

RETURN TO: David P. Ferrell  
Maynard Nexsen PC  
4141 Parklake Avenue, Suite 200  
Raleigh, NC 27612

STATE OF NORTH CAROLINA

WAKE COUNTY

TOWN OF APEX,

Plaintiff,

v.

SUSAN S. MILLS, WILLIAM R.  
MILLS, and TRACEY SEYMOUR  
HEDRICK,

Defendants.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
22CVS011707-910

**CONSENT JUDGMENT**

THIS CAUSE, coming on to be heard before the undersigned Honorable Superior Court Judge Presiding, the Parties hereby stipulating and consenting and the Court finding as a fact the following:

1. This action was duly instituted on September 16, 2022, by the issuance of a Summons and the filing of a Complaint pursuant to Chapter 40A of the North Carolina General

Statutes, Declaration of Taking, and Notice of Deposit, along with the deposit of \$453,600, the sum estimated by the Plaintiff to be just compensation for the appropriation of the property interests involved in this case.

2. Defendants Susan S. Mills, William R. Mills and Tracey Seymour Hedrick, by signing below, accept service of the Summons, Complaint, Declaration of Taking and Notice of Deposit and agree that they are subject to the jurisdiction of the Court for the purposes of this case.

3. Defendants Susan S. Mills, William R. Mills and Tracey Seymour Hedrick, by signing below, agree and state that all persons having or claiming to have an interest in the appropriated land are parties hereto and are duly before the Court and all persons having or claiming to have an interest in the condemned land are parties to this Consent Judgment.

4. As is evidenced by the signatures below, Susan S. Mills, William R. Mills and Tracey Seymour Hedrick stipulate to the findings of fact and consent to the conclusions of law as set forth in this Consent Judgment, and consent to its entry by the Court.

5. Plaintiff, Town of Apex, possesses the power and authority under North Carolina law to acquire certain property interests described herein for public use to improve and expand the Town of Apex's parking facilities to better serve the public of the Town of Apex.

6. The Parties have now settled all matters in controversy between them in this action, and as agreed by the Parties, the sum of \$850,000.00, to be just compensation for the appropriation of the property, represents just compensation for the property interests taken in this action, inclusive of any claim by Defendants for interest, costs, or attorneys' fees.

BASED ON THE FOREGOING, THE COURT CONCLUDES AS A MATTER OF LAW THE FOLLOWING:

1. Plaintiff, Town of Apex, was entitled to acquire and did acquire on the 16<sup>th</sup> day of September 2022, the property interests from Defendants Susan S. Mills, William R. Mills and

Tracey Seymour Hedrick as described herein.

2. No just cause has been shown against granting the prayer contained in the Complaint, and Declaration of Taking and Notice of Deposit.

3. Defendants are entitled to and only to the relief provided for in this Consent Judgment.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff, Town of Apex, on the 16<sup>th</sup> day of September 2022, by the filing of the Complaint, Declaration of Taking and Notice of Deposit, acquired through eminent domain and shall be vested with the easement interests described as follows:

**DESCRIPTION OF SUBJECT PROPERTY AFFECTED BY THIS ACTION:**

Those certain lands lying and being in the White Oak Township, Wake County, North Carolina and being more particularly described as follows:

BEGINNING at a stake on the North side of Saunders Street a corner for J. F. Saunders, runs thence with the line of J. F. Saunders in a northerly direction 190 feet to a stake; thence with line of the Templeton property in a westerly direction 85 feet to a stake; thence with the cemetery lot in a southerly direction 86 feet to stake; thence with the cemetery lot in a westerly direction 136 feet to a stake in L. L. Lanier's line; thence with the line of L. L. Lanier in a southerly direction 94 feet to a stake on the north side of Saunders Street; thence parallel with Saunders Street in a easterly direction to the point of BEGINNING, the same being old Apex Methodist Church lot which is excepted therefrom the cemetery lot. Right of egress and ingress strictly reserved by the Apex Methodist Church, and being shown in the Wake County Tax Office as PIN number 0742-31-7640, subject to all matters and items of record or listed in **Exhibit A** to the Complaint.

**DESCRIPTION OF INTERESTS AND AREAS TAKEN:**

**Fee Simple Right-of-Way**

Fee simple interest in the parcel of land particularly described as follows:

BEGINNING at a stake on the North side of Saunders Street a corner for J. F. Saunders, runs thence with the line of J. F. Saunders in a northerly direction 190 feet to a stake; thence with line of the Templeton property in a westerly direction 85 feet to a stake; thence with the cemetery lot in a southerly direction 86 feet to stake; thence with the cemetery lot in a westerly direction 136 feet to a stake in L.

L. Lanier's line; thence with the line of L. L. Lanier in a southerly direction 94 feet to a stake on the north side of Saunders Street; thence parallel with Saunders Street in a easterly direction to the point of BEGINNING, the same being old Apex Methodist Church lot which is excepted therefrom the cemetery lot. Right of egress and ingress strictly reserved by the Apex Methodist Church, and being shown in the Wake County Tax Office as PIN number 0742-31-7640, subject to all matters and items of record.

To have and to hold the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Town in fee simple.

2. Full just compensation shall be \$850,000.00 which consists of the initial deposit of \$453,600.00 and an additional \$396,400.00. If not previously disbursed, the Clerk of Court shall disburse the initial deposit of \$453,600.00 by check to the Defendants Susan S. Mills, William R. Mills and Tracey Seymour Hedrick. The Plaintiff shall pay the remaining \$396,400.00 by check or wire to the Defendants Susan S. Mills, William R. Mills and Tracey Seymour Hedrick. Said check or wire shall be made payable to Howard, Stallings, From, Atkins, Angell & Davis, P.A. Trust Account, care of Kenneth C. Haywood, and mailed to PO Box 12347, Raleigh, NC 27605.

3. A copy of this Judgment shall be certified under seal of the Court to the Register of Deeds of this County, and the Register of Deeds is hereby ordered to record this Judgment among the land records of the County.

4. The Plaintiff, Town of Apex, shall pay the court costs of this action, and each party shall bear their own costs including attorneys' fees.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Superior Court Judge Presiding

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Consented To:

By: Susan S. Mills  
Susan S. Mills

By: William R. Mills  
William R. Mills

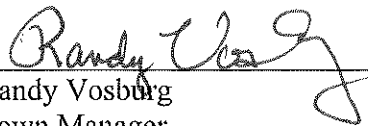
By: Tracey Seymour Hedrick  
Tracey Seymour Hedrick

By: Kenneth C. Haywood  
Kenneth C. Haywood  
Attorney for Defendants

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Consented To:

TOWN OF APEX

By:   
Randy Vosburg  
Town Manager

By: \_\_\_\_\_  
David P. Ferrell  
Attorney for Town of Apex