

NORTH CAROLINA      IN THE GENERAL COURT OF JUSTICE  
ALAMANCE COUNTY      DISTRICT COURT DIVISION  
2003 CvD 2647

PEGGY GARNER BRITT,  
Plaintiff,  
v.  
BILLY BERNARD BRITT,  
Defendant.

COMPLAINT

The plaintiff, complaining of the defendant, alleges and says:

1. The plaintiff is a citizen and resident of the state of North Carolina and has been for at least six months next preceding the institution of this action.
2. The defendant is a citizen and resident of Florida.
3. The plaintiff and defendant were married on July 13, 1957.
4. The plaintiff and defendant separated from each other on November 21, 2003.
5. No children were born of the marriage.
6. During the course of the marriage the parties have acquired considerable assets which constitute marital and divisible property within the meaning of N.C.G.S. Sec. 50-20, et seq.
7. Plaintiff is entitled to an equitable distribution of the marital and divisible property.
8. As a result of the defendant's actions as herein alleged, the plaintiff will suffer an immediate irreparable injury, loss, or damages before notice can be served and a hearing may be held unless a temporary restraining order is entered. Specifically, the plaintiff is informed and believes that the defendant intends to use approximately \$50 million dollars

from bank accounts for investment schemes. The funds in the accounts are marital property. Upon information and belief, the defendant is preparing to transfer the monies pursuant to the advice of his alleged financial advisor for use in a scheme of the type Plaintiff believes is fraudulent. Upon information and belief, the defendant transferred \$50 million dollars into Citibank with the intent to invest the funds in a scheme recommended by his financial advisors. Citibank was unwilling to transfer the funds as directed by the defendant until they completed a fraud investigation. The defendant determined to transfer these funds into a suspicious investment despite the Citibank fraud investigators concerns about the transaction. The defendant removed the funds from Citibank.

Based upon past comments of the defendant, the plaintiff is informed and believes that the defendant intends to place cash assets the parties acquired during the marriage in dubious investments off shore or in the alternative place them within an investment involving an offshore trust or trusts.

The defendant has told the plaintiff that he has lost approximately 20 million dollars as a result of fraudulent investment schemes over the past couple of years. The attorney for the parties who the parties have hired to attempt to recover the funds the defendant lost has confirmed to the plaintiff that the defendant has lost millions of dollars in fraudulent schemes during the past several years.

The plaintiff has attempted to inform the defendant that his investment advisors have made questionable representations and have questionable backgrounds. Despite the plaintiff's request that the defendant terminate his relationship with these people, the defendant has refused to do so. The parties have numerous other assets including corporations some of

which are held in just the defendant's name. The books for the corporations in which the defendant, plaintiff, or the plaintiff and defendant have an interest have always been kept at the parties' residence in Chapel Hill, NC. Last month the defendant moved those books and corporate seals to Florida where he has been staying the majority of the time without the plaintiff. The defendant informed the plaintiff that in connection with advice he has gotten from investment advisors, he intends to bring the records of the corporations "up-to-date". The plaintiff is concerned that if the defendant permits these financial advisors to have any access to or control over corporations established during the marriage, that those assets will also be dissipated. The Plaintiff is also concerned that the Defendant does not want the corporate attorney and CPA who currently do the work locally to be involved in the process.

9. When the plaintiff recently became aware of the circumstances in which the defendant had lost so much money, the plaintiff attempted to discuss her concerns about defendant's ongoing intent to invest in a scheme or schemes which plaintiff believes to be fraudulent. The defendant refused to discuss this with the plaintiff, and told the plaintiff that he would make investment decisions without plaintiff's involvement.

10. Pursuant to 50-20(i1), plaintiff is in need of certain assets and property in the control of the defendant as follows:

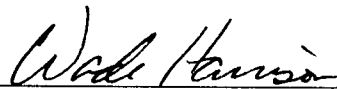
- a. The real property and improvements at 812, 812 1/2 and 820 Kenmore Road, Chapel Hill, North Carolina and the personal possessions therein.
- b. One half of all of the cash and other liquid assets that the parties have.

11. The plaintiff is entitled to a disproportionate share of the marital property and it is appropriate that the Court grant an uneven distribution in favor of the plaintiff.

WHEREFORE, plaintiff respectfully prays the Court as follows:

1. This verified pleading be accepted as an affidavit upon which to base all orders of this Court.
2. For an equitable distribution of the marital and divisible property.
3. For a Temporary Restraining Order and Preliminary Injunction preventing the defendant, or his agents or anyone acting on his behalf, from wasting, converting, or disposing of any property acquired during the marriage or acquired with marital funds after the date of separation specifically including but not limited to cash in bank or investment accounts and the assets of corporate or partnership entities.
4. For an uneven distribution of the assets in favor of the plaintiff.
5. For an interim distribution of half of the cash assets of the parties as well as The real property and improvements at 812, 812 1/2 and 820 Kenmore Road, Chapel Hill, North Carolina and the personal possessions therein.
6. For such other and further relief as the Court deems proper.

