



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

November 13, 2020

Kevin C. McIntosh
KevinM@hickorylaw.com

Exempt from Review – Acquisition of Facility

Record #: 3411
Facility Name: Fair Haven of Forest City
Type of Facility: Nursing Home
FID #: 923147
Acquisition by: Fair Haven Properties, LLC
Business #: 3293
County: Rutherford

Dear Mr. McIntosh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether or not the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. Note that pursuant to N.C. Gen. Stat. §131E-181(b): “A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.”

If the business listed above does acquire the facility, you should contact the Agency’s Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

[Handwritten signature of Ena Lightbourne]

Ena Lightbourne, Project Analyst

[Handwritten signature of Martha J. Frisone]

Martha J. Frisone, Chief

cc: Nursing Home Licensure and Certification Section, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

From: [Kevin McIntosh](#)
To: [Lightbourne, Ena](#)
Cc: [John Cilone](#); [Mack McKeithan](#)
Subject: [External] RE: Fair Haven Properties, LLC No Review-Request for Information
Date: Thursday, November 12, 2020 1:43:35 PM

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Ena,

Good afternoon. Thank you for your email. Yes, Fair Haven Properties, LLC is purchasing the building Fair Haven of Forest City will continue to be the licensed operator of the nursing home facility.

Please let me know of any other questions. Thank you for your assistance.

Kevin C. McIntosh | Partner

Young, Morphis, Bach & Taylor LLP

T: 828.322.4663 | F: 828.322.2023

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From: Lightbourne, Ena [mailto:ena.lightbourne@dhhs.nc.gov]
Sent: Thursday, November 12, 2020 1:14 PM
To: Kevin McIntosh
Subject: Fair Haven Properties, LLC No Review-Request for Information

Good Afternoon Mr. McIntosh,

This is regarding the purchase of Real Property located at 830 Bethany Church Road. My name is Ena Lightbourne and I am currently working on your request, however, I did have one question. Is Fair Haven Properties purchasing the building at the location, which is the Fair Haven of Forest City nursing home facility?

Thank you.

Ena Lightbourne

Certificate of Need, Project Analyst

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section

[NC Department of Health and Human Services](#)

Office: 919-855-4610

Ena.lightbourne@dhhs.nc.gov

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♦ CERTIFIED MEDIATOR

♦ BOARD CERTIFIED SPECIALIST IN REAL
PROPERTY LAW-RESIDENTIAL,
BUSINESS, COMMERCIAL &
INDUSTRIAL TRANSACTIONS

November 6, 2020

**VIA ELECTRONIC MAIL – Martha.Frisone@dhhs.nc.gov
AND US FIRST CLASS MAIL**

Martha Frisone, Section Chief
North Carolina Division of Health Service Regulation,
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, North Carolina 27699-2704

Re: Purchase of Real Property Located at 830 Bethany Church Road, Forest City,
Rutherford County, North Carolina 28043 (the "Real Property")
By Fair Haven Properties, LLC ("Buyer") from Tandem Associates, LLC ("Seller")
Fair Haven of Forest City, LLC ("Licensed Operator") License No.: NH0474

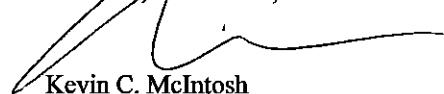
Dear Ms. Frisone:

I hope this letter finds you doing well. I represent Fair Haven Properties, LLC, Buyer in the above referenced transaction. I am writing to provide formal notice that the Buyer is acquiring the Real Property from the Seller with a planned closing date of November 10, 2020. The Licensed Operator will remain the same, as the Buyer of the Real Property is an affiliate of the Licensed Operator, and will continue to lease the Real Property from Buyer and operate the health care facility.

Should you require any additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP



Kevin C. McIntosh

Pc: John Cilone (via e-mail)
Becky Wertz, Chief, NC DHSR Nursing Home Licensure Certification Section (via e-mail)
Jay Hampton (via e-mail)
Michael L. Carpenter (via e-mail)

From: [Frisone, Martha](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Fair Haven of Forest City, LLC
Date: Friday, November 6, 2020 11:43:11 AM
Attachments: [Letter to Martha Frisone.pdf](#)

Martha J. Frisone

Chief

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need
[NC Department of Health and Human Services](#)

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Office: 919-855-3879

martha.frisone@dhhs.nc.gov

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From: Terri Wheeler <TerriW@hickorylaw.com>
Sent: Friday, November 6, 2020 11:37 AM
To: Frisone, Martha <martha.frisone@dhhs.nc.gov>
Cc: jcilone@fairhavenhome.com; MCarpenter@gastonlegal.com; Jay Hampton <jehampton47@gmail.com>; Kevin McIntosh <KevinM@hickorylaw.com>; Stephen C. Gambill <StephenG@hickorylaw.com>; Wertz, Becky <becky.wertz@dhhs.nc.gov>
Subject: [External] Fair Haven of Forest City, LLC

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Ms. Frisone, good morning. Please see attached letter from Mc. McIntosh. Thank you.

Terri Wheeler, NCCP - Paralegal for Kevin C. McIntosh, Partner
Young, Morphis, Bach & Taylor, LLP

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