

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA

CLARENCE B. RIDOUT,)
Plaintiff,)
)
v.)
)
_____)
KEP MORRISVILLE REALTY, LLC,)
Defendant.)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:08-CV-453-F

Decision by Court.

IT IS ORDERED AND ADJUDGED that pursuant to the court’s order entered on November 19, 2010, Plaintiff Ridout’s Motion for Summary Judgment is ALLOWED. Defendant KEP Morrisville Realty LLC is obligated to pay Plaintiff Clarence B. Ridout the ad valorem taxes less an annual amount of \$927.00 for the years 2006, 2007, 2008.

For years 2009 and 2010, Plaintiff Clarence B. Ridout shall provide the court with confirmation of its continued ownership of the New Ridout Property and that it has not leased this parcel to tenants which would relieve Defendant KEP of its obligation to pay ad valorem for these specified years. Plaintiff Clarence B. Ridout have and recover of Defendant KEP pre-judgment and post-judgment interest, attorneys' fees, and costs.

IT IS FURTHER ORDERED, Plaintiff Ridout's proposed calculation is ALLOWED IN PART AND DENIED IN PART. It is hereby ORDERED, ADJUDGED, AND DECREED that: For the years 2006, 2007 and 2008, to cover the ad valorem taxes owed pursuant to the Contract, Defendant KEP is to remit to Plaintiff Ridout \$37,075.19. For the years 2009 and 2010, to cover the ad valorem taxes owed pursuant to the Contract, Defendant KEP is to remit to Plaintiff Ridout \$24,669.12. Defendant KEP is to remit pre-judgment and post-judgment interest bearing from the date of each breach of the Contract. Plaintiff Ridout's request for attorneys' fees and costs are DENIED.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **February 15, 2011**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

William W. Webb Sr. (via CM/ECF Notice of Electronic Filing)
Calvin Scott Meyers (via CM/ECF Notice of Electronic Filing)
George F. Sanderson, III (via CM/ECF Notice of Electronic Filing)

February 15, 2011
Date

DENNIS P. IAVARONE
Clerk of Court
/s/ Susan K. Edwards

Wilmington, North Carolina

(By) Deputy Clerk