

FRANK & JIM

Gleaned from their obituaries:

CHARLES FRANKLIN GRIFFIN “passed away peacefully” (me: have you ever seen an obit which said the deceased died in a rage, screaming obscenities at his wife and children?) at the Cypress in Charlotte on May 12, 2014. He was born in Unionville, NC in 1926 to N. Charles and Mary M. Griffin. He was predeceased by his brothers Joseph M. Griffin and Elbert C. Griffin, sister Kathryn Griffin Hall, and son-in-law Arthur P. Rice. He graduated from UNC in 1947 with a BS (me: I think that stands for Bachelor of Science, not what some of you yokels are thinking) in Commerce (me: now Business, I’m thinking). After his sophomore year, he enlisted in the Navy (me: wonder if he could swim?) and spent most of his two year Naval career in the Philadelphia Naval Hospital due to a severe hearing impairment (me: without his hearing aids, Frank was almost deaf). He graduated from Duke Law School in 1950 and spent the next year at the Duke Legal Aid Clinic (doesn’t sound like the Frank I knew) before returning to Monroe where he practiced law for over 50 years. He is survived by his wife Betsy, daughters, Pamela and Tina and four grandchildren, Sally and Griffin Boiter and Andrew and Caroline Rice.

JAMES EDWARDS GRIFFIN, 85, “passed away” (me: peacefully or fighting against the dying of the light? Remind me to tell you about what Jim told me his father said about dying) in the Hospice House in Monroe on January 3, 2014. He was born in Union County in 1928 to William Doss Griffin, Sr. and Mary Ethel Edwards Griffin (me: remind me to tell you what Jim told me about his mother’s notions about visiting relatives). He served in the Merchant Marines during WWII and “was also well known as an Attorney At Law serving this area for several decades.” He is survived by his wife Joan, three sons, Bart Griffin and Scott and Andy Webb, two daughters, Elizabeth Griffin and Amee Webb; 8 grandchildren, Tyler Griffin, Blair Griffin, Jason Cruz, Scott Foltz, Daniel Foltz, Nina Webb and Nate Brewer. He was preceded in death by grandson Jacob Webb.

Frank always signed “C Frank Griffin”. His mother Mary (remind me to tell you about when she fell and broke her arm at her home in Wingate) was the sister of Jim’s father, Doss, thus making Jim and Frank first cousins. They were both larger than life personalities and each other’s and my good friends (remind me to tell you about being asked to speak at both of their funerals), but they couldn’t have been more different. To whet your appetite, I’ll give an example here at the start. Jim told me that Frank called him and asked him to stop by his office when he got out of court, which, as you’ll later see is where Jim usually was. When Jim got to Frank’s (our) office, Frank said that a lady, who shall remain anonymous, had come by for some advice. She wanted to know whether she, from a legal standpoint, I suppose, was obligated to engage in oral sex with her husband, which he was demanding. Jim said Frank, in all seriousness wanted to know if people actually engaged in oral sex. Jim, feigning seriousness told Frank that he had heard tell of such conduct but that he didn’t know much about it and certainly didn’t know if a wife was required to engage in it, even with her husband (the last 4 words are mine, the writer’s prerogative, often used to add a little spice to a story, even a true one!)

Frank and his then law partner Bob Clark came to the Carolina law school in the spring of 1971, just a few months before I graduated, interviewing potential associates to replace Roy Patton, who had worked for them for a couple of years before hearing and heeding the call of the hills and returning to his native Waynesville. I won't go into a lot of detail about my seeking employment, but briefly, I had an offer to work for a Durham firm in its Chapel Hill office, manned by one Gordon Battle (what a name for a litigator), who, I think later became a Superior Court judge and an offer from Murchison, Fox and Newton in Wilmington, whose James Fox became a federal District Court judge (two of my classmates, Joe Taylor and Carter Lambeth went to work for them) and several opportunities in Charlotte, though none with the larger firms (the biggest at the time were 10-12 lawyers). So when Griffin and Clark offered me a job, even though they were in Union County, which we Mecklenburgers considered our country cousins, at best, I decided that I'd rather be a bigger fish in a smaller pond than...you know the rest of the cliché! I guess they decided that Roy's shoes were big enough that it would take at least two greenhorn lawyers to fill them, so they hired me and a guy named Ken Parsons, who I don't think I knew at all. I don't know how many graduated in our class, maybe 150, but the first year, we were divided into 3 sections, alphabetically, and the ones in your section tended to be where most of your friends came from, and Ken and I were in different sections. I don't remember ever having had a class with him.

I just finished my story MY SPORTING LIFE in which I mentioned having dinner with Frank and Betsy after playing in an alumni v varsity spring football game at Davidson in April or May, a month or so before I finished law school. I also mentioned therein my starting annual salary with Griffin & Clark; \$9600. Sometime after graduation but before the bar exam, Frank wanted me to meet with him in their office in Monroe, so we arranged a meeting on a Saturday morning and Janet, Tommy and I came down and spent the weekend with Mom and Dad. I asked Dad if he wanted to ride down to Monroe with me and, taking off one of his Saturday mornings at his wholesale household goods business, Imperial Mfg & Sales, located about a 4-iron from Panthers Stadium in Charlotte, a rarity, taking off, that is/was for him, we pulled up in front of the office of Griffin & Clark at 314 N. Hayne St, directly across from the east door of the old Union County courthouse in Monroe. Dad asked which building we were going in and when I pointed it out, he rather excitedly, also a rarity for Dad, said that In the upstairs of the building where I was going to practice law for 37 years and would own a half interest in with Frank and later a smaller interest in with additional partners when we expanded our first floor only offices to include the second floor and to include the building next door which we later purchased, was the cotton buyer to whom his father usually sold his wagon(s) of cotton pulled by horses and mules from his farms located between Matthews, in Mecklenburg Co and Weddington, in Union. Dad was born in 1908 and worked on his dad's farm until 1933, so he may have ridden on the cotton wagons from when he was a little fellow, maybe beginning around 1914 until they got trucks, probably by the Depression in '29. He said that cotton wagons were parked along Hayne St for as far as you could see. Talk about Serendipity, and I do, whenever I see it!

I don't remember Bob Clark meeting with us, but I do remember Frank, who had grown up on a cotton farm and Dad enjoying talking about the old days. Jim also grew up on a farm where his father raised cotton, assisted by his children, since he also worked on the railroad. As I said above, Dad left the farm at 25 in '33. Frank left it, though not completely, at 17 in '43 and Jim, for good, at 16 in '44. I've heard

Frank say, though I doubt it was original with him, that he was “called” to the law following a mule plowing cotton. I’ll get to Jim’s “calling” in a bit. I wasn’t really “called” to the law, I just kind of leaned that way because I had a wife and child to support and I didn’t want to sell life insurance or become a banker; marrying, fathering, smoking and drinking eliminated preaching.

Frank apparently was a chip off his father’s, Uncle Charlie to Jim, block. I don’t remember Frank ever talking much about his father, but Jim did, about Uncle Charlie, that is. Jim said Uncle Charlie was all work. He chain smoked unfiltered cigarettes, Chesterfields, maybe. Frank did tell me that after he came back to Monroe and opened his law office (he started upstairs over Secrest Drugs and grossed \$600 his first six months), during cotton picking season he would get up at 4:30 AM, drive an old school bus they had to McDowell St in downtown Charlotte, pick up cotton pickers and drive them to the farms in Union Co where his father was growing cotton, practice law, such as it was, all day, and then pick the pickers up and take them back to McDowell St. He continued that even after he and Betsy were married, and, I think I remember this correctly, Betsy even drove the bus on the occasions Frank had to be in court or was otherwise disposed.

Frank’s father was in the VA hospital in Oteen, just outside Asheville, suffering from TB. I don’t know when this was; it must have been in the late 50’s or early 60’s. Frank and Jim were both practicing law. Jim said Frank asked him to ride with him up to Oteen to see his father, and Jim said the first thing Uncle Charlie said when they walked in his room was, “What the hell are you boys doing here. You can’t do me any good up here. Frank, have you got” and whatever it was, like the back forty plowed or planted or picked or some such, and when Frank replied in the negative, Mr. Charlie told him to get back home and get it done. I don’t think Mr. Griffin left the hospital alive. Jim said that if you’d known Frank’s father, you would know where Frank got his drive and work obsession.

It certainly didn’t come from his mother, Mary, Jim’s aunt, who was very laid back. After Mr. Charlie died and Eb, Frank’s brother, Elbert had moved into the old home place and had taken over the farming operation, Mrs. Griffin bought a small brick house near the Baptist Church in Wingate. Frank and Betsy used to laugh when they’d tell the story of when she insisted on fixing the meal and having everyone over for a major holiday meal, maybe Thanksgiving, and when they arrived, Mrs. Griffin was lying asleep on the couch with the newspaper over her face. She’d dozed off and had forgotten to put in the biscuits or something. Eb and Joe used to laugh about when the family would gather at Eb’s, Frank and Betsy would pick up their mother in Wingate and bring her out, and they couldn’t wait until Frank and Betsy left to take her home so they could break out the liquor.

Mrs. Griffin was a teetotaler, unlike any of her children, though I only met Kathryn once or twice and don’t know of her imbibing proclivities. When Frank was in the NC legislature a bill regarding liquor was coming up and his mother told him that if he voted for it, she and many others would vote against him the next time he ran. He told her, or so he told me (I’m not sure I would have been so straightforward with my mother), that the voters elected him to exercise his judgment and that he was going to vote for it because it was a good bill, and that if she and they didn’t like it that they could elect somebody else, that it wasn’t too good a job anyway! While we’re on his mother, after I was practicing with Frank, he and Betsy were out of town and her neighbor called the office to tell Frank that she’d fallen and may

have broken her arm. Mary Laney, a longtime secretary of Frank's as well as a friend and member of Central Methodist Church where Frank and his family belonged, rode with me down to his mothers in Wingate and we drove her to the hospital in Monroe. On the way, I told her that there was a new husband and wife team of orthopedists in Monroe and suggested that she see one of them. She agreed and I asked her which she would prefer to see. She said "You know I'm a widow. I think I'll see the man." I guess the Griffin brothers, all three of whom had a good sense of humor, got it from their mother.

I never knew either of Jim's parents or any of his siblings except his sister, Margaret. He told me that one of his brothers was in combat against the Japs in the Pacific. The main reason I remember that is because Jim said his brother said that in close combat, your shovel (you military guys, is it also known as the trenching tool?) was your best weapon, and a little further apart, the sawed-off shotgun. I assume he spoke from experience. One brother worked for, in management, I'm sure, maybe even a part owner of a cardboard box manufacturing company with a plant in Marshville, which was part of or merged with a big outfit named Rock-Tenn, if I remember correctly. I think another brother (I don't know which fought the Japs) got in the poultry supplies business and did well. I'm not sure exactly when or how Union Country got so heavily into the poultry business, from raising eggs, chickens and turkeys, to processing and freezing and shipping them. This story can go in so many directions at this point that I'm not sure which path to follow, but I'll tell this little gem from Jim, who did a lot of work for the poultry industry. He was involved in the negotiations for the purchase/sale of some poultry related company which involved some pretty big money. After much argument over the terms, the parties agreed on everything but the feed sacks, and that was a hotly contested issue. After it was finally resolved, Jim asked his client what the big deal was with the feed sacks, as the money involved with them was a drop in the bucket relative to the whole deal. Jim said his client said, in words Jim would often use: **"You don't understand!** Those feed sacks aren't on the books and we are paid for them in cash. Momma keeps the books, but she doesn't know about that money. That's **MY** money!"

Jim's father got cancer of some kind and it was progressing rather rapidly. Jim said he took him to one of his doctor's visits and the doc told him that without further treatment (apparently he had undergone some, not pleasantly) that he might have 6 months to live, but with more treatment, maybe another 6 months. Mr. Griffin told the doc that he didn't want any more treatment, explaining that an extra 6 months wouldn't matter much to him. He said that sure, he would enjoy a few more months with his wife and knew that she would miss him when he was gone, but that he had lived to see all of his children grown and married and have children of their own, and that was enough for him, more than enough not to have to endure further treatment. I don't know how much longer he lived, but in Jim's telling about his father's attitude toward death, I could tell that he admired Mr. Doss's decision and under the same circumstances would make the same one.

I don't know how long Jim's mother lived after her husband's death, but I'm sure for some years and she remained in her house on her farm, just a few miles out of the small town of Marshville. Jim and his family lived in town and visited his mother frequently on the farm, but rarely would she come to his house. When he asked her why she didn't want to come visit there, she said that she might see or hear something which might cause her to say or do something that might be interpreted as critical, and she didn't want to take that chance, but that they were always welcome at her house.

I don't know whether Frank and Jim's families visited much back and forth when they were growing up or how much they saw of each other. From what little I know about them, and now you know as much about them as I do, I doubt that their fathers would have had much in common, but I expect Frank's mother and Jim's father kept the families reasonably connected. Jim was something of... what shall I say, a free spirited, fun loving guy, irrepressible, certainly passionate, or maybe just a bright young man who marched to the beat of a different drummer than most, and most especially cousin, Frank, who was always risk averse and main stream, though I will say that in some ways, he was wide open. A gentleman, who's name I don't remember but who spoke with a slight speech impediment called the office to see Frank, who had moved to the Cypress, a very upscale "go to die" (my son, Tim's close friend since their freshman year in college and now a veterinarian, as is his wife, in Fla, Danny Grossman, also used that term when he was up here a few weeks ago for Tim and wife Sara's 50th birthday pig pickin') facility in Charlotte but who still drove down to the office, initially 5 days a week, but gradually less and less, thus seeing me rather than Frank for what turned out to be an issue I convinced him he need not worry about. He was probably in his mid-80's and owned a farm near the Griffin's "river farm" on the Rocky. He remembered Frank barreling by on a tractor headed to the river farm with, in his words, "his shirttail flying."

Frank drove his International Lowboy with its belly mower, then his Kubota with rear mower and finally his Yazoo around Lakeview where he and we lived (more about Lakeview later) with abandon, maybe not reckless abandon, but darn close. Once I borrowed neighbor Jim Rains' motorized post hole digger for some reason and Frank's wife Betsy saw me using it. Frank called me and asked if I could bring it over to his house and dig a few holes where Betsy wanted to plant some bushes, which I did. It was a good-sized machine, with handles on both sides for two people to hang on to it. I fired it up, with me on one side and Frank on the other. It's a wonder it didn't bore a hole in both of us, or at least eliminate a foot. I could handle it fine by myself, but Frank tried to force it down into the ground, and it rebelled, bouncing and jerking around. To preserve life and limb, I shut it off. I don't remember what I said to wild man Frank, but I dug the holes with just me on the machine. He liked to have set his two story plus a full basement brick, largest by far house in Lakeview on fire when he tried to pour gas in his Yazoo and it splashed onto the hot engine and caught the mower on fire in or very near the utility room in the basement where he kept it.

Soon after I met Jim, I heard the story, from several, including Frank that he, Jim, that is, was having an affair with his married high school English teacher when he was 16. I never asked nor heard Jim ever talk about it. The story went that he was making it with her in her living room while her husband was asleep in the bedroom. That part I questioned until 20 or so years after first hearing it, Reece Moore verified it. I knew Reece and his wife Carolyn from Matthews Baptist Church where they and my family were members when I was growing up. I was doing some legal work for them (Carolyn was an Atwell who grew up with several siblings on a farm in Mooresville on NC Highway 150 and through which I-77 was built, my involvement with which deserves a story of its own) and learned that Reece was Jim's classmate at Marshville High School. Not only did Reece know the story, he said that he dropped Jim off at his teacher's house at night more than once.

The story goes that the husband found out about his wife and Jim's trysts (I don't know whether he got up for a glass of buttermilk from the kitchen or what) but a scandal erupted or was about to when Jim's father negotiated a settlement, resulting in shipping Jim off to the Merchant Marines, since he was too young to join the military. Jim did talk some about his experiences in the MM. His ship was in the Mediterranean when V-E Day was declared and he and some of his shipmates discussed the war with some former German soldiers, apparently not Nazis in a bar. Jim said they were very friendly and talkative (I assume someone could translate, though, and I'm not sure about this, he may have said that one of them had lived in England or the States and spoke pretty good English) and didn't seem to know about Nazi atrocities, including the murdering of Jews. Jim was on an oil tanker in the Indian Ocean when "Little Boy" was dropped on Hiroshima and "Fat Man" on Nagasaki. I wish I had asked him more about his MM experiences. He talked about them openly.

When the war ended, Jim was old enough to and did join the Army Air Corps to get the GI Bill to go to college. I don't know how long he was in. He said he was teaching airplane engine maintenance and when I asked him what he knew about that, he said nothing, but that he could read. General Curtis LeMay, who conducted the napalm fire-bombing of Tokyo was either over or high up in the Air Corps and put out a directive about something, let's say that it said that a certain type carburetor could be rebuilt in under 10 minutes. Jim was stationed at a base somewhere in Texas and they got the directive. All the mechanics were grumbling about it, saying there was no way. Jim said one day a plane flew in, unannounced, and General LeMay, a cigar stub in his mouth got off, walked into the hanger, took his coat off, rolled up his sleeves and ordered someone to bring him a carburetor, a repair kit, and a tool box, then said to time him. Wrenches flew and in less than 10 minutes the carburetor was rebuilt and he said "now don't tell me it can't be done in 10 minutes", put his coat on, walked out and got on the plane and off it flew.

Jim used the GI Bill to go through Carolina in 30 months. Since he was older than most undergrads, he said he fraternized with some of his professors, having an occasional drink with them. His political science professor Alexander Heard asked him what he was going to do when he graduated and Jim said he thought that he'd stay in Chapel Hill and go to law school. Heard told him that Harvard Law was looking for some southern boys, that he could do the work there and should apply. Jim did and graduated from Harvard Law School three years later. As a side note, Heard became chancellor of Vanderbilt University and my father-in-law, McDonald D. Tweed, Colonel USMC, became friends with him when Mac was director of Naval ROTC for 3 years, ca. 1969-72, and then director of University security for 10 years following his retirement after 33 years as a Marine Corps aviator. An aside to the aside: while we're talking about law school, Mac took the Vandy ROTC job on the implicit condition that they admit his son Doug, my brother-in-law, a national merit scholar at Duke whose terrible grades put him on the waiting list at Duke and UNC law schools, and who, having taken the Marine Platoon Leader Course at Quantico the summer before his senior year, was headed straight to Vietnam as a 2nd Lt (Mac, as a helicopter squadron commander, personally flew over 600 [non-combat, except to put troops into combat and extract them] helicopter missions in Nam, 1966-7, didn't want Doug going). Vanderbilt Law School accepted Doug. He finished near the top of his class, served 3 years in Marine JAG and became a partner in the largest law firm in NE Tennessee, in Kingsport. Chancellor Heard told Mac's wife Mary

that Mac was one of, if not the most loved by the students person at Vanderbilt. While Janet and I lived in LakeView (1972-92), Mac bought a Lake Lee front lot from Frank, thinking that they might build there, but when they decided to build in Kingsport, across from Doug, he sold the lot to one of Jim Rains' daughters.

I would have loved to have been a fly on the walls of Harvard Law when Jim was there. To know why, a little description of Jim will help. Of course I didn't know him at Harvard in the mid-50's or in Monroe until 1971, so this is from then and later. He was short, probably not over 5'6-7", usually had a chew of tobacco in his mouth with a little juice dripping therefrom, black hair combed almost like Elvis, and murdered the king's English, interspersed with the salty language that you would expect from a Merchant Marine. Occasionally, when in deep thought, he would roll his eyes back in his head so mostly the whites were visible. He dressed modishly, wearing short boots and double knit, wide lapel suits with bell-bottom pants when that look was in style.

Frank was 6' and wore a middle-age tire around his belly. He was one of the most well-dressed men I ever knew. He had a closet full of suits, and though I don't ever remember seeing a label or asking him who his haberdasher was, I suspect most of his wardrobe consisted of Hart Schaffner & Marx or the equivalent. He always wore cleaners' laundered and starched shirts and dropped off his probably Allen-Edmond or equivalent pairs of shoes to be shoe-shined at the barbershop where he got the hair on his balding head cut every 2 weeks. More about his partner, Bob Clark later, but for now I'll mention a surf fishing trip Bob got up with one of his builder clients, Leroy Rushing and some of Leroy's workers, in which they were going to sleep in the back of their covered pickups on the beach at the Shackleford Banks, near Morehead City, NC. I don't know how Frank got talked into going. I had just started working for them and not only didn't get invited to go, I didn't hear much talk about the trip before or after it. But a few weeks later we had a county bar meeting and District (the lower level trial court) Court Judge Amy Webb from Rockingham was invited to attend and give a little talk. He said he'd heard that Frank Griffin had gone on a fishing trip wearing double knit britches and a pair of wingtips. That got the biggest laugh of the night. Frank laughed the loudest!

