

# North Carolina Court of Appeals

## Docket Sheet

### Oakwood Acceptance v Massengill

**Case Number:** 02-1430

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

**Case Closed:** Yes

**Close Date:** 02-09-2004

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

**Mediation:** No

OAKWOOD ACCEPTANCE CORPORATION, LLC,  
Plaintiff,

V

DALTON RAY MASSENGILL; PHYLLIS TART MASSENGILL; DAVID WOMACK, Tax Collector for Johnston County, North Carolina; JOHNSTON COUNTY, NORTH CAROLINA; RAINBOW INVESTMENTS, L.L.C.; NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; NORTH CAROLINA DIVISION OF MOTOR VEHICLES,  
Defendants.

**Docket Date:** 10-24-2002

**File Date:** 10-22-2002

**File Time:** 10:10

**Acquired Date:** 10-22-2002

**Bond Collected:** Yes

**Docket Fee:** Yes

**Pauper:** No

Print Deposit: No

**State Appeals:** No

#### History

**Venue:** Johnston (13)

**Heard In:** Superior Court

**To SC:**

**From SC:**

#### Lower Court Number(s)

Location: Johnston (13)

Judge: James R. Vosburgh

Case #: 01CVS2757

#### Tracking/Argue

**Argue Date:** 01-01-2003 (No oral argument by Rule 30(f))

#### Opinion

Opinion Date: 01-20-2004

Cert Date: 02-09-2004

Author: Honorable Martha A. Geer

Decision: Affirmed in part and dismissed in part

Opinion Notes:

Opinion Pages: 24

Opinion Cost: \$ 4.80

Cite: 162 NC App 199

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=21801>

#### 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	10-22-2002					11-13-2002		
(2) MOTION	12-09-2002	12-09-2002		12-23-2002			Denied	12-30-2002
(3) MOTION	12-09-2002	12-09-2002					Allowed	12-09-2002
(4) APPELLANT BRIEF	01-10-2003	01-10-2003				01-29-2003		
(5) INFORM SHT	01-10-2003	01-10-2003						
(6) MOTION	02-10-2003	02-10-2003					Allowed	02-11-2003
(7) MOTION	02-11-2003	02-11-2003					Allowed	02-12-2003
(8) MOTION	03-14-2003	03-14-2003		03-28-2003			Allowed	01-20-2004
(9) APPELLEE BRIEF	03-14-2003	03-14-2003				03-27-2003		
(10) APPELLEE BRIEF	03-14-2003	03-14-2003				03-27-2003		
(11) OTHER	06-12-2003						Special Order	06-12-2003

## 1 - RECORD

Filed: 10-22-2002 @ 10:10:00

FOR: Defendant-Appellant Rainbow Investments, L.L.C.

BY : Mr. W. A. Holland, Jr.

## 2 - MOTION (Denied) - 12-30-2002

Filed: 12-09-2002 @ 12:00:00

FOR: Defendant-Appellant Rainbow Investments, L.L.C.

BY : Mr. W. A. Holland, Jr.

The following order was entered:

The motion filed in this cause on the 9th day of December 2002 and designated Motion To Consolidate is denied.

By order of the Court this the 30th day of December 2002.

## 3 - MOTION (Allowed) - 12-09-2002

Filed: 12-09-2002 @ 12:00:00

FOR: Defendant-Appellant Rainbow Investments, L.L.C.

BY : Mr. W. A. Holland, Jr.

The following order was entered:

The motion filed in this cause on the 9th day of December 2002 and designated Motion To Extend Time To File Brief is allowed. Defendant-appellant's brief shall be filed on or before 13 January 2003.

By order of the Court this the 9th day of December 2002.

## 4 - APPELLANT BRIEF

Filed: 01-10-2003 @ 04:41:00

FOR: Defendant-Appellant Rainbow Investments, L.L.C.

BY : Mr. W. A. Holland, Jr.

## 5 - AIS INFORM SHT

Filed: 01-10-2003 @ 04:41:00

FOR: Defendant-Appellant Rainbow Investments, L.L.C.

BY : Mr. W. A. Holland, Jr.

