



TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949

(252) 261-2394 tel (252) 255-0876 fax

www.southernshores-nc.gov

Application No. VA-24-01 Date 8-30-24
Application Fee \$350.00 Receipt No. 279804

VARIANCES APPROVED BY THE BOARD OF ADJUSTMENT RUN WITH THE PROPERTY. THEREFORE, APPLICANTS MUST BE THE PROPERTY OWNER, OR A DESIGNATED REPRESENTATIVE OF THE PROPERTY OWNER. REFERENCE TO YOU OR THE APPLICANT IN THIS APPLICATION INCLUDES THE PROPERTY OWNER IF THE APPLICANT IS NOT THE PROPERTY OWNER. NOTARIZED SIGNATURES OF ALL APPLICANTS ARE REQUIRED ON THE LAST PAGE. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THIS APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

1. Applicant Name Anthony S. Mina
Mailing Address 75 E. Dogwood Trail
City Southern Shores State NC Zip Code 27949
Telephone 610-842-3905 email: chestercounty.lawn@yahoo.com
2. Property Owner Name (If different from Applicant) _____
Mailing Address _____
City N/A State A Zip Code _____
Telephone _____
3. Property for which variance is requested:
Street Address 75 E. Dogwood Trail, Southern Shores, NC 27949
Tax Parcel Identification Number 021731000
Subdivision Name So/Sh Block# 105 Lot# 1
Zoning District Classification RS-1
4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested.
(Please see attached Exhibit 1A and 1B)
Plat #1 pertains to Section 30-96(f) as stated in West Hasketts Application
#1 subdivision denial
Plat #2 pertains to Section 36-202(d) as stated in West Hasketts Application
#2 subdivision denial
5. For each Section/subsection listed above, describe with specificity how it applies to the property without the requested variance and how you propose it should be varied by providing the type, dimension, amount and location of the variance requested. Attach a scale drawing

using a current survey of the proposed placement of the structure for which the variance is being requested.

Please find answer to #5 on "EXHIBIT #2".

"EXHIBIT 2A" shows Plat 2 with a 30' Access Easement.

"EXHIBIT 2B" shows Plat 2 with a 100' setback at the building front setback line, as zoning code required when applicant agreed to purchase the property as potentially subdividable, as per Southern Shores.

"EXHIBIT 2C" proves the zoning codes prohibiting the 75' E. Oogabed Trail subdivision are illegally adopted.

6. Is this variance request the result of a Notice of Violation issued by the Southern Shores Planning and Code Enforcement Department? Yes ___ No ☒ If yes, attach copy of Notice.

7. Explain how the variance request meets the approval criteria for the granting of a variance as set forth by the Town of Southern Shores Code of Ordinances by answering the following questions. Note that personal inconvenience or financial burden standing alone will not be considered as evidence in determining unnecessary hardship. Unnecessary hardship must be attributable to a unique or peculiar physical condition of the property that is not shared by other properties and has not been created by the actions of the applicant.

Describe the unnecessary hardship created on the property by the strict enforcement of the Zoning Ordinance.

Please see "exhibit 2", Answer 7A

Explain how the property can be used if the variance **is not** granted.

The property can only be used for one single family home and therefore used as proof of Wes Haskett's involvement with a false pre-tense real estate scam.

Explain how the property can be used if the variance **is** granted.

The property can be subdivided and used for (2) single family homes as ~~stated~~ listing for sale indicated was possible, as per Southern Shores. Please see "EXHIBIT 3".

Explain how the unnecessary hardship is not the result of your own actions.

Wes Haskett did not meet notification requirements to change the referenced zoning codes and to make matters worse, Wes Haskett refused to tell Applicant about the proposed June 6, 2023 amendment until June 1, 2023 after (4) emailed conversations with applicant about applicable zoning codes involved with a sub-division plan being submitted. Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional \$500K from applicant.

Describe the conditions that are peculiar to the property, such as location, size, or topography which causes the unnecessary hardship.

The peculiar thing is Wes Haskett's illegally adopted zoning code on June 6, 2023 being secretly planned without my knowledge to intentionally prevent lot subdivision, as Wes Haskett stated in his June 7, 2023 email ("Exhibit 4"). All evidence indicates Wes Haskett was helping a real estate scam.

Explain how the requested variance is consistent with the spirit, purpose, and intent of the Town's Zoning Ordinance (Town Code Chapter 36) such that public safety is secured, and substantial justice is achieved.

Please see "Exhibit 2" Answer 7B

The proper way to prevent lot subdivisions would be with a code prohibiting subdivisions.

Will the variance, if granted, allow an increase or extension of an existing nonconforming use on the property?

No

Will the variance, if granted, allow a use otherwise prohibited in the zoning district containing the property?

No

8. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor.

- 1) 73 E. Dogwood Trail, Southern Shores, NC 27949 - owner - Cad LLC
- 2) 72 Hickory Trail, Southern Shores, NC 27949 - owners Susan & Benton Capps
- 3) Southern Shores Department of Public Works

9. Are any attachments being submitted with this application? Yes ☒ No ☐ If yes, please identify attachments and number of pages. 55

Applicants Federal Civil Rights Complaint (without exhibits) against Wes Haskett and Southern Shores for their role in a false pre-tense real estate scam intentionally withholding pertinent information about zoning codes. A complete copy of the law suit has been provided to Southern Shores and is filed at U.S. Eastern District Northern Division Federal Court of North Carolina, case 2:24-cv-00042-M-RN

FILING OF APPLICATION

Variance applications are filed with the Town of Southern Shores Planning and Code Enforcement Department at Town Hall located at 5375 N. Virginia Dare Trail, Southern Shores, NC. Applications may be filed in person Monday through Friday during normal office hours or may be mailed to the previously listed address. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

SCHEDULING OF APPLICATION

Applications submitted will be placed on the following month's Board agenda. The monthly filing deadline and Board meeting dates for the year are listed on the Town's website at www.southernshores-nc.gov under Planning and Code Enforcement Department or you may receive a copy by contacting the Department at (252) 261-2394.

HEARING OF APPLICATION

The Planning Board serves as the Board of Adjustment which is a quasi-judicial body governed by the North Carolina General Statutes and Chapter 36, Article XII of the Southern Shores Town Code. Meetings are held in the Pitts Center located at the Town of Southern Shores Municipal Complex. At the meeting, the Board will hear testimony and receive evidence from the applicant, Town Staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

The concurring vote of a four-fifths majority of the board shall be necessary to grant a variance. The Board's decision will be made, reduced to writing, filed, served and subject to appeal in the manner provided by Section 36-368 of the Southern Shores Town Code. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the effective date of the Board's decision.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variance applications should contact the Zoning Administrator at the Planning and Code Enforcement Department at (252) 261-2394.

ADDITIONAL FACTS REGARDING SOUTHERN SHORES LIABILITY IN FEDERAL COURT

- 1) Wes Haskett and town attorney Philip Hornthal knowingly have been falsifying notification requirements regarding the amendment of the June 6, 2023 lot width change for more than 4 months, as proven with "Exhibit 2C".
- 2) Refusing to comply with local and state notification requirements to effected properties prior to making a zoning amendment violates property owners 4th Amendment Due Process Rights.
- 3) The illegally adopted zoning codes have continued to be enforced as if they were legally adopted.
- 4) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)
- 5) A municipality may be found liable where the allegedly unconstitutional action "implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." Monell v. Dept. of Soc. Services., 436 U.S. 658, 690 (1978).
- 6) A supervisory official will be held liable only if the official failed to remedy a violation after learning of it, created or allowed a policy to continue under which the violation occurred, or was grossly negligent in managing the subordinates. See Keyes v. Strack, 1997 WL 187368, at *3 (S.D.N.Y.1997)
- 7) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)
- 8) Under 42 U.S.C. 1983, "every person' who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages." Imbler v. Pachtman, 424 U.S. 409, 417 (1976)
- 9) Southern Shores Town Attorney advised Wes Haskett to discriminate against applicant and suggested applicant consult with an attorney. Law indicates that every individual enforcing illegally adopted zoning codes that Federal Law requires to be remedied after the town learned of the violation will also be liable for Federal Civil Rights damages.

Applicant respectfully requests the Board of Adjustment Grant Applicant's Variance(s) to obtain a lot sub division prior to even cashing Applicant's \$350 application fee and scheduling applicant's hearings because these overly burdensome expenses and legal entanglement schemes constitute additional damages subject to Federal Court litigation.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.



Property Owner Signature

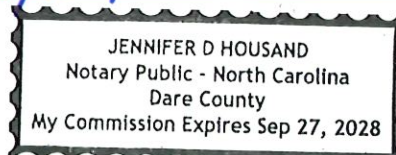
8/29/2024

Date

STATE OF NC, COUNTY OF Dare
On this 29 day of August, 20 24

Anthony Stockermina personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public 
My Commission expires 9/27, 20 28





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 1 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 1 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots do not front upon a public road. Town Code Section 30-96(f) states that all lots shall front upon a public road.

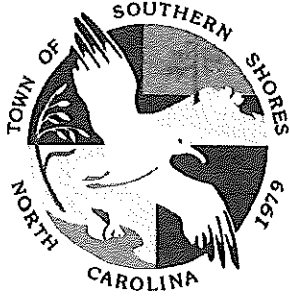
Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nc.gov/bc-ph>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "1A"



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

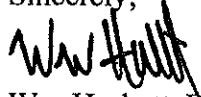
Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT "1 R"

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable \$350 fee within 30 days of receipt of this certified letter. The application can be found at <https://www.southernshores-nc.gov/bc-pb>. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov, if you have any questions or concerns.

Sincerely,



Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "LB"

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
6108423905
chestercountylawn@yahoo.com

August 30, 2024

RE: 75 E. Dogwood Trail Variance Application

Please find the answers to the Variance Application as follows:

ANSWER # 5:

Plat # 1-Town Code 30-96(f) prohibits access easements due to an illegally adopted zoning amendment made on August 3, 2021 without notifying property owners as required by Town Code 36-414(b) and some of North Carolina state law notification requirements. Proof of Southern Shores failure to comply with Notification requirements is attached hereto as "Exhibit 2C". As such, Town Code 30-96(f) is unenforceable and from a legal standpoint, since Philip Hornthal suggested Applicant get an attorneys help, anything beyond this point of the application is harassing and overly burdensome as Applicant has proven the zoning codes requiring a variance are actually illegally adopted, unenforceable zoning codes.

Plat # 2-Town Code 36-202(d) requires 100' of lot width per lot instead of 100' lot width perpendicular only at the front of the building due to an illegally adopted zoning amendment made on June 6, 2023 without notifying property owners as required by Town Code 36-414(b) and some of North Carolina state law notification requirements. Proof of Southern Shores failure to comply with Notification requirements is attached hereto as "Exhibit 2C". As such, Town Code 36-202(d) is unenforceable and from a legal standpoint, since Philip Hornthal suggested Applicant get an attorneys help, anything beyond this point of the application is harassing and overly burdensome as Applicant has proven the zoning codes requiring a variance are actually illegally adopted, unenforceable zoning codes. Wes Haskett went above and beyond negligence with his refusal to properly notify property owners of the June 6, 2023 zoning amendment by refusing to tell Applicant about the proposed zoning amendment from May 1, 2023 to June 1, 2023 during 4 emailed conversations about zoning codes pertaining to the sub-division Wes Haskett told Outer Banks Realty Group sounded possible at 75 E. Dogwood Trail. Outer Banks Realty Group sold applicant 75 E. Dogwood Trail as a potentially sub-dividable lot, as per Southern Shores. Wes Haskett continued his intentional deception of notification requirements by falsifying notification requirements to applicant, Police Chief Kole and Mayor Morey in an email dated May 21, 2024...violating **North Carolina Chapter 14 § 14-225. False reports to law enforcement agencies or officers** (Wes Haskett's false reports to law enforcement deleting town code notification requirement 36-414(b)

" EXHIBIT 2 "

to claim he had a legal basis to amend zoning codes on June 6, 2023 is attached hereto as "Exhibit 5").

