

MT. HOLLY-HUNTERSVILLE ROAD

6/14/2007

duponbj

Groundwater and Wastewater Services File Imaging Project

May 2007

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600 SOUTH COLLEGE STREET
CHARLOTTE, NORTH CAROLINA 28202
TELEPHONE 704 372-9870
TELECOPIER 704 333-5508

SOUTHPARK OFFICE
6101 CARNEGIE BLVD., SUITE 245
CHARLOTTE, NORTH CAROLINA 28209
TELEPHONE 704 552-9997
TELECOPIER 704 552-0540

J. MITCHELL ABERMAN*
JOHN S. ARROWOOD
MARY KAY BAYNARD
MARK T. CALLOWAY
WILLIAM K. DIEHL, JR.
RICHARD A. ELKINS
RICHARD B. FENNELL
GARY S. HEMRIC
LAWRENCE W. HEWITT
EDWARD T. HINSON, JR.
DAVID M. KERN
G. RUSSELL KORNEGAY, III
PENDER R. McELROY
RALPH R. McMILLAN
J. MICHAEL MULVANEY
ROBERT C. MUTH
ROBERT H. SHEPPARD
BRUCE M. SIMPSON
DANIEL A. TERRY
KATHERINE LINE THOMPSON

*ALSO ADMITTED IN S.C.

HENRY JAMES, JR.
OF COUNSEL

April 14, 1993

VIA - HAND DELIVERY

Mr. William R. Marlin
Mecklenburg County Health Department
I.W.W.S.
700 North Tryon Street
Charlotte, North Carolina 28202

Re: Eugene M. Davant, and E. Milburn Davant, Jr., d/b/a Davant Commercial and Investment Properties vs. Henderson Belk, individually and d/b/a/ Bel-Mar Investment and Bel-Mar Investments and Properties, Inc.; 90-CVD-18888

Dear Mr. Marlin:

Per our telephone conversation of this morning, enclosed is the Subpoena that you have agreed to accept service of.

I appreciate your willingness to work with me in this matter.

Sincerely,

Mark T. Calloway

MTC:rdp
Enclosure

STATE OF NORTH CAROLINA

File No. 90-CVS-18888

Mecklenburg County

In The General Court Of Justice

☐ District ☒ Superior Court Division

EUGENE M. DAVANT, and E. MILBURN DAVANT, JR., d/b/a DAVANT COMMERCIAL AND INVESTMENT PROPERTIES

VERSUS

HENDERSON BELK, individually and d/b/a BEL-MAR INVESTMENTS and BEL-MAR INVESTMENTS AND PROPERTIES, INC.

SUBPOENA

G.S. 1A-1, Rule 45

Party Requesting Subpoena:
☐ State/Plaintiff ☒ Defendant ☐ Other (specify)

TO

Name Of Person Subpoenaed
WILLIAM R. MARLIN

Name Of Second Person Subpoenaed
Mecklenburg County Health Department

Name Of Third Person Subpoenaed
I.W.W.S.

Address
700 North Tryon Street

City, State, Zip
Charlotte, NC 28202

Telephone No.
336-6500

(Note: *A single subpoena may be used for as many as three persons if all have the same address. If documents are subpoenaed, only one person may be named.*)

Alternate Address

City, State, Zip

Telephone No.

YOU ARE COMMANDED TO:

(check all that apply)

☒ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.

☐ produce for the court the following items, at the place, date and time indicated below.

Name And Location Of Court
Mecklenburg County Courthouse Room #308
800 East Fourth Street
Charlotte, North Carolina 28202

Date To Appear/Produce
Monday, April 19, 1993

Time To Appear/Produce
9:00 o'clock ☒ AM ☐ PM

Name And Address Of Applicant's Attorney
Mark T. Calloway
600 South College Street
Charlotte, North Carolina 28202

Date
April 14, 1993

Signature

Telephone No.
(704) 372-9870

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court
☐ Magistrate ☒ Attorney ☐ Party

I, William R. Marlin, hereby accept service of this Subpoena.

