



December 15, 2021

Brunswick County Sheriff's Department
Attn: Officer Smith
PO Box 9
Bolivia, NC 28422

Re: Court Order and Writ of Execution for 278 W. First Street, Ocean Isle Beach, NC 28469

Dear Officer Smith,

Enclosed is the Writ of Execution and Court Order to sale property of Debtors Charles and Carmen Peterson in Ocean Isle Beach, North Carolina. We are also enclosing a check in the amount of \$300 to cover the cost of that execution. Throughout the process, if you have questions, please do not hesitate to contact me. My cell number is (919) 636-8947 and you are always welcome to use that.

If you need anything else, please let me know, and have a wonderful holiday season.

Very truly yours,

The Law Office of Drew Haywood, PLLC

Stephen Andrew Haywood
Attorney at Law

Enclosures: Writ of Execution, Check

THE LAW OFFICE OF DREW HAYWOOD

311 E MAIN ST.
DURHAM, NC 27701

December 15, 2021

PAY TO THE ORDER OF Brunswick County Sheriff's Department

\$ 300.00

Three Hundred and 00/100

DOLLARS

MEMO

Execution Fee, Debtors Charles and Carmen Peterson


AUTHORIZED SIGNATURE

⑈001273⑈ ⑆053100300⑆004352364893⑈

THE LAW OFFICE OF DREW HAYWOOD

1273

December 15, 2021

Brunswick County Sheriff's Department

300.00

Three Hundred and 00/100

Execution Fee, Debtors Charles and Carmen Peterson

THE LAW OFFICE OF DREW HAYWOOD

1273

December 15, 2021

Brunswick County Sheriff's Department

300.00

Three Hundred and 00/100

Execution Fee, Debtors Charles and Carmen Peterson

RANDOLPH County

In The General Court Of Justice

Name And Address Of Plaintiff
 EVAPCO INC., ET AL
 C/O ATTORNEY DREW HAYWOOD
 THE LAW OFFICE OF DREW HAYWOOD
 311 E. MAIN ST., DURHAM, NC 27701

WRIT OF EXECUTION

G.S. 1-313(1); 1C, Art. 16

VERSUS

Name And Address Of Defendant 1
 CHARLES A. PETERSON
 1989 BERKLEY LANE
 ASHEBORO, NC 27205

Name And Address Of Defendant 2
 CARMEN PETERSON
 1989 BERKLEY LANE
 ASHEBORO, NC 27205

To The Sheriff Of BRUNSWICK County:

Judgment in favor of the plaintiff was rendered in this case against the defendant. By terms of that judgment the following sums are now due:

Principal Due As Of Today.....	\$3,181,054. ⁰⁰
Plus Dollar Amount Of Interest Due As Of Today.....	\$1,738,685. ⁶⁶
Plus Court Cost Due As Of Today.....	\$ 835. ⁰⁰
Plus Other.....	\$
Total Due As Of Today.....	\$4,920,574. ⁶⁶

Plus, interest on the principal at the rate set out below shall be due from the date shown below, and a sheriff's commission shall be collected on sales of property or funds collected of 5% on the first \$500 and 2-1/2% on all sums over \$500.
 (NOTE: Interest is due on all bond forfeiture judgments for appearance bonds signed on or after 10/1/99.)

Date From Which Interest Due <u>6-16-2016</u>	Date Of Judgment <u>6-16-2016</u>	County To Which Issued <u>BRUNSWICK</u>	File No. <u>16 CVS 1191</u>
Rate Of Interest <u>10%</u>	<input checked="" type="checkbox"/> Contract Rate <input type="checkbox"/> Legal Rate	Daily Interest Rate <u>\$871.52</u>	Judgment Docket Book & Page No. <u>J001</u>
		Transcript No. <u>16T86</u>	Date And Time Of Docketing <u>11-15-2016 @ 3:32pm</u>

You are commanded to satisfy the judgment:

- out of the personal property of the defendant, and if sufficient personal property cannot be found, then out of the real property belonging to the defendant on the day the judgment was docketed in your county as shown above or any time after that date.
- except as to property of the defendant set off as exempt (a list of which is attached) out of the personal property of the defendant within your county and if sufficient personal property cannot be found, then out of the real property belonging to the defendant on the day the judgment was docketed in your county as shown above or any time after that date.

