



Gaston County

Gaston County
Board of Commissioners
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Budget and Management Services Board Action

File #: 21-221

Commissioner Worley - Budget & Management Services - To Accept a Proposal for Legal Services for the Community Development Block Grant-Neighborhood Revitalization Program from the Law Firm of Michael, Elting, & Anders (\$10,000)

STAFF CONTACT

Pat Laws - Budget & Management Services - 704-866-3771

BUDGET IMPACT

No County Funds.

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Gaston County received a \$750,000 Community Development Block Grant - Neighborhood Revitalization (CDBG-NR) Grant administered by the Rural Economic Development Division, North Carolina Department of Commerce. The CDBG -NR Grant represents 100% of project funding that includes the following activities: project administration and the housing rehabilitation of approximately sixteen (16) sub-standard, owner-occupied homes.

The County requested statements of qualifications from attorneys to (1) provide title searches that will include an opinion that an appropriate lien through a Deed of Trust can be recorded as a part of the loan application process; and (2) provide other legal CDBG-NR services as may be required. The County use competitive procurement to select a firm/individual to provide legal services. The request for bids was posted on the HUB website, the State of North Carolina Interactive Purchasing System, and mailed to sixteen regional law firms. Of the two bids received, Michael, Elting, & Anders was the lower bid.

POLICY IMPACT

N/A

ATTACHMENTS

Michael, Elting, & Anders Proposal

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFraley	BHovis	KJohnson	TKelgher	TPhillbeck	RVWorley	Vote
2021-181	06/22/2021	TP	KJ	A	A	A	A	AB	A	A	U

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

MICHAEL, ELTING, & ANDERS, PLLC

Kemp A. Michael
Brooke E. Shepherd Elting
Marie Michael Anders*
*also licensed in South Carolina

Attorneys at Law
Mount Holly, NC
Serving you since 1972

April 7, 2021

Pat Laws, Grants Manager
Gaston County
128 W. Main Ave.
Gastonia, NC 28052

RE: Gaston County CDBG-NR grant ("Grant")

Ms. Laws:

The purpose of this letter is to submit the proposal of the law firm of Michael, Elting, & Anders, PLLC, to perform title searches on properties included in the Grant. We are a small firm in Mount Holly consisting of two female attorneys, one male attorney, and four staff members, two of whom are real estate paralegals who assist the attorneys with title searches on a regular basis. We focus on real estate transactions, both residential and commercial, typically requiring title searches. This firm has been in existence since 2013, and the three attorneys have been practicing for a combined total of 70 years. We search titles throughout Gaston County, the State of North Carolina, and a large segment of South Carolina. For additional general background we are enclosing our firm brochure. Our firm has its liability insurance with Lawyers Mutual located in Cary, North Carolina. Please find attached a page giving references and summarizing the resumes of the three attorneys who would be performing title searches if our firm is selected.

We are the attorneys for the City of Mount Holly, and as such we have performed title searches on behalf of Mount Holly for two previous CDBG grants, of which the most recent project was in the River Street area and was closed out successfully several years ago. We realize that title insurance and traditional bank loans will not be required on this project; however, we are approved by all of the major title insurance companies and all of the major banks and we are regularly employed to perform title work on behalf of title insurance companies and other attorneys.

Our understanding is that you will need title searches performed that are not likely to go beyond the current owners' acquisition of the properties. Our fee would be \$175 per search, which would begin with the current owner's deed or a minimum of ten years whichever is further, and checking the public record to the present time. Should we be engaged to perform additional services for which we would charge an hourly rate, that rate would be \$190 per hour. We would be happy to answer any further questions or provide other information. Thank you for this opportunity to submit our proposal.

Sincerely,


Kemp A. Michael


Brooke Shepherd Elting


Marie M. Anders

Michael, Elting, & Anders, PLLC Attorneys at Law 124 W. Catawba Ave. Mount Holly, NC 28120
704/827-5897 fax 704/827-2230 www.mounthollylaw.com office@mounthollylaw.com

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Kemp A. Michael



Brooke E. Shepherd Elting



Marie Michael Anders



Our Attorneys

Kemp A. Michael

- NC licensed attorney for over 45 years
- Pfeiffer College, B.S., 1969
- Wake Forest University School of Law, J.D., 1972
- Served on Gaston County Board of Education- 14years
- Mount Holly Man of the Year- 2013
- Mount Holly Rotary Club- Past President and Paul Harris Fellow