ANSWER #7

- A) The illegally adopted zoning amendment code 30-96(f) prohibiting 30' easement access (on August 3, 2021) changes the property's 47,213.2 sq. ft. from being used as (2) separate lots with a subdivision by right, to a (1) home lot. Southern Shores requires lots to have 20,000 sq. ft. each and with a 30' easement access all zoning codes are complied with so a lot subdivision will be approved as shown in "Exhibit 2A". Dominion Power has already installed (2) electric boxes on the property so a second home can be built and Southern Shores helped Outer Banks Realty Group sell the property to applicant as a lot with a possible subdivision. A true and correct copy of the listing and Wes Haskett's communication to Outer Banks Realty Group and the previous owner indicating the lot subdivision sounded possible is marked "Exhibit 3". The hardships imposed by the illegally adopted zoning code(s) amount to hundreds of thousands of dollars in damages because the only reason applicant bought a \$625,000 house was because he could easily sell the newly subdivided lot for more than \$200,000 with the most comparable canal front lot selling at 91 S. Dogwood Trail for \$365,000. Applicant is a home improvement provider and was planning on hiring a local construction company to help build a second home applicant could rent or sell. Applicant's fiancé is a Dare County School teacher and one of her co-workers, who also is a Coastguard Family is potentially interested in renting or purchasing the home applicant was supposed to be able to build at 75 E. Dogwood Trail when he entered into an agreement to purchase the property. "Exhibit 2B" shows how all zoning codes would be complied with if the zoning amendment illegally adopted on June 6, 2023 changing lot width requirements was not used to prevent the lot subdivision and the 100' lot width at the building front perpendicular line was still the lot width requirement.
- B) The spirit, purpose and intent of the town's zoning code will be able to be utilized with great pride at 75 E. Dogwood Trail by granting a variance from the illegally adopted zoning code(s) because when applicant agreed to purchase 75 E Dogwood Trail as a potentially subdividable lot the 20,000 sq. ft. closest to Dogwood Trail was going to be used for a "to be built" home for sale or rent. Applicant planned on hiring a construction company like Reliant Construction, Croatan Custom Homes, Saga Construction or another construction company known in the Outer Banks for exceptional quality construction to help applicant's home improvement business, as needed. Applicant planned on preserving and enhancing the existing home to make the house, known as "The Dick White House" a house that will be admired by people and not looked at as it is now, an eyesore that has been neglected so long that people wonder when the house is going to be torn down. Applicant has more than 25 years experience in the home improvement and construction field and has worked for hundreds of clients in Pennsylvania where he owned his own property maintenance business. About 24 years ago applicant's work at the red barn in the attached picture was limited to landscaping but the owner, Ed Cunius, does the kind of construction work applicant most admires. Mr. Cunius' construction company renovated the barn in the attached picture which is located at 1050 Copeland School Road, West Chester, PA 19380

"EXHIBIT 2"

and also renovated another old stone barn applicant worked at located at 117 Crosspointe Drive, West Chester, PA 19380. One of the barns has pictures online at:

<https://www.redfin.com/PA/West-Chester/1050-Copeland-School-Rd-19380/home/39036332>

After seeing the barns Mr. Cunius renovated applicant dreamed of renovating an old barn his self and the "Dick White House" really resembles an old barn that is in serious need of updating to compliment the neighborhood charm and pride of other home owners. So, applicant immediately fell in love with the subdividable 1 acre lot with 450' of canal frontage and applicant's plans are to continue removing the trees overhanging the canal and remodel the west side of the property facing the canal as pictured below...as well as renovate most of the interior of the property. Applicant has been known for years to take great pride in his work and relentlessly complete the work he has committed to. The picture below with "Before And After Our Services" was applicant's last job completed in Pennsylvania at 100 Bridge Street, Malvern, PA 19355. Applicant and his fiancé bought the house in extreme need of home improvements for about \$110,000 and sold the house when applicant was done building additions and renovating for \$820,000. The Philadelphia Inquirer wrote a story about applicant's last job at 100 Bridge Street in their newspaper, which can be read online at:

www.inquirer.com/real-estate/housing/market-rebuilt-four-bedroom-home-malvern-867000-20220810.html

The 100 Bridge Street house was located on one of the busiest streets in a small town and went from being the ugliest house in the town to a very admired house that many neighbor's appreciated because applicant built a waterfall along the sidewalk that enhanced the entire town's curb appeal on the drive into the town. Public safety will be secured because allowing the variance from town code 30-96(f) will actually make 75 E. Dogwood Trail safer than it is without the variance because the existing driveway is about 70' from applicants front door right now and if emergency vehicles such as fire trucks needed to get close to 75 E Dogwood Trail, it would nearly be impossible without the variance.

Lastly, substantial justice will be achieved with the variance(s) being granted because right now Wes Haskett has Southern Shores tied to a false pre-tense real estate scam where Southern Shores is liable for a Civil Rights Conspiracy (because Wes Haskett refuses to correct his wrong doing). If Wes Haskett was not illegally hiding a proposed zoning amendment, the solution to applicant's problem would have been simply to obtain the lot sub-division Wes Haskett said was possible, prior to the zoning amendment. But, because Wes Haskett illegally hid the zoning amendment scheduled for June 6, 2023 applicant has been overly burdened with legal and financial hardships all caused by Wes Haskett's crimes that are not permitted under North Carolina Law, Southern Shores Town Code or the "Code of Ethics for Town of Southern Shores Employees" which is attached hereto as "Exhibit 6". Wes Haskett is currently in violation of Town Ethics Rules 1-7 and has given no indication whatsoever that he intends to ever comply with local, state and federal law. In fact, Wes Haskett has already spent more than \$3747 of Southern Shores money on town attorney Philip Hornthal who has also attempted to deceive applicant and town manager Cliff Ogburn with falsified law relating to zoning amendment notification requirements. At this point it appears Wes Haskett is trying to encourage as many Southern Shores employees as

"EXHIBIT 2"

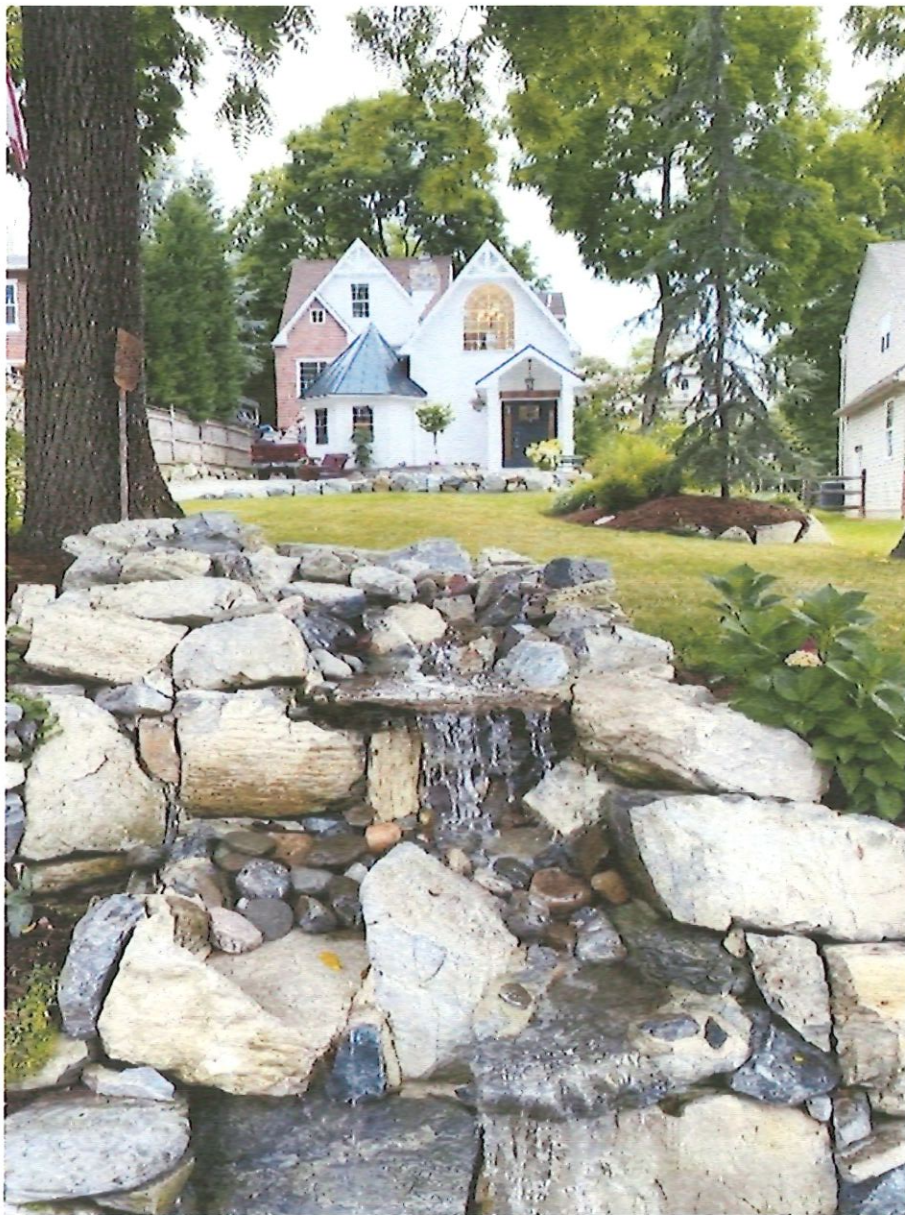
possible to become criminally and civilly liable for his false pre-tense real estate scam conspiracy and abuse of process with illegally adopted zoning codes.

"EXHIBIT 2"



Where applicants dream of renovating
an old barn started

"EXHIBIT 2"



My last job in Pennsylvania

"EXHIBIT 2"



"EXHIBIT 2"



Applicant's house with some very
needed exterior improvements facing
the canal.

"EXHIBIT 2"



The way applicant's house looks now,
in desperate need of renovations and
curb appeal.

"EXHIBIT 2"

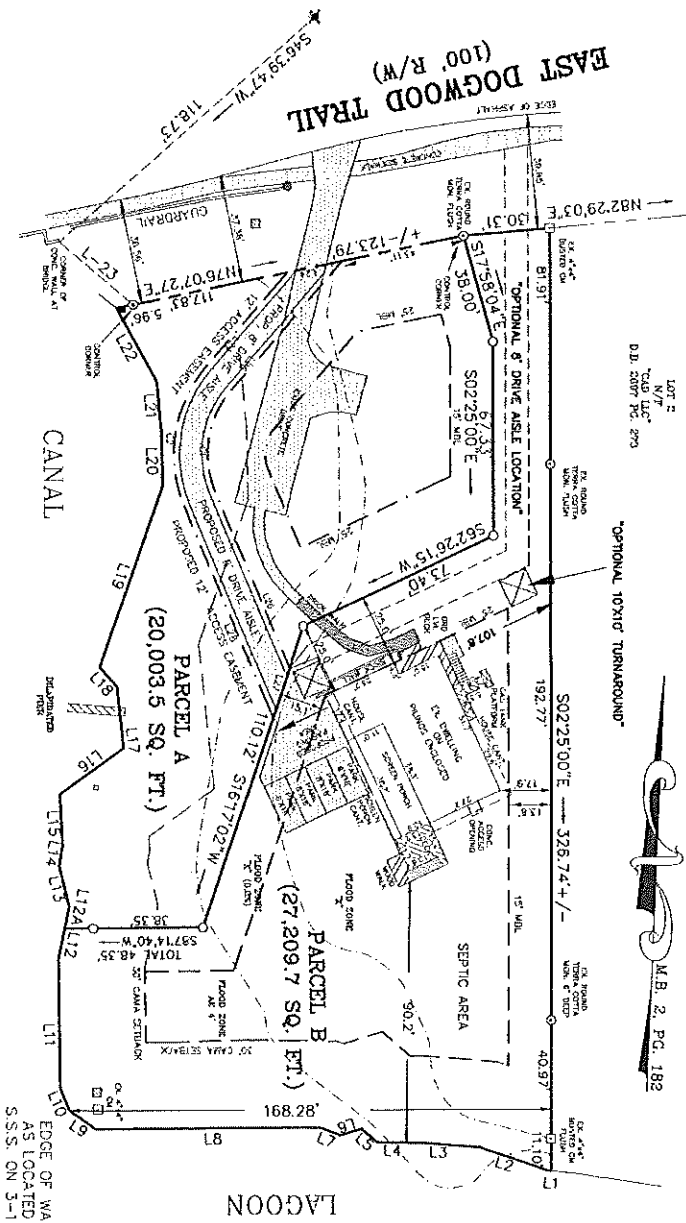
EXEMPTION CERTIFICATE

- This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 20-2 (A).

Town Official

LOT #
N/T
"CUB LLC"
D.B. 2007 PG. 273

M.B. 2, PG. 182



SURVEYOR'S CERTIFICATE:

_____ ☐ Partner

State of _____, County of _____
I, _____ a Notary Public of the County and

_____ personally appeared _____ before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 2021.

Notary Public

PRELIMINARY

I, M. Douglas Byrnes Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision using the description found in DB 2689, PG 776, that the boundaries not surveyed are clearly indicated as drawn from information found in HB 2, PG 182, that the ratio of precision as calculated is at least 1:10,000 and that this plat was prepared in accordance with GS. 47-40 as amended. I also certify to the following:

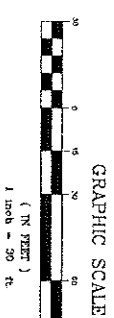
This plat is a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except to the definition of subdivisions. No street right-of-ways are created.

Witness my original signature and seal this 26th day of June 2024.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N66.02-33.4°	1.29
L2	N73.43-10.4°	23.14
L3	N87.48-19.4°	20.94
L4	S88.18-36.4°	14.86
L5	N51.30-23.4°	7.18
L6	S70.39-48.4°	7.17
L7	N71.05-44.4°	7.47
L8	S87.22-48.4°	78.67
L9	N57.12-36.4°	10.97
L10	N44.38-48.4°	8.44
L11	N65.27-34.4°	44.69
L12	N09.17-19.4°	10.79
L13	N15.30-59.4°	14.70
L14	N07.30-59.4°	6.93
L15	N05.24-26.4°	17.93
L16	N51.52-59.4°	27.87
L17	N08.71-08.4°	21.40
L18	N43.02-57.4°	8.96
L19	N15.45-38.4°	66.57
L20	N03.34-58.4°	19.30
L21	N07.45-26.4°	17.15
L22	N31.03-24.4°	28.87
L23	S31.51-33.4°	33.46
L12A	N09.17-19.4°	7.79

NOTES:

Current Owners: Anthony Stocker Mina & Jennifer Lynn Franz
Address: 75 E. Dogwood Trail
Lot Coverage for Parcel A: 2,965.5 Sq. Ft. (14.82%)
Lot Coverage for Parcel B: 4,553.63 Sq. Ft. (16.74%)
Setbacks shown are as per RS 1 Zoning.
There are no geodetic control within 2000'.
Certifier hereon is not responsible for utilities and/or features that are not visible.