While I'm on Frank and clothes: the Monroe-Union Co Chamber of Commerce began sponsoring a wingding in Raleigh to curry favor with the Legislature, which consisted of the HASOBS (I'll give you a clue: HA is the abbreviation of two words for which could be substituted two other words, "one cheeked"), a loveable but somewhat irascible group of older guys who were master grillers grilling turkey steaks and fixing fixings, all to be washed down with what seemed like the entire contents of the Monroe ABC store on a farm owned by the Monroe headquartered, major project, including state highways construction firm, Dickerson. A large contingent of Union Co movers and shakers attended, to shake the hands of and attempt to move the legislators in ways favorable to "Sweet Union". The Jaycees were the servers, pourers and bus boys. On or after 1984, which date I'm able to peg because I was driving the 1984 Ford 150 conversion van I had bought to transport me and my family 9,000 miles in 23 days, leaving home the day after school was out and visiting most of the National Parks in the West and my cousin Pat, a Naval officer attending the Navy graduate school housed in the Presidio in Monterey, CA, and his family. ***Those of you who have or who have attempted to read any of my previous ramblings know that I occasionally, well, sometimes, urr, OK, often leave the road I'm traveling to chase

a rabbit or two which may have run out of the briar patch. Bring your shotgun along and maybe we can get the HASOBS to throw a bunny on the grill to keep the gobbler company!***

As I was saying, in or after 1984 I volunteered to drive my van and take Frank, Harold Shirley, the 2nd in command at Dickerson after Dick Dickerson himself, who Frank was close friends with, Harold that is, not Dick (I'll try to remember to tell about why Dick and Frank weren't buddies) and Sheriff Raymond Goodman of Richmond Co, a close friend and political ally of Frank and Harold's (the Sheriff could deliver Richmond County to any political candidate he chose to) in Rockingham, and then head up US #1 to Raleigh so they could move and shake. We arrived a little early so I, though not a Jaycee, could help get things set up. Frank, Harold and Sheriff Goodman began movin' and shakin'. I was busy setting up, serving, pouring and bussing, and didn't see Frank, or the other two, either for 2-3 hours. As the shindig was beginning to wind down, Nat Greene, the executive director of the Chamber sought me out and asked if I had seen Frank, and when I said "no,why?", he said I'd better check on him because he was not 3, but 4 sheets to the wind. Big Frank had started drinking soon after we got there and probably hadn't eaten much, if anything. He was in his element, moving and shaking and back slapping and telling stories among his favorite people, politicians and those who backed them and/or tried to influence them. Somebody else must have been baby-sitting Harold and the Sheriff.

I somehow got Frank to and in the van and drove to our hotel. Frank stumbled out and fell down in the parking lot, tearing a hole in the knee of his expensive dacron and wool tan slacks. I got him into his room, which, thank goodness was on the first floor and where I was able to park just outside. I sat him down on the bed, took his shoes and clothes off down to his skivvies and tucked him in. I threw those nice slacks in the Dempsey-Dumpster so Betsy would never see them. Fortunately Frank had brought a change of clothes. As far as I know, Betsy never knew about that incident. He probably had another pair of pants just like those in his closet, or soon bought a pair just like them. The next morning, Frank and I went to breakfast. He wasn't or didn't seem hung over and apparently didn't remember the night before, until, I guess, though I don't remember telling him what happened, he missed his nice pair of tan slacks. I've had a pair just like them for probably 30 years. They're my favorite pair of pants. I wore them to my niece, Meredith's wedding last fall in Annapolis, MD.

Ken Parsons and I learned how to check titles to real estate, which we learned nothing about in law school. Years later, I would see his notes in a file on a piece of property and was reminded how neat his notes and handwriting were, unlike mine, and definitely unlike Bob's and Frank's. A not so neat part of Ken's life was his marriage. I don't know how they met, whether or where she went to college, or anything else about Cheryl Matthews, except that she grew up in Oakhurst, an eastern Charlotte suburb where I attended Oakhurst School, grades 1-12 when I started 1st grade in 1952, dropped to 1-9 when East Meck opened in '53 or 4, then to 1-7 when McClintock Jr Hi opened and then to 1-6 when Mc added the 7th to grades 8 and 9, graduated from East Meck a year ahead of me, with her "not the brightest bulb in the chandelier " brother Johnny, who graduated with me. Janet and I and 3.5 year old Tommy (Tom, Jr) rented a small house in Sutton Park, which during WWII was Camp Sutton, a US Army camp, for a year before buying a house a year later in Lakeview Estates for \$45K, borrowing \$2500 from each of our sets of parents and \$40K from Peoples Savings & Loan, with payments of \$279/month. Ken

and Cheryl bought a house their first year in Monroe, in Helms Park, several miles up US 74 (Roosevelt Blvd in Union Co, Independence Blvd in Mecklenburg), if I recall correctly.

I don't think Cheryl worked. They didn't have children. I don't remember whether we were paid weekly, bi-monthly or monthly, but Cheryl knew the day and time when Mary Laney wrote the paychecks and she came by the office and picked Ken's up before the ink dried. We would see him with flowers he'd bought from the florist to take her and Mary said that often he would borrow a few dollars from petty cash. Once he came to work with some bruises on his face which he later told me came from dishes she threw at him. I don't remember how long Ken lasted, maybe not even a year. Frank learned that he was teaching night courses at the community college to make ends meet and promptly fired him. I don't know how long their marriage lasted. They moved to Charlotte and Ken opened an office, handling mostly real estate closings. I rarely saw him after he left Monroe and have no idea what happened to him.

I mentioned earlier that Frank made \$600 in 1951-2 over Secret Drugs, and I think most of that was from doing tax returns. Mr. Henry (that's what I called him the few years I knew him before he passed away) Smith was from Unionville, like the Griffins and had probably known Frank all his life. VA and FHA loans were financing houses springing up for veterans and others around the county and Frank wanted to close some of those loans, but they required title insurance and Frank hadn't been practicing long enough for title companies to accept his title opinions, so he approached Mr. Henry and said that he would check the titles and prepare the documents and close the loans if Mr. Henry would sign the title opinions, and that was the beginning of Smith & Griffin.

Frank thought the world of Mr. Henry, who as either a state representative or senator or maybe both may have whetted Frank's appetite for politics. I'll throw in this humorous but insightful as to peoples' love of money story. Some fellow with apparently rather substantial assets, we'll call him "Mr. Warbucks", came to Mr. Henry to prepare his will. He came in several times and Frank asked Mr. Henry when Mr. Warbucks was going to sign his will. Mr. Henry said that Mr. Warbucks was fine with what Mr. Henry had written in his proposed will until he came to the words, "I hereby give". Mr. Henry had two sons and maybe a daughter. One was Henry B. Smith, Jr., who went by Henry B and graduated from UNC and UNC Law. Henry B told me that he was so unconfident that he would pass the bar that he had lined up an insurance adjusting job in Hawaii, but he must have been a pretty good limbo-er because he slipped under the bar and came to Monroe and joined his dad and Frank. Suffice it to say, Frank couldn't stand Henry B. Well, that won't completely suffice; it needs supplementing. Frank said Henry B would lollygag around, knowing he had a deadline on something, and at the last minute would monopolize the secretaries in order to meet the deadline. Frank, who never procrastinated on anything, couldn't stand it. He told me that he told Mr. Henry: "Henry, you know I'd practice with you as long as you want, but I can't practice with that boy of yours another day." Smith, Griffin & Smith became Smith & Smith.

It's been mostly Frank the last few pages and I don't want to neglect Jim, who must have started practicing in Monroe, though he lived in Marshville, 5-6 miles east of Monroe and 2-3 miles east of Wingate on US 74, around 1956-8. I guess he practiced by himself. He was a Recorder's Court (I'm not sure exactly what the court system was like before it was reformed in 1968, thereby establishing 2 trial

courts [I'm not counting Small Claims Court where cases below \$500 were heard by a magistrate, appealable to District Court]; District Ct, which heard misdemeanor's and conducted probable cause hearings on the criminal side and tried civil cases where the claim for damages was less than \$10K, and Superior Court, which tried everything else) Judge, similar I suppose to District Court for a while, but that was only for a morning or two a week. I don't know if Jim set out to be the "go to" criminal lawyer in Union County, but that's what he had become by the time I arrived in '71. If you were charged with anything from J-walking to dismembering your spouse, you wanted Jim representing you. Early on, I would occasionally go to District Ct on a traffic ticket. There may have been 100 or more cases on the docket and Jim usually represented half or more of those charged. Once the judge opened court, the assistant district attorney would call the whole calendar. Unrepresented defendants were asked whether they were pleading guilty or not guilty. Represented defendants' attorneys would answer for them. Jim often didn't make it to calendar call, sending his secretary who would answer for his clients, saying simply "Mr. Griffin represents him/her" and the assistant DA would say, "hold it open." I'll talk about Jim's criminal and other practice a bit later.

I think Bob Clark, who must not have been much younger than Henry B, was an associate with Smith, Griffin & Smith and joined Frank when he left the Smiths. Frank was 20 years older than me (I know, I know, you obsessive-compulsive grammarians, under your rules "me" should be "I", but I think "me" sounds better here, and since this is my story, I'm going by my rules, so get over it) and Bob 6 or 8. I don't know how long he had practiced with Frank and the Smiths or how long he and Frank had been partners when Ken Parsons and I joined them in 1971. Bob had been something of a high school football hero and had gone to Carolina undergrad and law and I guess came straight home to Monroe when he passed the bar. Though no more than 5'8-9, he had a bit of swagger, bolstered by his rather strong personality, his not exactly loud but louder than most voice and his quick laughter. He was an only child. His father had worked for the hometown bank American Bank & Trust and had passed away but his mother was living. I think the Clarks were members of Central United Methodist Church, as were the Griffins.

I don't remember Bob's wife Vangie's maiden name. Her older sister, Vivian was married to Charlie Norwood, a Davidson College graduate, circa '52 or '53, baritone in the 1st Presbyterian Church choir, whose volume, Charlie's that is, not the choirs' was always turned up to fortissimo, and rising star at American Bank. Bob and Vangie, Bob, especially, were the hippest of their age group in Monroe. Rather than living in Stewart Park, a fairly large and established subdivision within a few blocks of downtown where Frank and Betsy lived, or Lakeview which Frank was a partner in the development of and in which he was building a house in 1971, Leewood, adjacent to the public Monroe Country Club, Rolling Hills Country Club or on some of the close to downtown streets, some with stately older homes, they had Bob's client, Olin Hill build them a fairly modest brick house on a gravel road a mile or two west of town, which may have been on some land owned by the Clark family. The only time I remember being there was when the Tar Heels played in a bowl game after the '71 football season, which was televised on a weekday afternoon, and Bob invited me to take off a few hours and come over to his house to watch the game. Janet remembers going to a cookout there. Vangie and Bob had 3 children, all 3 of which may have had unusual names, the one I remember being Alaric, who was called Alaric, not Al or Ric. I don't

remember who but someone who had personal knowledge said that more than a little pot was smoked at the Clark hacienda. If Frank had known that he would have had a stroke.

I'm going to take a pretty long detour here and talk about Bob, whose story of course Frank figures prominently in and in which Jim will make a cameo appearance, but first, a short but interesting side detour. As I've mentioned before, Griffin & Clark's office at 314 N. Hayne was directly across from the old courthouse. When I started practicing with them, the new courthouse and county office building was under construction and almost complete, a block away on land which had contained slums which had been razed by the Monroe Redevelopment Commission, which Bob and Frank represented. Pending completion, the old courthouse was still occupied by the Register of Deeds and Clerk of Court's offices and some other county offices and court was still being held in the historic courtroom on the 2nd floor. Soon after I started, maybe even the first week or two, Bob took me to criminal District Court calendar call in the courtroom. The lawyers went to the 2nd floor up a small flight of stairs on one end of the courthouse and entered the courtroom through a door near the judges' bench and took seats in chairs separated from the audience by a wooden "rail fence" all the way across the courtroom, with two openings for folks in the "congregation" to enter the hallowed grounds through swinging gates. The public, mainly the alleged "criminals", their witnesses, family and friends and other spectators went upstairs on a wider staircase at the other end of the courthouse and entered the courtroom through the rear doors. From the 2nd floor vestibule outside the courtroom was a set of stairs leading to the balcony which stretched all the way across the courtroom.

Bob and I took chairs beside an older lawyer, probably the oldest member of the bar, whose name I can't recall but whom (or is it who, you sticklers?) I'll call him Mr. Sam Jones for the purposes hereof. Bob introduced me to Mr. Jones, who, in a high pitched voice loud enough to be heard throughout the court room, said, and this is close to verbatim: "Bob, have you been down to see those GD" (my abbreviation, not his) "Atlanta Braves play. I went down there to see 'em. They started 3 or 4 GD" (again, his words were unabbreviated) "N_____ers and when a white boy would get on base, they'd put a N_____er in to run for him. I ain't going back to see a bunch of GD N_____ers play." The court room was almost full, a large percentage black. I thought Mr. Sam Jones was going to provoke a race riot, but nobody said a word. Quite an introduction to justice, Southern style!

Jim later told me some stories about Mr. Sam Jones, who was, like Jim later was, the Recorder's Court judge. Judge Jones was bad to drink. The bar got together and decided they should confront the Judge about his drinking while on the job. They appointed Mr. Henry Smith and another lawyer to confront Judge Jones, which they did one morning when he was holding court, inebriated. When they asked him to step down from the bench, he refused. When court was over and he took off his robe, the Sheriff arrested him and threw his honor in the drunk tank where, as judge a few hours earlier, he had thrown some of his now cellmates. Picture that scene! Jim also told a story about Coble Funderburk, a prominent criminal lawyer with a booming voice who I told a story about in my recently completed story, MY SPORTING LIFE. The story merits repeating here. Waiting for our cases to be called in District Court, Big Fundy told an audience that included me, Joe McCollum, who recently died from Covid, and later Monroe mayor, Jewish Lew Fisher the story of when he was playing basketball at Furman and the coach told him to guard the Jewish Georgia Tech star, sticking to him like glue, and Coble, every time he

went up for a shot poked a finger in his belly and said “you Christ-killing son-of-a-bitch!” And one more: A sharp lawyer with a high pitched voice, maybe Osborne Ayscue, whose son, Ozzie was a very prominent lawyer with a very prominent firm in Charlotte, 10-12 years older than me, said to him: “Coble, I’d give a million dollars for your voice but I wouldn’t give a nickel for your brain!”

Back to Bob, who closed a lot of house sales for Leroy Rushing. The first closing I set in on was attended by Leroy, the real estate agent, and the buyers. Bob had a legal pad and asked what the purchase price was and wrote it at the top of a page. Then he asked if any earnest money had been put down and wrote it down to deduct from the price. He had the loan package from Peoples Savings & Loan located just around the corner, wrote down a credit for the loan amount, then debits for all the loans fees, attorneys’ fees, etc, looked at a table that prorated the property taxes based on the date, crediting and debiting Leroy and the buyer as appropriate, then, on a non-electric adding machine with a hand crank, totaled the debits and credits , pulled the crank, and announced and wrote down how much the buyer had to put in the pot and how much Leroy was going to get from the pot. The buyer then wrote a personal check to Griffin & Clark, which, together with the check from the S&L for the loan amount would be deposited in the firm’s trust account. Bob then took the single piece of paper to his secretary who wrote checks disbursing the funds from the trust account to Leroy, the real estate agent, the S&L for its fees and to Griffin & Clark for theirs, and made a photocopy of the “closing statement” for all the parties. I couldn’t believe this was all done at the closing table with no previous preparation. While in law school, I had passed the test and gotten a real estate salesman license and sold a few houses. The firm in Chapel Hill that closed them had developed a printed closing statement form, with the seller’s ledger on one side and the buyer’s on the other, and a place for receipts and disbursements at the bottom. Luckily, I had saved a couple of blank forms and introduced it to the firm and thereby to the Union Co bar. It became the standard closing statement in town. When Congress mandated certain real estate closing documents, including the “HUD-1” closing statement, I think they plagiarized my, no actually the Chapel Hill firm’s form I plagiarized from them. I wonder who they stole it from?

Bob represented a wild man from Union County named Jerry Rushing, no kin to Leroy as far as I know, as the county is full of Rushings, the name being at least in the top 10 of family names, led by Helms, followed by (this list is not taken from a scientific study but is buttressed by the names in the index to the deeds in the Register of Deeds) maybe the Griffins, Funderburks, Stegalls.... I don’t remember ever meeting him but I heard plenty of stories. I just googled “creators of the Dukes of Hazzard” and there is a rather long Wikipedia article on Rushing, starting with his early training as a “moon runner”, hauling white lightning made by his family in a 1958 Chrysler he named Traveller for General Robert E. Lee’s horse, his telling his stories to a movie producer named Gy Waldron who made them into a “B-movie, Moonrunners” in 1975, which was the basis for the TV series, the Dukes. He died in 2017 after owning and operating a wild boar hunting preserve near Taylorsville, NC. Rushing, allegedly, intentionally buzzed his airplane low over a flock of turkeys being raised for meat in a fenced outdoor enclosure (this was before they began raising them in huge houses) and the not too bright fowl (I’ve heard that a turkey will drown itself raising its open mouth skyward to drink rain, though I’ve never witnessed it and though I’ve never seen any wild turkeys lying dead from swollen bellies in the mountains near the cabin we owned near Bakersville, NC, where wild gobblers were abundant) and the turkeys flew up in the trees,

some impaling themselves on dead tree limbs, some breaking their necks, and most all so terrorized that they wouldn't eat. The turkey farmer, who had gotten cross ways with Rushing before about flying over his flock, sued Jerry and Bob defended him. The case went to trial. I don't remember the outcome.

Somehow Clark got mixed up in the music business, theoretically (I use that word because I don't think the firm ever got a nickel from them) representing some long haired dudes who came in the office from time to time and used the office phones to make long long-distance calls and who Bob occasionally advanced money to out of the trust account (our, as many lawyers' trust accounts were, trust account was used with such little oversight that the state bar eventually stepped in to regulate them, not just ours, of course, every lawyers' in NC). I guess Frank, who didn't represent any long hairs or guitar strummers unless they were defendants in an automobile wreck whose insurance company he'd been hired by to defend, thought Bob was maybe going to make some money branching out into entertainment law, though in retrospect, I don't see how he would have thought that was plausible.

I don't remember how long this went on, for over a year, at least, continuing after they fired Ken Parsons. Frank started asking me, the firm's employee, what I knew about Bob's involvement in the music business, which had really become a side venture for him. I didn't know anything but felt pretty darn uncomfortable with the position I was being put in. Frank's questioning me picked up pace and he began confiding in me about his growing displeasure with what was going on, occasionally confessing that he knew he was putting me in a tough spot, but the next day it would be more of the same. I don't know how or how heavily Bob got involved with the rock opera, "Tommy", but on a Thursday he asked me to handle a closing or something for him on Friday because he was going to be in Charleston with "Tommy". On Friday, Frank asked me if I knew where Bob was and I told him what I knew. Though he wore hearing aids, they didn't stop the steam emanating from his ears. If I recall, this was near Thanksgiving and we had driven out to visit Janet's folks in Nashville. We drove home Saturday. Frank called me late Sunday afternoon and asked me to meet him at the office. He told me that he and Bob were splitting up. I don't remember whether he asked me who I wanted to go with, but there was no question at all in my mind, and probably his that I wanted to remain with him, which, of course, I did.

Bob moved into a building around the corner which had formerly housed the local newspaper, the Monroe Enquirer-Journal and eventually bought it. His main secretary, Karen Price, younger than me but who died of cancer some years ago, went with him. Of course I didn't know the details of the divorce. Our office was larger so we physically kept most of the title files but freely shared them back and forth. Bob took the files for the cases he was handling, one of which was for a small plane crash in which a passenger was killed. They had agreed on a fee-splitting arrangement when pending cases were resolved. Some fairly long period of time, maybe a year after they split, Frank got a phone call from a lawyer in Pennsylvania who was representing the widow of the man killed in the plane crash and wanted to know the status of the case. He said the widow, who had moved to PA after her husband's death was getting the run-around when she called Bob about it. Frank told him that he didn't know because Bob was handling the case but that he would find out and get back to him, and after he hung up the phone, called Jim Crews, an attorney in Charlotte who was defending the case. Jim told Frank that the case had been settled maybe 6 months before and the settlement had been paid to Bob as the plaintiff's attorney, which is the usual procedure when a case is settled. Frank called Dickey Gordon, the Clerk of

Court and asked her to check the file, which she did and told him that a dismissal had been filed months before.

Frank had called me into his office to tell me about what was going on and I was there when he called Bob and told him to meet him in the Clerk's office in 15, maybe 30 minutes. He asked me to go with him and we walked down to the courthouse and into Dickey's office. She had the file on her desk. In a few minutes Bob walked in and Frank hit him right in the solar plexus with "Bob, where's the money?" I don't remember exactly what Bob said initially or how he reacted, but eventually he said that he didn't have it, that he had invested it and I think Frank asked him in what and I think he said in a sure thing, music or TV something or other that he was involved in. Frank said that he needed to pay the money to the widow immediately and when Bob said he couldn't, I'll never forget Frank's reply: "Bob, I'll do everything I can to keep you out of jail but I won't lift a finger to help you keep your law license!" I don't remember how that scene ended, but I'm not sure I ever saw Bob again, but if so, not more than a time or two.

Enter Jim, who represented Bob in the debacle. He had Bob turn in his law license and negotiated keeping him out of jail with Carroll Lowder, the District Attorney. I think Carroll allowed Bob to plead guilty to embezzlement but agreed that he wouldn't serve any time if he immediately paid the widow, which he did, from a loan he obtained from Ed Gaskins, president of American Bank, who I guess Bob's father had worked with or for. It wasn't long before Bob and family headed for California. I think the bank had a mortgage on his building and home and I think we handled the foreclosures on them. (Some time I may write about the NC foreclosure laws then in existence which Federal District Court Judge James B. McMillan, the father of my classmate and frat bro, Jimmy, whose Garinger High girlfriend and suitemate at UNC-G of my now wife, Janet, then Tweed, now, for 55 years as of last week [I'm typing this on May 3, '22], Caldwell, found unconstitutional [I hope you followed this: the foreclosure laws, not my wife, were determined by Judge McMillan to violate the Due Process clause of the US Constitution.]