(Date)

William R. Marlin

AOC-G-100
Rev. 7/89

(Please See Reverse Side)

RETURN OF SERVICE

I certify that this Subpoena was received and served as follows:

Date Received

For First Person Named On Front:

- ☐ by delivering a copy of this Subpoena to the first person named on the front.
- ☐ this Subpoena WAS NOT served for the following reasons:
- ☐ by telephone communication with the first person named on the front (use only with subpoena to appear and testify).
- ☐ by registered or certified mail return, receipt requested and attached, on the first person named on the front.

Service Fee		*Date Served*	*Signature Of Authorized Server*
$	☐ *Paid* ☐ *Due*		

For The Second Person Named on Front:

- ☐ by delivering a copy of this Subpoena to the second person named on the front.
- ☐ this Subpoena WAS NOT served for the following reasons:
- ☐ by telephone communication with the second person named on the front (use only with subpoena to appear and testify).
- ☐ by registered or certified mail return, receipt requested and attached, on the second person named on the front.

Service Fee		*Date Served*	*Signature Of Authorized Server*
$	☐ *Paid* ☐ *Due*		

For The Third Person Named On Front:

- ☐ by delivering a copy of this Subpoena to the third person named on the front.
- ☐ this Subpoena WAS NOT served for the following reasons:
- ☐ by telephone communication with the third person named on the front (use only with subpoena to appear and testify).
- ☐ by registered or certified mail return, receipt requested and attached, on the third person named on the front.

Service Fee		*Date Served*	*Signature Of Authorized Server*
$	☐ *Paid* ☐ *Due*		

INFORMATION FOR WITNESS

The Subpoena

The subpoena is a court order requiring you to appear in court on the day and at the time stated. You have been called (subpoenaed) to court to be a witness in a case.

Duties Of A Witness

- Unless you are a custodian of medical or public records, you must attend court on the day and at the time stated in the subpoena.
- Unless otherwise directed by the presiding judge, you must answer all questions asked when you are on the stand giving testimony.
- Your answers to questions must be truthful.
- If you are commanded to produce any items, you must bring them with you to court.

If you have any questions about being subpoenaed as a witness, you should contact the attorney or official who had the subpoena issued. The name of that person is on the other side of this Subpoena form.

Understand The Question And Speak Out

When you are on the witness stand, listen carefully to any question, and make sure that you understand the question before you try to answer it. If necessary, ask that the question be repeated.

In answering questions, speak out clearly and loudly enough to be heard. If you are testifying before a jury, speak out so that all of the jurors can hear you.

Bribing Or Threatening A Witness

It is a violation of state law for anyone to attempt to bribe, threaten, harass, or intimidate a witness. If anyone attempts to do any of these things concerning your involvement as a witness in a case, you should promptly report that to the district attorney or the presiding judge.

Witness Fee

A witness is entitled to a small daily fee, and to travel expense reimbursement if it is necessary to travel from outside the county in order to testify. (The fee for an "expert witness" will be set by the presiding judge.) After you have been discharged as a witness, if you desire to collect the statutory fee, you should immediately contact the clerk's office and certify to your attendance as a witness so that you will be paid any amount due you.

Note to file 6406A - W/P My

- subpoened to testify in Durant/Belk Case 90-CVD-19988 by Mark T. Calloway on April 14, 1993

- Conference with Sarah Pressly on April 19, 1993 - She advised me to testify as to the work I had performed on the property concerned, to make sure that the testimony was true regarding conversations that might have been made after the soil investigation was made. She also stated that as a witness I had the right to explain my answers and to ask for clarification of attorneys' questions if I felt that there was needed. Ms. Pressly appeared confident that I would not encounter any problems. The court appearance was on April 20. No problems were encountered with any questions and no confrontational type situations arose during the time I was on the witness stand.

W. P. Mabe 4-27-93

Mecklenburg County
Health Department

January 12, 1990

Crescent Resources
C/O Davant Realty
523 W. 10th St.
Charlotte, NC 28202

Re: Soil Investigation of Tract (parcel 031-155-05)
ref. file 6406A

Mr. Davant:

A pre-preliminary investigation of soils and topography was made on the tract (parcel 031-155-05) located off Mt. Holly-Huntersville Rd. A soils map was prepared and a copy is enclosed.

The areas shaded yellow on the enclosed map appear to be dominantly unacceptable for the installation of septic tank systems. These areas include a complex slope area and a depressed area.

