

STATE OF NORTH CAROLINA

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 0867

COUNTY OF ORANGE

WILD FLORA FARM, LLC,)
SOUTHEAST PROPERTY GROUP, LLC,)
THE BARN OF CHAPEL HILL, LLC,)
CHRIS BREWER, and KARA BREWER,)

Petitioners,)

vs.)

ORANGE COUNTY BOARD OF ADJUSTMENT,)
ORANGE COUNTY, GLETA CARSWELL,)
RENE QUADT, MARGARET WILKMAN,)
ALICE SANDRA WILKMAN, THOMAS RAY,)
and DORIS RAY,)

Respondents.)

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing **PETITION FOR WRIT OF CERTIORARI** and **WRIT OF CERTIORARI** by Certified Mail, Return Receipt Requested, postage prepaid, to the following person at the following address, which is the last address known to me:

Hon. Samantha H. Cabe, Chair
Orange County Board of Adjustment
P.O. Box 8181
Hillsborough, NC 27278

Alice Wilkman
7310 Morrow Mill Rd
Chapel Hill, NC 27516

Bonnie B. Hammersley
County Manager
Orange County
P.O. Box 8181
Hillsborough, NC 27278

Margaret Wilkman
7310 Morrow Mill Rd
Chapel Hill, NC 27516

Rene Quadt
2700 Millikan Rd
Chapel Hill, NC 27516

Thomas Ray
7319 Morrow Mill Rd
Chapel Hill, NC 27516

Gleta Carswell
2700 Millikan Rd
Chapel Hill, NC 27516

Doris Ray
7319 Morrow Mill Rd
Chapel Hill, NC 27516

This the 29th day of June, 2018.

PETESCH LAW

By:

A handwritten signature in black ink, appearing to read 'AJ Petesch', is written over a horizontal line.

Andrew J. Petesch
State Bar No. 35499
127 W. Hargett Street, Suite 500
Raleigh, NC 27601
T: (919) 747-8611
F: (888) 848-9605
E: andy@peteschlaw.com

ATTORNEY FOR PETITIONERS

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

FILED

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CVS

2018 JUN 25 P 3:51

WILD FLORA FARM, LLC.
SOUTHEAST PROPERTY GROUP, LLC.
THE BARN OF CHAPEL HILL, LLC.
CHRIS BREWER, and KARA BREWER.

ORANGE CO., N.C.

12

Petitioners.

vs.

ORANGE COUNTY BOARD OF ADJUSTMENT.
ORANGE COUNTY, GLETA CARSWELL,
RENE QUADT, MARGARET WILKMAN,
ALICE SANDRA WILKMAN, THOMAS RAY,
and DORIS RAY.

Respondents.

**PETITION FOR
WRIT OF CERTIORARI**

NOW COME Petitioners Wild Flora Farm, LLC, Southeast Property Group, LLC, The Barn of Chapel Hill, LLC, Chris Brewer, and Kara Brewer, pursuant to N.C. Gen. Stat. §§ 153A-345.1, 153A-349, 160A-388, and 160A-393, and other applicable law, and respectfully petition the Superior Court for Orange County to issue its Writ of Certiorari for judicial review of the Orange County Board of Adjustment's decision to grant a request for subpoenas made by Respondents Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray, and Doris Ray. Copies of the subpoenas are attached hereto as Exhibits A through E and are hereby incorporated by reference. In support of this Petition, Petitioners show unto the Court the following:

PARTIES, JURISDICTION, AND VENUE

1. Petitioner Wild Flora Farm, LLC (“Wild Flora Farm”) is a North Carolina Limited Liability Company, and its principal office is located at 82 Jordan Hills Drive, Chapel Hill, Chatham County, North Carolina.

2. Petitioner Southeast Property Group, LLC (“SPG”) is a North Carolina Limited Liability Company, and its principal office is located at 82 Jordan Hills Drive, Chapel Hill, Chatham County, North Carolina. Southeast Property Group was merged into Wild Flore Farm on or about February 26, 2018 and the Certification of Merger recorded with the Orange County Register of Deeds at Book 6429, Page 467.

3. Petitioner The Barn of Chapel Hill, LLC (“Barn of Chapel Hill”) is a North Carolina Limited Liability Company, and its principal office is located at 82 Jordan Hills Drive, Chapel Hill, Chatham County, North Carolina.