Brooke E. Shepherd Elting

- East Gaston Valedictorian, 2000
- Wake Forest University, B.A., 2004
- University of North Carolina at Chapel Hill School of Law, J.D., 2007
- NC Journal of International Law and Commercial Regulation
- Mount Holly Rotary Club- Past President and Paul Harris Fellow
- Mount Holly Community Development Foundation-Board member

Marie Michael Anders

- Licensed in North Carolina & South Carolina
- East Gaston Valedictorian, 2005
- Wake Forest University, B.A., 2009
- Elon University School of Law, J.D., 2012
- Elon Law Review
- Mount Holly Rotary Club- Past President and Paul Harris Fellow
- Mount Holly Farmer's Market- Board member
- Mount Holly Historical Society- Board member

**MICHAEL,
ELTING, &
ANDERS,
PLLC**

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Divorces/Separation Agreements/ Pre-nuptial Agreements

Separating from your spouse or divorcing is a stressful time. If you and your spouse are in agreement about divorce and how to divide your property, our attorneys can work with you to make the process of separation and divorce run as smoothly and quickly as we can.

We also prepare pre-nuptial or post-nuptial agreements, which are especially useful to the young professional or when planning a second marriage. These agreements are not solely for the purpose of agreeing on arrangements in the event of divorce. They are also useful for agreeing with your future spouse on how to hold property during the marriage and agreeing with your future spouse on rights to each other's estate in the event of death. Without such an agreement, the rights of you and your spouse in each other's property is dictated by the State, which can lead to less than ideal consequences.

Please note that our firm can only represent one spouse in these matters. Although not required, we recommend that the other spouse seek separate legal representation.

Traffic

Getting a traffic ticket is a bad feeling, and leads to questions: Do I have to take off work and go to court? How will this affect my insurance? Should I just pay the fine?

In most cases, our attorneys can help you by going to court for you so that you don't have to miss work. We can also help you navigate the system to minimize your future insurance premiums and protect your license to drive.

Real Estate

We have been closing home purchases and refinances for over 45 years, and have completed thousands of real estate closings. We handle closings in Gaston, Mecklenburg, Lincoln, Catawba, Cleveland, and the surrounding counties- and now surrounding counties such as York in South Carolina, too!

We can even handle your closing on your beach property in Horry or Georgetown County, SC. We handle both residential and commercial sales and refinances-- ranging from vacant residential lots to multi-million dollar commercial complexes. We prepare required documents. We work with all lenders and all types of loans, including seller-financed closings. We want to handle your next closing!

Business Law

The small business owner works hard to keep a business running. Our attorneys can help with the legal aspects of starting up, running, selling, or winding up a business. We are experienced with incorporating, setting up the minute book, drafting minutes, resolutions, bylaws, or operating agreements, drafting commercial leases, closing stock purchase or asset purchase transactions, and drafting and filing security agreements. We are also experienced with incorporating non-profit corporations and working with small non-profits to apply for 501(c)(3) status.

Wills, Trusts, & Powers of Attorney

Proper estate planning is important to protect your assets and maximize your estate for the benefit of your family. Did you know that if you do not have a Will, that the State decides what happens to your property when you pass away? Often times this can lead to unintended consequences. Our attorneys are experienced with preparing Wills, Trusts, Business Powers of Attorney, Healthcare Powers of Attorney, Living Wills, and other documents necessary for estate planning. Our strength is in listening to the needs of our clients and drafting appropriate documents tailored to their individual interests, needs, and goals. Since we also handle probate estates, we know how to properly plan in order to minimize hassle, confusion, and expense for your family when the time comes.

Please call us with any questions, and we would be glad to make you an appointment with one of our attorneys to discuss your estate planning needs.

Probate Estates

For many families, administering an estate when a loved one dies can be confusing and burdensome. Our caring attorneys and paralegals are experienced with handling probate estates, big and small. We work with executors and beneficiaries every step of the way to be sure that the estate is handled properly and in a timely manner.

If your spouse, parent, or other family member or friend has passed away, please give us a call to make an appointment with one of our attorneys to discuss your next steps.

