIRE COMPANY, INC.; M & J FINANCE
CORPORATION; VICTORY CREDIT UNION, INC.;
WALL COAL AND OIL COMPANY; NAYLOR PAINT
AND COAL COMPANY; and FIRST UNION NATIONAL
BANK OF WINSTON-SALEM, Successor to CITY
NATIONAL BANK,

Respondents

This cause coming on to be heard and being heard
before the undersigned at his office in the Forsyth County
Courthouse, Winston-Salem, North Carolina, and it appearing
to the Court from an examination of the records in this pro-
ceeding and from other evidence presented and considered, and
the undersigned finding as facts, the following:

That this proceeding was instituted on the 30th
day of August, 1965, by the filing of petition and the
issuance of summons for W. P. Hairston, respondent; that,
before any answer was filed by respondent W. P. Hairston,
the said respondent, W. P. Hairston, died testate on
September 6, 1965; that, upon motion of the petitioner and
pursuant to order of this Court, the petitioner filed an
amended petition herein on the 26th day of January, 1966,
parties necessary and proper, in consequence of the death
of respondent W. P. Hairston, being thereby brought into
this proceeding; that all parties in interest have been

duly served with process and have been duly notified of the hearings held in this proceeding, as required by law;

That answer was filed herein on behalf of the respondents Nellie M. Hairston Bausman, Executrix of the Estate of W. P. Hairston; Nellie M. Hairston Bausman, Trustee u/w of W. P. Hairston; Nellie M. Hairston Bausman and husband, John P. Bausman; Myrtle Hairston Stepp, widow; William Howard Hairston and wife, Opal Hairston; Elinor D. Hairston Peeler and husband, Abraham H. Peeler; Mamie S. Hairston Seruby and husband, Norman Seruby; Walter Moore Hairston and wife, Irene Hairston; Florece Hairston Winfrey and husband, Sol W. Winfrey; Constance Lorraine Hairston Morton and husband, James T. Morton; and on behalf of the respondent M & J Finance Corporation;

That, at the hearings of this matter, appearance has been made on behalf of the respondents Nellie M. Hairston Bausman, Executrix of the Estate of W. P. Hairston; Nellie M. Hairston Bausman, Trustee u/w. of W. P. Hairston; Nellie M. Hairston Bausman and husband, John P. Bausman; Myrtle Hairston Stepp, widow; William Howard Hairston and wife, Opal Hairston; Elinor D. Hairston Peeler and husband, Abraham H. Peeler; Mamie S. Hairston Seruby and husband, Norman Seruby; Walter Moore Hairston and wife, Irene Hairston; Florece Hairston Winfrey and husband, Sol W. Winfrey; Constance Lorraine Hairston Morton and husband, James T. Morton;

That all parties having or claiming any interest in the land involved in this proceeding are parties hereto and are duly before the Court;

That there is not on record in the Office of the Clerk of Superior Court of Forsyth County, North Carolina, any inheritance-tax release from the North Carolina Department of Revenue, with respect to the inheritance-tax liability, if any, of the beneficiaries of the Estate of W. P. Hairston;

That The Redevelopment Commission of Winston-Salem is a corporation duly chartered and existing under and by virtue of the laws of the State of North Carolina and is authorized and empowered by statute and by its charter to acquire lands, by purchase or by condemnation, for any public purpose set out in such statute and charter; that The Redevelopment Commission of Winston-Salem intends, in good faith, to conduct and carry on the duties imposed upon it by such statute and charter and by the redevelopment plan which it has been directed to execute in accordance with a resolution of the Board of Aldermen of the City of Winston-Salem;

That it is necessary for the said petitioner to acquire, in fee, the land, including improvements thereon, described in Paragraph IV of the amended petition, such land lying within the area selected for redevelopment by the Board of Aldermen of the City of Winston-Salem and being known as North Carolina Redevelopment Project R-18;

That the respondents are all the persons or other legal entities entitled to own or claim an interest in the property that is the subject of this proceeding;

