

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 10<sup>th</sup> day of November, 2022.

This the 7<sup>th</sup> 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 7<sup>th</sup> 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

File No.

22CV854

STATE OF NORTH CAROLINA

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 GA, CSC

CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

City, State, Zip

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 Milby

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

Address

CIVIL SUMMONS

City, State, Zip

2022 AUG 31

PLURIES SUMMONS (ASSESS FEE)

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

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



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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!

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. [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)

RECEIVED
SEP 01 2022

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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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 Milby

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 22-CVS-854

SUPERIOR COURT DIVISION

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 \_\_\_\_\_

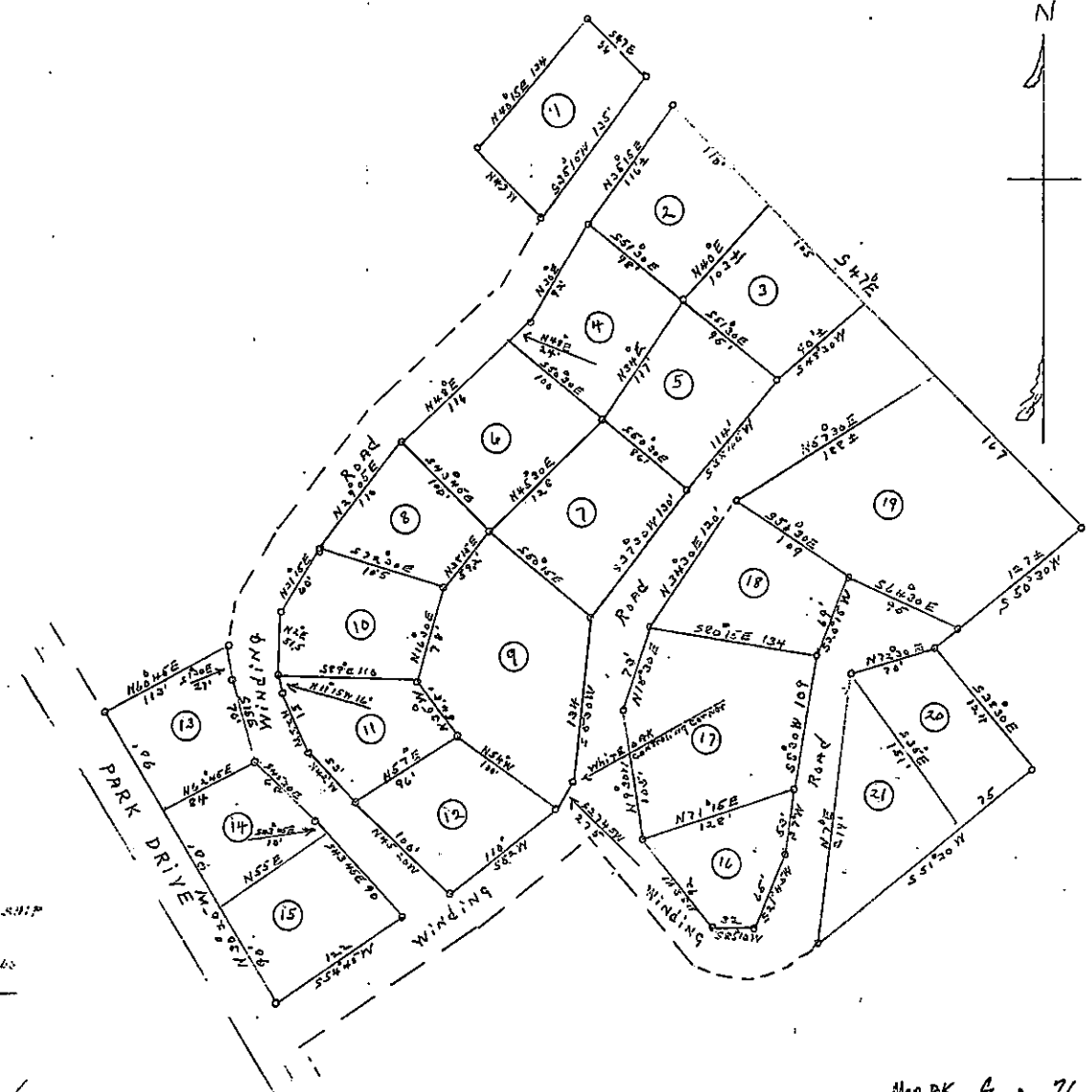
LAW OFFICE OF MARTHA SHARPE BRADLEY, PLLC

