

FILED
DATE: June 4, 2024
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GRANVILLE COUNTY
CLERK OF SUPERIOR COURT
BY: J. Washington

File # 24-SP-44
Film # _____

NORTH CAROLINA
GRANVILLE COUNTY

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

**M. WALKER BRUMMITT, Public Administrator
of the Estate of Roy D. Williams, Sr.,
deceased,**

Petitioner,

vs.

**ORDER FOR PRIVATE
SALE OF REAL PROPERTY
TO CREATE ASSETS**

**ROY DAVID WILLIAMS, JR.,
DONNA WILLIAMS & DEENA
WILLIAMS SIEGLA,**

Respondent.

THIS CAUSE was heard before the undersigned J. Yancey Washington, Clerk of Superior Court of Granville County, upon motion of the Petitioner to grant the relief prayed for in the petition filed herein.

The Court reviewed the record and finds that service of process was had on both of the Respondents by certified mail; that more than thirty (30) days have elapsed since the service of process on the Respondents; that no extensions of time have been granted for the filing of answers by the Respondents; that no such answers or other pleadings have been filed by or on behalf of the Respondents, and the time for filing such answers or other pleadings by the Respondents has expired.

The Court finds that all of the parties are now before the Court, and that the Court has jurisdiction of such parties and the subject matter of this proceeding.

The Court considered the matters set out in the duly verified petition filed herein and finds the following to be the facts:

FINDING OF FACTS

1. That Roy David Williams, Sr. (Williams) died a resident of Granville County, North Carolina, on August 27, 2020; that the Public Administrator is the duly qualified and acting

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Public Administrator of his estate, having been appointed as such by the Clerk of Superior Court of Granville County in File #24-E-98; that the administration of the decedent's estate is still pending.

2. That the decedent, Williams, was the owner of a tract of land without an affixed dwelling with a designated address of 9181 NC HWY 96 N, Oxford, North Carolina 27565, at the time of his death.

3. That the Petitioner has made diligent inquiry to determine all of the heirs of the decedent and, to the best of his knowledge, has determined them to be those parties whose names, relationships and addresses are set out below; that all of the known persons named herein are joined as parties to this proceeding to the end that any interest they may claim in the decedent's real property will be subject to the orders of the Court; that to the best of the Petitioner's knowledge, the known Respondent is of age and sui juris.

4. The name, relationship and address of the known Respondent is as follows:

- i. Roy David Williams, Jr.
Son of the decedent.
4142 Buckshoal Road.
Virgilina, VA 24598
- ii. Donna Williams
Daughter of the decedent.
178 Calip Long Lane.
Roxboro, NC 27574-5502
- iii. Deena Williams Siegla
Daughter of the decedent.
7405 Washington Arch Drive
Mechanicsville, VA 23111-4733

5. That the Public Administrator has initiated the publication of the notice to creditors in this estate, and the time for filing claims ends on June 14, 2023.

6. That the order of payment of claims of the estate pursuant to N.C.G.S. Sec. 28A-19-6 are categorized as follows: First Class which are claims which by law have a specific lien on property; Second Class which is funeral expenses to the extent of \$3,500.00; Third Class which are for the costs of a gravestone to the extent of \$1,500.00; Fourth Class which includes all dues, taxes and other claims under the laws of the United States; Fifth Class which includes all dues, taxes and other claims under the laws of the State of North Carolina, including county taxes; Sixth Class which are judgments of any court of competent jurisdiction with the State; Seventh Class which are wages due to any employee employed by the decedent; Eighth Class which are for any

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claims for equitable distribution; and Ninth Class which include all other claims. That the debts of the decedent's estate and costs of administration have been determined to be approximately \$438,226.74, consisting of the following:

(a) Probate fees, court costs, Public Administrator's commissions, attorney's fees, other miscellaneous probate fees and advanced Clerk of Superior Court costs are approximately \$5,500.00 (estimated prior to sale); and

(b) General debts of the estate:

(1) NC Department of Health and
Human Services (Medicaid)

\$438,226.74

(2) Granville County Tax Office
2023 Ad Valorem
Property Taxes, PIN: 006000975434
(approximate, subject to proration
Or late interest)

\$784.40

Total

\$ 439,011.14

(Total is subject to change if more claims are made during the claim period, which will be reported during the process of the estate.)

7. That the Public Administrator is still in the process of investigating and determining the personal property assets available in the estate to satisfy the claims of creditors and however, the Public Administrator has determined that there are not and will not be enough personal property, if any, belonging to the decedent with which to pay the outstanding debts and costs of administration of this estate; that the real property of the tract of land described above.