This the 24 day of November, 2003.



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Wade Harrison  
Attorney for Plaintiff

WISHART, NORRIS, HENNINGER & PITTMAN, P.A.  
3120 South Church Street  
P.O. Box 1998  
Burlington, NC 27216-1998  
Telephone: 336.584.3388

NORTH CAROLINA  
ALAMANCE COUNTY

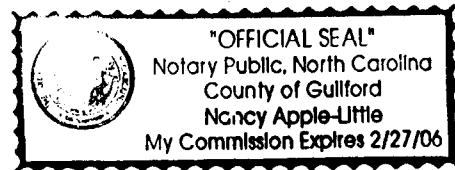
PEGGY GARNER BRITT being first duly sworn, deposes and says that she is the plaintiff in the above-entitled action, that she has read the foregoing pleading and that same is true of her own knowledge, except as to matters and things stated on information and belief and as to those matters and things she verily believes it to be true.

Peggy Garner Britt  
PEGGY GARNER BRITT  
Affiant

Sworn to and subscribed before me this 24<sup>th</sup> day of November, 2003.

Nancy Apple-Little  
Notary Public

My Commission Expires: 2/27/06



NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

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DISTRICT COURT DIVISION

ALAMANCE COUNTY

2003 CvD 2647

PEGGY GARNER BRITT,  
Plaintiff,



v.

ORDER

BILLY BERNARD BRITT,  
Defendant.

THIS MATTER coming on for hearing on December 2, 2003 with the Honorable James K. Roberson presiding. The plaintiff was present and represented by her attorney, Wade Harrison. The defendant was present and representing himself. The issue for hearing was the Plaintiff's motion for injunctive relief. By consent of the parties, a Memorandum of Judgment and Order was entered addressing an injunction and a preliminary distribution of certain property. The parties stipulated that further signatures of the parties and their attorneys are not necessary. Prior to accepting the stipulated agreement of the parties, the undersigned judge made careful inquiry of the parties with regards to the voluntary nature of their agreement and their understanding thereof, explained the legal effect of the stipulation and agreements, determined that the parties understood the legal effect and the terms of the agreement and stipulations and the parties acknowledged under oath in open court that they had voluntarily executed the agreement and entered into the stipulation of their own free will. Based upon the foregoing, and by consent of the parties, the court makes the following:

## FINDINGS OF FACT

1. The plaintiff is a citizen and resident of the state of North Carolina and has been for at least six months next preceding the institution of this action.
2. The plaintiff and defendant were married on July 13, 1957.
3. The plaintiff and defendant separated from each other on November 21, 2003.
4. No children were born of the marriage.
5. During the course of the marriage the parties have acquired considerable assets which constitute marital and divisible property within the meaning of N.C.G.S. § 50-20, et seq.
6. Plaintiff has filed a claim for equitable distribution of the marital and divisible property.
7. The Plaintiff filed a claim for equitable distribution on November 24, 2003 and on that same date the court entered a temporary restraining order following the Plaintiff's filing of the claim.
8. The Defendant was duly served with the Complaint and Temporary Restraining Order on November 24, 2003.
9. When this case was called for hearing, the parties announced that they had entered into a memorandum of judgment to resolve certain claims.
10. The parties agree that the defendant, or his agents or anyone acting on his behalf, are hereby restrained from disposing of, wasting, converting, encumbering or transferring any marital or divisible property including, but not limited to, any cash in banks or investment accounts and the assets of corporate or partnership entities. Provided, however,

that the following entities which are part of the marital estate may make expenditures for ordinary and necessary reasonable business expenses: Trinity Educational Systems LLC; Trinity Motivation, LLC; Britt Properties, Inc.; Roscoe 19 South, LLC; BMI Leasing, LLC; Burlington Property LLC; Brittany Woods; AMI LLC; Concept Design, Inc.; Britt Group; and, Bill and Peggy Britt, Inc.

11. The parties agree that the defendant, or his agents or anyone acting on his behalf, are hereby restrained from altering, updating or revising any corporate books or records for any entities acquired during the marriage or with marital or divisible funds without the approval of the plaintiff.

12. The bond which plaintiff posted will be refunded upon the entry of this order.

13. The plaintiff will have the exclusive use and possession of the real property and improvements located in Chapel Hill, North Carolina at 812, 812 ½ and 820 Kenmore Road. The defendant may have access to the office located on this property during business hours.

