

DEC 15 2022

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

TOWN OF WAYNESVILLE, a
municipal corporation,

Plaintiff,

v.

HAYWOOD COUNTY, THE REGISTER
OF DEEDS OF HAYWOOD COUNTY,
DAVID LEE HALL, JANICE
SHEEHAN HALL, DOUGLAS
EDWARD GOSNELL, and MELISSA
GRAVES GOSNELL,

Defendants.

THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

22-CVS-854

ORDER

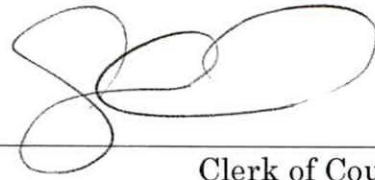
ORDER

THIS MATTER, having come before the Court upon motion of the Plaintiff, and it appearing to the Court that: Plaintiff was served on November 4, 2022; the initial time for responding has not expired; and good cause has been shown to provide for an enlargement of time to respond to Defendants' discovery requests in the above-captioned matter.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the time provided for Plaintiff to respond to Defendants' discovery requests shall be enlarged by an additional thirty (30) days, through and including January 4, 2023.

This the 1st day of Dec, 2022.

3rd



Clerk of Court

Attorneys for Plaintiff
721 N. Main St.
Waynesville, NC 28786
T: (828) 220-4292
F: (828) 220-5753
martha@sosharpe.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion was served upon all parties to the above-captioned matter according to Rule 5 of the North Carolina Rules of Civil Procedure by delivering a copy to the party's last known address or upon a party's attorney of record by electronic mail (e-mail) to an e-mail address of record with the court in the case as follows:

J. Scott Taylor
STROM & TAYLOR, PLLC
Attorneys for Defendant
95 Depot Street
Waynesville, NC 28786
F/ (828) 246-0337
scott@wncjustice.com

This 30th day of November, 2022.

By: Martha Sharpe Bradley
Martha Sharpe Bradley

FILED
2022 NOV 30 P 1:50
CLERK OF SUPERIOR COURT
WAYNESVILLE, NC

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 22-CVS-854

2022 NOV -4 P 2:18

TOWN OF WAYNESVILLE, a municipal corporation,
HAYWOOD CO., N.C.

Plaintiff,

vs.

ANSWER

HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL,

Defendants.

The Defendants, David Lee Hall, Janice Sheehan Hall, Douglas Edwards Gosnell, and Melissa Graves Gosnell, hereby respond to the allegations of the Complaint of the Plaintiff, as follows:

FIRST DEFENSE

The allegations in Plaintiff's Complaint fail to state a claim against Defendants Hall and Gosnell for which relief can be granted, and Defendants move to dismiss the action pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure.

SECOND DEFENSE

To the extent not specifically admitted, modified, or explained below, the allegations of the Complaint are denied for lack of sufficient knowledge.

THIRD DEFENSE

[Specifically responding to the numbered allegations of the Plaintiff's Complaint]

1. The allegations of Paragraph 1 are admitted.
2. The allegations of Paragraph 2 are admitted.
3. The allegations of Paragraph 3 are admitted.

4. The allegations of Paragraph 4 are admitted.
5. The allegations of Paragraph 5 are admitted.
6. The allegations of Paragraph 6 are admitted.
7. The allegations of Paragraph 7 are admitted.
8. The allegations of Paragraph 8 are admitted.
9. The allegations of Paragraph 9 constitute an affirmative defense and call for a conclusion of law, and they are neither admitted nor denied.
10. The allegations of Paragraph 10 constitute an affirmative defense and call for a conclusion of law, and they are neither admitted nor denied.
11. The allegations of Paragraph 11 are admitted.
12. Defendants incorporate by reference their responses to all prior paragraphs as if fully set forth therein.
13. The allegations of Paragraph 13 are neither admitted or denied, as the referenced document is self-evident and speaks for itself.
14. The allegations of Paragraph 14 are neither admitted or denied, as the referenced document is self-evident and speaks for itself.
15. The allegations of Paragraph 15 are admitted.
16. The allegations of Paragraph 15 are admitted.
17. The allegations of Paragraph 17 are admitted.
18. The allegations of Paragraph 18 are admitted.
19. As to the allegations that the Town of Waynesville accepted to foregoing streets, it is expressly denied; as to all other allegations including the referenced exhibit, they are neither admitted or denied, as the referenced document is self-evident and speaks for itself.
20. The allegations of Paragraph 20 are neither admitted or denied, as the referenced imagery is self-evident and speaks for itself.

21. The allegations of Paragraph 21 are neither admitted or denied, as the referenced documents are self-evident and speaks for itself.
22. The allegations of Paragraph 22 are admitted in that the Property produces a monthly income, as to all other allegations they are denied.
23. The allegations of Paragraph 23 are neither admitted or denied, as the referenced document is self-evident and speaks for itself.
24. The allegations of Paragraph 24, including subparagraphs a, b, c, and d, are denied.
25. The allegations of Paragraph 25 are denied.
26. The allegations of Paragraph 26 are denied.
27. Defendants incorporate by reference their responses to all prior paragraphs as if fully set forth therein.
28. The allegations of Paragraph 28 are denied.
29. The allegations of Paragraph 29 are denied upon information and belief.
30. The allegations of Paragraph 30 are denied upon information and belief.
31. The allegations of Paragraph 31 are denied upon information and belief.
32. The allegations of Paragraph 32 are denied.
33. The allegations of Paragraph 33 are denied.
34. The allegations of Paragraph 34 are denied.
35. The allegations of Paragraph 35 are denied.
36. Defendants incorporate by reference their responses to all prior paragraphs as if fully set forth therein.
37. The allegations of Paragraph 37 are admitted.
38. The allegations of Paragraph 38 are admitted.
39. The allegations of Paragraph 39 are denied.

40. The allegations of Paragraph 40 are denied.

41. The allegations of Paragraph 41 are admitted.

FOURTH DEFENSE
[Lack of Express Acceptance]

A dedication of a road is a revocable offer until it is accepted on the part of the public in some recognized legal manner and by a proper public authority. The Town of Waynesville at no point expressly accepted either by a formal ratification, resolution, order by proper officials, adoption of an ordinance, a town council's vote of approval, or the signing of a written instrument by proper authorities, the portion of Westview Street that is described in Declaration of Withdrawal filed by Defendants Hall and Gosnell.

FIFTH DEFENSE
[Lack of Implied Acceptance]

A dedication of a road is a revocable offer until it is accepted on the part of the public in some recognized legal manner and by a proper public authority. The Town of Waynesville at no point impliedly accepted as shown by use from the general public, coupled with control of the road by Town of Waynesville authorities for a period of twenty years or more, the portion of Westview Street that is described in Declaration of Withdrawal filed by Defendants Hall and Gosnell.

SIXTH DEFENSE
[Town Map Insufficient Evidence]

Including the road in dispute on a town map is insufficient evidence of the Town of Waynesville's intent to accept the road for public use.