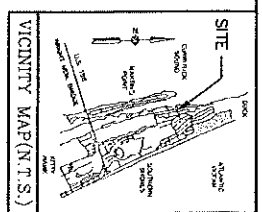


Styons Surveying Services

"MINA DIVISION"
REVISED DIVISION OF
LOT 1 SOUTHERN SHORES
COLONNIDE B1 TRK 105

ANTHONY S. MINA
and JENNIFER L. FRANZ

DWG NO.: 240955SR	ATLANTIC TOWNSHIP PART COUNTY	COURTIN SHORES NORTH CAROLINA
FLOOD ZONE: SLE PLDT	DATE: 03-14-2024 REV(DATE): 6-28-24MOD PARTNO	SHEET: 1 OF 1
PIN NO. 0100017215502	HIC, REC, W.B., P.C. 162 D.O. 2689, PG. 775	TOWN, DATE 3720 ROAD CO K F.A.M. DATE F-10-20



"EXHIBIT 2B"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>

Jun 21 at 11:02 AM

To: Sheila Kane <skane@southernshores-nc.gov> ,

Southernshores Nc Info <info@southernshores-nc.gov> ,

Wes Haskett <whaskett@southernshores-nc.gov> , Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Sheila Kane <skane@southernshores-nc.gov>

Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT

Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
 1. **Coastland Times Advertisement Invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED**
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
 1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
 1. **NOT REQUIRED**
 2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov



1 File 4.3MB



IMG_1328.jpeg
4MB

"EXHIBIT 2C"

Re: 75 E Dogwood Trail - Team Creech OBX

chestercountyla.../Inbox



alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>
To: Anthony Mina <chestercountylawn@yahoo.com>,
teamcreechobx@gmail.com <teamcreechobx@gmail.com>

Mar 25, 2023 at 1:13 PM

Hey Anthony,

I hope you are having a good weekend, as well. There is not much information available for this home.

I am assuming that all components are original, with the exception of the roof, possibly. I would define short pilings as pilings that are not far above the ground. Septic location and specifics are not known.

We would need to order a septic inspection to determine the location and if it is functioning properly.

The listing agent told me he did not have any specific information regarding subdividing, only that the town indicated it was possible, based on the size of the lot. I can imagine a layout but I have no knowledge if it is actually feasible.

Let me know if you would like to schedule a visit to the property.

Talk with you soon,

Alan Creech

[Team Creech OBX](#)

TeamCreechOBX.com Use our website to get your Home Value & Market Reports!

Outer Banks Realty Group

Your Beach Connection

3712 N Croatan Hwy Unit B

Kitty Hawk, NC 27949

252.455.1420 (Cell)

252-491-3333 (Office)



From: Anthony Mina <chestercountylawn@yahoo.com>

Sent: Saturday, March 25, 2023 10:44 AM

To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>; teamcreechobx@gmail.com <teamcreechobx@gmail.com>

Subject: Fw: 75 E Dogwood Trail - Team Creech OBX

Hello again,

I hope you are having a good weekend. When you get a chance, could you please respond to the attached email and also let me know if there is any information about the septic capacity, age of the windows/doors and what the definition of "short pilings" is.

My fiance and me will have a chance to make some decisions about 75 E. Dogwood Trail before the end of next week.

Thank you,

Tony Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: "alan_211762727@outerbanksrealtygroup.net" <alan_211762727@outerbanksrealtygroup.net>; Alan & Lauren Creech <teamcreechobx@gmail.com>

Sent: Thursday, March 23, 2023, 12:05:54 PM EDT

Subject: Re: 75 E Dogwood Trail - Team Creech OBX

Hello,

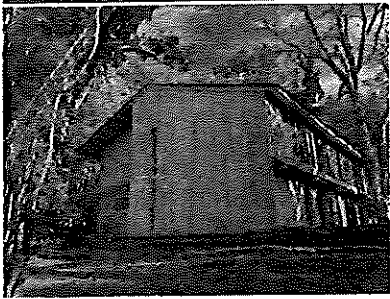
Thank you for the email.

I am having problems comparing 75 E. Dogwood Trail to other properties with similar lot sizes. Could you please mark up the attached 75 E Dogwood Trail survey so the approximate septic location is marked on the survey as well as how the owners imagine the property possibly being subdivided.

I'm still at the point that I think I would be wasting a realtor's time asking for tours of homes. I have improvements I need to make to my primary residence that I've had on hold until I received financing which is being finalized today. I also am experiencing a delay with being able to have HR Block review my taxes filed for 2022 which include the capital gains from the sale of my last house. I've been filing my Federal taxes using HR Block's help and advice since about 2010 and just wanted to make sure I completed my Federal taxes correctly (HR Block has a tax review service if you file your own taxes) but HR Block now has a policy that they can not review Federal taxes unless there is a record that the Internal Revenue Service accepted the tax returns and since I mailed the tax returns 2-3 weeks ago, it could be another 3 weeks before the

"EXHIBIT 3"

ALL FIELDS DETAIL



MLS #	121522	Primary HtdLvArSF	3,543
Status	Sold In House	Approx.Lot SqFt	46500
Class	RESIDENTIAL	Year Built	1970
Type	Single Family - Detached	Pool	No
Area	Southern Shores Westside	Bedrooms	4
Asking Price	\$649,000	Full Baths	2
Address	75 E Dogwood Trail	Partial Baths	0
City	Southern Shores		
State	NC		
Zip	27949		
Subdivision	So/Sh Soundside		
County	Dare		
Waterfront Location	Canalfront		
Days On Market	60		



SOLD STATUS

Contract Date	5/7/2023	Due Dillgence Date	6/5/2023
Closing Date	7/7/2023	How Sold	Owner Finance
Selling Agent 1	Alan Creech - C: 252-455-1420	Selling Office 1	Outer Banks Realty Group - C: 252-491-3333
Multiple Signed Offers	No	Sold Price	\$625,000
Sold Price Per SqFt	\$176.40	Concessions:	No
Cumulative DOMLS	60	Days On MLS	60

GENERAL

Pln #	986817213502	Approx Acreage	1.07
Owner 1	Lauby Linda L	Zoning	RS1
Ownership	Owned More than 12 Months	# of Units	1
Primary Residence (Y/N)	No		
Potential Short Sale	No		
Bank / Institution Owned	No		
Deed Book	2013		
Deed Book Pg#	845		
Block	105		
Unit/Lot #	Lot #1		

LISTING

Agent	James Monroe - C: 703-909-9913	Cumulative DOM	60
Agent License #	274884	Original Price	\$649,000
Listing Office 1	Outer Banks Realty Group - C: 252-491-3333	Input Date	2/24/2023 4:42 PM
Office License Number	C25379	Listing Date	2/24/2023
Listing Type	Exclusive Right Sell	Status Date	7/10/2023
Limited Service	No	HotSheet Date	7/10/2023
Comp Buyers Agent %	2.5	Price Date	7/10/2023
Comp Buyers Agent Fee/Bonus \$	0	VOW AVM	Yes
Comp Sub Agent %	0	VOW Address	Yes
Comp Sub Agent Fee/Bonus \$	0	VOW Comment	Yes
Var Rate Comp.	No	VOW Include	Yes
Associated Document Ct	4	IDX Include	Y
Picture Count	30	Sale/Rent	For Sale
Update Date	7/10/2023	Asking Price Per SqFt	\$183.18

B.T. McAvoy

FEATURES

LOT DESCRIPTION	FOUNDATION	HEATING	INTERIOR FEATURES
Wooded	Short Pilings	Heat Pump	Wood Fireplace
VIEW DESCRIPTION	ROADS	Propane	EXTRAS
Canal	Private	AIR CONDITIONING	Attic Fan
CONSTRUCTION	APPLIANCES	Central	Outside Shower
Frame	Dishwasher	Heat Pump	SHOWING INSTRUCTION
Wood	Dryer	WATER	EL LB-No CBS
EXTERIOR	Range/Oven	Municipal	Vacant
Wood	Refrigerator	SEWER/SEPTIC	ShowingTime
ROOF	Washer	Private Septic	
Asphalt/Fiber Shingle			

FINANCIAL

MLS #:	121522	06/27/2024 03:19 PM	Page 1 of 3
Taxes	\$2,802.61	Rental Co	None

EVASIT 3"

Assessed Value \$476,000
Land Value \$223,800
Furnishings Available Y/N/Partial No
Assoc. Fee Y/N/Voluntary Voluntary - Restrictive Covenants May Apply
Estimated Annual Fee \$ \$65
HOA Contact www.sscaobx.org voluntary
HOA Contact Info (252) 261-8617

Electronics Locks N888
Price Per SQFT \$176.40

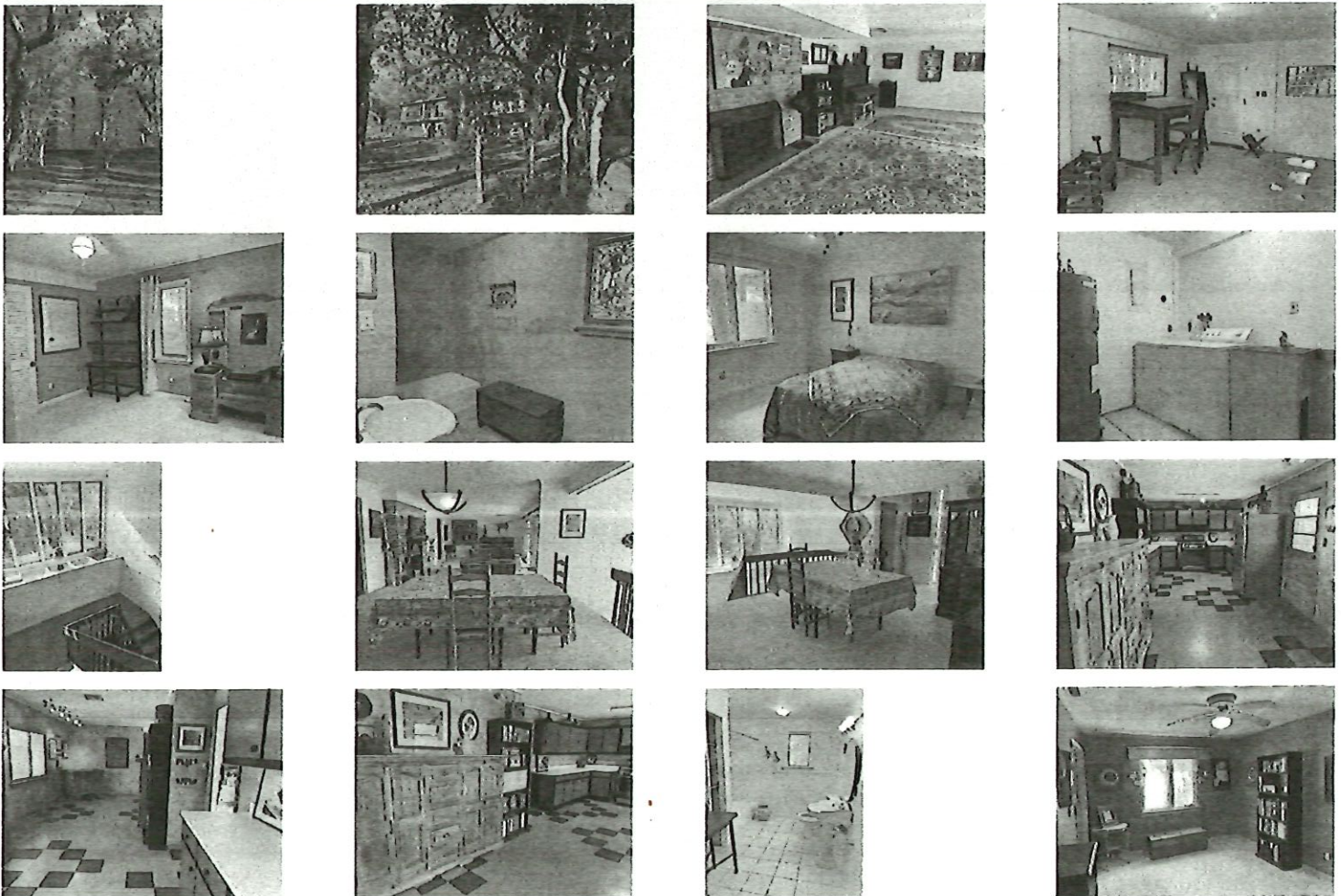
REMARKS

Remarks Frank Lloyd Wright meets the Brady Bunch in this mid-century home on a one-of-a-kind canal-front lot in Southern Shores. Situated on over an acre of wooded property with two sides on canals, it boasts 300 feet of canal frontage on the west side and 150 feet on the south side. It offers plenty of privacy along with waterfront views, and is often visited by otters, a great blue heron, deer, eagles, osprey, and pileated woodpeckers. The lot is in both AE and X flood zones. Designed and built in 1970 by the late Dick White (for whom the adjacent Dick White Bridge is named), this 2-story home has 4 bedrooms, 2 full baths, 2 large living rooms and a large bonus room with separate entrance, which is perfect for an art studio, office or den. There's more than 3300 square feet of living space, with an additional 1000 square feet of screened porches. The spacious upstairs screened porch has a cathedral ceiling and offers a superb entertaining space overlooking the yard and canals. The house would benefit from renovations, or you might choose to build your own peaceful retreat on this special property. (It is potentially capable of being subdivided.) The property is just minutes from the ocean and offers boaters easy access to Ginguite Creek and the Currituck Sound.

BROKERS NOTES

Brokers Notes Because of the age of the building it is being sold "as-is" The lot is over an acre and is tucked into the woods offering privacy As you walk up use your imagination, there is room for a pool, garage space, perhaps with living space above, and adequate room for outdoor patio space to enjoy the wildlife the canals offer. Temporarily off market to clean and spruce. Will be put back on the market 04/19/23.

