



PARASIGHT

JULY 2016

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President's Message *What does that mean?*

Have you ever wondered what *pro se* means or *lis pendens* (pronounced lease pendens)? Where do our legal words come from? The answer comes from ancient history. Ancient Rome's legal system has been the inspiration of most of the legal systems of western civilization due to the fact that at one time the Romans had conquered most of Europe. The Roman motto was *divide et impera* (divide and conquer). As the Romans conquered nations, they set out to "Latinize" those who were not Roman. Their influence was so great that after the fall of the Roman Empire in the late fourth century, the governing bodies in the lands they conquered adopted the existing legal system. England, most of its former colonies, and the United States use a variation of the old Roman law called "Common Law." Interestingly, the Roman's laws were influenced by the Greek's legal codes.

The chart to the right contains typical Latin words used in legal documents today.

Word	Literal Meaning	Modern Day Meaning
<i>ad infinitum</i>	forever	forever
<i>bona fide</i>	(in) good faith	sincere, genuine
<i>de facto</i>	from the fact	in reality; actually; in effect
<i>habeas corpus</i>	may you have the body	bring a person before a court
<i>in absentia</i>	in (his or her) absence	in (his or her) absence
<i>in camera</i>	in a room	in private; no spectators allowed
<i>in loco Parentis</i>	in the place of a parent	in the place of a parent
<i>ipso facto</i>	by the fact itself	by that very fact
<i>lis pendens</i>	a suit pending	A written notice that a lawsuit has been filed which concerns title to or an interest in real property
<i>Nolo contendere</i>	(I) do not wish to contend	a plea by the defendant that is equivalent to an admission of guilt (and leaves him subject to punishment) but allows him the legal option to deny the charges later
<i>pari passu</i>	by an equal progress	equally; share and share alike
<i>prima facie</i>	at first face	at first sight
<i>pro forma</i>	for the sake of form	done as a formality
<i>pro se</i>	in person	Appearing for oneself (i.e. one who does not retain a lawyer and appears for himself in court)
<i>res ipsa loquitur</i>	the matter itself speaks	it goes without saying
<i>subpoena</i>	under the penalty	an order commanding a person to appear in court under a penalty for not appearing
<i>ultra vires</i>	beyond strength	outside one's jurisdiction



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MEMBER SPOTLIGHT - JANE HUFFMAN

Q: Where is your hometown? If not in North Carolina, what brought you here?

A: I am from Weedsport, NY – a very small town located in the Finger Lakes area. I moved here in 1992 with my ex-husband. His parents lived in Morganton and we visited here many times and really liked the area.

Q: What prompted you to choose a paralegal career?

A: When I was at Ithaca College, my major was Psychology and I minored in Social Work. During my senior year I was involved in a pre-trial diversion program for teenagers who we were trying to get out of the legal system by providing counseling and other services such as help finding a part-time job. I realized that I really enjoyed being in Court and observing the process. After college I got married and began a 15 year career in retail management. I loved that but being in the legal field was always in the back of my mind. I decided in 1998 to return to school and get my Associates Degree at WPCC.

Q: Do you have a college degree or paralegal certification?

A: I have a BA in Psychology with a minor in Social Work from Ithaca College. I also have an Associates Degree in Paralegal Technology from Western Piedmont Community College.

Q: What do you like most about your job?

A: I like knowing that we can make a difference in people's lives. I enjoy the entire litigation process.

Q: What do you like least about your job?

A: Some days are more stressful than others. I really dislike the very stressful days.



Jane Huffman, NCCP

Q: How has your membership in the CVPA benefited you?

A: I have met new people and, through the CLEs, I have learned things that I didn't know because I have always been involved in litigation.

Q: What has been the highlight of your career?

A: When I was a student at WPCC I received the first ever Sam J. Ervin scholarship. I was invited to attend a presentation ceremony where I got to meet Mr. Ervin and his wife. It was a wonderful experience.

Q: If someone contemplating a paralegal career asked you for career advice, what

would you say?

A: If you don't like to work on a deadline find another career. Being a paralegal is all based upon deadlines.

Q: What tips do you have on how a paralegal can keep her career interesting?