SEVENTH DEFENSE
[Abandonment]

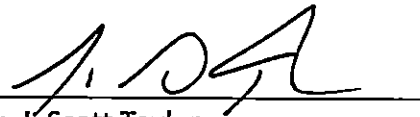
To the extent the Town of Waynesville accepted the roads as reflected in the 1960 Ben Medford survey, if any, such dedicated land as described in property description of the Declaration of Withdrawal filed by Defendants Hall and Gosnell has been abandoned in that it has not been actually opened and used by the public within fifteen [15] years from and after the dedication thereof pursuant to N.C. Gen. Stat. § 136-96, and the Town of Waynesville failed to take any such actions to open the road and for it to be used by the public prior to the recordation of the Declaration of Withdrawal filed by Defendants Hall and Gosnell.

WHEREFORE, having fully responded to the Plaintiff's Complaint, Defendants Hall and Gosnell request the Court to grant the following relief:

1. Dismiss the action against Defendants Hall and Gosnell with prejudice;
2. Declare that the Plaintiff shall have and recover nothing from Defendants Hall and Gosnell;
3. Declare the Declaration of Withdrawal filed by Defendants Hall and Gosnell legal and binding, and give it full force and effect;
4. For a trial by jury on all issues so triable;
5. Tax the costs incurred by Defendants Hall and Gosnell in defending this action against the Plaintiff;
6. Award Defendants Hall and Gosnell their attorney's fees as allowed by law; and
7. Such other relief as the Court may deem just and reasonable.

This the 4th day of November, 2022.

STROM & TAYLOR, PLLC



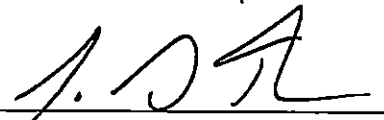
By: J. Scott Taylor
Attorney for Defendants Hall & Gosnell
95 Depot Street
Waynesville, NC 28786
828.452.5801 (t)
828.246.0337 (f)
scott@wncjustice.com

CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that he has served a copy of the foregoing Defendants Hall & Gosnell's Answer upon the following parties of record by placing a copy of said motion in a postpaid wrapper and mailing it in the care and custody of the United States Post Office Department properly addressed as follows:

- Martha Sharpe Bradley
Law Office of Martha Sharpe Bradley, PLLC
721 N. Main Street
Waynesville, NC 28786

This the 4th day of November, 2022.



J. Scott Taylor

FILED
2022 NOV -4 P 2:18
HAYWOOD CO., C.S.C.
BY _____

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD

County

In The General Court Of Justice

Name And Address Of Plaintiff
TOWN OF WAYNESVILLE

FILED

2022 OCT 13 P 2:14

VERSUS

HAYWOOD CO., C.S.C.

SERVICEMEMBERS CIVIL RELIEF ACT
DECLARATION

Name And Address Of Defendant
JANICE SHEEHAN HALL
40 WESTVIEW STREET

BY _____

WAYNESVILLE

NC 28786

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- a. I have personal knowledge that the defendant named above is in military service.*
- b. I have personal knowledge that the defendant named above is not in military service.*
- c. I am unable to determine whether the defendant named above is in military service.*

2. As of the current date, I have have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).

3. I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.

The results from my use of that website are attached.

(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will not appear in the SCRA Website database.)

4. The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)

THE DOD SCRA WEBSITE INDICATES DEFENDANT IS NOT IN MILITARY SERVICE.

*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date

10/13/2022

Signature Of Declarant

Martha Sharpe Bradley

Name Of Declarant (type or print)

MARTHA SHARPE BRADLEY

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit or declaration (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(Over)



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:

Birth Date: Aug-XX-1956

Last Name: HALL

First Name: JANICE

Middle Name: SHEEHAN

Status As Of: Oct-13-2022

Certificate ID: CY3P0S31TX88LSS

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD County

In The General Court Of Justice

Name And Address Of Plaintiff
TOWN OF WAYNESVILLE

FILED

2022 OCT 13 P 2:14

SERVICEMEMBERS CIVIL RELIEF ACT
DECLARATION

VERSUS

HAYWOOD CO., C.S.C.

Name And Address Of Defendant
DAVID LEE HALL
40 WESTVIEW STREET

DY

WAYNESVILLE NC 28786

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

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DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)
 - a. I have personal knowledge that the defendant named above is in military service.*
 - b. I have personal knowledge that the defendant named above is not in military service.*
 - c. I am unable to determine whether the defendant named above is in military service.*
 2. As of the current date, I have have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).
 3. I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
 - The results from my use of that website are attached.
- (NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will not appear in the SCRA Website database.)
4. The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)
THE DOD SCRA WEBSITE INDICATES DEFENDANT IS NOT IN MILITARY SERVICE.

*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date 10/13/2022	Signature Of Declarant <i>Martha Sharpe Bradley</i>	Name Of Declarant (type or print) MARTHA SHARPE BRADLEY
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(Over)



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:
 Birth Date: Aug-XX-1953
 Last Name: HALL
 First Name: DAVID
 Middle Name: LEE
 Status As Of: Oct-13-2022
 Certificate ID: 1H692C49DKK8PZ1

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
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This response reflects whether the individual or his/her unit has received early notification to report for active duty			

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Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD County

In The General Court Of Justice

Name And Address Of Plaintiff
TOWN OF WAYNESVILLE

FILED

2022 OCT 13 P 2:14

SERVICEMEMBERS CIVIL RELIEF ACT

HAYWOOD CO., N.C. DECLARATION

VERSUS

Name And Address Of Defendant
MELISSA GRAVES GOSNELL
142 QUEEN STREET

BY _____

WAYNESVILLE NC 28786

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

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DECLARATION

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3. I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
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4. The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)
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I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date 10/13/2022	Signature Of Declarant <i>Martha Sharpe Bradley</i>	Name Of Declarant (type or print) MARTHA SHARPE BRADLEY
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(Over)



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:
 Birth Date: Jan-XX-1965
 Last Name: GOSNELL
 First Name: MELISSA
 Middle Name: GRAVES
 Status As Of: Oct-13-2022
 Certificate ID: 652Q2ZL16LQLYB0

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
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Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD

County

In The General Court Of Justice

Name And Address Of Plaintiff
TOWN OF WAYNESVILLE

FILED

2022 OCT 13 P 2:14

SERVICEMEMBERS CIVIL RELIEF ACT
DECLARATION

VERSUS

HAYWOOD CC., C.S.C.

Name And Address Of Defendant
DOUGLAS EDWARD GOSNELL
142 QUEEN STREET

BY _____

WAYNESVILLE NC 28786

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

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DECLARATION

I, the undersigned Declarant, under penalty of perjury declare the following to be true:

- As of the current date: (check one of the following)
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 - b. I have personal knowledge that the defendant named above is not in military service.*
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 - I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
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4. The following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)

THE DOD SCRA WEBSITE INDICATES DEFENDANT IS NOT IN MILITARY SERVICE.

