

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Case No. 5:14-cv-00085**

JAMES LEE PARLIER JR., an individual (d/b/a)
Jimmy Parlier Horse Transport, Parlier Farms)
and Parlier Equine Transport & Carriages);)

Plaintiff,)

v.)

ORDER

TIFFANY LEWIS, an individual,)

KANSAS CITY PREMIER APARTMENTS,)
INC., a Missouri corporation,)

JASON STAHL, an individual,)

MARIA BOGDANOVA PEIFER, an individual,)

BRENDA CASTEEN, an individual,)

MARILYN MEEKER BERNSTEIN, an)
individual,)

JOHN AND JANE DOES 1-10, presently)
unknown individuals;)

Defendants.)

THIS MATTER is before the Court on Defendant Brenda Casteen’s (“Defendant Casteen”) Motion for Claim and Delivery Pursuant to N.C. GEN. STAT. § 1-471, *et. seq.* and Federal Rule of Civil Procedure 64 [Doc. 56] filed April 24, 2015 (“Motion for Claim and Delivery”).

On June 8, 2015, the Court entered an Order [Doc. 60] granting Defendant Casteen’s Motion for Claim and Delivery. In its June 8, 2015 Order, the Court stated:

[h]aving satisfied the requirements of the North Carolina Claim and Delivery Statute, N.C. GEN. STAT. § 1-473, the Court finds that Defendant Casteen is entitled to issuance of an order of claim and

delivery conditioned upon her filing a bond in the amount of \$3,500.00 with the Clerk of Court's Office for the United States District Court for the Western District of North Carolina, Statesville Division. *See* N.C. GEN. STAT. §§ 1-474-476.3

On June 17, 2015, Defendant Casteen filed her bond in claim & delivery in the amount of \$3,500.00 with the Clerk of Court's Office for the United States District Court for the Western District of North Carolina, Statesville Division [Doc. 61] Based upon the bond submitted as previously ordered by the Court and for cause shown, **IT IS THEREFORE ORDERED** that the bond submitted by Defendant Casteen is **APPROVED** and that United States Fire Insurance Company is hereby approved as the surety for the required bond.

IT IS FURTHER ORDERED that Brenda Casteen, a Defendant and Counterclaimant in the above entitled action, is entitled to the immediate possession of the property listed as follows: Allie- A Peruvian Paso Mare horse, approximately 12 to 14 years old, approximately 15.1 hands high, solid dark bay in color with a long mane and tail.

IT IS FURTHER ORDERED that the Lincoln County Sheriff is **ORDERED** to take the described property from the Plaintiff James Lee Parlier, Jr. and deliver it to Defendant Casteen.

The Clerk of Court is directed to send copies of this order to Plaintiff, counsel for Defendant Casteen, and the Lincoln County Sheriff's Office.

IT IS SO ORDERED.

Signed: June 18, 2015



Richard L. Voorhees
United States District Judge

