

A photograph of a sandy beach with dunes and sparse vegetation under a clear blue sky. The dunes are covered in dry, brown grasses and small shrubs. The sky is a pale, clear blue. The overall scene is a natural, coastal landscape.

Hammocks Beach

Recent History of The Hammocks and
Bear Island

Dr. William Sharpe

- Brain surgeon, Harvard graduate, world traveler
- 1914 Onslow Rod & Gun Club
- Naturalist, conservationist & philanthropist

Dr. Sharpe Purchases Land

Early 1920's: Dr. Sharpe acquires

- Bear Island,
- 810 acres on mainland, and all marshland in between, known as “The Hammocks”



SWANSBORO

The Hammocks
810 Acres

John Lewis Hurst

- African-American guide for the Onslow Gun and Rod Club
- Friend of Dr. Sharpe for 40+ years
- Married to Gertrude Hurst, educator in segregated public school

1948: Because of his long friendship with the Hurst's, Dr. Sharpe proposed to leave his property at the Hammocks to them.

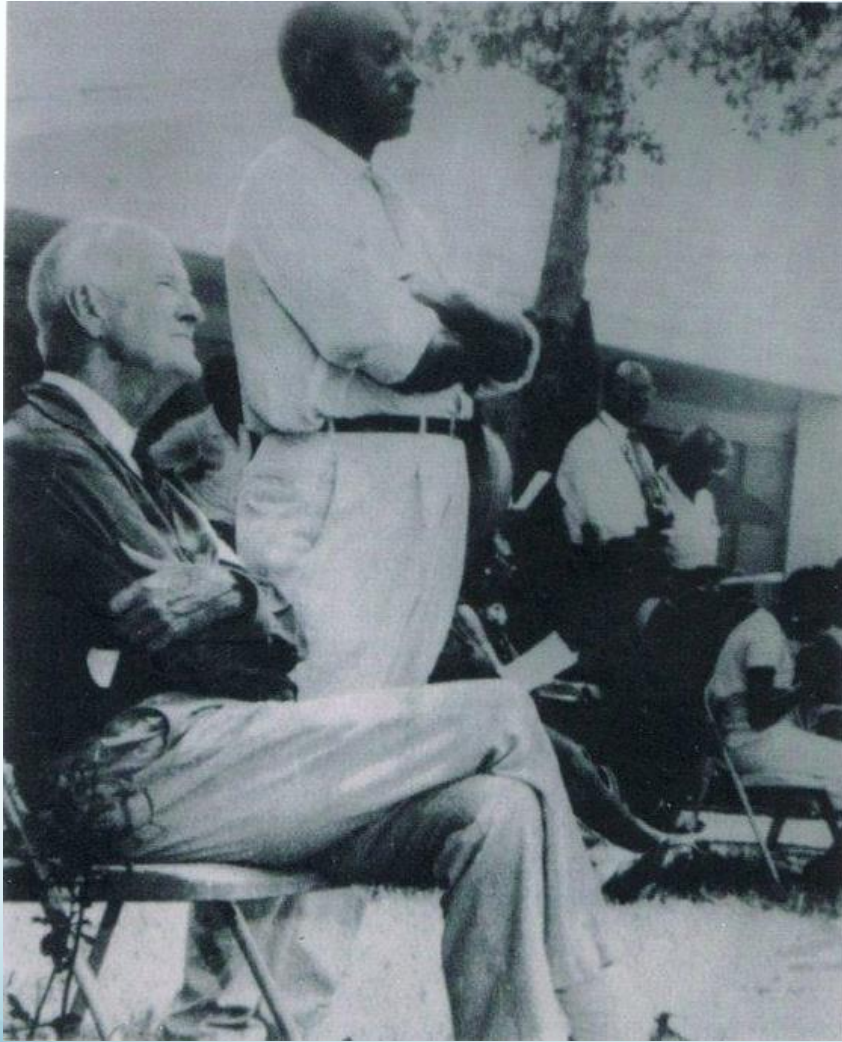
Gertrude suggested instead that the property be used for the benefit of all black teachers in North Carolina.

