

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10 CVS 5868

CHANCELLOR'S RIDGE HOMEOWNERS)
ASSOCIATION, KIM PRESLAR, and)
KRISTEN CORBELL,)

Plaintiffs,)

vs.)

DURHAM COUNTY, a body politic and corporate,)
DURHAM COUNTY BOARD OF)
COMMISSIONERS,)

Defendants)

And, SOUTHERN DURHAM)
DEVELOPMENT, LLC)

Intervener-Defendant)

FILED
2012 JAN 13 AM 10:02
DURHAM COUNTY COURT
BY [Signature]
ORDER

THIS MATTER came on to be heard before the undersigned Superior Court Judge Presiding over the January 9, 2012 session of Durham County Civil Superior Court, on Plaintiffs' Motion for Summary Judgment, filed on December 22, 2011, Defendant Durham County's Motion for Summary Judgment, filed December 28, 2011, and Defendant-Intervener Southern Durham Development, LLC's Cross Motion for Summary Judgment, filed on December 29, 2011. All motions were noticed for hearing on January 9, 2012.

AND IT APPEARING that Plaintiffs were represented by Daniel T. Blue and Dhamian A. Blue, Defendant Durham County was represented by Lowell L. Siler and Bryan Wardell and Defendant-Intervener Southern Durham Development, LLC was represented by J. Calvin Cunningham III.

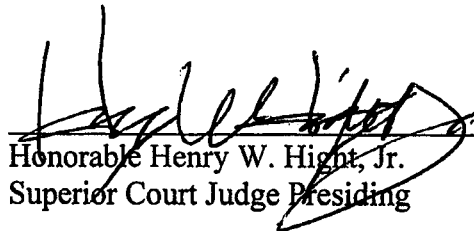
AND THE COURT, after considering the Pleadings, Affidavits, Depositions, Deposition Exhibits, Hearing Notebooks, Public Documents of the North Carolina Department of Transportation, provisions of the North Carolina Administrative Code and Briefs tendered by counsel for the parties, along with arguments of Plaintiffs' and Defendants' counsel, finds there is no genuine issue as to any material fact and that Defendant and Defendant-Intervener are entitled to judgment as a matter of law.

ACCORDINGLY, the Motion for Summary Judgment of Plaintiffs should be denied and the Motion for Summary Judgment of Defendant Durham County and Cross Motion for

Summary Judgment of Defendant-Intervener Southern Durham Development, LLC should be allowed.

THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that the Motion for Summary Judgment of Plaintiffs is DENIED and the Motion for Summary Judgment of Defendant Durham County and Cross Motion for Summary Judgment of Defendant-Intervener Southern Durham Development, LLC are GRANTED. The relief sought in Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief is DENIED and the Complaint hereby DISMISSED WITH PREJUDICE.

This the 1st day of January, 2012.



Honorable Henry W. Hight, Jr.
Superior Court Judge Presiding

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing Order in the above captioned action on all parties by depositing a copy hereof in a postpaid wrapper in a post office depository under the exclusive care and custody of the United Postal Service, addressed as follows:

BLUE,DANIEL,T,JR.
BLUE,DHAMIAN,A
PO BOX 1730
RALEIGH, NC 27602

SILER,LOWELL
WARDELL,BRYAN,E
PO BOX 3508
DURHAM, NC 27702

CUNNINGHAM,J,CALVIN,"CAL",III
EIGHTEEN NORTH MAIN STREET
LEXINGTON, NC 27292

This the 13th day of January, 2012.

Sena G. maek
DURHAM COUNTY DEPUTY CLERK OF COURT