American Bank had taken a mortgage on Bob's mother's house to secure the loan it made Bob to keep him out of jail. After he fled west and Ed Gaskins inquired of Mrs. Clark about repaying the loan, she said that she had never signed the mortgage on her house. Bob had forged it. I think Karen Price notarized "her" signature. My recollection is that the Bank forgave the loan. Late one Saturday night Frank got a phone call at home threatening his well-being, maybe even his life. He reported it to the sheriff and fortunately never got another threat. Probably 20 years later, Bob was in Monroe and stopped by the office, which I couldn't believe. He and Frank had a cordial but short visit.

I had heard a few years ago that Bob struck it rich. I just googled "Robert Clark-Dukes of Hazzard" and found the following article dated June 30, 2005: "According to VARIETY, Warner Bros. Pictures has agreed to pay a Georgia-based producer at least \$17.5 million for infringing on the copyright to his even-more-obscure 1974 United Artists film, 'Moonrunners', which became the basis of the hit Warners TV skein 'The Dukes of Hazzard'. The amount paid to the producer, Robert B. Clark, is more than what the studio spent in talent salaries on the new 'Hazzard' pic....Marc Toberoff, the attorney who represented Clark in U.S. District Court, would only reiterate his previous statement of last week that 'the parties have reached a settlement of all claims in the litigation', adding that 'the terms of the settlement are

confidential’.” Further googling revealed Amazon’s advertising of “PITTSBURG LANDING”, “An epic story of love, loss and redemption”, “A Novel by Robert Burns Clark”, followed by a short description of it’s setting, a battle at Pittsburg Landing on the Tennessee River on April 6&7, 1862 in which 23,000 men were killed or wounded, followed by several reviews. From Avid Beach Reader: “Historical fiction at its best-a compelling story set against a backdrop of the Civil War with characters you care about. Robert Clark’s writing is so visual that I can easily imagine that this would also make a terrific audio book-especially if he himself would narrate it”. And from Jeff, on April 9, 2012: “When I read that Robert Clark, of Dukes of Hazzard fame, wrote a book, I had to read it. And when I saw it was a historical fiction book about the Civil War, I really had to read it. I was not disappointed. The characters really popped....” Neither Frank, Jim or I were asked to write on its dust cover, but neither are we on Wikipedia or Amazon!

With Bob Clark out of town, I settled into the law practice with Frank. I had been thinking that I would conclude this story with what I said when asked to speak at Jim and Frank’s funerals, but I’m going to slip in a few of my words at Frank’s now by saying that I never asked him for a pay raise or ever mentioned partnership to him, or after we became partners, did I ever ask to have my %-age increased; he always beat me to the punch, which to me says volumes about Frank. His daughters have told me that I was the son that he never had, and looking back, I can see why they would say that.

Frank knew that I’d never been to NY. I didn’t mention wanting to go to the Big Apple but he arranged a trip for us, a “business” trip. We represented, actually Frank did and was a shareholder and on the Board of H. R. Johnson Construction, which was approached by one of the big NY banks, Chase Manhattan, if I recall correctly to finish building an apartment complex in Gastonia for which it had made the construction loan. The owner/contractor went bankrupt and Frank was negotiating the deal with the bank. He found a bankruptcy seminar being presented in Manhattan and signed us up for it and arranged for a face to face meeting with the guy he was dealing with at Chase, so we flew to NY in early December. Frank was as excited to be my tour guide as I was to be the tourist. I think the seminar was two days, with a long lunch break. On one, we walked down to Chase’s office on Wall Street and met with the banker about the apartment project. We had a drink in a swanky bar high above whatever street Rockefeller Center is on. I went in the restroom, relieved my kidneys (my USMC Col father-in-law, Mac Tweed’s term), washed my hands and took a towel to dry them from a white-coated black guy dispensing them, thanked him, dried my hands, threw the towel in the container and heard him call me something derogatory, probably “you son-of-a-bitch” and walked out, ticked-off. I told Frank about it and he, obviously thinking me to be the rube I was/am, told me that he was expecting a tip, to which I think I responded, thus underscoring my rubacity (pretty sure that’s not a word, but it should be) that I could pick up my own towel. We ate at Mama Leone’s, went in Macys or Gimbels, decorated to the gills for Christmas, and on the sidewalk in front of one of them, along 5th Avenue or some major street it faced, I saw a car with a NJ (no idea why I remember that) tag make a U-turn. I couldn’t believe it. Something you might see in Waxhaw. We even went to the top of the Empire State Bldg.

Our flight home was Saturday afternoon, so we put our bags in an airport-bound passenger locker and walked for blocks and blocks. Times Square was still pretty raunchy then, with peep shows and porno magazine racks. I had heard that a man couldn’t walk the streets of NY without being propositioned and

assumed that we, at least young, good looking me would be, but we hadn't been theretofore. I had forgotten my assumption and as we walked by an alley, a gal says something to me which I didn't hear clearly, and being the gentleman that I am, I stopped and said something like "I'm sorry but I didn't hear you". Frank, by then a few paces ahead, turns back and grabs me by the arm, again aghast at my naivete, said something like "don't you know what she is", which I gathered pretty quickly and moved on. Frank suffered from a mild case of neophilia, a noun, meaning one who has a tendency to like anything new, a word I'd never heard until I googled "a person who likes to buy new stuff". We passed a leather shop and he bought the biggest leather brief case I'd ever seen, completely rectangular, closed with two flaps on its top. It's still in good shape, sitting in the floor of my home office as I type. Thinking it was holding important papers, like my checkbook, I opened it yesterday, May 4 for the first time in months. No checkbook. Janet found it later in one of my drawers. A few weeks ago she found my passport in it after I had looked hi and low for it, giving up a couple months ago and applying for a new one. Now I have two. I hope that's legal!

Speaking of travelling with Frank, early on, probably in my first 4-5 years practicing with him, he represented Perfect Fit Industries ("PFI") against the Singer, as in the sewing machine, Corp. PFI was a large textile outfit whose largest stockholder was Ephraim Bloch, pronounced Block and who Frank called what sounded like Effie, but I never saw it spelled. He was Mr. Bloch to me. Effie lived in Philadelphia and I guess started in the textile business there, but like so many other companies, moved south to avoid the unions. PFI had a large plant in Monroe, making, I think, mainly ironing board pads and/or covers. His brother-in-law, Manny Fisher, who lived in Stonehaven subdivision off Rama Rd, on which I grew up on in Charlotte was the plant manager at one time and was the father of the aforementioned Lewis, 4-5 years behind me at East Meck and who became a lawyer in Monroe about the same length of time after I did and was later on the Monroe City Council and then mayor for several terms. PFI was lured to eastern Kentucky by tax, more accurately no-tax and other incentives to open a tufting plant in an economically depressed area. They bought the tufting, a rug making method, equipment from Singer. The plant was a bust because the employees couldn't get the equipment to operate properly. Singer worked on the equipment numerous times, for free at first but eventually began charging for their repair calls, running up a tab of around \$40K, and when PFI refused to pay it, saying that the equipment was defective, Singer sued it in Union Co to collect, and Frank filed a counterclaim, alleging that the equipment was defective, seeking mucho bucks in damages. Singer's defense was that there was nothing wrong with the equipment, that the problem was those Kentucky hillbillies, who tufted like they mined coal and treated those Singer sewing machines like coal digging machines.

Well, guess who manned the laboring oar (if you guessed me you get an A) trying to row through the legal white water rapids of the Uniform Commercial Code (the "UCC") which North Carolina had recently adopted, and which I'd studied in law school, the provisions of which governed the issues involved in the case, such as the stated and implied warranties on the equipment, what constituted their breach, the remedies therefor, etc. There was virtually no NC case law interpreting the provisions of the UCC as adopted in the state. Consequently, we bought a rather expensive Uniform Form Commercial Code

Reporter set of books which reported on UCC cases from all over the country and I researched the heck out of the issues and wrote briefs thereon, some briefer than others.

Singer was represented by Jim Cobb, about Frank's age and Ham Wade, five or so years younger, both Davidson (Ham, short for Hamlin and his brother, Jake were the sons of the sports editor for the Charlotte News, the Queen City's evening paper and both played football at Davidson) and UNC law grads, with the firm of Ruff, Bond, Perry, Cobb and Wade, a very respected Charlotte firm. All four of us flew to Atlanta once and Chattanooga once, renting cars and traveling to Dalton, GA, the tufting capital of the world, where PFI had hired several folks to go to the KY plant to try to turn coal miners into tufters, and some had returned to Dalton when the KY plant closed, and we were there to take their depositions. Effie Bloch flew down to join us once, maybe both times. He always wore a dark gray suit, blue shirt and tie, which changed each day, the tie that is, and I'm sure the shirt, too, and maybe even the suit. He said his closet was full of the same suit and his drawers the same shirt. Variety wasn't the spice of Effie's life. All four of us lawyers stayed in the same motel and usually ate dinner together. Jim or Ham once ordered a heart of palm salad, which I'd never heard of and think, certainly hope that I didn't expose my rubacity by commenting on it.

One of the deponents was a tough, tall, blond gal who had worked for PFI in the KY plant, and when asked about the problems there, summed them up with one of the pithiest and wittiest answers I've ever heard a witness give. Maybe not verbatim, but close, she said "You wanna know what was wrong with that plant? It was **CONSTIPATED!** Stuff went in the front door, but nothing came out the back!" Frank examined her on direct and Ham cross-examined her, and in her responses to his questions, she started calling him "Sugar", as in, "Well Sugar, I'll tell you ...", which Frank, especially got a kick out of (I know, I know, you English majors, who Garrison Keillor made famous in his segment on them on "Prairie Home Companion", you're not supposed to end a sentence with a preposition, but it sounds good to me so, there!).

Frank figured the case would take at least a week to try so he contacted the Administrative Office of the Courts and they scheduled a special term, just for Singer v PFI, and also at Frank's request, assigned his friend and former colleague in the state senate, Superior Court Judge Bob Collier to hold court. I'll never forget Jim Cobb's response when Judge Collier asked him, as most judges do, "Is the plaintiff ready for trial?" Jim: "Judge, we're here to listen and object!" Of course Frank said we were ready, but we really weren't. Proving breach of warranty was pretty straight forward, and we had enough evidence of it to go to the jury, but we were dead in the water on the issue of damages, and we, especially Frank with his experience, not that I shouldn't have seen the train coming, too, should have realized it. To prove damages, we basically would have needed evidence to establish a profit and loss statement. What would that have taken? Showing orders for product, the detailed costs of producing the product and thus the losses incurred when the product couldn't be or was delayed in being made or was of inferior quality because of the defective machinery. All we had was speculation and the primary witness we were relying on to try to bridge the gap between speculation and reality was Manny Fisher. We spent a good deal of time prepping him for his testimony and when he took the stand, his son Lew came to watch him testify. He was a disaster! Frank would ask him a question and he would close his eyes and grimace like Frank was giving him a mule bite, cocking his head ceilingward as though the gods were

going to help him, and then either say he couldn't recall or give some general, speculative answer that was worthless. It was painful to watch, especially for Frank and me, and I'm sure for Lew. Effie was there and probably wanted to strangle his brother-in-law.

The only light moment in the trial was when the tall blond's testimony via deposition was presented. Deposition testimony is introduced by someone playing the part of the witness, taking the witness stand and reading the answers given by the deponent in response to the questions asked by the lawyers on direct and cross examination. Ham Wade played the blond. Frank read the questions that he had asked her at her deposition and Ham would read her answer. Then Jim Cobb would read the questions which Ham, who had cross-examined her in her deposition asked her and Ham, playing her on the stand, would read her answer. When the answer would start with "Well, Sugar", Ham turned to Judge Collier and asked, more as a plea than as a question whether he could leave the "Sugar" out and the Judge said, with a gleam in his eye, "Read every word, Mr. Wade."

I don't remember how long the trial went but not the entire week. We settled it before it went to the jury when, I thought mercifully Judge Collier twisted Jim and Ham's arms hard enough to get them to convince Singer to drop their claim against PFI for the repair charges for which Singer had sued and to pay PFI \$25K in damages. It was a gift. Fortunately Frank had taken the case by the hour, but at a significantly reduced from normal hourly rate, the hourly charge to be subsumed by a %-age of the verdict, something less, though I don't remember how much than the 33% which we would normally have charged. We certainly didn't get rich, but neither did Effie. I'm sure our hourly billing exceeded the \$25K Singer paid PFI but would have been less than the 25 plus the amount of the repair bill Singer had sued for.

Ham Wade remained "Sugar" to Frank every time they saw each other, which may have been more often than he would normally have encountered most Charlotte lawyers because Ruff, Bond, and Wade (Bob Perry had departed for more lucrative pastures, representing lenders in large real estate secured loan transactions and charging a fortune-I know because I represented a client or two victimized thereby), later, Bethune represented Mecklenburg County and since Frank represented Union, I'm sure their paths crossed at county attorney functions over the years. When I would occasionally see Jim Cobb, he would always ask me, more out of respect than jest, how the "Bull Moose", Frank, of course, was doing. Ham took cardiac rehab with my brother, Bill for years, even after he, Ham, that is (Bill continued working until almost his 80th birthday on April 26) retired and Bill said he often asked about me. Ham died, I think it ironically was from a heart attack several years ago. Marvin Bethune was a year or two behind me at Davidson and after retiring several years ago, moved to the town of Davidson. We crossed paths a time or two and became friends on FB and corresponded a few times by email. I told he him the story about "Sugar" Wade and he said he wondered how he got the nickname that Jim Cobb often called him. I asked how Jim was doing and he said he and his wife how recently moved into a retirement community in Charlotte. The day after emailing me that, he emailed to give me the sad news that he had just heard that Jim had died the day before. Sad, indeed!

So what was James E doing while Frank and I were wasting Effie's money? Making whatever speeders, drunk drivers and wife beaters (though Jim did represent the State, in what were called 4-D cases,

wherein scofflaw child non-supporters were made to pay up or were locked up) could afford to pay. He kept his office open one night a week, it may have been Sunday nights, so working folks could come in and tell him of their plights with the State of North Carolina. I've seen Jim collect many a cash fee from a client in District Court and wrap the bills around a wad already big enough to choke a horse, and a pretty large steed at that, which he pulled from his pocket. We called the federal tax lien index in the Clerk of Court's office, in which liens were filed against Union Co residents or those owning real property therein by the IRS for unpaid taxes, the "Social Register". Jim stayed on it. To say he couldn't handle \$ would be a severe understatement. Frank always said that Jim needed a guardian, and for a while, he had one, actually two. From when I first knew him, his wife Maude ran his office, ably assisted by his sister, Margaret Southern (I never knew her husband, who may have been dead but her son, Sterling was a year ahead of me at Davidson, though I didn't know him, got his PhD and retired as an entomology professor at NC State) and kept Jim on a tight financial leash, though I suspect that not all of the wad of bills made it from his pocket into Maude or Margaret's hands.

Maude was a great lady, not especially beautiful in the face but extra specially beautiful in the ways that counted and was the perfect spouse for Jim. He told me but I don't remember how they met, maybe at a Democratic Party function of some kind. It seems like she was from down around White Lake. They lived in an old two story white clapboard sided house on a street not far off US 74 which by-passed the small downtown of Marshville. Jim wasn't too good at home maintenance and the house eventually virtually fell down around them. I don't remember whether it was before or after Maude died of a rare blood disorder, if I remember correctly, leaving Jim a widower with son Bart and daughter Betsy, I think but am not sure that Bart's the oldest, who were probably no older than 12 and 11 (Jim told me that if it hadn't been for his good friend and client who was in the roofing business and whose name I can't believe escapes me at the moment, he didn't know how he and his children would have made it through that period) that he built a rather contemporary cedar sided and shingled roof addition directly behind the falling in two story, and if I remember correctly, connecting the two so they could use the old kitchen.

In addition to District Court misdemeanors, Jim, of course represented many a felon, some who could pay and some who the State paid him to represent. An especially heinous rape and murder took place in Moore County and a hot shot criminal lawyer, hereinafter "HS", for hot shot, from Southern Pines, whose name I don't remember but who I think was in the firm of the then deceased legendary Chub (I don't know that I've ever known his real first name) Sewell (Jim told the story of Chub before the NC Supreme Court, when asked how the case got there [a Justice wanted to know the case's procedural history], said that it "came by way of the Seaboard, you know it's a railroad case", meaning, of course that his client had been railroaded) was appointed to represent the black defendant. HS got the case transferred to Union County on the grounds that there had been too much publicity about it in Moore County which could preclude finding 12 unbiased jurors. HS associated Jim, mainly to help pick the jury. The evidence against the defendant was overwhelming, and, as I said, heinous. After raping his victim, he slashed her abdomen deeply several times. His ring was found in her body cavity. After helping pick the jury, Jim just sat beside HS, who handled all the examination of the witnesses. The case attracted a courtroom full of bloody lusting spectators and lasted all week and the judge, wanting to keep the case

from going into the next week, told the lawyers on Friday that they would argue to the jury and he would instruct them on Saturday morning. HS turned to cold drip, freezing up (I assume he had tried capital cases before, so who knows why) on Saturday morning and telling the judge that he wasn't able to argue to the jury. I guess I've heard but don't remember exactly what transpired, that is whether the judge ordered or whether Jim volunteered to argue the case to the jury, which, without any forewarning and consequently no preparation, he did. Being Saturday, I was in the audience, joining the blood thirsty crowd who wanted to see the defendant's blood spilled to revenge the blood and life his victim had lost. I don't remember a word Jim said but I remember him arguing as effectively as the evidence permitted. And if I remember correctly, after years of appeals, the defendant was electrocuted, and if I further remember correctly, he's the only "client" of Jim's who met a similar fate.

Koy Dawkins, a recently deceased Monroe lawyer represented Dickerson, which had built a dormitory or some other building at Western Carolina University in Cullowhee, NC and was sued by the State for faulty construction, resulting in, among other deficiencies, a leaky roof. The State sued Dickerson and some of its subcontractors, including the roofer, the same guy I mentioned before who was Jim's friend from Marshville and whose name I still can't remember, in federal court. Koy represented Dickerson and Jim represented his roofing friend. There were a number of other defendants and lawyers and when it came time to argue to the jury, there was quite a discussion among the defense lawyers as to who would go first. Jim volunteered. Apparently there was evidence that the roof leaked in a very consistent pattern. Koy loved to tell about Jim's argument, which was that he didn't know how it rained in Jackson County, but in Union County, where he was from, it didn't rain in the pattern of the roof leaks. He cracked up the judge and jury. I'd like to say that his argument carried the day, but I don't know how the case turned out. It did give Koy a good story to tell for years.

About the time I started practicing, Jim took on a lawyer who had been in the Army JAG Corps for a few years, Charlie, or as Frank called him, "Chief Justice" Humphries because of his loud and not always convincing pontification on any subject, legal or otherwise. Unfortunately, I was smoking a pack and a half to two packs of Winstons/day in those days. Charlie must have smoked twice as many as I did. Jim and Charlie represented Russell Terry (his brother was Dick Tiddy, a Wake Forest golfer, I think a peer there of Arnold Palmer, and long-time pro at Myers Park or Charlotte Country Club [Russell, not Dick, changed his name, I'll bet you guessed, his last name]), a pin-hooker from Charlotte who began loaning Cullie Joe Baucom, a popular local banker and, with his father, a pretty large farmer. The loans were secured by mortgages on Cullie Joe and his father's farmland. I don't know if the Baucoms were sorry farmers or just the victims of too little rain and too low soybean and corn prices, but in the words of the Tennessee Ernie Ford song, they "got another day older and deeper in debt", but rather than "owing their souls to the company store", they owed them to Russell Terry. When they couldn't pay on time, the debt would be renewed. This went on for several years, with the debt increasing each year and the collateral increasing along with it. And then, I don't know whether it was because Russell didn't want to have to foreclose on the prominent Baucom family or was afraid they would file bankruptcy, or what, but rather than continuing to take mortgages, the Baucoms began deeding him their land and Russell would give them the option to buy it back, at a significant profit to him, of course.

The transactions got extremely convoluted, with maybe Russell releasing a combine which they wanted to trade in on a new one and the Baucoms deeding him more land, until it got to the point that Russell had the deeds and bills of sale to all of their land and equipment. Enter Osborne, "Ozzy" Ayscue, Jr., who grew up in Monroe where his father was a prominent lawyer, Ozzy then a partner in Helms, Mulliss, one of the largest and most prominent law firms in Charlotte, who sued Terry to have the court declare the deeds that he held to be mortgages instead because the transactions weren't actually sales but loans. Russell came to the Chief Justice, who I think may have handled some of the transactions to represent him in the lawsuit and Jim jumped in to help. I think it was Jim's idea to call Lawyers Title, which had insured the deeds for assistance in defending the case and Lawyers Title hired us. Ken Helms had just started with us and he and I began trying to figure the mess out. There were dozens of transactions to try to unwind and we spent hours in the Chief Justice's small conference room (he had since split with Jim and had his own office) going through the documents. Ken later said that it's a wonder he didn't get lung cancer from all of my and Charlie's, oops, the Chief Justice's cigarette smoke. Jim, whose chin rarely was without tobacco juice running down it was immune. We never figured out how Cullie Joe got Ozzie Ayscue to take their case or how they afforded to pay him. The Baucoms must have had some green stamps from something maybe they had done for Osborne, Sr many years before. The case was the first case on the calendar when, thank god, we settled it the Friday before. It would have been a nightmare trying that case to a jury. After settling it, we spend days unwinding the transactions. I think Russell Tiddy Terry retained some of the Baucom land in payment of their debt but the Baucoms got their homes and some of their land and farm equipment back. Charlie died of lung cancer probably 30 years ago and I finally stopped smoking about the same time. With Ken and me, so far so good, KNOCK ON WOOD! BTW, Ozzie came to Carolina law school to interview budding lawyers who had signed up to try to get a job with Helms,Mulliss. I signed up. It was the most boring interview I'd ever sat through. Ayscue, Jr had/has absolutely no personality, or if he had/has, he didn't lavish any of it on me. One other BTW: Helms (Fred Helms, originally from Union Co),Mulliss represented one of Cuddy Farms', a name you will encounter shortly main lenders and Jim was often in their office regarding the loans. Word would get to Fred Helms that Jim was in their offices and he would always seek Jim out and invite him into his office to find out what was going on in Union Co, the Helms/Jim visits cutting into the time the younger lawyers in the firm had allotted for Jim/ Cuddy, much to the young lawyers' consternation.