*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date 10/13/2022	Signature Of Declarant <i>Martha Sharpe Bradley</i>	Name Of Declarant (type or print) MARTHA SHARPE BRADLEY
--------------------	--	--

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit or declaration (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(Over)



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:
 Birth Date: Mar-XX-1963
 Last Name: GOSNELL
 First Name: DOUGLAS
 Middle Name: EDWARD
 Status As Of: Oct-13-2022
 Certificate ID: GJL4MNVM5262B76

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff
TOWN OF WAYNESVILLE

FILED

Address 2022 OCT 13 P 2:10 CIVIL SUMMONS

City, State, Zip HAYWOOD CO. N.C. ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)
HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL

Date Original Summons Issued 08/31/2022

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1
REGISTER OF DEEDS OF HAYWOOD COUNTY

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued 10/13/2022 Time 2:10 AM PM

Signature [Handwritten Signature]

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

STATE OF NORTH CAROLINA

File No.

22-CVS-854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff

TOWN OF WAYNESVILLE

FILED

Address

2022 OCT 13 P 2:12

CIVIL SUMMONS

City, State, Zip

HAYWOOD CO., N.C.

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

BY

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL

Date Original Summons Issued

08/31/2022

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

HAYWOOD COUNTY

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued

10/13/2022

Time

2:12

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

STATE OF NORTH CAROLINA

File No.

22-cvs-854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

Name And Address Of Plaintiff 1
TOWN OF WAYNESVILLE

2022 OCT 13 P 2:13

GENERAL

CIVIL ACTION COVER SHEET

Name And Address Of Plaintiff 2

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) of the General Rules of Practice for the Superior and District Courts

VERSUS

Name And Address Of Defendant 1
HAYWOOD COUNTY

Name And Address Of Attorney Or Party, If Not Represented
(complete for initial appearance or change of address)

MARTHA SHARPE BRADLEY
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
721 N. MAIN ST.
WAYNESVILLE NC 28786

Summons Submitted

Yes No

Telephone No.
(828) 220-4292

Cellular Telephone No.

Name And Address Of Defendant 2
THE REGISTER OF DEEDS OF HAYWOOD COUNTY

NC Attorney Bar No. 44243
Attorney Email Address MARTHA@SOSHARPE.COM

Initial Appearance in Case Change of Address

Name Of Firm Fax No.
(828) 220-5753

Summons Submitted

Yes No

Counsel For
All Plaintiffs All Defendants Only: (list party(ies) represented)

Jury Demanded In Pleading Complex Litigation Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- Amend (AMND)
Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Assess Costs (COST)
Answer/Reply (ANSW-Response) (see Note)
Change Venue (CHVN)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Consent Order (CONS)
Consolidate (CONSL)
Contempt (CNTP)
Continue (CNTN)
Compel (CMPL)
Counterclaim (CTCL) Assess Court Costs
Crossclaim (list on back) (CRSS) Assess Court Costs
Dismiss (DISM) Assess Court Costs
Exempt/Waive Mediation (EXMD)
Extend Statute Of Limitations, Rule 9 (ESOL)
Extend Time For Complaint (EXCO)
Failure To Join Necessary Party (FJNP)

- Failure To State A Claim (FASC)
Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
Improper Venue/Division (IMVN)
Including Attorney's Fees (ATTY)
Intervene (INTR)
Interplead (OTHR)
Lack Of Jurisdiction (Person) (LJPN)
Lack Of Jurisdiction (Subject Matter) (LJSM)
Modification Of Child Support In IV-D Actions (MSUP)
Notice Of Dismissal With Or Without Prejudice (VOLD)
Petition To Sue As Indigent (OTHR)
Rule 12 Motion In Lieu Of Answer (MDLA)
Sanctions (SANC)
Set Aside (OTHR)
Show Cause (SHOW)
Transfer (TRFR)
Third Party Complaint (list Third Party Defendants on back) (TPCL)
Vacate/Modify Judgment (VCMD)
Withdraw As Counsel (WDCN)
Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)

OCT 13 2022

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

TOWN OF WAYNESVILLE, a
municipal corporation,

Plaintiff,

vs.

HAYWOOD COUNTY, THE REGISTER
OF DEEDS OF HAYWOOD COUNTY,
DAVID LEE HALL, JANICE SHEEHAN
HALL, DOUGLAS EDWARD GOSNELL,
and MELISSA GRAVES GOSNELL,

Defendants.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 22-CVS-854

FILED

2022 OCT -7 P 12: 26

) HAYWOOD CO., C.S.C.

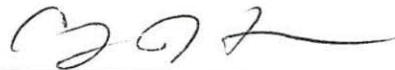
) BY _____

ORDER FOR EXTENSION OF TIME

This cause being heard by the undersigned Clerk on motion of the Defendants, David Lee Hall, Janice Sheehan Hall, Douglas Edward Gosnell, and Melissa Graves Gosnell, for an order extending the time in which to answer or otherwise respond to Plaintiffs' Complaint pursuant to Rule 6(b) of the Rules of Civil Procedure; and it appearing to the Court that the time allowed has not expired and that the motion should be allowed.

IT IS THEREFORE ORDERED, that the time for filing answer or other responsive pleadings by the Defendants, David Lee Hall, Janice Sheehan Hall, Douglas Edward Gosnell, and Melissa Graves Gosnell be and it is hereby extended to and including the 10th day of November, 2022.

This the 7th day of October, 2022.



Asst./Clerk of Superior Court
Haywood County, North Carolina

STATE OF NORTH CAROLINA

COUNTY OF HAYWOOD

TOWN OF WAYNESVILLE, a
municipal corporation,

FILED

2022 OCT -7 P 12: 16

HAYWOOD CO., C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO. 22-CVS-854

Plaintiff,

vs.

MOTION FOR EXTENSION OF TIME

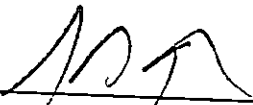
HAYWOOD COUNTY, THE REGISTER)
OF DEEDS OF HAYWOOD COUNTY,)
DAVID LEE HALL, JANICE SHEEHAN)
HALL, DOUGLAS EDWARD GOSNELL,)
and MELISSA GRAVES GOSNELL,)

Defendants.)

Now come the Defendants, David Lee Hall, Janice Sheehan Hall, Douglas Edward Gosnell, and Melissa Graves Gosnell, by and through their undersigned attorney, and show unto the court that the time for answering or otherwise responding to Plaintiff's Complaint has not expired, and move the court pursuant to Rule 6(b) of the Rules of Civil Procedure to extend the time therefore thirty (30) days for the reason that the attorney for said Defendants needs additional time to investigate the matter, confer with his clients, and prepare a proper answer or other responsive pleading.

This the 7th day of October, 2022.

STROM & TAYLOR, PLLC



By: J. Scott Taylor
Attorney for Defendants Hall & Gosnell
95 Depot Street
Waynesville, NC 28786
828.452.5801 (t)
828.246.0337 (f)
scott@wncjustice.com

C20222296

STATE OF NORTH CAROLINA

File No.

22CVS 854

HAYWOOD County

FILED

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff
TOWN OF WAYNESVILLE

2022 AUG 31 P 3:39

Address
HAYWOOD CO ALA

CIVIL SUMMONS

City, State, Zip

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

BY

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)
HAYWOOD COUNTY, THE REGISTER OF DEEDS OF
HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN
HALL, DOUGLAS EDWARD GOSNELL, and MELISSA
GRAVES GOSNELL

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1
DOUGLAS EDWARD GOSNELL
142 QUEEN STREET
WAYNESVILLE NC 28786

Name And Address Of Defendant 2
DOUGLAS EDWARD GOSNELL
6354 CENTRAL PARK LANE NW
HUNTSVILLE AL 35806



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as
possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible
acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos
documentos!

