

FILED

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

GRANVILLE COUNTY

NOV 18 AM 8:32

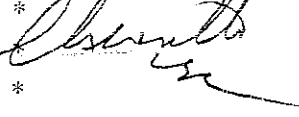
DISTRICT COURT DIVISION

FILE NO. 09 CVD 1380

CARLTON PATRICK CURRIN and wife
JUANITA P. CURRIN,

Plaintiffs

GRANVILLE CO., C.S.C



vs

**EX PARTE EMERGENCY
CUSTODY ORDER**

WILLIAM SCOTT MORRIS,
Defendants

*
*
*
*
*
*

THIS MATTER coming on to be heard and being heard *ex parte* before the undersigned District Court Judge of the ninth Judicial District, Granville County, North Carolina upon a verified Complaint of the Plaintiffs herein;

And it appearing to the Court that this is an action commenced pursuant to the provisions of § 50-13.1 et seq., § 50-13.5 et seq., and Chapter 50A of the North Carolina General Statutes for immediate custody of the minor child Carolyn Haley Morris, born March 3, 2003;

And if further appearing that the Court has jurisdiction over the parties hereto, the minor child and the subject matter herein;

And, based on the verified Complaint filed by the Plaintiffs herein and by clear, cogent and convincing evidence, the Court makes the following:

FINDINGS OF FACT

1. That the Plaintiffs, Carlton Patrick Currin and wife, Juanita P. Currin, have been citizens and residents of Granville County, North Carolina for more than six months next preceding the filing of this action residing at 3195 Range Road, Stem, NC 27581.

2. That the Defendant, William Scott Morris, is a resident of Granville County, North Carolina.

3. That the Defendant, William Scott Morris and Kelly Currin Morris, daughter of the

Plaintiff, Carlton Patrick Currin, were married on March 9, 2002.

4. That one child was born of the marital relationship between the Defendant, William Scott Morris and Kelly Currin Morris, namely, Carolyn Haley Morris, Date of Birth: May 3, 2003.

5. That the Defendant, William Scott Morris, has physical custody of the minor child, Carolyn Haley Morris and is residing with his parents in Creedmoor, North Carolina

6. That the minor child previously resided with Kelly Currin Morris and the Defendant, William Scott Morris at 3220 Tump Wilkins Rd , Stem, North Carolina.

7. That the Plaintiff's daughter, Kelly Currin Morris disappeared and has not been seen since the evening of September 3, 2008 failing to report to work on September 4, 2008. She has been identified as a "Missing Person".

8. That the Defendant, William Scott Morris, is presently a "person of interest" in the pending investigation according to Granville County Sheriff David Smith.

9. That during interviews with investigators, the Defendant, William Scott Morris, has made numerous inconsistent statements regarding his whereabouts and activities during the evening hours of September 3, 2008 and the morning of September 4, 2008.

10. That the false statements made by the Defendant, William Scott Morris, to investigators were made with the intent to deceive them.

11. That it is more likely than not that Kelly Currin Morris is a victim of homicide.

12. That it is more likely than not that the Defendant, William Scott Morris, is involved in the homicide of Kelly Currin Morris

13. That there is a high probability that the Defendant, William Scott Morris, will be arrested and charged with kidnapping and/or murder of Kelly Currin Morris.

14. That the Defendant, William Scott Morris, has acted inconsistently with his constitutionally protected status as a parent to the minor child, Carolyn Haley Morris.

15. That there is a high probability that Jimmy Morris, the father of the Defendant, with whom the Defendant is residing, was also involved in the coverup of Kelly's homicide.

