

# North Carolina Court of Appeals

## Docket Sheet

DOT v Irving, et al

**Case Number:** 97-995

**As of:** 05/01/2024

**Case Closed:** Yes

**Close Date:** 10-05-1998

**Case Type:** Civil (Civil\_othr)

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v

CHARLES G. IRVING, JR.,  
INDIVIDUALLY AND AS EXECUTOR  
UNDER THE WILL OF CHARLES G. IRVING,  
SR.; VIVIAN E. IRVING, INDIVIDUALLY  
AND AS EXECUTRIX UNDER THE WILL OF  
CHARLES G. IRVING, SR.; FLORENCE IRVING  
FRANCIS, INDIVIDUALLY AND AS EXECUTRIX  
UNDER THE WILL OF CHARLES G. IRVING, SR.;  
WAYNE BRASWELL MANUFACTURING HOMES CORPORATION,  
LESSEE; COUNTY OF WAKE; AND TOWN  
OF GARNER,  
Defendants.

<b>Docket Date:</b> 08-21-1997	<b>File Date:</b> 08-18-1997	<b>File Time:</b> 02:43	<b>Acquired Date:</b> 08-18-1997
<b>Bond Collected:</b> Yes	<b>Docket Fee:</b> Yes	<b>Pauper:</b> No	Print Deposit: No <b>State Appeals:</b> No

**History**

<b>Venue:</b> Wake (10)	<b>Heard In:</b> Superior Court
<b>To SC:</b> 11-05-1998	<b>From SC:</b> 04-09-1999

**Lower Court Number(s)**

Location: Wake (10)  
Judge: Jack A. Thompson  
Case #: 95CRS11579

**Tracking/Argue**

**Argue Date:** 03-31-1998 (No oral argument by Rule 30(f))

**Opinion**

Opinion Date: 09-15-1998      Cert Date: 10-05-1998  
Author: Honorable Joseph R. John, Sr.  
Decision: Affirmed  
Opinion Notes:  
Opinion Pages: 8      Opinion Cost: \$ 1.60  
Cite:  
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=14266>

**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	08-18-1997					08-28-1997		
(2) APPELLANT BRIEF	09-24-1997	09-24-1997				10-07-1997		
(3) INFORM SHT	09-24-1997	09-24-1997						
(4) APPELLEE BRIEF	10-27-1997	10-27-1997				11-04-1997		

1 - RECORD  
 Filed: 08-18-1997 @ 02:43:00  
 FOR: Defendant-Appellant Wayne Braswell  
 BY : Mr. Clarence M. Kirk  
 KIRK, KIRK, GWYNN, & HOWELL, LLP

2 - APPELLANT BRIEF  
 Filed: 09-24-1997 @ 03:23:00  
 FOR: Defendant-Appellant Wayne Braswell  
 BY : Mr. Clarence M. Kirk  
 KIRK, KIRK, GWYNN, & HOWELL, LLP

3 - AIS INFORM SHT  
 Filed: 09-24-1997 @ 03:22:00  
 FOR: Defendant-Appellant Wayne Braswell  
 BY : Mr. Clarence M. Kirk  
 KIRK, KIRK, GWYNN, & HOWELL, LLP

4 - APPELLEE BRIEF  
 Filed: 10-27-1997 @ 02:44:00  
 FOR: Defendant-Appellee C. Irving, Jr. et al  
 BY : Mr. Charles T. Francis  
 WOOD & FRANCIS

**Financial Information**

**Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-28-1997	Printing	68.25	80.00	RECORD	39	R082041897A	08-28-1997
10-07-1997	Printing	40.25	40.25	APPELLANT BRIEF	23	R102024197A	10-07-1997
11-04-1997	Printing	64.75	54.25	APPELLEE BRIEF	37	R112008097A	11-04-1997
11-04-1997	Balance	10.50	10.50	APPELLEE BRIEF	37	R112008197A	11-12-1997

**Payments**

Payment Date	Payment Type	Amount	Check Number
10-02-1998	Refund	11.75	29875

**Exhibits**

**Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Irving, Charles G. Jr.	Defendant-Appellant
Irving, Vivian E.	Defendant-Appellant
Francis, Florence Irving	Defendant-Appellant
Wayne Braswell Manufacturing Homes	Defendant-Appellant
Wake (County of)	Defendant-Appellant
Garner (Town of)	Defendant-Appellant
Wayne Braswell	Defendant-Appellant
Town of Garner	Defendant-Appellee
DOT	Plaintiff-Appellee

**Attorneys**

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