GASTON COUNTY CDBG-NR GRANT RFP
REFERENCES AND RESUMES
MICHAEL, ELTING, & ANDERS, PLLC

References:

Miles Braswell, City Manager, City of Mount Holly, miles.braswell@mtholly.us, (704)827-3931
Danny Jackson, Consultant to the City Council, City of Mount Holly, dannyjackson@mtholly.us, (704)827-3931 (former City Manager of Mount Holly, retired)
Phillip G. Ponder, Jr. pgpondo@att.net, (704)813-3976 (former City Manager of Mount Holly and former Assistant County Manager of Gaston County, retired)

Resumes:

Kemp Michael

Pfeiffer College, BA '69, Wake Forest University, JD '72, bar licensure: NC – 1972

Kemp represented Mount Holly as City Attorney for 46 years, attending all council meetings and, upon request, zoning and board of adjustments meetings. Kemp was recently named Assistant City Attorney in December 2020 when his partner, Marie, was appointed City Attorney. Kemp has also been the attorney for the Mount Holly ABC Board since its inception in 2003 and has appeared before the State ABC Commission. He is versed in parliamentary procedure and developed a modified rules of procedure appropriate for use by small boards. Kemp has acquired all water and sewer easements for Mount Holly over the past 46 years and negotiated and drafted all municipal contracts for construction and professional services. Kemp and Marie recently negotiated the regional wastewater interconnect agreement with Charlotte Water to accept all of Mount Holly's wastewater flow. Kemp has handled over 40 annexations. Kemp has also negotiated the purchase and conservation of 188 acres along the Catawba River and 30 acres along Mountain Island Lake with funding from Clean Water Management Trust Fund. Kemp, along with various City Managers, has drafted the Mount Holly Personnel Policy and has served for decades as one of a three member committee who hears and decides disciplinary personnel matters (subject to appeal to the City Manager) and responds to unemployment and EEOC claims. Kemp has handled the title search, purchase, financing, and construction of landmark projects such as the Municipal Complex and the I-85 water tank. Kemp has also handled the title searches, loan document preparation, and other legal matters for CDBG grants in Mount Holly. Throughout his tenure, Kemp has drafted ordinances and updated the Charter and Code of Ordinances, handled tax foreclosures, code enforcement, and zoning matters. He practices in the areas of real estate, elder law, wills & powers of attorney, probate estates, traffic, divorces, separation agreements, adoptions, personal injury/wrongful death, corporations & LLCs, contracts, and municipal law.

Marie Michael Anders

Wake Forest University, BA '09 (cum laude), Elon University School of Law, JD '12 (magna cum laude), bar licensure: NC – 2012, SC – 2013

Marie was appointed City Attorney of Mount Holly in December 2020. She has represented Mount Holly for the past eight years and was previously named Assistant City Attorney in 2013. Kemp and Marie recently negotiated the regional wastewater interconnect agreement with Charlotte Water to accept all of Mount Holly's wastewater flow. She has updated the City of Mount Holly Code of Ordinances, and has drafted a number of ordinances, including our golf cart ordinance. She has handled multiple annexations, including, with Mount Holly staff, development agreements crafted to ensure that developers pay for the extensions of utilities and road improvements and to ensure smart

growth and increased property values. She has assisted City staff in conforming to the NC requirements for preserving public records in any format, including emails. Marie has been involved in the preparation of greenway easements and has assisted in the preparation of contracts with the architect and constructions manager at risk involving the current construction of a new fire station and a new public works facility. Marie handled the negotiation, title search, and closing for the site of an upcoming new park and for the donation of land on Dutchman's Creek. While still in law school, Marie assisted Kemp with the title searches for the Mount Holly CDBG grant in River Street neighborhood. Marie attends all City Council meetings and attends zoning, Board of Adjustment, and Parks and Recreation meetings as needed. She practices in North & South Carolina in the areas of real estate, elder law, wills & powers of attorney, probate estates, LLCs & corporations (including nonprofits & 501(c)(3)s), contracts, and municipal law.

Brooke Shepherd Elting

Wake Forest University, BA '04, UNC-Chapel Hill, JD '07, bar licensure: NC – 2007

Brooke has been with the firm since her passage of the bar almost fourteen years ago and has been called upon to assist in numerous municipal matters, including all tax foreclosures. Brooke has also had assignments dealing with amendments to the Mount Holly Zoning Ordinance, most recently drafting an ordinance amendment to allow for the establishment of an outdoor resort which includes semi-permanent camping structures such as yurts. She has handled the acquisition of a number of easements for the downtown Linear Park. She has also been involved in personnel matters, including disciplinary hearings and employment security matters. Brooke was acting City Attorney for Mount Holly during a portion of 2008 while Kemp was hospitalized and she gained significant experience. Residential and commercial real estate, including title searches, is a significant portion of her practice. She practices in the areas of real estate, elder law, wills & powers of attorney, probate estates, adoptions, corporations & LLCs, and contracts.