16. That law enforcement officials have found human remains in Southern Granville County which have been determined to be the body of Kelly Currin Morris and that based upon the foregoing facts as alleged and said discovery, the Defendant William Scott Morris will be arrested for the murder of Kelly

Currin Morris and the arson of the Morris home In the event that the Defendant William Scott Morris learns of this fact, there is a substantial likelihood that he will attempt to flee the State of North Carolina and remove the minor child, Carolyn Haley Morris from its jurisdiction

17. That the Plaintiffs are fit and proper persons to have the care, custody and control of the minor child and it is in the best interest and welfare of the minor child that the Court grant the Plaintiffs temporary and permanent legal and physical custody of the minor child. That the Plaintiffs love the minor child and have assisted in her care on a regular basis since her birth

18. That absence of the entry of this order, the minor child would be exposed to a substantial risk of harm and bodily injury and further emotional distress when in the Defendant's care and that there is a substantial risk that the child may be removed by the Defendant from the State of North Carolina for the purpose of evading the jurisdiction of North Carolina Courts.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. That this Court has jurisdiction of the parties and the subject matter of this action.
2. That the Defendant has acted inconsistently with his constitutionally protected status as a parent to the minor child, Carolyn Haley Morris.
3. That the Plaintiffs have met their burden of proof and their standing to bring their claims for custody of the minor child, Carolyn Haley Morris.
4. That the Plaintiffs are fit and proper persons to have physical and legal custody of the minor child and the child's best interest are served by entry of this *ex parte* emergency custody order awarding physical and legal custody of the minor child to the Plaintiffs pending further orders of the Court.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

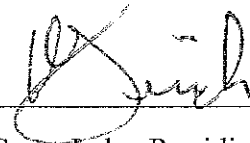
- 1 That pending further orders of the Court and any hearing in the above-captioned action, the Plaintiffs are hereby granted the temporary physical and legal care, custody and control of the minor child, Carolyn Haley Morris.

2. That Law enforcement in Granville County, North Carolina, or in such other county or state where the minor child may be found, shall immediately assist the Plaintiffs in gaining physical custody of the minor child, Carolyn Haley Morris.

3. That pending further orders of the Court herein and the full hearing on the merits in the above-captioned action, the Court retains jurisdiction over the parties hereto, the minor child and the subject matter herein.

4. That this matter is set for hearing at the Nov. 20, 2009 session of Granville County Civil District Court beginning at 9:30 a.m. in the Granville County Courthouse located at 101 Main St., Oxford, North Carolina.

This the 17 day of Nov 2009 at 6:18 o'clock p m.



District Court Judge Presiding
Daniel F. Finch

NORTH CAROLINA
GRANVILLE COUNTY

FILED

2008 SEP 17 11 53 AM

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 09 CVD 1380

CARLTON PATRICK CURRIN and wife *
JUANITA P CURRIN, *
Plaintiffs *

FILED 09 13 80
W. L. ...
usc

vs

WILLIAM SCOTT MORRIS,
Defendant

*
* **COMPLAINT FOR TEMPORARY**
* **AND PERMANENT CHILD CUSTODY**
* **AND MOTION FOR EMERGENCY**
* **CUSTODY ORDER**

The Plaintiffs, complaining of the Defendant, allege as follows:

1. That the Plaintiffs, Carlton Patrick Currin and wife, Juanita P Currin, have been citizens and residents of Granville County, North Carolina for more than six months next preceding the filing of this action residing at 3195 Range Road, Stem, NC 27581.

2. That the Defendant, William Scott Morris, is a resident of Granville County, North Carolina.

3. That the Defendant, William Scott Morris and Kelly Currin Morris, daughter of the Plaintiff, Carlton Patrick Currin, were married on March 9, 2002.

4. That one child was born of the marital relationship between the Defendant, William Scott Morris and Kelly Currin Morris, namely, Carolyn Haley Morris, Date of Birth: May 3, 2003.

5. That the Defendant, William Scott Morris, has physical custody of the minor child, Carolyn Haley Morris and is residing with his parents in Creedmoor, North Carolina.

6. That the minor child resided with Kelly Currin Morris and the Defendant, William Scott Morris in Granville County, North Carolina from the time of her birth until September 3, 2008.