Formation of the Trust

- 1950: Ownership of the Hammocks & Bear Island was transferred to the Hammocks Beach Corporation, Inc.
- The HBC was organized to develop the land for educational & recreational purposes
- HBC intended to primarily, though not exclusively, benefit African-American schools and their teachers
- Hurst and Sharpe families retain certain rights of use



After trying without success to persuade the State Highway Commission to build a bridge to Bear Island, the HBC decided that the creation of a state park was a better solution for the long term stewardship and public use of the island.



Dr. and Mrs. Sharpe, the Sharpe's adult children, John and Gertrude Hurst, and the Board of the Hammocks Beach Corporation all agreed to donate the island to create a state park because they felt the park would help to accomplish the purposes and vision of the Trust.

The intent of Dr. Sharpe and his wife Josephine were made very clear in documents and correspondence of the time.

Mrs. Josephine W. Sharpe
500 - 39th Avenue South
St. Petersburg 5, Florida.

Mr. Carl V. Venters
Sabiston Bldg.
Jacksonville, N. C.

... to our... if we wished the property...
... few - we could have sold the place years ago. the "Dream of
... still is for the State to develop a Park free to all! not
... chosen few who can afford to lease the locations they desire and can pay

a chosen few who can afford to lease the locations they desire and can pay
for - and what about the many who cannot -? eventually they would have
very little to say as to where they can go if the land is divided into
lots to me it smacks very much - of a Real Estate development. and I
definitely do not approve of such an venture nor do I feel the people we
entrusted with this undertaking are living up to your promises to Dr. Sharpe
or to our "dream" of a State Park - such as it should be free to all
Dr. Trigg years ago mentioned a plan of that sort to us. which we definitely
rejected and at the time thought it a financial Real Estate investment and
it still seems so to me. I would appreciate it if you would inform the
members of my decision at their next meeting I also wish to add I no longer
shall be interested in helping the Project in the future if this idea is
developed.

Very truly yours

Josephine W. Sharpe

Changing South

- **1961:** Bear Island donated to the State; Hammocks Beach State Park opened for African-Americans only
- **1964:** Civil Rights Act of 1964 ends segregation in public places, and Hammocks Beach State Park opens for all
- **1970:** The NC Teachers Association (African-American teachers) merged with the NC Education Association (white teachers) to form the NC Association of Educators; other traditionally African-American organizations dissolve or reorganize

Litigation over Trust Purposes

- **1980's:** The Hammocks Beach Corporation (HBC) sues the Sharpe's & Hurst's
 - Sought to quiet title, eliminate heirs rights of use, arguing that those rights frustrated the trust purposes
- **1986:** Sharpe's & Hurst's countersue
 - Sought to terminate trust, arguing that Trust purposes were impossible and impracticable

Consent Judgment

- **1987:** Consent judgment divides the Hammocks into thirds
- Court finds purposes of Trust had become impossible to fulfill, in part because of the deed restrictions on the property and in part because many of the organizations listed in HBC's Charter no longer existed as a result of racial integration.
- The State Board of Education (SBE) declines to accept the property as successor trustee, claiming they could not legally administer the racially discriminatory terms of the Trust.

SWANSBORO

Sharpe Family
received in
1987 Consent
Judgement

Hurst Family
received in
1987 Consent
Judgement

The Hammocks
289 Acres

HAMMOCKS BEA OF
STATE PARK



Purchase of Land from Trust

- Consent Judgment grants HBC additional administrative powers, including right to convey Trust land
- **1988**: HBC sells 30 mainland acres to the State of NC to enlarge State Park
- Judge approves sale to state, finding the state park is consistent with the terms and purposes of the Trust

Current Litigation

- **2006:** Harriet Hurst Turner and John Henry (Hurst's heirs) sued to remove HBC as trustee and for ownership rights
- Argued that HBC had taken no steps since 1987 to improve the Trust property or to fulfill the purposes of the Trust.”

