



STATE OF NORTH CAROLINA
COUNTY OF PENDER

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
09-CVS-1354

U.S. BANK NATIONAL ASSOCIATION,
as Trustee for the Holders of the Home
Equity Pass-Through Certificates, Series
2003-1,

Plaintiffs,

vs.

ODELL LANE and wife, DARLENE LANE,

Defendants.

DEFAULT JUDGMENT ORDER

✓ Drawn by and return to:
Horack, Talley, Pharr & Lowndes, P.A.
301 S. College St., Ste. 2600
Charlotte, NC 28202
Amy P. Hunt Esquire

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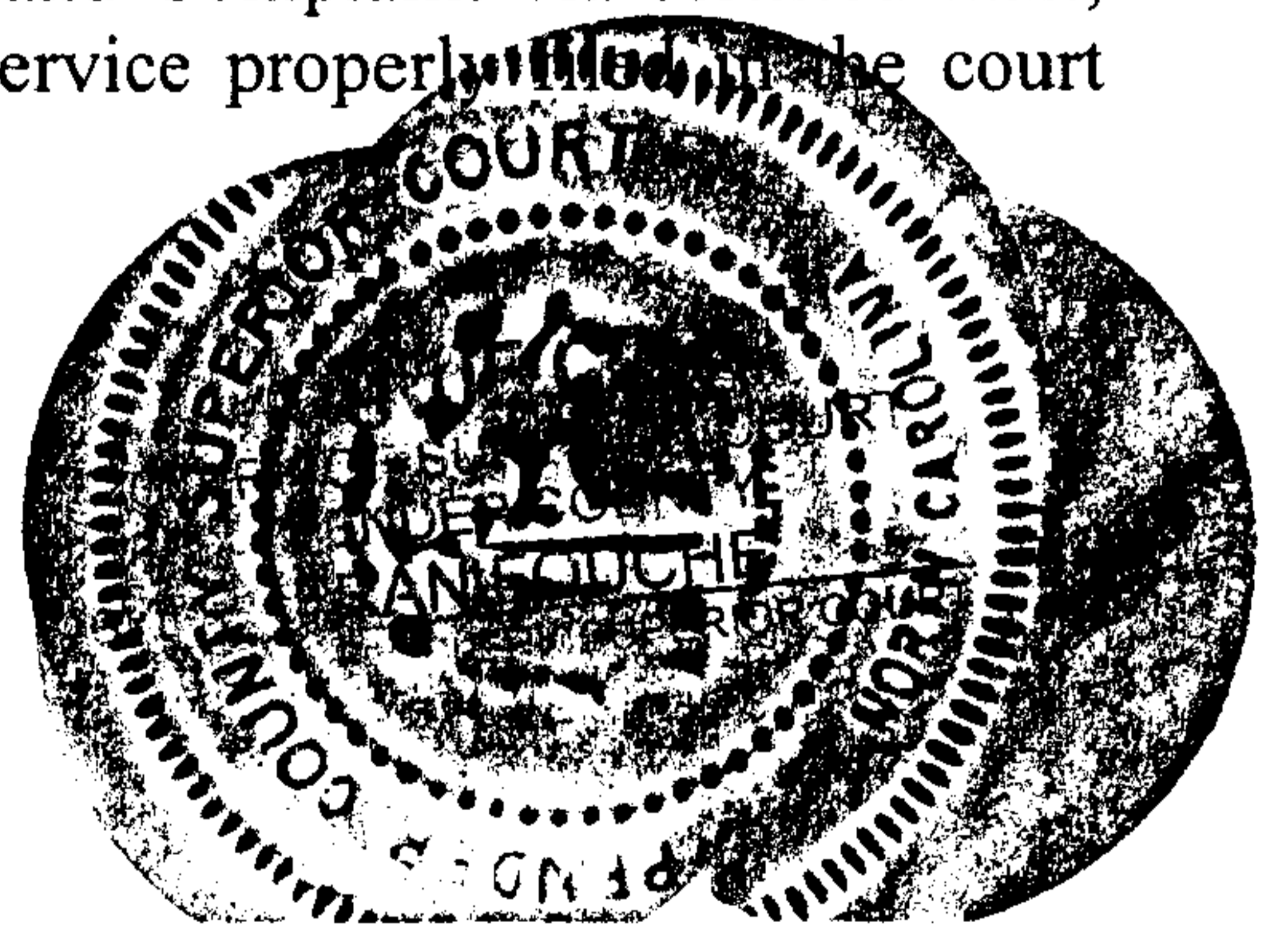
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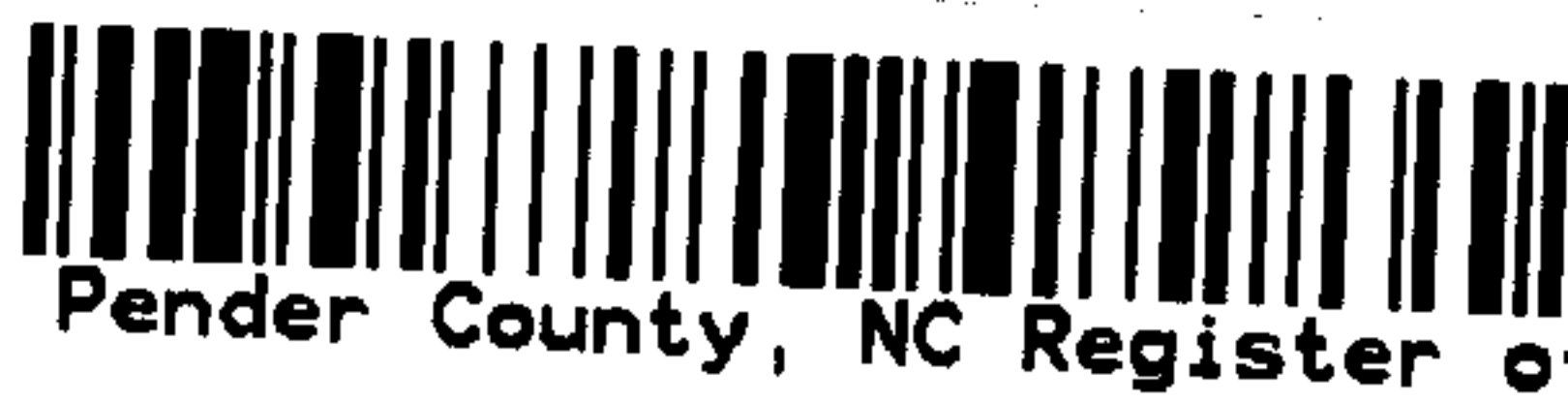
Defendants.