The complex slope area has irregular slopes that are not adaptable for the installation of septic tank systems. These slope areas are too rough to allow either drainfield or tank installation.

The depression area collects runoff water from surrounding land areas. Water stands in much of the area following periods of precipitation. Soil wetness conditions are also present at depths of less than 36 inches from the soil surface.

The unshaded areas appear to be dominantly acceptable for the installation of septic tank systems. These soils are light-textured (sandy loam to loamy sand) and are generally deeper than 36 inches. Depth to soil wetness conditions appears to be greater than 36 inches. Slopes range to approximately 8 percent.

Based on this investigation, there are some areas on the tract that appear to be dominantly acceptable for the installation of septic tank systems. Please note that this report does not express or imply individual lot approval for septic tank system installation. Individual lot approval is dependent in part on the satisfactory completion of an investigation of each lot. Currently, no lots are established on the tract. Note also that brush growth is quite thick on much of the tract. This factor makes the location of soil changes difficult to detect. Additional investigation with established reference points would be needed in order to more accurately define the area appearing to be dominantly acceptable.

Environmental Health Division
1200 Blythe Boulevard • Charlotte, North Carolina 28203 • (704) 376-4603

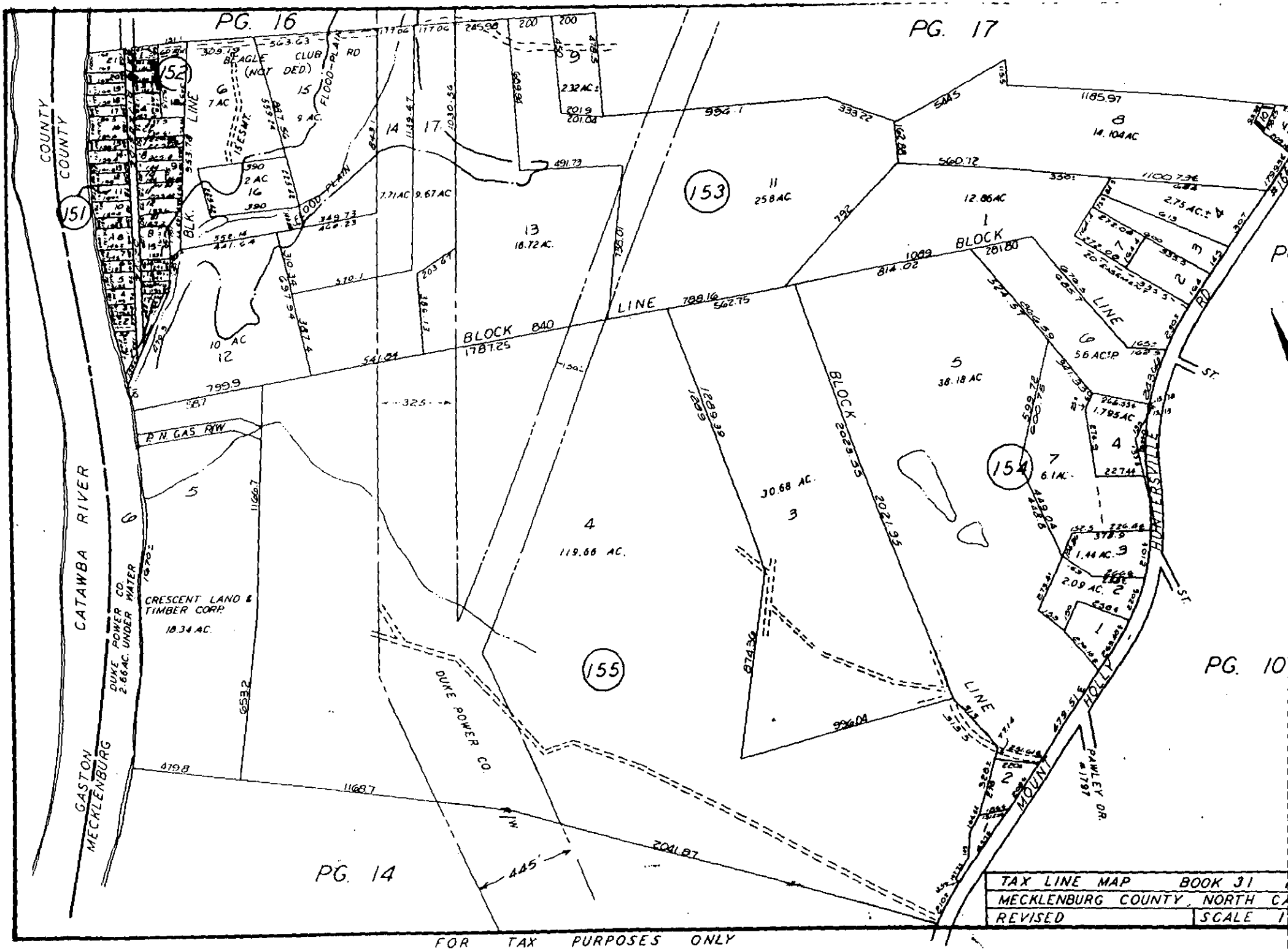
It must be noted that the majority of the tract lies within a "flood-prone" area as designated by the U.S. Geological Survey. This approximates a 100 year flood level. A portion of the tract will most likely be included in a 10 year flood level. Special care would have to be taken to adequately protect tanks and equipment (pumps, etc) from water infiltration or damage during these storms.

