



## Annual Fiction Writing Competition

The Editorial Board of the *Georgia Bar Journal* is proud to present “The House,” by Stephen L. Berry of St. Marys, Ga., as the winner of the *Journal’s* 10<sup>th</sup> Annual Fiction Writing Competition. Honorable Mention goes to Edward J. Peterson of Macon, Ga., for “The Negotiation.”

The purposes of the competition are to enhance interest in the *Journal*, to encourage excellence in writing by members of the Bar and to provide an innovative vehicle for the illustration of the life and work of lawyers. As in years past, this year’s entries reflected a wide range of topics and literary styles. In accordance with the competition’s rules, the Editorial Board selected the winning story through a process of reading each story without knowledge of the author’s identity and then ranking each entry. The story with the highest cumulative ranking was selected as the winner. The Editorial Board congratulates Mr. Berry and all of the other entrants for their participation and excellent writing.

A bullet grazed the bulldozer’s bucket, sparking off yellow steel stained by rust and sending the operator rolling from the cab. The monstrous machine stood idle; another bullet drove the operator back to where a team of hard-hatted highway workers, an engineer, an aggravated surveyor, three anxious sheriff’s deputies and the lawyer waited.

The lawyer was there because everyone knew there’d be trouble.

The highway had to be built. Atlanta needed another outer perimeter to relieve the stifling congestion of its ancient I-285. Eight lanes of asphalt were simply not enough. So, after 10 years of talking, four years of study and two years of hearings, a new interstate was approved. It took \$50 million to secure the necessary right-of-way. Thankfully for the taxpayers, most of the prescribed route ran through undeveloped land. But, at places, whole neighborhoods had to be relocated. The acquisitions ran 20 percent over budget since not everyone accepted the initial condemnation payments. Nearly 200 landowners went to court and tried hard to convince juries to give them ore.

Some won. Some didn’t.

All of the trials were now over. Appeals exhausted. Cases resolved.

Except one.

The old man had refused every offer of payment. He owned an 800 square-foot, wood-sided cracker box with a chain-link fenced backyard and two narrow strips of decaying concrete for a driveway. He bought it 40 years ago. The blossoming holly bush which guarded one corner was thick from years of meticulous grooming. The dogwood planted after the birth of his son dominated the front yard. Plum and apple trees in the backyard were bushy from years of rainfall and manure.

To the old man the house was a shrine, a testament to his life, something tangible that memorialized his very existence. To the highway crew standing in the street it was another obstacle that had to be obliterated. To the state's appraisers it was just another "tract of real property with dwelling" that had to be valued.

So, they unemotionally appraised its worth at \$47,000 and eventually upped the offer to \$50,000.

But the old man consistently said no.

It was then that the lawyer became involved.

After six months of depositions, interrogatories and document production, the state reverted to its initial offer of \$47,000. But, the old man stood by his assertion that the house was priceless. He would never sell. The jury disagreed and awarded \$47,000, granting title to the state.

That was five months back.

The last appeal was denied nine days ago. The bulldozers first arrived four days later, but were forced to leave by more bullets. They'd returned this morning armed with court orders and deputies. Predictably, the old man was locked inside.

"You know what you have to do," the foreman said.

Without hesitation, the lawyer walked toward the house. Despite the gun, there was no fear. Everyone realized the old man would never hurt him.

At the front door the lock clicked open and the old man let him in. The house was empty. All of the furniture has been moved last week when the lawyer finally convinced him to leave.

"Papa, you have to give this up," the lawyer said, his eyes clouding with tears.

But the old man only shook his head. "I can't let her go."

"She's already gone."

His grandfather shook his head, like last time. "She's not."

It all came out during the trial. After 54 years of marriage, his wife had finally succumbed to cancer. Always before she'd prepared three meals every day, washed clothes most Saturdays and trudged through the grocery store every Thursday. Sunday lunch was a certainty, usually with enough leftovers for Monday

and sometimes into Tuesday. If he lost a button on his shirt, it reappeared no more than a day later. And there was never a time that he was without soap or shaving cream, along with a drawer full of clean underwear.

She'd done it all until she got sick.

Then he'd taken over and, for a year, made sure her medication was regular, that she was taken to the doctor and chemotherapy on time, and that there was food to eat and plenty of liquids no matter what time of day or night. When the end came, she died peacefully in the same bed they'd shared for over half a century.

Two years ago.

The condemnation notice came a year later.

And the reason why the house was, in the old man's work, priceless, was that his wife was still there.

That, too, had all come out during the trial.

The old man swore through tearful emotion that his wife still existed. Not in the physical sense, though she regularly appeared next to him in her maroon Lazy-Boy while he watched television, even complaining like she once did when he wanted to watch "Married With Children" reruns instead of "Inside Edition." She'd also be there at dinnertime, berating him about the frozen microwave entrees he now regularly consumed. He'd never liked green vegetables and always loved red meat. In life, she'd told him he needed the opposite and now, in death, kept up the reminder.

