

North Carolina Court of Appeals

Docket Sheet

N.C. DOT v. Herman

Case Number: 15-1032
As of: 04/30/2024
Case Closed: Yes **Close Date:** 06-06-2016 **Case Type:** Civil (Civil_othr) **Mediation:** No

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
 Plaintiff,

v.

THOMAS D. HERMAN and wife,
 VICTORIA S. HERMAN; GEORGE
 A. BURGESS; and CAROLINA
 FARM CREDIT, ACA,
 Defendants.

Docket Date: 09-15-2015	File Date: 09-15-2015	File Time: 10:26	Acquired Date: 09-15-2015
Bond Collected: Yes	Docket Fee: Yes	Pauper: No	Print Deposit: No State Appeals: No

History

Venue: Ashe (34) **Heard In:** Superior Court
To SC: **From SC:**

Lower Court Number(s)

Location: Ashe (34)
Judge: David L. Hall
Case #: 12CVS430

Tracking/Argue

Argue Date: 02-10-2016 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 05-17-2016 **Cert Date:** 06-06-2016
Author: Honorable Rick Elmore
Decision: Modified and Affirmed
Opinion Notes:
Opinion Pages: 11 **Opinion Cost:** \$ 2.20
Cite:
Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=33924>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
----------	------------	-----------------	-------------	-----------	-------------	------------	--------	-------------

(1) RECORD	09-15-2015					09-16-2015		
(2) APPELLANT BRIEF	10-16-2015					10-19-2015		
(3) INFORM SHT	10-16-2015							
(4) M-GEN	11-13-2015	11-10-2015		11-23-2015			Allowed	11-30-2015
(5) APPELLEE BRIEF	11-18-2015					11-18-2015		
(6) REPLY	12-03-2015					12-03-2015		

1 - RECORD

Filed: 09-15-2015 @ 10:26:00
 FOR: Appellant Herman, Thomas D., et al
 BY : Mr. John T. Kilby
 KILBY & HURLEY

2 - APPELLANT BRIEF

Filed: 10-16-2015 @ 11:29:35
 FOR: Appellant Herman, Thomas D., et al
 BY : Mr. John T. Kilby
 KILBY & HURLEY

3 - AIS INFORM SHT

Filed: 10-16-2015 @ 11:35:46
 FOR: Appellant Herman, Thomas D., et al
 BY : Mr. John T. Kilby
 KILBY & HURLEY

4 - MOTION APPELLEES' MOTION TO SUPPLEMENT THE RECORD (Allowed) - 11-30-2015

Filed: 11-13-2015 @ 08:49:21
 FOR: Plaintiff-Appellee Department of Transportation
 BY : Mr. Douglas W. Corkhill
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 13th of November 2015 and designated 'Appellees' Motion to Supplement the Record' is allowed. The attached document shall be an exhibit to the record on appeal.

By order of the Court this the 30th of November 2015.

5 - APPELLEE BRIEF

Filed: 11-18-2015 @ 12:27:29
 FOR: Plaintiff-Appellee Department of Transportation
 BY : Mr. Douglas W. Corkhill
 N.C. DEPARTMENT OF JUSTICE

6 - APPELLANT BRIEF REPLY

Filed: 12-03-2015 @ 12:10:33
 FOR: Appellant Herman, Thomas D., et al
 BY : Mr. John T. Kilby
 KILBY & HURLEY

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
12-01-2015	Printing	45.50	45.50	APPELLEE BRIEF	26	R122038215	12-31-2015
09-16-2015	Printing	124.25	124.25	RECORD	71	R092016915	09-21-2015
10-19-2015	Printing	59.50	59.50	APPELLANT BRIEF	34	R102038515	10-27-2015
12-03-2015	Printing	21.00	21.00	APPELLANT BRIEF	12	R122009915	12-11-2015
09-15-2015	Docket Fee	10.00	10.00			R092009615	09-15-2015
09-15-2015	Bond	250.00	250.00			R092009615	09-15-2015

Payments

Payment Date	Payment Type	Amount	Check Number
06-08-2016	Disburse	45.50	41502
06-08-2016	Disburse	195.50	41503

Exhibits

Transcript(s) Electronically Filed

03302015dot-v.thomas-herman-et-al.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Herman, Thomas D.	Defendant-Appellant
Herman, Victoria S.	Defendant-Appellant
Burgess, George A.	Defendant-Appellee
Carolina Farm Credit, ACA	Defendant-Appellee

Attorneys

Attorney for Appellant - Herman, Thomas D., et al

Mr. John T. Kilby [Primary Attorney]
 Attorney at Law
 brandi@khhattys.com
 KILBY & HURLEY
 P.O. Box 24
 West Jefferson, NC 28694
 (336) 246-3144

Attorney for Plaintiff-Appellee - Department of Transportation

Mr. Douglas W. Corkhill [Primary Attorney]
 Special Deputy Attorney General
 dcorkhill@ncdoj.gov
 N.C. DEPARTMENT OF JUSTICE
 99 McDowell Street
 Asheville, NC 28801
 (919) 707-4480

Attorney for Defendant-Appellee - Carolina Farm Credit, ACA

Ms. Elizabeth M. Repetti [Primary Attorney]

Attorney at Law

erepetti@belldavisritt.com

BELL, DAVIS & PITT, P.A.

P.O. Box 21029

Winston-Salem, NC 27120

(336) 722-3700

Attorney for Appellant - Herman, Thomas D., et al

Mr. Aaron Young [Primary Attorney]

Attorney at Law

aaronyounglaw@gmail.com

LAW OFFICE OF AARON YOUNG, PLLC

P.O. Box 363

West Jefferson, NC 28694

(336) 213-1338
