

FILED  
DATE: March 5, 2025  
TIME: 03/05/2025 6:16:07 PM  
WAKE COUNTY  
SUPERIOR COURT JUDGES OFFICE  
BY: S. Smallwood

WAKE COUNTY, NC 24  
TAMMY L. BRUNNER  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
03/07/2025 11:54:11

BOOK: 019846 PAGE: 02111 - 02117

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

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
22CVS011706-910

TOWN OF APEX, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARCIA M. LUND, )  
 )  
Defendant. )

**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 \$669,600.00, the

sum estimated by the Plaintiff to be just compensation for the appropriation of the property interests involved in this case.

2. Defendant Marcia M. Lund, by signing below, accepts service of the Summons, Complaint, Declaration of Taking and Notice of Deposit and agrees that she is subject to the jurisdiction of the Court for the purposes of this case.

3. Defendant Marcia M. Lund, by signing below, agrees and states 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, Mr. and Mrs. Lund 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 \$1,280,000.00, 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 Defendant 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 Defendant Marcia M. Lund 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. Defendant is 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 George Reuschling's corner on the West side of a roadway, runs thence north 62° 40' West 365 feet to a stake in Fred Saunders line, another corner for George Reuschling; thence North 86° 30' West along the line of said Fred Saunders to a stake on the East side of a roadway; thence in a southerly direction along said roadway 85 feet to a stake, a corner for Fred Saunders; thence South 61° 20' East 423 feet along said Saunders line to a stake on the West side of a roadway; thence North 33° 40' East along the West side of said roadway 130 feet to a stake, the point of BEGINNING and being all of lot No. 9 and part of Lot No. 10 of the Templeton property, surveyed by R. A. Colvin in 1918 and recorded in Book of Maps 1920, page 87 Office of Wake County Register of Deeds, and being shown in the Wake County Tax Office as PIN number 0742-31-8765, 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 George Reuschling's corner on the West side of a roadway, runs thence north 62° 40' West 365 feet to a stake in Fred Saunders line, another corner for George Reuschling; thence North 86° 30' West along the line of said Fred Saunders to a stake on the East side of a roadway; thence in a southerly direction along said roadway 85 feet to a stake, a corner for Fred Saunders; thence South 61° 20' East 423 feet along said Saunders line to a stake on the West side of a roadway; thence North 33° 40' East along the West side of said roadway 130 feet to a stake, the point of BEGINNING and being all of lot No. 9 and part of Lot No. 10 of the Templeton property, surveyed by R. A. Colvin in 1918 and recorded in Book of Maps 1920, page 87 Office of Wake County Register of Deeds, and being

shown in the Wake County Tax Office as PIN number 0742-31-8765, subject to all matters and items of record.

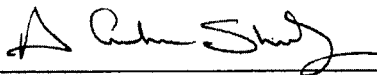
To have and to hold the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Town in fee simple.

2. Full just compensation shall be \$1,280,000.00 which consists of the initial deposit of \$669,600.00 and an additional \$610,400.00. If not previously disbursed, the Clerk of Court shall disburse the initial deposit of \$669,600.00 by check to the Defendant Marcia M. Lund. The Plaintiff shall pay the remaining \$610,400.00 by check to the Defendant Marcia M. Lund. Said check 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.

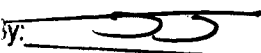
4. The Plaintiff, Town of Apex, shall pay the court costs of this action, and each party shall bear their own costs including attorneys' fees.

This the 4th of March, 2025

  
 Superior Court Judge Presiding  
 3/4/2025 11:23:10 AM

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CERTIFIED TRUE COPY FROM ORIGINAL  
 Clerk of Superior Court, Wake County

by:   
 Assistant Deputy Clerk of Superior Court

date: 3/6/2025

22CVS011706-910

Consented To:

By: Marcia M. Lund  
Marcia M. Lund

By: Adrian Lund  
Adrian Lund

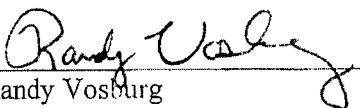
By: Kenneth C. Haywood  
Kenneth C. Haywood  
Attorney for Marcia M. Lund

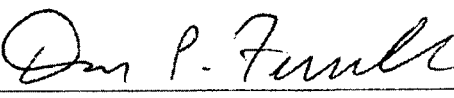
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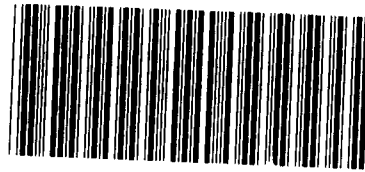
22CVS011706-910

Consented To:

TOWN OF APEX

By:   
Randy Vostburg  
Town Manager

By:   
David P. Ferrell  
Attorney for Town of Apex



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**Please retain yellow trailer page**

It is part of the recorded document and must be submitted  
with the original for re-recording.

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**Tammy L. Brunner**  
**Register of Deeds**

Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

☐ New Time Stamp

☐ \$25 Non-Standard Fee

☐ Additional Document Fee

☐ Additional Reference Fee

**This Customer Group**

\_\_\_\_\_ # of Excessive Entities

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

\_\_\_\_\_ 7 # of Pages BW