SWANSBORO

100 60 100 100
100 120 100 100

Mitchell 4-H Camp

The Hammocks
289 Acres

Simmons
FFA Camp

Hammocks Beach
State Park
Visitor Center &
Ferry Landing

- **2007:** HBC and State of NC filed motion to be dismissed under Rule 12(b)6
 - Superior Court granted NC State Board of Education (SBE) motion to dismiss but denied HBC's motion
- **April 2008:** HBC appealed Trial Court denial to dismiss motion based on Rule 12(b)6
- **August 2008:** Court of Appeals reversed Superior Court decision

- **2009:** Supreme Court reversed Court of Appeals decision and remanded case to Trial Court
 - Court rejected argument that Consent Judgment operated to prevent suit, rejecting theory of collateral estoppel
 - Although Consent Judgment granted HBC property free of “any rights” of the Hurst’s and Sharpe’s, Court interpreted this to refer to rights of current use, not future interests
 - Court noted continued reference to HBC as trustee and requirement for HBC to act pursuant to Trust terms
- Case remanded to Superior Court

- **Oct. 26, 2010:** Trial Court entered judgment removing the HBC as trustee & appointed NC SBE as trustee instead
- **Nov. 2010:** SBE passed resolution to accept trusteeship of Hammocks Beach Trust
- **Jan. 11, 2011:** Trial Court held a hearing and formally appointed the State Board of Education as successor trustee of the Hammocks Beach Trust property, subject only to the approval of the Council of State.

- **Jan. 26, 2011:** Hurst's filed notice of an appeal to Trial Court judgment granting the SBE as successor trustee
- **April 2012:** Court of Appeals heard oral arguments
- **Dec. 18, 2012:** Court of Appeals overturned Trial Court judgment appointing the State Board of Education as successor trustee
 - Court finds SBE's answer and motion to dismiss contained "judicial admissions" conceding that SBE interest in trust had been expunged

- **Jan. 22, 2013:** The Hammocks Beach Corporation files a petition for Discretionary review with North Carolina Supreme Court under N.C.G.S. 7A-31
- **Jan. 23, 2013:** State Board of Education petitions NC Supreme Court for Discretionary review pursuant to N.C. R. App. P. 15(b)

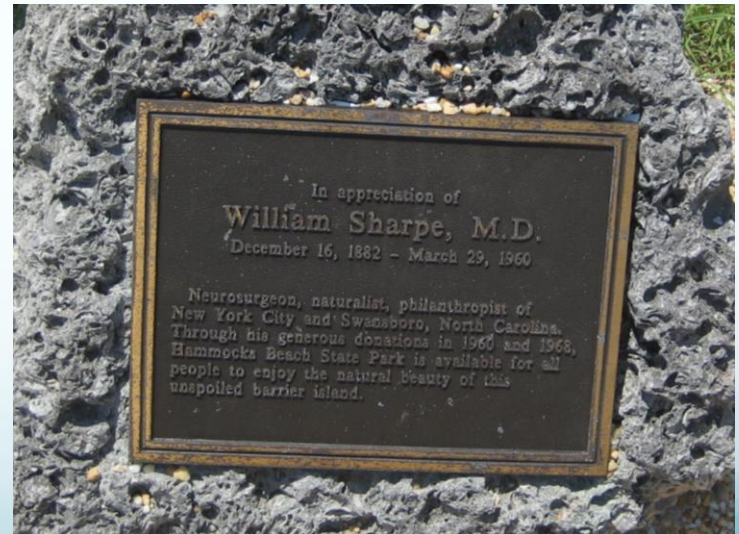
- **March 2013:** the respected parties met for mediation without resolution. However agreement was made to have property appraised by a third party with selection by mutually consent.
- **June 20, 2013:** New appraisal received.
- **September – October 2013:** Meetings with the parties resulted in a tentative agreement to settle based on the new appraisal.