Additional Order For Satisfying Judgment
Attached certified copy of Consent Order.

County In Which Order To Be Served BRUNSWICK Date Issued 12.2-2021
 Name And Address Of Creditor's Attorney DREW HAYWOOD
 THE LAW OFFICE OF DREW HAYWOOD
 311 E. MAIN ST., DURHAM, NC 27701
 Signature [Signature]
 Deputy CSC Assistant CSC Clerk Of Superior Court

RETURN OF EXECUTION

This Writ Of Execution was served as follows:

- by collecting the amount owed.
- by levying on and selling the property of the defendant described below and returning to the court the balance shown below.

Date Of Levy	Description Of Property Levied On And Sold

<i>Total Sum Collected</i>	<i>Amount Retained As Commission</i>	<i>Amount Retained For Expenses</i>	<i>Balance Returned</i>
\$	\$	\$	\$

I did not serve this Writ Of Execution because:

- I did not locate property on which to levy.
- Other: *(specify)*

<i>Service Fee Paid</i>	<i>Date Received</i>	<i>Name of Sheriff (Type Or Print)</i>
\$		
<i>Paid By</i>	<i>Date Executed</i>	<i>County</i>
	<i>Date Of Return</i>	<i>Signature Of Deputy Sheriff Making Return</i>

COPY

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 16 CVS 1191

EVAPCO, INC., *et al.*,

2021 NOV 15 A 9:05

Judgment Creditors,

RANDOLPH CO., C. 90
(Handwritten initials)

v.

CHARLES A. PETERSON, *et al.*,

Judgment Debtors.

NOTICE OF FILING OF CONSENT ORDER
DECLARING VALUE IN EXCESS OF
ALLOWABLE EXEMPTIONS AND GRANTING
MOTION FOR SALE OF PROPERTY
UNDER WRIT OF EXECUTION

ALL PARTIES TAKE NOTICE that the above-captioned Creditors, by and through undersigned counsel, file contemporaneously with this notice a CONSENT ORDER DECLARING VALUE IN EXCESS OF ALLOWABLE EXEMPTIONS AND GRANTING MOTION FOR SALE OF PROPERTY UNDER WRIT OF EXECUTION. The Judgment Creditors and Judgment Debtors (by and through counsel) have agreed upon the terms of this order, subsequent to a hearing regarding this matter at the August 25th, 2021 session of the Randolph County Civil District Court.

Respectfully submitted this the 8th day of November, 2021.

THE LAW OFFICE OF DREW HAYWOOD PLLC



STEPHEN ANDREW ("DREW") HAYWOOD
State Bar No. 45107

ATTORNEY FOR CREDITORS
311 E. Main Street
Durham, North Carolina 27701-3717
Phone: (919) 525-1775
Fax: (888) 443-8697
Email: drew.haywood@haywoodlawfirm.com

STATE OF NORTH CAROLINA **FILED**
COUNTY OF RANDOLPH
2021 NOV 15 P 12:07
EVAPCO, INC., *et al.*)
RANDOLPH CO., C.S.C.)
Judgment Creditors)
v.)
CHARLES A. PETERSON, *et al.*,)
Judgment Creditors.)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16-CVS-1191

COPY

**CONSENT ORDER DECLARING
VALUE IN EXCESS OF ALLOWABLE
EXEMPTIONS AND GRANTING
MOTION FOR SALE OF PROPERTY
UNDER WRIT OF EXECUTION**

THIS CAUSE coming before the undersigned District Court Judge presiding at the August 25th, 2021 session of Randolph County Civil District Court for a hearing on the MOTIONS TO (i) DETERMINE VALUE OF EXEMPT PROPERTY; (ii) DESIGNATE EXEMPTIONS; (iii) ORDER SALE OF EXEMPT PROPERTY; and (iv) ORDER SALE OF NONEXEMPT PURSUANT TO N.C. GEN. STAT. §1-362 filed by Evapco, Inc., Evapco Products, Inc., EvapTech, Inc., and Tower Components, Inc. (collectively, "Judgment Creditors").

