BENSON, BROWN & FAUCHER, PLLC ATTORNEYS AT LAW

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Telephone (336) 478-6000 Facsimile (336) 273-5597

December 5, 2014

DEC 1 0 2014

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VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

The Honorable Nancy Vaughan City of Greensboro - Mayors Office P.O. Box 3136 Greensboro, North Carolina 27405

Re:

DEMAND FOR PROPERTY TAX REFUND

Our Clients See Attached Addresses:

See Attached



Dear Mayor Vaughan:

This law office is now representing the City taxpayers identified in Exhibit A hereto in connection with their demands for refunds pursuant to N.C.G.S. § 105-381, in whole or in part, of City property taxes paid for their Cardinal Manor addresses for tax years 2013, 2012, 2011, 2010 and 2009.

As you are obviously aware, in the fall of 2007 the City initiated action to annex these residential properties (annexation zone 2008-12), which annexations became effective on June 30, 2008. Since that date, our clients have dutifully paid their full schedule of City property taxes. The City, on the other hand, has not provided our clients the full City services due them in consideration of those taxes, including street maintenance, street lighting, snow and ice removal, garbage and trash collection, loose leaf collection and sewer line maintenance.

In the fall of 2007, numerous Cardinal Manor residents and their then-existing leadership attended the City Council hearings at which the annexation was discussed as well as the statutorily required public information meetings relating to the annexation. At these meetings, City Staff informed these property owners that they would not be receiving many City services, including garbage collection, sewer and water line maintenance, street lighting, road maintenance, snow and ice removal and loose leaf collection.

In response to this information, and prior to the favorable City Council vote on the annexation on November 20, 2007, Cardinal Manor residents collectively submitted to Mayor

Received by French 12/10/14

822 North Elm Street (Suite 200), Greensboro, North Carolina 27401 www.bbflaw.com

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The Honorable Nancy Vaughan December 5, 2014 Page 2

Keith Holliday their November 15, 2007 letter expressing their concerns over the lack of services despite taxation and a petition opposing annexation in the event the City elected to not provide the required City services. A copy of this letter and petition are attached as Exhibit B. Our clients did not oppose annexation. They only requested the City services for which they would soon be paying.

This letter and the accompanying petition apparently fell on deaf years. To the best of our information and knowledge, the City did not address, consider or in any manner act upon this letter or petition. We are unaware of any record or Council minutes reflecting that the letter, petition and our clients' concerns had been considered or, for that matter, ever presented to full Council for consideration and discussion. It is indeed possible that Council, as then constituted, voted favorably on the subject annexation petition, and the resulting taxes, without knowing or being made aware of the fact that Cardinal Manor property owners would be paying full City taxes while at the same time being denied the City services being provided to other property owners in their annexation zone. This is plainly a denial of their right to due process.

Again, and as in 2007, our clients are not challenging the annexation. However, we do believe the subject taxes are unlawful within the meaning of N.C.G.S. § 105-381 in that our clients were and still are being treated differently than other taxpayer citizens who became part of the City as a result of the 2008-12 annexation. For example, we are aware that certain sections of the Carlson Farms neighborhood were excluded from the annexation because the City determined that, due to terrain, it would be too costly for the City to install the water lines necessary for providing City water services. In Cardinal Manor, however, when Staff learned that Cardinal Manor streets were below City standards, Staff told Cardinal Manor that it would be required to bear the costs of the necessary repairs upgrades before the City would begin providing street maintenance. This is unfair and unequal treatment that has resulted in the unlawful imposition and collection of City taxes. If the prohibitive cost of providing water to certain sections of Carlson Farm warranted exclusion of those property owners from annexation so too should have the costs of street repairs warranted exclusion of Cardinal Manor from annexation.

It is our also our understanding that the City is providing full City services, including garbage collection, street lighting, snow and ice removal and loose leaf collection to other taxpayers in that annexation zone while at the same time, and without any reasonable or rationale basis or justification, refusing to provide certain of those services to Cardinal Manor property owners. We view this to be disparate treatment that renders the City taxes constitutionally unlawful, an illegal tax and an unjust enrichment to the City, among other things.

The Honorable Nancy Vaughan December 5, 2014 Page 3

Demand is now respectfully made for an appropriate refund of these taxes and a change in either services policy or tax rates, or some combination thereof, moving forward. I appreciate the City's consideration of this request and I look forward to receiving the City's response within the time allowed under N.C.G.S. § 105-381. My clients will also appreciate the City's prompt and public statement of the reasons the City believes support its decision to not provide Cardinal Manor property owners with the services for which they are paying.

