

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23-CVS-007221

TOWN OF PINEVILLE,

Plaintiff,

v.

WALLACE J. THROWER;

Defendant.

CONSENT JUDGMENT

(With Disbursement of Condemnation Deposit)

THIS CAUSE, coming on to be heard and being heard before the undersigned Superior Court Judge, it having been stipulated by the parties, and the Court Finding as Fact the following:

1. This action was duly instituted on April 24th, 2023, by the issuance of Summons, and the filing of Complaint, Declaration of Taking, and Notice of Deposit (N.C.G.S. § 40A *et seq*), along with the deposit of Sixteen Thousand, One Hundred Dollars (\$16,100.00), the sum estimated by the Plaintiff to be just compensation for the taking of the property of Wallace J. Thrower (“Mr. Thrower”).
2. Summons, together with a copy of the Complaint, Declaration of Taking, and Notice of Deposit and Service of Plat (N.C.G.S. §40A *et seq*) were duly served upon Defendant on April 26th, 2023.
3. All persons having or claiming to have an interest in the condemned land are parties hereto and are duly before the Court; and there are no other parties of interest.
4. Plaintiff and Defendants settled all matters in controversy between them as agreed by the parties, the sum of Twenty-two Thousand Dollars (\$22,000.00), including amounts previously deposited, which sum includes any claim by the Defendants for interest, is the full and adequate value of, and represents the total just compensation for the taking of Mr. Thrower’s property.

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

1. The Plaintiff was entitled to acquire and did acquire on April 24th, 2023, the property of the Defendant as described herein.
2. The property is being acquired for a public purpose as provided for by authority under N.C.G.S. § 40A-3(b)(2).

3. These proceedings, as appears from the pleadings, are regular in all respects, and no just cause has been shown against granting the prayer contained in the Complaint, Declaration of Taking, and Notice of Deposit. (N.C.G.S. §40A *et seq*).

4. The terms upon which the parties have agreed to settle were reported to this Court under oath.

5. The terms upon which the parties have agreed to settle are just to the owner of the property.

6. Except as expressly set forth herein, the Defendant is not entitled to any further relief from the Plaintiff as a result of the taking.

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

1. The Plaintiff, Town of Pineville, on April 24th, 2023, by the filing of Complaint, Declaration of Taking, and Notice of Deposit (N.C.G.S. §40A *et seq*) condemned and became permanently vested with the interests, or estate taken as described in Exhibit A and Exhibit B attached to the Complaint, and attached hereto and incorporated by reference.

2. The Plaintiff shall pay to Mr. Thrower the additional sum of Five Thousand, Nine Hundred Dollars (\$5,900.00), representing the full additional amount of compensation owed by the Plaintiff within ten days of entry of this judgment.

3. The Clerk of Court is hereby directed to disburse the initial deposit of \$16,100.00 to Wallace J. Thrower.

4. A copy of this Judgment shall be certified under the 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 this County.

5. The Plaintiff, Town of Pineville, shall pay the costs of this action.

6. This Consent Judgment may be executed in counterparts and/or with counterpart signature pages, all of which together shall constitute a single agreement. Electronic facsimiles of signatures shall be acceptable and binding upon the parties hereto.

This the _____ day of _____ 2024.

Superior Court Judge Presiding
Mecklenburg County

CONSENTED TO:

TOWN OF PINEVILLE

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