

THE FIRST TIME

When is the last time you did something for the very first time in your life? At my age, 75 years and almost 3 months, it doesn't happen very often; in fact, I can't remember the last time it happened, that is, until it happened yesterday, Thursday, May 20, 2021.

I retired after practicing law for 37 years in 2008. Though I enjoyed my profession reasonably well, I had thought of hanging it up for some time, and when the financial bottom fell out in '08, the decision was easy. I had been doing mostly real estate (which, before the bust, was booming) work the last few years, representing families selling their farms to developers and developers, changing the crops grown thereon from soybeans, corn and wheat to houses, until credit default swaps and other ingenious, or rather, disingenuous tools invented by the Wall Street geniuses to squeeze another drop of profit from the already overly profitable financial markets (maybe someone can explain to me how finance, which, in my admittedly limited understanding, is simply the mechanism by which people with excess cash make it available to those with a deficit of cash for as high a return as they can extract, has so significantly increased as a %age of GNP, while industry, which actually produces something of material value, has decreased just as significantly in the US over the last 25+ years) brought the world economy to the brink of a '29 type depression, thus drying up my area of practice. Before the collapse, our firm had hired a couple of young lawyers and they needed a paycheck worse than I did, so I retired about mid-year, at the age of 62. At the end of the year when I realized I hadn't taken the hours of continuing legal education required by the state bar for the year and that to take them would cost several hundred dollars, and further realized that state bar dues of several hundred dollars would be due within a few weeks, I turned in my law license to save money.

I was often asked if I missed practicing law and my answer was not "no" but "h__k (or I ,depending on who I was talking to) no", and I really didn't. They let me keep my office, so I had a place to hang out and the chance to see everybody, but I could go home and take a nap after lunch and play golf before the working crowd hit the links. And, occasionally I would get asked my opinion about some legal, illegal, or non-legal issue, knowing I wouldn't have to think about it too hard or go to the trouble of writing it.

Actually, after retiring, I had some relatives come down from Charlotte to have me look over some documents about a fairly complicated real estate venture they had gotten into whereby they "sold" some inherited land to a developer but instead of getting paid cash at closing, they'd entered into some sort of joint venture with him whereby they would get paid as and when he sold lots, the enticement being that they were to be paid more that way than if they had sold it outright to him. The problem was that when the real estate market went south, so did his sales, and they wanted to know if they were protected. I had not represented them in the transaction. In fact, they had no independent legal representation; the developer's lawyer was the only lawyer involved. Now, it's not unusual in a routine real estate transaction, such as the sale of a house, for only one lawyer to be involved, because normally the only legal work needed by the seller is to have the deed prepared, which is usually perfunctory. But in a transaction such as the one they'd gotten into, there is no way for one lawyer to adequately represent the interests of both parties. I guess they didn't get their own lawyer in order to save \$.

To make matters worse, the developer/buyer's lawyer was notorious for her sloppy legal work. Though her office was in Charlotte, she handled a lot of real estate transactions in Union Co (the relatives' property was in Mecklenburg) and our office had come across some of it, several times having to straighten out mistakes she had made, and on several of those occasions, only after her "client", who had paid for her mistake, couldn't get her to fix it. She operated a closing mill, representing a number of builder/developers, and handling the closings for their buyers because she was a little cheaper than better lawyers.

The transaction was complicated and the documents were long. I just scanned them while they were in the office, so I asked them to leave the documents for me to review more thoroughly. They were worse than my quick review had revealed. There were a number of potential problems, none of which would have surfaced if the developer sold the lots and paid my relatives as they had contemplated. But, if the lots didn't sell, or if he just refused to pay them when a lot sold, they would have had to sue him, and if he filed bankruptcy, they would have been SOL. I wrote them a long letter, over two, maybe three or more single spaced pages, outlining the problems and, if I recall correctly, even giving the specific wording needed to plug the holes. I suggested that they tell the developer that they had had a retired lawyer relative review the documents, take the wording I prepared to her, and ask her to correct the documents. One of the relevant relatives lived out of state and I drove to Matthews to meet with all of them when she was in town and went over my letter, which I had sent a copy of to each of them, in detail. They thanked me but never offered to pay or otherwise remunerate me in any way. I don't know if the documents got corrected per my suggestions or not, but I think the lots finally got sold and they got their money. As in many transactions, a client never knows if his lawyer was worth his fee unless the deal does awry and his work is put to legal scrutiny.

