

FILED
DATE: August 11, 2025
TIME: 7:47:04 PM
FRANKLIN COUNTY
CLERK OF SUPERIOR COURT
BY: S. Dickerson

FILE NO.: 25SP000006-340
In the General Court of Justice
Superior Court – Before the Clerk

NORTH CAROLINA

FRANKLIN COUNTY

TOMMY O. DENTON, ET AL

Petitioners

Vs.

ORDER PERMITTING
WITHDRAWAL

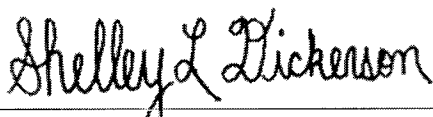
O.J. GUPTON JR., ET AL

Respondents

THIS MATTER coming on to be heard and being heard by the undersigned Clerk of Superior Court for Franklin County, North Carolina, in the above-captioned matter, for good cause shown the Court finds that the Motion to Withdraw filed by the attorney for the Petitioners should be and hereby is ALLOWED.

Steven H. McFarlane, attorney of record for Petitioners, is permitted to withdraw from representation of Petitioners in the above-captioned matter.

This the 11 day of August, 2025.



Franklin County Clerk of Court

FILED
DATE: August 11, 2025
TIME: 7:50:32 PM
FRANKLIN COUNTY
CLERK OF SUPERIOR COURT
BY: S. Dickerson

NORTH CAROLINA

FRANKLIN COUNTY

FILE NO.: 25SP000006-340
In the General Court of Justice
Superior Court – Before the Clerk

TOMMY O. DENTON, ET AL
Petitioners

Vs.

ORDER TO SELL FOR
PARTITION

O.J. GUPTON JR., ET AL
Respondents

THIS MATTER coming on to be heard and being heard on the 7th day of August, 2025, in the office of the Clerk of Court of Franklin County, by the undersigned Clerk of Superior Court, upon Petitioners' Petition to sell certain real property set forth in the Petition, said Petitioners being represented by Steven H. McFarlane, Attorney at Law, of Louisburg, North Carolina, and Respondents Cindy D. Tusler, Geneva Ann A. Denton, Christy D. Jeffreys, Keano W. Denton and Kekulani D. Norris being represented by attorney T. Allen Swaim Jr., and the remaining Respondents being unrepresented and not appearing in this matter, and the Court having reviewed the pleadings in this matter, the Court makes the following

FINDINGS OF FACT:

1. Petitioner filed the original Petition in this matter on or about January 9, 2025.
2. Respondents have been duly served pursuant to Rule 4 of the North Carolina Rules of Civil Procedure, as set forth in the proof of service document(s) filed previously.
3. More than thirty (30) days have elapsed since service of the Petition on all Respondents, and no Respondent has filed any Response contradicting the allegations in the Petition or the relief sought by the Petitioners.
4. The subject property consists of an undeveloped parcel of land of approximately thirty (30) acres, which due to the number of co-owners entitled to a portion of the property, cannot be divided without substantial injury to the material interests of the co-owners.
5. Due to the dismissal of Respondents Sandy Joyce Creech and April L. Honeycutt, the distribution in Paragraph 5 of the Petition is amended to remove said Respondents, and reallocate their shares such that Summer D. Vanriper receives 1.389% and Matthew L. Denton receives 1.389%.
6. The remaining allegations contained in Paragraphs 1 through 7 of the Petition are incorporated herein by reference as additional Findings of Fact.

Based upon the foregoing facts, the Court hereby makes the following

CONCLUSIONS OF LAW:

1. All parties are properly before the Court and there are no issues of mis-joinder or non-joinder of necessary parties.

2. It is in the best interests of all parties that the property not be divided in kind, and the sale of the property at the best commercially reasonable price is appropriate and necessary to allocate the parties' interest in the property in severalty, for the following reasons:

a. Due to the highly fragmented ownership, an actual partition of the property would result in substantial and material injury to most if not all of the co-tenants' rights.

b. The possibility of charging owelty under NCGS §46A-51 will not remedy the substantial injury caused by a partition in kind, due to the highly fragmented ownership.

