

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF GRANVILLE

FILE NO. 10 SP 347

ESTATE OF LILLIE MAE BLACK,  
ETHEL BLACK WILKERSON and husband,  
ARCHIE THOMAS WILKERSON,  
WILLIAM McKINLEY BLACK and wife,  
ANNIE BROOKS BLACK,  
ILA BLACK HARRIS (widow),  
ALMA BLACK ROLLINS and husband,  
ABRAHAM ROLLINS,  
JOHNNIE MELVIN BLACK and wife,  
MILDRED BLACK,

Petitioners

v.

JAMES THOMAS BLACK, (widower),  
WALTER BLACK, JR. and wife,  
TAMMY WILLIAMS BLACK,  
MARIETTA BLACK (single),  
MARILYN BLACK STRUZZIERY and husband,  
ANTHONY STRUZZIERY,  
PAMELA A. WILLIAMS (divorced),  
KATHERINE C. BLACK (single),  
RICARDO J. BLACK and wife,  
CETA BLACK  
MARTIN L. BLACK and wife,  
TIA B. BLACK,

Respondents

FILED  
2014 JAN 10 PM 12:31  
GRANVILLE COUNTY O.S.C.  
BY: *[Signature]*

**CONSENT ORDER  
FOR FINAL PARTITION**

**A TRUE COPY**  
CLERK OF SUPERIOR COURT  
GRANVILLE COUNTY

DATE: 09-18-2014

BY: *[Signature]*  
Assistant Deputy Clerk Superior Court

The undersigned being all of the Petitioners and Respondents in the above-captioned proceeding do hereby make and enter into the following Consent Order for the division of the remaining farm property formerly owned by Robert Black and do hereby stipulate and consent to the following:

**Findings of Fact:**

1. This special proceeding was originally commenced on July 6, 2012 to



Doc ID: 002875480009 Type: CRP  
Recorded: 09/30/2014 at 10:18:40 AM  
Fee Amt: \$26.00 Page 1 of 9  
Granville County, NC  
Kathy M. Adcock Reg of Deeds  
BK 1525 PG 321-329

partition the Robert Black homeplace consisting of the original 154.736 acres, more or less, conveyed to his children Lillie M. Black, Ethel B. Wilkerson, Walter C. Black, William M. Black, Ila B. Harris, James T. Black, Alma B. Rollins, and Johnnie M. Black according to that certain deed dated the 31<sup>st</sup> day of March, 1987, and of record in Deed Book 263 at Page 695 in the office of the Register of Deeds of Granville County.

2. From this property previously described in the parties' petition have been conveyed the following parcels:
  - a. A one (1) acre parcel to William M. Black of record in Deed Book 158, Page 300, Granville County Registry.
  - b. A tract containing one (1) acre, more or less, conveyed to Archie T. Wilkerson and Ethel L. Wilkerson of record in Deed Book 184 at Page 277, Granville County Registry.
  - c. A tract of 1.05 acres, more or less, conveyed to Johnnie M. Black of record in Deed Book 213, Page 551, Granville County Registry.
  - d. A tract conveying one (1) acre and the Robert C. Black homeplace to Lillie M. Black of record in Deed Book 263, Page 693, Granville County Registry. This lot and homeplace was deeded to William M. Black in Deed Book 1210, Page 410, Granville County Registry.
  - e. A 1.096 acre deeded easement for subdivision access to Sidney L. Dean of record in Deed Book 868, Page 1568, Granville County Registry.
  - f. A 1.08 acre lot to Tiffany Wilkerson of record in Deed Book 894, Page 162, Granville County Registry.

3. Upon the filing of the special proceeding, a division of the property was complicated by the conveyance of certain of the lots noted above to family members and also by the lack of funds to survey the property and to fund compensation for Commissioners and other expenses of the proceeding.
4. Subsequent to the filing of this proceeding Lillie Mae Black died intestate on November 5, 2011.
5. At the time of her death, Lillie Mae Black had been a long-term recipient of Medicaid benefits with a resulting Medicaid lien exceeding \$12,088.86, which constitutes a known lien upon the real estate subject to division or sale. As a result of the known and unknown debts and claims against the estate and the minimal personal assets, T. S. Royster, Jr., appeared as the Public Administrator for the Estate of Lillie Mae Black.
6. Pursuant to the Order of sale entered by the Court on July 6, 2012, John W. Watson, Jr. and T. S. Royster, Jr. as co-commissions conducted a public sale of a 70 acre parcel for \$108,920.77 leaving a net sum of \$94,191.18 for distribution and to further fund survey costs and other expenses associated with the division.
7. By Order dated October 25, 2012, Herbert Morton, Jr, registered land surveyor was appointed and completed a proposed land division taking into account the parcels previously received by individual family members, road-access and acreage. A copy of said plat is attached hereto as Exhibit I.
8. Prior to consenting to the division prepared by Herbert Morton, Jr. surveyor, various parties have requested soil testing to determine suitability for onsite waste disposal i.e. septic tank. Pursuant to the July 11, 2013 Order of the