6 - MOTION (Allowed) - 02-11-2003  
 Filed: 02-10-2003 @ 12:00:00  
 FOR: Plaintiff-Appellee Oakwood Acceptance Corp.  
 BY : Mr. Frederic E. Toms  
 FREDERIC E. TOMS & ASSOCIATES, PLLC

The following order was entered:

The motion filed in this cause on the 10th day of February 2003 and designated Motion For Extension Of Time To File Appellee's Brief is allowed. The brief of plaintiff-appellee Oakwood Acceptance Corporation, LLC shall be filed on or before 14 March 2003.

By order of the Court this the 11th day of February 2003.

7 - MOTION (Allowed) - 02-12-2003  
 Filed: 02-11-2003 @ 12:00:00  
 FOR: Defendant-Appellee NC DOT & NC DMV  
 BY : Mr. Jeffrey R. Edwards

The following order was entered:

The motion filed in this cause on the 11th day of February 2003 and designated Defendants North Carolina Department Of Transportation, And Division Of Motor Vehicles' Motion For Extension Of Time To File Brief is allowed. The brief of defendant-appellees North Carolina Department of Transportation and North Carolina Division of Motor Vehicles shall be filed on or before 14 March 2003.

By order of the Court this the 12th day of February 2003.

8 - MOTION (Allowed) - 01-20-2004  
 Filed: 03-14-2003 @ 12:00:00  
 FOR: Defendant-Appellee NC DOT & NC DMV  
 BY : Mr. Jeffrey R. Edwards

The following order was entered:

The motion filed in this cause on the 14th day of March 2003 and designated Defendants North Carolina Department Of Transportation And Division Of Motor Vehicles' Motion To Dismiss Appeal is allowed.

By order of the Court this the 20th day of January 2004.

9 - APPELLEE BRIEF  
 Filed: 03-14-2003 @ 04:47:00  
 FOR: Defendant-Appellee NC DOT & NC DMV  
 BY : Mr. Jeffrey R. Edwards

10 - APPELLEE BRIEF  
 Filed: 03-14-2003 @ 04:53:00  
 FOR: Plaintiff-Appellee Oakwood Acceptance Corp.  
 BY : Mr. Frederic E. Toms  
 FREDERIC E. TOMS & ASSOCIATES, PLLC

11 - OTHER (Special Order) - 06-12-2003  
 Filed: 06-12-2003 @ 11:16:00  
 FOR: For the Court Farrar, Fletcher Lewis  
 BY : Hon. S Eagles, Jr.

## Financial Information

### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
03-27-2003	Printing	17.50	17.50	APPELLEE BRIEF	10	R032057603A	07-18-2003
10-24-2002	Bond	250.00	250.00			R102055002A	10-24-2002
10-24-2002	Docket Fee	10.00	10.00			R102055002A	10-24-2002

11-13-2002	Printing	287.00	287.00	RECORD	164	R112020502A	11-13-2002
01-29-2003	Printing	59.50	59.50	APPELLANT BRIEF	34	R012060803A	01-29-2003
03-27-2003	Printing	50.75	50.75	APPELLEE BRIEF	29	R032057703A	04-07-2003

**Payments**

Payment Date	Payment Type	Amount	Check Number
01-20-2004	Disburse	50.75	25092
01-20-2004	Disburse	17.50	25093
01-20-2004	Disburse	172.75	25094

**Exhibits**

**Parties**

Party Name	Role
Oakwood Acceptance Corporation	Plaintiff-Appellee
Massengill, Dalton Ray	Defendant-Appellee
Massengill, Phyllis Tart	Defendant-Appellee
Womack, David	Defendant-Appellee
Johnston County, North Carolina	Defendant-Appellee
Rainbow Investments, L.L.C.	Defendant-Appellant
NC Department Of Transportation	Defendant-Appellee
NC Division of Motor Vehicles	Defendant-Appellee
Oakwood Acceptance Corp.	Plaintiff-Appellee
NC DOT & NC DMV	Defendant-Appellee

**Attorneys**

**Attorney for Defendant-Appellant - Rainbow Investments, L.L.C.**

Mr. W. A. Holland, Jr. [Primary Attorney]  
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**Attorney for Plaintiff-Appellee - Oakwood Acceptance Corp.**

Mr. Frederic E. Toms [Primary Attorney]  
 Mr. David A. Bridgman  
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**Attorney for Defendant-Appellee - NC DOT & NC DMV**

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**Attorney for -**

N.C. Dept of Justice [Primary Attorney]

N.C. DEPARTMENT OF JUSTICE

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