ADDITIONAL PICTURES



Wes Haskett

From: Linda Lauby <lindalauby@outlook.com> on behalf of linda@outerbankspress.com
Sent: Friday, April 30, 2021 4:44 PM
To: Wes Haskett
Subject: Re: Question regarding property in Southern Shores

Thanks, Wes!

Stay tuned-----

All the best,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Friday, April 30, 2021 4:29 PM
To: linda@outerbankspress.com <linda@outerbankspress.com>
Subject: RE: Question regarding property in Southern Shores

Good afternoon, Linda. We discussed it and he said that he would draw up a conceptual plan for me to review and discuss further. Based on his description, it sounded possible to subdivide the property but further review would help.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



From: Linda Lauby <lindalauby@outlook.com> On Behalf Of linda@outerbankspress.com
Sent: Friday, April 30, 2021 2:54 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Question regarding property in Southern Shores

Dear Wes,

My friend Jim Monroe told me that he has spoken with you regarding property I own at 75 East Dogwood Trail, and he suggested that I look into subdividing it into two lots. Could you please let me know how we might proceed?

Thank you so much,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

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Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

chestercountyla.../Sent



Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>,
Elizabeth Morey <emorey@southernshores-nc.gov>

Jun 7, 2023 at 3:22 PM

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a \$5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: <https://www.southernshores-nc.gov/meetings>. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeUsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 4"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

chestercountyla.../Inbox

n



Wes Haskett <whaskett@southernshores-nc.gov>

May 21 at 2:27 PM

To: Anthony Mina <chestercountyla...@yahoo.com>

Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>,
Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows:" The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), \$200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountyla...@yahoo.com>

Sent: Monday, May 20, 2024 12:12 PM

To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>

Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Siegel <jsiegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <jthompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jc couture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>;

"EXHIBIT 5"

mkichline@chesco.org; mkichline@chesco.org

Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than \$100,000. In the real world \$100,000 is easily the difference between life and death. \$100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding \$100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than \$100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than \$100,000 of land value from my family).

----- Forwarded Message -----

From: Anthony Mina <chestercountyawn@yahoo.com>

To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>

Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>;

"ebrinkley@southernshores-nc.gov" <ebrinkley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>;

"tmann@southernshores-nc.gov" <tmann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>;

"rdeaner@southernshores-nc.gov" <rdeaner@southernshores-nc.gov>; "tlong@southernshores-nc.gov" <tlong@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspottswood@southernshores-nc.gov" <jspottswood@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>;

FBI <[>;](https://urldefense.proofpoint.com/v2/url?u=http-3A-philadelphia.complaints-40ic.fbi.gov&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwgOf-v5A_CdpagnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWorSElvu-VPS6KMB1TzMPffo1sUbknm1nCvIAZWQdX9lh_Avm&s=yAv20roTd3d7ho9dh-7FKKJNW1Ak6eZiWMSReU0JdrU&e=)

"olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>;

Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>;

"cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>;

"mike.palkovics@kittyhawktown.net" <[>;](https://urldefense.proofpoint.com/v2/url?u=http-3A-mike.palkovics-40kittyhawktown.net&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwgOf-v5A_CdpagnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWorSElvu-VPS6KMB1TzMPffo1sUbknm1nCvIAZWQdX9lh_Avm&s=gzBaldFoRtlddun_nM_CzkWY-GJOZ6p-Ou6cFa-rlUw&e=)

"mike.palkovics@kittyhawktown.net" <[>;](https://urldefense.proofpoint.com/v2/url?u=http-3A-mike.palkovics-40kittyhawktown.net&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwgOf-v5A_CdpagnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWorSElvu-VPS6KMB1TzMPffo1sUbknm1nCvIAZWQdX9lh_Avm&s=gzBaldFoRtlddun_nM_CzkWY-GJOZ6p-Ou6cFa-rlUw&e=)

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>;

"chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>; "chambers_of_judge_pappert@paed.uscourts.gov" <chambers_of_judge_pappert@paed.uscourts.gov>;

"chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov>;

"chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <chambers_of_judge_timothy_j_savage@paed.uscourts.gov>;

"dryan@chesco.org" <dryan@chesco.org>; "ccccommissioners@chesco.org" <ccccommissioners@chesco.org>;

"ccccommissioners@chesco.org" <ccccommissioners@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>;

"mari Moskowitz" <mmoskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>;

"whaskett@southernshores-nc.gov" <whaskett@southernshores-nc.gov>;

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT

Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT 5"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

- X 1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
- X 2. I will always uphold the integrity and independence of my job.
- X 3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
- X 4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
- X 5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
- X 6. I will never use my position to harass or adversely influence any of the Town's other employees.
- X 7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
- 8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
- 9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT 6"

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION

FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA	:
Plaintiff	:
	:
vs.	:
	: NO:
SOUTHERN SHORES TOWN, KITTY	:
HAWK TOWN, WES HASKETT, DAVID	:
KOLE, MIKE PALKOVICS, JASPER	:
ROGERS, MIKE TALLEY, MIKE	:
MEREDITH, COROLLA WATERSPORTS,:	:
DARE COUNTY, LAURIE WILSON,	:
LINDA LAUBY	:
“DARE COUNTY REAL ESTATE	:
SCAM DEFENDANTS”,	:
Defendant	: CIVIL ACTION

INTRODUCTION TO PLAINTIFF’S COMPLAINT

Plaintiff’s Complaint involves a Dare County Federal Civil Rights Conspiracy that began with Plaintiff’s neighbor Mike Meredith’s house being completely destroyed by a fire that the Kitty Hawk fire department intentionally allowed to consume the entire house as an “offensive

fire fight''. Allowing the fire to burn the entire house caused approximately 15 trees on Plaintiff's property to be destroyed with evidence being left behind indicating that someone tried setting Plaintiff's fence on fire. Plaintiff's property damage from the fire appears to be \$50,000. The home owner, Mike Meredith refused to provide North Carolina Insurance adjusters his insurance information which Plaintiff's insurance company needed. The Kitty Hawk fire department refuses to provide Plaintiff Mike and Lea Meredith's account of the house fire, the investigation results of the burn marks on Plaintiff's fence that appear to be torch marks and not from fire spreading and their department protocol for handling fires with evidence indicating the fire was intentionally started. Kitty Hawk's zoning inspector, who is also a Kitty Hawk fire fighter refused to enforce zoning codes on the Vista Lane street as per Kitty Hawk zoning code after Plaintiff filed a zoning complaint indicating that the 4 properties owned by the Meredith family surrounding Plaintiff's lot were intentionally turned into an illegal junkyard with an extremely dangerous Hummer abandoned on the right of way that was left on 3 wheels and a collapsing jackstand where Plaintiff's children and 4 other neighborhood children regularly had to reach under vehicles to get their soccer ball, basketball, kickball, football and baseball. Plaintiff was forced to move from the dangerously corrupt, intentionally destroyed neighborhood to keep his children safe and accept a loss in sale price estimated by one of Coldwell Banker's top real estate agents to be a loss between \$45,000 and \$70,000 from her comparative sales analysis. Kitty Hawk and their Police Chief Mike Palkovics claimed Plaintiff's problem was a civil matter and not to have law enforcement officer trained to prosecute crimes such as littering, harassment, stealing from Kitty Hawk's government when working for Kitty Hawk, withholding public information about the fire department's investigation of potential arson needed for property damage claims and operating a criminal enterprise/criminal conspiracy. When Plaintiff

complained to Laurie Wilson at Dare County District Attorney's Office, Laurie Wilson stated that endangering children is not a crime in Dare County and Plaintiff needs to hire an attorney. Plaintiff then asked to speak to Laurie Wilson's manager, was left on hold waiting for the manager until the phone disconnected and then could not have his phonecall to the Dare County District Attorney's Office answered.

Plaintiff's problems with the Federal Civil Rights Conspiracy took a complete opposite approach of attack in Southern Shores, Plaintiff's new home, a few miles away from the last home. Plaintiff offered \$550,000 for 75 E. Dogwood Trail and emailed the realtor that he could not pay anymore without an approved lot sub-division plan. On May 7, 2023 Plaintiff bought the property as a lot that could possibly be sub-divided, as per Southern Shores (according to Outer Banks Realty Group and Southern Shore's employee Wes Haskett) after the previous owner negotiated an additional \$75,000 from Plaintiff and offered seller financing. Plaintiff discussed the lot sub-division plans in 4 emailed conversations in May, 2023 with Wes Haskett, the Southern Shores employee who stated the property could possibly be sub-divided to the previous owner then on June 1, 2023 Wes Haskett said for the first time that there was a proposed zoning amendment scheduled for June 6, 2023 that would prevent the lot sub-division. Wes Haskett's fraudulent concealment of the proposed zoning amendment led to an investigation revealing Southern Shores did not notify property owners effected by the zoning amendment pursuant to town code and state law which requires notice to be posted at the effected property(s) prior to a hearing on a zoning amendment. To make matters worse, Wes Haskett then falsified records to Plaintiff, Police Chief Kole and Mayor Morey claiming notification requirements were met by deleting the town code requiring posted notice at the effected property in his email explaining the legal basis of the zoning amendment. At this point, Wes Haskett's corruption did not stop,

almost \$4000 was paid for their town attorney to also lie about meeting notification requirements to Plaintiff and the town manager, Cliff Ogburn. Wes Haskett's corruption has been encouraged by town attorney Philip Hornthal who advised Wes Haskett not to meet with or respond to Plaintiff's questions about the lot subdivision, like standard procedure with other applicants was, and only allow Plaintiff to apply for the sub-division after making payment. Town manager Cliff Ogburn also contributes to the discrimination and selective prosecution against Plaintiff by enforcing a zoning code prohibiting real estate signs on the right of way in front of the property owner's house. There are realtor's signs in the right of way 365 days a year in Southern Shores but Southern Shores told Plaintiff to remove his signs without bothering other property owners with real estate signs that could not be missed when leaving the neighborhood from Plaintiff's house. Wes Haskett's fraudulent concealment of the proposed zoning code enabled the previous owner, Linda Lauby to negotiate an additional \$75,000 from Plaintiff but the actual damages from preventing the lot subdivision to occur as Plaintiff planned are valued at \$365,000 to Plaintiff, since the nearest comparable approximately 20,000 sq. ft. canal front lot sold for \$365,000 at 91 S. Dogwood Trail and Plaintiff's plan was always to sell the extra lot. Southern Shores has continued their obnoxious corruption enforcing illegally adopted zoning codes to prevent subdivisions by continuing to have Dare County tax down-zoned properties as lots that could be subdivided and used for 2 single homes when without the subdivision by right being available, the same property is worth substantially less. So, although Plaintiff is filing a Federal Civil Rights Conspiracy lawsuit on his behalf, Southern Shores is knowingly committing tax fraud against all Southern Shores property owners effected by their down-zoning.

Law Enforcement forcing Plaintiff to litigate these damages without arresting the wrong-doers for crimes violates labor trafficking, involuntary servitude and slavery laws as Plaintiff has

no choice but to suffer legal and financial damages or to do police work and legal work paid police officers are criminally negligent for not doing. Criminal Law defines the overt acts committed by the defendants as a "criminal enterprise" and these defendants should be held liable for punitive damages. The defendants failure to properly train and stop government employees from committing grossly negligent and corrupt acts requires Federal Court intervention.

Defendant's damages caused by Southern Shores, Linda Lauby and their employees exceed \$365,000 and the Defendants damages caused by Kitty Hawk, their employees, Mike Meredith and Corolla Watersports exceed \$75,000. Plaintiff is seeking damages from each of the defendants that total significantly more than Plaintiff's damages because they are helping each other cause Plaintiff damages and interfering with Plaintiff being compensated for their wrong-doing. Plaintiff will leave the court to decide who is responsible for Plaintiff's damages and how much in punitive damages he is entitled to for the defendants conspiring together to deprive his family of their rights as they cause monetary and emotional damages.

JURISDICTION

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. 1331 & 1334.
2. This action is brought pursuant to 42 U.S.C. 1983, 1985, 1986 and 1988 (Plaintiff anticipates an attorney trying the case on his behalf and 42 U.S. Code § 1988 being used to recover attorney costs.)
3. This court has supplemental jurisdiction over the state laws pursuant to 28 U.S.C. 1367.
4. Venue is proper in this district pursuant to 28 U.S.C. 1391(b).

PARTIES

1. Plaintiff is Anthony Stocker Mina, pro se litigant residing at 75 East Dogwood Trail, Southern Shores, NC 27949
2. Defendants are:
 - 1) Southern Shores Town, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C. 1986 and state related fraud, abuse of process, defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) as an individual and in their official capacity for \$365,000 in damages.
 - 2) Kitty Hawk Town, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C. 1986 and state related defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual and in their official capacity for \$70,000 in damages.
 - 3) Southern Shores Deputy Town Manager Wes Haskett 5375 N. Virginia Dare Trail, Southern Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C. 1986 and state related fraud, abuse of process, defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$75,000 in damages.
 - 4) Southern Shores Police Chief David Kole 5375 N. Virginia Dare Trail, Southern

Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$365,000 in damages.

- 5) Kitty Hawk Police Chief Mike Palkovics, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related defamation and damage to reputation claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$70,000 in damages.
- 6) Kitty Hawk Zoning Inspector Jasper Rogers, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud, abuse of process, damage to reputation and intentional interference claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$70,000 in damages.
- 7) Kitty Hawk Fire Fighter Mike Talley, 859 W. Kitty Hawk Road, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$70,000 in damages.
- 8) Mike Meredith, 4805 Vista Lane, Kitty Hawk, NC 27949- a private actor is being sued as an individual under state intentional interference of contractual relations and negligence laws pursuant to 28 U.S.C. 1367(a) and as part of a Federal Civil Rights Conspiracy under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for \$50,000 in damages.
- 9) Corolla Watersports, 798 Sunset Blvd, Corolla, NC 27927 - a private actor is being

sued as an individual under state intentional interference with contractual relations and negligence laws pursuant to 28 U.S.C. 1367(a) and as part of a Federal Civil Rights Conspiracy under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for \$50,000 in damages.