Superior State Court, Daniel L. Bliley soil scientist completed soil testing as requested by family members. This testing shows suitable soils for the lots in question. A copy of the soil testing map is attached hereto Exhibit II.

9. In addition to the lots designated for the Petitioners and Respondents, Lot 6 was preserved for sale to fully satisfy the Medicaid lien and other costs of the administration of the Estate of Lillie Mae Black.
10. Because Lots 9, 10, 11, 12, 13 and 14 do not immediately adjoin the public right-of-way of Range Road NC SR 1126, the property division reserves a 60' right-of-way to serve these interior lots. From the retained proceeds of the Special Proceeding, the parties agree that a 20 foot drive shall be graded and graveled for immediate ingress and egress to these lots.
11. Subject to these provisions, the undersigned confirm the actual partition of the lots as shown on the preliminary map by Herbert Morton Jr., registered land surveyor.

By and with the consent of the parties, the Court makes the following:

#### **Conclusions of Law:**

1. The actual partition of the property as shown by the preliminary plat prepared by Herbert Morton Jr. land surveyor is fair, reasonable and agreeable to all parties.
2. The public sale of Lot 6 is necessary to fully satisfy the creditors and claims, including Medicaid, against the Estate of Lillie Mae Black.
3. The owners of the interior Lots 10 - 14 require access to the public right-of-way of Range Road NC SR 1126. Construction of the private 20 foot road for service to these lots is essential for a fair and equitable division.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, and with the consent of all parties, it is therefore ordered as follows:

1. The actual division of the parties' property based upon the preliminary division prepared by Herbert Morton, Jr. is hereby approved:

|                   |                                                                                                                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------|
| Lots 1, 12, 14    | Johnnie Melvin Black                                                                                            |
| Lots 2, 16        | Ethel Black Wilkerson                                                                                           |
| Lots 3, 19        | William McKinley Black                                                                                          |
| Lot 4, 13, 18, 21 | James T. Black, Ricardo J. Black, Martin L. Black and Katherine C. Black                                        |
| Lot 5, 11, 17, 20 | Alma Black Rollins                                                                                              |
| Lots 7, 8, 9, 10  | Walter Black, Jr., Pamela A. Williams, Marilyn Black Struzziery and Marietta Black (heirs of Walter Black, Sr.) |
| Lot 15            | Ila Black Harris (Widow)                                                                                        |
| Lot 6             | Estate of Lillie Mae Black                                                                                      |
2. Herbert Morton, Jr. registered land surveyor is hereby appointed and authorized to complete the ground survey of the parties' lots to include a 60 foot private road access serving the interior lots 10 - 14.
3. With the consent of the parties, the Court further directs that the costs for the construction of a 20 foot gravel drive shall be paid as a cost of the division for immediate access by those owners.
4. T. S. Royster, Jr. as Public Administrator of the Estate of Lillie Mae Black is hereby authorized to sell that certain lot designated as Lot 6 at public auction as a judicial sale, after advertising the same according to law, with proceeds therefrom to be held by such Administrator and used in the administration of the decedents estate according to law.

5. Upon the confirmation of this division, the Clerk of Court shall approve the costs including Commissioners' fees and attorneys' fees.
6. This judgment along with the completed survey shall be recorded in the Register of Deeds of Granville County and shall constitute a final division of such property and shall effect a transfer of title to the various lots as if the parties had executed partition deeds.
7. The funds held by the court commissioners, after payment of all costs, shall be distributed to the tenants in common as their interests appear. The commissioner shall file an accounting of such distribution with the Clerk of Superior Court.