Sincerely

Jeffrey K. Peraldo

JKP:bbf

EXHIBIT A

CARDINAL MANOR TOWNHOME/PATIO HOMES

Cherry Hill Drive

Maria Langman Ted Morgan (1)

3501 Cherry Hill Drive 3518 Cherry Hill Drive

Janice Stephens Bruce Wright (2)

3503 Cherry Hill Drive 3518 Cherry Hill Drive

Gail Gassen John Mullins

3505 Cherry Hill Drive 3519 Cherry Hill Drive

Heidi Merrill Herman Joyce

3506 Cherry Hill Drive 3521 Cherry Hill Drive

Michael and Clara Slane Donna Suggs

3507 Cherry Hill Drive 3522 Cherry Hill Drive

Ellen Simon George Lipovan

3508 Cherry Hill Drive 3523 Cherry Hill Drive

Stanley Bartlett Dock Smith

3509 Cherry Hill Drive 3524 Cherry Hill Drive

Ron and Sally Foster Janice Cameron

3510 Cherry Hill Drive 3525 Cherry Hill Drive

Edward and Carol Fitzpatrick Louis Spera

3511 Cherry Hill Drive 3526 Cherry Hill Drive

Robert and Rosemary Hand Kathy Frye

3512 Cherry Hill Drive 3527 Cherry Hill Drive

Stephen and Brenda Sumner Lee S. Thomas

3513 Cherry Hill Drive 3528 Cherry Hill Drive

Spencer Smith Michael and Hannah Ferry
3514 Cherry Hill Drive 3529 Cherry Hill Drive