Upon reviewing the pleadings and all evidence and materials tendered to the Court and arguments presented upon hearing, the court finds as follows:

Valuation of Exempt Property

1. Judgment was entered in this action in favor of Judgment Creditors against Judgment Debtors in the State of Maryland on May 23, 2016 and was properly recorded in the State of North Carolina as a foreign judgment on June 16, 2016 (the "Judgment"). As of the date of this Order, the Judgment remains unsatisfied and due and owing to Judgment Creditors in full.

Sale of Exempt Property

9. Pursuant to N.C. Gen. Stat. §1C-1603(e)(9) and (e)(10), the Judgment Debtors possess property, namely the Homestead, with value in excess of allowable exemptions.

10. Pursuant to N.C. Gen. Stat. §1C-1603(e)(11), the Judgment Debtors may retain the Homestead by making available to the Judgment Creditors an amount equivalent to the excess value in the Homestead under the terms and conditions as follows:

- a. Within ten (10) days of the entry of this Order, Judgment Debtors shall file with this Court a copy of a current payoff statement provided by the mortgage lender(s)/servicer(s) for any and all mortgage liens encumbering the Homestead (the "Payoff Statement"); and
- b. Within ninety (90) days from the filing of the Payoff Statement, Judgment Debtors may tender to the Randolph County Clerk of Superior Court the amount of \$66,445.65, which is the difference between \$208,000.00 (the value of the Homestead), on one hand, and on the other hand, the amount stated on the Payoff Statement and the allowed Homestead exemption of \$35,000.00 per Debtor pursuant to NCGS § 1C-1601(a)(1).
- c. Judgment Debtors must disclose and identify any and all source(s) of the funds used to tender such payment and shall provide a statement attesting under oath that such funds are money or property not otherwise available to Judgment Creditors.

11. If Judgment Debtors fail to comply with the terms and conditions set forth above, or if all funds used are money or property otherwise available to the Judgment Creditors, the Homestead should be sold and any proceeds applied toward the satisfaction of the Judgment

2. On or about November 3, 2016, Judgment Debtors filed a Motion to Claim Exempt Property (the "Exemptions"), pursuant to which Judgment Debtors asserted certain exemptions in real and personal property, including their homestead located at 1989 Berkley Lane, Asheboro, NC 27205 (the "Homestead").

3. On or about November 12, 2019, the Court ordered that the parties select an appraiser to value the Homestead and submit the appraiser's report to this Court. The parties selected Walter Vance Roberts, Jr. (the "Appraiser") to appraise the Homestead. The Appraiser determined the value of the Homestead to be \$208,000.00.

4. On or about August 18th, 2021, Judgment Creditors submitted the Appraiser's report and affidavit to the Court.

5. Based on the Appraiser's report and affidavit, the value of the Homestead (1989 Berkley Lane, Asheboro, NC 27205) is \$208,000.00, which exceeds the maximum allowed exemptions.

Exemptions

6. On or about November 3, 2016, Judgment Debtors filed a Motion to Claim Exempt Property (the "Exemptions"), pursuant to which Judgment Debtors asserted certain exemptions in real and personal property, including their homestead located at 1989 Berkley Lane, Asheboro, NC 27205 (the "Homestead").

7. Subject to the Court's valuation of the Homestead as set forth herein, Judgment Creditors withdrew their objection to the Exemptions.

8. The Judgment Debtors' Exemptions, as modified by the Court's findings herein on the Motion to Value Exempt Property, should be granted.