RECEIVED
SEP 01 2022

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been
served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued 8/31/2022 Time 3:39 AM PM

Signature Jessica McElroy
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated
above and returned not served. At the request of the plaintiff,
the time within which this Summons must be served is
extended sixty (60) days.

Date Of Endorsement Time AM PM

Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or
less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if
so, what procedure is to be followed.

(Over)

C202222296

STATE OF NORTH CAROLINA

File No.

22 CVS 854

HAYWOOD County

In The General Court Of Justice

District Superior Court Division

FILED

Name Of Plaintiff

TOWN OF WAYNESVILLE

Address

2022 AUG 31 P 3:39

CIVIL SUMMONS

City, State, Zip

HAYWOOD CO., N.C.

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

BY

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

DAVID LEE HALL
40 WESTVIEW STREET

Name And Address Of Defendant 2

WAYNESVILLE NC 28786



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

RECEIVED
SEP 01 2022

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued

8/31/2022

Time

3:39

AM PM

Signature

Jessica Miley

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM PM

Signature

Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

C20222294

STATE OF NORTH CAROLINA

File No. 22 CVS 854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff
TOWN OF WAYNESVILLE

FILED

CIVIL SUMMONS

Address

City, State, Zip

2022 AUG 31 11:34 AM
HAYWOOD CO., C.S.C.
DALLAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)
HAYWOOD COUNTY, THE REGISTER OF DEEDS,
HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN
HALL, DOUGLAS EDWARD GOSNELL, and MELISSA
GRAVES GOSNELL

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1
DAVID LEE HALL
40 WESTVIEW STREET
WAYNESVILLE NC 28786

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
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Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

RECEIVED
SEP 01 2022

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued 8/31/2022 Time 3:39 AM PM

Signature Jessica M. Bradley
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time AM PM

Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

C20222296

STATE OF NORTH CAROLINA

File No.

22 CVS 854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff
TOWN OF WAYNESVILLE

FILED

Address

2022 AUG 31 P 3:39 CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

City, State, Zip

HAYWOOD CO., C.S.C.

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)
HAYWOOD COUNTY, THE REGISTER OF DEEDS OF
HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN
HALL, DOUGLAS EDWARD GOSNELL, and MELISSA
GRAVES GOSNELL

BY

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1
MELISSA GRAVES GOSNELL
142 QUEEN STREET

Name And Address Of Defendant 2
MELISSA GRAVES GOSNELL
6354 CENTRAL PARK LANE NW

WAYNESVILLE NC 28786

HUNTSVILLE AL 35806



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acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos
documentos!

RECEIVED
AUG 31 2022

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued 8/31/2022 Time 3:39 AM PM

Signature Jessica Melius

Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated
above and returned not served. At the request of the plaintiff,
the time within which this Summons must be served is
extended sixty (60) days.

Date Of Endorsement Time AM PM

Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

STATE OF NORTH CAROLINA

FILED

THE GENERAL COURT OF JUSTICE

COUNTY OF HAYWOOD

2022 AUG 31 P 3:36

SUPERIOR COURT DIVISION

22-CVS-854

TOWN OF WAYNESVILLE, a
municipal corporation,

HAYWOOD CO., C.S.C.

BY _____

Plaintiff,

v.

HAYWOOD COUNTY, THE REGISTER
OF DEEDS OF HAYWOOD COUNTY,
DAVID LEE HALL, JANICE
SHEEHAN HALL, DOUGLAS
EDWARD GOSNELL, and MELISSA
GRAVES GOSNELL,

COMPLAINT

Defendants.

COMPLAINT

NOW COMES Plaintiff TOWN OF WAYNESVILLE (hereafter the "Town"), by and through undersigned counsel, complaining of and against Defendant HAYWOOD COUNTY (hereafter the "County"), Defendant THE REGISTER OF DEEDS OF HAYWOOD COUNTY (hereafter the "Register of Deeds"), Defendant DAVID LEE HALL (hereafter "Mr. Hall"), Defendant JANICE SHEEHAN HALL (hereafter "Mrs. Hall") (hereafter "the Halls" collectively), Defendant DOUGLAS EDWARD GOSNELL (hereafter "Mr. Gosnell") and Defendant MELISSA GRAVES GOSNELL (hereafter "the Gosnells" collectively) (hereafter "Defendants" as all named defendants collectively) and seeking relief as follows:

JURISDICTION

1. The Town is a municipal body politic and corporate, existing pursuant to the terms of the Charter of the Town and possessing all those powers endowed by the law of the State of North Carolina as enacted within the Code of Ordinances of the Town.
2. The County is a county pursuant to N.C. Gen. Stat. § 153A-10 *et seq.*, being situated in, organized by, and existing under the laws of the State of North Carolina.
3. Upon information and belief, Plaintiff alleges that the Halls are citizens and residents of Haywood County, State of North Carolina.

4. Upon information and belief, Plaintiff alleges that the Halls are the owners of record of parcels of real property located at 40 Westview Street, Waynesville North Carolina, 28786.
5. Upon information and belief, Plaintiff alleges that the Gosnells are citizens and residents of the State of Alabama.
6. Upon information and belief, Plaintiff alleges that the Gosnells are the owners of record of a parcel of real property located at 142 Queen Street, Waynesville, North Carolina, 28786.
7. The subject of the above-captioned matter concerns the adjudication of the parties' rights, status, or other legal relations to a parcel of real property, to be more particularly described herein, which is located within the corporate limits of the Town and within Haywood County, North Carolina.
8. The parties and the matter are within the jurisdiction of the Superior Courts Division of the General Court of Justice.
9. The above-captioned matter has been brought within all applicable statutes of limitation.
10. All conditions precedent to the institution of the above-captioned matter, if any, have been satisfied.
11. Venue is proper within the Superior Courts of Haywood County.

FACTUAL ALLEGATIONS

12. Plaintiff incorporates by reference the allegations made in the foregoing paragraphs 1 through 11 as though set forth fully herein.
13. Upon information and belief, Plaintiff alleges that, on or about 7 June 1960 a survey entitled "Ben Medford Waynesville Township" (hereafter, "Medford Survey") was prepared by G.E. Morgan and was later recorded at Plat Book G, Page 71 in the Haywood County Registry. A true and correct copy of the Medford Survey is attached hereto as Exhibit "A" and incorporated by reference as though set forth fully herein.
14. The Medford Survey reflects roads providing access to the various lots within the development, including: Park Drive and Winding Road.
15. Presently, Park Drive exists along a similar course and trajectory as depicted in the Medford Survey.