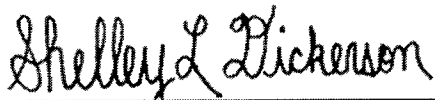
3. The respective shares of the property described in the Petition are allocated as set forth in Paragraph 5 of the Petition, except as amended in Findings of Fact #5.

4. Pursuant to Paragraph 6 of the Petition, Petitioners allege that one or more of them have advanced certain carrying costs, in excess of their proportional interest in the property. The Court will reserve its decision on the carrying costs until a subsequent hearing after the sale of the property.

THEREFORE, THE COURT MAKES THE FOLLOWING ORDER:

1. Steven H. McFarlane, Attorney at Law, is hereby appointed Commissioner to sell the property described in the Petition.
2. The Commissioner shall promptly list the property for private sale "as is/where is" through a competent and duly licensed North Carolina realtor, at a price to be determined by the Commissioner in his sole discretion, with due consideration for the advice and recommendations of the Petitioners and the realtor, and the Commissioner shall comply with the provisions of NCGS §1, Article 29 regarding private sales.
3. The costs of this proceeding shall be paid from the proceeds of sale, including a Commission to the Commissioner appointed by the court, and a realtor commission to the realtor. The remaining proceeds of sale shall be disbursed to the parties as set forth in Paragraph 7 of the Petition, in the percentages set forth therein, including any adjustment to the allocations resulting from any subsequent ruling on the carrying costs.
4. The Court retains this matter for any further proceedings as may be necessary.

This the 11 day of August, 2025.



Franklin County Clerk of Court

CERTIFICATE OF SERVICE

Now comes the undersigned Petitioner and certifies that the foregoing document or pleading has been served this day on the parties noted below, by the following method(s), as provided by Rule 5 of the North Carolina Rules of Civil Procedure.

 X By placing a copy of same in a postage-paid envelope, addressed as noted below, and delivered to the care and custody of the US Postal Service, United Parcel Service or Federal Express.

Served On:

L. Allen Hahn, Esq.
Attorney for O.J. Gupton Jr.
504-A Red Banks Rd.
Greenville, NC 2858

T. Allen Swaim, Jr., Esq.
Attorney for Cindy D. Tusler, Geneva Ann S. Denton,
Christy D. Jeffreys, Keano W. Denton and Kekulani D. Norris
3401 Wendell Blvd.
Wendell, NC 27591

Vicky B. Gupton, 4444 Moratock Lane, Clemmons, NC 27012
Eric L. Gupton, 1420 S. Burgundy Trail, St. Johns FL 32259
Mary F. Denton, 11280 NC 55 East, Dunn, NC 28334
Summer Denton VanRiper, 512 Woodson Dr., Clayton, NC 27527
Matthew Landon Denton, 95 Robert Branch Circle, Fuquay-Varina, NC 27526
Celia D. Horton, 6366 Rees Lane, Wendell, NC 27591
Max Warlick, 30 Groce Meadow Rd. Taylors, SC 29687
Greg L. Warlick, 206 Ponder Lane, Taylors, SC 29687
Keith M. Warlick, 10 Valerie Drive, Greenville, SC 29615
Lisa Cason, 15001 Stonegreen Lane, Huntersville, NC 28078
Shauna Bridwell, 10 Groce Meadow Rd., Taylors, SC 29687
Stella Sue Shearin, 20 Warren Avenue, Louisburg, NC 27549
Janet S. Kirby, 777 Forest Drive, Blairsville, GA 30512

This the 12 day of August, 2025.



Steven H. McFarlane, NC Bar #17075
McFarlane Law Office, PA
Attorney for Petitioners
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Louisburg, NC 27549
(919) 496-1021