Frank and Jim didn't have too many cases against each other, but there were a few that I recall. A large poultry processing plant was built almost out to the pavement on US 74 just as you come into Marshville from the west (what a grand entrance to a town; actually, as with most major highways built after WWII, 74 bypasses Marshville's downtown, located a few blocks to its north-Jim lived a block to its south), which now processes chickens, I think. In the 70's, the plant was owned by Armour and processed turkeys, most raised in huge grow-out houses built by and on the land of turkey farmers in Union County, one of which was hot tempered Harold Traywick, the father of Randy, who became the country singing star Randy Travis. Armour brought in Ron Stout from Oregon, a former Navy pilot and veteran turkey man to run the plant and straighten out some kinks in preparation for selling it, and Ron brought big Jim Minks with him to be the service guy for the growers. Big Jim was just that, a burly red-headed, freckle-faced, I guess Irishman who had hands the size of hams. Somehow Jim and Harold got cross-ways and Harold shot up the mobile home where Jim was living. I don't know if Jim was married or

whether he or her, if there was one were home when it happened. Armour terminated its grower contract with Traywick and Jim, Griffin, not Minks sued Armour for its breach thereof. Armour hired a big firm from it seems like Winston Salem, which associated Frank as local counsel. If I remember correctly, the case went to trial and Traywick didn't get a cent.

Jim represented a rather prominent but somewhat irascible older man who, I think, developed the Carmel Village subdivision just south of downtown Monroe when the car he was driving was hit by the father of Ken Honeycutt, then an assistant district attorney, later a District Court judge, and even later The District Attorney. Frank represented Mr. Honeycutt's liability insurance carrier. Jim's client, who Frank knew well, wasn't seriously injured, if you don't consider whiplash serious. Apparently the crash wasn't extremely violent, and Frank, seeking to establish that it wasn't violent enough to cause the extent of the injuries he was seeking damages for, on cross examination asked him how hard the collision was. "Hard enough to knock my hat off and into the back seat" was his reply, which was a good enough reply for the jury to give him some money. I don't remember how much.

Jim represented a black soldier on his way to Ft. Bragg when he was in a wreck on US 74, also receiving "soft tissue", which an injury not involving broken bones or other demonstrative injury is called, and Frank defended the other driver. Through discovery, the process in which litigants seek to obtain information from each other before trial, such as by submitting written questions called "Interrogatories" for the opposing party to answer in writing under oath, or depositions, where a person is verbally asked questions under oath as though he is actually on the witness stand, which I've previously talked about when the blond called Ham Wade "Sugar", or by requesting the production of documents, such as medical records. Frank had gotten the medical records from when the GI was treated for the injuries he received in the wreck, and the records contained some of his medical history, which included the fact that he had previously been treated for VD, either syphilis or gonorrhea. In Frank's cross examination of him, he was rather casually asking him about what the records said about his injury, and just as casually asked about his having been treated for syph or gono. Jim should have objected, though objecting might have caused the jury to listen to the irrelevant evidence more closely as the cat was already out of the bag. The jury decided the issue of negligence against Jim's client, which means he didn't get any money. After the verdict came in, the GI walked over to Frank and I wondered if he was going to slug him, but rather, he asked what his gonorrhea or syphilis had to do with his neck injury. The Judge, who I think was the mild mannered but terrific Superior Court Judge Jim Long heard his question and said to Frank, "Yes, Mr. Griffin, I was wondering the same thing!" I don't remember Frank's reply.

I can tell about these cases because I was sitting beside Frank at the defense counsel's table in the courtroom. He certainly didn't need my help trying these cases but I guess he figured that was the best way for me to learn to be a trial lawyer, and he was right. If I do say so myself, and obviously I am, I became a pretty decent trial lawyer, though I didn't do a great deal of it. Unlike Frank, who as I've said was extremely disciplined in everything he did, including preparing a case for trial, which from the time a case is filed to the time it's tried could be a year or maybe even two, I always preferred to finish a job before moving on to the next. Being a trial lawyer requires being a heck of a good juggler, with a lot of balls to keep up in the air at the same time. Frank was good at that. I wasn't. I wondered what the

insurance companies said when his bill included an associate attorney's time for cases an experienced attorney like Frank could have easily handled himself. But he kept representing them: All-State, State Farm, Travellers. He was the only attorney in Monroe who handled insurance defense until Russ Asti came along years later. Of course, a lot of out of county lawyers defended cases in Union County, in some of which we represented the plaintiffs. In a small town, a lawyer can get away with walking both sides of the street; in fact, it's virtually essential if he wants to make a decent living!

This may be a good place to tell a couple of good Frank in the courtroom stories. The above mentioned ones I was present for, but not this one, which Frank told me about. Cecil Hodge was an architect who lived in Matthews where he and his family attended the Baptist Church with my family, so I had known him since I was 10 or 12. His office was in Monroe where he practiced with Dick von Dorn, with whom he designed an ugly city hall beside and down the hill from the as or more ugly 9 story county office building which contained the two new courtrooms. I've mentioned the old courthouse and its courtroom in which I practiced for a year or so until the new building and courtrooms were finished. Well any way, before my time Frank was trying some kind of construction case in the old courtroom and Cecil was an expert witness, I'm not sure for which side. Frank said he would ask Cecil a question which involved some calculations and before answering, he would write with his finger in the air like he was writing on a blackboard, and after he finished his "air" computation, he would give his answer. Frank said a time or do while doing his figuring, he would "erase" a number with his hand and replace it with a different number before finishing his calculation and giving his answer. Frank said the judge and jury got a kick out of Cecil's "air" math and Frank asked him some unnecessary questions just to get him to figure the answers on his invisible blackboard!

The next two I witnessed. In the old courtroom Frank was representing the insurance carrier for a volunteer fire truck which hit a car when it pulled out in front of the truck, the injured driver of the car contending that he had the right of way because the fire truck didn't have its lights flashing or siren on. The fire truck driver and his co-pilot said they did. The wreck happened in front of a service station and an attendant pumping gas saw it happen. Frank put him on the stand to tell that he saw the fire truck's lights flashing and heard it's siren, and Frank asked him how it sounded, wanting him to tell that it was loud enough for him to hear at the service station. His answer: "Eee-Aww! Eee-Aww! Eee-Aww!" (I got that from googling how to spell the sound of a siren.) Everybody laughed, including the jury. I don't remember who the judge was but he was quick witted and asked the court reporter to read back his answer for the jury to hear. More laughter! I think Frank won the case.

Another time I was with him trying a case in one of the new courtrooms. Mac McCarver was an older sheriff's deputy, a big, jovial, guy with a head as bald as a cue ball, serving as the bailiff. As usual, he was sitting in a metal chair leaned back on its two rear legs against the wall which led from the front of the courtroom where the lawyers trying cases sat behind tables to the door leading out to a corridor behind the courtroom with restrooms used by the lawyers and a door into the judge's chambers, and, as usual for Mac, he was sound asleep. The judge had announced a recess, heard by everyone but Mac, still snoozing. As Frank and I walked by, he woke-up and asked Frank what was going on and Frank said the judge had to call a recess to air out the courtroom after the BIG FART Mac cut. I doubt that Mac ever slept in the courtroom again!

While I'm at it, another: Ken Helms, then an associate we had hired and now, in I guess his mid-50's and the senior partner in the successor to Griffin & Clark, then Griffin & Caldwell, then Griffin, Caldwell & Helder, then Griffin, Caldwell, Helder & Steelman, then Griffin, Smith, Caldwell & Helder, then Smith, Caldwell, Helder & Helms, then Helms & Robison, then Helms, Robison & Lee, then Helms, Robison, Lee & Bennett, now Helms & Bennett (I think I got them all. Frank was paranoid about being liable for someone else in his firm's negligence and having his name mentioned in a malpractice claim. His brother, Eb told him about a business venture he was in with some others in which his name appeared in the business's name, and after he withdrew, his name remained in the firm's title and got drug through some kind of mud. He advised and Frank took his advice to have his name removed from our firm's name after he retired. He also disliked having his name reassociated with Henry B's, who he still couldn't stand. We had asked Henry B to join us for a couple of reasons, such as to get his clients, but primarily to get his three top notch secretaries, though only one, Sharon Mitchum, the best estate "lawyer" in town, came with him, but she was worth having to put up with Henry B. Always risk adverse,

Frank also insisted that we buy him a "tail" to our malpractice coverage which would cover him against claims forever) assisted Frank in representing the insurance carrier for a church which had hired a Wingate College student as a summer youth minister and who allegedly had sex with or at least attempted to with a boy on a youth retreat (the Wingate student was male) when it got sued by the victim. Ken said that Frank, revealing maybe his homophobia but probably just his lack of understanding of homosexuality, told their client, who was sued along with the church that he ought to get himself a girlfriend. I'm not sure how the case turned out, but I think they settled it during trial. Before it was settled, bailiff Melvin Farris said to Ken: "I guess we'll find out what a ____" (a colloquial two word term for oral sex between men) "is worth in Union Co."

I'm 24 pages, almost 16,500 words into this story and, as readers of some of my previous stories know, I often complain that the main and maybe only drawback to writing on a computer is that it's more difficult to scroll back on a computer screen to see what you've written days or even weeks before than to flip back through pages on a legal pad; all to say, I can't remember how much I've said about the poultry, especially turkey industry and Jim's part therein in Union and surrounding counties. CUDDY is the word, actually the big name here. I may not have all my facts exactly right here, but if not, maybe Bruce Cuddy will some day read this and advise me of any errors and I'll go back and correct them.

Someone had built a poult, which is to turkeys as chicks are to their chicken cousins, hatchery in Pageland, SC, to furnish poults to be stuffed with feed until they became big gobblers to be gobbled (I wonder what Ben Franklin, who had favored the turkey over the eagle as the All-American bird would have thought of industrialized turkey production?) As I mentioned in the story of Jerry Rushing buzzing turkeys with his airplane, they were originally grown outside before being totally confined in huge houses. I think Sass Saffores, a terrific, jovial guy with a big grin accompanying his winsome Basque personality came, from where I don't know to the area to run the hatchery. The Cuddy family was from

Canada, I think from near Windsor which is across the Detroit River from Detroit, Michigan (confession: that bit of geographical detail came from Wikipedia). They were in the poult business, and as with most good businesses were constantly working on improving their product. Now turkeys have such huge, and delectable breasts that they can hardly stand up. I don't remember old man (I don't know whether he started the Cuddys in the bird business or carried on what his ancestors had begun) Cuddy's name (I don't remember ever meeting him) but he came to Marshville, NC and met Jim, who became his highly trusted lawyer, advisor and friend.

The story that I remember Jim telling me about why Mr Cuddy valued his advice involved a non-competition clause in a contract Cuddy was a party to, and was a significant obstacle to their business. I think the Cuddy lawyers in Canada were involved and associated one of the bigger firms in Charlotte and they were all researching and opining and building up a pile of billable hours, and in a big confab where Jim was present, Mr. Cuddy asked Jim's opinion. Knowing Jim, he probably rolled his eyes back in his head and also probably said something self-effacing like "I'm just a country lawyer" but then probably went on to say something like "it seems to me" and gave his opinion on the subject, which, when argued to the opposition, carried the day and the issue was resolved, satisfactorily to Mr. Cuddy. Jim said that after that Mr. Cuddy thought that he, Jim, that is, though he may have thought he, too could walk on water. It seems like I remember a similar story involving one of Jim and Frank's cousins whose name I don't recall who started and built a discount household goods business into a chain of "Griffin 88" stores, and Jim giving an off-the-cuff opinion that resolved whatever the issue was. One similar story I know for sure. Frank Carpenter, a high-up in Dickerson, who I feel sure I've mentioned previously, was indicted, along with some other Dickersonians, including my good friend, Andy Boggs for bid-rigging. A big firm in Columbia which represented the company on major matters (Koy Dawkins in Monroe was their local and smaller stuff lawyer) represented Frank, but Frank Griffin, Frank Carpenter's good friend and Sunday School classmate at Central United Methodist Church in Monroe recommended that Carpenter consult with Jim as well, which he did. Again, Jim was in a meeting with Frank C and lawyers from the Columbia firm and a legal question was being bandied about and Frank asked Jim's opinion, and probably much like he "aw, shucksed" in the Cuddy matter, gave his off the top of his head opinion. Sometime later, Frank received a written opinion from the Columbia bunch of barristers along with a bill for, it seems like \$5K, itemizing the hours and hours of legal research and giving exactly the same opinion Jim had given.

Cuddy built a hatchery with attached corporate offices on US 74, not far from the poultry processing plant and Bruce, one of Mr. Cuddy's several sons, about my age, 6'4-5", handsome and outgoing, moved with his wife Sally to Marshville to run the operation. He and Jim became good friends. I think Jim stopped by the Cuddy offices most every morning on his way to Monroe to his law office. Bruce and Jim were Mutt & Jeff, height-wise, and had some other characteristics in common, such as an affinity for members of the opposite sex. Bruce, well, I guess Cuddy's businesses sponsored a pretty young country singer, who I suppose he thought would become the female Randy Travis. I can't remember her name or how successful she became, but I wonder where she is and what kind of life she's had. I'm typing this at 6:15 AM on Sunday, May 15 and I'm hoping that she'll be singing and maybe even soloing in a church choir somewhere later this morning.

I just referred to Cuddy's "businesses". Though breeding, hatching and raising poult to be trucked to farmers to grow into toms and hens (I don't know how old they had to be before being taken on a truck ride. I think that after hatching they were moved into a house until they reached the age and size that they could be safely shipped, which may have been only a few days.) I also don't know if it was their plan all along but eventually Cuddy Farms was formed and began growing out poult itself or contracting with farmers to grow them, and then they had to be processed. I don't know (have you noticed that there are lots of "don't knows" herein?) if Armour was processing Cuddy's birds or whether they were shipping them to the plant in Raeford or others in eastern NC and/or Campbell's Soup (I think just hens became soup), or maybe all the way to Harrisonburg, VA which was a poultry mecca, for their owners, that is; for the birds, it was Hades!

Remember Ron Stout who was running the Armour plant in Marshville until they could sell it? According to Ron, who I represented, he put together a plan to get back into the turkey business himself and buy the plant, but having gone broke in the business himself, maybe even filing bankruptcy, after flying as a Navy or Marine pilot in Vietnam, and still very slim in the wallet, he needed a partner with sufficient resources to be able to borrow the money to buy and operate the processing plant. He approached Bruce Cuddy with his plan for Cuddy Farms and him to go into partnership and buy the plant. According to Ron, Bruce took his plan, made it his own, went to Armour without Ron and bought the plant for Cuddy. Obviously, there was bad blood between the Navy/Marine fighter pilot and the tall, swaggering Canadian thereafter.

Enter Jim, then me. Cuddy borrowed the money to buy the plant from the Federal Land Bank, which was going to take it and, if I remember correctly, some other Cuddy Farms land as collateral. A lawyer would have to certify title to the plant and Cuddy property and prepare the documentation to close the loan. I don't know what had transpired between the Land Bank and Jim before, but the Bank wouldn't accept his certification of title or allow him to be involved with the legal aspects of closing the loan in any way. Jim suggested that Bruce hire me to handle the purchase from Armour and close the loan, which I did. I said earlier that I wasn't sure that I'd ever met Bruce's father, but in remembering the transaction, I think that he was at the closing to personally guarantee the loan. So, from that point forward, with Jim's blessing and behind the scenes (that is, with the curtain pulled so that the lenders couldn't see Jim on the stage) help, I handled several transactions for Cuddy, while still representing Ron Stout, who found a way to get back in the gobbler business, eventually in a big way. I never became real close with Bruce; Jim remained his consigliere.

Cuddy bought the Central Soya poultry processing plant in Monroe. I flew in a small je that Cuddy had chartered with Bruce and Vaughn Correll, a CPA who Bruce had hired from somewhere in the mid-west whose career had been with companies in the poultry business to be Cuddy's CFO to Central Soya's headquarters in Ft. Wayne, Indiana, where we spent all day negotiating, drafting and signing the purchase and sale agreement. A side note: Frank Maness was the manager of Soya's Monroe plant and lived two doors from Frank Griffin in the Lakeview subdivision, which the latter Frank had developed with his partners Ed Gaskins and Bruce Simpson (more about them later) and where obviously he also lived. Headquarters hadn't told Frank M that they were selling the Monroe plant but I think he'd caught wind that Bruce was in Ft. Wayne. The Soya people told us every time he called up there to try to find

out what was going on, which was several times during the course of the day. A note to the above side note: I joined several others who Frank M invited to watch the NFL playoff game on his new large screen TV between the Steelers and whoever in which Franco Harris made the "Immaculate Reception". I don't think Frank G was there, not because Frank M didn't like him but because M knew G wasn't a sports fan.

Soya's in house lawyer was an older, gruff former military guy whose apparent marching orders were not to let a few details stand in the way of making a deal, but one thing he insisted on was an attorney's opinion letter about the corporate status of the Cuddy company which was making the purchase, something that I knew nothing about. I had alerted Ken Helms and Jim to be available by phone in case I needed them, so I called and asked Jim if he would write the opinion letter, which he did and faxed it to us. Ken later told me later that Jim said he had no problem giving an opinion on a matter that involved a couple of million dollars, but if it had only been a hundred thousand or so, that might have given him pause. Of course an opinion letter is given for the party to whom it's directed to rely on and who thus can pursue the opinion giver for damages if false or misleading. Consequently, the opinion givee should be concerned about the ability of the opinion giver to pay if the opinion givee is damaged by its reliance thereon. Apparently the Soya lawyer had a check list to go by and wanted to check the box "Contracting party's legal opinion letter" and put an opinion letter in his file, regardless of who it was from and what they were worth. Jim's opinion letter was worth no more to Soya than it was a liability to Jim, who was worth little, monetarily that is and who probably carried no malpractice insurance. A good example of form over substance.

I continued to do work for Cuddy and would consult with Jim from time to time. Bruce had/has several brothers, who I never met, and apparently there was some jockeying for position over who was going to steer the boat when the captain, their father stepped down. Wait, before I go down this trail, let me return to Ron Stout. I also continued to represent him as he formed and grew Stout Enterprises into a large turkey grow-out operation, amassing quite a bit of real estate on which he built dozens of houses, which he started while still at Armour before Cuddy bought its processing plant in Marshville, all with the assistance of a silent partner who was pretty high up in Armour's management, silent particularly as to Amour. I never met him and don't remember his name. He lived in Phoenix, I think it was, which I also think was Armour's headquarters. Bill Davis at United Carolina Bank, the successor to American Bank as a result of its merger with Waccamaw Bank in Whiteville, NC, made Ron the loans to grow Stout Enterprises, taking as collateral not only the farms he was buying but also some "exotic collateral" owned by Mr. Silent Partner, which, as I recall, included a house in Incline Village on Lake Tahoe and a condo in Hawaii. I handled the loans and had to coordinate the drafting of mortgages and certifying of title to the "exotic collateral" with his lawyers in Nevada and Hawaii. Ron may have intentionally bought land near the Cuddy farms to build his houses and grow his gobblers. Turkey farmers were always concerned about their flocks getting infected with diseases carried by other farmers' turkeys, which may have been the leverage Ron used to sell his whole operation to the Cuddys for a premium price and huge profit to Ron. He got his revenge for Bruce buying the Armour plant out from under him and would grin from ear to ear when talking about it. I'll leave Ron by saying he developed a brain tumor and went nuts, at least business-wise for a while, investing heavily in a "Sippy cup" for kids to drink from, but from which all his investment leaked. He eventually lost everything and he and his beautiful wife Cathy, the

widow of one of his Navy/Marine pilot friends moved to Southern Pines where one of their sons, actually Cathy's, who Ron adopted, along with his brother (I handled the adoptions) where he sold dog food until they both died, probably from lung cancer, both heavy smokers, several years ago.

I've mentioned Ed Gaskins, president of American Bank and Trust Company and a member of 1st Baptist Church in Monroe where we were also members. During Sunday School, he was chief money counter of the tithes and offerings collected at the beginning of SS classes. I'm not sure if he ever read the parable of the "Rich Young Ruler" or about the camel and the eye of a needle, evidence of which I'll present shortly. Ed, Frank and Bruce Simpson were partners in several business ventures. Bruce and Ed were about the same age, probably at least 5, maybe 10 years older than Frank, who Bruce had known his whole life as he too was from Unionville. I think Ed was from New Bern and got into banking as a bank examiner. Bruce was a little fellow physically but a giant in personality and brain, particularly with respect to business acumen, power. He was one of if not the founder of the poultry industry in Union County, starting out raising chickens, then contracting with farmers (one of my Dad's younger brothers, Irvin was one of Bruce's first growers, building a large house right beside his house on the Matthews-Weddington Rd, just inside Mecklenburg County, about a 5-iron from the old Shannon house where my paternal grandmother was born and raised and where I lived from 2-3 days of age till age 2 or 3 years of age, and only a pitching wedge from the old Caldwell home where my Dad live from birth thru age 25) to raise them in increasingly larger houses and building a processing facility in Camp Sutton to turn them into the main course on many a Sunday table. Not long before I came to Monroe in 1971 Bruce sold Simpson Poultry to Holly Farms, now Tyson, which has growers all over eastern Union County (the main crop now in the western part of the county is houses) raising birds for processing in its huge plant, where if you dug back into deep enough you would find the small Simpson Poultry slaughter and processing facility.

