

3. On 16 September 2004, the Honorable Benjamin G. Alford filed his Order (the 2004 Order) in this case. It is incorporated in its entirety.

4. The 2004 Order required that Reels and Davis remove all their structures and equipment from the property and thereafter cease from trespassing on the property.

5. After Reels and Davis failed and refused to do either, they came before the Honorable Gary E. Trawick for a contempt hearing on 7 August 2006.

6. On 10 August 2006, Judge Trawick filed his Order (the 2006 Order) holding Reels and Davis in contempt for violation of the 2004 Order. It is incorporated in its entirety.

7. Despite the 2004 Order and the 2006 Order, defendants Reels and Davis have continuously used their structures on the property as set forth below.

8. Exhibit 5 is an aerial photograph taken in February 2009 that was admitted into evidence without objection during the hearing for civil contempt. It contains superimposed boundary lines for the property as of 3 February 2011.

9. Testimony by Surveyor James Powell established that the perimeter lines superimposed on Exhibit 5 fairly illustrate the location of the Adams Creek 13.25 acre tract.

10. Testimony from Powell and other witnesses, including Davis and Reels, confirmed the location and use of structures and other property shown on the map as being inside the Adams Creek perimeter lines and on the property.

11. Based on the verification of several witnesses, the structures visible on Exhibit 5 were numbered and identified as follows:

- a. Licurtis Reels' House (#1)
- b. Melvin Davis' Club (#2)
- c. Melvin Davis' unfinished House (#3)
- d. Melvin Davis' Shop with equipment and trailer surrounding (#4)
- e. The Ice House by the middle pier on Adams Creek (#5)

12. All of these structures (#1 through #5) and Melvin Davis' equipment and a trailer located near the shop are on Adams Creek's property and have remained on Adam's Creek's property since the 2004 Order.

13. Licurtis Reels has continued to live in his house (structure #1) since the 2004 Order.

14. Without Adams Creek's consent, Reels obtained electrical service from Carteret-Craven Electric Cooperative ("CCEC") to a meter on the Licurtis Reels' House on the property (#1).

15. Reels has continued to receive electrical service from CCEC at the Licurtis Reels' House since the 2004 Order.

16. Davis has continued to occupy and use on a continuous basis the Club (#2), his unfinished House (#3), and the Shop (#4) since the 2004 Order.

17. Without Adams Creek's consent, Davis obtained electrical service from CCEC to a meter (in the name of Gertrude Reels) on the Davis Shop (#4) and to a meter in Davis' name on the Club (#2).

18. Davis has continued to receive electrical service from CCEC at the Shop and the Club for Davis' own personal and business use since the 2004 Order.

19. Davis is in the business of, among other things, demolition and structural moving.

20. Davis owns a bulldozer, a back hoe, a track hoe, and a dump truck.

21. Davis has parked and stored his equipment on the Adams Creek property near the shop on a continuous basis since the 2004 Order.

22. Davis caused or permitted the building of a barrier that blocks an entrance path into the property on the south termination of Silver Dollar Road. This barrier is shown on photographs, plaintiff's exhibits 8-1 through 8-5, which were admitted into evidence without objection during the hearing on motion for civil contempt.

23. Based on Davis' extensive use of the majority of the property and his ownership and use of heavy equipment that would have been necessary to create this barrier, and his refusal to answer questions at the hearing concerning this barrier, Davis is responsible for the barrier and is obligated to remove it.

24. In their continuous use of the property and the defendants' structures thereon, and their refusal to remove their structures and cease their trespass on the property, the defendants have willfully violated the 2004 Order.

25. Without Adams Creek's consent, CCEC extended service to a meter at the Ice House located next to a dock on the property (#5).

26. CCEC has continued to deliver electrical service to this meter since the 2004 Order.

27. All four (4) of these metered electrical services are on the property.

28. Adams Creek authorized none of these metered services and had requested CCEC to discontinue these unauthorized electric services.

29. Two transformers service all four (4) of these meters on the property, and a configuration of poles and wires that extend from CCEC main lines located off the property.

30. CCEC can remove all of the meters, transformers, poles, and wires without affecting electrical service to any other CCEC customers.

31. CCEC through its representative who testified at the hearing confirmed that a directive to remove all four (4) of the unauthorized meters, transformers, wires, and poles could be completed without any unintended adverse consequences to others.

32. The 2004 Order remains in force. No stay of the 2004 Order exists. No appellate court has overturned the 2004 Order.

33. The 2004 Order requires defendants Davis and Reels to leave the property, remove all of their structures and equipment from the property, and stay off the property in the future.

34. This purpose may still be served compelling the Davis' and Reels' compliance with the 2004 Order.

35. Davis' and Reels' noncompliance with the 2004 Order by their continued use of their structures on the property (and failure to remove them) over the past six and a half years has been willful.

36. Reels is able to comply with the 2004 Order or take reasonable measures that would enable him to comply with the 2004 Order by either moving his house off of the property, or demolishing it and removing the debris.

37. Once Reels has removed his house (#1) completely from the property, and has confirmed his willingness to forever cease from trespassing on the property, Reels will have purged his civil contempt.

38. Davis is able to comply with the 2004 Order or take reasonable measures that would enable him to comply with the 2004 Order by either moving his structures (Club #2, House #3, Shop #4, and barrier to access road) and all trailers and equipment off of the Adams Creek property, or demolishing it and removing the debris.

39. Once Davis has removed his structures (Club #2, House #3, Shop #4, and the barrier to the access road as shown on Exhibit 8-1 through 8-5) and all trailers and equipment completely from the property, and has confirmed his willingness to forever cease from trespassing on the property, Davis will have purged his civil contempt.