Creditors' judgment pursuant to N.C. Gen. Stat. §1C-1603(e)(9) and (e)(10) (subject to payment of Debtors' allowable Homestead exemption of \$35,000 per Debtor pursuant to NCGS § 1C-1601(a)(1); provided, however, that if Judgment Creditors contest whether the source(s) of the funds are money or property that otherwise would have been available to Judgment Creditors, Judgment Creditors must notify Judgment Debtors of the same in writing via UPS or FedEx to Debtors' Homestead address with a copy to the undersigned counsel, and shall provide Judgment Debtors with fourteen (14) days following the date notification is delivered to respond in writing. Following the expiration of such period, either party may schedule a hearing on the issue of the source(s) of the funds, and such issue shall be resolved by this Court prior to any sale of the Homestead. Judgment Creditors state that, as of the date of this Order, they are not aware of any fact that would give them a basis for claiming that the money or property that Judgment Debtors may tender pursuant to Section 10(b) above is money or property otherwise available to Judgment Creditors. Moreover, once Judgment Debtors have tendered the funds, Judgment Creditors shall have fourteen (14) days from their receipt of the funds to either serve the above-referenced notice or release the judgment lien on the Homestead. Nothing herein shall be deemed to waive or forego Judgment Creditors' rights to seek relief to have the judgment lien reinstated if this Court later determines that the funds were from money or property otherwise available to Judgment Creditors.

Sale of Nonexempt Property

12. Pursuant to, *inter alia*, N.C. Gen. Stat. § 1-234, the Judgment attached and became a lien on all real property owned by Judgment Debtors in Brunswick County effective upon its transcription there on November 15th, 2016 (Brunswick County File No. 16-T-86).

13. The Judgment Debtors did not claim an exemption in their real property located at 278 West First Street, Ocean Isle Beach, NC, 28469 (the "Beach House") and is therefore nonexempt property.

14. The Beach House is not the Judgment Debtors' homestead.

15. Pursuant to N.C. Gen. Stat. § 1-362, the Beach House should be sold to apply the proceeds towards the satisfaction of the Judgment.

BASED UPON THE FOREGOING FINDINGS OF FACT, the Court concludes as a matter of law that:

1. The Court has jurisdiction over the parties hereto and the issues herein.

2. Pursuant to N.C. Gen. Stat. § 1C-1603(e)(9), the Judgment Debtors must be compensated for their allowable exemptions from the proceeds of the sale of real and personal property as claimed under N.C. Gen. Stat § 1C-1601, *et. seq.* Those allowable exemptions include:

a. \$35,000.00 each from the sale of the Homestead (NCGS § 1C-1601(a)(1));

b. \$3,500.00 each from the sale of the Judgment Debtors' motor vehicles (1 vehicle each) (NCGS §1C-1601(a)(3)); and

c. \$5,000.00 each for the value of personal effects, clothing, furniture and other household goods (N.C. Gen. Stat §1C-1601(a)(4)).

3. Pursuant to N.C. Gen. Stat § 1C-1601(a)(6), the Judgment Debtors should retain any interest in a qualified life insurance policy or annuity.

4. Pursuant to N.C. Gen. Stat. § 1C-1601(a)(9), the Judgment Debtors should retain qualified retirement accounts, as defined by the Internal Revenue Code.

5. The Homestead has value in excess of the homestead exemption.

6. The Clerk should issue a Writ of Execution, pursuant to N.C. Gen. Stat. § 1-302, *et. seq.*, to levy and execute upon the Judgment Debtors' assets, including without limitation all real and personal property, subject to the conditions below with respect to the Homestead.