I may have told the following story in some of my previous ramblings, but I think it's a good story and worth retelling. If you've heard it, please just chalk it up to the repetitions of an old man. Janet has, actually had, as he died within the last couple of years, an older cousin named Lee Douglas Flowe. LD called me at home after I'd retired about a little legal issue he was having. Seems he'd loaned some money to his grandson's friend and had taken a second mortgage on a piece of property the guy had in Albemarle and he hadn't paid LD. I told him what he needed to do to foreclose the mortgage and made a couple of calls to a lawyer in Stanly Co to get the ball rolling. Lee Douglas asked how much he owed me. I told him I'd retired and didn't even have my law license any longer and it would be improper for me to charge him. I think I detected a sigh of relief in his voice as he slowly thanked me and told me how much he appreciated what I'd done and sure wished he could do something. I told him that his cousin, Janet's birthday was coming up and maybe he could get her something for her birthday. Janet could hear the conversation and she began gesticulating for me to not continue down that path. LD asked what I thought she might like and I replied that she liked money pretty good. By now, the gesticulations were getting wilder. LD stuttered, "s-s-she does?" When I said yes, the main theatric that I remember was Janet pulling her finger across her throat as though she was (or is it "were'?) cutting it. "W-w-well, how much do you think I should give her for her birthday?" "Well, \$100 is a nice round number." "It is?" Now birthday girl's face is contorting and her head is swiveling on her neck at break neck pace. A few days later, Janet gets LD's check for \$100. I don't remember if there was a card with it, but it seems that

there were some dried water marks on it, could have been sweat, or tears. I do remember Janet's remark about a year later, as her next birthday approached: "I sure hope Lee Douglas has some more legal problems!"

When I retired, I was ready to move to Ky since Tom, Jr and Tim and their families were there (here, as I write this) and not apt to return to NC. Janet wasn't ready to become a member of the Commonwealth. Since her mom and dad had built a house across the road from her only sibling, her brother Doug, in Kingsport, TN, and since we both love the mountains, we looked all around the NC hills before buying a log cabin between Spruce Pine and Bakersville, the county seat of Mitchell Co, though Mt Mitchell, I suppose for whom it's named, is in Yancey, its neighboring county to the west, while Grandfather, and Mother, Mtns are in Avery, its eastern neighbor. We closed on it in July, 2007 and I sprung a surprise 60th birthday party for her there on Sept 7th. We intended to sell the 60 acre farm on which we'd built our dream house, maybe more mine than Janet's, in 2002 and move to Penland, which is what we call the cabin since it's only a mile or so as the crow flies from the Penland School of Crafts, but at the end of the year, her mother Mary died from a recurrence of colon cancer and her dad Mac came to live with us at the farm in Monroe, since that house is on one level and Penland is on three.

In October, we bought a 95 year old house in Louisville, and Penland's on the market. Janet's been trying to keep Penland in selling condition while I've been trying to keep the 95 yr old's pipes from freezing. Afraid, rightfully, that I'm not giving the geezer house the attention it needs, Adorable Janet (that she is, and besides, that's how she put herself in my phone in order to be at, or at least, near the top, alphabetically) has been here a couple of weeks, and she's been a whirling dervish. I would say that Adorable loves to stay busy; she would say that she doesn't like to sit, at least during the day. I, on the other hand, other than trying to exercise a bit, though not to deter, to at least maybe slow my rate of decline (though I've picked up the pace a bit the last few weeks because, as a result of reading my last rambling story, WESTWARD HO, Tom and Tim have organized a trip in which they, grandson Sam and I fly to San Francisco on June 18 for a few days there and 3-4 days hiking in Yosemite Nat Park, and I'm hoping to be able to hike for more than 100 yds before having to sit), love to sit and read or type, as I'm doing now at noon. Adorable also likes to keep things shipshape (Mac, a Marine colonel, did, too, as did my mom); me, on the other hand, like to keep things handy but reasonably useable, even if they do squeak a little (dad resembled that remark a little-I inherited his little clothes stand which, if I remember, now holds a pair of pants folded over it, a pair of sweat pants and a sweat shirt flung over it, and a pair of jeans hanging by a belt loop from one of its hooks, all much handier than if closeted of drawered. Adorable has pulled all the weeds, including a running sucker that neighbor, Sara, calls Morning Grass (Adorable calls it a wicked something or other); drained, with my slight assistance, the hot tub, and cleaned, without my assistance, same and refilled it; hosed off all the wicker outdoor furniture (I did suck-I found a blower that also sucks-great find- the residual leaves and brown oak wiggly worms and maple helicopters from off and under before when hosed them; got the waterfall guy (we have a little pond with a rubber lining and pump that with the help of LG&E's [Louisville's power co] coal burning power plant, pumps the water up a stack of rocks so it can cascade back into the pool [last fall they had to come out and replace a large part of the rubber lining which required unstacking most of the rocks because a family of chipmunks had eaten thru it to make themselves a home underneath) out

yesterday to drain the pond with a pump, scoop the leaves and scum out, wet vac out the remaining dirt and scum off the bottom, pouring it from the vac into a big bucket and emptying it in the alley behind the house, where Adorable, alarmed that the neighbors would think badly about us before it rains and washes the dirt down to the storm sewer, got out there late yesterday, while I was doing what this story started out to be about (I'm coming to it shortly), and with hose, broom and dust pan, cleaned the alley such that surgery could now be hygienically performed thereon .

Adorable's 2018 Subaru Forester said, right there on its dashboard screen, that it was due for 35,000 mile maintenance so I called Bachman Subaru to make an appointment, which they said they would not have an opening for until June 21, but that I could do a "drop off" yesterday at 3:30, so, while Janet's scrubbing the alley, I head to Bachman's. It should have been a sign of things to come when I had to wait for what seemed like 5 minutes for the traffic on Taylorsville Rd to thin out enough to let me enter from Wallace Ave, a bad intersection anyway since there's a post office across from Wallace with cars pulling out in both directions onto Taylorsville and an occasional one wanting to dart across to Wallace. When the coast seemed clear, I pulled out to turn left on Taylorsville and a car came out of nowhere and turned from Taylorsville and we almost hit. So, I'm a bit unnerved and the traffic was thick as thieves.