DEFAULT JUDGMENT ORDER

THIS CAUSE came on to be heard by the undersigned Superior Court Judge during the March 15, 2010, Civil Session of the Superior Court of Pender County on Motion by Plaintiff for Default Judgment against Defendants Odell Lane and Darlene Lane, jointly and severally, (collectively, "the Defendants"). Having considered the record, the arguments of counsel for the Plaintiff, and the pertinent authorities, the undersigned makes the following findings of fact and conclusions of law:

1. Plaintiff commenced this action against Defendants on November 18, 2009 by filing a Complaint and Notice of *Lis Pendens*.
2. On or about December 8, 2009, Plaintiffs properly served Defendants Odell Lane and Darlene Lane with a Summons, Notice of *Lis Pendens*, and Complaint via certified mail, return receipt requested, as evidenced by the Affidavit of Service properly filed in the court record on December 17, 2009.





3. Defendants failed to file timely responsive pleadings, are under no legal disability, and are not active members of any military branch.

4. The Assistant Clerk of Superior Court for Pender County entered default as to the Defendants on January 19, 2010.

5. This Court has jurisdiction over both the subject matter of this action and the Defendants.

6. On or about January 2, 2001, Odell Lane acquired title to certain real property containing approximately .206 acres, also known as 770 Church Street, Willard, North Carolina, now with parcel identification number 3304-86-6883-0000, as further described in that deed from Ray Charles Lane, Betty Faye Lane Hampton, and Deborah Ann Lane Williams recorded on January 2, 2001 in Book 1652, Page 297 of the Pender County Public Registry ("the Property").

7. On or about November 26, 2001, Odell Lane acquired certain real property containing approximately 4 acres off of Church Street in Willard, North Carolina, as evidenced in that deed from Ray Charles Lane, Betty Faye Lane Hampton, and Deborah Ann Lane Williams recorded on November 26, 2001 in Book 1799, Page 52 of the Pender County Public Registry ("the 4-Acre Tract").

8. The Property is a part of the 4-Acre Tract and is included in the legal description for the 4-Acre Tract.

9. On or about September 24, 2002, Odell Lane borrowed Forty-Three Thousand Two Hundred Dollars (\$43,200.00) from Decision Mortgage Company, LLC ("Decision Mortgage") secured by the Property, as evidenced in that deed of trust recorded on September 27, 2002 in Book 1956, Page 101 of the Pender County Public Registry ("the Deed of Trust").

10. At some time after September 24, 2002, Odell Lane defaulted under the terms of the Deed of Trust, and the lender initiated foreclosure proceedings known as Pender County Case No. 08-SP-88.

11. Following a foreclosure of the Deed of Trust on or about May 19, 2008, US Bank became the record owner of the Property, as evidenced in that Trustee's Deed recorded on May 20, 2008 in Book 3465, Page 62 of the Pender County Public Registry ("the Trustee's Deed").

12. Subsequent to acquiring title to the Property, US Bank discovered that the Property is landlocked and does not have legal access to a public road. Through this lawsuit, US Bank is seeking an easement established across the portion of the 4-Acre Tract owned by Odell Lane and wife, Darlene Lane and known as 794 Church Street, Willard, North Carolina 28478, with parcel identification number 3304-86-7778-0000 ("the Servient Tract").

13. Prior to the foreclosure, the Lanes used the driveway currently existing on and crossing the Servient Tract to access the Property since taking title in approximately 2001.



14. The owners of the 4-Acre Tract prior to Odell Lane and Darlene Lane (“the Lanes”) also used the driveway across the Servient Tract to access the Property.

15. The 4-Acre Tract now consists of four individual tracts, including the Property, the Servient Tract, and two other tracts owned by the Lanes.

16. US Bank is entitled to the establishment of an access easement across the Servient Tract. Such easement to be located in the driveway, as depicted on **Exhibit A** attached hereto.

NOW THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that a Default Judgment be granted for the Plaintiff against Defendants Odell Lane and wife, Darlene Lane, jointly and severally, and the Court declares as follows:

1. US Bank has a perpetual easement over and across the Servient Tract, as indicated by the driveway depicted on **Exhibit A** attached hereto, and the easement is appurtenant to the US Bank Property and shall inure to the benefit of US Bank’s successors and assigns. Exhibit A being the same as recorded in Book 293 Page 2288 of the Pender County Public Registry.

2. The Pender County Register of Deeds is hereby directed to record and index this Order in the name of all parties to this lawsuit.

This the 14th day of March, 2010.



Superior Court Judge Presiding