A: Keep learning. Don't get into a rut because you do the same thing day in and day out. Meet new people and network with other paralegals as much as possible. This field is stressful but it is also very rewarding.

Q: Other than being a paralegal, what would be your dream job?

A: I would love to have a lot of land in the middle of nowhere and rescue dogs. I have four dogs at this time, but would have more if I had the room.

Q: What hobbies or activities do you enjoy doing?

A: My husband and I have a fifth-wheel camper. We enjoy getting out in our camper and exploring new places and meeting new people.

Q: What is your favorite vacation spot?

A: My favorite vacation spot would have to be any beach anywhere. I love the sand and salt air. It always recharges me when I spend time at the beach.



Assumed Business Name Act

Effective July 1, 2016, Article 14A of Chapter 66 called the “Assumed Business Name Act” (the “Act”) of the NCGS will replace Article 14. The purpose of the change is to give the public a way of ascertaining the real names of persons engaged in business in North Carolina under an assumed name by requiring those persons to register the assumed business name under the Act.

The main differences of Article 14A are as follows:

1. Prior to the new Act coming into effect, a person had to file a Certificate of Assumed Name in every county in which it was doing business. Now, if the person is engaging in business under the same assumed name in multiple counties, filing is only required in one of those counties (presumably the county where the principal office is located).
2. The Assumed Business Name Certificate must contain the following information:
 - a. The assumed business name.
 - b. The real name of the person engaging in business under the assumed business name. If the business is a partnership other than a limited liability partnership or limited partnership, the Assumed Business Name Certificate must include the real names of five general partners or of all the general partners, whichever is less.
 - c. The type of business.
 - d. The street address of the principal place of business.
 - e. Each county where the person uses or will be using the assumed business name to engage in business.
3. If any information on the Assumed Business Name Certificate changes, a Certificate of Amendment must be filed within 60 days of the change.

4. While Assumed Business Name Certificates are still recorded with the Register of Deeds of the county in which the person or business is engaging in business under the assumed name, the North Carolina Secretary of State shall implement and maintain a searchable online database of all assumed name information. The Register of Deeds must index every assumed business name and within 30 days of filing, must transmit a scanned image of the certificate to the Secretary of State who will enter the information into the central database it maintains. The Secretary of State will also assign an identification number to the Assumed Business Name Certificate. The identification number will be used on amendments and withdrawals.

5. An Assumed Business Name Certificate filed under the Act is effective upon filing and remains in effect until withdrawn.

All Certificates of Assumed Name filed under former Article 14 of Chapter 66 expire July 1, 2021. On or after July 1, 2021, any person who (i) is listed as an owner of the business in a Certificate of Assumed Name filed under the former Article 14 and (ii) desires to continue engaging in business in this State under the assumed business name after that date must file a new Assumed Business Name Certificate under Article 14A.

A person may file a withdrawal of assumed name with the Register of Deeds for any existing assumed name filing before recording a new Assumed Business Name Certificate for the same name. Any withdrawals filed with the Register of Deeds before July 1, 2021 will not be forwarded to or registered with the North Carolina Secretary of State.

Author’s note: It might be beneficial to withdraw a client’s current assumed name filing and file a new Assumed Business Name Certificate right away rather than waiting until after July 1, 2021.

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THE ALEXANDER COUNTY COURTHOUSE

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Alexander County was established in August 1847, the year of the first sale of land in Taylorsville, the county seat. With the proceeds from the sale, a temporary courthouse was built on the present site which consisted of a small one story wooden structure. The structure was sold not long after by the county commissioners for \$35.25 and moved across the street where it was used as a store, saloon and as a dwelling. While it was used as a dwelling, it burned to the ground.



The contract for a permanent courthouse was given to Sumnor J. Smith in March 1848 for the sum of \$4,050. The cost of the courthouse went over budget. The building itself cost \$5,000, the well cost \$49 and the bell cost \$68. The bell was placed in a frame on the courthouse grounds "where it tolled the knoll of many a departing cow, led away to the shambles to be slaughtered for beef", according to a record kept by The Charlotte Observer. Later, the bell was often "borrowed" by the young people of

the town to be used for jamborees or to serenade a friend who was getting married. Unfortunately, the bell was dropped during one of these adventures and cracked so contributions were collected from the citizenry to purchase a new bell.