That Rupert W. Bagby, J. Sid Pfaff and H. B. Self, three disinterested and competent freeholders who reside in Forsyth County, were duly appointed Commissioners by the Court to ascertain and determine the compensation which ought justly to be made by the petitioner to the respondents;

That the said Commissioners took the prescribed oath, met at the time and place fixed by the Court for their first meeting, and in all other respects complied with the law relating to their powers and duties;

That the said Commissioners filed their report with the undersigned Clerk of Superior Court of Forsyth County on the 25th day of April, 1966, in which report the said Commissioners assessed the damages to the said property at the sum of \$8,030.00, as full and just compensation for the taking of the property, as prayed for in the amended petition;

That none of the respondents herein has filed any exceptions to the aforesaid Commissioners' report, and the time for filing exceptions has expired prior to the date of the signing of this judgment;

That the requirements of the law relating to condemnation proceedings have been complied with in all respects and that The Redevelopment Commission of Winston-Salem is entitled to have judgment condemning the property in its favor, as prayed for in the amended petition.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that:

(1) There is hereby condemned to the Redevelopment Commission of Winston-Salem, its successors and assigns, the following described property (being the same property described in Paragraph IV of the amended petition filed herein) for the purpose of effectuating the redevelopment plan designated as North Carolina Redevelopment Project R-18 and ordered executed by the Board of Aldermen of the City of Winston-Salem:

BEGINNING at an iron stake at the southwest corner of the intersection of Greenwood Avenue and an alley, said alley being a westward extension of 5 1/2 Street; running thence southwardly with the western edge of Greenwood Avenue, 124 feet to an iron stake; running thence northwardly along a line parallel to Greenwood Avenue and with the eastern edge of Lot No. 9, 124 feet to an iron stake in the southern edge of said alley; running thence with the southern edge of said alley, 50 feet to the place of BEGINNING.

Being known and designated as part of Lot No. 10, Tise-Masten Property as shown on a plat recorded in Deed Book 73, Page 311, and re-recorded in Plat Book 8, Page 67, in the Office of the Register of Deeds of Forsyth County, North Carolina.

Being also shown on the Forsyth County Tax Map as Lot 14, Tax Block 387, in the Office of the Tax Supervisor of Forsyth County, North Carolina.

(2) Upon the payment of this judgment by the petitioner, the respondents shall be divested and barred of their right, title, and interest in the aforesaid property, and the petitioner shall become the owner in fee simple of the property described in Subparagraph (1), above; and it is ordered that such vesting of title in the petitioner shall be as of the date of the signing of this judgment;

(3) The respondents shall have and recover of The Redevelopment Commission of Winston-Salem the sum of \$8,030.00, in full compensation for the said property, the said sum to be disbursed by this Court after it first retains in its possession such amount as is due the City of Winston-Salem and Forsyth County for ad valorem taxes assessed during the year 1966 and pays any and all amounts due the City of Winston-Salem and Forsyth County for ad valorem taxes assessed during the year 1965 and in prior years, if there are any unpaid taxes for 1965 and prior years, together with any penalties and interest due on the said taxes; and after the Court first retains in its possession such amount as the Court estimates will be due the North Carolina Department of Revenue on account of the inheritance-tax liability, if any, of the beneficiaries of the estate of W. P. Hairston;

(4) This proceeding will be held open for further hearings, to determine which of the respondents is/are entitled to disbursement of the net proceeds herein, as outlined in Subparagraph (3), above;

(5) The petitioner is taxed with the costs of this proceeding, including an attorney's fee for each attorney representing the respondents or any of them, the said fee to be fixed by the Court.

Let this judgment be recorded in the Office of the Register of Deeds of Forsyth County, North Carolina.

This the 20 day of October, 1966,
at 2:00 o'clock, P.M.

W. B. Ruse
Clerk of Superior Court

FILED FOR REGISTRATION
CLERK OF DEEDS
REGISTER OF DEEDS
FORSYTH COUNTY, N. C.

OCT 21 11 47 AM '66

BY Ray G. Zimmerman
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