4. Petitioners Chris Brewer and Kara Brewer, husband and wife, are North Carolina citizens and reside in Chatham County, North Carolina.

5. On or about March 24, 2015, SPG acquired and became record owner of a 21.99 acre parcel of property in Orange County, North Carolina located southeast of the intersection of Morrow Mill and Millikan Roads (PIN 9729507168) (the “Farm Property”). Due to the merger described in Paragraph 2, supra, and by operation of law, Wild Flora Farm is currently the record owner of the Farm Property.

6. Upon information and belief, Respondent Orange County (the “County”) is duly established and organized under the laws of the State of North Carolina.

7. Upon information and belief, Respondent Orange County Board of Adjustment (the “BOA”) was established and organized by Orange County pursuant to North Carolina General

Statutes, and the BOA is an independent public body authorized to issue subpoenas subject to certain criteria as provided by N.C. Gen. Stat. §§ 153A-345.1 and 160A-388(g).

8. Upon information and belief, Respondent Gleta Carswell is a North Carolina Citizen and resides in Orange County, North Carolina.

9. Upon information and belief, Respondent Rene Quadt is a North Carolina Citizen and resides in Orange County, North Carolina.

10. Upon information and belief, Respondent Margaret Wilkman is a North Carolina Citizen and resides in Orange County, North Carolina.

11. Upon information and belief, Respondent Alice Sandra Wilkman is a North Carolina Citizen and resides in Orange County, North Carolina.

12. Upon information and belief, Respondent Thomas Ray is a North Carolina Citizen and resides in Orange County, North Carolina.

13. Upon information and belief, Respondent Doris Ray is a North Carolina Citizen and resides in Orange County, North Carolina.

14. This Court has jurisdiction pursuant to N.C. Gen. Stat. §§ 153A-345.1, 153A-349, 160A-388, and 160A-393.

15. Wild Flora Farm, as owner of the Farm Property, has standing to bring this action under N.C. Gen. Stat. § 160A-393(d)(1)(a) on behalf of itself and SPG.

16. Kara Brewer, as a member of Wild Flora Farm, has an ownership interest in the Farm Property and has standing to bring this action under N.C. Gen. Stat. § 160A-393(d)(1)(a).

17. The Barn of Chapel Hill and Chris Brewer, as subjects of the BOA's subpoenas, will suffer special damages as a result of the decision being appealed and have standing pursuant to N.C. Gen. Stat. § 160A-393(d)(2).

18. The BOA's subpoenas were issued May 25, 2018 and the service made by registered or certified mail, return receipt requested on May 25, 2018. This Petition is timely filed within thirty (30) days thereafter. See N.C. Gen. Stat. § 160A-388(e2).

19. Orange County is the proper venue for this proceeding.

FACTUAL BACKGROUND

20. Wild Flora Farm and Kara Brewer submitted a letter dated October 12, 2017 through counsel to Orange County Current Planning Supervisor Michael Harvey requesting that he make a formal determination "classifying use of the barn building and structure at Wild Flora Farm for agritourism events as a bona fide farm purpose and, therefore, such use is exempt from the County's zoning regulation" pursuant to N.C. Gen. Stat. § 153A-340(b)(2a). The letter included four exhibits: (1) North Carolina Department of Revenue Qualifying Farmer Exemption, (2) Farm Property General Warranty Deed, (3) SPG Annual Report, and (4) Certificate of Assumed Name for SPG.

21. On October 13, 2017, Mr. Harvey issued a written determination that the structure located on the Farm Property was classified a bona fide farm purpose under the General Statutes and, therefore, not subject to the County's zoning regulations.

22. Respondents Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray, and Doris Ray filed an application for appeal and interpretation to the BOA on or about November 7, 2017 challenging Mr. Harvey's determination.

23. On or about November 7, 2017, Respondents Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray, and Doris Ray also submitted a letter to the BOA Chair requesting that she issue subpoenas to each of the Petitioners commanding them to "provide all information ... submitted to the North Carolina Department of Revenue and/or to

Orange County (its employees, agents, and attorneys) regarding its alleged eligibility under and alleged compliance with the provisions of N.C.G.S. § 153A-340, N.C.G.S. § 105-164.13E(a) and/or N.C.G.S. § 105-277.3 as well as all information regarding its legal relationships with” a variety of entities and persons including Wild Flora Farms, LLC, Southeast Property Group, LLC, The Barn of Chapel Hill, LLC, Kara Brewer Designs, LLC, KB Special Events, LLC, Kara Brewer and Chris Brewer.