40. At the conclusion of the Court's order entered on the record at the hearing, Larry S. Height moved the Court to withdraw from future representation of defendants Davis and Reels in this case. Defendants consented. Counsel for Adams Creek did not oppose the motion.

Based upon these findings of fact, the Court makes the following:

Conclusions of Law

1. The 2004 Order imposes clear obligations on Reels and Davis to cease trespassing on the property and to remove their structures and equipment from the property.
2. Reels and Davis both understood these obligations and both had the ability to comply with them.
3. Both Reels and Davis have for six and a half years willfully violated the 2004 Order.
4. Based on his refusal to remove his house (#1) and his continued living in that house on the property, Licurtis Reels is in civil contempt of the 2004 Order pursuant to G.S. §5A-21(a).
5. Licurtis Reels may purge his civil contempt upon a showing that he has removed his house (#1) completely from the Adams Creek property, and has confirmed his agreement to never thereafter go onto the property.
6. Based on his refusal to remove the Club (#2), his House (#3), the Shop (#4) and his heavy equipment and trailer and his continued use of these on the Adams Creek property, and his construction of the barrier across the access road into the property, Melvin Davis is in civil contempt of the 2004 Order pursuant to G.S. §5A-21(a).
7. Melvin Davis may purge his civil contempt upon a showing that he has removed the Club (#2), his unfinished House (#3), the Shop (#4) and the barrier across the access path completely from the Adams Creek property, and has confirmed his agreement to never thereafter go onto the property.
8. Based upon the willful, continuous, and unlimited use Reels and Davis had made of their structures on the property over the past six and a half years, the sanction most appropriate to force the defendants' compliance with the 2004 Order is imprisonment until each purges his contempt.
9. CCEC must remove from the Adams Creek property all electrical wires, poles, transformers, and meters and should not extend service to any part of the Adams Creek property without specific authorization by the owner of the property (Adams Creek or any subsequent owner of the property).
10. The parties should bear their own costs and fees.
11. Larry S. Height should be permitted to withdraw as counsel for defendants.

Wherefore, based on the findings of fact and conclusions of law, the Court ORDERS that:

1. Licurtis Reels shall be imprisoned and remain in the custody of the Carteret County Detention Center until he purges his contempt by presenting evidence to the Court that his house (#1) has been removed completely from the property, and he confirms in writing his agreement to never again go onto the property.

2. Melvin Davis shall be imprisoned and remain in the custody of the Carteret County Detention Center until he purges his contempt by presenting evidence to the Court that his Club #2, House #3, Shop #4, and the barrier to the access road (as shown on Exhibit 8-1 through 8-5) and all trailers and equipment have been removed completely from the property, and he confirms in writing his agreement to never again go onto the property.

3. Should either or both of the defendants fail to purge contempt by removing the structures, barrier, and equipment as directed in this and previous Orders, Adams Creek retains the right it may exercise at any time to remove any or all of the structures and equipment and to seek reimbursement for the expense of such removal from the defendant who failed to remove the structure at issue.

4. Carteret-Craven Electric Cooperative shall remove all electrical service to the Adams Creek property. This includes all wires, poles, transformers, and meters. CCEC shall provide service to this property in the future based only on the request of the owner of the property.

5. Defendants Reels and Davis shall not directly or indirectly, cause or permit, the extension of electrical service onto any portion of the property from any outside meter located off of the Adams Creek property.

6. In any future enforcement of the 2004 Order, the 2006 Order, or this Order, the Carteret County Sheriff ("the Sheriff") shall exercise his discretion in the manner of removing the defendants or other trespassers from the property. The Court directs that the Sheriff upon reasonable notice provide security for Adams Creek or its contractors to access the property. However, the Court declines to otherwise direct the Sheriff to take any specific action other than use reasonable means under all of the then existing circumstances, with due consideration of the safety of all deputies and all others, to enforce all Orders.

7. Scheduling issues concerning discovery or the trial of the remaining issue of damages is not properly before this Court, and shall be handled according to customary local rules and procedures.

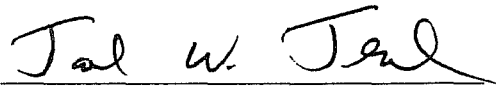
8. The parties shall bear their own costs, expenses and fees.

9. The Court retains jurisdiction over the matters embraced by this Order, specifically including the process whereby defendants Reels and Davis may prove either or both have purged their contempt. If the Court receives a filed stipulation by Adams Creek or its

counsel concerning either or both of the defendants' compliance with this Order, the Court will enter an immediate and appropriate Order ending the imprisonment of the defendant(s) who has (have) complied. Without a stipulation filed by Adams Creek that confirms compliance, the Court will consider any showing that either or both of the defendants may otherwise hereafter file and appropriately notice for hearing.

10. Larry S. Height is allowed to withdraw as counsel for defendants. An ORDER TO WITHDRAW has been executed contemporaneously with this ORDER OF CIVIL CONTEMPT, effective March 17, 2011 when the Court allowed the oral motion to withdraw in open court at the conclusion of the said hearing. Unless and until new counsel enters an appearance, both defendants are proceeding *pro se* and service on them may be made upon their custodial agent in the Carteret County Detention Center.

This ORDER OF CIVIL CONTEMPT is signed the 25th day of March 2011 but is effective as of the date and time the motion was allowed in open court by the undersigned at the conclusion of the civil contempt hearing on March 17, 2011.

A handwritten signature in cursive script, reading "Jack W. Jenkins". The signature is written in black ink and is positioned above a horizontal line.

The Honorable Jack W. Jenkins
Superior Court Judge Presiding