7. That pursuant to N.C.G.S. § 50-A-201(a), North Carolina is the "home state" for the minor child of the parties, and this Court has jurisdiction to enter orders for child custody.

8. That pursuant to N.C.G.S. § 50-13 et al., Plaintiffs bring this action in good faith and Plaintiffs have previously filed a Motion to Intervene as a party in the action "Jimmy Morris and

Carolyn Morris v. William Scott Morris and Kelly Currin Morris" 08 CVD 6407 in Durham County, North Carolina. Said action was dismissed by the plaintiffs therein, Jimmy Morris and Carolyn Morris on March 26, 2009 after the Plaintiffs herein filed their Motion to Intervene. That none of the parties to the previous action resided in Durham County and there is currently no order in place or effective in the Durham County case addressing the custody of the minor child. Other than said filing, the Plaintiffs herein have not participated as parties, witnesses, or in any other capacity in any other litigation concerning the custody of said minor child in this or any other State.

9 That the Plaintiffs herein have no information of any custody proceeding concerning the minor child pending in a Court of this or any other State.

10 That the Plaintiffs know of no other person, not a party to this action, who has an interest in this matter, or who has physical custody of said minor child or claims they have custody or visitation rights with respect to said minor child. That the Plaintiffs are aware the paternal grandparents, Jimmy Morris and Carolyn Morris filed the action described above for custody previously in Durham County, but that said parties have dismissed any claim they made to custody of the child in said proceeding.

11 That the minor child's family is not intact and the Plaintiffs have standing to seek the relief requested herein.

12 That the Plaintiff's daughter, Kelly Currin Morris disappeared and has not been seen since the evening of September 3, 2008. She failed to report to work on September 4, 2008. She has been identified as a "Missing Person".

13 That on the morning of September 4, 2008 the house owned and occupied by the Defendant and Kelly Currin Morris at 3220 Tump Wilkins Rd., Stem, North Carolina was discovered to be on fire. Investigators have ruled this house fire to have been arson.

14 That Kelly Currin Morris' vehicle was found abandoned approximately one mile from the house with her purse, cell phone and keys locked inside.

15 That upon information and belief, Kelly Currin Morris is a victim of homicide.

16 That the Defendant William Scott Morris was named a "person of interest" in the pending investigation according to Granville County Sheriff David Smith.

17 That on September 25, 2008 a Search Warrant issued "In the Matter of William

Scott Morris" was filed in the Office of the Clerk of Superior Court of Granville County. In the application for the Search Warrant attached thereto North Carolina SBI Agent Brian Fleming recited certain facts indicating that the Defendant lied to the investigators regarding his whereabouts and activities during the evening hours of September 3, 2008 and the morning of September 4, 2008. Based upon the facts and circumstances as set forth in said application the Plaintiffs believe and therefore allege that William Scott Morris was involved in the disappearance of Kelly Currin Morris and was involved in the arson of the child's residence and lied to investigators of the Granville County Sheriff's Department and the North Carolina State Bureau of Investigation in order to cover his crime.

18. Specifically, the Defendant, William Scott Morris, told investigators that Kelly had left the home at approximately 9:30 p.m. on the evening of September 3, 2008 to look for a missing dog, and that he had taken a shower, gone directly to bed and slept through the night. Telephone records revealed a series of calls between the Defendant and his father, Jimmy Morris from approximately 9:45 p.m. to midnight. Jimmy Morris told investigators that the Defendant called him at approximately 10:00 p.m. and asked him to come babysit while his son went to look for Kelly. The Defendant told his father that he believed that Kelly was cheating on him. Jimmy Morris was not truthful in his statements regarding the time of a later call from the Defendant to him or the time that the Defendant arrived back at the residence.

