**Discussion Board Forum 2 Case Study**

**Property**

Martin has decided to retire after many years as a deputy in a small North Carolina town and as a detective in Raleigh. Though Martin sometimes appeared to be a bumbling law enforcement officer, it turns out that he was a dutiful saver and a shrewd investor, and now he owns an interest in some prime real estate in the North Carolina mountains, as well as a second home on the North Carolina coast.

**Mountain Property:**

Martin purchased the mountain property 31 years ago as joint tenants with a right of survivorship with his friends Peter, John, and Thomas. All of the friends have passed away, and Martin has not been back to the property in more than 20 years.

Peter had apparently indicated in his will that he was leaving his interest in the property to his son Andrew. A few years back, Andrew took out a personal loan using his purported interest in the property as collateral. When Andrew defaulted on the loan last month, the lender initiated a legal action to foreclose on the property. Martin hired an old friend with whom he used to go to church, who is now an attorney in Raleigh, to address the lender’s legal action. The matter is still pending.

Remembering that a trout-filled stream ran through the property, Martin decided to do a little fly-fishing. When he drove out to the property, Martin was surprised to see smoke rising from the stone chimney of a little cabin that someone had constructed in the center of the land since the last time Martin had visited. When he approached the cabin, Martin suddenly heard a shot ring out and a bullet whiz past his head. Ducking for cover, Martin heard a familiar voice. It was Otis, from the small town where Martin had been a deputy, yelling and telling him to “Git off my land.”

Gathering his senses, Martin identified himself and told Otis it was actually his land and that he had the deed to prove it. Otis replied that he didn’t care about the deed, and that he had lived on the property openly and notoriously for some 20 years, and, as far as he was concerned, it was now his. Deciding that discretion was the better part of valor, Martin hopped into his 1966 Pontiac GTO, which he had bought at auction from the sheriff’s office, and headed back east. He stopped in Raleigh to contact his attorney and asked him to deal with Otis’s claim as well.

**Coastal Property:**

Since his fishing trip was spoiled, Martin decided to head to his beach house in Wilmington, NC. Martin noticed several signs for a new Tar Heel Family Resort along the way. The signs all said, “Coming Soon.” Martin half-smiled as he thought about how sorry he was for whatever poor souls owned property next to that tacky place. Turning the corner to the street where his beach house was located, Martin was horrified to see several of his neighbors’ properties were being torn down and that there was a sign stating, “Future home of the Tar Heel Family Resort” positioned right next door to his beach house. When he pulled into the driveway, Martin noticed a bright orange envelope attached to his front door. Inside the envelope, Martin found a notice from the city authorities saying his property was being taken by eminent domain in order to make way for the new resort. The notice had a letter attached talking about all the new businesses and jobs the resort would bring to the community.

Having just survived the encounter in the mountains and now being faced with the loss of his beach house, Martin became enraged and marched down to the city offices to challenge the city’s actions. The city attorney told Martin he was sorry, but that there was really nothing he could do about the seizure of the house. He assured that Martin would receive the full market value for his property in compensation.

Martin returned to his property and placed another call to his attorney for assistance in dealing with the seizure.

**Personal Property:**

As Martin was hanging up the phone he heard a knock at the door. Upon opening the door, Martin was pleased to see a former girlfriend, Miranda. After exchanging pleasantries, Miranda told Martin that she had decided to leave the small town where they had both lived and resettle at the beach. Caught up in the excitement of the reunion, Martin invited Miranda out to dinner at the swankiest restaurant in town: the Riverboat Bistro. Embarrassed, Miranda said she wasn’t sure she had an outfit that was fancy enough for the Riverboat, but Martin assured her that even the fancy restaurants at the beach allowed casual attire, so her casual dress and his polo shirt and shorts should be fine.

When he drove up to the restaurant, Martin noticed a sign that indicated valet parking was available. A young man in a neatly pressed Riverboat uniform, who identified himself as Benjamin, approached the vehicle and asked Martin if he would like his car parked. Martin handed over his keys and walked around to the other side of the car to open the door for Miranda. Taking her arm under his, Martin proudly escorted his date into the Riverboat Bistro as the young man drove off in the GTO.

When he entered the restaurant, Martin was horrified to see that everyone inside was wearing formal dress attire. He quickly ushered Miranda back out the door and looked for the valet. Not seeing the young man anywhere and noticing the sign indicating that valet parking was available was now folded up and lying under some bushes, Martin went back to the entrance and asked the hostess if she could call the valet to retrieve his car.

“Valet?” asked the hostess. “We have no valet service tonight sir. Only on weekends.”

“But what about Benjamin?” argued Martin.

“We had a valet name Benjamin,” she responded, “but he quit yesterday. We are still waiting for him to return his uniforms.”

The Wilmington police officer couldn’t help but snicker as he took the police report. “1966 Pontiac GTO, huh? Shouldn’t be too hard to find that.”

On the cab ride home, Martin felt a mixture of anger and mortification. “It’s fine, Martin,” said Miranda. “I never was that fond of seafood and I’m sure your car will turn up.”

Martin’s car was found three weeks later at the Classic Car Show in Mount Olive, NC. The man showing the car had purchased it from a used car lot in Kinston, NC, which had taken the vehicle from a young fellow matching Benjamin’s description, as a trade for a 1967 Mustang convertible. Neither the man who was showing the car nor the used car dealer had any idea that the vehicle had been stolen. Martin asked for the car back, but the man in possession said he was not giving it up until somebody reimbursed him for the $5,600.00 that he had paid for the vehicle. Martin placed another call to his attorney.