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After years of litigation, life's a beach for two sibling millionaires *Brother and sister secure \$10.1M settlement for Hammocks Beach land*

■ PHILLIP BANTZ

It took nearly nine years of litigation, involving two trips to the North Carolina Court of Appeals and one to the state Supreme Court, but Harriett Turner and her brother John Hurst finally have what they wanted.boat

The state and an independent conservation group wrote them checks totaling \$10.1 million in April for 290 acres of unspoiled coastal land near Hammocks Beach State Park in Onslow County. Hurst, an attendant at the local landfill, and Turner, a paralegal, are now millionaires.

"I guess according to the paper I am. Maybe it hasn't hit me yet. I don't know. I still feel the same. But I'm sure that will go away in a few days," Hurst said in a phone interview from the little wooden building he mans at the dump. He had no immediate plans to leave his job.

"I've been working all my life. I like to stay busy," he added. "I'm going to put a few things away, catch up on the bills I've got. And I believe in helping out others. I'll probably make some donations to shelters and different organizations."

Turner, who works at the Social Security disability office in Raleigh, plans to use her cut of the payment to resurrect a dilapidated summer camp that sits on the land now owned by the state.

"It's done," a relieved Turner said of the litigation. "It's complete."

An attorney for the siblings, Charles Francis of Raleigh, whose wife works with Turner, shared his clients' relief. He said theirs was the longest and most involved case he'd litigated during his 26 years as a trial lawyer.

"I was young when this started," he joked.

Long path to resolution

As part of the settlement deal, which was reached last summer, the state agreed to lease a portion of the property that includes the camp to Turner for 25 years at the low price of \$1. She has three years to get the camp up and running.

Bringing the camp back to life is Turner's way of carrying on the generous vision that her and Hurst's grandparents, John and Gertrude Hurst, shared with a New York philanthropist and neurosurgeon named William Sharpe.

Sharpe and the Hursts became friends after the white doctor hired John, the son of a slave, as a hunting guide. He

REAL PROPERTY

TRUST AND ESTATES

Amount: \$10.1 million

Case name: Harriett Turner and John Hurst v. Hammocks Beach Corporation, et al.

Court: Wake County Superior Court

Case number: 06-CVS-18173

Judge: Carl Fox

Date of settlement: June 2014, paid April 31

Attorneys for plaintiffs: Charles Francis of Raleigh and Michael Weisel, David Coats and Adam Olls of Bailey & Dixon in Raleigh

Attorneys for defendants: Frank Emory Jr. of Hunton & Williams in Charlotte, for Hammocks Beach Corporation, and James Gulick and Thomas Ziko of Raleigh for the North Carolina State Board of Education



Harriett Turner and John Hurst



Charles Francis

later employed the couple as managers and caretakers for more than 1,000 acres that he bought along Hammocks Beach in the 1920s and 1930s.

Sharpe later offered to give the land to the Hursts – a remarkable gesture, especially during racial segregation – but Gertrude, a teacher, refused the gift. Instead, she suggested that the property be deeded to an association of black educators who formed the nonprofit Hammocks Beach Corporation to manage the land.

Black teachers and their students frequented the beach and built roads and camps that thrived there, just as the Hursts and Sharpe had intended. But after the Civil Rights Act was passed in 1964 the property gradually lost its popularity and stopped being maintained properly.

Desegregation gave longtime Hammocks Beach visitors the opportunity to go to other camps, said Hammocks Beach Corporation attorney Frank Emory Jr. of Hunton & Williams

in Charlotte.

The Hammocks Beach camp also struggled because the black teachers' association had provided the funding base for the property, but that money dried up when the group merged with the white teachers' association.

At the same time, Onslow County was taxing the property at commercial rates, but a provision in the deed of trust prevented the land from being sold or mortgaged. The provision was removed in the late 1980s, but by then it was too late to save the camp, Emory said.

The deed also stipulated that if the land stopped being used as a summer camp and recreation area, the trusteeship would be offered to the North Carolina State Board of Education. If the board declined the trust, the land was supposed to revert to the Hursts' heirs.

After the board declined on two separate occasions to replace the Hammocks Beach Corporation as trustee, Hurst and Turner successfully sued in 2006 to claim the land. Upon

losing at trial in 2010, the state did an about-face by asserting that it would be the trustee.

"The state purported to take this land and not pay Harriett and John a dime," Francis said.

Wake County Superior Court Judge Carl Fox agreed with the state's position, but the Court of Appeals unanimously reversed his order. Earlier in the case the same court found that the state had relinquished its interest in the land.

The second Court of Appeals decision spurred the state to take its case up to the Supreme Court, which heard arguments last March. The settlement was reached before the court issued an opinion.

Maintaining a vision

The settlement figure is large, but it pales in comparison to what Hurst and Turner could have gotten for the property if they'd sold it to developers instead of the state, which has absorbed the land into the Hammocks Beach State Park for conservation and public use.

"We are convinced that had we marketed the property to developers we could have gotten more money, but it was important to Harriett and John to preserve the unspoiled nature of the property and create the camp," Francis said.

An appraiser he hired valued the land at \$27 million, while the state's appraiser put the figure at just \$3 million. An independent group, The Conservation Fund, made a compromise appraisal that set the settlement price. The Fund paid \$3.1 million for 90 acres and the state paid about \$7 million for the remaining 200 acres. The state is leasing the land from the Fund with the intention of eventually buying it.

Francis will receive a contingency fee from the settlement payment, but declined to disclose his percentage. He said that Hurst and Turner will take the "lion's share" of the settlement money – the exact amount was still being determined – and two of their relatives will get a smaller portion.

Francis said that the state's representatives, who could not be reached for comment, initially resisted the idea of rebuilding the camp, but they came around after speaking with Turner.

"This was something that Dr. Sharpe believed in and my grandparents believed in," she said. "I just want to keep that going."