19. That the Defendant told investigators that on the morning of Thursday, September 4, 2008 he drove straight from Scott's storage lot in Butner to Hardee's and then from Hardee's "straight" to the BP Station on Main St. in Creedmoor. Video cameras in the area revealed that the Defendant traveled to Hardee's and left Hardee's along West Lyon Station Rd. which is the direction of his residence. This was in the time period prior to the discovery of the fire at the residence.

20. That someone went to the house and released the dogs before the fire was discovered. The dogs were locked in dog crates in the house when the Defendant and the children left the residence earlier that morning.

21. That during the months prior to Kelly Currin Morris' disappearance, the Defendant engaged in a pattern of emotional abuse directed toward Kelly and both of her children. According to the affidavit of Brian Fleming the Defendant had "punched holes in the wall during arguments and once threw a computer out of a window".

22. That based upon information and belief, William Scott Morris is the primary suspect in

the murder of his wife, Kelly Currin Morris, and may be arrested for his crimes at anytime. That it will not be in the best interest of the minor child for her to be present when this occurs. Based upon the facts and circumstances set out in the Search Warrant application there is a high probability that Jimmy Morris, the father of the Defendant, with whom the Defendant is residing, was also involved in Kelly's disappearance.

23. On information and belief, the Defendant is mentally and emotionally unstable and the minor child should not be subjected to the risks inherent in being in his custody.

24. That the Plaintiff, Carlton Patrick Currin is the maternal grandfather of the minor child, Carolyn Haley Morris.

25. That the Plaintiffs are fit and proper persons to have the care, custody and control of the minor child and it is in the best interest and welfare of the minor child that the Court grant the Plaintiffs temporary and permanent legal and physical custody of the minor child. That the Plaintiffs love the minor child and have assisted in her care on a regular basis since her birth.

26. That the minor child, Carolyn Haley Morris loves the Plaintiffs and calls them "Granddaddy" and "Granny" and has spent numerous overnights with them.

27. That the Plaintiff, Carlton Patrick Currin is the owner and operator of a construction business and the Plaintiff, Juanita P. Currin is a registered nurse.

28. That the Plaintiffs have a close relationship with Craig Brogden who is the father of Haley's sister, Taylor and since Kelly's disappearance the Plaintiffs have arranged on occasion for Haley and Taylor to spend time together.

29. That the continued separation of Haley from her sister Taylor is causing Haley substantial emotional distress.

30. That the Plaintiffs have arranged for Haley and Taylor to have professional counseling to assist them with dealing with the loss of their Mother but that the Defendant has not cooperated in Haley's participation in counseling.

32. That based on information and belief, the defendant, William Scott Morris has sold or otherwise disposed of many of the assets he owned at the time of his Wife's disappearance, is not gainfully employed, and has not established a new home for the minor child.

33. That the minor child, Carolyn Haley Morris, is presently exposed to a substantial risk of harm and bodily injury when in the Defendant's care and that there is a substantial risk that the child may

be removed by the Defendant from the State of North Carolina for the purpose of evading the jurisdiction of North Carolina Courts.

34. That based on information and belief, law enforcement officials have found human remains in Southern Granville County which have been determined to be the body of Kelly Currin Morris and that based upon the foregoing facts as alleged and said discovery, the Defendant William Scott Morris will be arrested for the murder of Kelly Currin Morris and the arson of the Morris home. In the event that the Defendant William Scott Morris learns of this fact, there is a substantial likelihood that he will attempt to flee the State of North Carolina and remove the minor child, Carolyn Haley Morris from its jurisdiction.

35. That based on information and belief, the defendant, William Scott Morris has delegated his parental responsibilities to his parents, who have alleged under oath that he was not currently fit to be the custodial parent of the minor child.

36. That based on information and belief, William Scott Morris is not fit to be the custodian for Haley and that his conduct in committing the crimes as herein, and his actions since the disappearance of his Wife as alleged establishes the fact that he has acted inconsistently with his constitutionally protected status as a parent to the minor child and is not a fit and proper parent to exercise custodial rights.