He felt her presence most at night.

The bed, the same one their child had been conceived in and the same one in which she died, was still warm and comforting. She was there. As surely as if physically cuddled to him in her flannel nightgown, still wanting the ceiling fan turned off, but never actually doing it since she knew he liked the breeze.

It was wonderful that she was still there. As if she'd never gone. Which explained why the old man had yet to grieve until last week when the lawyer finally convinced him to leave.

But it had not been easy.

"I can't," the old man pleaded. "She has to have the house. She told me that without this place, she'll move on."

The lawyer had been in tears. He'd loved his Nana, too. But unlike the old man, he'd released his grief two years ago when they buried her.

"Papa, she's gone."

"Don't you see, son? It's the house. It's what keeps her here. It's her world now."

And the lawyer had fought hard against a swell of agony. There was no doubt his grandfather sincerely believed what he was saying. He'd first heard the story when the condemnation action was filed. He'd heard it again when the state spent four hours in a deposition pelting

his grandfather with question after question. He heard the tale on more time at trial, and a fourth time last week.

On every occasion the facts were the same.

The assistant attorney general who had represented the state had been almost mocking in ridicule. In response, the grandson had done what he could, even retaining with his own money an expert in parapsychology who testified that metaphysical experiences were, at least to the person experiencing them, very real. Over objection, the judge allowed the testimony more out of compassion for the old man than out of respect for the law. It was certainly novel: arguing that the fair and reasonable value of a tract of real property should be governed by the presence of a supernatural entity which no amount of money could replace, therefore condemnation should be disallowed.

The jury listened attentively. A few even showed genuine sympathy with his grandfather's plight, but in the end, they had no choice but to reject the arguments as preposterous and award a monetary amount.

The highway had to be built.

And there was no such thing as a ghost.

The lawyer now gazed at the old man through grandson eyes. The two men were a mirror image of each other. One past 70, the other nearly 40. The man in between, the old man's son, the lawyer's father, had never been close to either. A failure, he spent his life drinking whiskey and blaming others for his shortcomings. The old man had grown to dislike him years ago, the son more recently. So, by skipping a generation, they had both acquired someone to love.

The lawyer spent most of his childhood with his grandparents. Together, they had paid for his college and helped with law school. They had been there on graduation day, and stood in the back of the courtroom when he was sworn into the State Bar. At his first jury trial they both sat through the entire proceeding, and though he lost, their enthusiasm made him feel like he won. His Papa had been his best man at the wedding, and his first born was named for him. He and his wife tried to have more children, but with no success. It seemed an almost inevitable cycle: an only child begat an only child who begat another only child.

When the condemnation papers arrived he had no choice but to defend his grandfather, even though he did not for a second believe his grandmother's spirit still dwelt in the house. In his heart, in his mind, in the eyes of his son, in the love of his grandfather was where she still existed. In the midst of unfolding memories that cascaded through his subconscious, in dreams that seemed real there she still existed. Among the hundreds of photographs and few video tapes—there she still existed.

But not within the house.

The house was merely two-by-fours, plywood, shingles and nails, not a sarcophagus of the supernatural or a gateway to another dimension. It was a house, nothing more, and it had to be razed.

"We went through this last week," the lawyer said, resignation in his voice. He pointed to the gun. "Where did you get that? I put it up."

"I found it," the old man said, with the defiance of a young child.

"You can't keep shooting at bulldozers."

"It seems to be the only thing that works."

"The only reason that there's not a SWAT team out there right now is everyone on that crew feels for you. They don't want to do this, but they have a job to do."

"I thought maybe the other day when we moved she'd go with the furniture. Maybe her spirit could be transferred, like the sofa or the television. But she'd not there. The bed is cold."

Trying to make him comfortable, the lawyer rented the old man an apartment. There was not enough from social security for rent and groceries, so he placed the lease in his own name and paid the rent himself. The old man refused to cash the \$47,00 check from the state. He would never accept the money.

"I tried, son." He always called him that. "I really tried to see if that place would be the same. But she's not there, she's here."

"Have you seen her today?"

The ancient face lit up. "Right before you came. She's the one who told me to shoot at the dozer. Thought maybe it would scare 'em off, like last time. She's awful afraid, son. Doesn't want to pass on. She likes it here."

"Why won't Nana show herself to me?"

"I asked her. She says she's tried, but can't. Somehow, I'm the only one who can see and talk to her."

"Is she here now?"

"She only comes when I'm alone."