24. On or about January 9, 2018, the BOA Vice-Chair – the Chair having recused herself from the case – declined to issue the requested subpoenas.

25. On or about January 12, 2018, Respondents Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray, and Doris Ray appealed the Vice-Chair’s decision to the full BOA pursuant to N.C. Gen. Stat. § 160A-388(g).

26. On or about March 8, 2018, Wild Flora Farm, SPG, and Kara Brewer submitted a supplement to the October 12, 2017 letter providing copies of the Articles of Merger and Certificate of Merger between SPG and Wild Flora Farm.

27. At a quasi-judicial public hearing held on May 7, 2018, the BOA considered Respondents’ subpoena decision appeal and voted 3-1 in favor of issuing the subpoenas.

28. N.C.G.S. § 153A-340(b)(2) provides in relevant part that a “building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a)”

29. Pursuant to the requirements and standards set out in N.C.G.S. § 153A-340(b)(2), Mr. Harvey had sufficient information and documentation to make his determination October 13, 2017 determination.

30. Under N.C.G.S. § 160A-388(g), subpoenas shall only be issued if they are relevant, reasonable in nature and scope, and not oppressive. The information compelled by the subpoenas issued by the BOA does not satisfy these requirements. The BOA has no authority or jurisdiction to rule on the validity of a qualifying farmer sales tax exemption certificate granted by the North Carolina Department of Revenue.

31. The BOA Order II is unlawful and must be reversed because it:

- a. is based upon errors of law;
- b. is not based upon procedures required by law;
- c. does not protect the due process rights of Petitioners;
- d. is not based upon competent, material, and substantial evidence in the whole record;
- e. is arbitrary, capricious, and an abuse of discretion; and
- f. represents actions in excess of the authority granted to the County and Board of Adjustment.

32. These unlawful acts consist of, among other things, failure to comply with the requirements of the Code, the North Carolina General Statutes, and other applicable law.

WHEREBY, PETITIONERS RESPECTFULLY REQUEST THAT the Court issue its Writ of Certiorari to Respondent Orange County requiring that the County certify to this Court the complete record of the proceedings, including any audio and video recordings, relating to the Board of Adjustment's May 7, 2018 decision.

Petitioner further requests that, upon review of the record, the Court reverse the Board of Adjustment's decision and quash the subpoenas issued to Wild Flora Farm, LLC, Southeast Property Group, LLC, The Barn of Chapel Hill, LLC, Chris Brewer, and Kara Brewer.

Petitioner further requests that, upon review of the record, the Court find that the Board of Adjustment acted outside the scope of its authority and award attorneys' fees and costs to Petitioners pursuant to N.C.G.S. § 6-21.7:

Petitioner further requests that, upon review of the record, the Court find that the Board of Adjustment abused its discretion and award attorneys' fees and costs to Petitioners pursuant to N.C.G.S. § 6-21.7; and

Finally, Petitioner requests such further relief as the Court deems just and proper.

Respectfully submitted this the 25th day of June, 2018.

PETESCH LAW

By:



Andrew J. Petesch
State Bar No. 35499
127 W. Hargett Street, Suite 500
Raleigh, NC 27601
T: (919) 747-8611
F: (888) 848-9605
E: andy@peteschlaw.com

ATTORNEY FOR PETITIONERS
WILD FLORA FARM, LLC.
SOUTHEAST PROPERTY GROUP, LLC.
THE BARN OF CHAPEL HILL, LLC,
CHRIS BREWER, and KARA BREWER

BOARD OF ADJUSTMENT SUBPOENA
(N.C.G.S. §160A-388(g))

_____))
IN THE MATTER OF:)
)
THE APPLICATION FOR APPEAL OF)
INTERPRETATION OF CURRENT PLANNING)
SUPERVISOR TO BOARD OF ADJUSTMENT)
OF HIS OCTOBER 13, 2017 DECISION)
CONCERNING SOUTHEAST PROPERTY)
GROUP, LLC'S PROPERTY ON MORROW)
MILL ROAD)
)
_____)