- **Nov. 7, 2013:** Supreme Court grants petition for discretionary review.
- **December 2013 – January 2014:** Parties file briefs with the Supreme Court
- **March 19, 2014:** Supreme Court hears oral arguments for discretionary review petitions.



The history and purpose of the state park have been intertwined with the history and purpose of the Trust for more than 50 years.

North Carolina Teachers Association, c. 1950



Educational display in Hammocks Beach State Park visitor center

The purposes of the Trust and the state park are both focused on education, recreation, and conservation.

The beneficiaries of the Trust are many of the same people and groups who benefit from the state park.

EDUCATION



The park's modern visitor center provides space for classes and presentations, as well as educational exhibits.



On-Site Activity #3

Crawl For Life

Major Concepts:

- Adaptations
- Predator/prey relationships
- Endangered wildlife
- Human impact on wildlife

Learning Skills:

- Communicating, inferring, predicting, interpreting data
- Graphing, using probabilities
- Responding creatively to personal experiences

Subject Areas:

- Science
- Mathematics
- English Language Arts
- See the **Activity Summary** for a Correlation with DPI objectives in these subject areas.

Location:

Open beach on Bear Island; alternative sites include grassy playing field or large indoor play space

Group Size:

30 or more

Estimated Time:

45 to 60 minutes

Appropriate Season:

April 15 to October 15

Materials:

Provided by the park: boundary markers for the playing field; pictures of ghost crabs, raccoons and/or other beach predators; piece of poster paper and magic marker; stopwatch or watch with a second hand; whistle
 Provided by the teacher: Per student: Appendices 2 & 3, graph paper (optional)

Special Considerations:

Students should be dressed in clothing appropriate for a physical education class.

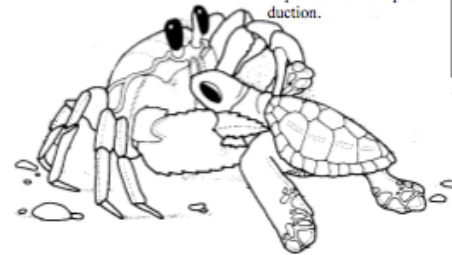
Objectives:

- List three natural predators of loggerhead sea turtles.
- Describe the nesting cycle of loggerhead sea turtles.
- Explain the low survival rate of hatchlings and how sea turtles compensate for young lost to predators.
- Describe how humans impact sea turtle reproduction.



Educator's Information:

In this physically active simulation, students will role-play **hatchling** sea turtles as they crawl from their nest site to the ocean. A few students will role-play the **predators** that commonly prey upon hatchlings. The teacher should prepare the students for the field trip by encouraging them to wear proper clothing and by discussing the threats to sea turtle hatchlings in Appendices 2 & 3. With some modification, this game can be played on the school grounds, but is best done in the turtle's natural environment, the beach.

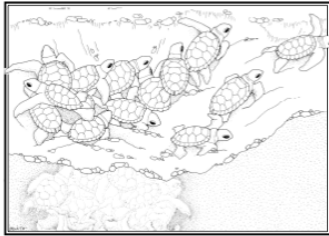


Hammocks Beach State Park, NC

4.3.1

September 2001

SEA TURTLE



T R E K



Hammocks Beach State Park
 An Environmental Education Learning Experience
 Designed for Grades 4 - 6

Like other state parks, Hammocks Beach has prepared an Environmental Education Learning Experience for use by school teachers.

RECREATION



The park provides ferry service to Bear Island, taking advantage of the ferry ride to offer educational programming.