10) Dare County, 954 Marshall C. Collins Drive, P.O. Box 1000, Manteo, NC 27954, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as a person and in their official capacity for injunctive relief.

11) Laurie Wilson, 200 E. Colonial Avenue, Elizabeth City, NC 27909, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for \$70,000 in damages.

12) Linda Lauby, 149 High Dune Loop, Kitty Hawk, NC 27949, a private actor is being sued as an individual under state fraud and breach of contract law pursuant to 28 U.S.C. 1367(a) and under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for \$75,000 in damages.

COMPLAINT

- 1) Plaintiff is Anthony Stocker Mina, property owner and resident of 75 E. Dogwood Trail, Southern Shores, NC 27949.
- 2) Defendants are named above under "Parties" with their address or address of employment.
- 3) Plaintiff's address of previous property owned is 4809 Vista Lane, Kitty Hawk, NC

27949.

- 4) Plaintiff's fiancé, Jennifer Franz is a teacher at the Dare County First Flight Middle School.
- 5) Other than Plaintiff's fiancé's job as a 10 month classroom teacher in the First Flight Middle School, Plaintiff and his fiancé do not have any other jobs, relationships or agreements with any of the defendants.
- 6) Plaintiff and his fiancé, Jennifer Lynn Franz do not have any documents under seal of any court in Pennsylvania or North Carolina, including all County, State and Federal Courts.
- 7) Plaintiff and his fiancé, Jennifer Lynn Franz have not given anyone, at anytime in their life Power of Attorney to make legal decisions on their behalf (Plaintiff's fiancé once decided to sell 100 Bridge Street, Malvern, PA 19355 with Plaintiff but was out of state working during settlement and Plaintiff was responsible for signing her name, but not making any legal decisions on her behalf).
- 8) Approximately 20 years ago, when under duress from suffering from a back injury with 2 herniated discs, 5 bulging discs and a fractured disc, Plaintiff's father had Plaintiff sign a Power of Attorney at Attorney Thomas Bellwoar's Office in West Chester, PA for Plaintiff's father to be able to sell landscaping equipment (such as ExMark Lazer mowers) and a Dodge dumptruck in Plaintiff's name, but Plaintiff's father did not have Power of Attorney to make legal decisions for Plaintiff.
- 9) Plaintiff (and his fiancé) sold 4809 Vista Lane, Kitty Hawk, NC 27949 on or about December 27, 2023 for \$519,900 to Jodi Scott Ratcliffe and Cheri Nelson.
- 10) Plaintiff (and his fiancé) bought 75 East Dogwood Trail, Southern Shores, NC 27949 on July 7, 2023 from Linda Lauby for \$625,000.

- 11) Plaintiff (and his fiancé) paid Linda Lauby a \$5000 due diligence deposit on or about May 7, 2023 and an additional \$100,000 on July 7, 2023 towards the \$625,000 agreement of sale for 75 E. Dogwood Trail, Southern Shores, NC 27949.
- 12) Linda Lauby sold 75 E. Dogwood Trail, Southern Shores, NC 27949 to Plaintiff (and his fiancé) on July 7, 2023 with a \$520,000 seller financing agreement. A true and correct copy of the seller financing agreement is attached hereto, made a part hereof and is marked as Exhibit "A".
- 13) Linda Lauby does not have a seller financing agreement with Plaintiff (and his fiancé) without a clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted".
- 14) The closing documents for the sale of 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby to Plaintiff (and his fiancé) were created by attorney Mike Casey and attorney Bernard "BJ" McAvoy.
- 15) The closing documents for the sale of 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby to Plaintiff (and his fiancé) were changed without the permission of either party so that the clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted." was deleted without the party's permission.
- 16) Some lenders base loan limits on the loan applicant's next 24 months of debts and anticipated income.
- 17) Removing the clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted." interferes with Plaintiff's ability to obtain short term financing needed for renovations prior to selling 75 E.

Dogwood Trail.

- 18) Other than Plaintiff (and his fiancé) buying 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby with a \$520,000 seller financing agreement, Plaintiff (and his fiancé) have no other relationships and/or agreements with Linda Lauby.
- 19) Plaintiff informed Southern Shores police department that his closing attorney who was paid about \$1000 falsified closing documents without Plaintiff's (and his fiancé's) knowledge or permission and fraudulently induced Plaintiff into signing the documents. A true and correct copy of an email reporting the crime to Southern Shores is attached hereto, made a part hereof and marked Exhibit "B".
- 20) Southern Shores has not filed criminal charges or responded to the email reporting the false pre-tense and debt coercion real estate scam in Exhibit "B".
- 21) Linda Lauby mailed Plaintiff a letter asking that the \$2600 mortgage payments due as per the \$520,000 seller financing agreement be made payable to "The Dick White House LLC", which Plaintiff complied with and left a memo on each check indicating the \$2600 payment was for the 75 E. Dogwood Trail mortgage payment due to Linda Lauby.
- 22) Prior to listing 75 E. Dogwood Trail for sale Linda Lauby was told by Southern Shores' employee Wes Haskett that a subdivision of 75 E. Dogwood Trail was possible.
- 23) Linda Lauby had Outer Banks Realty Group list 75 E. Dogwood Trail, Southern Shores, NC 27949 as a property that could potentially be subdivided.
- 24) Plaintiff told Outer Banks Realty Group on April 28, 2023 that any offer over \$550,000 had to be contingent on inspections and subdivision approval. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "C".
- 25) Linda Lauby rejected Plaintiff's \$550,000 offer and offered seller financing on the

“potentially subdividable” 75 E. Dogwood Trail property.

- 26) Linda Lauby accepted a \$625,000 offer from Plaintiff which included a \$5000 due diligence deposit from Plaintiff on the “potentially subdividable” 75 E. Dogwood Trail property and settlement was scheduled for June 16, 2023.
- 27) Linda Lauby then refused to sign an “Agreement To Release Newly Subdivided Lot From Deed Of Trust” under any terms for the property she sold to Plaintiff as a “potentially sub-dividable property.
- 28) North Carolina law requires brokers to disclose material facts to all parties involved in a real estate transaction, including buyers, sellers, landlords, and tenants. A material fact is any information that could impact a reasonable person's decision to buy, sell, or lease a property. This includes facts about the property itself, such as its water supply, structural components, and mechanical systems. It also includes external factors that could affect the property's value or desirability, such as zoning changes, restrictive covenants, or plans for nearby development.
- 29) The seller not being in agreement to sign an “Agreement To Release Newly Subdivided Lot From Deed Of Trust” under any terms for a property sold with seller financing as a “potentially sub-dividable property” is a material fact that must be disclosed prior to an agreement of sale with the seller.
- 30) On or about June 12, 2023 Linda Lauby left the town of Southern Shores “for medical reasons”, said she was unavailable for closing on June 16, 2023 and said she would consider other options that are agreeable to both parties to sell 75 E. Dogwood Trail to Plaintiff on July 7, 2023.
- 31) Plaintiff proposed 5 alternative seller financed solutions to Linda Lauby based on Linda

Lauby's refusal to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust". A true and correct copy of the 5 proposed said solutions is attached hereto, made a part hereof and marked Exhibit "D".

- 32) Linda Lauby stated that she "leaned towards #2 (of the proposed seller financed solutions) of the email dated June 8, 2023. A true and correct copy Linda Lauby indicating on June 14, 2023 she was leaning towards seller financing solution 2 is attached hereto, made a part hereof and marked Exhibit "D".
- 33) On July 5, 2023 (2 days before the 2nd scheduled closing) Linda Lauby stated for the first time that she would only agree to the terms of the May 7, 2023 agreement made for a "potentially sub-dividable property", WOULD NOT sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" and did not offer Plaintiff a refund of his due diligence deposit paid to Linda Lauby on or about May 7, 2023.
- 34) On July 5, 2023 Plaintiff responded to Linda Lauby "this real estate purchase has yet to amount to anything other than a real estate scam. So far this real estate scam has caused me monetary damages, lost time from work and the missed opportunity to purchase (2) other properties I was negotiating with the owner with and stopped negotiating because Outer Banks Realty presented 75 E. Dogwood Trail as a potentially sub-dividable property. At this time I am being forced to agree to terms to purchase 75 E. Dogwood Trail that were procured with fraud or accept financial losses and living situations my family has already chosen not to live in by purchasing 75 E. Dogwood Trail. I can guarantee you that if I am forced to agree to the terms of the agreement procured with fraud there will be civil and criminal actions following my family's purchase on July 7, 2023. I will take the emails below regarding Linda Lauby most likely choosing owner

financing agreement # 2 as another deceptive act in this real estate scam. I suggest you find a way to close this deal without violating North Carolina laws.” A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit “D”.

35) On July 6, 2023, about 24 hours before the 2nd closing Linda Lauby offered a refund of the due diligence deposit paid for the 75 E Dogwood Trail potentially sub-dividable property for the first time in an effort to terminate the agreement of sale of 75 E. Dogwood Trail.

36) On July 6, 2023 Plaintiff responded to Linda Lauby “ at this point my finance and I are forced to purchase 75 East Dogwood Trail, Southern Shores, NC with the \$625,000 agreement that was supposed to be for purchasing a potentially sub-dividable lot and will be forced to use North Carolina's legal system to determine if Outer Bank's Realty and Linda Lauby are legally entitled to the extra \$75,000 they obtained with lies. My fiancé and me have spent the last approximately 6 months looking at homes to purchase and our plans can not be changed now.” A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit “D”.

37) On June 17, 2024 Plaintiff notified Linda Lauby : “This email has been mailed to you in certified U.S. Mail to make sure you received my offer to guarantee you more monthly income than the current \$2600 mortgage and more than the \$520,000 you are currently owed on 75 E. Dogwood Trail for changing the terms of our owner financing agreement without needing to remove the \$520,000 lien against 75 E. Dogwood Trail. I just wanted to make sure you were aware that I am offering you terms more profitable than the current terms of me and my fiance's purchase of 75 E. Dogwood Trail for some language

changes in the financing agreement that will allow Jennifer and me to obtain financing we have yet been able to obtain.” A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit “E”.

38) Linda Lauby has rejected every solution proposed by Plaintiff to correct the fact that she obtained an additional \$75,000 from Plaintiff by claiming she was selling a potentially sub-dividable property but then refused to sign an “Agreement To Release Newly Subdivided Lot From Deed Of Trust” under any terms.

39) Article 19. False Pretenses and Cheats. § 14-100. Obtaining property by false pretenses.

(a) provides: If any person shall knowingly and designedly by means of any kind of false pretense whatsoever, whether the false pretense is of a past or subsisting fact or of a future fulfillment or event, obtain or attempt to obtain from any person within this State any money, goods, property, services, chose in action, or other thing of value with intent to cheat or defraud any person of such money, goods, property, services, chose in action or other thing of value, such person shall be guilty of a felony.

40) Linda Lauby is guilty of violating false pre-tense laws.

41) Wes Haskett, Southern Shores Deputy Town Manager informed Linda Lauby that it sounded possible to subdivide 75 E. Dogwood Trail on April 30, 2021 and Linda Lauby stated “Thanks, Wes! Stay tuned----”. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit “F”.

42) Wes Haskett and Southern Shores claim all other communication not in Exhibit “F” with Linda Lauby and Outer Banks Realty Group was done off the record and not subject to Plaintiff’s public records request, with the exception of a public records request Outer Banks Realty Group made to request Southern Shores’ communication with Plaintiff.

43) Wes Haskett filed an application to change lot width requirements regulating 75 E.

Dogwood Trail on March 31, 2023. A true and correct copy of said document is attached hereto, made a part hereof and marked Exhibit "G".

44) Southern Shores Town Code 36-414 provides: - **Motion to amend**

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

(b) In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

45) Wes Haskett did not place a sign on the subject property announcing the date, time, and place of the June 6, 2023 public hearing for the purpose of notifying persons of the proposed rezoning.

46) Wes Haskett claimed on May 21, 2024 to Plaintiff, Police Chief Kole and Mayor Morey that North Carolina notification requirements for a ZONING AMENDMENT are governed by Article 6 § 160D-601. Procedure for adopting, amending, or repealing development regulations which provides:

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local

government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

47) Wes Haskett did not notify the U.S. Army's Duck facility that there was a proposed zoning amendment scheduled for June 6, 2023.

48) Wes Haskett did not obtain the property owners permission to down-zone by reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage with a lot width requirement change to prevent sub-divisions.

49) Wes Haskett applied for the June 6, 2023 zoning amendment without ever receiving all of Southern Shores approval or a unanimous vote to approve the June 6, 2023 Amendment.

50) Southern Shores Town Council did not propose the lot width amendment idea for June 6, 2023, Wes Haskett did.

51) Wes Haskett emailed Plaintiff, Police Chief Kole and Mayor Morey on May 21, 2024

that Southern Shores established authority to adopt and amend development regulations by following Southern Shores Town Code and North Carolina Article 6 § 160D-601.

Procedure for adopting, amending, or repealing development regulations but Wes Haskett removed Southern Shores Town Code 36-414(b) requiring posted notice at effected properties. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "H".