TO: Wild Flora Farms, LLC
c/o Kara Brewer, its Registered Agent
82 Jordan Hills
Chapel Hill, NC 27517-6432

Upon due petition by Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray and Doris Ray, Appellants in the above-referenced action, and pursuant to the authority vested in me as Chair or person acting as Chair of the Orange County Board of Adjustment by N.C.G.S. §160-388(g), you are hereby commanded to appear at the Orange County Board of Adjustment Public Hearing on **August 13, 2018 at 7:30 p.m. at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility)** to testify before the Board in the matter of the Application for Appeal of Interpretation of Current Planning Supervisor to Board of Adjustment of his October 13, 2017 Decision Concerning Southeast Property Group, LLC's Property on Morrow Mill Road. This subpoena is a continuing subpoena for your appearance on subsequent dates as set by the Board of Adjustment until this matter has been fully heard.

Ex. A

You are further commanded to produce and permit inspection and copying of the following items at the place, date and time indicated below:

All information Wild Flora Farms, LLC has submitted or caused to be submitted to the North Carolina Department of Revenue and/or to Orange County (its employees, agents and attorneys) regarding its alleged eligibility under and alleged compliance with the provisions of N.C.G.S. §153-340, N.C.G.S. §105-164.13E(a) and/or N.C.G.S. §105-277.3 as well as all information regarding its legal relationship with Southeast Property Group, LLC, the Barn of Chapel Hill, LLC, Kara Brewer Designs, LLC, KB Special Events, LLC, Kara Brewer and/or Chris Brewer.

These documents are to be submitted to the Board of Adjustment at its July 9, 2018 regular meeting, which will be held at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility) beginning at 7:30 p.m.

This 25th day of May, 2018.

Karen Barrows

Karen Barrows
Vice-Chair
Orange County Board of Adjustment

I certify this subpoena was received and served on the person subpoenaed as follows:

- by personal delivery
- by registered or certified mail, return receipt requested
- by telephone communication
- by Sheriff

Date served: May 25, 2018

Name of authorized server: Michael A. Harney - Orange County Planning

Signature of authorized server and title: [Signature] - Current Planning Supervisor
Orange County Planning

BOARD OF ADJUSTMENT SUBPOENA
(N.C.G.S. §160A-388 (g))

_____))
IN THE MATTER OF:)
)
THE APPLICATION FOR APPEAL OF)
INTERPRETATION OF CURRENT PLANNING)
SUPERVISOR TO BOARD OF ADJUSTMENT)
OF HIS OCTOBER 13, 2017 DECISION)
CONCERNING SOUTHEAST PROPERTY)
GROUP, LLC'S PROPERTY ON MORROW)
MILL ROAD)
)
)
_____)

TO: Southeast Property Group, LLC
c/o Kara M. Brewer, its Registered Agent
82 Jordan Hills
Chapel Hill, NC 27517-6432

Upon due petition by Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray and Doris Ray, Appellants in the above-referenced action, and pursuant to the authority vested in me as Chair or person acting as Chair of the Orange County Board of Adjustment by N.C.G.S. §160-388(g), you are hereby commanded to appear at the Orange County Board of Adjustment Public Hearing on **August 13, 2018 at 7:30 p.m. at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility)** to testify before the Board in the matter of the Application for Appeal of Interpretation of Current Planning Supervisor to Board of Adjustment of his October 13, 2017 Decision Concerning Southeast Property Group, LLC's Property on Morrow Mill Road. This subpoena is a continuing subpoena for your appearance on subsequent dates as set by the Board of Adjustment until this matter has been fully heard.

Ex. B

You are further commanded to produce and permit inspection and copying of the following items at the place, date and time indicated below:

All information Southeast Property Group, LLC has submitted or caused to be submitted to the North Carolina Department of Revenue and/or to Orange County (its employees, agents and attorneys) regarding its alleged eligibility under and alleged compliance with the provisions of N.C.G.S. §153-340, N.C.G.S. §105-164.13E(a) and/or N.C.G.S. §105-277.3 as well as all information regarding its legal relationship with Wild Flora Farms, LLC, the Barn of Chapel Hill, LLC, Kara Brewer Designs, LLC, KB Special Events, LLC, Kara Brewer and/or Chris Brewer.