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

Pg 1/0

4-21



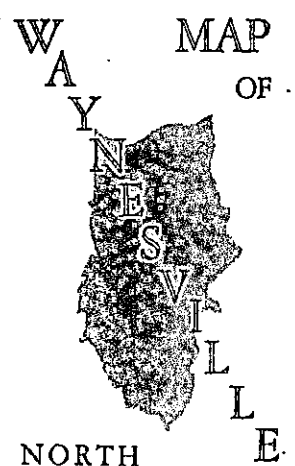
BEN MEDFORD  
 WAYNESVILLE TOWNSHIP  
 WAYNE COUNTY  
 SECTION 13, T4N R7W  
 G. S. Thompson

Map DK 4 pg 71

PLAINTIFF'S  
 EXHIBIT  
 A

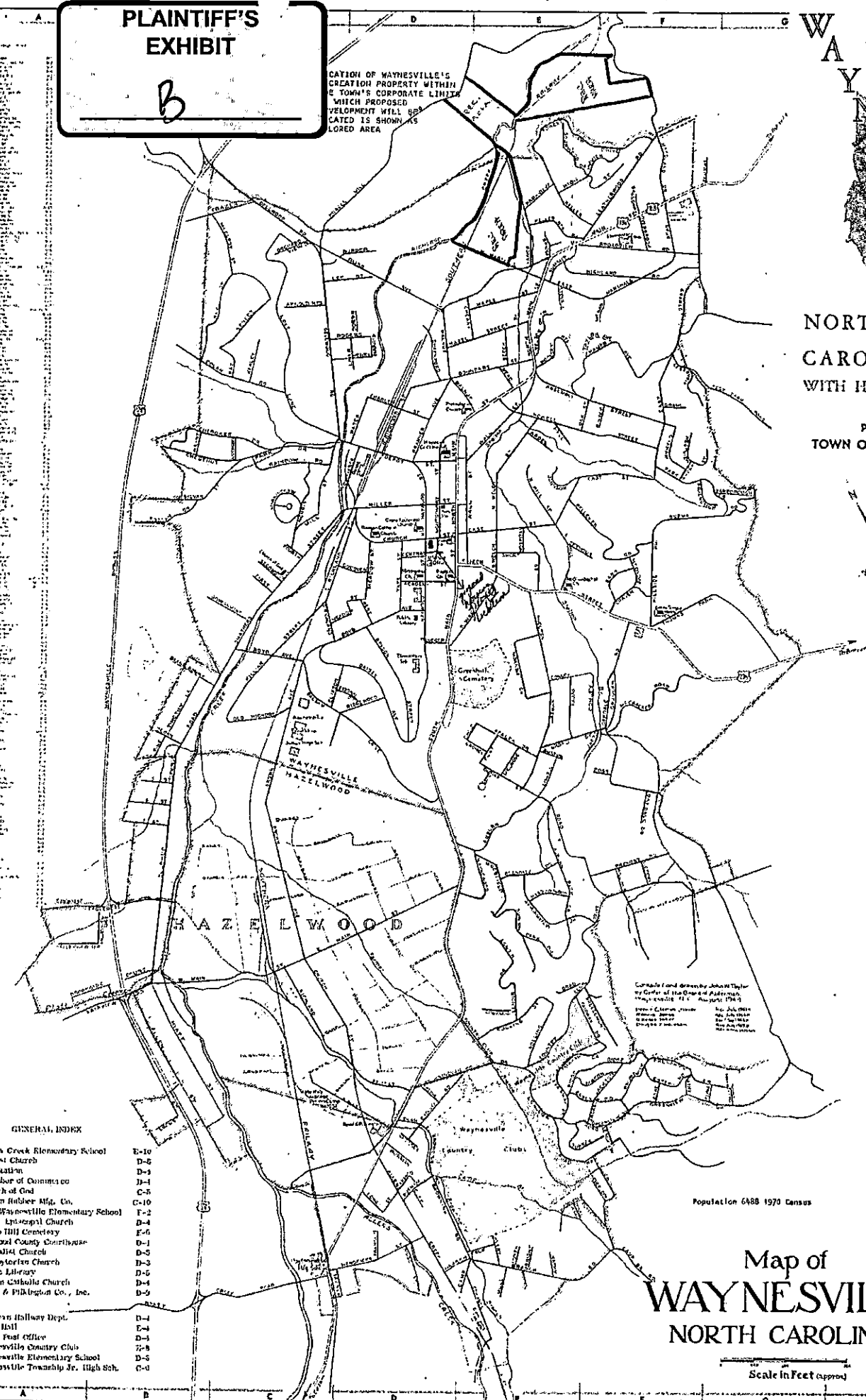
**PLAINTIFF'S EXHIBIT**  
**B**

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



**MAP OF**  
**NORTH CAROLINA**  
**WITH HAZELWOOD**

Published by  
**TOWN OF WAYNESVILLE**



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Copyright and drawn by John W. Taylor  
 City of Waynesville, N.C.  
 Map made by J. W. Taylor, N.C.  
 1970