7. With regard to the real property serving as the Judgment Debtors' Homestead, the Judgment Debtors may retain the Homestead by making available to the Judgment Creditors an amount equivalent to the excess value in the Homestead under the terms and conditions as follows:

- a. Within ten (10) days of the entry of this Order, Judgment Debtors shall file with this Court a copy of a current payoff statement provided by the mortgage lender(s)/servicer(s) for any and all mortgage liens encumbering the Homestead (the "Payoff Statement"); and
- b. Within ninety (90) days from the filing of the Payoff Statement, Judgment Debtors may tender to the Randolph County Clerk of Superior Court the amount of \$66,445.65, which is the difference between \$208,000.00 (the value of the Homestead), on one hand, and on the other hand, the amount stated on the Payoff Statement and the allowed Homestead exemption of \$35,000.00 per Debtor pursuant to NCGS § 1C-1601(a)(1).
- c. Judgment Debtors must disclose and identify any and all source(s) of the funds used to tender such payment, and shall provide a statement attesting under oath that such funds are money or property not otherwise available to Judgment Creditors.
- d. If Judgment Debtors fail to comply with the terms and conditions set forth above, or if the funds are derived, in whole or part, from money or property

otherwise available to Judgment Creditors, this Court concludes that the Homestead should be sold and any proceeds applied toward the satisfaction of the Judgment Creditors' judgment pursuant to N.C. Gen. Stat. §1C-1603(e)(9) and (e)(10) (subject to payment of Debtors' allowable Homestead exemption of \$35,000 per Debtor pursuant to NCGS § 1C-1601(a)(1); provided, however, that if Judgment Creditors contest whether the source(s) of the funds are money or property that otherwise would have been available to Judgment Creditors, Judgment Creditors must notify Judgment Debtors of the same in writing via UPS or FedEx to Debtors' Homestead address with a copy to the undersigned counsel, and shall provide Judgment Debtors with fourteen (14) days following the date notification is delivered to respond in writing. Following the expiration of such period, either party may schedule a hearing on the issue of the source(s) of the funds, and such issue shall be resolved by this Court prior to any sale of the Homestead. Judgment Creditors state that, as of the date of this Order, they are not aware of any fact that would give them a basis for claiming that the money or property that Judgment Debtors may tender pursuant to Section 10(b) above is money or property otherwise available to Judgment Creditors. Moreover, once Judgment Debtors have tendered the funds, Judgment Creditors shall have fourteen (14) days from their receipt of the funds to either serve the above-referenced notice or release the judgment lien on the Homestead. Nothing herein shall be deemed to waive or forego Judgment Creditors' rights to seek relief to have the judgment lien

reinstated if this Court later determines that the funds were from money or property otherwise available to Judgment Creditors.

8. Pursuant to N.C. Gen. Stat. § 1-362, the Beach House should be sold and the proceeds applied towards the satisfaction of the Judgment. In accordance with N.C. Gen. Stat. § 1-339.68, upon the sale, the Beach House will remain subject only to liens which became effective *prior* to the lien of Judgment Creditors' Judgment. Moreover, to the extent Judgment Creditors issue a notice to declare exempt assets and Judgment Debtors do not claim any personal property at the Beach House, then personal property at the Beach House also should be sold and the proceeds applied towards the satisfaction of the Judgment.

Based upon the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

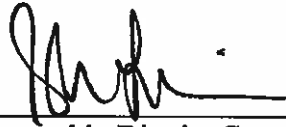
1. The Judgment Debtors' Motion to Claim Exempt Property shall be, and hereby is, granted, subject to the terms of this Order;
2. The Clerk of Superior Court of Randolph County shall be, and hereby is, ordered to promptly issue a Writ of Execution in favor of the Judgment Creditors in Randolph County.
3. The Randolph County Sheriff shall be, and hereby is, ordered to sell the Judgment Debtors' property, both personal and real, to apply the proceeds towards the satisfaction of the Judgment Creditors' judgment.
4. Upon the delivery of this Order by the Judgment Creditors to the Sheriff of Brunswick County, the Sheriff of Brunswick County shall be, and hereby is, ordered to (i) take possession and control of the Beach House and (ii) to sell the Beach House and to remit any net proceeds to the Clerk of Superior Court of Randolph County to be applied towards the satisfaction of to the Judgment Creditors' Judgment.

5. The balance of the proceeds after payment of the authorized costs of sale and payment to the Judgment Debtors for their allowed exemptions shall be remitted to Judgment Creditors for application to their Judgment.