8. That the Public Administrator has determined it to be necessary and in the best interests of the administration of the estate to sell the real property of the decedent by private sale to obtain funds for the payment of the above debts and costs of administration; that the Public Administrator of the Estate of Woodlief has the power to sell the real property herein described pursuant to N.C.G.S. sec. 28A-15.1.

9. That the tract of the decedent located on Highway 96 North, is described as follows:

BEGINNING at a point in the center of Highway 96 where Highway 96 and the Blue Wing Road, State Road Number 1332, intersect, and going thence along the Blue Wing Road, State Road Number 1332, N. deg. 30' W. 1152 feet; to an iron pin the corner of the lands of Roy D. Williams (now Roy Nelson); thence N. 5 deg. 15' E 710 feet to an iron pin, corner of the lands of Roy Nelson and Cecil Wilkins; thence along the line of Cecil Wilkins, S. 83 deg. 00' E. 673 feet to an iron pin, center of Highway 96; thence along Highway 96,

S. 21 deg. 00' E. 789 feet; thence continuing along Highway 96, S. 22 deg. 00' E 168 feet; and thence S. 24 deg. 30' E. 76 feet to the place and point of beginning, containing 16.1 acres, more or less, according to plat and survey of Johnnie C. Currin, R. L. S., dated 3-9-70.

For further reference, see Deed of record in Book 210, page 514, Granville County Registry. (Parcel #006000975434).

There is LESS & EXCEPTED from the above-described tract at least two certain parcels of land described as follows:

Parcel 1: That certain parcel of land described in Deed Book 720, page 593 of the Granville County Register of Deeds, containing describing, 1.1882 acres (+/-).

Parcel 2: That certain parcel of land described in Deed Book 766, page 644 of the Granville County Register of Deeds. See also Plat Book 22, page 191, describing 3.77 Acres (+/-).

Also, see Estate of Roy David Williams, Sr., of record in Estate File #24-E-98 in the Office of the Clerk of Superior Court of Granville County. (130180 – No Title Certification)

10. That there are numerous old and/or abandoned vehicles and several mobile homes currently located on the property and that the ownership of said vehicles cannot be determined as belonging to the decedent. The property would be sold as is, where is, and it would be the responsibility of the purchaser to have said items removed, junked, or disposed of.

11. That on the basis of the allegations set forth herein, and pursuant to N.C.G.S. Sec. 28A-17-1, the Public Administrator does hereby request that the Clerk of the Superior Court issue an Order for him, as Public Administrator, to sell the real property described in Paragraph 11 above, with said sale to be conducted in accordance with Article 29A of Chapter 1 of the North Carolina General Statutes entitled "Judicial Sales".

12. That there should be appointed a Commissioner herein to sell the real property, pursuant to the above said statutes, with the proceeds of the sale being used to pay estate debts as by law provided, after payment of the costs of this proceeding. That the commissioner may hire a North Carolina Licensed Realtor to assist in the sale.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the Petitioner is entitled to sell the subject property to create assets with which to pay the decedent's debts.

NOW, THEREFORE, it is hereby ordered, adjudged and decreed:

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1. That the Court finds that it is in the best interest of this estate to sell the decedent's parcel of land as described herein, to create assets with which to pay the decedent's debts and costs of administration.

2. That the Court enter an Order approving the private sale of the property.

3. That the Court appoint M. Walker Brummitt as Commissioner of the court to complete the private sale of the said real property.

4. That the Commissioner be allowed to contract with a licensed North Carolina real estate agent to sell the property described herein.

5. That pursuant to N. C. G. S. §1-339.36, the private sale shall lie open for ten days for any upset bid.

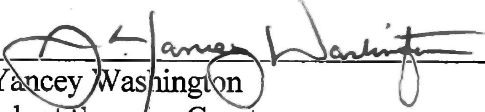
6. That the Commissioner is ordered to pay out of the gross proceeds of the sale the costs of this proceeding, including reasonable attorney's fees or commissions capped at 5%, realtor's commission capped at 5%, and all court costs of this proceeding, including reasonable fees to the appraiser who rendered a value of the real property herein.

7. That the Commissioner is ordered to pay the net proceeds of the sale to the Estate of Roy D. Williams, Sr. to be used by the Public Administrator to satisfy the debts of the decedent and the costs of administering her estate, with any sums remaining to be distributed to her heirs at law as identified in this probate proceeding and/or as ordered by the Court.

8. For such further relief as the Court may deem just and proper.

This the 4th day of **June, 2024**

6/4/2024 10:03:11 AM



J. Yancey Washington
Clerk of Superior Court