

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

IN THE GENERAL COURT OF JUSTICE  
**FILED**  
SUPERIOR COURT DIVISION  
23 CVS 98

BALD HEAD ISLAND LIMITED, LLC and  
BALD HEAD ISLAND  
TRANSPORTATION, INC.

2024 MAR 14 A 10:02  
BRUNSWICK CO., C.S.C.

BY *Kmm*

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT and DENYING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

*Plaintiffs,*

vs.

VILLAGE OF BALD HEAD ISLAND,

*Defendant.*

THIS MATTER coming on for hearing before the undersigned Senior Resident Superior Court Judge presiding at the March 11, 2024 civil session of Brunswick County Superior Court upon Plaintiffs' Motion for Partial Summary Judgment and Defendant's Motion for Summary Judgment, both made pursuant to N.C. R. Civ. P. 56. Having had opportunity to consider the pleadings, affidavits, discovery, and other materials submitted by the parties and having heard the arguments of counsel, the Court determines that Plaintiffs' Motion should be granted and Defendant's Motion should be denied;

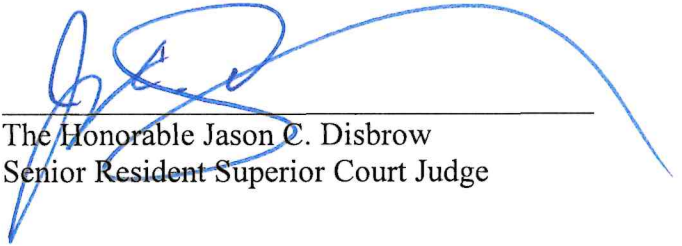
IT IS THEREFORE **ORDERED** that:

1. Plaintiffs' Motion for Partial Summary Judgment as to Claims 1 through 3 in the Amended Compliant is GRANTED;
2. Defendant's Motion for summary Judgment is DENIED;
3. The Right of First Refusal (the "ROFR") recorded in Book 1329 at Page 932 of the Brunswick County Register of Deeds is found and declared to be void, invalid, and of no legal effect due to the failure of a condition precedent (to wit, the approval of the ROFR by the North Carolina Public Utilities Commission) **and** on the further grounds that Defendant was afforded any benefits it might have had under the ROFR and failed to exercise those rights; and

4. For good cause shown, the Court directs the Clerk to cancel the Notice of Lis Pendens (and any amendments thereto) previously filed in this cause to be cancelled of record in accordance with N.C.G.S. 1-120 by an endorsement to that effect on the margin of the record, such endorsement to refer to this Order.

**IT IS SO ORDERED.**

This the 14<sup>th</sup> day of March, 2024.



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The Honorable Jason C. Disbrow  
Senior Resident Superior Court Judge