MOTION FOR *EX PARTE* EMERGENCY CUSTODY ORDER

37. The allegations contained in Paragraphs 1 through 36 above are incorporated herein by reference

38. That the Plaintiffs, pursuant to N.C. Gen Stat. 50-13.5(d), hereby move that the Court enter an *ex parte* temporary emergency custody order vesting legal and physical custody of the minor child to the Plaintiffs.

39. That there is a substantial risk that the child is exposed to a substantial risk of bodily injury and further emotional distress in the Defendant's custody and that she may be removed from the State of North Carolina by Defendant for the purpose of evading the jurisdiction of North Carolina courts.

WHEREFORE, the Plaintiffs pray that the Court:

1. That this verified Complaint be allowed and taken as an Affidavit in support of Plaintiffs'

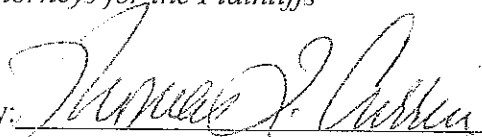
applications and claims for temporary and permanent child custody, and that said Complaint also be allowed and taken as an Affidavit upon which to base all Orders, whether temporary, *ex parte* or otherwise, of this Court; and

2. That the Court grant Plaintiffs' Motion for an *Ex Parte* Emergency Custody Order.
3. That the Court award the Plaintiffs temporary custody of the minor child, Carolyn Haley Morris; and
4. That the Court award the Plaintiffs permanent custody of the minor child, Carolyn Haley Morris; and
5. That the Court enter appropriate orders for support of the minor child.
6. For such other and further relief as the court deems just and proper

This the 17th day of November, 2009

CURRIN & DUTRA, LLP

Attorneys for the Plaintiffs

By: 
Thomas L. Currin NC Bar No. 7079
118 Main Street
PO Box 1226
Oxford, NC 27565-1226
Telephone: 919-693-8011
Facsimile: 919-690-1415

By: _____
Lori A. Dutra NC Bar No. 17711
118 Main Street
PO Box 1226
Oxford, NC 27565-1226
Telephone: 919-693-8011
Facsimile: 919-690-1415

NORTH CAROLINA
GRANVILLE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 09 CVD _____

CARLTON PATRICK CURRIN, and wife *
JUANITA CURRIN, *
Plaintiffs *
*
*
*
*
*
*
*

VS

VERIFICATION

WILLIAM SCOTT MORRIS, *
Defendants *
*
*
*

The undersigned, **Carlton Patrick Currin**, first being duly sworn, does hereby depose and say that he has read the foregoing **Complaint for Temporary and Permanent Child Custody and Motion for Emergency Custody Order** or has had the same read to him; that the same is true of his knowledge, except as to matters and things herein alleged upon information and belief, and as to such matters and things so alleged he believes them to be true.

This the 17th day of November, 2009.

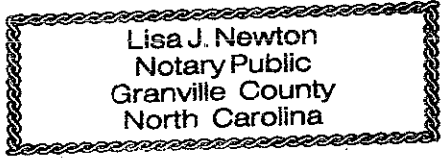
Carlton Patrick Currin
Carlton Patrick Currin

STATE OF NORTH CAROLINA
COUNTY OF GRANVILLE

I, Lisa J. Newton, a Notary Public of Granville County, North Carolina, certify that **Carlton Patrick Currin** appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 17th day of November, 2009.

Lisa J. Newton
Notary Public

My Commission Expires: 9-20-14



RETURN OF SERVICE

09 28 350

I certify that this NOTICE was received on the 2 day of November 2009, and NOTICE was served as follows:

On William Scott Morris on the 2nd day of November, 2009 at the following place: 3220 Tump Wilkins Road Stem, NC 27581
113 W. Church St
Cheekwood, N.C. 27522 (fill in address where copy was delivered or left) by

delivering copies to him personally. () leaving copies with _____ who is a person of suitable age and discretion and who resides in the defendant's dwelling or usual abode.