CONSENTED TO:

TS Raptap Adams.  
Estate of Lillie Mae Black

Date: 10/16/13

Ethel Black Wilkerson  
Ethel Black Wilkerson

Date: 10/16-13

Archie Thomas Wilkerson  
Archie Thomas Wilkerson

Date: 10-16-13

William M. Black  
William McKinley Black

Date: 10-16-2013

Annie Brooks Black  
Annie Brooks Black

Date: 10-16-2013

Ila Black Harris  
Ila Black Harris

Date: 10-16-2013

Alma J. Rollins  
Alma Black Rollins

Date: 10/16/13

Abraham Rollins  
Abraham Rollins

Date: 10-14-13

Johnnie Melvin Black  
Johnnie Melvin Black

Date: 10-16-13

Mildred Black  
Mildred Black

Date: 10-16-13

James Thomas Black  
James Thomas Black

Date: 11-15-2013  
J.T.B.

Walter Black Jr  
Walter Black, Jr.

Date: 11-19-13

Tammy Williams Black  
Tammy William Black

Date: 11-19-13

Marietta Black  
Marietta Black

Date: 12-17-2013

Marilyn Black Strazziery

Date: \_\_\_\_\_

Anthony Strazziery  
Pamela A Williams  
Pamela A. Williams

Date: \_\_\_\_\_

Date: 11/19/2013

Katherine C. Black by James T. Black  
Katherine C. Black

Date: 11-18-2013

Page A.I.F. 66879, Page 39

Ricardo J. Black by James T. Black  
Ricardo J. Black

Date: 11-15-2013

Page A.I.F. 66879, Page 39

Ceta Black  
Martin L. Black  
Martin L. Black

Date: \_\_\_\_\_

Date: 11/15/2013

Tia B. Black

Date: \_\_\_\_\_

Abraham Rollins  
Abraham Rollins

Date: 10-14-13

Johnnie Melvin Black  
Johnnie Melvin Black

Date: 10-16-13

Mildred Black  
Mildred Black

Date: 10-16-13

James Thomas Black  
James Thomas Black

Date: 11-15-2013  
J.T.B.

Walter Black Jr  
Walter Black, Jr.

Date: 11-19-13

Tammy William Black  
Tammy William Black

Date: \_\_\_\_\_

Marietta Black  
Marietta Black

Date: \_\_\_\_\_

Marilyn Black Strazziery  
Marilyn Black Strazziery

Date: 11-21-13

Anthony Strazziery  
Anthony Strazziery

Date: 11-21-2013

Pamela A. Williams  
Pamela A. Williams

Date: \_\_\_\_\_

Katherine C. Black by James T. Black  
Katherine C. Black

Date: 11-15-2013

Page A.I.F. d 6879, Page 39

Ricardo J. Black by James T. Black  
Ricardo J. Black

Date: 11-15-2013

Page A.I.F. d 6879, Page 39

Ceta Black  
Ceta Black

Date: \_\_\_\_\_

Martin L. Black  
Martin L. Black

Date: 11/15/2013

Tia B. Black  
Tia B. Black

Date: \_\_\_\_\_

Abraham Rollins

Date: \_\_\_\_\_

Johnnie Melvin Black

Date: \_\_\_\_\_

Mildred Black

Date: \_\_\_\_\_

James Thomas Black

Date: \_\_\_\_\_

Walter Black, Jr.

Date: \_\_\_\_\_

Tammy William Black

Date: \_\_\_\_\_

Marietta Black

Date: \_\_\_\_\_

Marilyn Black Strazziery

Date: \_\_\_\_\_

Anthony Strazziery

Date: \_\_\_\_\_

Pamela A. Williams

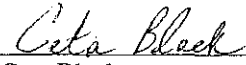
Date: \_\_\_\_\_

Katherine C. Black

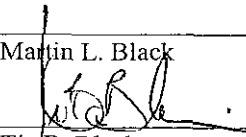
Date: \_\_\_\_\_

Ricardo J. Black

Date: \_\_\_\_\_

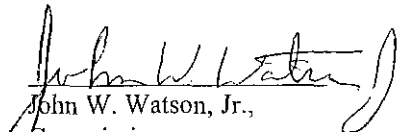
  
Ceta Black

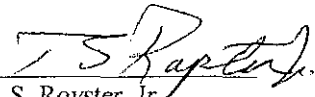
Date: 11/15/2013<sup>CB</sup>

Martin L. Black  
  
Tia B. Black

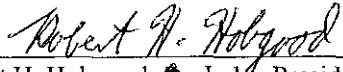
Date: \_\_\_\_\_

Date: 11/19/2013

  
John W. Watson, Jr.,  
Commissioner

  
T. S. Royster, Jr.,  
Commissioner

This 10<sup>th</sup> day of ~~October~~<sup>January</sup>, 2013<sup>2014</sup>.

So ordered:   
Robert H. Hobgood, ~~Jr.~~, Judge Presiding  
Granville County Superior Court