

North Carolina Court of Appeals

Docket Sheet

Dep't of Transp. v. McLendon Hills Prop. Owners' Ass'n

Case Number: 21-235

As of: 05/01/2024

Case Closed: Yes

Close Date: 05-23-2022

Case Type: Civil (Tort, Contract, Real Property)

Mediation: Yes

DEPARTMENT OF TRANSPORTATION,
Plaintiff,

v.

MCLENDON HILLS PROPERTY
OWNERS' ASSOCIATION,
Defendant.

Docket Date: 04-28-2021

File Date: 04-23-2021

File Time: 12:44

Acquired Date: 04-23-2021

Bond Collected: No

Docket Fee: Yes

Pauper: No

Print Deposit: No

State Appeal: -

History

Venue: Moore (29)

Heard In: Superior Court

To SC:

From SC:

Lower Court Number(s)

Location: Moore (29)

Judge: James M. Webb

Case #: 19CVS849

Tracking/Argue

Argue Date: 12-15-2021 (No oral argument by Rule 30(f))

Opinion

Opinion Date: 05-03-2022

Cert Date: 05-23-2022

Author: Honorable Darren Jackson

Decision: Affirmed

Opinion Notes:

Opinion Pages: 20

Opinion Cost: \$ 4.00

Cite:

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=40931>

Documents

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	04-23-2021					04-29-2021		
(2) NOTICE OF APPEARANCE	04-28-2021							

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	04-23-2021					04-29-2021		
(2) NOTICE OF APPEARANCE	04-28-2021							

(3) M-GEN	05-10-2021	05-07-2021					Allowed	05-10-2021
(4) APPELLANT BRIEF	07-26-2021	07-26-2021				07-27-2021		
(5) M-GEN	07-27-2021	07-27-2021					Allowed	07-29-2021
(6) AMENDED	07-29-2021	07-29-2021				07-30-2021		
(7) M-EXT-BR	08-25-2021	08-25-2021					Allowed	08-26-2021
(8) M-GEN	08-26-2021	08-26-2021					Denied	08-26-2021
(9) APPELLEE BRIEF	09-24-2021	09-24-2021				09-27-2021		
(10) REPLY	10-08-2021	10-08-2021				10-12-2021		

1 - RECORD

Filed: 04-23-2021 @ 12:44:04

FOR: Defendant-Appellant McLendon Hills Property Owners' Association

BY : Ms. Keenya T. Justice
THE JUSTICE FIRM, LLC

2 - NOTICE OF APPEARANCE

Filed: 04-28-2021 @ 09:40:10

FOR: Plaintiff-Appellee Department of Transportation

BY : Mrs. Kelly A. Moore
N.C. DEPARTMENT OF JUSTICE

3 - MOTION MOTION FOR 60 DAY EXTENSION OF TIME (Allowed) - 05-10-2021

Filed: 05-10-2021 @ 12:14:07

FOR: Defendant-Appellant McLendon Hills Property Owners' Association

BY : Ms. Keenya T. Justice
THE JUSTICE FIRM, LLC

The following order was entered:

The motion filed in this cause on the 10th of May 2021 and designated 'Motion for 60 Day Extension of Time' is allowed. Defendant-Appellant's brief shall be filed on or before 26 July 2021.

By order of the Court this the 10th of May 2021.

4 - APPELLANT BRIEF

Filed: 07-26-2021 @ 16:58:39

FOR: Defendant-Appellant McLendon Hills Property Owners' Association

BY : Ms. Keenya T. Justice
THE JUSTICE FIRM, LLC

5 - MOTION MOTION TO FILE AMENDED APPELLANT'S BRIEF (Allowed) - 07-29-2021

Filed: 07-27-2021 @ 14:43:31

FOR: Defendant-Appellant McLendon Hills Property Owners' Association

BY : Ms. Keenya T. Justice
THE JUSTICE FIRM, LLC

The following order was entered:

The motion filed in this cause on the 27th of July 2021 and designated 'Motion to File Amended Appellant's Brief' is allowed. Defendant-Appellant shall file an amended brief, correcting formatting errors, on or before 4 August 2021. The amended brief shall not be printed.

By order of the Court this the 29th of July 2021.

6 - APPELLANT BRIEF AMENDED

Filed: 07-29-2021 @ 14:11:04

FOR: Defendant-Appellant McLendon Hills Property Owners' Association

BY : Ms. Keenya T. Justice
THE JUSTICE FIRM, LLC

7 - M-EXT-BR (Allowed) - 08-26-2021
 Filed: 08-25-2021 @ 14:02:41
 FOR: Plaintiff-Appellee Department of Transportation
 BY : Mrs. Kelly A. Moore
 N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 25th of August 2021 and designated 'Motion for Extension of Time Within Which to File the Brief for the Department of Transportation' is allowed. Plaintiff-Appellee's brief shall be filed on or before 27 September 2021.

By order of the Court this the 26th of August 2021.

8 - MOTION MOTION TO RECONSIDER ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME (Denied) - 08-26-2021
 Filed: 08-26-2021 @ 08:52:05
 FOR: Defendant-Appellant McLendon Hills Property Owners' Association
 BY : Ms. Keenya T. Justice
 THE JUSTICE FIRM, LLC

The following order was entered:

The motion filed in this cause on the 26th of August 2021 and designated 'Motion to Reconsider Order Granting Plaintiff's Motion for Extension of Time' is denied.

By order of the Court this the 26th of August 2021.

9 - APPELLEE BRIEF
 Filed: 09-24-2021 @ 11:39:29
 FOR: Plaintiff-Appellee Department of Transportation
 BY : Mrs. Kelly A. Moore
 N.C. DEPARTMENT OF JUSTICE

10 - APPELLANT BRIEF REPLY
 Filed: 10-08-2021 @ 12:53:17
 FOR: Defendant-Appellant McLendon Hills Property Owners' Association
 BY : Ms. Keenya T. Justice
 THE JUSTICE FIRM, LLC

Financial Information

Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
04-28-2021	Docket Fee	10.00	10.00			R042034121	04-28-2021
04-28-2021	Bond	250.00	250.00			R042034121	04-28-2021
04-29-2021	Printing	183.75	183.75	RECORD	105	R052005321	05-11-2021
07-27-2021	Printing	194.25	194.25	APPELLANT BRIEF	111	R082000321	08-02-2021
10-12-2021	Printing	42.00	42.00	APPELLANT BRIEF	24	R102013421	10-15-2021
	Assess	82.50	82.50			R052030922	05-16-2022
10-05-2021	Printing	73.50	73.50	APPELLEE BRIEF	42	R102027621	10-21-2021

Payments

Payment Date	Payment Type	Amount	Check Number
08-24-2022	Disburse	167.50	46840
08-24-2022	Disburse	73.50	46839

Exhibits

Transcript(s) Electronically Filed

transcript-mclendon-hills.pdf

Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
McLendon Hills Property Owners' Association	Defendant-Appellant

Attorneys

Attorney for Defendant-Appellant - McLendon Hills Property Owners' Association

Ms. Keenya T. Justice [Primary Attorney]

Attorney at Law

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Attorney for Plaintiff-Appellee - Department of Transportation

Mrs. Kelly A. Moore [Primary Attorney]

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N.C. DEPARTMENT OF JUSTICE

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