16. Presently, Graham Street exists along a similar course and trajectory as depicted for the western-most prong of Winding Road depicted in the Medford Survey.
17. Presently, Westview Street exists along a similar course and trajectory as depicted for the center prong of Winding Road depicted in the Medford Survey.
18. Presently, Queen Street exists along a similar course and trajectory as depicted for the eastern-most prong of Winding Road depicted in the Medford Survey.
19. Dedication of the foregoing streets was accepted by the Town of Waynesville and incorporated into the official street index as reflected on the "Map of Waynesville, North Carolina with Hazelwood, Published by Town of Waynesville," a true and correct copy of which is attached hereto as Exhibit "B" and incorporated by reference as though set forth fully herein.
20. Aerial imagery of the real property depicted in the Medford Survey indicate that a road has existed and continues to exist presently along a similar course and trajectory as Westview Street since at least 1963.
21. True and correct copies of aerial imagery depicting the real property in the Medford Survey as it existed in 1963, 1977, 1985, 2004, and 2010 are attached hereto as Exhibits "C," "D," "E," "F," and "G" and incorporated by reference as though set forth fully herein.
22. Upon information and belief, Plaintiff alleges that, on or about 30 June 2022, Defendants executed a "DECLARATION OF WITHDRAWAL OF DEDICATION OF REAL PROPERTY FOR USE AS PUBLIC ROAD" (hereafter "Declaration") and caused the same to be recorded on 6 July 2022 at Book RB 1066, Page 2073 through 2076 in the Haywood County Registry. A true and correct copy of the Declaration of Withdrawal is attached hereto as Exhibit "H" and incorporated by reference as though set forth fully herein.
23. In the Declaration, Defendants claim that Westview Street "has never been opened, constructed, or maintained by either the State of North Carolina or the Town of Waynesville or accepted by either governmental entity but has only been utilized by the parties hereto and their predecessors in title for their own personal and private use[.]"
24. Defendants' statements within the Declaration are false in that:
 - a. dedication of Westview Street was accepted by the Town into its official street index as early as 1963;
 - b. aerial imagery shows that Westview Street was opened by the Town and has been in use since at least 1963;

- c. a portion of the area described in the Declaration is paved; and
 - d. the Town has installed public utility infrastructure within the unpaved portion of the area described in the Declaration.
25. Upon information and belief, Plaintiff alleges that the Declaration was filed for the unlawful purpose of obstructing access along Westview Street by employees of the Town of Waynesville and by the owners of adjoining parcels of real property for the purposes of preventing development of or construction on such real property.
26. Upon information and belief, Plaintiff alleges that Defendants have wrongfully refused to rescind or otherwise cancel the Declaration despite receipt of evidence of Plaintiff's superior claim of title.

FIRST CAUSE OF ACTION

(Claim for Quiet Title – N.C. Gen. Stat. § 41-10)

27. Plaintiff incorporates the allegations in the foregoing paragraphs 1 through 26 by reference as though set forth herein.
28. Upon its recording in 1960, the Medford Survey constitutes a dedication to public use of the rights-of-way reflected thereon, to wit: Winding Road.
29. The Town accepted the dedication of Winding Road by accepting it into its official street index and map and by renaming it Westview Street.
30. The Town accepted the dedication of Winding Road, now known as Westview Street, by opening and paving the right-of-way
31. The Town accepted the dedication of Winding Road, now known as Westview Street, installing public utility infrastructure within the right-of-way.
32. The Town's acceptance of and opening of any portion of Westview Street relates to the entire right-of-way as reflected in the Medford Survey.
33. As a result of the foregoing, Defendants have no right, title, or interest to Westview Street.
34. As a result of the foregoing, the Declaration constitutes a cloud upon Plaintiff's title to Westview Street.
35. As a result of the foregoing, Plaintiff is entitled to judicial determination of its rights relative to Defendants in Westview Street.

WHEREFORE, Plaintiff prays for judgment as follows:

- (1) In favor of Plaintiff and against Defendants;
- (2) Declaring Plaintiff the rightful owner of the right-of-way known as Westview Street;
- (3) Declaring that Defendants have no right, title, or interest in the right-of-way known as Westview Street adverse to Plaintiff;
- (4) Declaring that Defendants have no right, title, or interest in the right-of-way known as Westview Street beyond the rights of ingress and egress held by all members of the general public;
- (5) Taxing all costs of this action against Defendants;
- (6) Awarding reasonable attorney's fees to Plaintiff as provided by N.C. Gen. Stat. § 6-21(5); and
- (7) Such other and further relief as the Court deems just and proper.

SECOND CAUSE OF ACTION

(Claim for Declaratory Judgment – N.C. Gen. Stat. § 1-253 *et seq.*)

36. Plaintiff incorporates the allegations in the foregoing paragraphs 1 through 35 by reference as though set forth herein.
37. The Superior Courts of Haywood County have the power to declare rights, status, and other legal relations, including determination of the validity of legal documents affecting title to real property.
38. The Declaration is a legal document affecting title to real property.
39. The Declaration contains materially false, fictitious, or fraudulent statements or representations.
40. Defendants knew, or had reason to know, that the Declaration contained materially false, fictitious, or fraudulent statements or representations at the time of their endorsements.
41. As a result of the foregoing, the Superior Courts of Haywood County have the power to determine the validity of the Declaration.

WHEREFORE, Plaintiff prays for judgment as follows:

- (1) In favor of Plaintiff and against Defendants;

- (2) Pursuant to N.C. Gen. Stat. § 14-118.6(a), declaring that the Declaration contains materially false, fictitious, or fraudulent statements or representations;
- (3) Pursuant to N.C. Gen. Stat. § 14-118.6(a), declaring that Defendants knew, or had reason to know, that the Declaration contained materially false, fictitious, or fraudulent statements or representations at the time of their endorsements;
- (4) Pursuant to N.C. Gen. Stat. § 14-118.6(a), declaring the Declaration null and void as a matter of law;
- (5) Pursuant to N.C. Gen. Stat. § 14-118.6(c), ordering the Register of Deeds of Haywood County to record the Court's order declaring the Declaration to be false;
- (6) Pursuant to N.C. Gen. Stat. § 14-118.6(c), ordering the Register of Deeds of Haywood County to mark the first page of the Declaration with the following statement: "THE CLAIM ASSERTED IN THIS DOCUMENT IS FALSE AND IS NOT PROVIDED FOR BY THE GENERAL LAWS OF THIS STATE.";
- (7) Taxing all costs of this action against Defendants;
- (8) Awarding reasonable attorney's fees to Plaintiff as provided by N.C. Gen. Stat. § 6-21(5); and
- (9) Such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

FILED

Plaintiff hereby demands a trial by a jury on any genuine issues of material fact in the above-captioned matter.

2022 AUG 31 P. 3:37
HAYWOOD CO., C.S.C.

This 26th day of August, 2022.