RECREATION



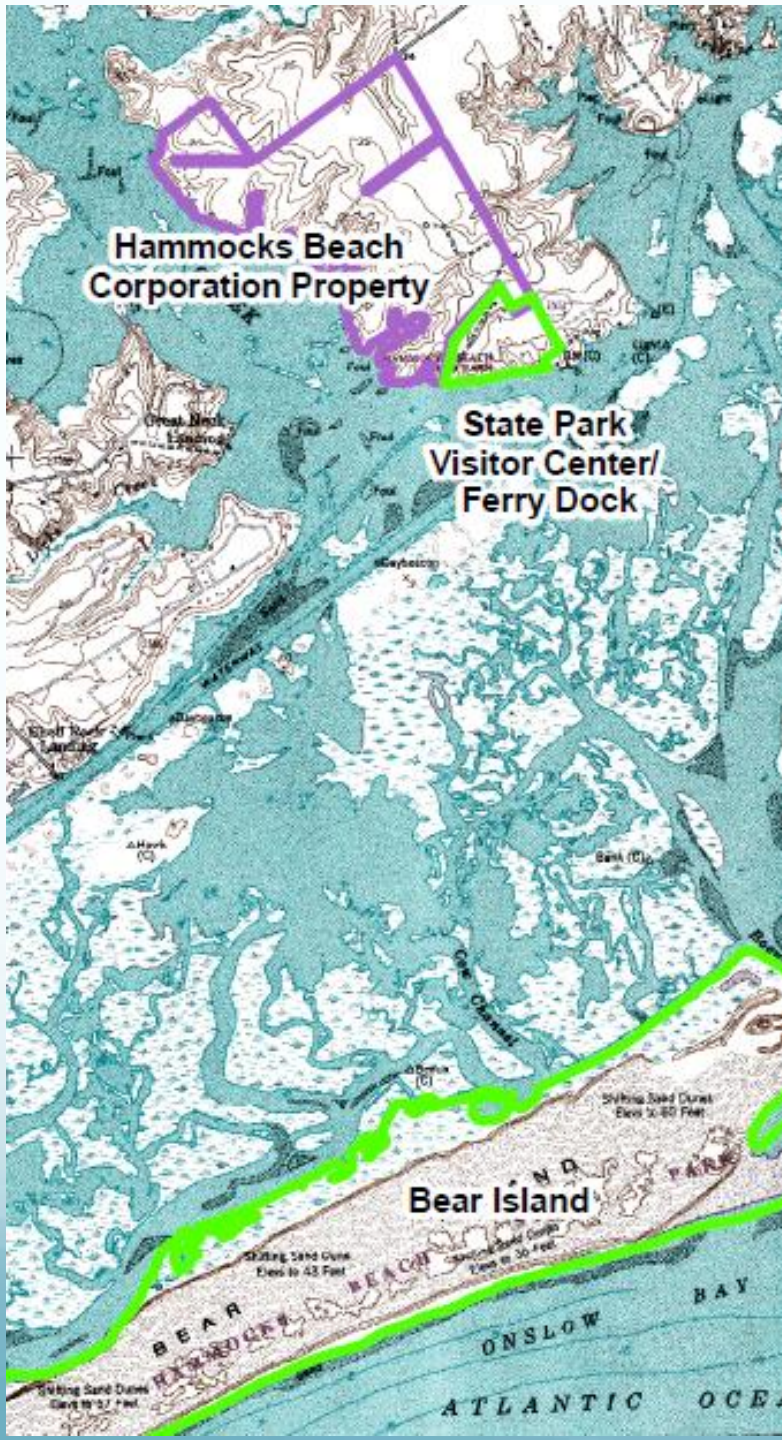
Bear Island offers recreational facilities for swimming, picnicking, camping, boating



CONSERVATION

The park protects important coastal resources and offers opportunities for scientific research and study.





Bear Island offers extensive recreational and educational opportunities, but the small park property on the mainland limits the potential for the park to serve a wider audience.



Girl Scouts®



With the Trust property, the state park could continue the work of the Hammocks Beach Corporation in providing a venue for 4-H Clubs, Boy and Girl Scouts, YMCA, and other educational and youth service groups.

The state park could partner with the Historically Black Colleges and Universities, as well as other colleges, universities and high schools to offer education and research opportunities.



The park could fulfill the vision of Dr. Sharpe and his good friends, John and Gertrude Hurst, to benefit the teachers of North Carolina for generations to come.