I have suffered from a gastro-intestinal problem for which I've seen 3-4 specialists and had a colonoscopy over the last 6-7 years without receiving any clear diagnosis or treatment except that I've got some kind of colitis and to try some anti-diarrhea medicine, with the answer to my question of how much and how frequently being, until you get constipated. Ah, the exactitude of medical science. So, driving in the worst traffic since I've been in Louisville, getting caught at every light, some at the longest lights in the known world, my stomach begins to talk to me, flashing a warning as ominous as the 35,000 mile maintenance warning on the Subaru's screen. OMG! Not now; this can't be happening. It hasn't happened in quite a spell. If I'd had any prior warning at all, I would have dressed accordingly. Come on light, change! I was pretty far back in the lane to turn from Taylorsville Rd onto the Watterson Expressway. It's one of those intersections I mentioned, with lights governing traffic coming from in 4-5 directions. I knew that if I didn't make it when my light changed, the next light cycle for my lane would be eons away. I was yelling at the cars in front of me to step on it, literally yelling. And they're just poking along. I'm right on the bumper of the guy in front of me. The guy in front of him stops when our green turn arrow turns yellow. It was all I could do not to sit on my horn.

The warning signs are getting stronger and the traffic thicker. Where you exit the Watterson onto I-64 E toward Lexington, there are about 6 lanes. It's one of those exits where there's an entrance just prior to it so entering traffic is jockeying with exiting traffic and colitic Tom is in the thick of it, wondering which will come first, a collision or an explosion! Thick as cicadas on 64, and another jockeying intersection where I have to exit onto the Bluegrass Parkway. Then, caught by another long light. There's no way I'm going to make it. Finally, I spot Bachman's and am heading for where it looks like I should turn in but the GPS lady is telling me to turn right before then, which I do, only to realize the service entrance would have been closer if I hadn't listened to her. But finally, I'm pulling up into the 3 lanes into the service area and pull in. There are cars in all 3 lanes and only one service guy and he's talking to the lady driving the car in front of me. Then, suddenly he goes inside the glass doors, behind which there appear to be several people staring at their computers. I turn the engine off, leave the key, head thru the glass doors

saying or asking, I'm not sure in which order, "the keys are in the car-where's the bathroom", and I bolt in the direction I hear.

I distinctly remember the layout: Women In one door, a water fountain in between and Men in the other door. I head in. No one else is in the restroom. There are two stalls with doors, the larger, handicapped one the farthest. I usually use the handicapped stalls because they normally have taller commodes and, of course, handrails. So I enter, close the door and reach for the latch. The handle isn't on it but I stick my finger in the hole where it should have been and was able to slide the locking pin into place. I pushed the door. It was securely locked.

By then, my warning signals had subsided a little but I was happy to be enthroned and soon, some action was accompanied by the sounds that normally accompany such action. And then, some more. I was glad there was a lull in the action when I heard the bathroom door open, steps toward and then an attempt on my stall door. I was glad I'd locked it. The patron entered the smaller, adjoining stall and after a bit of clothes rustling, I saw the running shoes under the stall partition. My commode was next to the bathroom wall, some 3 feet from the partition, so the stall's occupant couldn't see my feet. The activity next door was short-lived, consisting only of, as best I could tell, urine hitting water, the unrolling of some paper, a slight wiping sound, the sound of standing, a slight rustling of clothes, the unlocking of that stall door, the sink water, a paper towel extraction, and the sound of the bathroom door opening and closing. I wondered why the patron hadn't used the urinal and why, when I only heard what sounded like urination, toilet paper being pulled and a slight wiping noise, and then, it dawned on me that I hadn't noticed a urinal when I came in, but then, I was in a hurry. Then I thought about the running shoe I'd seen under the stall. It wasn't large, more like a boy's, or a woman's.

As these thoughts were floating around in my noggin, another patron entered, jiggled my door, entered the other stall, and the same events occurred as I just described with respect to this patron's predecessor. The shoes were similar. OMG! Don't tell me I'm in the Women's restroom! Thank goodness, I'm through, or at least as through as I'm going to be, here, wherever here is. I wrap up my business, all the time thinking, what if I am in the wrong restroom and before I can get out, a woman comes in. What the heck should I say or do? This would be awful. Why, I don't know, but I stopped long enough to wash my hands, with foam soap, and pull down a paper towel and dry them off, before scurrying out the door, and, thank goodness, finding no one in the little alcove outside the two restrooms. Sure enough, I had been in the Ladies room. OMG! Heavens to Betsy! Jumping Jehoshaphat! I can see me now on Spectrum News, being perp walked out, not to Adorable's Forester but to a squad car.

You know what they say: there's a first time for everything. I sure hope that saying is wrong. There are some firsts I don't want any part of, EVER!