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BK1814 P2605



NORTH CAROLINA)
FORSYTH COUNTY)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
92 CVS 1905

CITY OF WINSTON-SALEM,

Plaintiff,

v.

L & C INVESTORS, INC., a North
Carolina General Partnership;
REGAL OLDSMOBILE, INC., a North
Carolina Corporation (successor
by merger to Regal Suzuki,
Inc.,) SAMUEL L. BLYTHE,
Trustee; FIRST UNION NATIONAL
BANK OF NORTH CAROLINA, Bene-
ficiary;

Defendants.

Filed
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CONSENT JUDGMENT

THIS CAUSE coming on to be heard before the undersigned Superior Court Judge presiding, it having been stipulated by the parties, and the Court finding as a fact, the following:

1. This action was duly instituted on the 26th day of March, 1992, by the issuance of summons and the filing of the Complaint and Declaration of Taking and Notice of Deposit, along with the deposit of \$6,750.00, the sum estimated by the Plaintiff to be just compensation for the taking of the property of the Defendants.

2. All persons having or claiming to have an interest in the condemned land are parties hereto and are duly before the Court.

3. Entry of default was entered by the Clerk against Defendants, First Union National Bank of North Carolina, Beneficiary, and Samuel L. Blythe, Trustee, on April 13, 1993, at 12:14 p.m. Said Defendants have made no appearance in this matter.

4. The parties have now settled all matters in controversy between them, and it is agreed by the parties that the sum of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750.00), which sum includes any claim by the Defendants to interest, is the full and adequate value of, and represents just compensation for the taking of the Defendants' property.

5. The deposit of Six Thousand Seven Hundred and Fifty Dollars (\$6,750.00) heretofore made by the Plaintiff, has already been disbursed to the Defendants.

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

1. The Plaintiff was entitled to acquire and did acquire on the 26th day of March, 1992, the property of the Defendants described herein.

2. These proceedings as appear from the pleadings are regular in every respect, and no just cause has been shown against granting the prayer contained in the Complaint and Declaration of Taking.

3. Except as expressly set forth herein, the Defendants are not entitled to any further relief from the Plaintiff as a result of the taking.

4. Default Judgment is proper as against First Union National Bank of North Carolina, Beneficiary, and Samuel L. Blythe, Trustee.

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

1. The Plaintiff, City of Winston-Salem, on the 26th day of March, 1992, by the filing of a Complaint, Declaration of Taking and Notice of Deposit has condemned and is permanently vested with the property and interest or the estate described in Exhibit A attached hereto and made a part hereof.

2. The Plaintiff shall pay into the Court the additional sum of Two Thousand Dollars (\$2,000.00) and it shall be disbursed by the Clerk of Court to the Defendants. The sum of Six Thousand Seven Hundred and Fifty Dollars (\$6,750.00) has already been disbursed to said Defendants.

3. Judgment of Default is hereby entered against Defendants, First Union National Bank of North Carolina, Beneficiary, and Samuel L. Blythe, Trustee.

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

4. Each party shall bear its own costs of this action.

This the 27th day of January, 1994.

ATTEST: A TRUE COPY Witness my hand and Official Seal
this 14th day of February, 1994
Deputy Assistant Clerk Superior Court Forsyth County, N. C.


PRESENTED FOR
RECORD IN
Superior Court Judge


94 FEB 14 A9:36

L.E. SPEAS
REGISTER OF DEEDS
FORSYTH CO. N.C.

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CONSENTED TO:


Lynda S. Abramovitz,
Attorney for Plaintiff,
City of Winston-Salem


George E. Doughton,
Attorney for Defendants,
L & C Investors, Inc., and
Regal Oldsmobile, Inc.

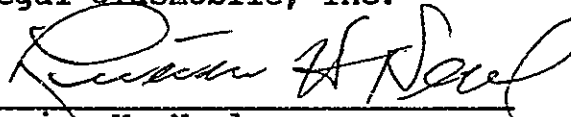

Lucien H. Neal,
L & C Investors, Inc., and
Regal Oldsmobile, Inc.

EXHIBIT ADESCRIPTION OF PROPERTY AFFECTED

Being that property known as Tax Lot 7G of Block 3451, Forsyth County Tax Records and being a portion of the property conveyed to L & C Investors, a North Carolina General Partnership by deed dated August 1, 1988, and recorded February 16, 1989 in Deed Book 1661, Page 543, Forsyth County Registry.

INTEREST OR ESTATE TAKEN

The City of Winston-Salem will acquire a fee simple title to the right of way, and permanent and temporary easements in the "Area Taken," as more particularly described therein, for the Historic Bethabara Parkway. The temporary construction easement will continue until the completion of the project, at which time the temporary construction easement will terminate and the area will revert to the owner.

AREA TAKENPERMANENT TAKING

BEGINNING at a point in the northern line of Lot 7G, Block 3451, said point being located 50 feet southward of and normal to Survey Station 124+26, Survey Line L of the Historic Bethabara Parkway; thence eastward along the northern line of said Lot 7G to a point in the existing southwesterly right-of-way of Home Road; thence southeasterly along said existing right-of-way to a point in the existing westerly right-of-way of University Parkway; thence southerly along the said westerly right-of-way to a point located 50 feet southwesterly of and normal to Survey Line L; thence northwesterly along the proposed southwesterly right-of-way of the Historic Bethabara Parkway to the point of BEGINNING, containing 714 square feet, more or less, as shown on those right-of-way plans entitled "Historic Bethabara Parkway" showing the above-described parcel on file in the Engineering Division of the Public Works Department in City Hall, Winston-Salem, NC to which reference is hereby made.

TEMPORARY CONSTRUCTION EASEMENT

BEGINNING at a point in the northern line of Lot 7G, Block 3451, said point being located 72 feet southward of and normal to Survey Station 124+06, Survey Line L of the Historic Bethabara Parkway; thence eastward along the northern line of said Lot 7G to a point in the proposed southwesterly right-of-way line of the Historic Bethabara Parkway, thence; southeasterly along the said

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proposed right-of-way to a point in the existing westerly right-of-way of University Parkway; thence southerly along the said westerly right-of-way to the point of intersection of the proposed temporary construction easement, said point being located 62 feet southwesterly of and normal to Survey Station 125+42, Survey Line L; thence northwesterly along the said temporary construction easement line to the point of BEGINNING, containing 2,032 square feet, more or less, as shown on those right-of-way plans entitled "Historic Bethabara Parkway" showing the above-described parcel on file in the Engineering Division of the Public Works Department in City Hall, Winston-Salem, NC to which reference is hereby made.