

North Carolina Court of Appeals

Docket Sheet

DOT v. Spires

Case Number: 15-902
As of: 05/01/2024
Case Closed: Yes **Close Date:** 11-18-2015 **Case Type:** Civil (Civil_othr) **Mediation:** Yes

DEPARTMENT OF TRANSPORTATION,
 Plaintiff,

v.

MARY CADE SPIRES, Individually and
 as Co-Trustee of the Testamentary
 Trust under the Will of Effie Cade
 Isaacs, CAROLYN CADE KUYKENDALL,
 Individually and as Co-Trustee of
 the Testamentary Trust under the
 Will of Effie Cade Isaacs, and
 husband, JOHN E. KUYKENDALL; ERVIN
 MALLORY CADE, JR.; MELISSA FAYE
 CADE; and MCCAULEY AND MCDONALD
 INVESTMENTS, INC., Lessee,
 Defendants.

Docket Date: 08-17-2015 **File Date:** 08-14-2015 **File Time:** 11:58 **Acquired Date:** 08-14-2015
Bond Collected: No **Docket Fee:** No **Pauper:** No **Print Deposit:** No **State Appeals:** Yes

History

Venue: Cumberland (14) **Heard In:** Superior Court

To SC: **From SC:**

Lower Court Number(s)

Location: Cumberland (14)

Judge: C. Winston Gilchrist

Case #: 13CVS368

Tracking/Argue

Opinion

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	08-14-2015	08-14-2015				08-17-2015		
(2) M-GEN	08-18-2015	08-18-2015		08-31-2015			Allowed	09-02-2015
(3) INFORM SHT	08-28-2015	08-28-2015						

(4) M-GEN	09-01-2015	09-01-2015					Allowed	09-02-2015
(5) M-DSSAPP	11-16-2015						Allowed	11-18-2015

1 - RECORD

Filed: 08-14-2015 @ 11:58:00
 FOR: Plaintiff-Appellant Department of Transportation
 BY : Mr. James M. Stanley, Jr.
 N.C. DEPARTMENT OF JUSTICE

2 - MOTION MOTION TO CONSOLIDATE APPEALS APPELLATE RULE 40 (Allowed) - 09-02-2015

Filed: 08-18-2015 @ 15:15:50
 FOR: Plaintiff-Appellant Department of Transportation
 BY : Mr. James M. Stanley, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 18th of August 2015 and designated 'Motion to Consolidate Appeals Appellate Rule 40' is allowed. COA15-902, COA15-905 and COA15-907 are consolidated for the purpose of hearing only.

By order of the Court this the 2nd of September 2015.

3 - AIS INFORM SHT

Filed: 08-28-2015 @ 12:59:00
 FOR: Plaintiff-Appellant Department of Transportation
 BY : Mr. James M. Stanley, Jr.
 N.C. DEPARTMENT OF JUSTICE

4 - MOTION MOTION FOR 60 DAY EXTENSION OF TIME (Allowed) - 09-02-2015

Filed: 09-01-2015 @ 13:32:26
 FOR: Plaintiff-Appellant Department of Transportation
 BY : Mr. James M. Stanley, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 1st of September 2015 and designated 'Motion for 60 Day Extension of Time' is allowed. Plaintiff-appellant's brief shall be filed on or before 16 November 2015.

By order of the Court this the 2nd of September 2015.

5 - M-DSSAPP (Allowed) - 11-18-2015

Filed: 11-16-2015 @ 10:06:07
 FOR: Plaintiff-Appellant Department of Transportation
 BY : Mr. James M. Stanley, Jr.
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 16th of November 2015 and designated 'Joint Motion to Dismiss Appeal' is allowed. Appeal dismissed. Appellant to pay costs.

And it is considered and adjudged further, that the appellant, Department of Transportation, do pay the costs of the appeal in this Court incurred, to wit, the sum of Nine Dollars and 00/100 (\$9.00), and execution issue therefor.

By order of the Court this the 18th of November 2015.

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
08-17-2015	Docket Fee	10.00	10.00			R082041415	08-27-2015
01-28-2016	Printing	99.75	0.00	RECORD	57		
11-18-2015	Assess	9.00	9.00			R012023016	01-28-2016

Exhibits

Transcript(s) Electronically Filed

department-of-transportation-v.krautkramer-vol-1.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Spires, Mary Cade	Defendant-Appellee
Isaacs, Effie Cade (Will Of)	Defendant-Appellee
Kuykendall, Carolyn Cade	Defendant-Appellee
Kuykendall, John E.	Defendant-Appellee
Cade, Ervin Mallory (Jr.)	Defendant-Appellee
Cade, Melissa Faye	Defendant-Appellee
McCauley and McDonald Investments, Inc.	Defendant-Appellee

Attorneys

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