Barry Parker Pam Smith

3515 Cherry Hill Drive 3601 Cherry Hill Drive

Roberto Dal Tio Albert F. Chilcott

3517 Cherry Hill Drive 3602 Cherry Hill Drive

3619 Cherry Hill Drive

Thomas & Betsy Gravitte
3603 Cherry Hill Drive Sonja Cranor

3625 Cherry Hill Drive

Denise Bacic

3604 Cherry Hill Drive

C. Brooks & Elmyra Barwick Kay Harmon

3605 Cherry Hill Drive 3626 Cherry Hill Drive

Dan Corazza Renda Brown

3606 Cherry Hill Drive 3627 Cherry Hill Drive

Ed and Barbara Price J. D. Cetrone

3607 Cherry Hill Drive 3628 Cherry Hill Drive

Margaret Cass (1) Judy Averitte

3609 Cherry Hill Drive 3629 Cherry Hill Drive

John & Mary Gartland (2) Susan Clack

3609 Cherry Hill Drive 3631 Cherry Hill Drive

Clayborne & Doris Hall Edythe Schwartzel

3610 Cherry Hill Drive 3633 Cherry Hill Drive

Tom Nash Judith Black

3611 Cherry Hill Drive 3635 Cherry Hill Drive

Ronald & Maria Andy Kathy Graves

3612 Cherry Hill Drive 3637 Cherry Hill Drive

Doris Hendricks Teresa Taylor

3613 Cherry Hill Drive 3639 Cherry Hill Drive

Bonnie Mooring Betty Baxter

3614 Cherry Hill Drive 3641 Cherry Hill Drive

Tyrone & Nakisha Joyner Inga Marohn

3615 Cherry Hill Drive 3642 Cherry Hill Drive

Ted & Myra Holt Sean Gladieux

3616 Cherry Hill Drive 3643 Cherry Hill Drive

Joseph Almasy Julia Brown

3617 Cherry Hill Drive 3644 Cherry Hill Drive

Rachael Matthews Charles Milloway

3645 Cherry Hill Drive

5807 Cardinal Way

Sue Lerner

Anthony Wayne

3647 Cherry Hill Drive

5808 Cardinal Way

Daniel & Carolyn Koenig 3649 Cherry Hill Drive

Laverne Tumlin 5809 Cardinal Way

Gina Starling/Minda Hatley 3651 Cherry Hill Drive

5810 Cardinal Way

Joan Ringer

David & Barbara Bell 3653 Cherry Hill Drive Samuel Rosario 5811 Cardinal Way

June Hunt

3655 Cherry Hill Drive

Vicki Chaffin 5812 Cardinal Way

Linda L. Wigley

3657 Cherry Hill Drive

Arthur and Dorothea Mohr

5813 Cardinal Way

James & Ellen Reddick 3659 Cherry Hill Drive

Bernie & Janet Hanlon 5814 Cardinal Way

Cardinal Way Virginia N. Bull Marcus and Gretchen Crabtree

5815 Cardinal Way

5800 Cardinal Way

Jim Gunning 5816 Cardinal Way

Joan Barefoot 5801 Cardinal Way

Joe and Maria Long 5817 Cardinal Way

Bonnie Bastow 5802 Cardinal Way Jeanne Peters 5818 Cardinal Way

Kathy H. Jackson 5803 Cardinal Way Marilyn Bowman 5819 Cardinal Way

Lisa Moberly 5804 Cardinal Way

Florence M. Cooper 5820 Cardinal Way

John Rapp 5806 Cardinal Way

Gary Angel

5821 Cardinal Way

Joyce Somers

Phillip Crockett

5822 Cardinal Way

Karen Welch 5823 Cardinal Way

David Johnson 5824 Cardinal Way

Vernon and Mary Lou Farrington 5825 Cardinal Way

Robert Shupe 5826 Cardinal Way

June Hubbard 5827 Cardinal Way

Robert and Kathleen Ciurlik 5828 Cardinal Way

Betty Montgomery 5829 Cardinal Way

Lola Upchurch 5830 Cardinal Way

Lisa Harris 5831 Cardinal Way

Paul Johnson 5833 Cardinal Way

Edward and Brenda Travis 5835 Cardinal Way

Margaret Cass 5837 Cardinal Way

Paula Downer 5839 Cardinal Way

Kathy Giba 5841 Cardinal Way

Patricia P. Burns

5843 Cardinal Way

Patricia P. Burns 5845 Cardinal Way

Patrick Tracey 5846 Cardinal Way

David G. Rewerts 5847 Cardinal Way

Todd Pierce 5849 Cardinal Way

Kathryn H. Kale 5850 Cardinal Way

Wayne Burns Developer 5851 Cardinal Way

Allan T. Hawkins 5853 Cardinal Way

Susan Frey 5854 Cardinal Way

Lee R. Ranieri 5855 Cardinal Way

Leo & Iris O'Donnell 5856 Cardinal Way

Moss Creek Drive
Marcyne Nash (1)
3700 Moss Creek Drive

Kerry Bowden (2) 3700 Moss Creek Drive

Cynthia Nordstrom 3702 Moss Creek Drive

Linda Alexander

3704 Moss Creek Drive

3726 Moss Creek Drive

Vickie Tucker

3727 Moss Creek Drive

Edward & Billie Jones (1) 3708 Moss Creek Drive Stephen Mostofsky (2)

Charles Campbell
3706 Moss Creek Drive

Stephen Mostofsky (2) Henry Wilson
3708 Moss Creek Drive 3728 Moss Creek Drive

James Cook Marianne Hedgepeth

3710 Moss Creek Drive 3729/3732 Moss Creek Drive

Sheldon Glick Al Smith 3712 Moss Creek Drive 3730 Mos

3712 Moss Creek Drive 3730 Moss Creek Drive

Eleanor Liebowtiz

Thomas Petty
3714 Moss Creek Drive

3734 Moss Creek Drive

Sean McKinney
3716 Moss Creek Drive
Sawgrass Road
Steven Ralls

Heidi York 3710 Sawgrass Road 3718 Moss Creek Drive

Lisa Apperson Kellee Ivey
3712 Sawgrass Road
3719 Moss Creek Drive

Brady Faggart Daniel Gakeler 3714 Sawgrass Road 3720 Moss Creek Drive

Ray R. Christiansen
Thomas Saunders 3716 Sawgrass Road
3721 Moss Creek Drive

Gayle Luther
Don & Peggy Carter 3718 Sawgrass Road
3722 Moss Creek Drive

Marcella B. Bryant 3719 Sawgrass Road 3723 Moss Creek Drive

Patricia Dovel 3720 Sawgrass Road 3724 Moss Creek Drive

Martha Howell Missroon 3721 Sawgrass Road 3725 Moss Creek Drive

Beth Roberts Helen Derochi 3722 Sawgrass Road

Pamela Whitley 3723 Sawgrass Road

Diane Atkins 3724 Sawgrass Road

David Brodsky 3725 Sawgrass Road November 15, 2007

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Honorable Mayor Keith Holliday Greensboro City Council P. O. Box 3136 Greensboro, N. C. 27402-3136

Subject: Annexation of Cardinal Manor Neighborhood

Dear Mr. Mayor and Council Members:

Many of our residents have attended the recent annexation meetings of October 25th and the two Council meetings culminating with the one on November 5th. We have met and talked with members of the city staff concerning the services we may receive from the city, if annexation is approved by the City Council. Many of the services afforded other city residents are not included for our residents.

We understand from these meetings that the city services Cardinal Manor residents will NOT receive are: (1) Maintenance of all sewer lines and most water lines. (2) Maintenance of street lights and payment of electric bills for same. (3) Adequate trash pickup from dumpsters for the town homes. (4) Only possible partial maintenance of two of our streets, depending on the composition/construction of these streets. (5) Snow and ice removal from the streets in Winter. If we are annexed, we will have to pay for these same services in addition to city taxes, even if they are not provided by the city.

We have excellent response from the Sheriff's Department and from Fire and EMS, even though we realize these city services are excellent too.

If we were to receive all of the services from the city that are afforded to other city residents, then we could not object to being annexed into the city of Greensboro. However, based on the items listed above, we are submitting the enclosed petition, signed by Cardinal Manor residents requesting that the City Council of Greensboro NOT include the Cardinal Manor neighborhood in the current annexation plan.

