

WHEREUPON, the Court concludes as a matter of law:

1. The Plaintiff was entitled to acquire and did acquire on the 30th day of March, 2007, the property of the Defendants described in the Complaint and Declaration of Taking heretofore filed in this cause.

2. Failure of the Defendant to answer or otherwise plead within 120 days of service of process constitutes an admission that the sum deposited with the Court is full and just compensation, and is a waiver of further proceedings to determine just compensation, as provided by G.S. 40A-46.

3. These proceedings as they appear from the pleadings are regular in all respects, and no reason exists for not granting the Plaintiff's Motion that Final Judgment be entered.

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

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

1. The Plaintiff on the 30th day of March, 2007, upon the failure of the Defendant to Answer the Complaint and Declaration of Taking, did thereby become permanently vested with the property, interest, or estate described in Exhibit "A" attached hereto and made a part hereof.

2. By failure of the Defendant to file an answer or otherwise plead to the Complaint within 120 days from service of process, final judgment in favor of the Plaintiff is hereby entered as to said Defendant.

3. The deposit of \$1,550.00 shall be disbursed by the Clerk of Court to Defendant Mallard Lakes Association.

4. A copy of this judgment and order 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 Forsyth County.

5. Each party shall bear its own costs associated with this action.

This the 11 day of Jan 2007.


Superior Court Judge Presiding

ATTEST: A TRUE COPY. Witness my hand and Official Seal

This 16 day of January, 20 08


Deputy Clerk Superior Court Forsyth County, N.C.

EXHIBIT A

DESCRIPTION OF PROPERTY AFFECTED

Being known and Designated as Lot 301, Block 5039, tax maps of Forsyth County as presently constituted and as further described in the deed to Mallard Lakes Association, recorded in deed book 965, page 332 and dated May 31, 1968 in the Forsyth County Register of Deeds.

INTEREST OR ESTATE TAKEN

The City of Winston-Salem will acquire permanent easements and temporary construction easements as more specifically described below in the "Area Taken" for the Mallard Lakes Outfall.

AREA TAKEN

Permanent and Temporary Construction Easements:

Being three strips of land, each twenty (20) feet wide, the centerline of each being described by courses and distances as follows:

No. 1:

Commencing at a point being NC Grid Coordinates N:889331.81 and E:1608120.09, also the southernmost corner of Mallard Lakes Association (Tax Lot 301, Block 5039; Deed Book 965, Page 332], in the northern right-of-way line of Walker Road; thence along the northern right-of-way of Walker Road North $65^{\circ} 54'43''$ East 41.51 feet to the centerline of a new sanitary sewer line, the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North $23^{\circ} 44'17''$ West 47.26 feet to a point in the easterly boundary of Nancy H. Corriher [Tax Lot 99 of Block 5039; Deed Book 2504, Page 3203].

Together with a twenty-five (25) foot wide temporary construction easement parallel to, and lying easterly of and adjacent to, the easterly boundary of the above-described twenty (20) foot wide permanent easement for use in connection with the initial constructing and laying of the sanitary sewer line.

No. 2:

Commencing at an existing iron pipe in the easterly right-of-way line of Mallard Lakes Drive, also the northwest corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Terry South $72^{\circ} 40'47''$ East 162.28 feet to the centerline of a new sanitary sewer line the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North $13^{\circ} 20'24''$ East to a point; thence North $44^{\circ} 49'05''$ East 13.03 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282], said point being South $72^{\circ} 44'23''$ East 166.77 feet along Melang's southern boundary from Melang's southwest corner in the easterly right-of-way line of Mallard Lakes Drive.

Together with the following two (2) temporary construction easements:

No. 1 (Adjacent to the westerly boundary of the permanent easement):

Commencing at an existing iron pipe, the northeast corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Brown North 72° 40'47" West 127.62 feet to the western boundary of the new permanent sanitary sewer easement; thence with the western boundary of the new permanent sanitary sewer easement North 13° 20'24" East 20.72 feet to the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the western boundary of the new temporary construction easement North 13° 20' 24" East 9.44 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282]; thence with the southern boundary of Jeffrey P. Melang South 72° 44'23" East 5.55 feet to a point in the western boundary of the new permanent sanitary easement; thence with the western boundary of the new permanent sanitary sewer easement South 44° 49'05" West 10.64 feet to the point and place of BEGINNING.

No. 2 (Adjacent to the easterly boundary of the permanent easement):

Commencing at an existing iron pipe, the northeast corner of Geneva D. Terry [Tax Lot 97 of Block 5039; Deed Book 1320, Page 925]; thence with the northern boundary of Geneva D. Brown North 72° 40'47" West 82.51 feet to a point in the eastern boundary of the temporary construction easement, the POINT AND PLACE OF BEGINNING; thence with the northern boundary of Geneva D. Brown North 72° 40'47" West 25.06 feet to a point in the easterly boundary of the new permanent sanitary sewer easement; thence with the easterly boundary of the new permanent sanitary sewer easement North 13° 20'24" East 16.47 feet to a point; thence continuing North 44° 49'05" East 15.43 feet to a point in the southern boundary of Jeffrey P. Melang [Tax Lot 96 of Block 5039; Deed Book 2146, Page 282]; thence with the southern boundary of Jeffrey P. Melang South 72° 44'23" East 16.98 feet to a point in the eastern boundary of the temporary construction easement; thence with the eastern boundary of the temporary construction easement South 13° 20'24" West 30.21 feet to the point of BEGINNING.

No. 3:

Commencing at an existing iron pipe in the easterly right-of-way line of Mallard Lakes Drive, also the northwest corner of Freddie E. Burks [Tax Lot 94 of Block 5039; Deed Book 1943, Page 637]; thence with the northern boundary of Freddie E. Burks South 72° 39'33" East 200.89 feet to the centerline of a new sanitary sewer line, the POINT AND PLACE OF BEGINNING; thence from the point of Beginning with the centerline of a new sanitary sewer line North 18° 31'56" West 194.38 feet to a point; thence North 01° 52'24" East 163.83 feet to a point in the easterly right-of-way line of Mallard Lakes Drive, said point being along the easterly right of way lines of Mallard Lakes Drive with the arc of a curve to the right having a chord bearing and distance of North 27° 54'31" East 236.06 feet and a radius of 643.80 feet and N 17° 20'25" East 83.38 feet from North Carolina grid coordinates N: 889220.77 and E: 1608104.76

Together with a twenty (20) foot wide temporary construction easement parallel to, and lying westerly of and adjacent to, the westerly boundary of the above-described twenty (20) foot wide permanent easement; and a five (5) foot wide temporary construction easement parallel to, and lying easterly of and adjacent to, the easterly boundary of the above-described twenty (20) foot wide permanent easement for use in connection with the initial construction and laying of the sanitary sewer line.

The area of the three permanent easements contain 8,739.38 sq. feet. The area of the three temporary construction easements contain 10,909.79.

The above-described easements are described according to a survey by Christopher A. Wall, PLS, dated November 6, 2006 and on file as Map 8797-P in the Engineering Records Center, City of Winston-Salem.