Camp Sutton was a large Army base built just outside Monroe during WWII which the government abandoned after the war, leaving the camp basically intact with roads, water and sewer systems, buildings, large and small and two tall brick smoke stacks (I'm not sure what kind of facility they served) only a couple of hundred feet from US 74 (called Roosevelt Blvd in Union County and Independence Blvd in Mecklenburg, built in the late 40's or early 50's, traversing NC length-wise), the stacks located not far from "Hilltop" where 74 makes a turn east toward Wingate and then Marshville, while US 601 from Concord and points north and becoming part of 74 as it by-passes downtown Monroe, departs 74 and turns south toward Pageland, SC. My understanding is that when the base was abandoned its land was first offered to its pre-war owners to be repurchased at its appraised price and if they didn't purchase it, then it was available to be purchased by anyone. Frank, Ed and Bruce bought several chunks of it and Ed and Bruce together several more. The Urban (wonder what they would have named it if it had bought land in Manhattan?) Company was the name of one of their land owning companies. In addition, they bought land outside Camp Sutton and built some apartments and developed LakeView Estates, where Frank was building the largest house therein for he and his family when we came to Monroe and where we bought a one story brick ranch of about 1900 sq ft on Martha Drive a year after we came, moving from a recently built small brick house we rented on Union St which runs parallel to Confederate, one block over in former Camp Sutton in a development creatively named Sutton Park, just a few blocks

from the Teledyne-Allvac, a metals company facility where a huge drop press dropped a chunk of metal which must have been the size of Uranus or Jupiter every 10 or 15 minutes, all day and night, with enough force to knock those two planets out of orbit and making enough noise to want me to join the Union or Confederate troops, it didn't matter which, or at least those who lived on those streets to charge and capture that press, regardless of how many of us may have been flattened as flat as the metal it was dropping (man, that was one long sentence, which, if you've read any of my previous stories, you'll know I have a proclivity for; hope you were able to stay with it till the end, still standing and not flattened as that Allvac titanium!)**(This added while proofing and because of my laziness, added here rather than integrating into the above: Frank represented Teledyne (formed by his good friend and client, Jim Nisbet, who had worked for GE I think it was during WWII and who at some point became a pilot, building Aero Plantation between Monroe and Weddington, where he and other flying enthusiasts built beautiful contemporary homes with car and plane ports, into which they could taxi their single-engine planes after landing on a wide road/landing strip. Jim's first wife died when the plane which I think she was piloting crashed) against the State of North Carolina after blasting from the State Highway Dept's adjacent rock quarry jarred and jolted and thus injuring some Allvac equipment. The Highway Dept, in an attempt to prove that its blasts didn't cause the damage, staged a blast. Huge chunks of rock from that blast came through the Allvac building's metal roof as Highway and Allvac witnesses stood by, lucky rock didn't come through their metal helmets! The State settled with Allvac!)***

An interesting side note on Camp Sutton: in every deed from the US government to the purchaser of Camp Sutton land, the government reserved the right to mine and own any "fissionable" material, which, because of the recent importance thereof in making nuclear bombs and power plants (I wonder when the energy from splitting the atom was harnessed for peaceful purposes?), which apparently Washington wanted to control by putting that reservation in the deeds for camps it was abandoning all over the country. Henry Hall Wilson, a Monroe lawyer from a prominent Monroe family, whose mother played the organ and he directed the choir at 1st Baptist in Monroe after he returned from Duke, where he played the oboe, and its law school, and who helped later governor, US senator and president of Duke University, Terry Sanford, as the NC campaign chairman get John Kennedy elected in 1960. Henry Hall, as he was called, went to Washington as one of JFK's congressional liasons and got a bill passed releasing the government's reservation of fissionable materials from the Camp Sutton deeds and probably from such deeds all over the country. After serving in Kennedy's administration and a few years in LBJ's, Wilson became president of the Chicago Board of Trade. He returned to Monroe a few years after we arrived and ran for Senator Sam Ervin's seat in 1974, losing badly. American Bank made him loans for his campaign and took a mortgage on the huge old three story house with a dance floor on its 3rd floor, which Don Harris had inherited and sold Henry Hall, thus giving Harris the cash to buy the new house from John Banks. (Did I mention that earlier? My proofing hereof and typing revisions is taking several days longer than it should, as even I can take only so much of my rambling syntax at a time, and I can't remember what I proofed and revised 3-4 days ago. If I didn't tell about Bob Clark's client Banks defrauding Don Harris on the house Don purchased from him, let me know and maybe I'll tell about it in the 2nd edition hereof.) HH died broke in 1979, and after his widow Mary, a great lady and violinist moved out of the big house, I think we foreclosed on it for the bank. If you google Henry Hall

Wilson, which I did for a detail or two, the “Henry Hall Wilson House”, a venue for weddings and other celebrations pops up before its namesake.

Frank said Henry Hall was a genius with complicated real estate transactions but couldn't find his way to the courtroom. Brooks Griffin, Frank's cousin, a Henry Hall contemporary and trombonist at UNC and leader of the bass section who I usually sat beside in the choir at 1st Baptist and whose volume was stuck on fortissimo, and his wife Imogene, a choir alto had Janet and me to dinner at their house with Henry Hall and Mary. The only thing I remember of the conversation was a joke HH told about a guy taking a seat at a bar beside a long hair and bearded guy and asked him how old he was because a certain number of years before he had had an affair with a buffalo and wondered if his hirsute bar mate might be his son, at which he and Brooks guffawed in double fortissimo. Frank and Brooks were not chummy. In my first year or two with Frank I went with him to a county commissioners' meeting and one of the items on the agenda was the purchase of a tractor for the landfill. Brooks was there on behalf of Griffin Implement & Sales, which he had inherited an interest in, an International truck and tractor dealer, which had bid for the tractor sale. Some out of town outfit was awarded the bid and Brooks spoke up and objected to an out of townner getting the sale when Griffin Implement's International, though a little higher in price was superior and besides, they should give the business to a local firm. Frank, who was county attorney responded to Brooks, saying that he owned an International Low Boy small tractor which he'd bought from Griffin Implement and, in so many words that it was a piece of junk and that Griffin Implement's service was terrible. I couldn't believe it.

The county owned the property at Hilltop with the huge Camp Sutton smokestacks which were something of landmarks and decided to sell it along with some other property it no longer needed, such as the old health dept building on Hayne St and the Elizabethan Gardens poor old folks home on New Town Rd. This was when Frank was still in partnership with Bob Clark and they represented the county. The properties were sold at live auction on a Saturday and the Hilltop property was one of, if not the first piece sold that morning. Bob Clark quickly assembled a partnership to buy it, consisting of him, Olin Hill, Leroy Rushing and Bruce Simpson and they were the successful bidders. Though still wet behind my legal ears, even I thought it was inappropriate for the county attorney to be buying property from the county. The Hilltop partnership borrowed a sizeable amount to close on the property, half a million comes to mind, and Bob was sucking hind teat in that group, shortly selling his interest to the other three, and Olin Hill became the hind teat sucker, shortly thereafter selling to Leroy and Bruce, neither of whom had to suck any teat. Eventually Bruce bought Leroy out.

K-Mart was looking to build a store in Monroe and was considering Bruce's Hilltop property and a couple of pieces two miles west on 74, one owned by Dickerson. We filed a petition for Bruce with the City of Monroe to rezone his property to accommodate a K-Mart and a hearing was held by the City's appointed planning board. Frank Carpenter, the Dickerson employee I mentioned above who Jim represented in the highway bid-rigging scandal was chairman of the planning board. I may have also mentioned, but don't want to scroll back up to see, that Frank Griffin and Frank Carpenter were good friends, in the same Sunday School class and couples club. I was with Frank G and our client Bruce at the planning board meeting in which Frank C said he that the two pieces west, one owned by Dickerson, were both already zoned so as to permit K-Mart and he didn't see any reason to permit more property

to be zoned that way. I don't remember how loud my Frank got or how red his face grew as he let Frank Carpenter have it, full bore, saying that he ought to recuse himself from even considering the matter since he worked for Dickerson. I couldn't believe Frank jumped his friend right there in front of everybody, but I learned a valuable lesson: when representing a client, you pull out all the legal stops, and besides, Frank Griffin was right that Frank Carpenter should have recused himself. K-Mart built on the other piece, that is, not the Dickerson piece, west of Hilltop. The smokestacks came down when Bruce sold his Hilltop property to a shopping center developer who built a Food (then Town) Lion anchored strip shopping center thereon, but Bruce kept a piece on which he built and owned one of the earliest Bojangles, started by two former KFC employees who I met when representing Bruce in negotiating the terms of the his lease to them.

Bruce went on to build three Food Town/Lion anchored shopping centers, the 1st on South Blvd in Charlotte, the 2nd in Durham and the 3rd in Gaffney, SC. Frank turned Bruce over to me as a client and he kept me hopping. I made several trips to Durham and Gaffney and several to Food Towns offices in Salisbury and almost met Ralph Ketner who started and was the principal owner of the chain. On the Charlotte store I learned a valuable lesson. Bruce had negotiated and signed the lease with Food Town, a prerequisite for obtaining a loan, but the insurance company lender always reviewed the lease and wanted a few relatively minor changes, so the lease had to be amended to make the changes the lender required. On, I think it was the Durham shopping center the lender, as usual wanted a few changes in the Food Town lease and we had to get them approved in a hurry because the loan was set to close on Monday. Larry Raley, who later, after he left Food Town and went with one of the drugstore chains, moved to Matthews and became a member of Matthews Baptist Church where he knew my mom and dad, was then the Food Town real estate guy that Bruce and I dealt with and told me to bring the lease amendment to their corporate office on Friday morning, so I hi-tailed it up there. Mr. Ketner had to personally sign the leases and any amendments. Larry's office was just down the hall from his in a spartanly built and furnished corner of the huge warehouse in an industrial suburb of Salisbury. I went to Larry's office and we walked down the hall to Mr. Ketner's, where the door was shut and a bare light bulb sticking out of the wall beside his door was on, indicating, Larry explained that he was on the phone. We stood there for several minutes, staring at the bulb and when it went out, Larry, without knocking, opened his door and dashed in, closing it behind him. In just a few minutes he came out with the amendment signed and I made it back to Monroe in time to tee-off in the annual Chamber of Commerce golf tournament at Rolling Hills Country club. I wish I could say that I was as successful in the tournament as I had been in Salisbury. You can't shank (for you lucky non-golfers, a shank is to a golf swing as a you know what is in a punch bowl) a lease amendment!

We closed the loan on Monday. Sometime later I was n Bruce's office and he reminded me that years before Larry Raley said that we should buy some class of Food Town stock and that if we had bought some amount, maybe \$10K that it would then have been worth hundreds of thousands, maybe even a million or more. I reminded Bruce that I didn't have \$1K, much less 10 and he laughingly said that he would have loaned it to me, and he would have. Years after that, we had accumulated a little cash and thought maybe we should buy a little stock, so I went to Bruce for some advice. He suggested that we ought to buy some pharmaceutical stock and suggested some others as well. This was before the advent

or maybe just the popularity of mutual funds. We bought \$10K of Merck, \$10K of Coke and \$10K of Disney, Janet's dad, Mac's favorite. I usually walked out to get the paper in the morning but Janet started beating me to it so she could check the stock prices. Merck dropped a little and she became nervous. It dropped a little more and she became more nervous, suggesting that maybe we should sell. I suggested she stop worrying, that of course stocks go up and they go down and up again and down again. She didn't stop worrying. When it dipped a little more, her worry stepped up a notch, into anxiety. It got down to \$7500 and she edged toward apoplexy and said we should sell before it dropped more. I told her that if it was going to worry her to death and take me along with her that she should call the broker to sell it, which she did. It wasn't long before the shares of Merck that we had owned was back up to the \$10K that we'd paid for it, then kept climbing, up to \$12K, then 15 and even higher, before I stopped checking on it.

Bruce was a great guy. ***Writer/editor's Note: I've reached the point (have I discussed this before?), 21, 430 words into this story, on this Sunday morning, May 22, 2022 where I can't remember everything I've written heretofore, and I don't mean in all my previous ramblings, I mean in this FRANK&JIM story, and I don't like to have to scroll back on my old HP laptop. Tomorrow I think I'll take my thumb drive to the library and print out the 31 pages I've eked out thus far, but for now, I'm going to say a little more about Bruce, Ed and Frank's relationship because I think that even if I'm repeating myself that it's worth repeating.*** Bruce was corny and he and we all enjoyed his corniness. He called Ed, "Mr. Drysdale", the banker in the Beverly Hillbillies, Frank, "Lawyer Calhoun" from Amos and Andy and me, "Calhoun, Jr.". I don't remember whether he called himself "Lightnin'" from A and A or whether I started calling him that, but he loved it. He would walk in the office and ask Ovella Cartner (Janet and I stopped by the assisted living facility in Monroe Thursday afternoon on our way back from Pawleys Island to see our long-time receptionist before we ate dinner at Hilltop where the owner, Spiro came over to our booth and who told us that he was 67 and had had covid maybe a year ago and had passed out and fell in the freezer a few months ago, this after seeing an unnamed former client get out of his brand new looking Bentley which he had pulled into the space just in front of us, wearing a mask over his beard and asking a little weirdly if I knew who he was, which I didn't until he told me, the weirdness coming from what Spiro later told me was his state of inebriation [he told Spiro that he'd just driven the 3-4 miles from the bar at Rolling Hills CC. In retrospect, I should either have volunteered to take him home, though he was still sitting in his booth, hopefully sobering up when we left after dinner, called his wife or called the Highway Patrol. I would have hated to see that shiny Bentley wrecked!]. Ovella is 90, and has slept in her recliner for years, but her mind is as sharp as ever and talking about Trump and the Repulsicans still fires up the yellow dog Democrat she's always been. I stop in to see her every time I'm in Monroe and always hug her, in her recliner, hello when I arrive and goodbye as we tell each other that we love each other as I leave.)

That was a long rabbit chase but worth every step, at least for me. Frank told me that he and Ed had verbally agreed on something, I think it was the price for Frank to buy Ed's interest in the remaining lots in LakeView, but when it came time to close the transaction, Ed backed up on him, wanting more money. They stayed friends but Frank never trusted him again. After American Bank merged with Waccamaw to form United Carolina Bank and Ed had retired, UCB wanted to rent a building Ed and

Bruce owned behind its branch at the corner of Roosevelt Blvd and Walkup (another rabbit: I'm reading "William Henry Belk" by LeGette Blythe which I borrowed from cousin, Mary Lynn's Lake Hickory condo [have I mentioned that we stayed in it Friday night?]) and that Belk's mother, born and raised near Waxhaw was Sarah WALKUP Belk Simpson), and they were negotiating the rent with Bill Adams, one of Ed's protégés at American Bank, a Mississippian who played football at Mississippi State and was a good athlete and golfer, not a necessity but certainly helpful in climbing the ladder at American which, in Bill's case was aided by the fact that he married a Sykes, whose father's first name I don't remember but who had been an executive in the bank. Bill became a senior VP at UCB after the merger, responsible for the operations of the former American Bank. Bill was coming over to our office to meet Ed and Bruce who had arrived earlier and were rehearsing, with me as the sole audience their strategy, which was that Ed would suggest a figure for the rent and Bruce would jump in and say (this is virtually verbatim) "no, no, Ed, that's way too low, it should be a least \$____", the amount I don't remember but which of course was substantially more than Ed had suggested, and Bill took the bait, hook, line and sinker. For Ed, I think it was the money; for Bruce, I think he just relished negotiating a deal. Bruce was a trader and knew the value of everything from mules to land to stocks and bonds. On proofing, another vignette occurred to me and I decided this was a good spot for it. Charlie Norwood, remember him, Bob Clark's brother-in-law, had worked his way up to Sr VP at American Bank told me that he came to Frank, the Bank's retained counsel and told him about something that he had screwed up, maybe in documenting a loan he had made to a Bank customer. As evidence that he knew Frank pretty well, he said "Frank, I didn't come over here to get cussed out. I just need you to help me fix it!"

Given the foregoing, maybe I should have called this story FRANK&JIM and BRUCE&ED, but no, it's my story of the former. Jim, when he was negotiating to keep Bob Clark out of jail told Ed, regarding Bob's forging his mother's signature on the mortgage to her house, and I know because the discussion took place in our office with Frank and me present, and again, this is close to word for word: "Ed, you know I'm an eminently practical man". I don't remember what was said thereafter, but truer words were never spoken about Jim, by himself or by anyone else. He was a great criminal lawyer for several reasons: his intelligence, his quick mind, his ability to relate to everyone, which is extremely important since there are, of course, "everyones" on a jury, and something no other lawyer in Union Co had nearly as much of, and that was a very close relationship with district attorney Carroll Lowder. Carroll, a robust, as in probably 275 lbs, bald headed, gregarious and virtually deaf former Clerk of Court, whose wife Carolyn taught my son, Tim physics at the Career Center and whose DNA, when combined with his produced 3 brilliant children, the oldest an accomplished violinist.

A couple of stories will hi-lite Carroll's virtual deafness. My close friend, Andy Boggs was on the jury for a very serious crime, maybe murder toward the end of Carroll's career and who, because of his hardness of hearing, despite hearing aids, tried very few cases, but he decided to try this one. An assistant sat beside him at the counsel's table and Andy said Carroll would ask the witness a question and after the response, he would elbow his assistant in the ribs and ask, loud enough for all in the courtroom to hear, "Whaded he say?" Andy said it got right comical, or as comical as I can get in a murder trial, as the assistant braced for elbow after elbow to his ribs. I don't know how the case came out. Frank and his brother, Eb owned a large ocean front house at Long Beach, now Oak Island, NC and Frank invited a few

guys including Jim, tax assessor, Tommy Haywood, and the hard of hearing Eb, Frank and Eb's brother-in-law, and Carroll for a weekend of liquor, poker and story-telling. Jim said it got so loud at the poker table that it made his head hurt and he and Tom Haywood, both hearers, would have to excuse themselves from a few hands and go out on the deck where all they could hear was the comparatively quiet roar of the Atlantic.

Poker playing and drinking was one of Jim's mainstays. I guess my ineptness at both kept me in the minors of trial lawyering rather than reaching the majors, where Jim led the league. I think he played and downed a few at the Moose Lodge or VFW hut with a gang that included Carroll one night a week. One of Jim's good friends, neighbors and clients was a guy named Bill Griffin, who I'm not sure I ever met. I think he made his mark and lined his pockets in the poultry and land owning and selling business and for some reason got or maybe just tried to get into the coal mining business. Jim told me about a trip, probably one of several that he took to Chattanooga, TN with Bill, hunting a vein of coal. They met with an old man in their hotel room, trying to buy a coal mine from him and Bill and Jim, glass of whiskey in hand, tried to make a deal with him, who also had a glass of the good stuff in his hand. Jim said the geezer drank them under the table and that he probably had no intention of selling, just enjoyed the camaraderie and the negotiating and drinking competition.

One of the best stories I ever heard Jim tell, and he told some great ones, was about a family of loggers I'll call the Smiths who lived outside Marshville. Old man Smith was tough as a hickory nut and his 3 or 4 boys would meet him at their equipment shed before daylight, with a fire going in a 55 gallon drum when chilly, to get their equipment ready for a day in the woods. When the old man arrived one morning, son Tom was missing and they all wondered where he was. Tom was bad to drink. As many early rising Piedmont North Carolinians did, they had Grady Cole on WBT on the radio. (My dad listened to him every morning at breakfast. My law partner Jake Helder, raised on a dairy farm near Weddington said that his dad always had Grady on in the milking barn and that the cows wouldn't give as much milk if they weren't listening to Grady!) Grady said that he had a real treat for his listeners that morning, that the night before he'd met Tom Smith, a logger from Marshville, and they'd stayed out pretty late and Tom had come to the studio with him. Old man Smith said "my gawd, that's Tom on the radio with Grady Cole!"

While I'm at it, I'll tell a few more that Jim told. Another family in the country outside Marshville we'll call the Jones. Mr. Jones had several sons and one daughter who married a guy we'll call Leroy. Several months into the marriage daughter tells daddy that Leroy has been physically abusing her. Mr. Jones asked Leroy to meet him in his barn one evening and he and his boys beat Leroy within an inch of his life and said that if he ever touch his daughter again that they'd kill him. Jim said Leroy turned out to be the perfect husband and son and brother-in-law! I handled a farm road case off US 74 down below (that's country for "east of") Marshville and was telling Jim about it and asking him about an old dude I'd met who was going to be one of my witnesses. We'll call him Mr. Brown. Jim said Mr. Brown had said that he knew when the world started spinning out of orbit: "When we started cooking outside and shitting inside!" Which reminds me of a story my good friend Steddy Parris told me about a septic tank guy who was called as an expert witness in a nuisance case involving some kind of new sewage treatment system

that was all underground and therefore allegedly was smell proof. When asked his opinion about its stinkability he said that it had been his experience that “shit stinks in all directions”.