Thank you for favorably considering this petition.

Very truly yours,

Edward A. Travis, President, for the Board of Directors and Residents of

Eduard a. Srais

Cardinal Manor Association

5835 Cardinal Way Greensboro, NC 27410

(336) 665-1285

cc: Dick Hails, Planning Director, City of Greensboro Alec MacIntosh, Growth Management Planning Manager, City of Greensboro Bill Ruska, Zoning Administrator, City of Greensboro

Proposed Annexation of the Cardinal Manor neighborhood.
We, the undersigned residents of the Cardinal Manor neighborhood, request to be exempted from the proposed annexation
by the City of Greensboro for the reasons stated in the accompanying retter or dansinitial which is signed by the responsive of the Cardinal Manor HOA Board of Directors.

	Proposed Annexation of the Can	the Cardinal Manor neighborhood.		
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Printed Name	Signature	Address	Comment	Date
PAULA R DOWNER	Jamie & Rown	5839 Pereline inay		19/10/11
JAMES POC	Soury Al Por	5545 CArdinal WAY		20/21/11
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Leo O.Donnell	La Chounell	5856 Brdust Way	Taxingos and benefit 6.05PM	C.OTPM
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PATRICE MACE	Populo Tracy			1181307

Printed Name	Signature	Address	Comment	Date
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Thomas A No ROSTEUM	Home Workshow	3702 Muss Cheek DR.	NO ANNEYATION - NO RENIEM	9-11-11
MARIANNE HEDLANY	H Hulyn	3732 Aoss CREENDA.	21	11-14-0}
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Lisa Apperson	The NODERON	3719 Mad Cheek Dr.	No Annexation	1-14 07
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Sign March	Soft Town	3718 MOSSGRELDA	7	11/14/07
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Printed Name	Signature	Address	Comment	Date
DIAME ATKINS	Chan Alkins	3724 SALLERAN RD		7 77
Helen Derkechi	Hylen Define	3722 Sampross Rd		11/12/27
Elizabeth, Grant	Guster Hant	243720 S. 4. 240, 65 806		11/12/07
Robert J. Myone	Show	3718 Saw was Rd		11/12/07
Jean HiMann	Jan (Mille	3715 Saw 25, RI		1, 13/27
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Proposed Annexation of the Cardinal Manor neighborhood.
We, the undersigned residents of the Cardinal Manor neighborhood, request to be exempted from the proposed annexation
by the City of Greensboro for the reasons stated in the accompanying letter of transmittal which is signed by the President
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Printed Name	Lewis F. Davis	MR. + MRS. Ted C. Holt	Meroms Sick HENDLIGS	Tom NASU	FIRENCY Smit	ROIVALDANDY	INGA MAROHIN	Amelie X March	Gerth Lowerskin	Counte Cowenstern		

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Printed Name	Signature	Address	Comment	Date
C/124 HA11	116- Gell In	3610 Cherry Auth,		11/13/57
DOUS HALL	The Hall	3610 Chily The Be		11/12/67
Gal Gassen	Lail Aapsen	3505 Chung Hill Sh		11/12/07
Elizabeth Race	Elmer J. J.	3506 Cherry H.01 Dr		78 CIVI
MICHAEL I SLAN	E Michael Han	350> Chan Hill D.		11/12/07
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ROH FUSTER	Kull Flan	3510 CHarry the Dr.		20/21/11
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SARA HOIDEN	Lan Gray	3518Cherry Hill Dr		1/12/07
Bob Hooner	3) of thosen	3518 Cherry Hill D.		10/2/1
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Printed Name	Signature		Comment	Date
VIRGIL C. BUFILA	Wryl Co Brile	3523 CHEKLY HEL DA		11/2/02
DIVE SUGE	Come See	3544 Chenn Hill Da		11/2/67
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Vardeel Counge	Che Con	7606 (hover Hill 1/2		7 1/1/1
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Lea Joyce	Lea Jane	3521 chow Hill Dr.		11/13/09
	Breeda M. Dunner	u 3513 Cherry Hill D1.		16/13/07
STAN BANDETT	Strolly Bearill	3509 CHEARY HILL DR		19/11
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sposed Annexation of the Cardinal Manor neighborhood.	Ve, the undersigned residents of the Cardinal Manor neighborhood, request to be exempted from the proposed annexation	y the City of Greensboro for the reasons stated in the accompanying letter of transmittal which is signed by the President	the Cardinal Manor HOA Board of Directors.
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SAMES POSTA



822 N. Elm Street, Suite 200 Greensboro, NC 27401 The Honorable Nancy Vaughan 27405 City of Greensboro P.O. Box 3136 NC Greensboro

E-MALED KATINI DICHESE 11-01-21