#### CONCLUSIONS OF LAW

1. This court has subject matter jurisdiction and jurisdiction of the parties hereto.

2. The parties may enter into Consent Orders which become orders of the court punishable by the court's contempt powers.

3. The parties may enter into Consent Orders addressing a preliminary injunction and an interim distribution and the court has the authority to enter a preliminary injunction and an order for interim distribution.

WHEREFORE, it is hereby ordered, adjudged and decreed as follows:

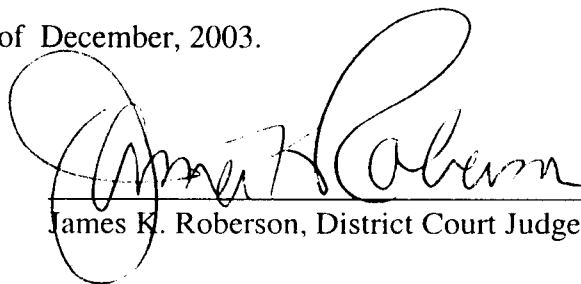
1. The defendant, or his agents or anyone acting on his behalf, are hereby restrained from disposing of, wasting, converting, encumbering or transferring any marital or divisible property including, but not limited to, any cash in banks or investment accounts and the assets of corporate or partnership entities. Provided, however, that the following entities which are part of the marital estate may make expenditures for ordinary and necessary reasonable business expenses: Trinity Educational Systems LLC; Trinity Motivation, LLC; Britt Properties, Inc.; Roscoe 19 South, LLC; BMI Leasing, LLC; Burlington Property LLC; Brittany Woods; AMI LLC; Concept Design, Inc.; Britt Group; and, Bill and Peggy Britt, Inc.

2. The defendant, or his agents or anyone acting on his behalf, are hereby restrained from altering, updating or revising any corporate books or records for any entities acquired during the marriage or with marital or divisible funds without the approval of the plaintiff.

3. The bond which plaintiff posted will be refunded to the plaintiff upon the entry of this order.

4. The plaintiff will have the exclusive use and possession of the real property and improvements located in Chapel Hill, North Carolina at 812, 812 ½ and 820 Kenmore Road. The defendant may have access to the office located on this property during business hours.

This the 12 day of December, 2003.



James K. Roberson, District Court Judge Presiding

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

ALAMANCE COUNTY

DISTRICT COURT DIVISION

2003 CVD 2647

PEGGY GARNER BRITT,  
Plaintiff,

v.

BILLY BERNARD BRITT,  
Defendant.

TEMPORARY RESTRAINING ORDER

THIS MATTER coming on to be heard in chambers upon plaintiff's verified complaint pursuant to N.C.G.S. § 50-20 and N.C.G.S. § 1A-1, Rule 65 and Chapter 1, Article 37 and based upon plaintiff's showing, the court finds as follows:

1. The plaintiff will suffer an immediate and irreparable harm unless the defendant is immediately restrained.
2. It is necessary to enter a temporary restraining order to prevent the disappearance, waste, conversion or encumbrance of the marital property until the plaintiff's claim for a permanent injunction may be heard.

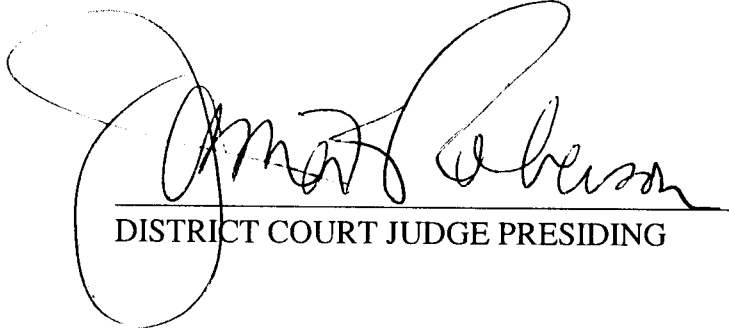
WHEREFORE, it is hereby ordered that:

1. Defendant, or his agents or anyone acting on his behalf, is hereby restrained from disposing, wasting, converting, dissipating or encumbering any marital property or divisible property including but not limited to any cash in banks or investment accounts and the assets of corporate or partnership entities.
2. The plaintiff shall post a bond in the amount of \$5000.00 dollars to secure the defendant from damages for the restraining order entered herein.
3. This restraining order shall expire in 10 days unless extended by further order of the court or by consent.

4. This matter shall come on for hearing on the 2<sup>nd</sup> day of December, 2003 in the Alamance County Civil District Court, Courthouse Annex, Graham, North Carolina at 9:30 a.m. or as soon thereafter as it may be heard.

This 2<sup>nd</sup> day of Nov, 2003.

9:41 am  
m

  
DISTRICT COURT JUDGE PRESIDING