52) North Carolina Chapter 14 § 14-225. False reports to law enforcement agencies or officers provides:

(a) Except as provided in subsection (b) of this section, any person who shall willfully make or cause to be made to a law enforcement agency or officer any false, deliberately misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

(b) A violation of subsection (a) of this section is punishable as a Class H felony if the false, deliberately misleading, or unfounded report relates to a law enforcement investigation involving the disappearance of a child as that term is defined in G.S. 14-318.5 or child victim of a Class A, B1, B2, or C felony offense. For purposes of this subsection, a child is any person who is less than 16 years of age. (1941, c. 363; 1969, c. 1224, s. 3; 1993, c. 539, s. 137; 1994, Ex. Sess., c. 23, ss. 1-3; c. 24, s. 14(c); 2013-52, s. 6.)

53) Wes Haskett is guilty of violating false reports to law enforcement laws.

54) North Carolina Article 6 § 160D-602. Notice of hearing on proposed zoning map

amendments Notification requirements provides:

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide **for the manner in which zoning regulations** and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of

land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be

notified according to the provisions of subsection (a) of this section.

(c) Posted Notice. – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

(d) Repealed by Session Laws 2020-25, s. 13, effective June 19, 2020.

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents.

55) Wes Haskett did not comply with any Notification requirements in North Carolina Article 6 § 160D-602 which provides **for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended...**

56) Wes Haskett intentionally claimed on May 21, 2024 to Plaintiff, Police Chief Kole and Mayor Morey that Article 6 § 160D-601 governing DEVELOPMENT REGULATIONS stated notification requirements for AMENDING A ZONING REGULATION as stated in North Carolina Article 6 § 160D-602. A true and correct copy of an email between Wes Haskett and Cliff Ogburn deciding whether or not to provide North Carolina Article

6 § 160D-602 in their claim they had a legal basis to Amend zoning code on June 6, 2023 is attached hereto, made a part hereof and marked Exhibit "I".

57) North Carolina Conspiracy law is governed by: § 14-2.4. Punishment for conspiracy to commit a felony. (a) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty of a felony that is one class lower than the felony he or she conspired to commit, except that a conspiracy to commit a Class A or Class B1 felony is a Class B2 felony, a conspiracy to commit a Class B2 felony is a Class C felony, and a conspiracy to commit a Class I felony is a Class 1 misdemeanor. (b) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a misdemeanor is guilty of a misdemeanor that is one class lower than the misdemeanor he or she conspired to commit, except that a conspiracy to commit a Class 3 misdemeanor is a Class 3 misdemeanor. (1983, c. 451, s. 1; 1993, c. 538, s. 5; 1994, Ex. Sess., c. 22, s. 12, c. 24, s. 14(b).

58) Wes Haskett and Cliff Ogburn are guilty of Conspiracy to Commit Unsworn Falsification To Authorities because they had an agreement not to tell Police Chief Kole about North Carolina Article 6 § 160D-602, falsified law and town code notification requirements and had the intent to deceive Police Chief Kole into believing the June 6, 2023 Zoning Amendment was legally adopted.

59) In addition to not following Notification Requirements for Amending a Zoning Amendment on June 6, 2023, Wes Haskett also did not tell Plaintiff about the proposed zoning amendment filed March 31, 2023 until June 1, 2023. A true and correct copy of the email from Wes Haskett telling Plaintiff for the first time about the June 6, 2023 lot width amendment is attached hereto, made a part hereof and marked Exhibit "J".

- 60) On May 22, 2023 Plaintiff specifically asked Wes Haskett, the Southern Shores employee who told Linda Lauby that the subdivision at 75 E. Dogwood Trail sounded possible how he “would suggest I (Plaintiff) go about subdividing 75 E Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)”.
- 61) Wes Haskett intentionally withheld information from Plaintiff material to the real estate transaction he had been communicating with Linda Lauby and Jim Monroe of Outer Banks Realty Group about.
- 62) The elements of tortious interference with contract claim are: (1) the existence of a valid and enforceable contract between plaintiff and another; (2) defendant’s awareness of the contractual relationship; (3) defendant’s intentional and unjustified inducement of a breach of the contract; (4) a subsequent breach by the other caused by defendant’s wrongful conduct; and (5) damages.
- 63) Wes Haskett and Southern Shores are liable for the tortious interference of Plaintiff’s contract to purchase a potentially sub-dividable lot at 75 E. Dogwood Trail.
- 64) Wes Haskett refused to discuss Plaintiff’s lot sub-division application with Plaintiff, as he does with other applicants and Plaintiff was only allowed to file a subdivision application at the cost of \$50 for each application for a total of \$300 of denied subdivision applications.
- 65) Wes Haskett did not post notice at effected properties, mail notice to effected property owners, advertise a ½ page sized newspaper advertisement or notify the U.S. Army Duck Facility about the proposed zoning amendment eliminating lot access through easements adopted on August 3, 2021.

- 66) Wes Haskett denied Plaintiff's (2) July 3, 2024 sub-division applications on July 16, 2024 with knowledge that the only zoning code being used to reject each subdivision plan was a zoning code adopted without Southern Shores posting notice at effected properties as required by Southern Shores Town Code or complying with all the North Carolina State law Notification Requirements. A true and correct copy of Plaintiff's Application for Sub-Division Approval and Wes Haskett's denied applications is attached hereto and marked Exhibit "K".
- 67) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing *Stoneking v. Bradford Area Sch. Dist.*, 882 F. 2d 720, 725 (3d Cir. 1989)
- 68) Wes Haskett has signed a plat with non-conforming lot width requirements before at 233 N. Dogwood Trail on July 21, 2016. A true and correct copy of signed plat is attached hereto, made a part hereof and marked Exhibit "L".
- 69) When Plaintiff filed a Public Records Request for the 233 N. Dogwood Trail subdivision plat and Plaintiff was not given the signed plat, Plaintiff then asked for the documentation of the (2) O Dogwood Trail lots being created and was given nothing, Plaintiff asked if the (2) addresses 0 Dogwood Trail were created without documentation and Wes Haskett claimed "The lot with the address 233 N Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979." A true and correct copy of Wes Haskett's claim is attached hereto, made a part hereof and marked Exhibit "L".

70) Plaintiff had to file a 2nd Public Records Request for information about the 233 N.

Dogwood Trl lot to receive the plat with the non-conforming lot widths signed by Wes Haskett on July 21, 2016.

71) Federal civil rights violations fall into several categories: hate crimes motivated by bias against such characteristics as race, religion, national origin, and sexual orientation; color of law crimes involving law enforcement and related criminal justice professionals' misuse of their right to discretion, such as use of excessive force or police misconduct; involuntary servitude or slavery; violations of the Voting Rights Act of 1965, the Civil Rights Act of 1964, the Equal Credit Opportunity Act, the Freedom of Access to Clinic Entrances Act; the Civil Rights of Institutionalized Persons Act; the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; and violations of human trafficking statutes included as part of the Trafficking Victims Protection Rights Act.

72) Forcing Plaintiff to repeatedly complain to Southern Shores town and their police chief about Wes Haskett's crimes violates involuntary servitude and slavery Federal crimes because Plaintiff is forced to file litigation, ridiculous amounts of emailed complaints to Southern Shores Police and suffers legal and financial damages from Wes Haskett and Southern Shores if he does not take legal action against them for crimes the Southern Shores police are paid to arrest criminals for.

73) Southern Shores did not reduce property taxes after intentionally down-zoning Southern Shores properties from being sub dividable lots by right, to lots that can not be sub-divided without Southern Shores permission on June 6, 2023.

74) Southern Shores is aware that they are now overtaxing 75 E. Dogwood Trail and have not had Dare County reassess the down-zoned property for the loss of value from the zoning

amendment made without posted notice on the property.

75) On June 19, 2024 Southern Shores made Plaintiff remove his real estate signs from in the right of way, along the street without requiring other property owners who had signs along the street that can not be missed when exiting the neighborhood from Plaintiff's house (until Plaintiff asked what permit was required to erect yard signs in the right of way, using his neighbor's signs as examples). A true and correct copy of Southern Shores email requiring the signs to be removed or subject to removal is attached hereto and marked Exhibit "M".

76) Some Southern Shores property owners have signs in the right of way 365 days a year, where Southern Shores employees and police pass on a daily basis and are not required to remove their signs.

77) North Carolina statute § 14-277.3A. Stalking provides: (a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of

acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means. (b) Definitions. – The following definitions apply in this section: (1) Course of conduct. – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (2) Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose. (3) Reasonable person. – A reasonable person in the victim's circumstances. (4) Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (c) Offense. – A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates. (2) Suffer substantial emotional distress by placing that person in fear of death, bodily

injury, or continued harassment.

- 78) Wes Haskett and Cliff Ogburn are stalking and harassing Plaintiff with unenforceable, illegally adopted zoning codes and zoning codes not enforced on other property owners with knowledge that they removed Town Code 36-414(b) from the town code and omitted North Carolina Article 6 § 160D-602 in an email to Plaintiff, Chief Kole and Mayor Morey on May 21, 2024 claiming they had a legal basis to adopt the new lot width amendment on June 6, 2023.
- 79) Wes Haskett and Cliff Ogburn spent at least \$3747 of Southern Shores' money on attorney Philip Hornthal to communicate to Plaintiff and also claim "Wes Haskett has repeatedly, and in great detail, outlined for you the Town's legal basis for it's zoning ordinance and decision regarding your application denial, which, for the record, do not amount to an eminent domain taking as you seem to believe".
- 80) The Due Process Clause of the Fourteenth Amendment provides: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law." (quoting U.S. Const. amend. XIV)).
- 81) Southern Shores property owners Due Process Rights were violated by the towns refusal to follow their own town code notification requirements and North Carolina state notification requirements prior to adopting zoning codes on June 6, 2023 and August 3, 2021.
- 82) Southern Shores policy makers and Police are all grossly negligent in allowing the illegally implemented zoning codes to be enforced and uncorrected, especially after they were notified that their down-sizing requires a property tax reassessment which they have not done.

- 83) The essential elements of common law fraud are well established in North Carolina: A plaintiff must prove (1) a false representation or concealment of a material fact; (2) reasonably calculated to deceive; (3) made with intent to deceive; (4) which does in fact deceive; (5) resulting in damage to the injured party.
- 84) Eminent Domain § 40A-2. Provides:
- (3) "Eminent domain" means the power to divest RIGHT, title or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title or interest divested.
- 85) Wes Haskett intentionally changed lot width requirements to take the RIGHT to subdivide property owners had. A true and correct copy of proof Wes Haskett used a lot width amendment to take a right to subdivide is attached hereto, made a part hereof and marked Exhibit "N".
- 86) Wes Haskett and Cliff Ogburn are using Southern Shores money to pay Philip Hornthal to deceive property owners with misrepresented town codes and laws.
- 87) Police Chief David Kole refused to respond to Plaintiff's August 10, 2024 question asking "Has Wes Haskett passed a polygraph indicating he has not committed the crimes my communication from Wes Haskett indicates he has committed?"
- I have no idea how Wes Haskett is legally allowed to continue working a job of public trust when he has been caught lying to the Police Chief, Mayor and still has not corrected his wrong-doing.
- 88) Mike Meredith previously lived at 4805 Vista Lane, Kitty Hawk, NC 27949 with his wife Lea and children Isla and Juniper.
- 89) When Plaintiff lived at 4809 Vista Lane, Kitty Hawk, NC 27949 Mike Meredith worked

from home for his business, Corolla Water Sports during the non-vacation season.

90) Mike Meredith also used his 4805 Vista Lane, Kitty Hawk, NC 27949 property to store tools and equipment used for his Corolla Water Sports business.

91) Mike Meredith used a shed between Plaintiff's 4809 Vista Lane, Kitty Hawk, NC 27949 property and his 4805 Vista Lane, Kitty Hawk, NC 27949 property for storage of items used for Corolla Water Sports and as a workshop for Corolla Water Sports workers including, but not limited to "Brian" and "Hurley".

92) On April 2, 2023 Mike Meredith's 4805 Vista Lane, Kitty Hawk, NC 27949 was completely destroyed by a fire.

93) Mike and Lea Meredith did not have any visible injuries or noticeable smoke residue on them from the April 2, 2023 house fire.

94) Mike Meredith did not have smoke detectors in 4805 Vista Lane, Kitty Hawk, NC 27949 according to the Kitty Hawk fire reports.

95) Neglecting to have smoke detectors in residential homes is not permitted by Kitty Hawk building/zoning codes.

96) Kitty Hawk fire department chief Mike Talley was provided pictures of burn marks on Plaintiff's 4809 Vista Lane fence indicative of fire intentionally started, as opposed to fire spreading. A true and correct picture of the burnt fence is attached hereto, made a part hereof and marked Exhibit "O".

97) The cause of the 4805 Vista Lane, Kitty Hawk, NC 27949 fire was ruled "undetermined".

98) Kitty Hawk fire chief Mike Talley will not provide Plaintiff the results of the investigation into the cause of the burn marks on Plaintiff's fence.

99) Kitty Hawk fire chief Mike Talley will not provide Plaintiff Mike & Lea Meredith's

account of the 4805 Vista Lane fire investigation.

100) Mike Meredith will not provide North Carolina Insurance Adjusters his insurance information for 4805 Vista Lane fire damages.

101) The fire department intentionally allowed Mike Meredith's house fire to completely burn the house and Plaintiff's trees on 4809 Vista Lane with claims they "were fighting an offensive fire fight until all occupants were out of the house."

102) Lea and Mike Meredith came to 4809 Vista Lane when their house was on fire, Lea banged on the first floor door screaming "you need to leave" and forced Plaintiff and his family to exit 4809 Vista Lane.

103) After telling Plaintiff to leave his house, Lea and Mike Meredith wandered around the Vista Lane street where all the fire fighters and crowds of neighbor's saw them out of the house because Lea was yelling and screaming about their house being on fire.