I certify that this NOTICE was received on the _____ day of _____ 20 _____, and NOTICE was served as follows:

On Kelly C. Morris on the _____ day of _____, 20 _____ at the following place: 3220 Tump Wilkins Road Stem, NC 27581

(fill in address where copy was delivered or left) by _____
() delivering copies to him personally. () leaving copies with _____ who is a person of suitable age and discretion and who resides in the defendant's dwelling or usual abode.

If not served on defendant, state reason and give name: _____

by posting NOTICE on door of vacant property, after first having made ade and diligent search and not having found the respondents. Posted property at 3220 Tump Wilkins Rd Stem N.C 27581 for Kelly C. Morris.

FEE \$ 30 Brindell B. Wilkins Jr Sheriff of Shamville County, North Carolina.

Paid: 30 by DAVID S. BARR Deputy
BY: [Signature] Date 11/2/9

PLEASE POST PROPERTY IF TENANT OCCUPIED.

*** PLEASE DETACH AND RETURN YELLOW COPY IN ATTACHED ENVELOPE TO: ***

SERVICE BY 11/10/2009
BY POSTING, or as soon
thereafter as possible
09-02551

BROCK & SCOTT, PLLC
5431 Oleander Drive
Suite 200
Wilmington, North Carolina 28403
(910) 392-4988

STATE OF NORTH CAROLINA

File No
09 SP

230

Granville County

In The General Court of Justice

FILED

Name of Petitioner 1
Brock & Scott PLLC, Substitute Trustee

Tax ID/SSN

Name of Petitioner 2

Tax ID/SSN

Name of Petitioner 3

Tax ID/SSN

SPECIAL PROCEEDINGS ACTION
COVER SHEET

Rule 5 (b), 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

Brock & Scott, PLLC
5431 Oleander Drive, Suite 200
Wilmington, NC 28403

VERSUS

Name of Respondent 1
William Scott Morris

Tax ID/SSN

Summons Submitted
 Yes

Attorney Bar No
32346

Initial Appearance in Case Change of Address

Name of Respondent 2
Kelly C. Morris

Tax ID/SSN

Summons Submitted
 Yes

Name of Firm
Brock & Scott, PLLC

Tax ID No 56-2107459 Telephone No (910) 392-4988 FAX No (910) 392-8587

Name of Respondent 3

Tax ID/SSN

Summons Submitted
 Yes

Counsel for
 All Petitioners All Respondents Only (List party(ies) represented)

APPLICATION

(check appropriate box)

- Adoption (ADOP)
- Boundary Settlement (BNDR)
- Cartway (CART)
- Condemnation - Private Condemnor/Mill (CNDM)
- Dec Estate - Sell Land To Create Assets (PESE)
- Decedent's Estate - Sell Personal Property (SLPS)
- Drainage - Individual/Corporation (DRNG)
- Drainage District - Establishment (DRDS)
- Foreclosure (FORE)
- Incompetency (INCM)
- Land Registration - Torrens Act (TORR)
- Legitimation (LGMT)
- Minor's Estate - Disburse Funds (DFND)
- Minor/Income Estate - Sale/Lease/Mortgage (MIES)
- Minor Settlement (MSTL)

- Motor Vehicle Lien G S. 44A (MVLN)
- Name Change (NAME)
- Partition (PART)
- Protective Services Adult (PRSE)
- Renunciation Of Testamentary Trustee (RNTT)
- Resignation of Trustee (RSNT)
- Surplus Funds - Determine Ownership (DOSF)
- Sterilization (STRL)
- Unknown Heirs - Proceeding To Determine (TDHE)
- Year's Allowance - Spouse/Child (SSCA)
- Other (specify)

Date

Signature of Attorney/Party

[Handwritten Signature]

, Attorney

NOTE: All papers filed in civil actions, special proceedings and estates 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. The Clerk of Superior Court shall require a party to refile any paper which does not include the required cover sheet.

