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Marvin lawsuit failure predicted

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BY BILLY BALL

Staff Writer

MARVIN

A court challenge of Marvin's controversial involuntary annexation should fail, according to village attorney Anthony Fox.

Fox compared the suit, brought by 106 newly annexed Marvin residents, to a 2005 case against Weddington, where a judge upheld the town's annexation because it offered contracted protection from the Union County Sheriff's Office.

Marvin has a similar deal with the Sheriff's Office for patrol.

"We would contend that the ... contract is very similar to what was in place in Weddington, and that the services received by Marvin are the same, if not even more substantial," Fox said.

Fox defended Weddington in that case and faced Chapel Hill attorney Robert Hornik Jr., who will speak for Marvin residents too.

Opponents claimed the village didn't follow state rules during the annexation process and isn't providing substantial services for its 5-cent tax rate.

The village annexation of several upscale subdivisions was to go into effect at the end of August, but the court challenge delays it for the time being.

"It's similar (to the Weddington case)," Hornik said Tuesday. "Is it exactly the same? I don't know, we'll find out."

Hornik said there will likely be a discovery period before a hearing, allowing lawyers to review the details of Marvin's contract with the Sheriff's Office for deputy protection.

"The sheriff can pull them out anytime he wants to," he said. "We need to know more about the degree of police protection."

No court date has been set yet, although Hornik expects it will take a few months before the case appears on any court calendar.

— *Billy Ball can be reached at 704-261-2226 or via e-mail at bball@theej.com.*