

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY**

### **BOARD OF COMMISSIONERS**

**MEETING DATE:** 21 April 2010

**SUBJECT:** Tuxedo Mill

**ATTACHMENT(S):** Henderson County Code Section 126-12  
N.C. General Statutes Sections 153A-140 and -140.2  
Tax Property Summary  
Property Map  
Indiana Corporate Records "Brittain Holdings, Inc."  
Federal Small Business Loan "Brittain Holdings, Inc."

#### **SUMMARY OF REQUEST:**

Henderson County's Enforcement Department has given repeated notice of nuisance violation to the owners of the former Tuxedo (originally Blue Ridge) Mill.

The record owner of the property is Brittain Holdings, Inc., an Indiana Corporation. No record exists of any corporate bankruptcy. However, the Southern District of Indiana shows bankruptcy filings for Richard W. and Etta S. Brittain (file 08-08943-AJM-7, S.D.In. 2008). In their schedule of debts, they claim to be co-debtors with Brittain Holdings, Inc., in a debt owed to GE Capital Small Business Finance (of indeterminate amount). Mr. and Mrs. Brittain claim no interest in either the Tuxedo property or Brittain Holdings, Inc.

Neither Brittain Holdings, Inc., nor Mr. Brittain, nor the record lienholder have responded to requests to clean up the property.

Henderson County Enforcement officials have inspected the property, and have obtained proposals for the demolition and carting required.

County staff will present further information on this matter.

#### **BOARD ACTION REQUESTED:**

Guidance on future action, and the timing thereof.

HENDERSON COUNTY CODE  
NUISANCE ORDINANCE

126-12 Violations and penalties.

D. Repeated Nuisance Violations. Based on NCGS 153A-140.2, the County may without further notice remedy a violation and charge the expense of the clean-up action as a lien against the chronic violator's property. The County may decide whether to remedy the violation based on the cost of clean-up, the type of violation, and the availability of other remedies possible under this ordinance. A chronic violator is a person who has been cited for nuisance violations at least three times in one calendar year.

## NORTH CAROLINA GENERAL STATUTES

### **§ 153A-140. Abatement of public health nuisances.**

A county shall have authority, subject to the provisions of Article 57 of Chapter 106 of the General Statutes, to remove, abate, or remedy everything that is dangerous or prejudicial to the public health or safety. Pursuant to this section, a board of commissioners may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes. The authority granted by this section may only be exercised upon adequate notice, the right to a hearing, and the right to appeal to the General Court of Justice. Nothing in this section shall be deemed to restrict or repeal the authority of any municipality to abate or remedy health nuisances pursuant to G.S. 160A-174, 160A-193, or any other general or local law. This section shall not affect bona fide farms, but any use of farm property for nonfarm purposes is subject to this section. (1981 (Reg. Sess., 1982), c. 1314, s. 1; 2002-116, s. 2.)

...

### **§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance. (2009-287, s. 2.)

[Home](#)

## Henderson County Real Property Data

[Go Maps](#)[Tax Bills](#)**Property Summary**Data last updated on: 4/13/2010  
Ownership current as of: 8/6/2009Parcel Number **9956157**PIN # **9575642488**

Property Search

Location Address

Property Description

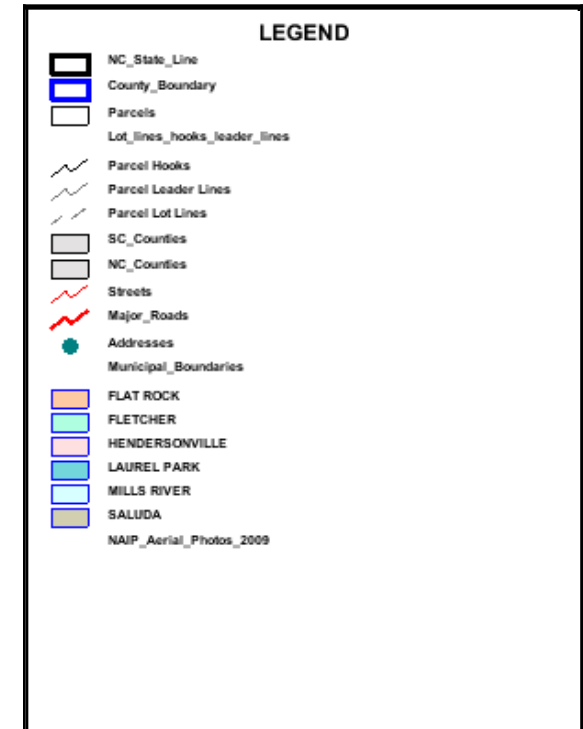
**1299 OLD US 25 HWY****Lot # OLD US 25 ON****Go**[Search Results](#) [New Search](#)
[Parcel](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

