

NORTH CAROLINA  
ORANGE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

NORTH CAROLINA DIVISION SONS )  
OF CONFEDERATE VETERANS, INC., )  
Plaintiff, )

v. )

19 CVS 1579

THE UNIVERSITY OF NORTH )  
CAROLINA and THE UNIVERSITY OF )  
NORTH CAROLINA BOARD OF )  
GOVERNORS, )  
Defendants. )

### ORDER

THIS MATTER comes before the Court pursuant to the Order vacating the consent judgment dated February 20, 2020 as well as the Order allowing the motion to intervene dated February 28, 2020. Pursuant to those Orders, the Court has received and reviewed Motion of the Trustee to Approve Accounting and to Disburse Unsatisfied Obligations, as well as submissions of amici and responses thereto. The Court is deciding this matter without the benefit of a hearing. Based on the foregoing, the Court finds the following facts:

1. The Trustee submitted an accounting as ordered by this Court, which includes unsatisfied obligations of:
  - a. \$9,736.00 by the law firm of Smith Debnam Narron Drake Saintsing & Myers, LLP for legal services related to the Trust.
  - b. \$2,582.00 by the law firm Narron Wenzel, P.A. for legal services and tax advice related to the Trust.
  - c. \$17,542.50 by Matthew S. McGonagle as Trustee for expenses and compensation during the administration of the Trust.
2. That the Trustee has already distributed \$52,000.00 to the attorney for plaintiff for legal services rendered.
3. That the expenses were incurred while the Trust was in effect pursuant to what appeared to be a lawful court order, or in the case of a portion of the expenses, while

the validity of the Consent Order and resultant Trust were in dispute and the subject of this litigation.

Based upon the findings of fact, the Court makes the following conclusions of law:

1. The expenses already incurred by the Trust, and those unsatisfied obligations of the Trust, are reasonable and appeared necessary at the time they were incurred in order to effectuate and carry out the Consent Order in effect at the time.
2. The legal and other fees and costs incurred subsequent to the Court's announcement of its *sua sponte* Rule 60 motion were reasonable and necessary to protect and preserve the assets of the Trust during the pendency of the litigation.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. Within ten days of the entry of this Order, the Trustee shall distribute the withheld funds to satisfy the obligations listed above.
2. Within ten days of the entry of this Order, any remaining funds, including additional interest or any other income, shall be returned to the defendant.
3. At the expiration of ten days from the entry of this Order, the Trust is dissolved and the Trustee is relieved of any further duty or obligation to the Trust or its beneficiary, and shall have no further authority over the Trust.
4. Any further administrative, tax, or other filings or obligations normally borne by the Trust or Trustee shall be the responsibility of the defendants.
5. Based on the situation with COVID-19, the parties sought and the Court granted additional time to May 5, 2020 to effectuate the previously ordered transfer of the Silent Sam statue. Therefore, the Court continues to retain jurisdiction of this matter.
6. The parties are directed to notify the Court when the statue has been transferred. At that time, the Court intends to enter an Order dismissing this action, with prejudice.

This the 8 day of April, 2020.



Allen Baddour  
Superior Court Judge Presiding