

North Carolina Court of Appeals

Docket Sheet

Department of Transportation v Byerly

Case Number: 01-1531
As of: 04/30/2024
Case Closed: Yes **Close Date:** 12-23-2002 **Case Type:** Civil (Civil_othr) **Mediation:** No

DEPARTMENT OF TRANSPORTATION
 Plaintiff,

V

JOE S. BYERLY and wife,
 BETSY BYERLY,
 Defendants.

Docket Date: 12-12-2001 **File Date:** 12-11-2001 **File Time:** 11:48 **Acquired Date:** 12-11-2001
Bond Collected: Yes **Docket Fee:** Yes **Pauper:** No **Print Deposit:** No **State Appeals:** No

History

Venue: Guilford (24) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Guilford (24)
Judge: Lindsay R. Davis Jr.
Case #: 98CVS3991

Tracking/Argue

Argue Date: 10-08-2002 #

Opinion

Opinion Date: 12-03-2002 **Cert Date:** 12-23-2002
Author: Honorable James A. Wynn, Jr.
Decision: Remanded in part; dismissed in part
Opinion Notes:
Opinion Pages: 10 **Opinion Cost:** \$ 2.00
Cite: 154 NC App 454
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=20465>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
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(1) RECORD	12-11-2001					01-09-2002		
(2) MOTION	01-14-2002	01-11-2002					Allowed	01-15-2002
(3) APPELLANT BRIEF	03-11-2002	03-08-2002				03-21-2002		
(4) INFORM SHT	03-11-2002	03-08-2002						
(5) MOTION	04-05-2002	04-05-2002					Allowed	04-08-2002
(6) APPELLEE BRIEF	05-10-2002	05-10-2002				05-22-2002		
(7) MOTION	05-29-2002	05-28-2002		06-11-2002			Denied	09-18-2002

1 - RECORD
 Filed: 12-11-2001 @ 11:48:00
 FOR: Defendant-Appellant Joe Byerly & Betsy Byerly
 BY : George W. House
 BROOKS, PIERCE, MACLENDON, HUMPHREY & LEONARD, LLP

2 - MOTION (Allowed) - 01-15-2002
 Filed: 01-14-2002 @ 12:00:00
 FOR: Defendant-Appellant Joe Byerly & Betsy Byerly
 BY : George W. House
 BROOKS, PIERCE, MACLENDON, HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 14th day of January 2002 and designated Unopposed Motion For Extension Of Time To Serve And File Defendants'-Appellants' Brief is allowed. Defendant appellants' brief shall be filed on or before 11 March 2002.
 By order of the Court this the 15th day of January 2002.

3 - APPELLANT BRIEF
 Filed: 03-11-2002 @ 03:14:00
 FOR: Defendant-Appellant Joe Byerly & Betsy Byerly
 BY : George W. House
 BROOKS, PIERCE, MACLENDON, HUMPHREY & LEONARD, LLP

4 - AIS INFORM SHT
 Filed: 03-11-2002 @ 03:14:00
 FOR: Defendant-Appellant Joe Byerly & Betsy Byerly
 BY : George W. House
 BROOKS, PIERCE, MACLENDON, HUMPHREY & LEONARD, LLP

5 - MOTION (Allowed) - 04-08-2002
 Filed: 04-05-2002 @ 12:00:00
 FOR: Plaintiff-Appellee Department of Transportation
 BY : David R. Minges

The following order was entered:

The motion filed in this cause on the 5th day of April 2002 and designated Motion For Extension Of Time is allowed. Plaintiff-appellee's brief shall be filed on or before 10 May 2002.
 By order of the Court this the 8th day of April 2002.

6 - APPELLEE BRIEF
 Filed: 05-10-2002 @ 03:44:00
 FOR: Plaintiff-Appellee Department of Transportation
 BY : David R. Minges

7 - MOTION (Denied) - 09-18-2002
 Filed: 05-29-2002 @ 12:00:00
 FOR: Defendant-Appellant Joe Byerly & Betsy Byerly
 BY : George W. House
 BROOKS, PIERCE, MACLENDON, HUMPHREY & LEONARD, LLP

The following order was entered:

The motion filed in this cause on the 29th day of May 2002 and designated Motion By Defendants-Appellants For Leave To File Reply Brief is Denied.

By order of the Court this the 18th day of September 2002.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
12-12-2001	Bond	250.00	250.00			R122029101A	12-12-2001
12-12-2001	Docket Fee	10.00	10.00			R122029101A	12-12-2001
01-09-2002	Printing	169.75	169.75	RECORD	97	R012005302A	01-09-2002
03-21-2002	Printing	120.75	122.50	APPELLANT BRIEF	69	R032034602A	03-21-2002
05-22-2002	Printing	50.75	50.75	APPELLEE BRIEF	29	R052055102A	07-15-2002
12-03-2002	Assess	4.50	4.50			R122001402A	01-27-2003

Payments

Payment Date	Payment Type	Amount	Check Number
12-03-2002	Disburse	245.50	23097
09-02-2003	Refund	1.75	33856

Exhibits

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Byerly, Joe S.	Defendant-Appellant
Byerly, Betsy	Defendant-Appellant
Trinity Design, Inc.	Defendant-Appellee
Wall Rug & Carpet	Defendant-Appellee
Joe Byerly & Betsy Byerly	Defendant-Appellant

Attorneys

Attorney for Defendant-Appellant - Joe Byerly & Betsy Byerly

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Mr. Brian J. Mcmillan

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