

STATE OF NORTH CAROLINA

File No.

24 CVD 71

RUTHERFORD County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff(s)

Pinnacle Ridge South Property Owners Association, Inc.
PO Box 18
Union Mills, NC 28167

2024 MAR 19 P 1:51

VERSUS RUTHERFORD CO., C.S.C.

Name And Address Of Defendant(s)

Pinnacle Mountain Property Owners Association, Inc.
C/O John Spainhour
PO Box 30307
Charlotte, NC 28230

BY

JS

ARBITRATION

AWARD AND JUDGMENT

G.S. 7A-37.1; Rules 7 and 8 of the Rules for
Court-Ordered Arbitration in North Carolina

Name And Address Of Plaintiff's Attorney
Pro Se

Name And Address Of Defendant's Attorney

John Spainhour
PO Box 30307
Charlotte, NC 28230

AWARD

The arbitrator named below held a hearing in this case and considered all the evidence plus any arguments and contentions of the parties. Due notice of the date, time and place of the hearing was given to all parties. All parties were present or represented through an attorney except (Name absent party, if any.)

The arbitrator makes the following arbitration award:

- ☐ 1. The plaintiff is awarded from the defendant the amount set forth below. This award shall draw interest on the principal sum
- ☐ a. (contract cases) from the date of breach (give date) _____ until the award is entered as a Judgment at the
- ☐ legal rate ☐ contract rate of _____ % per year, and from the date the award is entered as a judgment it shall draw interest at the ☐ legal rate ☐ contract rate of _____ % per year until satisfied.
- ☐ b. (all other cases) from the date the lawsuit was filed (give date) _____ until satisfied at the legal rate of interest.
- ☒ 2. The plaintiff is awarded nothing from the defendant.
- ☐ 3. On the counterclaim the defendant is awarded from the plaintiff the amount set forth below. This award shall draw interest on the principal sum
- ☐ a. (contract cases) from the date of breach (give date) _____ until the award is entered as a Judgment at the
- ☐ legal rate ☐ contract rate of _____ % per year, and from the date the award is entered as a judgment it shall draw interest at the ☐ legal rate ☐ contract rate of _____ % per year until satisfied.
- ☐ b. (all other cases) from the date the counterclaim was filed (give date) _____ until satisfied at the legal rate of interest.
- ☐ 4. The defendant is awarded nothing from the plaintiff on the counterclaim.
- ☐ 5. Both the plaintiff and the defendant have prevailed on their claim and counterclaim. The two awards are set off against each other and the amount set out below reflects that set off.
- ☐ 6. Other:

(☐ see attached)

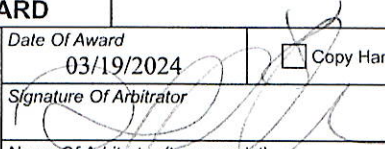
- ☐ 7. Costs of this action are ☐ taxed against plaintiff. ☐ taxed against defendant. ☒ borne by each party.

NOTE: Costs shall not include any portion of the arbitration fee, which shall be equally divided between the parties as mandated by G.S. 7A-37.1(c1) and set forth in Rule 5(a) of the Rules for Court-Ordered Arbitration in North Carolina.

NOTE TO ARBITRATOR AND ARBITRATION COORDINATOR: If the award is reduced to writing at the conclusion of the hearing, the arbitrator must deliver a copy of the award to all of the parties or their counsel at that time and must check the block indicating copies were handed to all the parties. The arbitrator must file the award with the Clerk of Superior Court within 3 days after the hearing is concluded or the receipt of post-hearing briefs, whichever is later. If the award does not indicate that the arbitrator handed copies to all parties, the Clerk of Superior Court must serve a copy of the award on each party and the Arbitration Coordinator within 3 days after the award is filed pursuant to G.S. 1A-1, Rule 5 and record the date and manner of service. [Rule 7 of the Rules for Court-Ordered Arbitration in North Carolina.]

NOTE TO PARTIES: The award is **not** binding. Any party dissatisfied with the outcome can reject the award and have a trial de novo after proper motion before the court. The award rejection and demand for trial de novo must be filed with the court within thirty (30) days after the service of the arbitrator's award. Cases still pending after the 30-day rejection period in which no demand for trial de novo is filed will have the award of the arbitrator entered by the court as its judgment, which is not appealable.

Original-File Copy-Plaintiff Copy-Defendant
(Over)

PLAINTIFF'S CLAIM		DEFENDANT'S COUNTERCLAIM	
Principal Sum	\$ 9,350. ⁰⁰	Principal Sum	\$
Attorney's Fees And Other Damages, When Appropriate	\$	Attorney's Fees And Other Damages, When Appropriate	\$
Total Amount Of Award	\$ 0	Total Amount Of Award	\$
Plus Interest At The Rate Of _____ % From <input type="checkbox"/> _____ (Date Of Breach) Until Judgment And Then Interest At _____ % Until Satisfied <input type="checkbox"/> _____ (Date Action Filed) Until Satisfied <input type="checkbox"/> Plus Costs Of This Action		Plus Interest At The Rate Of _____ % From <input type="checkbox"/> _____ (Date Of Breach) Until Judgment And Then Interest At _____ % Until Satisfied <input type="checkbox"/> _____ (Date Counterclaim Filed) Until Satisfied <input type="checkbox"/> Plus Costs Of This Action	
AWARD			
Name(s) Of Party(ies) From Whom Award Recoverable		Date Of Award 03/19/2024 <input type="checkbox"/> Copy Handed To All Parties On Date Of Award	
		Signature Of Arbitrator 	
		Name Of Arbitrator (type or print) Tiffany D. Morgan	
CERTIFICATE OF SERVICE			
I certify that a copy of this Award was served as follows: On the Plaintiff (name plaintiff) <u>Pinnacle Ridge South Property Owners Association</u> , on (give date) <u>3/19/24</u> by <input checked="" type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the plaintiff at the address listed above. <input type="checkbox"/> the plaintiff's attorney at the following address: _____			
On Defendant 1 , (name defendant) <u>Pinnacle Mountain Property Owners Assoc.</u> , on (give date) <u>3/19/24</u> by <input checked="" type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the defendant at the address listed above. <input type="checkbox"/> the defendant's attorney at the following address: _____			
On Defendant 2 , (name defendant) _____, on (give date) _____ by <input type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the defendant at the address listed above. <input type="checkbox"/> the defendant's attorney at the following address: _____			
Signature		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
JUDGMENT			
It is ORDERED that the Arbitrator's Award as set out on Side One is hereby adopted as the Judgment of this Court.			
Judgment Abstract No.	Date Of Judgment	Signature	
		Name (type or print)	
NOTE: The Clerk of Superior Court shall mail copies of this Judgment to all parties or their counsel.		<input type="checkbox"/> Judge <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
CERTIFICATE OF SERVICE			
I certify that a copy of this Judgment was served as follows: On the Plaintiff (name plaintiff) _____, on (give date) _____ by <input type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the plaintiff at the address listed above. <input type="checkbox"/> the plaintiff's attorney at the following address: _____ <input type="checkbox"/> Other: _____			
On Defendant 1 , (name defendant) _____, on (give date) _____ by <input type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the defendant at the address listed above. <input type="checkbox"/> the defendant's attorney at the following address: _____ <input type="checkbox"/> Other: _____			
On Defendant 2 , (name defendant) _____, on (give date) _____ by <input type="checkbox"/> depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to <input type="checkbox"/> the defendant at the address listed above. <input type="checkbox"/> the defendant's attorney at the following address: _____ <input type="checkbox"/> Other: _____			
Signature		<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	