Please contact me if there are any questions with regard to this report.

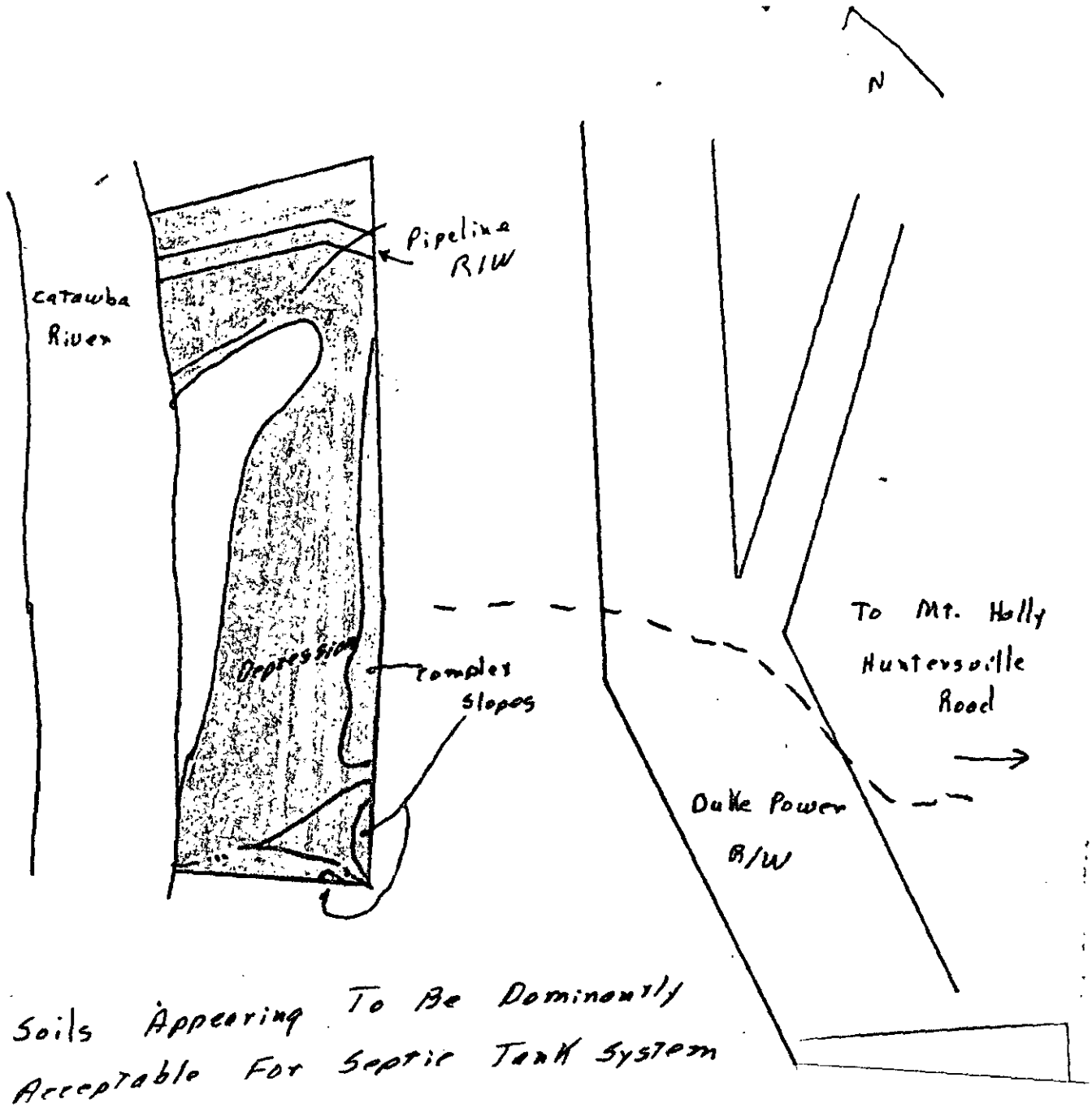
Sincerely,

William R. Marlin

William R. Marlin
Soil Scientist


PG. 16
PG. 17
PG. 14
PG. 10
151
152
153
154
155
CATAWBA RIVER
GASTON
MECKLENBURG
COUNTY
COUNTY
EAGLE CLUB RD
(NOT DED.)
FLOOD PLAIN
BLK. LINE
BLOCK 840
1787.25
LINE
BLOCK
BLOCK 2029.35
2021.35
P.N. GAS R/W
DUKE POWER CO.
2.66 AC. UNDER WATER
CRESCENT LAND & TIMBER CORP.
18.34 AC.
DUKE POWER CO.
HUNTERSVILLE
HOLLY
MOUN
PAWLEY DR.
445'
FOR TAX PURPOSES ONLY
TAX LINE MAP BOOK 31
MECKLENBURG COUNTY, NORTH CA
REVISED
SCALE 1

Pre-Preliminary 031-155-05



☐ Soils Appearing To Be Dominantly Acceptable For Septic Tank System Installation

▨ Soils Appearing To Be Dominantly Unacceptable For Septic Tank System Installation

W. R. Martin - Soil Scientist

1-12-90

MECKLENBURG COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION

CHARGE SLIP

Date: 12-27-89

Name/Company: Eugene W. Durant

Sanitation _____

Vector Control _____

O.P.W.D. ✓

Service: ~~Pre Planning~~ Soil Evaluation

MECK[illegible] COUNTY
HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
PAID
DEC 27 1989

6406A 180 acres

Fee: $ 395.00

2513 $395.00

NOTICE:

A processing fee of $15.00 will be charged for all returned ~~checks~~ in accordance with N.C. General Statute 25-3-512.

Completed by

Collected by

3SLW #2

APPLICATION FOR SOIL INVESTIGATION

HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

(OFFICE USE ONLY) #2

FILE: 6406A

TC: 031 15 05

☐ PC ☐ REPT

JOB LOCATION

① ADDRESS: OFF MT. HOLLY - HUNTERSVILLE RD

② SUBDIVISION: _____ ③ LOT: _____ ④ BLOCK: _____

⑤ PARCEL REFERENCE: BOOK NO.: 031 PAGE NO.: 15 PARCEL NO.: 05

⑥ DEED REFERENCE: BOOK NO.: _____ PAGE NO.: _____

OWNER

⑦ NAME: CRESCENT RESOURCES
(FIRST) (MIDDLE) (LAST)

⑧ MAILING ADDRESS: P.O. BOX 30517

⑨ CITY: CHARLOTTE ⑩ STATE: N.C. ⑪ ZIP: 28230

⑫ PHONE: (WORK) _____ (HOME) _____

⑬ Accurately diagram and dimension lot.

Attention: Owner requests that Report be mailed to-

DAUGHT REALTY
528 W 10th St.
CHARLOTTE, N.C. 28202

Gene Daught to pay For Cost
of this soil Investigation

⑭ The undersigned, owner of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY HEALTH DEPARTMENT to enter onto the property for the purpose of processing this request.

Signed: Ronald M. Bost

Mecklenburg County services are available without regard to ethnic origin, sex, or disability.

Date: 12-4-89

WHITE - HEALTH DEPARTMENT'S COPY • CANARY - ENVIRONMENTALIST'S COPY • PINK - OWNER'S COPY