6. Alternatively, that at any time prior to sale, the Court authorizes the Judgment Creditors to accept, in their sole discretion, money or other property from the Judgment Debtors in an amount acceptable to Judgment Creditors in substitute for the sale of the Judgment Debtors' real or personal property. Upon Judgment Creditors' acceptance of such money or other property from the Judgment Debtors, Judgment Creditors shall notify the Sheriff of Randolph County and the Sheriff of Brunswick County of the same and the Sheriffs shall, upon payment of the statutory fees and/or commissions, cease their efforts to sell the Judgment Debtors' real or personal property until further ordered by this Court.

7. Notwithstanding anything else herein, the decision as to whether to proceed to have the Beach House (nonexempt property) sold pursuant to a writ of execution shall remain subject to Judgment Creditors' reasonable discretion. Furthermore, this Order is without prejudice to Judgment Creditors' rights, in their reasonable discretion, to return to this Court upon motion and written notice to Judgment Debtors to seek additional authority for a judicial sale of the Beach House pursuant to the provisions of N.C. Gen. Stat. § 1-339.1 *et seq.*; to seek the appointment of a receiver to sell the Beach House pursuant to N.C. Gen. Stat. § 1-363; or to request any additional relief or determination with respect to the enforcement and collection of the Judgment.

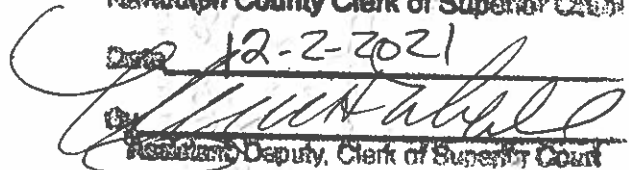
SO ORDERED this the 15th day of November, 2021.



Honorable District Court Judge
Randolph County, North Carolina

It is to certify that this is a true and
correct copy as filed in the office of the
Randolph County Clerk of Superior Court

DATE 12-2-2021



Assistant Deputy, Clerk of Superior Court


FILED

STATE OF NORTH CAROLINA
COUNTY OF RANDOLPH

NOV 15 P 12:07
RANDOLPH CO., C.S.C.

IN THE GENERAL COURT OF
JUSTICE SUPERIOR COURT
DIVISION
CASE NO. 16CVS1191

EVAPCO, INC., *et al.*,

BY )

Judgment Creditors,

v.)

CHARLES A. PETERSON, *et al.*,

Judgment Debtors.)

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of the Notice of Filing of Consent Order, along with a copy of the Consent Order Declaring Value in Excess of Allowable Exemptions and Granting Motion for Sale of Property Under Writ of Execution in the above-captioned matter as follows:

To: Mr. Jeffrey Oleynik , Esq.
Ms. Jamey Lowdermilk, Esq.
Brooks Pierce Law
PO Box 26000
Greensboro, NC 27420
T 336-271-3182 F 336-232-9182
joleynik@brookspierce.com
jlowdermilk@brookspierce.com

Attorneys for Debtors Charles A. Peterson, Carmen Peterson, Evergreen Composite Technologies, LLC, American Cooling Tower Products, LLC

Service By:

- () Hand delivery
- () Electronic delivery via fax
- (X) Electronic delivery via email, per stipulation of the parties
- () Overnight delivery via FedEx

() Depositing a copy of the same in the United States Mail, enclosed in a postage paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service, Certified Mail, Return Receipt Requested.

() Depositing a copy of the same in the United States Mail, postage paid, in the manner and form as prescribed by the North Carolina Rules of Civil procedure Rule 5(b)

This the 24th day of November, 2021.



Stephen Andrew Haywood, #45107
The Law Office of Drew Haywood, PLLC
311 E. Main St.,
Durham, NC 27701
drew.haywood@haywoodlawfirm.com
Tel: (919) 636-8947
Fax: (888) 443-8697
Counsel for Plaintiffs/Judgment Creditors