

# North Carolina Court of Appeals

## Docket Sheet

### DOT v Jamestown Village Associates

**Case Number:** 07-381

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

**Case Closed:** Yes

**Close Date:** 01-15-2008

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

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

V

JAMESTOWN VILLAGE ASSOCIATES, L.L.C.,  
Defendant.

**Docket Date:** 04-04-2007

**File Date:** 04-03-2007

**File Time:** 04:19

**Acquired Date:** 04-03-2007

**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: John Craig

Case #: 05CVS4161

#### Tracking/Argue

**Argue Date:** 10-17-2007 (No oral argument by Rule 30(f))

#### Opinion

Opinion Date: 01-15-2008

Cert Date: 02-04-2008

Author: Honorable Wanda G. Bryant

Decision: Dismissed and remanded

Opinion Notes:

Opinion Pages: 5

Opinion Cost: \$ 1.00

Cite: 188 NC App 164

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=2621>

#### 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	04-03-2007	04-02-2007				04-10-2007		
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(2) INFORM SHT	05-07-2007	05-03-2007						
(3) MOTION	05-09-2007	05-07-2007					Allowed	05-09-2007
(4) APPELLANT BRIEF	05-18-2007	05-17-2007				05-23-2007		
(5) APPELLEE BRIEF	06-19-2007	06-19-2007				06-21-2007		
(6) MOTION	07-09-2007	07-06-2007		07-20-2007			Allowed	07-23-2007
(7) REPLY	07-09-2007	07-06-2007				07-31-2007		
(8) MOTION	07-10-2007	07-09-2007					Allowed	07-12-2007
(9) MOTION	07-11-2007	07-10-2007		07-24-2007			Allowed	07-27-2007

**1 - RECORD**

Filed: 04-03-2007 @ 16:19:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

**2 - AIS INFORM SHT**

Filed: 05-07-2007 @ 08:51:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

**3 - MOTION (Allowed) - 05-09-2007**

Filed: 05-09-2007 @ 12:00:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 9th day of May 2007 and designated Motion for Extension of Time is allowed. Defendant-appellant's brief shall be filed on or before 17 May 2007.

By order of the Court this the 9th day of May 2007.

**4 - APPELLANT BRIEF**

Filed: 05-18-2007 @ 09:22:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

**5 - APPELLEE BRIEF**

Filed: 06-19-2007 @ 15:26:00

FOR: Plaintiff-Appellee DOT

BY : Ms. Hilda Burnett-Baker

**6 - MOTION (Allowed) - 07-23-2007**

Filed: 07-09-2007 @ 12:00:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 9th day of July 2007 and designated Motion to Strike/Motion for Leave to File Reply Brief is decided as follows: The filing of the attached reply brief shall be allowed, and it shall be printed.

By order of the Court this the 23rd day of July 2007.

**7 - APPELLANT BRIEF REPLY**

Filed: 07-09-2007 @ 09:15:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

**8 - MOTION (Allowed) - 07-12-2007**

Filed: 07-10-2007 @ 12:00:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 10th day of July 2007 and designated Motion to Refund Appeal Bond and Costs is allowed in part. The Clerk's Office is instructed to refund the appeal bond to defendant-appellant.

By order of the Court this the 12th day of July 2007.

**9 - MOTION (Allowed) - 07-27-2007**

Filed: 07-11-2007 @ 12:00:00

FOR: Defendant-Appellant Jamestown Village Associates

BY : Mr. Jeffrey McClain Davis

HUNTER, HIGGINS, MILES &amp; BENJAMIN, PLLC

The following order was entered:

The motion filed in this cause on the 11th day of July 2007 and designated Motion to Remand/Notification of Rule 60 (b) Motion is allowed. This matter is remanded for the limited purpose of the trial court conducting an evidentiary hearing on the Rule 60 motion pending before it. The trial court shall then reduce its findings of fact and conclusions of law to writing and shall indicate what action it would be inclined to take were an appeal not pending before this Court. The trial court shall forward its findings and conclusions to this Court within a reasonable time.

By order of the Court this the 27th day of July 2007.

**Financial Information****Receipts**

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
06-21-2007	Printing	43.75	43.75	APPELLEE BRIEF	25	R062035707	10-11-2007
01-15-2008	Assess	75.13	75.13			R012026508	02-12-2008
04-03-2007	Docket Fee	10.00	10.00			R042009007	04-04-2007
04-03-2007	Bond	250.00	250.00			R042009007	04-04-2007
04-10-2007	Printing	131.25	131.25	RECORD	75	R042011007	04-10-2007
05-23-2007	Printing	49.00	49.00	APPELLANT BRIEF	28	R052040307	06-04-2007
07-31-2007	Printing	28.00	28.00	APPELLANT BRIEF	16	R072057207	08-09-2007
01-15-2008	Assess	4.50	4.50			R012026608	01-25-2008

**Payments**

Payment Date	Payment Type	Amount	Check Number
07-11-2007	Disburse	250.00	30637
02-13-2008	Disburse	70.63	31534

**Exhibits****Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Jamestown Village Associates	Defendant-Appellant
DOT	Plaintiff-Appellee
Jamestown Village Associates, LLC	Defendant-Appellant

**Attorneys****Attorney for Defendant-Appellant - Jamestown Village Associates**

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Ms. Jennifer F. Adams

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