

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL CASE NO. 2:12cv89**

<b>ROSS W. ADAMS,</b>	)
	)
<b>Petitioner,</b>	)
	)
<b>vs.</b>	)
	)
<b>NANCY ELIZABETH ADAMS,</b>	)
<b>Individually and as Successor Co-Trustee,</b>	)
<b>MATTIE CAROL ADAMS,</b>	)
<b>Individually and as Successor Co-Trustee,</b>	)
<b>JUDY MAE ADAMS CLARK,</b>	)
<b>Individually and as Successor Co-Trustee,</b>	)
<b>KEVIN J. CLARK, and</b>	)
<b>NANCY ATKINSON ADAMS, Trustee,</b>	)
	)
<b>Respondents.</b>	)
_____	)

**ORDER OF REMAND**

**THIS MATTER** is before the Court on the Petitioner's Motion to Remand [Doc. 9].

On November 26, 2012, the United States Department of Agriculture Forest Service filed a Notice of Removal of a Special Proceeding which had been initiated in the Superior Court for Cherokee County. [Doc. 1]. That proceeding was brought to establish a statutory cartway over lands owned by the individual Respondents. [Doc. 1-1]. When the United States

was added to that proceeding as an additional Respondent, the Government removed the action based on 28 U.S.C. §1346(f) & §1441 because the special proceeding involved a claim to quiet title to real property owned by the United States. On January 10, 2013, the United States and the Petitioner filed a Notice of Stipulation of Dismissal of the United States Department of Agriculture Forest Service without Prejudice. [Doc. 10]. On that same day, the Petitioner moved to remand the matter to state court, there being no claims left over which this Court has original jurisdiction. [Doc. 9]. No opposition has been filed to the motion by any Respondent and it will therefore be granted.

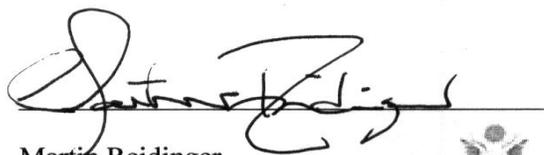
### **ORDER**

**IT IS, THEREFORE, ORDERED** that the Petitioner's Motion to Remand [Doc. 9] is hereby **GRANTED** and this action is hereby **REMANDED** to the General Court of Justice Superior Court Division, Cherokee County.

**IT IS FURTHER ORDERED** that the Motion to Dismiss of the United States [Doc. 2] is hereby **DENIED** as moot.

The Clerk of Court is instructed to mail a copy of this Order to the Clerk of Court for Cherokee County.

Signed: February 4, 2013

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