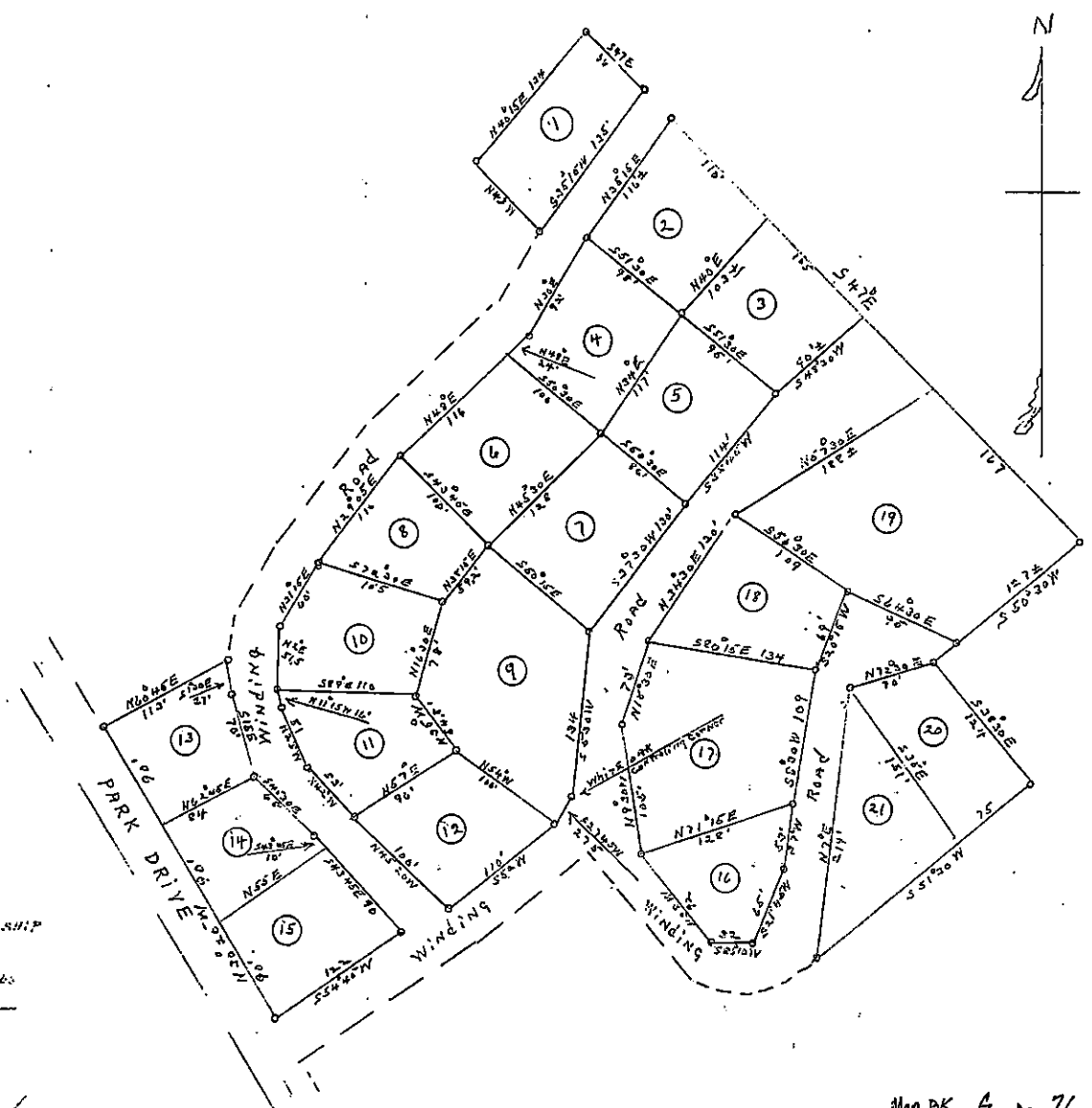
BY _____

LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC

By: Martha Sharpe Bradley
Martha Sharpe Bradley
NC Bar No. 44243
Attorneys for Plaintiff
721 N. Main St.
Waynesville, NC 28786
T: (828) 220-4292
F: (828) 220-5753
martha@sosharpe.com

PT 10

7-21



BEN MEDFORD
 WAYNESVILLE TOWNSHIP
 WAYNE COUNTY
 SCALE 1" = 50' JAN 17 1963
 G. S. Johnson

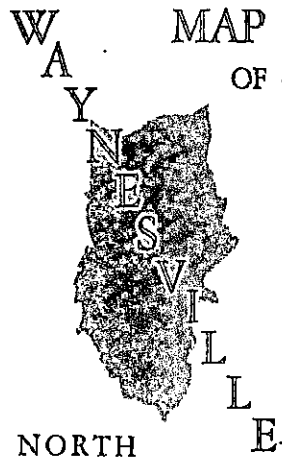
Map DK 4 pg 71

PLAINTIFF'S
 EXHIBIT
 A

**PLAINTIFF'S
EXHIBIT**

B

LOCATION OF WAYNESVILLE'S
CREATION PROPERTY WITHIN
THE TOWN'S CORPORATE LIMITS
WHICH PROPOSED
DEVELOPMENT WILL BE
LOCATED IS SHOWN IN
HIGHLIGHTED AREA



**NORTH
CAROLINA
WITH HAZELWOOD**

Published by
TOWN OF WAYNESVILLE



GENERAL INDEX

Allen's Creek Elementary School	U-10
Anglican Church	D-5
Bus Station	D-4
Chamber of Commerce	D-4
Church of God	C-5
Dayton Rubber Mfg. Co.	C-10
East Waynesville Elementary School	F-2
Grace Episcopal Church	D-4
Green Hill Cemetery	F-6
Hazelwood County Courthouse	D-4
Methodist Church	D-5
Presbyterian Church	D-3
Public Library	D-5
Roman Catholic Church	D-4
Royal & Pilkington Co., Inc.	D-9
Southern Railway Dept.	B-4
To-Go Hall	E-1
U. S. Post Office	D-4
Waynesville Country Club	E-5
Waynesville Elementary School	D-5
Waynesville Township Jr. High Sch.	C-6

