

EXHIBIT A



**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STEVEN HEWETT,)
Plaintiff,)
)
v.)
)
CITY OF KING, NORTH CAROLINA,)
Defendant.)
)
THE AMERICAN LEGION AND)
AMERICAN LEGION POST 290)
OF KING, NORTH CAROLINA,)
Movant-Intervenor.)
_____)

Civil Case No. 1:12-CV-1179

**AFFIDAVIT OF DONALD HOLLAND IN SUPPORT OF MOTION OF
AMERICAN LEGION POST 290 TO INTERVENE OF RIGHT,
OR IN THE ALTERNATIVE, FOR PERMISSIVE INTERVENTION
AND INCORPORATED MEMORANDUM IN SUPPORT THEREOF**

Donald Holland, being first duly sworn, states as follows:

1. My address is 110 Timmy's Lane, King, North Carolina 27021.
2. I am currently First Vice-Commander of American Legion Post 290 where I have been appointed to represent the Legion in the this matter. My duties also include Membership Chairman and executing the duties appointed to me by the Commander and Executive Board of American Legion Post 290.
3. I am providing this affidavit in support of The American Legion and American Legion Post 290's Motion to Intervene of Right or, in the Alternative, for Permissive Intervention and Incorporated Memorandum in Support Thereof ("Motion").
4. I have knowledge of the matters discussed in this affidavit concerning the planning, approval and construction of the statue of a United States Military service member kneeling before a cruciform headstone ("Statue") situated in the City of King Veterans'

Memorial that is located in the City of King Central Park ("Central Park") and which constitutes the subject of both this Motion and the underlying lawsuit.

5. The American Legion is a national wartime veterans' service organization with a mission to advocate patriotism and promote devotion to American veterans.

6. The American Legion is involved in the participation in and upkeep of various veterans' memorials throughout the United States.

7. American Legion Post 290 is a branch of the national American Legion organization located at 446 South Main Street, King, NC 27021 and which serves the veterans of King, NC, Stokes County, NC, and the surrounding area.

8. American Legion Post 290 participates in patriotic events at the Veterans' Memorial, including on Memorial Day and the anniversary of September 11, 2001.

9. The City of King, North Carolina is a small municipality with a population of approximately 6,500. Due to the city's size, there is significant overlap between membership in the City of King Government and other civic organizations serving the municipal population, such as American Legion Post 290.

10. The Veterans' Memorial is situated in Central Park and consists of a series of pentagonal, stone platforms, surrounded by paving stones bearing the names of veterans from Stokes County, North Carolina, the county which encompasses King, North Carolina, and which includes eleven flag poles for display of various national- and service-related flags.

11. In 2003, the City of King voted to build the Veterans' Memorial in Central Park. In 2004, the City of King established the King Veterans' Committee ("Veterans' Committee"), consisting primarily of members of American Legion Post 290, in order to raise money for the construction of the Veterans' Memorial.

12. Members of American Legion Post 290 led this fundraising effort through selling paving stones to individuals and organizations bearing the names of veterans from the Stokes County area. These paving stones were used in the construction of the Veterans' Memorial. American Legion Post 290, through the Veterans' Committee, also solicited donations of services for completion of the Veterans' Memorial. In total, American Legion Post 290, through the Veterans' Committee, raised approximately \$180,000 in monetary and service donations for construction of the Veterans' Memorial. The total cost of the Veterans' Memorial was approximately \$300,000.

13. In 2009, the Stokes County Arts Counsel suggested adding the Statue to the Veterans' Memorial to the King Community Appearance Committee ("CAC").

14. The CAC is a subcommittee of the King City Counsel which has its own budget and recommends community beautification projects to the City Council for approval.

15. The Stokes County Arts Council obtained the pattern for the Statue from The Winfield Collection, a company selling patterns online for use in wood and metal craft projects.

16. At the time the Statue was planned and approved, Mrs. Barbara Hensucker, the wife of the then-current American Legion Post 290 Commander, Mr. Coley Hensucker, was the chairwoman of the CAC.

17. Chairwoman Hensucker presented the idea for the Statue to American Legion Post 290 for the organization's input.

18. American Legion Post 290 suggested that the pattern be slightly altered from that available in The Winfield Collection catalogue through replacing the generic rifle silhouette with one that reflected the rifles used from World War II through the Vietnam War.

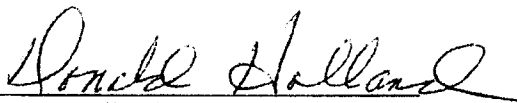
19. The CAC accepted American Legion Post 290's recommendation to alter the Statue to reflect a rifle type used in World War II and the Vietnam War.

20. The CAC then presented the pattern to the King City Council who approved the CAC using \$400 of its budget to fabricate the Statue.

21. A member of American Legion Post 290, Mr. Butch Callaway, volunteered his time and skill to create the Statue. The CAC provided sheet metal and the pattern, but Mr. Callaway created the silhouette using the altered pattern obtained from The Winfield Collection.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed on 19th February, 2013.


Donald Holland