FILED
DATE: September 25, 2024
TIME: 4:26:14 PM
BUNCOMBE COUNTY
CLERK OF SUPERIOR COURT
BY: M. Stone

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 24 CVS 2864

BUNCOMBE COUNTY, a body politic and corporate, Plaintiff, vs. BRYAN TALLANT, Defendant.	)	**ORDER DEFAULT JUDGMENT**

THIS MATTER, having come before the undersigned Superior Court Judge upon motion of the Plaintiff,

THE COURT FINDS, pursuant to N.C. R. Civ. P. 55 that the that Defendant has failed to plead or appear in this matter in the time allowed by law.

ACCORDING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Defendant is enjoined from violating N.C. Gen. Stat.§ 160D-1118 and is required to repair the hazardous conditions as set forth in the April 23, 2024, Condemnation Order for the Property ("the Property" is 539 Deaverview Road, Candler, N.C. 28715).

2. The Defendant is ordered to repair or demolish the structure on the Property ("the Structure") within thirty (30) days and remove and dispose of all demolition debris in a lawful manner.

3. The Defendant is ordered to secure the Structure on the Property within seven (7) days of this Order to prevent third parties from entering the structure. Defendant is required to contact Plaintiff once the Structure is secure. If Defendant fails to secure the Structure as per this Order, the County is allowed to proceed pursuant to Subsection (4) of this Order.

4. If Defendants does not properly secure the Structure within seven (7) days or repair or demolish the Structure within thirty (30) days of this Order, then the Court orders the Plaintiff to enter the Structure to demolish the Structure on the Property and remove all debris and assess all the costs for the demolition and debris removal as set forth in N.C. Gen. Stat. § 160D-1125.

5. Plaintiff is allowed to use reasonable methods to enter the Structure if Defendant refuses to allow Plaintiff or Plaintiff's agent entry to the Structure. Any costs associated with having to forcibly enter the Structure shall be assessed as a cost in demolishing the Structure.

6. Plaintiff is allowed to tow any motor vehicle or personal property that is located on the Property and which is preventing the Plaintiff or its contractor from demolishing the Structure. Plaintiff shall tag each vehicle or item of personal property and give the Defendant twenty-four (24) hours from the tagging to remove the vehicle or personal property prior to towing the vehicle or removing the personal property. The cost of removing the vehicles shall be part of the demolition costs.

7. Plaintiff shall file a claim of lien with the Clerk of Court regarding the costs for the demolition of the Structure and removal of the demolition debris. This lien shall have the priority of a special assessment as set forth in N.C. Gen. Stat. § 160D-1125.

8. Plaintiff is authorized to to grant extensions to the deadlines in this Order should it appear to the County that Defendant is making a good-faithed effort to comply with this Order.

9. Any violation of the Order be enforceable through the contempt powers of this Court.

This the 25th day of September 2024.

The Honorable Alan Z. Thornburg
Presiding Superior Court Judge