Which was what the state-hired psychologist testified about at trial. Once the judge ruled that the "supernatural defense," as it came to be called in the press, could be used, the state had tried to counter the argument with a dose of reality. Under court orders, the old man spent several hours with a professional. They'd repeatedly talked about his life, keying particularly on the past two years. The psychologist's notes, produced during discovery, revealed that the old man sincerely believed his wife's spirit still inhabited the house. It was as if their life together had never been interrupted by cancer. His diagnosis was not surprising: repressed grief — *an intentional denial of reality in an effort to stall the inevitable confrontation with acceptance.*

This was consistent with what the lawyer himself had observed.

Never once in two years had he seen his Papa weep. Never once had he ever been sad. Never once, to his knowledge, had Papa ever visited the cemetery. It was the grandson who made sure flowers were always on the grave. The husband never visited. In fact, his grandfather had been relatively happy, content, emotionally similar to before, never once speaking of his wife in the past tense.

Until last week.

The day after he finally agreed to move.

The lawyer crept toward the window and stared out. The rest of the neighborhood was in shambles. Mere piles of rubble that would soon be loaded onto truck beds and carted away. It looked like a bombsite, not the quaint neighborhood of working class stiff it had been for the last half century. The only house still standing was the old man's. The fence still encircled the yard. Trees continued to reach for the sun. It was starkly out of place. A tiny spot of normalcy in what was otherwise chaos. Off ramps would soon lead to secondary streets. Twenty-four hour convenience stores and gas stations would sprout where flower beds and vegetable gardens once grew. The scent of magnolia blossoms and backyard barbecue replaced by carbon and diesel exhausts.

The legal process had truly run its course.

"I can't go back to that apartment, son," the old man declared.

The lawyer feverently explained that if he didn't go peacefully he would be forcibly carried off. There was no choice.

"I've sat awake all night since getting there, hopin' maybe her spirit managed to hitch a ride with her clothes, or her hair brush, or with the bed. Something of importance from her life that maybe, somehow, her soul clung to." The voice went silent for a moment. "There's nothin', son. Only quiet and cold and loneliness."

The lawyer said nothing.

"That's why I came back today."

Enough. "Come on, we have to go."

He clasped the old man's hand and palmed the gun. Surprisingly, there was no resistance. Just tears. From both of them. So he hugged his Papa. If there was any other way he'd support him 100 percent, but unfortunately, there wasn't. Nana was gone. It was time he grieved. The state paid psychologist had said the same thing to the jury, suggesting the destruction of the house might very well be a mechanism to allow the old man to finally confront reality. In other words, it could actually be therapeutic to find against him and, secretly, a part of the lawyer agreed.

They stepped to the front door.

Before leaving the old man turned back.

The lawyer allowed him a final moment, staring too at yellowed-sheetrock, faded wallpaper and

tattered carpeting. Once the backdrop for a loving home, soon it would be landfill.

"Good bye, my love," the old man whispered.

They left and the lawyer gently closed the door for the last time.

Outside, the crew stood silent.

The old man was crying. So was the lawyer. The grandson led his Papa to the old man's car. It was parked next to the fence, atop the same strips of grass-infected concrete that had supported it for years.

"Thanks, son," the old man said as he climbed inside.

"Where you going?"

"To the cemetery. She's there now." He cranked the car and left.

The lawyer walked to the street and told the foreman, "It's yours."

The bulldozer roared to life, and without delay began its assault, first crushing the chain length fence to clear a path both for itself and the dump trucks to follow. Approaching the house, the massive front-end loader raised its bucket, the leading edge jagged with teeth seemingly ready to devour the house. It was positioned directly adjacent to his grandparents' bedroom, and the lawyer watched as the operator released the lever and the bucket crashed onto the shingled roof, obliterating the wall, collapsing nearly half of the structure.

Hydraulics raised the blade again for another blow.

The lawyer could not watch and was just about to turn away when his gaze was suddenly drawn back. At first he thought it was only an illusion. A trick his subconscious was playing on his beleaguered mind. Wishful thinking brought on by almost unbearable emotion. But, as the bulldozer prepared to complete its assault and the first of many dump trucks backed in to accept the wreckage, the image was beyond dispute.

Framed by the living room's picture window where the Christmas tree had stood every holiday of his life, where he himself stood only minutes ago, was his grandmother, the gentle face unmistakable, tears streaming down both cheeks, her lips mouthing, *good-bye.* ☒



*Stephen L. Berry is a 1980 graduate of Mercer University School of Law. Prior to attending law school, Berry attended Valdosta State College, where he earned a bachelor's degree in political science. Since 1980, Berry has been in private practice in St. Marys, Ga. He also served on the Camden County Board of Education and is presently chairman of the Camden County Board of Commissioners. Berry has been writing since 1990 and currently has a novel circulating through New York publishers.*