

# North Carolina Court of Appeals

## Docket Sheet

### Dep't of Transp. v. Miller

**Case Number:** 17-1045

**As of:** 04/30/2024

**Case Closed:** Yes

**Close Date:** 04-13-2018

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

**Mediation:** No

DEPARTMENT OF TRANSPORTATION,  
Plaintiff,

v.

CARL J. MILLER, as Trustee of the  
Carl Junior Miller Revocable Family  
Trust; UNKNOWN HEIRS OF FRANK  
CARPENTER; and CURTIS CARPENTER,  
Defendants.

**Docket Date:** 09-26-2017

**File Date:** 09-22-2017

**File Time:** 03:38

**Acquired Date:** 09-22-2017

**Bond Collected:** No

**Docket Fee:** Yes

**Pauper:** No

Print Deposit: No

**State Appeals:** Yes

#### History

**Venue:** Forsyth (31)

**Heard In:** Superior Court

**To SC:**

**From SC:**

#### Lower Court Number(s)

Location: Forsyth (31)

Judge: John O. Craig III

Case #: 17CVS1548

#### Tracking/Argue

**Argue Date:** 04-16-2018 (No oral argument by Rule 30(f))

#### Opinion

#### Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	09-22-2017	09-25-2017				09-27-2017		
(2) M-EXT-BR	10-23-2017	10-23-2017					Allowed	10-24-2017
(3) APPELLANT BRIEF	11-27-2017	11-27-2017				12-01-2017		
(4) APPELLEE BRIEF	12-27-2017					12-29-2017		
(5) REPLY	01-16-2018					01-19-2018		
(6) M-GEN	04-11-2018	04-11-2018					Allowed	04-13-2018

**1 - RECORD**

Filed: 09-22-2017 @ 03:38:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**2 - M-EXT-BR (Allowed) - 10-24-2017**

Filed: 10-23-2017 @ 08:24:39

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 23rd of October 2017 and designated 'Motion for Extension of Time to File and Serve Appellant's Brief' is allowed. Plaintiff-Appellant's brief shall be filed on or before 27 November 2017.

By order of the Court this the 24th of October 2017.

**3 - APPELLANT BRIEF**

Filed: 11-27-2017 @ 15:03:00

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**4 - APPELLEE BRIEF**

Filed: 12-27-2017 @ 16:52:46

FOR: Appellee Miller, Carl J., et al

BY : Mr. Matthew H. Bryant

HENDRICK BRYANT NERHOOD SANDERS &amp; OTIS, LLP

**5 - APPELLANT BRIEF REPLY**

Filed: 01-16-2018 @ 17:00:59

FOR: Plaintiff-Appellant Department of Transportation

BY : Mr. James M. Stanley, Jr.

N.C. DEPARTMENT OF JUSTICE

**6 - MOTION DEFENDANT-APPELLANT'S MOTION FOR LEAVE TO WITHDRAW APPEALS (Allowed) - 04-13-2018**

Filed: 04-11-2018 @ 08:17:02

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 11th of April 2018 and designated 'Defendant-Appellant's Motion for Leave to Withdraw Appeals' is allowed. Appeal dismissed. Appellant to pay costs.

And it is considered and adjudged further, that the Appellant, North Carolina Department of Transportation, do pay the costs of the appeal in this Court incurred, to wit, the sum of Eighty Four Dollars and 25/100 (\$84.25), and execution issue therefor.

By order of the Court this the 13th of April 2018.

<b>Financial Information</b>
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<b>Receipts</b>							
<b>Date Charged</b>	<b>Charge Type</b>	<b>Amount Charged</b>	<b>Amount Paid</b>	<b>Document</b>	<b>Pages</b>	<b>Receipt #</b>	<b>Date Paid</b>
09-26-2017	Docket Fee	10.00	10.00			R102010317	10-10-2017
10-03-2017	Printing	544.25	544.25	RECORD	311	R112028417	11-17-2017
01-03-2018	Printing	56.00	56.00	APPELLANT BRIEF	32	R012047018	01-26-2018
02-01-2018	Printing	40.25	40.25	APPELLANT BRIEF	23	R032006918	03-02-2018
04-13-2018	Assess	84.25	84.25			R042050618	04-25-2018
12-29-2017	Printing	75.25	75.25	APPELLEE BRIEF	43	R012046118	01-26-2018

**Payments**

Payment Date	Payment Type	Amount	Check Number
05-21-2018	Disburse	75.25	43530

**Exhibits**

**Transcript(s) Electronically Filed**

dot-5-30-2017-tues-forsyth-judge-john-o-craig-5c-civil.pdf

**Parties**

Party Name	Role
Department of Transportation	Plaintiff-Appellant
Miller, Carl J.	Defendant-Appellee
Carl Junior Miller Revocable Family Trust	Defendant-Appellee
Carpenter, Frank (Unknown Heirs of)	Defendant-Appellee
Carpenter, Curtis	Defendant-Appellee

**Attorneys**

**Attorney for Plaintiff-Appellant - Department of Transportation**

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