A new courthouse was built in 1902 by B. F. Smith Fireproof Construction Company. Ironically, this courthouse burned down in 1967.

The current Alexander County Courthouse was built on the original site in 1970 by Herman Sipe & Co. (architect was James Bigg).



1902 Courthouse - circa 1964



Lessons from the Top Paralegal Experts

By: *Carole A. Bruno*

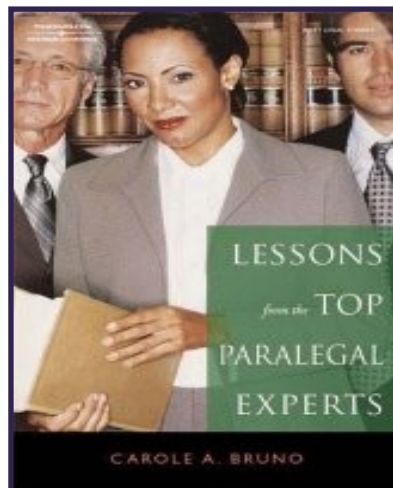
(Excerpt from Amazon.com) Lessons from the Top Paralegal Experts: The 15 Most Successful Paralegals and What You Can Learn from Them is a unique and much needed reference. The primary goal of the book is to help students and professionals learn hands-on techniques directly from paralegal leaders in the field. These top paralegal experts share the secrets that have helped them become the best of the best in their profession. The top fifteen paralegal experts helped to expand the paralegal profession and improve the efficiency of performing

paralegal duties including creativity, leadership, expertise in their specialty, technical skills, knowledge, mentoring, and organization. There is a definite need to provide paralegal students with further instructions to help them become more productive and efficient.

As one of the first paralegals in the nation who helped create and define the paralegal profession, Carole Bruno wrote the Paralegal's Litigation Handbook (PLH) in 1980. Serving as a primer on litigation, PLH was adopted in over 250 colleges and

used as a desk reference by paralegals nationally.

Lessons is now in paperback and can be purchased on Amazon.com.



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What's New (continued)

NEW RECORDING FEE - DEEDS OF TRUST - EFFECTIVE OCTOBER 1, 2016

Deed of Trust recording fees were standardized up to 35 pages at \$64 in order to facilitate TILA-RESPA INTEGRATED DISCLOSURE ("TRID") Loan Estimates and Closing Disclosures. All are hoping this will be sufficient to cover about all TRID loans, before triggering the additional \$4.00 per additional page, \$10 additional instrument and \$25 non-conforming format charges. See [S19, S.L. 2016-86](#), effective October 1, 2016.

June 2016 - Chicago Title NC Blawg



CONGRATULATIONS!

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***BEST WISHES TO PAMELA DORSEY
WHO WAS MARRIED ON JUNE 24!***



**CONGRATULATIONS TO AMANDA AND CHARLIE BENTLEY
WHO WELCOMED
BABY DELANEY ON JULY 14, 2016!!! BEST WISHES TO ALL.**



THANK YOU/UPCOMING CPE

UPCOMING SEMINARS



August 9, 2016

Joshua R. Adams, Esq.
Patrick, Harper & Dixon L.L.P.
Business Court - North Carolina's Answer
to Complex Litigation Problems

September 13, 2016

Donna Hicks Spencer
Catawba County Register of Deeds
E-Recording from
Register of Deeds Perspective,
Updates Affecting Register of Deeds Office
and Changes in New Notary Manual

November 8, 2016

Patrick D. Finn Jr., Esq.
Law Offices of Lisa A. Dubs
Representation of Clients who are
Victims of Domestic Violence

**If you have
suggestions for
social events or
CPEs, please let us
know.**

Thank you

Ruth Reynolds and John LaRue

for presenting our CPE on

Ethics in Private Investigations

Thank you

Vanessa B. Hawkins, Esq.

for presenting our CPE on

Absolute Divorce and Its Affect

**Thank
You/
Upcoming
CPE**

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CVPA ROSTER OF COMMITTEE MEMBERS

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