NORTH CAROLINA
GRANVILLE COUNTY

) IN THE GENERAL COURT OF JUSTICE
) FILED SUPERIOR COURT DIVISION
) BEFORE THE CLERK

IN RE:

2009 OCT 30 AM 11:48 09 SP 350

Foreclosure of Real Property Under Deed of Trust from)
William Scott Morris, and wife, Kelly C. Morris, in the)
original amount of \$224,000 00, payable to American)
Home Mortgage, dated February 20, 2007 and recorded)
on February 22, 2007 in Book 1195 at Page 459 and)
re-recorded/modified/corrected on October 6, 2009 in)
Book 1329, Page 360, Granville County Registry)
Brock & Scott, PLLC, Substitute Trustee)
)

NOTICE OF HEARING

To: *William Scott Morris*
Kelly C. Morris
Property *3220 Tump Wilkins Road*
Address: *Stem, NC 27581*

1. YOU ARE HEREBY NOTIFIED that the Clerk of Superior Court of Granville County shall conduct a hearing pursuant to North Carolina General Statutes §45-21.16 with respect to the foreclosure of certain real property hereinafter set forth.

The above hearing shall be conducted on December 1, 2009 at 9:00AM at:
Granville County Clerk of Court
101 Main Street
Oxford, NC 27565

2. The name and address of the current holder of the above-described Deed of Trust and the indebtedness secured thereby is: Wells Fargo Bank, NA successor by merger to Wells Fargo Home Mortgage, Inc., 3476 Stateview Blvd, Fort Mill, SC 29715.
3. The Holder has instructed the said Substitute Trustee who has been appointed in a duly recorded instrument in the above-described Deed of Trust to institute foreclosure proceedings, pursuant to the power of sale contained therein, because of default in the failure to make payments of principal and interest under the Promissory Note secured by said Deed of Trust.
4. The Holder has accelerated the maturity of the debt secured by the above-described Deed of Trust.
5. You have the right in accordance with North Carolina General Statutes Section 45-21 20 to terminate the power of sale being exercised in this foreclosure proceeding if you pay in full, or tender payment in full, the indebtedness secured by the Deed of Trust and the expenses incurred in this matter prior to the sale or prior to the expiration of the time for submitting any upset bid after sale or resale has been held. You also have the right to cure the default if allowed by the Deed of Trust.

6. The date and time of foreclosure sale will be on the January 5, 2010 at 10:00AM and the place of sale will be the Granville County Courthouse, at the courthouse door of the county courthouse where the property is located, or the usual and customary place where foreclosure sales are customarily held. You will be notified of any change in the hour, date and place of sale.

The real property secured by the above-described Deed of Trust is located in the County of Granville, State of North Carolina, and is more particularly described as follows:

Being all of that 4.5386 acre parcel of land as shown on map recorded in Plat Book 22, Page 119, Granville County Registry

Save and except any releases, deeds of release or prior conveyances of record.

Said Property is commonly known as *3220 Lump Wilkins Road, Stem, NC 27581*.

7. Any right of the debtor to pay the indebtedness or cure the default if such is permitted

8. The Holder has confirmed in writing to the person giving the notice, or if the Holder has given the notice, the Holder has confirmed in the notice, that within 30 days of the date of the notice, the debtor was sent by First Class Mail at the debtor's last known address a written statement of the amount of principal and interest that the Holder claims in good faith is owed as of the date of the written statement, a daily interest charge based on the contract rate as of the date of the statement, and the amount of other expenses the Holder contends it is owed as of the date of the statement

9. The Holder, or the servicer acting on the Holder's behalf, has confirmed in writing to the Substitute Trustee giving this notice that to the knowledge of the holder, or the servicer acting on the Holder's behalf, within the two years preceding the date of this notice, the debtor has not sent any "written requests for information regarding a dispute or error involving the debtor's account" (per NCGS 45-93) to the Holder or servicer.

