



North Carolina Department of Health and Human Services  
Division of Health Service Regulation

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

Mark Payne, Director  
Health Service Regulation

December 14, 2016

James C. Wrenn  
Hopper, Hicks & Wrenn, PLLC  
P.O. Box 247  
Oxford, NC 27565

**Exempt from Review – Acquisition of Facility**

**Record #:** 2114  
**Facility Name:** Brookstone Haven of Randleman Assisted Living  
**Type of Facility:** ACH  
**FID #:** 944519  
**Acquisition by:** Pointe South Holdings, LLC  
**Business #:** 2533  
**County:** Randolph

Dear Mr. Wrenn:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of December 12, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Pointe South Holdings, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Adult Care Licensure Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 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."*

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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

  
Celia C. Inman  
Project Analyst

  
Martha J. Frisone  
Assistant Chief, Certificate of Need

cc: Adult Care Licensure Section, DHSR  
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR



**Healthcare Planning and Certificate of Need Section**

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-715-4413

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

An Equal Opportunity/ Affirmative Action Employer



LAW OFFICES OF  
**HOPPER, HICKS & WRENN, PLLC**

P.O. BOX 247, 111 GILLIAM STREET  
OXFORD, NORTH CAROLINA 27565

N. KYLE HICKS  
JAMES C. WRENN, JR.  
CINDY P. BOSTIC  
GERALD T. KOINIS

William L. Hopper, of Counsel

December 13, 2016



TELEPHONE: 919-693-8161

FACSIMILE: 919-693-9938

www.hopperhickswrenn.com

Ms. Martha Frisone  
Assistant Section Chief  
NC Division of Health Service Regulation  
Healthcare Planning and Certificate of Need Section  
809 Ruggles Drive  
Raleigh, NC 27603  
martha.frisone@dhhs.nc.gov

*Via email only*

**REVISED LETTER**

Dear Ms. Frisone:

I represent D&L Management, a North Carolina general partnership ("D&L") and Pointe South Holdings, LLC ("Pointe South"). D&L is a party to a Real Estate Purchase Agreement dated October 8, 1999 pursuant to which it has been in possession of, and has the right to acquire from Pierce Properties #1, LLC, the real property upon which that adult care home known as Brookstone Haven of Randleman Assisted Living, L.L.C. (Address: 501 Pointe South Drive, Randleman, NC 27317; License Number: HAL-076-034) ("Brookstone Haven") is located. D&L plans to assign its rights in the Real Estate Purchase Agreement to Pointe South and Pointe South plans to immediately exercise the contractual rights to close on the purchase of the real property and associated adult care home. Brookstone Haven currently operates the adult care home. After the proposed transaction, Brookstone Haven will continue to operate the adult care home and Pointe South will own the real property.

Pursuant to G.S. §131D-184(a)(8), I understand that this transaction is exempt from review and, as a result, we request that you confirm that understanding by providing us with a "no review" letter.

We would appreciate your review on an expedited basis as this closing has been scheduled for some time and the parties mistakenly assumed that title to the real property was held by D&L. Once D&L learned that it did not own the real property, it decided to create Pointe South to take title to the real estate.

As always, thank you for your assistance.

Sincerely,

James C. Wrenn, Jr.

Cc: celia.inman@dhhs.nc.gov

{A0133262.DOCX}