I was telling Jim about an option that my 2nd or 3rd cousin Shannon (“Shank”) Forbis had from old man George Gregory to buy a farm outside Jefferson, SC and that we’d had to sue him when he refused to honor the option. Jim knew or knew of old man Gregory and told me about his serving some time for killing a guy in some sort of inconsequential fuss. He also told me about George buying some land from some well-known guy, maybe a race car driver who I’ll call “Speedy”, who flew his own plane. Speedy flew George over the tract of land, which seems to have been up near the VA border and George bought it. After the money and deed were exchanged, George drove up to see the property and was told by the actual owner thereof that the tract that George had bought wasn’t the tract Speedy had shown him but was a sorry piece of land a few miles away. George drove home and called Speedy, asking him to fly down to Jefferson and George would pick him up and bring him to his house so he could talk with Speedy about buying some more land that Speedy had told him about, so Speedy did. After a nice conversation at George’s, George drove Speedy back to the airport where the sheriff had locked down Speedy’s plane. Of course George got his money back!

I’m typing this at 6:45 AM on Thursday morning, May 26, 2022 and the following occurred to me when I woke up and I decided to insert it here (the below was typed yesterday morning. Don’t you love my letting you in on the inner workings of my very, very personal computer, i.e. my gray matter?). It seems like Dr. Bill Price, a local dentist and member of Central United Methodist Church (“CUMC”) where his wife Nancy was the top soprano, often a soloist there and in community concerts and where Frank was a stalwart member and his wife Betsy sang in the soprano section of its choir with Nancy, was involved with Speedy’s real estate deals some way. CUMC apparently subscribed its annual budget by having the stewardship committee obtain pledges from its members before finalizing the budget. One year Frank was on the committee and Bill Price was on his list of members to solicit and the lawyer went by to pick up his dentist’s pledge. Unlike at 1st Baptist where we were members and where nobody was supposed to know what anyone else was giving, CUMC’s stewardship committee looked at the pledges they picked up, and when Frank looked at Bill’s, he told him that his pledge was unacceptable, that he was capable of and should be giving much more. Frank, of course told me this story. I don’t remember whether Frank stood there while Bill increased his pledge or just what happened. Bill was also Frank’s dentist until as a result of a procedure he told Frank that he needed to see an oral surgeon without giving him the details on exactly why. Frank went to one who told him that Price had broken a drill bit off in one of his teeth. They stayed members together at CUMC and maybe even remained relatively friendly, in fact the Prices buying a lakefront lot from Frank in LakeView and building a beautiful house thereon, but Frank never sat in Bill Price’s dentist chair again.

Which reminds me of when Frank was building his house in LakeView and I was riding back from something in Charlotte with him (I’d only been practicing a year or so) and he asked if I had time to stop by his house under construction (of course, who wouldn’t accept his boss’s invitation to stay out of work, even if just for a few minutes, and besides, I wanted to see the house) and afterward we rode down the street that was under construction which would give access to the development’s most expensive lots, those fronting on Lake Lee and Frank was vocal, vociferously vocal about what the city

was supposed to have done about installing or maybe inspecting the installation of underground utilities or some such. He told me about the time earlier in the development of the subdivision that he drove down to city hall and picked up city manager Jim Hinkel and drove him out to LakeView to show and complain about something the city had or hadn't done and virtually cussed him out. Jim, a big quiet man said little. Frank said he would have thought more of Jim if he had reached over and punched Frank in the nose. I never forgot that and hope to remember to tell about when I put what he told me to use. While we're at Frank's house I'll tell about what Snyder Griffin, no kin as far as I know, just a carpenter but the best home builder in Union Co told me. The house was designed by a local architect whose name I don't remember but who apparently was a little eccentric. Frank wasn't paying him to check on the construction but he came by frequently anyway. Snyder told me that Frank told him to be nice to the architect but not to listen to a word he said! Quintessential CFG! If FDR, JFK and LBJ are recognized by their initials, so should Charles Franklin Griffin be!

As I said above, the foregoing two paragraphs were inserted this morning after this and the next two paragraphs had been typed, so the "quintessential" sequeway is merely serendipitous. Jim was a great story teller and always seemed to have one to fit any occasion. "Cawell", which he called me, "did I ever tell you the **quintessential**" (I intentionally **boldened** it) "story about" such and such. Ricky Creech was in the office one day and I introduced him to Jim and after not too long, Ricky too became a disciple, probably aided by the fact that Ricky's neighbor out in the boondocks and good friend, Donnie Lawrence, an engineer and land surveyor (who recently died of Covid) and his wife Debbie (now institutionalized with dementia) had begun attending the Sunday School class Jim taught at Marshville Baptist Church. After Jim began working for us, which I'll later come to, he would often stop by Donnie's office on the way to the Register of Deeds to discuss the fine points of the previous Sunday's lesson or whatever else came to mind. One day Ricky was in the office and was deep in the philosophical weeds with Jim when Jim asked, "Ricky, what's the meaning of life?" I'm telling this from what I remember Ricky telling me, so if I miss a beat Ricky, you won't mind any readers hereof, if any unfortunate souls besides you meet such misfortune, calling you so you can set the record straight, will you, Ricky, AKA Frederick W. Creech, which is how he identifies himself on his voice mail? Anyway, Ricky pondered over Jim's question at length, maybe even doing a little research, and presented Jim with a lengthy and ponderous written response. I didn't read it. Ricky, I hope you saved a copy!

I think it was for Jim's 80th birthday that I arranged what was to be a surprise luncheon at the Brown Derby, attended by at least 20, maybe even 30, mostly lawyers, all of whom I called, but including Ricky and a few others who hadn't passed or even taken the bar exam. The furthestest away attendee was Charlie Collini from Wadesboro and the oldest may have been retired Highway Patrol Sgt, Jim Sholar (who deserves a story of his own), most of whom had a story to tell about Jim. I said that it was to be a surprise but I decided I'd better tell Jim so he would be available. He brought along his long-time friend, Short Simpson, I think his name was who, I think had run a garage in New Salem or Olive Branch and who had gone down to the Registry to see Jim about something. (Ken Helms said Jim had a better law practice without a license than most did with one.) Ricky presented Jim with a present, The Bridges of San Luis Rey, I guess so they could discuss it after Jim read it. Did he ever read it, Ricky and did y'all ever

discuss it? BTW, I'll put this story on my recently set up website, tomcaldwell.org, which allows for comments and Ricky can answer the questions I'm asking him thereon.

A good friend and client I'll call Fred came to me with a problem his 2nd wife had. Her son was convicted of raping his wife, while they were still married and was serving a pretty long, maybe 10 year sentence. I turned Fred over to Jim who worked the case like Scotland Yard and got a superior court judge to agree to a hearing on whether he should get a new trial. When Jim told Fred that the judge had agreed to hold a hearing, he also told him that the judge had said that if he was convicted again, the judge holding the trial could sentence him to a longer sentence than he was under. The prisoner wasn't a gambler and decided to live with what he had. I have no idea what Fred paid Jim but I do know that they became good friends.

Jake Helder, who I think I've mentioned hereinabove (I'm typing this at 4:00 AM [I went to bed earlier than usual and tossed and turned from 1:00 on so just decided to get up and see if I can complete this story this weekend since I'm forgetting what I've said heretofore] on Friday, May 27, the beginning of Memorial Day weekend-BTW, I've told a Labor Day story before, which is on my website [all of my stories are thereon] but I don't have a Memorial Day story other than after school was out beach trips with Bill Carr [further BTW, Bill is William Bryant Carr, Jr. whose father Bryant was Jim's pastor at Marshville Baptist in the 50's] and occasionally others, like a guy named Mike Byrum who was a year older, who Bill knew better than I and who used 30 wt motor oil for suntan lotion [he smelled like Memorial Day in Indianapolis] and brother, Harry, who Bill and I left on the beach drinking PJ, which he'd learned to make and drink during his just completed freshman year at Chapel Hill while we took a walk down the beach and stopped for a brief visit with some high school friends we came across, returning an hour or so later to find Little Bro broiled as red as a lobster) is (I'm back to Jake, continuing maybe the longest sentence not only in this story but in any of the stories I've written, maybe longer than most William Faulkner sentences) 1 year and 1 day older than me (Jake, 2/26/45, me, 2/27/46), graduating from UNC in '67 and Wake law in '70 and working for Frank and Bob Clark briefly before going to defend his country as an Army JAG Lt at Ft. Benjamin Harrison in Indianapolis, where he honed his golf and racketball game (if I seem a little punchy it's probably because I'm not wide awake). I almost overlooked the story he told me about Bob Clark asking him to go to court on Friday to obtain an uncontested divorce for Bob's client since Bob was going to be out of town. Amy Webb from Rockingham, who I remember mentioning earlier, telling the story about Frank fishing in double-knit britches and wing-tip shoes, was holding court. The usual grounds for divorce was having been separated for at least a year and in this particular case, that's what the divorce complaint alleged, giving the exact date of separation. When Jake asked Judge Webb to grant the divorce, he saw that the Judge was reading the complaint and then counting on his fingers before announcing that the year wasn't up until the end of that business day, that the wife had until 5:00 PM to file an answer to the divorce complaint in the clerk of court's office. Bob's client was furious. He was getting remarried on Sunday in what apparently was to be a big affair. He probably chewed on Jake all the way back to the office where Jake laid the problem out for Frank. He and Jake went back over to the courtroom to see Judge Webb. Frank told him that he would be at the clerk's office when it closed at 5:00 to be sure that the wife hadn't filed an answer. The next day, Frank and Betsy were on a chartered bus with their couples club

headed to Chapel Hill for a football game and Frank had the bus go by Judge Webb's home in Rockingham where he signed the divorce decree. I wonder what Monday morning was like when Frank saw Bob.

Since I'm back on Frank, I'll mention a couple of other stories that come to mind. I think it may have been while it was just Frank and me, he had gall bladder surgery in Charlotte Memorial Hospital, back when it took a large incision to reach in and get the gall out rather than now when they just drill a small hole and suck it out. I think he was in the hospital most of the week and I knew he'd be chomping at the bit to see his mail, so Friday afternoon I gathered it all up along with his pink slips (pepto bismol colored phone messages-I still hate that color), put them in one of his brief cases and drove up to the hospital after an early supper. Betsy was there. To my huge surprise, he neither asked about his mail, opened his briefcase or wanted to know anything about what had transpired in the office. He didn't seem to be but must have been tranquilized. He was back in the office Monday morning going like a freight train.

I'll need to set the stage, which will take a while for this next Frank story, intertwined with a Jim story. Jake joined Frank and me when he got out of the Army and a year or so later he and I went to Carolina and hired Sanford Steelman and Ligon Bundy. I won't tell a lot about them, but will say that Sanford, a Davidson grad and Republican, was/is a terrific lawyer, smart as a whip, who became quite a good domestic lawyer and general litigator, drafting form complaints and answers which Ken Helms probably still uses in automobile accident and other negligence cases, leaving us and going on his own after maybe 6-8 years, replacing Frank as county attorney when the politics flipped in the county and the commissioners became all Republican, later becoming an outstanding Superior Court judge and then long time member of the NC Court of Appeals, all while becoming the behind the scenes architect for the Republican party's upsurge and triumph politically in the county, and also the leading cause for the Balkanization of the county into probably now 10-15 municipalities, the first of the "new" towns being Weddington, which should have been renamed Steelmanville. (The State Bar gave a luncheon in April honoring those of us who had passed the bar 50 years before (I passed in '71, **on my 1st try** [emphasis added] but the luncheon was delayed because of Covid. I didn't attend, but in answer to the question of our most outstanding accomplishment as a lawyer on a questionnaire they sent out, I answered "Hiring Sanford Steelman, even though he was a Republican".) Ligon left us before Sanford, joining Republican Don Perry and becoming county attorney when Don retired, Don taking over when Sanford went on the bench. Soon after they joined us, Frank was going to take Ligon to something, maybe a deposition in Charlotte and Ligon got in the car with a rather large briefcase. Frank asked him what was in it; a legal pad. Ligon's days with us were numbered after that!

Frank was the primary litigator and Sanford would have been his able successor if he had stayed. I was looking for somebody to take up the litigation slack (again, I can't remember everything I've said heretofore, so I may have already mentioned that though I tried a few cases, I wasn't disciplined enough to handle a full plate of litigation), so I went over to talk to Jim about potentially joining us. I probably didn't talk to Frank about it. Knowing Jim as he did, I'm sure he would have advised against it. Jim said he was flattered but that some things were hanging over his head that would make it unadvisable for him to join us, and I think he laughed when he asked if I'd talked to Frank about it. Jim's daughter Betsy said at his funeral that money didn't mean much to her dad but, and I'm going to drop a bit of my "long

time to acquire” wisdom here; it sure helps to have a little, helps more to have a lot! Jim had dipped in his trust account where some of his clients’, maybe from settling an injury claim, money was, a serious no-no. He got caught, I guess when the client demanded his money and Jim didn’t have it. I’m sure Jim, like most “borrowers” (it’s hard for me to say what it really was, embezzlement), intended to put the money back but apparently got found out before he could do so. Oh, if only Maude had lived! The State Bar took his license. I never talked with Jim about it so don’t know if they left the door cracked for him to reapply at some point.

Jim told me that David Lee, Koy Dawkins’s partner had approached him about coming over to practice with him and Jim suggested I talk with David, which I did. David joined our firm and became quite a good litigator under Frank’s tutelage and a good general practitioner. I was always on the lookout for how to add talent. Henry B, remember him (I barely do and certainly don’t remember everything I’ve said about him heretofore [did I tell that he developed dementia and his wife put him in assisted living and they in the dementia wing, where I visited him once {he didn’t know who I was}-I’m pretty sure I did tell this and, despite my despising proof-reading, when I do scan over this story before I send it to the publishers, if I see that I’ve told about Henry B and his 3 excellent secretaries, then the story will remain duplicated herein because as much as I hate proofing, I hate revising even more-I know, I know, I need a good editor.) David and I took Henry B to lunch and, to Frank’s, who by then had moved to the Cypress in Charlotte and was slowing down, though for quite a while he drove to the office every day, utter dismay, we offered Henry B a full partnership, even inserting his name before mine in the firm name, which became, for a while, “Griffin, Smith, Caldwell, Helder & Lee” (we kept the legal stationary printers in business). We had bought the building next door and decided to expand our offices to our and its 2nd floor, quite an extensive building project, which to our financial regret, we put Henry B in charge of (I know, I know, I ended this sentence with a preposition but it sounds better this way). Henry B owned the one-story, first drive-in bank branch building in Monroe on the corner, one building up above the old Davis-Williams office building Don Perry and Ligon bought for their offices (I stopped to visit my old firm when we passed through Monroe on our way back to Louisville from Pawleys Island, SC a few weeks ago [I may have mentioned this, too-please forgive] and stopped in what is now realtor and recently elected Monroe councilman, James Kerr’s office, which he recently bought from Henry B’s widow) and we added his building to the partnership to which we added him as a partner which owned our buildings.

During our office renovations, we temporarily moved several offices, including Frank’s into Henry B’s old building. I may have also mentioned Edwina Watson, primarily Frank’s whizz-bang secretary, who came to me complaining about Frank’s recent boorish behavior toward her. I told my other partners about it and David Lee jumped on it, insisting that we had to confront Frank. He suggested that I was the one to talk to Frank but he readily volunteered to accompany me, emphasizing that we had to lay it on the line with Frank. He and I walked in Frank’s office where he was working like a house afire, noticeably aggravated by our interruption, saying, if I remember correctly, something like “What do y’all want. Can’t you see I’m busy.” I then told him about Edwina’s complaint and he let me have it with both barrels, finally asking if we wanted his resignation. I did my best to stop the bleeding, my bleeding that is since his buckshot was fired at me, telling him that of course we didn’t want him to quit but that he needed to apologize to Edwina. David never opened his mouth!

When the renovations were finished, Frank got one of the choice upstairs offices with a couple of windows overlooking the old courthouse and Henry B settled into his old office on the corner. When Frank started coming down to Monroe from Charlotte less and less, we asked him to take an office downstairs because Henry B was going to occupy his. I don't remember who told him, probably me, and I don't remember him blowing his stack, though I'm sure he felt like it. Chronologically, I'm going to skip forward a bit and tell about me walking past Frank's office, now the last one before entering the 2 car garage, which Frank and I had been parking in since we bought the building, Frank not yet having relinquished it even though he was there less than half the time. His door was open and he called me in and started chewing on me, throwing in some curse words about something, I forget what, maybe that his secretarial help was less than satisfactory and I turned around and started out his door, and when he asked where I was going, I told him that I wasn't going to stand there and take any more of his cussing me out, which I'd been taking for years. He immediately apologized and became quite contrite. I remembered what he had said about Jim Hinkel and actually felt sorry for him, Frank that is, but as I'm now thinking about it, I'd felt if not sorry, at least sympathetic for Jim Hinkel as I got to know the quiet, humble city manager who, at probably 6'4", could have knocked Frank's head off with a shot of his big right hand, curled into a fist.

I don't remember how soon but shortly after Jim was disbarred he started working, I guess you would say as a paralegal for Ron Cox and continued as such until, or probably after Ron and the girl riding with him were almost killed on a motorcycle. At some point, Jim began checking real estate titles in the Register of Deeds. I wonder who showed him where the Registry was in the courthouse because I have my doubts (I'm being facetious, obviously) if he'd ever been in the office before. He did some freelance title work. Larry Harrington hired him on occasion to check a title, probably prior to Larry's bringing a Special Proceeding, a hybrid legal proceeding usually involving land, such as a partition proceeding in which 3 commissioners are appointed by the Clerk of Court to actually divide a tract of land between tenants in common (joint ownership, except between husband and wife, which is a tenancy by the entireties, which has the effect of title passing to the surviving spouse immediately, by operation of law, that is, without passing under a will, which requires probate or, in the event of intestacy, i.e. without a will, the appointment of an administrator(s) upon the death of the first spouse to die, as well as providing the extra benefit of protecting tenancy by the entireties property from the creditors of only one of the spouses, though there can be a tenancy in common between spouses, with or without the right of survivorship [if you followed that, congratulations, you now know more about real estate law than the average non-real estate lawyer]) or, if the property can't be divided equitably, then for a specially appointed commissioner, usually the lawyer filing the proceeding to sell the property at public auction "at the courthouse door" to the highest bidder, with an upset bid procedure prescribed by law in order to obtain the highest price possible. The commissioner's fee is set by the Clerk of Court. I don't remember if the fee is set by statute or is in the discretion of the Clerk but it is customarily, if not legally 5% of the sales price. Somehow Larry attracted disputing heirs of land like a light attracts a moth. There's no telling how much he pocketed as a commissioner before he succumbed to Covid about a year ago at 80, or close to it. Jim said he loved checking titles for Larry, his good friend and fellow Marshvillian because he paid well and promptly.

In my 37 years of practicing law, I've checked many a title, spending the majority of my time the first year or two in the Registry. Checking titles is the best way to become a good real estate lawyer because you have to read or at least scan thousands of real estate documents; deeds, deeds of trust (in NC, almost always used in lieu of a mortgage), easements, rights of way, property line agreements, restrictive covenants, leases, separation agreements, etc, and over time those documents osmose into the legal part of your brain. You decide that Buck Ayscue's metes and bounds legal descriptions are better than Coble Funderburk's, that Walt Love's, no, actually his partner John Milliken's easements are better than Richard Clark's, that Joe McCollum's separation agreements are better than Koy Dawkins', BTW, all hypotheticals, and that documents prepared and recorded by the high dollar boys from Charlotte, though longer and containing words not in the Union County legal vernacular (I still remember when I first encountered "penultimate", and not the last, but the next to last time I did-get it?), usually were no more effective legally than the Union County bar's "plain vanilla." Don't trust or hire any real estate lawyer who says he doesn't plagiarize. He's either lying or stupid. I remember Frank saying that doctors bury their mistakes but lawyers record theirs. I tried to keep that in mind every time I drafted a document to be recorded. This may sound dumb to those who haven't practiced real estate law, but a well draw real estate document is a work of art and a joy, well, maybe not a joy but at least a relief, given the crap I've seen recorded for all the world to see, forever, and the frustration is that most clients don't know or care; they just want to pay as little as possible. I'm so glad I retired in 2008!

Jim took to title work like a mountaineer to moonshine. I don't remember whose, but probably it was my idea to hire Jim full-time as our title checker. Best hiring decision we ever made! To Jim. tracing a title was like working a puzzle. He relished finding the missing piece. At his funeral, which I'll talk about before long, I quoted him about those young lawyers "who've got no **intellectual curiosity**". Jim Griffin was the personification of intellectual curiosity. And he became the guru for every paralegal and even lawyer in the Registry. He would take all the time needed to help somebody find or to explain, with no condescension whatsoever, something. Everybody who spent any time in the Registry loved Jim. If I'm not mistaken, I think the paralegals went in together and bought him a special chair to sit in in front of the computers (when I checked titles, there were no computers-everything was entered in big index books. Jim took to computers faster than I ever would have). I'll bet we had the only Harvard law grad title checker in the US!