|  |                    |   |                   |  |                    |
|--|--------------------|---|-------------------|--|--------------------|
| Property Owner:<br><b>BRITAIN HOLDINGS INC</b> |                    | Owner's Mailing Address<br><b>2021 W CLINTON COUNTY RD<br/>FRANKFURT<br/>IN 46041</b> |                   | Property Location Address<br><b>1299 OLD US 25 HWY</b> |                    |
| <b>Administrative Data</b>                     |                    | <b>Transfer Information</b>   |                   | <b>Property Value</b>                                  |                    |
| Old Map#                                       | <b>9575.15</b>     | Deed Date   | <b>09/20/2001</b> | Total Appraised Land                                   | <b>\$156,600</b>   |
| VCS  | <b>603</b>         | Deed Book   | <b>001075</b>     | Value  |                    |
| City   |                    | Deed Page   | <b>00471</b>      | Total Appraised Building                               | <b>\$1,235,900</b> |
| Fire District                                  | <b>GREEN RIVER</b> | Revenue Stamps  | <b>1900.00</b>    | Value  |                    |
| Township                                       | <b>GREEN RIVER</b> | Package Sale Date   | <b>09/20/2001</b> | Total Appraised Value                                  | <b>\$1,392,500</b> |
| Land Class                                     | <b>FIRE</b>        | Package Sale Price  | <b>\$950,000</b>  |  |                    |
| Spec District 1                                | <b>INDUSTRIAL</b>  | Land Sale Date  |                   | Elderly Exclusion                                      |                    |
| Spec District 2                                |                    | Land Sale Price   |                   | Other Exemptions                                       |                    |
| History Parcel Number                          |                    | <b>Improvement Summary</b>  |                   |  |                    |
| 1  |                    | Total Units   | <b>0</b>          | Use Value Deferred                                     |                    |
| History Parcel Number                          |                    | Heated Area   | <b>174,416</b>    | Historic Value Deferred                                |                    |
| 2  |                    |   |                   | Total Deferred Value                                   |                    |
| Acreage  | <b>6.14</b>        |   |                   |  |                    |
| Permit Date                                    |                    |   |                   | Total Assessed Value                                   | <b>\$1,392,500</b> |
| Permit #                                       |                    |   |                   |  |                    |

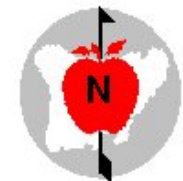
Prints best in landscape mode

Tuesday, April 13, 2010

# GoMAPS - Henderson County NC Public Access



Tuesday, April 13 2010



\*\*\*WARNING: THIS IS NOT A SURVEY!\*\*\*

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

Name Searched On:

BRITTAIN HOLDINGS, INC. (Legal)

## Current Information

Entity Legal Name:

BRITTAIN HOLDINGS, INC.

Entity Address:

2021 West County Road 0 N-S, FRANKFORT, IN 46041

**General Entity Information:**Control Number: 1998021900Status: Admin DissolvedEntity Type: For-Profit Domestic CorporationEntity Creation Date: 2/25/1998Entity Date to Expire:Entity Inactive Date: 9/22/2009There are no other names on file for this Entity.Registered Agent(name, address, city, state, zip):

Richard W. Brittain

2021 West County Road 0 N-S

FRANKFORT , IN 46041

Principals(name, address, city, state, zip - when provided)

Lester N Bergum, Jr.