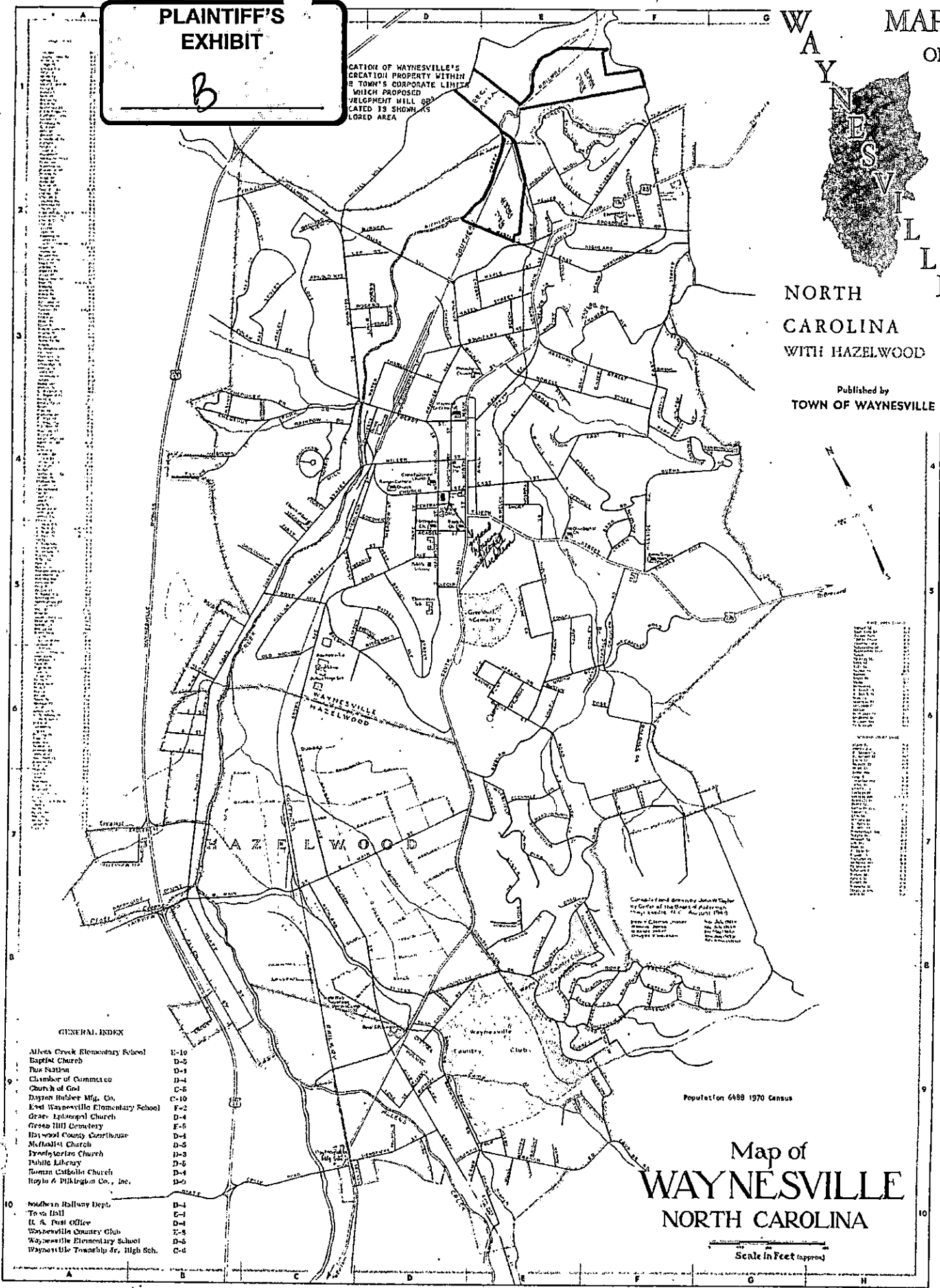
Consulted and drawn by John W. Taylor
City Engineer of the Town of Waynesville
Waynesville, N. C. August 1968

John W. Taylor, Engineer
No. 44,161
State of N. C.
Professional Seal

Population 6489 1970 Census

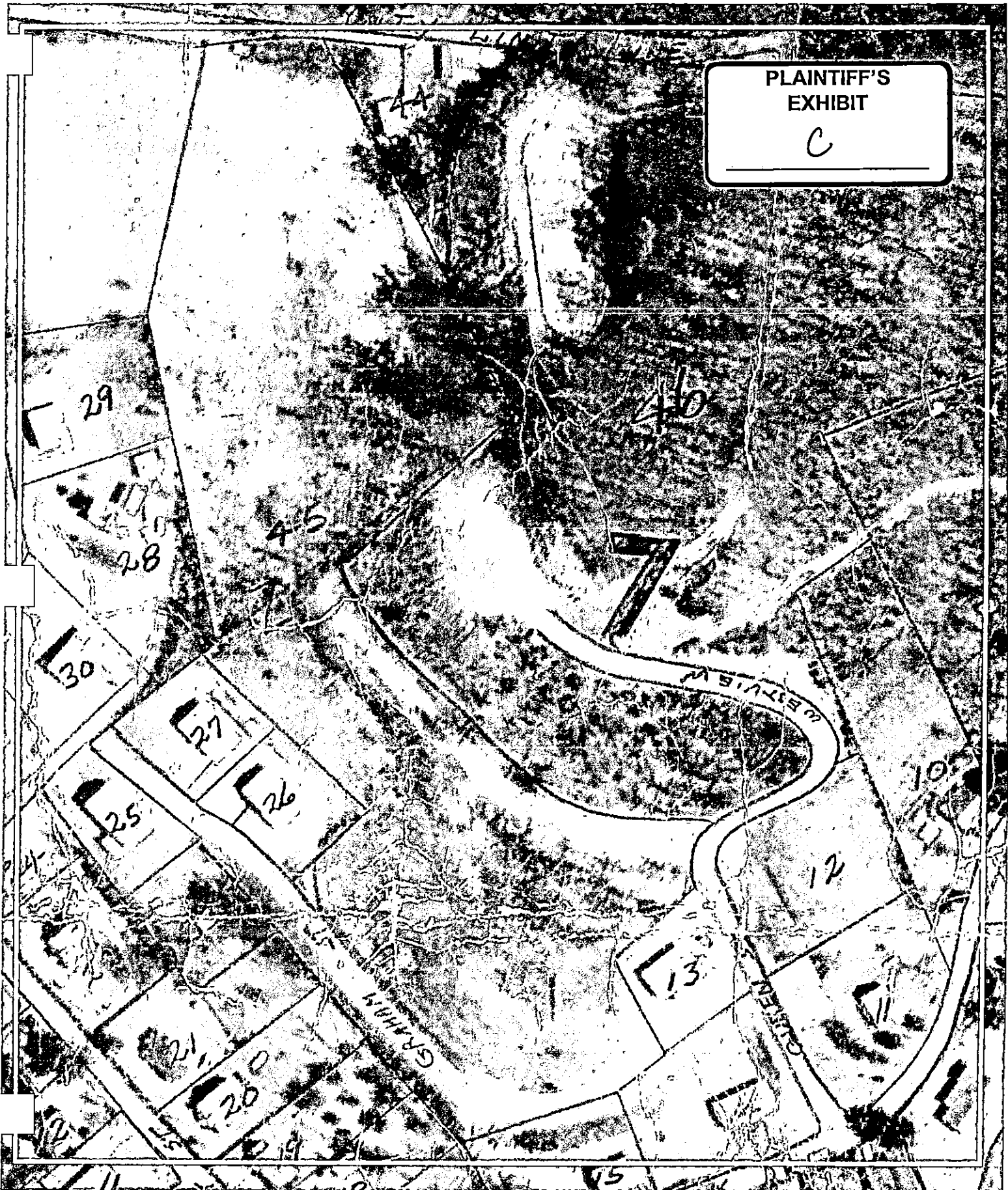
**Map of
WAYNESVILLE
NORTH CAROLINA**

Scale in Feet (approx)