Jim got to the office before most of the lawyers and staff. If he had a thorny title issue he was working on, when the lawyer he was working on it for got to the office, Jim would walk right in his office, sit down across the desk from him, and without asking if he had a minute and regardless of what pressing matters awaited the lawyer's attention, Jim would light right into the title issue. I don't think Jim started working for us full-time until after I had retired, but I still came to the office most every day, at least for a couple of hours. One of my favorite times of the week was Sunday afternoons. Every Sunday after church and maybe after getting a bite for lunch, Jim would drive the 6-8 miles from Marshville to the office, first lying down on the couch for a nap. Then he would go through his notes and look over the documents that he'd made copies of on the titles he was working on and maybe make a few calls to his "clients" on tickets and stuff he might be helping them with, and then join JoAnn and maybe her daughter Amy and her son Nate for supper at, I think it was Applebees, where Amy's daughter and

Nate's half-sister Nina waited tables. Many Sunday afternoons I would go to the office. That was my "Jim time." There were no distractions for either of us. Often he would tell me about the Sunday School lesson that he'd taught or something the preacher said in his sermon and what he said to or asked the preacher about afterwards. He might tell me about some piece of theology that he had discussed recently with Bobby Griffin, who Jim said had told him about something Jim had done for Bobby's dad years before when Jim was a recorder's court judge, and which Jim didn't remember but Bobby never forgot. Of course by then my two sons were in or out of college and I'd gotten rid of the Winner boat we often took to Lake Tillery for them to water ski behind on Sunday afternoons, so there was no more enjoyable way for me to spend an hour or so on Sunday afternoons than at the office soaking in the wisdom and listening to the stories of and just enjoying the companionship of James E.

I think she was Jim's youngest sister who met and married the Swissman Fritz, whose last name I guess I knew at one time but don't remember and probably couldn't pronounce or spell if I did, when she, whose name I don't remember either, was teaching school, I think for the children of mining families somewhere in South America and Fritz was counting beans for the mining company. Jim grew up on a farm several miles, I guess it was north of Marshville. I don't know when his mother died but she continued living alone in the old farmhouse after her husband died, but at some point it burned. When Fritz et ux returned to the states they bought et ux's (I assume you all know the Latin shorthand for "and wife") siblings, including Jim's interest in the Griffin farm and built a close facsimile of the farmhouse that had burned. One of et ux and Jim's sisters had married a very handy man, maybe a carpenter by trade whose name I think was Fred, maybe Helms. Before Jim's mother died, Fred built and he et ux moved into a small white frame house near Mrs. Griffin, on her land (actually, I don't know if she deeded the house site to Fred et ux or not) so they could help look after her. Jim spoke about Fred in almost saintly terms. Maybe Fred et ux had died or just kept living in the house which he had built after Fritz et ux bought the farm, but at some point Fred et ux died or moved out of the house and Fritz et ux became or just continued being its owners. Jim I guess didn't have the money to maintain even the cedar sided addition he'd added to the falling in big white house in town and eventually it fell in, too. Fritz remodeled Fred et ux's house and Jim, JoAnn, Amy, Nina and Nate moved in and lived there, I'm sure rent free till their deaths.

While I'm on Fritz, I'll tell about "The Group", consisting originally of Frank, Jim, Frank's brother, Eb and their, especially Frank and Eb's good friends, Arnold "Judge" (his real middle name) Simpson and Tom, whose last name I've all of a sudden lost, which met once a week on the same day/week which I also don't remember for lunch at the Brown Derby in Monroe owned by Jimmy, I'll call him the Greek, which he was, because I'm not sure I've ever known but if I ever did I'm sure, like Fritz's, I couldn't spell or pronounce his last name. Jimmy loved all of The Group and their feeling toward him was mutual. He always called Frank "Mr. Griffin", later, "Mr. Frank" but he called the rest of The Group by their first names. Jimmy is very gregarious and always liked to hear and tell a funny story or joke. His best one was that his wife thought that he was a Greek god before she married him but found out after they were married that he was just a GD Greek. I don't remember if The Group started before or after Frank and Betsy moved to the Cypress in Charlotte, but as I've said, after they moved Frank drove down to the office every day for a good while, cutting back to two or three days and eventually hiring a driver to

drive him down in his, Frank's, that is, Cadillac or Lincoln, especially on The Group lunch day. I think Eb had a stroke and his son, Charlie started bringing Eb and stayed for lunch, ultimately being allowed to join The Group which he remained a member of after Eb died, becoming one of its stalwarts. And I started driving Jim, even though he was still driving (a clunker-once he called me to pick him up at a garage in Wingate when his clunker quit clunking on his way to the office), picking him up at the basement backdoor of the courthouse which he elevatorized down to from the Register of Deeds, saving him the walk to his car. The Group, probably reluctantly gave me a provisional membership, I guess provided I didn't run my mouth too much. I'll let you guess how that worked out! Actually I stayed a member of The Revised Group,, continually revising as result of the deaths of Eb first, then Jim, then Frank and then Fritz, adding Mike Secrest, a friend of Charlie's and then losing me when we sold our 60 acre farm on Stack Rd and Lake Monroe on which Ray Helms (I think I've heretofore mentioned Ray, but if I haven't, he was Ken's dad, a superb builder) built his last house, ours, in 2002, which we sold three or four years ago and moved to the log cabin we bought in 2008 between Spruce Pine and Bakersville in the NC mountains, which we sold this past December before moving (actually I had moved, really just camping out into the house in Louisville we bought in Oct, 2020, Janet staying in the cabin until moving, with our stuff here after the cabin sold). Judge Simpson, who is over 90 but moves, thinks and acts like he's not over 89 (LOL; actually he moves, thinks and acts as well as 76 year old moi (me, a two language guy, French to go with my Latin), my having seen him less than a year ago when I drove by his beautiful two story home on my way to Ricky Creech's, Arnold driving his Taffe (a Massey-Ferguson made in India- I bought a used one when we moved to the farm) tractor, which I think he bought from Eb, pulling a trailer loaded with pine needle bales around his front yard. I pulled in his drive and when he saw me, you would have thought that he'd seen a ghost.

MORGAN, Tom Morgan, the last name of the original Group member just came to mind. I wonder if he's still living because I think he is/was older than the Judge. Tom worked for the state or maybe federal dept of agriculture in some capacity and it seems like he is/was some distant, but not too far distant kin to the Griffins. I doubt if it will surprise you that the entire Group were yellow dog Democrats, for whom FDR was their god almighty, as he was to many rural southerners. I remember Frank telling about when the REA brought electricity to their farm when he was growing up. After a few Group luncheons, I'd heard most of their stories, which they kept alive with a little but not too much embellishment on subjects from politics, I guess their favorite topic to the stock market to women, their knowledge of this subject obviously being very limited, despite their protestations to the contrary. Tom and Frank were after the same girl before they got married and Tom said Frank was "pretty stout competition". Tom's wife had had maybe a stroke some years before and I think was virtually helpless, but Tom kept her at home and had some help come in to help with her, thus allowing him to remain a Groupie. The all yellow dog Democrat makeup changed by at least one when Mike Secrest started coming, his political positions remaining unspoken for a while. I don't think Charlie invited him until Eb, then Jim, then Frank were gone and it didn't take long for him to begin easing into the conversations, and it didn't take much longer to realize that Ronald Reagan, not FDR was his north hero.. I think Charlie is maybe a little more conservative than his dad and uncles. He had been married and divorced at least once, maybe twice, and his romances eked into the conversations, which seemed to interest the others

a whole lot more than me, and then Mike's dalliances became part of the conversations, which interested me even less.

Where did I leave Jim (it's Monday, Memorial Day and I'm remembering less and less of what I've already told you, thus it becoming more and more important to wind this story down before I start repeating myself, maybe more than once, but it won't end today because Tom, Jr and his beautiful, tall [probably at least 5'9" each] and very talented daughters, mine and Janet's granddaughters, Emma, 16 and who will most likely drive the hour trip down I-64 from their house in Frankfort to ours in Louisville, and Anna, 14; wife and mom Kim probably won't come because I think Tommy and the girls are planning on going to Ky Kingdom, a huge rides and waterpark near the Muhammad Ali airport, and I think I might join them-what better fun for a grandpa?), not the actual but certainly a terrific substitute grandfather to JoAnn's daughter, Amy's children (have I told that their fathers are two different black guys?), Nina and Nate. Jim told me about Nina's not knowing exactly how to fit in with her peers, being neither white nor black and if I remember correctly, dating boys of both colors. But Nate, if not his favorite, was the grandson nearby (I think his son Bart only has a daughter and though I think his daughter Betsy has a son or sons, they were a half continent away, in Minnesota (?).

Jim told me that JoAnn didn't think that Nina and/or Nate's paternal grandparents (or maybe it was just the grandmothers who wanted to see them) should have any visitation privileges since their sons were paying no, or very little child support and seldom seeing their children or showing any interest in them, but Jim told her that would be a terrible mistake, that they should have all the rights any grandparents should. I have no idea how that worked out.

Nina and Nate could not have had a better grandparents than Jim and JoAnn, practically their parents since Amy worked and I think, but I could be wrong didn't live in the Fred Helms built house. BTW, did I tell you that Fritz never charged them a dime rent and may have even paid for their utilities. Fritz loved Jim like a brother, not like a brother-in-law. Nate especially was the beneficiary of Jim's second go at parenting, but I think their relationship did Jim as much good as it did Nate. Jim always talked affectionately about him and kept me up to date on his progress in school and on the ball field. Jim helped him with his homework before supper and they loved watching Jeopardy together after. Nate had a special project of some kind from school that he was working on and after supper Jim told him they had better work on it, but Nate said "but Jim you'll miss Jeopardy!" Nate probably didn't want to miss it either. He and "that little skeeter" worked on that project, and I'm sure any more. After Jim died, JoAnn called me one night to ask me some question about government that Nate needed an answer to in doing his homework, something Jim would normally have answered for him.

After I retired in '08 or 9, the office sponsored a BBQ at our house for the entire office and their families and some clients and theirs'. Jim and JoAnn came and brought Nate, the first and only time I saw Jim wearing shorts. They brought their fishing rods and he and Nate had a ball trying to entice a brim, bass or catfish out of our pond. They had a whole lot more fun than Jake, who parked in overflow parking in the field, opened his car door and stepped right on a fire ant hill!

Somehow Jim would scrape up enough money to take them all to the beach for a week in the summer, but his cup was never overflowing. He got jammed up and asked me for a thousand dollar loan, which I gave him from some petty cash I had squirreled away, knowing that it was more than a loan. He would have done without before he would have asked Frank for the money. I didn't ask and have no idea where it went. I loaned Jim one of the paperback books from William Barclay's "Daily Bible Series", terrific commentaries on each book in the New Testament, with Dr. Barclay's statement in the prologue to each volume that his intention was to bring the results of Biblical and historical research to the layman, but that underneath, it was his intention to enable men "to see Jesus Christ more clearly, to love him more dearly, and to follow him more nearly", and they certainly did, even for the increasingly agnostic me. Wouldn't/shouldn't that be the goal of commentaries or books on all great and wise leaders? Well, enough of my commentary. Jim loved the book so at Christmas I bought him the whole set and he returned the volume that I'd loaned him, most likely coffee but maybe a little tobacco juice staining a few pages. I don't read them very often anymore but I treasure the stained book, a visual reminder of Jim.

As I begin to bring this story to a close, I'm going to mention a few things at random which I either overlooked earlier or have just occurred to me, and the first is Joe Griffin, Frank's youngest brother, one of my favorite not just Griffins but people. Joe was a pretty big fellow, maybe the tallest of the three Griffin brothers but easily the softest spoken. He had a slight, very slight, I guess you'd call it lisp. He graduated from Duke and Duke law school and I think wanted to be a Navy pilot but his sight prevented that, so he piloted maybe the closest thing to a plane, a motorcycle. I think he kept one to tinker on in the garage of his home near Matthews until he died from a heart attack before the passing of either of his brothers, maybe even before his sister. Occasionally Ovella Cartner, our long-time receptionist (haven't I mentioned Ovella?) would buzz me to tell me Joe was calling on our Charlotte line (in those days of long distance charges, and Monroe to Charlotte was long distance, it was cheaper to install a Charlotte line than to pay for long distance calls there), and though I might have been up to my knees in alligators, I always took his calls, which usually began, in his soft and easily identifiable voice, "Tom, have you heard the one about" so and so? He always brightened my day and his pleasant demeanor and good stories helped me fend off the gators more easily than before I talked with him.

I represented a large family of Alexanders, part of which my dad's sister, Vernon had married into, who owned a valuable tract of land on Providence Rd West, just off Providence and near where it now intersects with I-485 and the developers were knocking, louder and louder. Joe called me and said "Tom, Ken Dowd", his good client, "is going to buy that land." I told him that if he made the highest offer that it would be his. Joe: "Tom, you don't understand. Ken Dowd is going to buy that land" and I repeated my previous response. Joe: "Tom, you really don't understand! Ken is going to buy that land!" By then, I did understand; it was Joe's way of telling me that price wasn't an issue. One morning Joe and Ken came down to our office and met with me, my first cousin, David Alexander and his elderly half uncle, Fred Teal whose delightful wife Frances was the sister of David's father Dwight, Aunt Vernon's husband. Before she died, Frances became the oldest living alumnae of Winthrop College. Fred, from Richmond County had a law degree and he and Frances lived just outside Washington, DC where he had worked his whole career with some federal agency. We negotiated all day, complicated by the fact that this was

to be an installment sale, which under federal tax law then existing meant that if the seller took less than 30% down and financed the rest, which would be secured by a purchase money mortgage on the property, then their gain, for tax purposes would be spread out over the years it was paid and received, keeping them in a lower tax bracket each year than if the whole gain was received in the year of sale. The mortgage made things complicated because Ken Dowd was going to immediately begin developing the property into a rather upscale residential subdivision and would need to have land released from the Alexander's mortgage in order to sell a lot. By 5:00 PM, we had not only negotiated the terms of the sale but had drafted the sales contract, all in our largest conference room. Before it was signed, Joe asked me to step out into the hall, which I did and closed the door. Joe, in his soft voice said, in words I'll never forget, even if I get dementia, "Tom, what did I forget?", telling me that that's what he and his good friend Lew Parham always did in similar situations, his and Joe's way of saying "let's not let each other make a costly mistake". ABSOLUTELY AMAZING, and comforting!!! No opposing attorney had ever said that to me before nor since. What a pleasure to deal with Gentleman Joe, who once told me that the only reason he became a lawyer was because Frank didn't think he could. Frank sure miscalculated that one!

While I'm talking about land deals, Frank's friend and client, Colonel Owen Carpenter, at least 10, maybe closer to 20 years older than Frank was a bachelor who lived in a large two story not well maintained or kept house off Queens Rd in Charlotte, right in the center of the large well-to-do area known as Myers Park and who also owned a large tract on which was formerly located the Carpenter Airport, out near Carowinds. I don't know anything about the Carpenter Airport or the Carpenter family except that the Colonel's brother, Gus lived in Monroe. I don't know if the Colonel was a real colonel or how or how long Frank had known him. He would frequently drive his Lincoln Continental to Monroe to see Frank, sometimes with an appointment, sometimes not, and if the latter, Frank would scramble to work him in, usually taking him to lunch if near noon. Once Frank organized an unlikely foursome of himself, the Colonel, Frank's good friend and the president of Monroe Hardware, owned by THE Belk family and which Frank served on the board of, Duke grad, Tom Dillon and Frank's good friend, Jim Winchester, close to the Colonel's age, whose family were members of Central Methodist Church as Frank's was and who ran the Texaco station a few blocks from our office where Frank, but not me paid him at least a nickel a gallon more for gas but did get his windshield cleaned. Paul, one of Jim's sons, working at the station as a youngster told me that he got chewed on more than once by Frank when he missed a spot or left some soap streaks on Frank's Buick or Cadillac when he left it there to be washed. Frank drove the group on a 3-4 day excursion down to or near the Outer Banks. I would give a pretty penny for a tape of the conversations in that car, wherein Frank and Tom most likely would have dominated the talk, with Jim and the Colonel good listeners, probably just glad to be along. My guess is that politics would have been at least 75% of the conversations among those 4 yellow-dog Democrats. Once Janet and I were at a football game with son, Tommy in Kenan stadium in Chapel Hill when he was in college at UNC and here came Colonel Carpenter down the steps of the aisle, looking for his seat. He had driven up from Charlotte by himself.

Probably around 1980, real estate was hot and several groups approached the Colonel about buying Carpenter Airport and of course he came to Frank for help and advice. A Japanese group represented by

Joe Alala from Gastonia (once again, I don't remember whether I've mentioned Joe before. He had worked for the IRS and was known to be one of the best tax lawyers in the Charlotte area. Frank, Bruce and Ed hired him to represent them against the IRS when they claimed that their profit from sales of lots in LakeView were capital gains, whereas Uncle Sam said it was ordinary income because the lots weren't held for investment but were inventory. I don't remember the terms of settlement.) offered a price the Colonel would sell for, but it was to be an installment sale for tax purposes, like the Alexander sale I just discussed. Frank took me with him to negotiate the deal with Joe in his office. We left early enough to have breakfast with the Colonel at a popular breakfast and lunch place in a small strip shopping center at the corner of Providence and Queens Rd, not far from his house. It was torn down and a very upscale Harris-Teeter is now located thereon. The marching orders the Colonel gave Frank were to make the deal. Frank's response was that he understood but that we couldn't let him agree to such and such, the specific of which suches I don't remember. The Colonel's wishes and Frank's responses were repeated probably a dozen times or more, after which we headed to Gastonia. I remember Alala being a very personable and reasonable guy. He and Frank, unreasonably in my opinion, Frank, that is, argued over the details of the deal all morning, making no headway in resolving the main issue of release provisions from the purchase money mortgage, the main issue in the Alexander and all installment sale deals. (I handled several large property installment sale deals, one in which I represented County Commissioner, VT Helms, whose sister Beatrice ("Bea"), married Selby Daniels and who was a good friend [Bea, that is, not Selby] of my mother when I grew up [1948-1955] on Sharon Amity in Charlotte, not far from the Daniels) in the sale of some of his farm land on Airport Road in Monroe. The buyer was represented by Tom Cummings, a Morehead Scholar at Carolina and a law grad there, 6-8 years ahead of me.)

We broke for lunch. Frank was extremely frustrated and I was too, primarily with him and his stubborn single-mindedness on the main issue. I was Frank's partner at the time, but a very junior partner who wanted to stay a partner, so I gingerly reminded him of the directive the Colonel had given us to make a deal. I had an idea in mind that might break the logjam. I'm sure I went over it with Frank, who was probably skeptical, I don't remember whether of not thinking it gave the protection the Colonel needed or whether Alala would buy it, but Frank let me present my plan when we reconvened, and in short order, the logs were floating down steam. I think we had a typed contract in hand before we left Gastonia. The deal closed and the Colonel got paid every nickel, without one hitch. If I remember correctly, the Colonel wanted to have Frank draw his will, in which he was going to leave Frank something, maybe a little money. Frank wisely sent him to another lawyer to prepare his will, and Frank got whatever it was the Colonel left him when he "went on to meet his reward", Frank's term. It's too bad Frank didn't advise a college classmate of mine, also a lawyer, who also had a client who wanted to leave him some money. My classmate drew the client's will, and when it was probated and his relatives read it, they came after my classmate with both barrels blazing. He lost his law license.

I don't know how long Jim worked for my old firm. He would amble down to the Registry when it opened at 9:00 and usually stayed all day. And I also don't remember what happened but I think he fell, and then began using a cane, and it seems like, though I could easily be mistaken that he began using a walker. Everyone was concerned that he was going to fall and get hurt worse but he said that if he got run over by a car, not to despair because he died doing exactly what he wanted to. I got involved in a

venture that ended up costing me a REAL pretty penny, many REAL pretty pennies called Extreme Build Brazil. Jim knew all about it. We got sued by one of the original partners when we booted him for cause and first thing one morning, Jim came up to my office, which they let me keep after I'd retired in '08 or 9 and said that he'd been thinking about some issue we had and offered his solution to it, exactly the same or very similar to what I'd been thinking. I decided a trip to Charlotte to discuss a potential settlement with the deposed partner's attorney was needed and asked Jim to go with me. After a fruitless meeting, Jim and I went by the Cypress to see Frank. I had called ahead and he and Betsy were expecting us. It was somewhat of an awkward meeting between the cousins, with me primarily as an observer because Frank's mind had started slowing down and he didn't have much to say. It was sad, this what turned out to be the last time Jim and Frank saw each other. When Jim died, Frank's family decided not to tell him.

Jim and I stopped for lunch at the Charlotte Café in the Arboretum on Providence Rd on our way back to Monroe and "Blustery Bob", my nickname for Bob Burris, a loquacious lawyer a few years older than me, whose father was president of Wingate College at least thru Bob's high school years, came in with his partner, whose name doesn't come to me but who represented Chris Matheson when he bought my dad's 50 acre inheritance and part of my brothers Bill and Harry and my inheritance for close to \$1.5M, 15-20 years ago, and stopped by mine and Jim's table and chatted with us a few minutes. When we went to pay our bill, we were told that it had been taken care of. If I had known that Bob was going to pay for our lunch, I would have gotten dessert. Actually, that would have been double dipping because when Janet went with me to their office to close our deal (I had already gotten Bill and Harry's and their wives signatures on the deed), I, to Janet's huge chagrin, suggested that Bob and partner take us to lunch, which they did, at Myers Park CC, the only time I ate there until Bill's daughter Ruth's wedding luncheon.