104) After allowing Mike Meredith's entire house to be consumed by a fire that got so big that the tops of 50'-60' tall trees on each side of the house were destroyed, the fire fighters finally sprayed water leaving behind a completely burnt house and 14-15 destroyed trees on Plaintiff's property.

105) "A mature tree has a value of between \$1,000-\$10,000 according to the Council of Tree and Landscape Appraisers" says Jason Parker a certified arborist at Davey Tree. A true and correct of Davey Tree's website is attached hereto, made a part hereof and marked Exhibit "P".

106) Plaintiff estimates the burnt tree damage at \$50,000 because if a tree farm was across the street from Plaintiff's property the costs to replace the damaged trees with cranes and some of the largest excavators available would exceed \$50,000.

- 107) Plaintiff's homeowner's insurance policy had a \$500 deductible and paid Plaintiff a \$500 policy limit for each of the 14 trees for a total of \$6500.
- 108) Mike Meredith complained Plaintiff was taking too long to clean up the fire damage and suggested Plaintiff hire his friend Ricky to help remove the burnt trees.
- 109) Plaintiff hired Ricky to remove some of the burnt trees that did not require aerial lifts and/or a crane.
- 110) Mike Meredith then came to 4805 Vista Lane late one evening after Plaintiff made progress with the burnt tree cleanup and asked Plaintiff why there was caution tape up on Plaintiff's property and after Plaintiff explained he was planting new trees and the underground utility marking company needs the location of the digging marked Mike Meredith started yelling at Plaintiff "stay the fuck away from my shit" as Plaintiff was standing on his deck at 4809 Vista Lane.
- 111) Mike Meredith has never paid Plaintiff a single penny for anything.
- 112) Mike Meredith left his 4805 Vista Lane lot with trash, including old pilings, tree trunks, old propane tanks and abandon toys piled near the street and along the right side of the property.
- 113) Prior to Mike Meredith's house burning down on April 2, 2023 Mike Meredith and Brian Lloyd were working on lot clearing work at 4808 Vista Lane and tree branches were pruned off the magnolia tree on the left side of the driveway on 4812 Vista Lane property during the lot clearing work at 4808 Vista Lane.
- 114) Prior to Mike Meredith's house burning down on April 2, 2023 Mike Meredith's Corolla Water Sports employee Brian Lloyd cut branches off Plaintiff's tree on 4809 Vista Lane approximately 7' on the property (off the street) and 5'-10' from Mike

Meredith's property and also installed new deck boards on the 4805 Vista Lane front steps.

115) Brian Lloyd claimed the branches he cut off Plaintiff's tree were dead and cut so "people could get through".

116) The branches Brian Lloyd cut off Plaintiff's tree were not interfering with anyone getting through anything approximately 7' from Vista Lane pavement and the tree branches were also not dead.

117) Plaintiff asked Brian Lloyd not to cut anymore branches off his trees and provided Brian a copy of the 4809 Vista Lane land survey which indicated he was cutting branches off of Plaintiff's trees and had a note stating that Plaintiff is available to discuss his plans with the property maintenance he is planning at 4809 Vista Lane.

118) Brian Lloyd put the 4809 Vista Lane land survey into Mike Meredith's mailbox and Mike Meredith did not respond to the land survey or note.

119) Plaintiff eventually sent a certified letter to Mike Meredith with the land survey, a letter indicating Plaintiff's insurance has a \$5,000 injury limit and a hold harmless agreement Plaintiff asked Mike Meredith to sign and accept responsibility for in the event of an injury sustained on a tree fort and buoy rope swing that were on Plaintiff's property but installed by Mike Meredith and used by many children in the neighborhood as the deteriorating condition of the tree fort and a tree stump a few feet from the rope swing posed a safety concern for children.

120) Mike and Lea Meredith refused to accept service of the certified mail from Plaintiff with the 4809 Vista Lane land survey in it.

121) On April 12, 2023 Plaintiff was taking pictures of the fire damage at 4809 Vista

Lane and Mike Meredith asked Plaintiff why he could not wait longer to take pictures.

122) On April 12, 2023 Mike Meredith was saying to Plaintiff “we don’t want any of your shit” and when Plaintiff explained he has no idea what Mike Meredith is talking about Mike Meredith explained Plaintiff mailed a Happy Holiday’s newsletter to their house in December, 2022 (which was mailed to all 70 Sea Scape property owners) talking about a home owners association and Plaintiff mailed a certified letter to their house. A true and correct copy of the Happy Holidays Newsletter is attached hereto, made a part hereof and marked Exhibit “Q”.

123) Plaintiff’s Happy Holiday newsletter Mike Meredith complained about emphasized the importance of thoughtfully anticipated what potential buyers will see when selling their house.

124) All of the branches cut off Plaintiff’s tree and the magnolia tree on 4812 Vista Lane property made unsightly trash and equipment visible from Plaintiff’s property which was screened with the vegetation prior to Corolla Water Sports employee Brian Lloyd cutting the branches.

125) The remains of Mike Meredith’s 4805 Vista Lane fire damage show the entire asphalt roof on Mike Meredith’s house burnt during the fire and burn marks on the 4805 Vista Lane back deck from fire spreading, then a largely unburnt section of land leading to a completely burnt tree fort which was partially located on Plaintiff’s property.

126) Mike Meredith had an extremely active and healthy dog named Winny at the time of the house fire.

127) Mike Talley at the Kitty Hawk Fire Department will not provide Plaintiff Mike and Lea Meredith’s account of the house fire which Plaintiff needs to understand how a

home with a dog living in it caught fire and building materials that do not typically burn caught fire and burnt extremely faster than fire can spread through building materials like drywall.

- 128) The evidence from Mike Meredith's house fire indicates something flammable was burnt during the fire and the fire was started in more than one location.
- 129) Mike Meredith and the Kitty Hawk Fire Department refuse to provide Plaintiff and/or North Carolina Insurance Adjusters information needed to compensate Plaintiff for the 4809 Vista Lane property damage.
- 130) On September 6, 2023, more than 5 months after the 4805 Vista Lane house fire, Plaintiff asked Kitty Hawk when they anticipated enforcing zoning code on Vista Lane against the (9) junked vehicles/equipment surrounding Plaintiff's property, which could not have been unseen when Kitty Hawk and Dare County inspectors were at 4809 Vista Lane several times during the summer of 2023 inspecting new construction and a new septic drainfield. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "R".
- 131) Kitty Hawk claimed a zoning complaint needed to be filed for Kitty Hawk to enforce their zoning code.
- 132) Plaintiff filed a zoning complaint on September 13, 2023. A true and correct copy of said zoning complaint is attached hereto, made a part hereof and marked Exhibit "S".
- 133) After the zoning complaint was filed the amount of trash on the Vista Lane right of way and Mike Meredith's properties increased with the addition of a 3rd Hummer in need of repairs.
- 134) Plaintiff's Zoning Complaint informed Kitty Hawk that Plaintiff offered to pay

the property owners the cost of cleaning up their zoning violations or do the work his self. A true and correct copy of the letter to Plaintiff's neighbor's with zoning violations is attached hereto, made a part hereof and is also marked Exhibit "S".

135) The amount of unsafe junkyard trash also increased when William Meredith, one of the people named in the zoning complaint removed a wheel from a Hummer leaving the Hummer on 3 wheels (one of which had a flat tire) and a jack stand which was leaning to the side and sinking in the sand.

136) The Hummer on 3 wheels was located in an area of the cul-de-sac where Plaintiff's 2 children and 4 other neighborhood children regularly played sports including basketball, football, soccer, kickball and baseball, which required them to often reach under vehicles to grab their ball.

137) The neighborhood children also climbed into the abandon vehicles.

138) Jasper Rogers, Kitty Hawks zoning inspector refused to tow the abandon vehicles.

139) The Hummer on 3 wheels was located on town property (the right of way) which surrounds the Vista Lane cul-de-sac.

140) Town Code Sec. 22-52.provides:- Authority to remove; determination as a health/safety hazard.(a)The town may remove an abandoned, nuisance or junked vehicle found to be left:(1)On public grounds or town-owned property in violation of a law or ordinance prohibiting parking on such grounds or property;(2)For longer than 24 hours on property owned or operated by the town;(3)For longer than seven days on public grounds; or(4)For longer than two hours on private property without the written consent of the owner, lessee, or occupant of the premises.(b)The town may remove an abandoned, nuisance or junked motor vehicle from private property without the consent of the owner,

occupant or lessee of the property when the vehicle is a health or safety hazard.(c)If the abandoned, nuisance or junked motor vehicle is not a safety or health hazard, the town may remove same only with the written approval of the owner, lessee, or occupant of the premises.(d)An abandoned, nuisance or junked motor vehicle may be declared a health or safety hazard by the zoning officer when it is found to be any of the following:(1)A breeding ground for mosquitoes or an area to harbor noxious diseases, or furnish shelter and breeding places for vermin, other insects, snakes, rats, or other pests or present physical dangers to the safety and well-being of children and other citizens.(2)A point of heavy growth of weeds or other noxious vegetation over eight inches in height.(3)A point of collection of pools or ponds of water.(4)A point of concentration of gasoline, oil, or other flammable or explosive materials.(5)Located so there is a danger of the vehicle falling or turning over.(6)A source of danger for children through entrapment in areas that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.

The list in this subsection shall not be considered inclusive but shall be illustrative of abandoned, nuisance or junked motor vehicles which shall constitute a health or safety hazard.

141) Jasper Rogers refused to fine the property owners \$150 per day, per violation as Kitty Hawk code provides.

142) Kitty Hawk Town Code Sec. 22-21 Provides: - Violations and penalties.

(a)Any person who violates this article is subject to a civil penalty of \$150.00 per day for each violation in addition to any other penalties. Each day of the continuing violation shall constitute a separate violation.(b)Before imposing a civil penalty, the zoning officer

shall give notice of the violation to the owner of the junked, nuisance or abandoned motor vehicle, if ascertainable, and the property owner upon which the junked, nuisance or abandoned motor vehicle is located. The notification of the violation must be in writing and must include the following: (1) The name and address of the person cited for the violation. (2) The date of the notice. (3) For each violation, a description of the location of the violation and a brief description of the junked, nuisance or abandoned motor vehicle. (4) A statement that if the civil penalty is not paid within five business days after the date of service of the notice, the town shall have the right to recover the civil penalty in a civil action. (c) The citation shall be served on the person cited in any manner which, under G.S. 1A-1, Rule 4, would be proper for serving a civil complaint except for service by publication. (d) The civil penalties and remedies provided in this section are cumulative, and not exclusive, and may be independently pursued against the same person for the same activity constituting a violation of this article. (e) A copy of this section shall be attached to and included in the citation.

- 143) Jasper Rogers claimed to Plaintiff and his realtor, Heather Vandermyde that the abandon vehicles will be removed by October 31, 2023 (the holiday when Trick or Treaters walk from door to door asking for candy).
- 144) The abandon vehicles/equipment on Vista Lane was not removed by October 31, 2023.
- 145) On November 8, 2023 Jasper Rogers and the Town of Kitty Hawk received an email titled Jasper Roger's Kitty Hawk Criminal Conspiracy To Endanger Children explaining that zoning complaints were made more than 2 months ago and Kitty Hawk has refused to take the most basic safety measures, such as placing concrete blocks under

the Hummer on 3 wheels so it can not fall and crush a child to death. A true and correct copy of said email is attached hereto, made a part hereof and marked Exhibit "T".

146) North Carolina Criminal Law § 14-318.2. provides: Child abuse a misdemeanor.

(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the Class A1 misdemeanor of child abuse.

147) Kitty Hawk zoning inspector Jasper Rogers and William Meredith are guilty of a Class A1 misdemeanor child abuse criminal conspiracy.

148) Kitty Hawk Town Manager Casey Varnell and Jasper Rogers had knowledge of the Hummer on 3 wheels which could fall on a child reaching under the vehicle since at least October 2, 2023 but refused to enforce their authority to tow the vehicle. A true and correct copy of an email proving Kitty Hawk intentionally refused to tow the dangerous Hummer and allow the Halloween Trick or Treating to take place without informing Kitty Hawk residents of the dangerous Hummer on the right of way is attached hereto, made a part hereof and marked Exhibit "U".

149) On November 15, 2023 the District Magistrate in Manteo North Carolina told Plaintiff he needed to report the criminal conspiracy to endanger children he described to the Dare County District Attorneys Office.

150) On November 15, 2023 Laurie Wilson at the Dare County District Attorneys Office received Plaintiff's phonecall and told Plaintiff that endangering children was not a crime when Plaintiff explained Kitty Hawk's crimes and Plaintiff was told to hire an

attorney by Laurie Wilson.

151) On November 15, 2023 Plaintiff asked Laurie Wilson to speak with her manager and Laurie Wilson placed the phonecall on hold to get her manager, but the phonecall was disconnected.

152) On November 15, 2023 Plaintiff tried calling the Dare County District Attorney's Office again but they would now not answer Plaintiff's phonecall.

153) On November 15, 2023 Plaintiff was making phone calls from his 610 842 3905 phone.

154) Kitty Hawk and their Police Chief Mike Palkovics claim not to have any law enforcement trained to take a police report about a criminal enterprise that intentionally destroys his property, refuses to fine the violators as per Kitty Hawk zoning code and refuses to provide Plaintiff information about the 4805 Vista Lane fire needed to recover about \$50,000 in damages. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "V".

155) Almost every potential buyer that looked at 4809 Vista Lane, Kitty Hawk, NC 27949 had a concern with the abandon vehicle zoning violations on Vista Lane.

156) Jasper Rogers told Plaintiff's realtor, Heather VanderMyde that the vehicles would be removed by October 31, 2023.

157) Jasper Rogers could have forced the owners of the abandon junkyard trash equipment and vehicles to put the vehicles in their own backyards, and off the right of way where they were not visible from the street, but did not.