Incorporator

2 East Washington Street

FRANKFORT , IN 46041

RICHARD W. BRITTAIN

President

1009 S. WILLIAMS RD

FRANKFORT , IN 46041

RICHARD W. BRITTAIN

Secretary

1009 S. WILLIAMS RD.

FRANKFORT , IN 46041

Transactions:

| Date Filed | Effective Date | Type                       |
|------------|----------------|----------------------------|
| 02/25/1998 | 02/25/1998     | Articles of Incorporation  |
| 09/22/2009 | 09/22/2009     | Administrative Dissolution |

**Corporate Reports:****Years Paid**

2000 2002 2004 2006

**Years Due**

2008/2009 2010/2011

**Additional Services Available:****This Business Entity is not eligible to receive a Certificate of Existence/Authorization.****NEW SEARCH**

All the entity information captured by the Indiana Secretary of State, pursuant to law, is displayed on the Internet. For further information, please call our office at 317-232-6576. Copies of actual corporate documents can also be [downloaded online](#).

If you encounter technical difficulties while using these services, please contact the *accessIndiana* [Webmaster](#).

If you are unable to find the information you need through the resources provided on this web site, please contact Secretary of State Todd Rokita's Business Services Division at 317-232-6576.

« Back to the SOS Web site

## SUPER SEARCH

Advanced Search for Assistance

## BY RECIPIENT

Search by Name:   

By Type of Recipient

By Recipient State

By Recipient Cong. District

## BY PLACE OF PERFORMANCE

## BY AGENCY

## BY ASSISTANCE TYPE

## BY PROGRAM

By Program

The assistance database is compiled from government data last released on 03/18/2009



## Assistance Search Results (FY 2001)



(MAP IT)

## Summary

Fiscal Year: 2001

Federal dollars: **\$742,500**Total number of recipients: **1**Total number of transactions: **1**[Get list of recipients](#)[Get list of transactions](#)

## Top 10 Recipients

|                      |           |
|----------------------|-----------|
| BRITAIN HOLDINGS INC | \$742,500 |
|----------------------|-----------|

## Recipient Type

|                  |           |
|------------------|-----------|
| Individuals      | \$742,500 |
| Nonprofits       | \$0       |
| Other            | \$0       |
| Higher Education | \$0       |
| Government       | \$0       |
| For Profits      | \$0       |

## Assistance Type

|   |           |
|---|-----------|
| Loans (both direct and guaranteed)                | \$742,500 |
| Other   | \$0       |
| Insurance   | \$0       |
| Grants and Cooperative Agreements                 | \$0       |
| Direct Payments (both specified and unrestricted) | \$0       |

[Expand all summaries](#) to all values, not just top 5 or 10

## \*END OF REPORT\*

This search was done on April 13, 2010.

The assistance database is compiled from government data last released on 03/18/2009

This search result was produced as a project of **OMB Watch**. The data was obtained from the U.S. Census Bureau's **Federal Assistance Award Data System (FAADS)**.



(MAP IT)

PRINTER-FRIENDLY

## Search Criteria Used (More)

|                       |         |                                   |
|-----------------------|---------|-----------------------------------|
| Federal Fiscal Year   | 2001    | <input type="button" value="GO"/> |
| Level of Detail       | Summary | <input type="button" value="GO"/> |
| Type of Report Output | HTML    | <input type="button" value="GO"/> |

## Top 5 Programs

|                              |           |
|------------------------------|-----------|
| 59.012: Small Business Loans | \$742,500 |
|------------------------------|-----------|

## Top 5 Agencies Providing Assistance

|                               |           |
|-------------------------------|-----------|
| Small Business Administration | \$742,500 |
|-------------------------------|-----------|

\*Note: FY 2008 only includes first two quarters.

## Search Criteria Used

|                       |                        |                                   |
|-----------------------|------------------------|-----------------------------------|
| Recipient Category    | Individuals            |                                   |
| Federal Fiscal Year   | 2001                   | <input type="button" value="GO"/> |
| Assigned Recipient ID | 118599                 |                                   |
| Sort By               | No sort (summary only) |                                   |
| Level of Detail       | Summary                | <input type="button" value="GO"/> |
| Type of Report Output | HTML                   | <input type="button" value="GO"/> |

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