These documents are to be submitted to the Board of Adjustment at its July 9, 2018 regular meeting, which will be held at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility) beginning at 7:30 p.m.

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Karen Barrows

Karen Barrows
Vice-Chair
Orange County Board of Adjustment



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- by personal delivery
- by registered or certified mail, return receipt requested
- by telephone communication
- by Sheriff

Date served: May 25, 2018

Name of authorized server: Michael D. Harvey - Orange County Planning

Signature of authorized server and title:  - Current Planning Supervisor
Orange County Planning

BOARD OF ADJUSTMENT SUBPOENA
(N.C.G.S. §160A-388(g))

_____))
IN THE MATTER OF:))
))
THE APPLICATION FOR APPEAL OF))
INTERPRETATION OF CURRENT PLANNING))
SUPERVISOR TO BOARD OF ADJUSTMENT))
OF HIS OCTOBER 13, 2017 DECISION))
CONCERNING SOUTHEAST PROPERTY))
GROUP, LLC'S PROPERTY ON MORROW))
MILL ROAD))
_____))

TO: The Barn of Chapel Hill, LLC
c/o Kara M. Brewer, its Registered Agent
82 Jordan Hills
Chapel Hill, NC 27517-6432

Upon due petition by Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray and Doris Ray, Appellants in the above-referenced action, and pursuant to the authority vested in me as Chair or person acting as Chair of the Orange County Board of Adjustment by N.C.G.S. §160-388(g), you are hereby commanded to appear at the Orange County Board of Adjustment Public Hearing on **August 13, 2018 at 7:30 p.m. at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility)** to testify before the Board in the matter of the Application for Appeal of Interpretation of Current Planning Supervisor to Board of Adjustment of his October 13, 2017 Decision Concerning Southeast Property Group, LLC's Property on Morrow Mill Road. This subpoena is a continuing subpoena for your appearance on subsequent dates as set by the Board of Adjustment until this matter has been fully heard.

Ex.C

You are further commanded to produce and permit inspection and copying of the following items at the place, date and time indicated below:

All information The Barn of Chapel Hill, LLC has submitted or caused to be submitted to the North Carolina Department of Revenue and/or to Orange County (its employees, agents and attorneys) regarding its alleged eligibility under and alleged compliance with the provisions of N.C.G.S. §153-340, N.C.G.S. §105-164.13E(a) and/or N.C.G.S. §105-277.3 as well as all information regarding its legal relationship with Southeast Property Group, LLC, Wild Flora Farms, LLC, Kara Brewer Designs, LLC, KB Special Events, LLC, Kara Brewer and/or Chris Brewer.

These documents are to be submitted to the Board of Adjustment at its July 9, 2018 regular meeting, which will be held at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility) beginning at 7:30 p.m.

This 25th day of May, 2018.

Karen Barrows

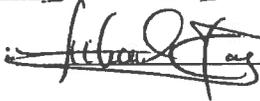
Karen Barrows
Vice-Chair
Orange County Board of Adjustment

.....
I certify this subpoena was received and served on the person subpoenaed as follows:

- by personal delivery
- by registered or certified mail, return receipt requested
- by telephone communication
- by Sheriff

Date served: May 25, 2018

Name of authorized server: Michael A. Harvey - Orange County Planning

Signature of authorized server and title:  Current Planning Supervisor
Orange County Planning

BOARD OF ADJUSTMENT SUBPOENA
(N.C.G.S. §160A-388(g))

_____))
IN THE MATTER OF:)
)
THE APPLICATION FOR APPEAL OF)
INTERPRETATION OF CURRENT PLANNING)
SUPERVISOR TO BOARD OF ADJUSTMENT)
OF HIS OCTOBER 13, 2017 DECISION)
CONCERNING SOUTHEAST PROPERTY)
GROUP, LLC'S PROPERTY ON MORROW)
MILL ROAD)
_____))