PLAINTIFF'S
EXHIBIT

C





PLAINTIFF'S
EXHIBIT

D



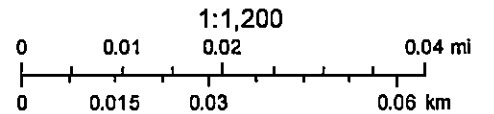
PLAINTIFF'S
EXHIBIT
E

Haywood County



August 26, 2022

PLAINTIFF'S
EXHIBIT
F

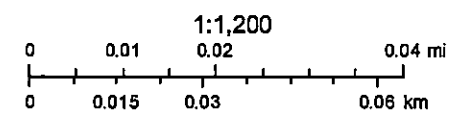


Haywood County



August 26, 2022

PLAINTIFF'S
EXHIBIT
G





Instrument# 2022007214 Book 1066 Page 2073

PENDING REVIEW FOR TAX LISTING
DATE 2022-07-06 BY SL

2022007214
HAYWOOD COUNTY NC FEE \$26.00
PRESENTED & RECORDED
07/06/2022 09:27:27 AM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: TARA E. REINHOLD
DEPUTY
BK: RB 1066
PG: 2073 - 2076

Prepared by and return to:
Ann Hines Davis
The Law Office of Ann Hines Davis, PLLC
95 Depot Street
Waynesville, NC 28786

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

**DECLARATION OF WITHDRAWAL OF DEDICATION OF REAL
PROPERTY FOR USE AS PUBLIC ROAD**

THIS DECLARATION, made this the 30 day of ~~July~~^{JUNE}, 2022, by and between DAVID LEE HALL and wife, JANICE SHEEHAN HALL, and DOUGLAS EDWARD GOSNELL and wife, MELISSA GRAVES GOSNELL.

WITNESSETH

WHEREAS, on or about the 7th day of June, 1960, a plat was caused to be made by G.E. Morgan, entitled "Ben Medford", said plat having been recorded in Plat Book G, Page 71, in the Haywood County Registry on or about June, 1960; and

WHEREAS, said plat shows a right of way for a roadway as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, David Lee Hall and wife, Janice Sheehan Hall are the owners of Lot Nos. 7, 8, 9, and 18 as shown on said recorded plat and Douglas Edward Gosnell and wife, Melissa Graves Gosnell are the owners of Lot No. 19 as shown on said recorded plat;

Submitted electronically by "The Law Office of Ann Hines Davis, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Haywood County Register of Deeds.

WHEREAS, the parties hereto are the successors in title to the developer and dedicator of said right of way, Ben Medford, and are the adjoining owners of that portion of said right of way as described on Exhibit A; and

WHEREAS, said roadway as described on Exhibit A, since the date of recordation of said plat, has never been opened, constructed, or maintained by either the State of North Carolina or the Town of Waynesville or accepted by either governmental entity but has only been utilized by the parties hereto and their predecessors in title for their own personal and private use; and

WHEREAS, NCGS 136-96 provides that after fifteen years from the date of dedication of any such proposed easement or right of way for a roadway, that if said roadway has not been actually opened and used by the public, that the same is conclusively presumed to have been abandoned by the public for the purpose for which the same shall have been offered for dedication, namely a roadway; and

WHEREAS, the parties hereto are desirous of withdrawing the dedication of said proposed roadway from any purported dedication to the public, or any other rights which may arise from the recordation of said plat and pursuant to NCGE 136-96.

NOW, THEREFORE, the parties hereto hereby declare that the real property as described on Exhibit "A" is hereby withdrawn from any dedication to the general public and/or the State of North Carolina or Town of Waynesville for a roadway or other use which may have arisen from the recordation of the above referenced plat; and the general public and/or the State of North Carolina or Town of Waynesville shall have no interest whatsoever in the aforesaid real property for construction, maintenance, or use as a roadway or any other purpose for which said plat may have been originally recorded.

This the 30 day of ^{JUNE} July, 2022.

 (seal)
DAVID LEE HALL

 (seal)
JANICE SHEEHAN HALL

 (seal)
DOUGLAS EDWARD GOSNELL

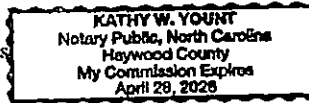
 (seal)
MELISSA GRAVES GOSNELL

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, a notary public of the aforesaid county and state, hereby certify that David Lee Hall and wife, Janice Sheehan Hall, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp, this the 30 day of ^{June} ~~July~~, 2022.

My Commission Expires
4/28/2026



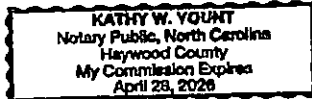
Kathy W. Yount
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, a notary public of the aforesaid county and state, hereby certify that Douglas Edward Gosnell and wife, Melissa Graves Gosnell, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp, this the 30 day of ^{June} ~~July~~, 2022.

My Commission Expires: 4/28/2026



Kathy W. Yount
Notary Public

EXHIBIT "A"

BEGINNING at a point at the westernmost corner of Lot 18 of the Ben Medford property as shown on that plat recorded in Plat Book G, Page 71, Haywood County Registry, said point being in the southerly margin of a road as shown on said plat, and runs thence N. 34 deg. 30' E. 120 feet to the westernmost corner of Lot 19; thence N. 57 deg. 30' E. 188+ feet to a point in a wire fence, northernmost corner of Lot 19; thence with said wire fence N. 47 deg. W. to a point at the easternmost corner of Lot 3 of said subdivision; thence with the line of Lot 3, S. 48 deg. 30' W. 90 + feet to the easternmost corner of Lot No. 5 of said subdivision; thence with the line of Lot 7, S. 37 deg. 30' W. 130 feet to the southernmost corner of Lot 7; thence in a generally easterly direction to the **BEGINNING. BEING** a portion of that property designated as "Road" on the above referenced plat lying between Lot Nos. 3, 5, 7, 18 and 19 on that plat recorded in Plat Book G, Page 71, Haywood County Registry.

STATE OF NORTH CAROLINA

File No. 22CVS 854

HAYWOOD County

FILED

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: TOWN OF WAYNESVILLE
Address: HAYWOOD CO., NC
City, State, Zip: HAYWOOD CO., NC

2022 AUG 31 P 3:38
CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)
G.S. 1A-1, Rules 3 and 4

VERSUS BY
Name Of Defendant(s): HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL

Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1: HAYWOOD COUNTY

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff): LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC, MARTHA SHARPE BRADLEY, ESQ., 721 N. MAIN ST., WAYNESVILLE NC 28786

Date Issued: 8/31/2022 Time: 3:38 PM
Signature: Jessica Medley
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement Time: AM PM
Signature
Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

STATE OF NORTH CAROLINA

File No. 22 CVS 854

HAYWOOD County

In The General Court Of Justice
District Superior Court Division

FILED

Name Of Plaintiff
TOWN OF WAYNESVILLE

Address

2022 AUG 31 P 3:38

CIVIL SUMMONS

City, State, Zip

HAYWOOD, NC 28786 ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)
HAYWOOD COUNTY, THE REGISTER OF DEEDS OF HAYWOOD COUNTY, DAVID LEE HALL, JANICE SHEEHAN HALL, DOUGLAS EDWARD GOSNELL, and MELISSA GRAVES GOSNELL

BY

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

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REGISTER OF DEEDS OF HAYWOOD COUNTY

Name And Address Of Defendant 2



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If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC
MARTHA SHARPE BRADLEY, ESQ.
721 N. MAIN ST.
WAYNESVILLE NC 28786

Date Issued 8/31/2022 Time 3:38 AM PM
Signature Jennice Melroy
Deputy CSC Assistant CSC Clerk Of Superior Court

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