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FORSYTH CO, NC FEE \$26.00
PRESENTED & RECORDED

05-15-2015 11:09:28 AM

C. NORMAN HOLLEMAN
REGISTER OF DEEDS
BY: LORI HOLLOWAY
DPTY

BK: RE 3230

PG: 3783-3784

Prepared by and return to: Jason T. Campbell
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Durham, NC 27701

ENVELOPE

NORTH CAROLINA
FORSYTH COUNTY

DEPARTMENT OF TRANSPORTATION,
Plaintiff

v.

DARELL T. WESTMORELAND and wife, STEPHANIE
C. WESTMORELAND, Trustees under the Darrell T.
Westmoreland Revocable Trust Agreement dated
November 7, 2005 and Trustees under the Stephanie C.
Westmoreland Revocable Trust Agreement dated
November 7, 2005; and DAN T. WESTMORELAND and wife,
KAREN A. WESTMORELAND,
Defendant

MEMORANDUM OF ACTION

(Inverse Condemnation G.S. 136-111)
Re 14 CVS 3963 (Forsyth County)

Take Notice:

1. On June 27, 2014, the Department of Transportation filed the above captioned condemnation in Forsyth County Superior Court which was given a file number 14 CVS 3963.
2. As a result of the above condemnation filing, the Department of Transportation filed a Memorandum of Action in Book 3185, page 2800 in the Forsyth County Registry. The present

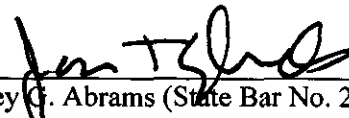
Memorandum of Action incorporates by reference the information contained in the Department of Transportation's aforesaid Memorandum.

3. In Kirby v. North Carolina Department of Transportation, ___ N.C. App ___, 769 S.E.2d 218 (2015) the North Carolina Court of Appeals held that A) the Transportation Corridor Official Map Act empowered NCDOT with the right to exercise the State's power of eminent domain, and B) the NCDOT exercised its power of eminent by filing transportation corridor maps in accordance with provisions of the Map Act.
4. In the present case, the NCDOT filed a transportation corridor map pursuant to the Map Act encumbering the subject property on November 28, 2008. It is recorded within the defendant's chain of title at the Register of Deeds in Book 2863, Page 3866, Forsyth County Registry.
5. The filing of the aforesaid transportation corridor map took a temporary easement/regulatory taking encumbering the subject property between the date it was filed and the date of taking herein (The date the NCDOT filed its Complaint, Declaration of Taking, and Notice of Deposit herein).
6. The NCDOT did not allege this temporary taking when it filed its Complaint, Declaration of Taking, Notice of Deposit, and Memorandum of Action herein.
7. Consequently, the Defendants are filing this Inverse Condemnation pursuant to G.S. § 136-111 and N.C. Constitution, Article I § 19.

This the 11 day of May, 2015.

NC EMINENT DOMAIN LAW FIRM
Attorneys for Defendant(s)

By:


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