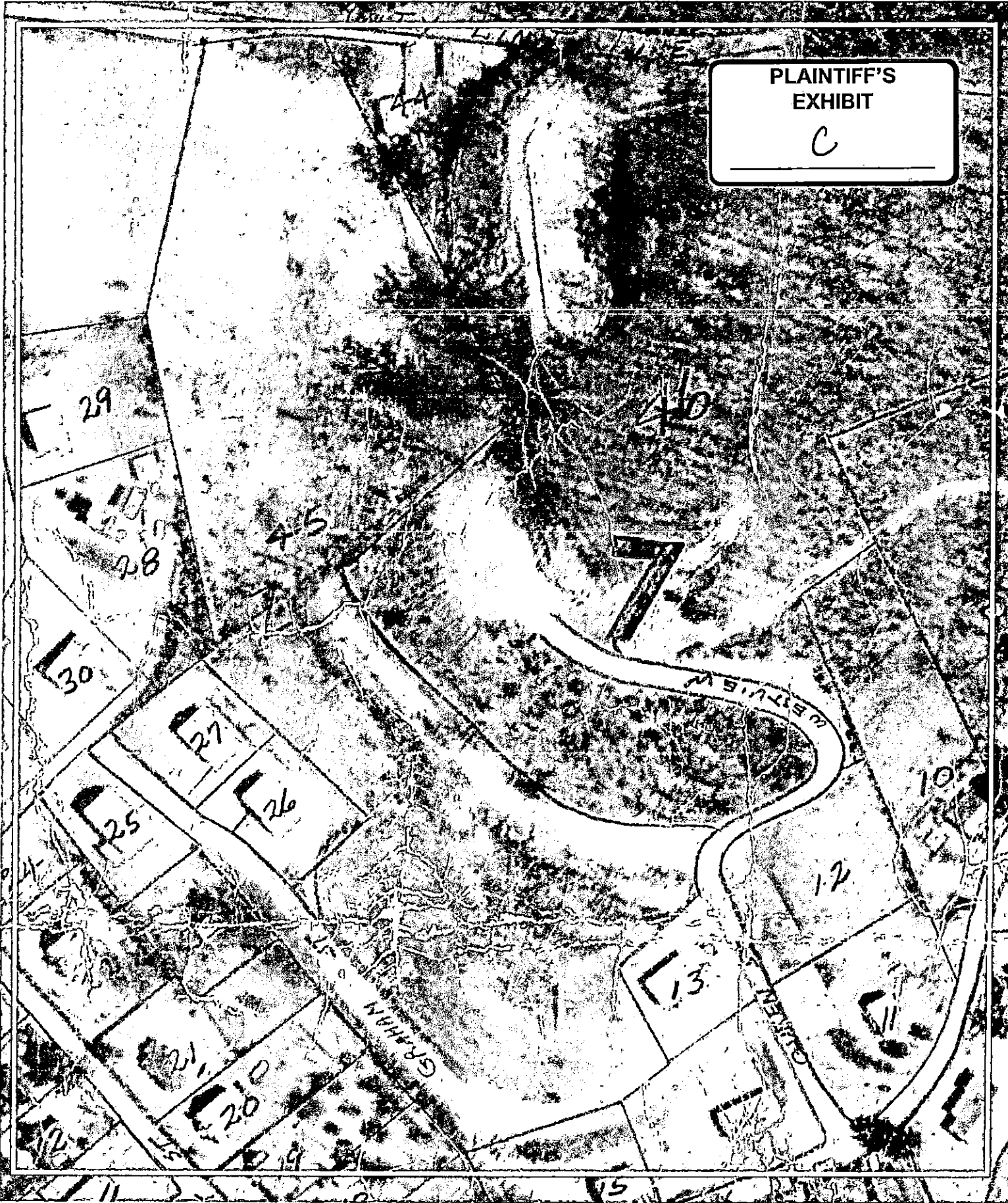
Population 6488 1970 Census

**Map of**  
**WAYNESVILLE**  
**NORTH CAROLINA**

Scale in Feet (approx)

PLAINTIFF'S  
EXHIBIT

C







PLAINTIFF'S  
EXHIBIT

D



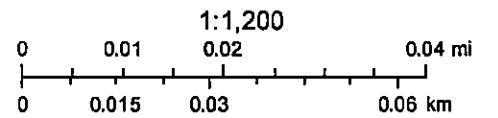
PLAINTIFF'S  
EXHIBIT  
E

# Haywood County



August 26, 2022

PLAINTIFF'S  
EXHIBIT  
F

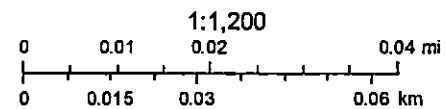


# Haywood County



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~~<sup>JUNE</sup>, 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 7<sup>th</sup> 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 <sup>JUNE</sup> ~~July~~, 2022.

 (seal)  
DAVID LEE HALL

 (seal)  
DOUGLAS EDWARD GOSNELL

 (seal)  
JANICE SHEEHAN HALL

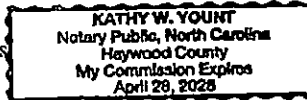
 (seal)  
MELISSA GRAVES GOSNELL

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 <sup>June</sup> ~~July~~, 2022.

My Commission Expires  
4/28/2026



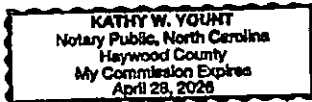
Kathy W. Yount  
Notary Public

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 <sup>June</sup> ~~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  
 City, State, Zip

**2022 AUG 31 P 3:38**  
**HAYWOOD CO., N.C.**

**CIVIL SUMMONS**  
**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  
**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**  AM  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, N.C. 28786 ALIAS AND PLURIES SUMMONS (ASSESS FEE)

VERSUS

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

Name Of Defendant(s)

BY

Date Original Summons Issued

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

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

8/31/2022

Time

3:38

AM PM

Signature

Jenice 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)