158) Jasper Rogers did not have the vehicles removed, which is simply a matter of calling tow trucks and towing the vehicles to be impounded.

159) On November 2, 2023 Kitty Hawk employee Rob Testerman contacted Southern Shores employee Wes Haskett with an email that stated "Hey Wes, hope you are doing well. Just curious if you guys have had any dealings with a guy named Anthony Mina? He's got a house in Kitty Hawk he is trying to sell, and blaming us for it not selling (we are dealing with some code enforcement stuff with some neighboring properties), and he is sending some really bizarre, unstable sounding messages. I see on GIS that in July he bought a house in Southern Shores, 75 E. Dogwood Trl, so I was just curious if you guys had any issues—" A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "W".

160) "Retaliation for the exercise of constitutionally protected rights is itself a violation of rights secured by the Constitution actionable under§ 1983." *White v. Napoleon*, 897 F.2d 103, 111-12 (3d Cir. 1990)

161) Southern Shores employee/town council communication indicates Southern Shores claims Plaintiff "has elevated himself from nuisance to real concern". A true and correct copy of Southern Shores communication indicating Plaintiff has elevated himself from nuisance to real concern" is attached hereto, made a part hereof and marked Exhibit "X".

162) Southern Shores and Kitty Hawk communicate within their government and with each other to call Plaintiff a "nuisance" and sender of "bizarre, unstable sounding messages" but do not correct their zoning code problems, such as towing an extremely dangerous abandon vehicle or deciding a lot sub-division plan without using illegally adopted, unenforceable zoning codes that property owners were not properly notified of prior to being adopted.

- 163) Southern Shores and Kitty Hawk communicate within their government and with each other to call Plaintiff a “nuisance” and sender of “bizarre, unstable sounding messages” but do not have the properties they are down-zoning by taking property rights from the owners preventing lot sub-divisions and junkyards being created in residential neighborhoods reassessed for property tax reduction, as required by law.
- 164) Government employees that use illegally adopted zoning codes to prevent a lot subdivision they specifically said sounded possible when speaking with the realtor selling the property are a nuisance.
- 165) A municipality may be found liable where the allegedly unconstitutional action “implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body’s officers.” *Monell v. Dept. of Soc. Services.*, 436 U.S. 658, 690 (1978).
- 166) Government employees that use illegally adopted zoning codes to reduce the value of property without properly notifying the property owners are a nuisance.
- 167) Government employees that refuse to enforce the slightest version of zoning code to keep children safe from illegally abandoned vehicles are a nuisance.
- 168) The government employees are projecting themselves upon Plaintiff by calling Plaintiff things like “nuisance”.
- 169) “Projection” is a psychological disorder where a person unconsciously displaces their undesirable attributes onto other people as a mental defense mechanism”.
- 170) Judge A. Richard Caputo of the U.S. Middle District Court of PA found that “The Supreme Court has specifically held that “municipalities have no immunity from damages flowing from their constitutional violations”, *Hynson By and Through Hynson*

v. City of Chester, 827 F. 2d 932, 934 (3d Cir. 1987) (citing Owen v. City of Independence, 445 U.S. 622, 657 (1980) when determining Luzerne County is not protected by immunity doctrines in case #3:09-cv-0630.

171) A supervisory official will be held liable only if the official failed to remedy a violation after learning of it, created or allowed a policy to continue under which the violation occurred, or was grossly negligent in managing the subordinates. See Keyes v. Strack, 1997 WL 187368, at *3 (S.D.N.Y.1997)

172) Southern Shores and Kitty Hawk have not only refused to remedy the crimes being committed against Plaintiff, their Police Chiefs have refused to stop the crimes from happening.

173) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, ‘with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm’”A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)

174) Under 42 U.S.C. 1983, “every person’ who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages.” Imbler v. Pachtman, 424 U.S. 409, 417 (1976)

175) A district court should notify the plaintiff of the deficiencies in the complaint and should afford the plaintiff an opportunity to cure those deficiencies by amending the complaint. Gillespie v. Civiletti, 629 F.2d 637, 640 (9th Cir. 1980); Broughton v. Cutter Laboratories, 622 F.2d 458, 460 (9th Cir. 1980); Potter v. McCall, 433 F.2d 1087, 1088 (9th Cir. 1970); Armstrong v. Rushing, 352 F.2d 836, 837 (9th Cir. 1965).

- 176) Judge William H. Yohn, Jr. of the U.S. Eastern District Court found that “the Supreme Court appears to have decided conclusively that the states’ Eleventh Amendment immunity does not extend to counties. See *Mt. Health City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 280 (1977).
- 177) When presented with a pro se complaint, the court should construe the complaint liberally and draw fair inferences from what is not alleged as well as from what is alleged. *Dluhos v. Strasberg*, 321 F.3d 365, 369 (3d Cir. 2003); *Youse v. Carlucci*, 867 F. Supp. 317, 318 (E.D. Pa. 1994)
- 178) Plaintiff is only required to allege “enough facts to raise a reasonable expectation that discovery will reveal evidence of the necessary element. “*Wilkerson v. New Media Tech. Charter Schools Inc.*, 522 F. 3d 315, 321 (3d Cir. 2008) , *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)
- 179) Coldwell Banker Realtor Heather Vandermyde valued Plaintiff’s 4809 Vista Lane, Kitty Hawk, NC 27949 property at \$565,000-\$590,000 with her comparative market analysis. A true and correct copy of said email is attached hereto, made a part hereof and marked Exhibit “Y”.

FIRST CAUSE OF ACTION UNDER 42 U.S.C. 1983

1. Plaintiff is alleging his 5th, 8th, 13th & 14th Amendment Rights have been violated by the state and private actors.

SECOND CAUSE OF ACTION UNDER U.S.C. 1983

1. Plaintiff is alleging Southern Shores, David Kole, Kitty Hawk and Mike Palkovics are violating INVOLUNTARY SERVITUDE UNDER THE 13TH AMENDMENT and Slavery laws
2. Plaintiff is alleging that because Plaintiff is forced to do police work such as constantly email complaints about government employees that have already been caught committing crimes and then file civil actions to obtain relief for the damages they have caused, the defendants are liable for damages caused by the involuntary servitude and slavery.

THIRD CAUSE OF ACTION UNDER 42 U.S.C. 1985 & 1986

1. Plaintiff is alleging the meeting of the Defendant's minds is evident in the facts set forth in Plaintiff's Complaint.
2. Plaintiff is alleging all of the Defendant's had the resources to stop the conspiracies against Plaintiff, with some Defendant's having a larger responsibility to do such.
3. Plaintiff is alleging the evidence clearly shows the state actors and private actors working together to cause Plaintiff damages and prevent Plaintiff from obtaining information needed to recover his financial losses caused by the defendants.

FOURTH CAUSE OF ACTION-FRAUD (UNDER STATE LAW)

1. Plaintiff is alleging Defendants Linda Lauby, Wes Haskett and Southern

Shores are liable for fraud.

**FIFTH CAUSE OF ACTION-INTENTIONAL INTERFERENCE WITH
CONTRACTUAL RELATIONS (UNDER STATE LAW)**

1. Plaintiff is alleging Defendants Wes Haskett, Southern Shores, Jasper Rogers and Kitty Hawk are liable for damages for Intentional Interference of Contractual Relations as they all knew Plaintiff was working with realtors to buy and sell property and intentionally misrepresented facts, refused to do their jobs according to local code and state law and directly communicated with realtors and/or defendants involved with Plaintiff's claims

**SIXTH CAUSE OF ACTION-BREACH OF CONTRACT (UNDER
STATE LAW)**

1. Plaintiff is alleging Defendant Linda Lauby is liable for damages for Breach of Contract for refusing to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" under any circumstances after selling Plaintiff a potentially sub-dividable lot with seller financing.

**SEVENTH CAUSE OF ACTION-INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

1. Plaintiff is alleging the Defendant's intentional

conduct causing physical, emotional and economic injury to Plaintiff is so extreme and outrageous that they continue to impose such distress on Plaintiff as a means of harassment, stalking and intimidation in attempting to force Plaintiff to give up his fight for equal rights, protection and justice.

EIGHTH CAUSE OF ACTION-DAMAGE TO REPUTATION

1. Plaintiff is alleging all of the defendants are liable for damage to Plaintiff's reputation.

NINTH CAUSE OF ACTION-DEFAMATION OF CHARACTER

1. Plaintiff is alleging Southern Shores and Kitty Hawk are liable for defamation of character for stating Plaintiff is a nuisance sending bizarre unstable messages when the facts are Southern Shores and Kitty Hawk are committing crimes against Plaintiff and other property owners, including children as they refuse to comply with town code and law.

TENTH CAUSE OF ACTION- ABUSE OF PROCESS

1. Plaintiff is alleging Wes Haskett and Southern Shores are abusing process by down zoning properties to unsubdividable properties with a lot width amendment that was adopted without properly notifying effected property owners.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant relief as follows, and how the court deems just and proper:

1. Enter an Order requiring Southern Shores to vacate all Zoning Amendments adopted without notifying effected property owners prior to the zoning amendment as per Southern Shores Town Code 36-414(a), Southern Shores Town Code 36-414(b) and North Carolina Article 6 § 160D-602.

2. Enter an Order requiring Dare County to reassess properties and credit victims of Southern Shores down-zoning done without properly notifying property owners.
3. Enter Orders against Dare County, Kitty Hawk and Southern Shores to prohibit continued employment of individuals violating crimes codes, refusing to enforce crimes codes, refusing to enforce applicable codes within reasonable discretion consistent with discretion used when regulating other property owners needs and most importantly, immediately fire any and all employees who refused to immediately correct the extremely dangerous Hummer on Vista Lane that could have crushed a child to death.
4. Award actual costs of monetary damages to Plaintiff with knowledge that:
 - (a) Southern Shores, Wes Haskett and Linda Lauby's fraudulent withholding of information resulted with Linda Lauby obtaining an additional \$75,000 from Plaintiff;
 - (b) Southern Shores and Wes Haskett's illegally adopted zoning codes being used to prevent Plaintiff from obtaining the lot sub-division he

bought 75 E. Dogwood Trail for interfere with Plaintiff obtaining \$365,000 in property sales needed to support Plaintiff's home improvement business which then supports his family.

(c) Coldwell Bankers Vandermyle Group which ranked in the top 1% in the U.S. for units sold indicated the value of 4809 Vista Lane should have been between \$565,000-\$590,000, meaning Plaintiff was forced to accept financial losses of at least between \$45,000-\$70,000 with the sale of 4809 Vista Lane. These damages were largely caused by almost every potential buyer of 4809 Vista Lane having a major concern with the zoning violations referenced in Plaintiff's zoning complaint. Defendants have also contributed and enabled Plaintiff to suffer damages by the 4805 Vista Lane fire and have then impeded Plaintiff's right to seek damages through insurance an investigation into the cause of the 4805 Vista Lane fire.

5. Award punitive damages as this court deems just and proper with knowledge that all the defendants are working together to cause Plaintiff financial damages

with most defendants refusing to perform their
government job as per their code of conduct, local, state
and federal law.

Date: August 19, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony Mina", written over a horizontal line.

Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION
FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA :
Plaintiff :
 :
vs. :
 : NO:
“DARE COUNTY REAL ESTATE :
SCAM DEFENDANTS”, :
Defendant : CIVIL ACTION

DEMAND FOR JURY TRIAL

I, Anthony Mina hereby respectfully demand a trial by jury on all triable issues pursuant to Federal Rule of Civil Procedure 38 and my 7th Amendment rights.

Date: August 19, 2024

Respectfully Submitted,



Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION
FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA :
Plaintiff :
 :
vs. :
 : NO:
"DARE COUNTY REAL ESTATE :
SCAM DEFENDANTS", :
Defendant : CIVIL ACTION

PLAINTIFF'S REQUEST FOR PRO SE ELECTRONIC COURT FILING (ECF)

ACCESS

I, Plaintiff Anthony Stocker Mina hereby Request ECF Access and in support of aver the following:

1. Plaintiff is a resident of Dare County, PA and is unable to neglect his work and responsibilities as a father of (4) children to drive to the courthouse and file his documents.
2. Plaintiff's mail is regularly delayed, lost or stolen, including mail coming from and going to government offices.
3. Dare County's U.S. Mail is known for major, unexplainable delays, such as taking 7 days

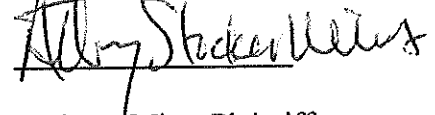
to deliver mail to someone living in the same town.

4. Forcing Pro Se Plaintiff to factor in mail time for time sensitive responsive filings when the opposing party's attorney may use ECF provides the opposing party an unjust advantage that can be made fair with allowing all parties to file electronically or an order granting Plaintiff a filing date of when the mail is postmarked by the U.S. Post Office.

WHEREFORE, Plaintiff respectfully requests ECF Pro se Access to file and receive documents.

Date: August 19, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony Mina", written over a horizontal line.

Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION
FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA

Plaintiff

vs.

"DARE COUNTY REAL ESTATE

SCAM DEFENDANTS",

Defendant

:

:

:

: NO.

:

:

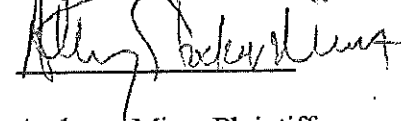
: CIVIL ACTION

VERIFICATION

I, Anthony Stocker Mina, verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and have not been made for the purpose of delay. This statement is made subject to the penalties of 18 Pa C.S. 4904, relating to unsworn falsification to authorities.

Date: August 19, 2024

Respectfully Submitted,



Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com