Jim and I drove to Frank's sister Kathryn's funeral up toward Mocksville. Frank was surprised to see us. JoAnn and Jim drove down to near Lumberton to attend Ovella's successor as our receptionist, Julia Haigler's father's funeral. Jim and the whole office came to my mother's funeral at Matthews Baptist in August, 2006 which actually was a celebration of her life, in which Bill, Harry and I sang "How Great Thou Art", me singing the 1st verse, joined by my two brothers on the chorus, and each of them singing a verse, joined by me and Bill or Harry on the chorus. Bill explained that for a number of years, just after Christmas Harry and his wife Kate and their 3 kids would come down from Severna Park, MD to visit Mom at Plantation Estates, a retirement community where she and Dad moved in January, 1989, where Dad died in December of that year and where Mom lived until her death in August, 2006. Harry, an excellent tenor and Kate, a more excellent soprano began what began as just them singing to a small group of friends that Mom invited into an annual affair in which Bill and I and later Jackie Gill, our good friend and former minister of music at Matthews, a tenor extraordinaire who sang at one of Frank and Betsy's daughters Pam or Tina's wedding at Central Methodist in Monroe, and then others gathered to sing to a packed house in the large concert/community hall, the attendance at which Mom, the promoter extraordinaire promoted all year long. At Mom's funeral, Bill told about the after Christmas sings and invited anyone who wanted to join us on the raised pulpit to lead in a hymn sing-along. My two sons and some other of Mom's grandchildren and others, like my best friend since the fourth grade,

Bill Carr (I think I mentioned earlier that his dad Bryant had been pastor at Marshville Baptist) came up and we reenacted the after Christmas concert Mom had inaugurated years before. Afterwards, Betsy told me that it was the “best”, maybe a better word would be “uplifting” funeral that she’d ever been to, and later Jim said, “Cawell, now I understand you!” All of the lawyers, Jim and several secretaries from our office rode in Ken Helms Ford Excursion to I think it was Burlington to attend partner Becky Robison’s mother’s funeral and ate lunch afterwards at the premiere BBQ place in Greensboro.

We had just returned from somewhere out of town to learn that Jim had had a stroke and was in Charlotte Memorial Hospital. I rode up with Ken and James Allen Lee to see him. There was a fairly large group holding vigil. I don’t remember even seeing Jim, who may have been unconscious. He was transferred to Hospice in Monroe where a larger group held vigil. I stopped by, hoping that maybe he had regained consciousness and that I could tell him goodbye, but he never did and died in a day or two. His daughter Betsy, a fairly nationally known expert in, Jim had told me, maybe child or sexual abuse matters and had told me spoke on the subject at seminars and had testified as an expert witness in trials across the country (she and her husband, who I think is a pilot for 3M and their 2 sons, if I remember correctly live in Minneapolis, called and asked if I would speak at her Dad’s funeral, asking if I would “keep it light”).

I’ve got to divert briefly before I eulogize Jim. Yesterday, something wonderfully serendipitous or serendipitously wonderful, take your pick, occurred. I don’t remember the details but at Carolina, an English professor had his class read and do a report on “The Heart of Darkness” by Joseph Conrad. I’ve never read the book but from what Jim said, it must be deep with hard to decipher themes, maybe like Joyce’s “Ulysses”, which Jim said he tried to wade through several times until the water got over his head. It seems like Jim had taken the course and had written an “A” paper and a friend, who I think became a prominent lawyer maybe in Winston Salem, later took the course but was having trouble plumbing its depths. Jim either wrote the paper for him or let him copy Jim’s, probably with enough modifications that the Prof wouldn’t catch it. He got an “A”, too, maybe even an “A+”. Ricky Creech called me a few days ago and told me that when he and Pat were in Ocracoke a week or two before, he was ambling down one of its funky streets and an older gentleman (Ricky and I both are beginning to resemble that remark) was building a model boat on his front porch and when Ricky enquired, invited him through the gate of his picket fence to observe. Though not important to this story but interesting, the boat was completely wooden and the builder said that he wasn’t building it from a kit but that he had cut out every single piece of wood. He asked Ricky if he’d ever read “Heart of Darkness” and receiving Ricky’s negative response, the boat builder said this was a model of the boat that apparently plays a large role therein.

Now, for the serendipitous icing on the cake; Ricky called yesterday to tell me that he, just yesterday stumbled across The Book Lady in a nondescript store in a nondescript small strip center just off US 74 on Rocky River Rd, the crossroads of the Bakers community between Monroe and Indian Trail, which he had driven by hundreds of times, wondering what was in the building, and finally stopped in to see, discovering what he said was the most exciting place he had come across in his 35 years in Union County, a used book store with thousands and thousands, he said maybe a hundred thousand or more books on its shelves, with an interesting staff member or two and also a few interesting looking patrons.

He asked the long white-haired guy at the counter if they had “Heart of Darkness” and he said “Let’s see” and led Ricky back to the classic section where they discovered 3 copies. Ricky didn’t have any cash and they wouldn’t accept a card for under a \$10 purchase so he bought another book, too.

Now, for the super-serendipitous strawberry (this metaphor coming to mind since I’m going to have some on my cereal in a few minutes-for new readers, don’t you love the way I chase rabbits?) on the top of the cake, I googled The Book Lady and called and the phone was answered by THE Book Lady, Carol Morgan Gordon. I told her who I was and what prompted the call. Hold your hat: Gordon is her married name; she was Carol Morgan in the 11th grade at East Meck when I was in the 10th. I found her in my sophomore edition of the annual as we talked. Her family lived in the Clear Creek area outside Mint Hill and they rented and her father tried to buy what she called the Olin Flowe house, and tract of around 100 acres it was on. Now really hold on to your hairpiece: My wife Janet’s grandmother, Dora Flowe Tweed was born and raised in that house. Olin Flowe was her younger brother. Dora came to the mountains of Madison Co, NC with her sister Lilly to teach school, sometime before WWI and married Douglas Tweed, whose wife had died in childbirth along with their 6th or 7th child. Dora’s brother Olin came up to visit and met and married one of Dora’s stepdaughters, Mamie, not much younger than Dora and took her back to Mint Hill. Douglas and Dora had two sons, McDonald (“Mac”) Douglas Tweed and Dan, named for the child who died. After 2 years at Mars Hill College, Mac came down to Mint Hill to stay with Olin and his half-sister, Mamie and to find a job, and worked at Cannon Mills in Kannapolis before joining the Navy on July 4, 1942, marrying Mary Belle Mullis from Idlewild Rd, who finished at Matthews with my father’s younger brother, Irvin, and beginning his 33 year career in the Marine Corps. Mac and Mary’s daughter Janet and I met on a blind date near the end of her freshman year at UNC-G and my sophomore year at Davidson College. Carol’s family moved to Union County where she graduated from Piedmont High in 1963. Janet and I celebrated our 55th wedding anniversary a few months ago. I bought her an e-bike as a gift. The jury is still out as to how well she likes it!

Ricky didn’t know about Jim and Conrad’s “Heart of Darkness” until I told him about it yesterday. Now don’t tell me that’s not either wonderfully serendipitous or serendipitously wonderful, or BOTH!!!

Jim’s funeral was about 5:00 on a bitterly cold night in the new Marshville Baptist Church several miles out of town. I don’t know why they decided to build a new building but a good enough reason would have been the steep and narrow concrete steps leading to the front door of the old church sanctuary, where I struggled with the other pall bearers getting John Robert Watson, Edwina’s husband’s casket, who died young from cancer, down without dropping it. I attended one of Jim’s SS classes in both churches. I went by Jim’s cubicle in the office and picked up several “props” and made a note or two before his funeral. The church was packed. His daughter Betsy made a few short remarks, I don’t remember whether before or after former sheriff, Frank McGuirt’s, then mine. JoAnn, Nina, Nate and Betsy and Bart and their families were sitting in the front row. I’m going to recite a few of the things I said, though obviously not word for word, in quotes, because I think I can remember some of them pretty well:

“JoAnn, and Bart and Betsy and Nina and Nate, my wife Janet asked me to express her regrets for not being here. She’s with her 94 year old dad who’s in the hospital in Kingsport, TN where he and her

brother lived. Her mother passed away 8-10 years ago and I told it around the office that I would be out several days to attend her funeral. Jim asked when and where it would be and said he thought he and JoAnn would come. I said that Janet certainly wouldn't expect them to drive all the way to Kingsport to attend the funeral of a woman they didn't even know. He said 'Cawell, you don't understand. JoAnn spends all her time feeding and driving her grandkids around. I can't get her to leave. She's about to drive herself and me crazy. This'll be like a vacation!' And sure enough, Jim and JoAnn were sitting in the congregation for Mary Tweed's funeral. JoAnn, Janet will always be in your and Jim's debt!

"Betsy asked me to make some light-hearted remarks, and that's not hard to do when remembering Jim. I picked up a few things from his desk." I don't remember exactly what I held up first, a little doodad of some kind. Picking it up, I said "Nate do you know what this is, is this something you gave Jim" (which is what he called Jim)? Nate shook his head no. I told him something about how Jim had told me what a good student and ball player he was and how they loved watching "Jeopardy" together. And I think I told Nina about how proud he was of her and how he loved to go to Applebees when she was working there. Then I picked up a little book and said something like "Here's a Thomas Jefferson New Testament in which all of the miracles, including the virgin birth, Jesus turning water into wine, raising the dead, and his resurrection and ascension have been removed. Did anyone here give it to him?" No response. Joe McCollum told me after the service that he had given it to Jim.

I said a few paragraphs up that I thought I could remember most of what I said, but I now realize that I can't. One item from his desk, which I overlooked mentioning in my remarks was a card from a couple thanking Jim profusely for his help in helping them understand foreclosures and his assistance in their acquiring some foreclosed houses that got them going in the home rental business. I'm sure I talked a little about my relationship with him and how we had grown closer over the years. I do remember specifically saying something like "And to you younger folks, especially to you younger lawyers, I heard Jim say about y'all on several occasions, 'they got no intellectual curiosity'", and something like "so let his words be words to the wise."

I remember how I closed, turning to the minister, who I said Jim was instrumental in bringing back to the church after he had left, seeking some greener pastures (I didn't say those last four words, at least I hope I didn't) and saying that I would leave the scripture reading to him, but that a verse or two occurred to me: "'Blessed are they that die in the Lord, that they shall rest from their labors, And that their works shall follow after them.'" I doubt that there are more than just a few here who Jim hasn't helped in some way. I miss him already!" I was surprised that my eyes stayed dry! James Allen Lee may have put his finger on the key to why Jim was loved by all who knew him; that despite his years, he wasn't old, he was young. And he was, in every way, except physically. **Jim, I still miss you!!!**

I mentioned above that Frank wasn't told about Jim's passing. I don't remember whether Frank had a stroke but he began slipping pretty fast, more mentally than physically. I'm not sure how many times, though not enough that I went by the Cypress to see him, but I remember the last time. It seems like it was late one Saturday afternoon. I don't remember whether I drove to Charlotte just to see him or whether I was there for another reason as well. I think that he had been moved into assisted living. I went by his room, where he wasn't and was told by an attendant that he was in the small dining room

nearby eating supper. I went in and there Frank sat, unmoving, as Betsy fed him some pudding by spoon. Betsy said Hi, which I acknowledged and then I said "Hello, Frank". He said my name, I think just "Hello, Tom." I didn't stay long. I don't remember him saying another word while I was there. Betsy called just a few days later to tell me that Frank, I'll use his words, "had gone on to his reward." His daughter Pam called a day or so later to ask if I would say a few words at his funeral.

A fairly large crowd attended Frank's funeral in the large sanctuary of Central United Methodist Church in Monroe. I don't remember who all spoke before I did; I think Pam did and maybe Tina. Both of Pam's children, Griffin and Sally spoke and maybe one or both of Tina's. I was last. Like at Jim's, I remember pretty well what I said, though not verbatim, of course. I started by saying that Griffin had stolen part of my thunder, talking about how "Big Frank" as his grands called him (Betsy is "Maw Bets") grumbled when he, Griffin, that is, not Frank would run down the long hall in Big Frank and Maw Bets' house in LakeView and jump, trying to touch the ceiling. Frank complained to me one time about that and I told him that that's what boys do, that my brothers and I progressed from jumping to touch the rope that hung down from the pull-down attic staircase in our hall to the bowl covering the light bulb, to finally touching the ceiling in the hall, ultimately "palming" it. I told him that he should be glad that Griffin was all boy. Frank said that if he had an athletic bone in his body that he never discovered it. Remember when I told, way up above about Frank telling the gay summer church intern who got sued for sexually abusing a boy on a church trip that he needed a girlfriend? He told me once that if Griffin showed any signs of gayness that he would find a prostitute to take him to and would gladly pay for her services. I didn't tell this in my remarks!!!

I briefly traced the steps of my relationship with Frank, from the time he and Bob Clark had interviewed me at Carolina law school, to hiring me at \$9600/year (I may have even mentioned that figure), and progressing from my being his employee to his inviting me to be his partner. I said that I never needed to ask him for a raise or an increase in my %age of our partnership. I told about him saying that we should buy the building we were practicing in and his putting the deed in both of our names, 50/50. I said that Frank started as my boss, then became my partner and mentor, then my good friend. I told about his interest in technology, resulting in his having one of the first portable phones, which he kept in his car, sitting on a charger as big as a car battery. Ovella Cartner was in the audience and I asked if she remembered the button Frank had installed under his credenza with which he could buzz her, signally for her to ring him on the phone and tell him, out loud so whoever was over staying their welcome in his office could hear that his next appointment had arrived, and Ovella either nodded or maybe even said that she remembered that. (As an aside, I've found that engaging someone in an audience is a good way to get not only their attention, but others as well. I found that It worked when arguing to a jury. Of course I didn't call a juror out by name but addressed them all as in a conversation, maybe asking if they recalled such and such, usually getting some nods or smiles acknowledging their recollection.)

I said that I recalled a number of his witticisms, like "the sun doesn't always shine on the same monkey's ass", turning and asking the Reverend Britt Hadley if that last word wasn't in the Bible and getting a chuckle from him and some from the audience. Britt had previously been an associate pastor at the church and, after working for Jake Plyler, a stalwart choir member and I'm sure an even more stalwart contributor to the collection plate, had returned to the ministry and to Central Methodist, again as an

associate. He sat on the pulpit platform with the senior minister, who didn't know Frank and Betsy because by then they had been at the Cypress for probably 6-8 years. Frank told me, if I remember correctly that years before he was on some church board when Britt came before it seeking to return to his old position as associate and Frank told him, in front of god and the committee that he had left the ministry on his own accord and that he, Frank, that is, saw no reason the church should take him back. As you can imagine, I didn't tell this either!

Most of the Union County bar was in the audience, as was NC Court of Appeals Judge Sanford Steelman and several other District Court and maybe a Superior Court Judge or two. I don't remember any judges except former District Court and later District Attorney Ken Honeycutt attending Jim's funeral.

Frank and Jim, Jim and Frank, both great lawyers, each in his own way, great cousins to each other, and great mentors and best of all, great friends of mine. Frank and I discussed and agreed that if either of us were to have the occasion to drive across America and could take only one companion, it would be Jim. And I heard Jim say that Frank knew how his clients thought so well, that they would be comfortable with him answering for them without even having to consult with them. Each of them has had a huge influence on my life. **FRANK and JIM, I miss you both.**

Ah, finis, at 11:00 AM on Saturday, June 4, 2022! And double "Ah, finis", that is proofing and typing the revisions at 9:30 AM on Saturday, June 11, 2022!!

NO, Not Finis, nor even finished, not since I have received some "after discovered evidence" (remember the short course I gave you on evidentiary discovery way back?). Unlike with any of the previous stories that I've written, which are 99% about me, I decided to submit FRANK & JIM to their four children, Pam & Tina and Betsy & Bart for their perusal, additions, corrections, deletions, comments, etc, etc, et cetera. As a result, some ADE (ha, hopefully you haven't forgotten the concept of "after discovered evidence" brought to your attention just 5 lines up).

I've now received some et ceteras and will put the AD ("after discovered", of course) E ("evidence", of course) into E (by now I hope you've caught on).

I'll start with Pam, the oldest (BTW, guess who Pamela Drive in LakeView is named for, Ha!). Her oldest, Griffin (guess who he's named for, double Ha!!), 35 and single, graduated from Hampton-Sydney and lives in Charleston where he works in logistics. Sally, 32, a graduate of the College of Charleston, married a Mt Pleasant, SC native and they live in West Ashley, a Charleston suburb where they are raising James, 2 and Ward, .9 (11 months). Pam worked in the corporate world until she became a wife and mother and now has been retired for 3 years from teaching middle school science for 17. Pamela, how nice to have Griffin and Sally and James & Ward close by you in the low country so you can keep an eye on them, or is it the other way around?

Betsy's the next oldest and lives in Minneapolis. Her sons, Scott and Daniel, both single, one of which, and I'm not sure which is which, or I guess in "proper" English it would be "who is who or who is whom"

(golly I wish Jim was here to advise me on grammar (triple Ha!!!) is an attorney in Manhattan with Sullivan and Cromwell, one of the oldest and whitest of the white shoe law firms in America (Betsy didn't tell me where her sons matriculated, but if I had to guess, I would guess that Scott, assuming he's the lawyer, followed Grandpa Jim at Harvard Law) and the other, a CPA is moving to Italy for 2 years to get a masters in economics from the U of Bologna (I hope he learns to speak Italian at least as well as his Grandpa could English [back to 1 Ha!]).

Betsy read the draft hereof before the ADE and was kind enough to make a few comments in a way that I've never seen before. She inserted them in red right in the story. So cool! Thank-you Betsy for your additions and for teaching this old former lawyer a new trick, actually, showing rather than teaching, because I have no idea how you did that (I may have mentioned earlier that I retired from practicing law at 62, in 2008, or 9. One, though not the primary reason I decided to hang it up was because of the never slowing increase in technology). Some of Betsy's comments:

- (I would have liked to have reduced the spacing here between comments to one line but I can't figure out how!). "According to legend it was Daddy's mama who forced Daddy into the merchant marines and legend is that grandma also went to the school, talked to the principal and got the teacher fired."

- "I have some letters Daddy wrote to George Coggins from his time at Carolina" (me: I think Coggins is the guy Jim wrote the 'Heart of Darkness' essay for) "about his impressions of Harvard and also about some of his woman problems at Harvard...for a time he was dating a Jewish woman who he writes about in the letters...I can send you copies of the letters if you are interested in seeing them." YES, YES, a hundred times YES, Betsy, I would love to read them. I guess I should tell Betsy this by email, and I will, but I'm adding this here because I assume that you've figured out by now that I'm a big Jimophile and as such can't pass up the opportunity to read what Jim had to say from Cambridge!

- To my statement "To say he" (Jim) "couldn't \$ would be a severe understatement", Betsy added "There has never been a truer statement." And "during the summer when I was around the office, Mama would send me to walk with Daddy to the courthouse so I could tell her how much money he gave to people who would come up to him asking for money to buy a meal-I also had to report back how many new clients he told not to worry about paying him."

- Betsy said that her mother died from "Wilson's disease, an inherited disease of the liver."

- She straightened me out in telling me that she is the "older and Bart is 18 months younger-I was 13 and he was 11", when Maude died.

- "Daddy always told me that losing his law license was the best thing that ever happened to him."

- With respect to the chair that the paralegals bought for Jim in the Registry: "That chair is now a shrine to him...with some of his favorite stuff in the chair...I was by there last week and it was still set up as a shrine to him." Betsy, my eyes are moistening as I type this on June 14. We're going to Pawleys Island in a couple of weeks with our younger son, Tim and family and I hope to stop and spend a few days in Monroe on the way back. If so, I certainly plan on making a pilgrimage to yours and Bart's Daddy's "shrine" in the Registry.

- "JoAnn" is spelled "Joan" but pronounced "JoAnn". May this suffice for my many misspellings hereinabove.

- I called the saintly carpenter who married one of Jim's sisters and who built the small frame house next to Jim's mother "Fred Helms." Betsy said Fred was a Griffin, too, one Grif marrying another Grf!

Bart tells me that his son Tyler is 37, married, living in Charlotte, in the electrical supply business and is the father of, not "Jim", but "James", which BTW, Bart, is my middle name. His daughter Blair, 35, is single and lives in Charlotte, where she is a fulltime nanny. He is still in the roofing business, though now in the supplying of materials end and is in the process of moving to Cornelius, my guess onto Lake Norman, right, Bart? When I was a student at Davidson College, 1964-68, Cornelius was a sleepy little burg on NC 115, joining the Town of Davidson, so close that you didn't know when you had left one and were entering the other. You could rent lake front lots on Norman from Duke Power for \$99/year and put anything you wanted on them, mostly fishing shacks and mobile homes. Weren't you partners with several different guys in the roofing business. I remember hearing Jim's end, of course, of several phone conversations with you about business issues. He kept me up to date with Tyler and Blair, one, or maybe both of which I remember him talking about visiting Joan and him frequently. I don't remember how Jim ended his phone conversations with you, but I always knew when he was ending one with Joan, because it always ended with Jim saying, "I love you!"

It's June 18 and FRANK & JIM is going to the publisher today, despite the fact that I don't have Tina's (BTW, Tina, how many times did you circle Tina Circle in LakeView on your bicycle when you were growing up?) comments. I submitted the following to her for approval a couple of days ago: "After UNC-CH and a couple of years at Bank of America, Tina went to Northwestern to get her MBA and met her husband Art, Andrew and Caroline's father. After college, Andrew worked in Wisconsin for several years but has recently taken a job in Nashville where, coincidentally or serendipitously, but certainly conveniently, Caroline will begin her senior year at Vanderbilt this fall. Tina, Andrew and Caroline tragically lost Art to cancer some years ago and Tina has moved to Charlotte where she is about to pull her hair out because the contractor making renovations and additions to the house she's bought is way past the time he promised that she would be in. It sounds like she needs a good lawyer, but most of the good ones, at least the ones that she knows and can afford (who can afford lawyers these days?) are either dead or retired! According to Ma-Bets, who I talked with last night, still living independently in her condo at the Cypress at 96, which OF COURSE she gave me permission to tell, Tina is still bunking with her.

AT LONG LAST, my story of FRANK & JIM is now officially concluded, at 1:00 PM on Saturday, June 18, 2022, but friends of theirs and other readers hereof are most welcome to make comments after I've posted it on my website in a few days. The website is simple: tomcaldwell.org