TO: Chris Brewer
82 Jordan Hills
Chapel Hill, NC 27517-6432

Upon due petition by Gleta Carswell, Rene Quadt, Margaret Wilkman, Alice Sandra Wilkman, Thomas Ray and Doris Ray, Appellants in the above-referenced action, and pursuant to the authority vested in me as Chair or person acting as Chair of the Orange County Board of Adjustment by N.C.G.S. §160-388(g), you are hereby commanded to appear at the Orange County Board of Adjustment Public Hearing on **August 13, 2018 at 7:30 p.m. at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility)** to testify before the Board in the matter of the Application for Appeal of Interpretation of Current Planning Supervisor to Board of Adjustment of his October 13, 2017 Decision Concerning Southeast Property Group, LLC's Property on Morrow Mill Road. This subpoena is a continuing subpoena for your appearance on subsequent dates as set by the Board of Adjustment until this matter has been fully heard.

Ex. D

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These documents are to be submitted to the Board of Adjustment at its July 9, 2018 regular meeting, which will be held at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility) beginning at 7:30 p.m.

This 25th day of May, 2018.

Karen Barrows

Karen Barrows
Vice-Chair
Orange County Board of Adjustment



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- by registered or certified mail, return receipt requested
- by telephone communication
- by Sheriff *se*

Date served: May 25, 2018

Name of authorized server: Michael D. Harvey - Orange County Planning

Signature of authorized server and title: *Michael D. Harvey* - Current Planning Supervisor
Orange County Planning

BOARD OF ADJUSTMENT SUBPOENA
(N.C.G.S. §160A-388(g))

_____))
IN THE MATTER OF:)
)
THE APPLICATION FOR APPEAL OF)
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OF HIS OCTOBER 13, 2017 DECISION)
CONCERNING SOUTHEAST PROPERTY)
GROUP, LLC'S PROPERTY ON MORROW)
MILL ROAD)
)
_____)

TO: Kara Brewer a/k/a Kara M. Brewer
82 Jordan Hills
Chapel Hill, NC 27517-6432

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Ex. E

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These documents are to be submitted to the Board of Adjustment at its July 9, 2018 regular meeting, which will be held at 300 West Tryon Street Hillsborough, NC (Whitted Meeting Facility) beginning at 7:30 p.m.

This 25th day of May, 2018.

Karen Barrows

Karen Barrows
Vice-Chair
Orange County Board of Adjustment

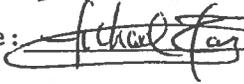


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- by Sheriff

Date served: May 25, 2018

Name of authorized server: Michael D. Harvey - Orange County Planning

Signature of authorized server and title:  - Current Planning Supervisor
Orange County Planning

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

FILED

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CVS

WILD FLORA FARM, LLC, 2018 JUN 25 P 3:51)
SOUTHEAST PROPERTY GROUP, LLC,)
THE BARN OF CHAPEL HILL, LLC,)
CHRIS BREWER, and KARA BREWER,)

Petitioners,)

vs.)

WRIT OF CERTIORARI

ORANGE COUNTY BOARD OF ADJUSTMENT,)
ORANGE COUNTY, GLETA CARSWELL,)
RENE QUADT, MARGARET WILKMAN,)
ALICE SANDRA WILKMAN, THOMAS RAY,)
and DORIS RAY,)

Respondents.)

This matter was heard *ex parte* before the undersigned Clerk or Assistant Clerk of the Superior Court for Orange County upon Petition for Writ of Certiorari, and this Court, finding the Writ should be allowed pursuant to N.C. Gen. Stat. §§ 153A-349 and 160A-393(f), says:

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

1. Respondent Orange County shall prepare and certify to this Court within thirty (30) days of the Writ being issued the complete record of all proceedings, including any audio or video recordings of said proceedings, relating to the Board of Adjustment's May 7, 2018 decision to issue subpoenas to Petitioners;
2. Respondent Orange County shall cause a true copy of said record to be filed with the Clerk of Superior Court within thirty (30) days after the issuance of this Writ and shall simultaneously serve a copy thereof on counsel for Petitioners and on counsel for Respondents;
3. The Petitioners shall serve the Petition for Writ of Certiorari and the Writ of Certiorari upon Respondents in the manner provided for service of a complaint under N.C. Gen. Stat. § 1A-1, Rule 4(j), except that no summons shall be issued.

Respectfully submitted this the 25th day of June 2018.

By:

Clerk / Assistant Clerk
Superior Court for Orange County

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned over the signature line.