

Unsealed by Board of Commissioners 01/13/2020.

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 19, 2017 – CLOSED SESSION

Closed Session #1

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body which privilege is hereby acknowledged, closed session was entered into at 10:35 a.m. Closed session was held in the Arthur C. Wilson, Jr. Conference Room. Present were Chairman Chapman, Commissioners Chappell, Hawkins and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, Tax Administrator Jessica McCall, via conference call attorney John Noor, and Clerk to the Board Trisha Hogan.

A parcel of property located within the jurisdiction of the City of Brevard was foreclosed upon due to failure to pay property taxes and was auctioned off at the Courthouse following procedures outlined in North Carolina General Statutes. The property was sold to the highest bidder who made the required deposit. The attorney over the sale completed his due diligence on the property and was able to find recorded easements in the Register of Deeds office and this information was disclosed at auction. However, since that time the highest bidder learned that the City of Brevard had installed utility lines (water/sewer) through the middle of the property, which were not recorded, thereby deeming the property unusable. The highest bidder does not want to complete the purchase and is requesting a refund of his deposit; otherwise he is threatening to file suit. An inquiry with the City of Brevard revealed the City has no interest in purchasing the property. In addition, the statute of limitations of 24 months has expired for the owner to see recourse on the infringement.

If the County decides to refund the deposit and release him of his responsibility, this could set a negative precedent because all legal processes were followed to auction off the property.

The highest bidder and his attorney claim that a Guardian ad Litem was appointed to represent the interests of the heirs to the property and did not conduct the correct searches. This is not a legal argument. They also claim there were deficiencies with the property searches and this claim is untrue.

After discussion, Commissioners were in consensus at the advice of the attorney to move forward with the foreclosure process and inform the highest bidder he must commit to purchasing the property as promised and that the County intends to hold him to it.

Larry L. Chapman, Chairman
 Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board

09/19/2017