10. You have the right to appear before the Clerk of Superior Court for Granville County at this hearing at which time you shall be afforded the opportunity to show cause as to why the foreclosure should not be allowed to proceed.

11. If the debtor does not intend to contest the creditor's allegations of default, the debtor does not have to appear at the hearing and that the debtor's failure to attend the hearing will not affect the debtor's right to pay the indebtedness and thereby prevent the proposed sale, or to attend the actual sale, should the debtor elect to do so.

12. The Trustee, or Substitute Trustee, is a neutral party and, while holding that position in the foreclosure proceeding, may not advocate for the secured creditor or for the debtor in the foreclosure proceeding.

13. The debtor has the right to apply to a judge of the superior court pursuant to G.S. 45-21.34 to enjoin the sale, upon any legal or equitable ground that the court may deem sufficient prior to the time that the rights of the parties to the sale or resale become fixed, provided that the debtor complies with the requirements of G.S. 45-21.34.

14. The debtor has the right to appear at the hearing and contest the evidence that the clerk is to consider under G.S. 45-21.16(d), and that to authorize the foreclosure the clerk must find the existence of: (i) valid debt of which the party seeking to foreclose is the Holder, (ii) default, (iii) right to foreclose under the DOT, (iv) notice to those entitled to notice, and (v) that the underlying mortgage debt is not a subprime loan as defined in G.S. 45-101(4), or if the loan is a subprime loan under G.S. 45-101(4), that the pre-foreclosure notice under G.S. 45-102 was provided in all material respects, and that the periods of time established by Article 11 of this Chapter have elapsed, then the clerk shall authorize the mortgagee or Trustee to proceed under the instrument, and the mortgagee or trustee can give notice of and conduct a sale pursuant to the provisions of this Article.

15. If the debtor fails to appear at the hearing, the Trustee will ask the clerk for an order to sell the Property being foreclosed.

16. The debtor has the right to seek the advice of an attorney and that free legal services may be available to the debtor by contacting Legal Aid of North Carolina or other legal services organizations.

17. If the foreclosure sale is consummated, the purchaser will be entitled to possession of the Property at the time of the delivery of his/her Deed, and if the prior record owner is still in possession at that time, that owner can be evicted.

18. The name and address of the Substitute Trustee are listed below

19. You should keep the Substitute Trustee or Holder notified in writing of your address so that you may be mailed copies of the Notice of Sale setting forth the terms under which the sale will be held, as well as notice of any postponements of such sale or Notice of Resale

20. The hearing may be held on a date later than that stated in this Notice of Hearing, and you will be notified of any change in the hearing date

21. The subject Property shall be sold by the Substitute Trustee or his agent at the usual and customary place designated for such sales at Granville County Courthouse, at a specified time and date, should this obligation not be earlier satisfied.

22. The filing party hereby certifies that the pre-foreclosure notice and information required by G.S. 45-102 and G.S. 45-103 were provided in all material respects and that the periods of time established by Article 11 of this Chapter have elapsed

23. Irrespective of the requirements outlined in paragraph 22, the Substitute Trustee has confirmed that the notice required by G.S. 53-243 11(21) has been complied with.

IN ACCORDANCE WITH THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE RECEIVED A DISCHARGE IN A CHAPTER 7 BANKRUPTCY, WE ARE AWARE YOU ARE NOT PERSONALLY OBLIGATED FOR THIS DEBT. PLEASE BE ADVISED THAT THESE NOTICES ARE REQUIRED FOR FORECLOSURE IN THIS STATE.

Respectfully submitted on: 10 / 29 / 2009.

Substitute Trustee
Brock & Scott, PLLC

By: Jeremy B Wilkins (SEAL)

Jeremy B Wilkins, NCSB No. 32346
5431 Oleander Drive Suite 200
Wilmington, NC 28403
PHONE: (910) 392-4988
FAX: (910) 392-8587