

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/Brl 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]

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N.C. DEPARTMENT OF JUSTICE

Transportation Section

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