

NORTH CAROLINA
PITT COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NOV 29 11 31 AM
FILE NO. 00CvS _____
PITT COUNTY, S.C.

SOUTHERN SALES, INC.,)
) ^{BY}
) Plaintiff -----
)
)
) vs.)
)
AMY P. MILES d/b/a MILESTONE)
FARM SALES AND MARKETING, INC.)
) Defendant)

COMPLAINT

Plaintiff, complaining of the defendant, alleges and says:

FIRST CLAIM FOR RELIEF

1. That plaintiff is a corporation organized under the laws of the State of North Carolina, with a principal place of business in Wake County, North Carolina.
2. That defendant Amy Miles is a citizen and resident of Pitt County, North Carolina, and does business under the trade name of Milestone Farm Sales and Marketing, Inc. and/or Milestone Farms.
3. That the defendant is in the business of, among other things, boarding and selling horses.
4. That during the months of June and July of 2000, plaintiff lent the defendant the sum of THIRTY THOUSAND SIX HUNDRED DOLLARS (\$30,600.00) with which defendant purchased certain equipment for her business. That despite repeated demands by plaintiff for repayment, defendant has failed and refused to repay any of these sums.

SECOND CLAIM FOR RELIEF

5. That the allegations contained in Paragraphs 1 through 4 are hereby reiterated and incorporated herein by reference.

6. That the defendant advised the plaintiff that plaintiff could make substantial sums of money by allowing defendant to purchase with plaintiff's money certain horses and ponies and then allow defendant to resell the same for a profit.

7. That the plaintiff, relying upon representations by the defendant, authorized the purchase of nineteen (19) horses and/or ponies.

8. Upon information and belief defendant sold to plaintiff horses and/or ponies already belonging to defendant for sums equal to or in excess of their fair market value.

9. When defendant advertised the horses and/or ponies for resale, in almost every instance, she proposed to sell them for prices at or less than the amounts for which she had sold them to plaintiff.

10. That defendant knew or had reason to know that the horses could not be sold on the open market for amounts designed to make a profit, nor even to properly compensate plaintiff for its investment.

11. These misrepresentations as to the value, medical condition, and background of these horses and/or ponies were made with the intent to induce the plaintiff to purchase these horses and/or ponies and, in fact, did induce this action by the plaintiff to its detriment.

12. That the foregoing actions by the defendant constitute unfair and deceptive trade practices in violation of N.C.G.S. Chapter 75.

WHEREFORE, plaintiff prays the Court as follows:

1. For judgment on plaintiff's first claim for relief in the amount of THIRTY THOUSAND SIX HUNDRED DOLLARS (\$30,600.00), together with interest thereon.

2. For judgment on plaintiff's second claim for relief in an amount in excess of TEN THOUSAND DOLLARS (\$10,000.00).

3. For a finding that defendant's actions constitute unfair and deceptive trade practices under N.C.G.S. Chapter 75 and a trebling of damages thereon.

4. For the costs of this action, including a reasonable attorney's fee, to be taxed to the defendant pursuant to N.C.G.S. Chapter 75.

5. For a trial by jury on all issues so triable.

6. For such other and further relief as to the Court may seem just and proper.

This 29th day of November, 2000.

Colombo, Kitchin, Dunn & Ball, LLP
Attorneys for Plaintiff

By 

W. Walton Kitchin
N.C. State Bar No. 7844
1698 East Arlington Boulevard
Greenville, NC 27858
Telephone: (252) 321-2020
Facsimile: (252) 353-1096