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Duplex owner settles eminent domain case for \$1.3M*

■ PHILLIP BANTZ

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The owner of 10 duplexes in Cleveland County has received more than \$1.3 million from the North Carolina Department of Transportation, after the agency took a large chunk of the apartment property to build the U.S. 74 Shelby Bypass.

The DOT initially offered Roxana Champion \$935,050 for taking nearly 6.4 of the 7.5 acres where the 10 duplex buildings that she owned were located, according to her attorney, Stanley Abrams of the NC Eminent Domain Law Firm in Durham.

Each of the 10 buildings housed two rental units, all of which were being rented at the time of the taking, which caused Champion to lose rental income that she'd counted on for her retirement, Abrams said.

"The 10 duplex buildings were built as a long-term investment that would become profitable in later years after the mortgage was satisfied," he added in an email. "Ms. Champion received sole title to the

property after her divorce and invested her time, money and a lot of sweat equity maintaining the property and paying down the mortgage."

Abrams alleged that the DOT based its initial offer on a faulty appraisal, because the agency's appraiser, Haywood Newkirk of Wilmington, allegedly inspected only one of the 20 rental units on Champion's property.

"To combat the weaknesses in the DOT appraisal, we hired two appraisers who did more thorough inspections of the property and who used construction cost estimates from a local contractor who actually visited and inspected the property," Abrams said.

His appraisers estimated that the DOT owed Champion between \$1.435 million and \$1.5 million. After seeing the appraisals and mediating the case, the DOT offered the \$1.335 million settlement, according to Abrams.

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SETTLEMENT REPORT EMINENT DOMAIN

Amount: \$1 million

Case name: DOT v. Roxana B. Champion, et al.

Court: Cleveland County Superior Court

Case No.: 15 CVS 2060

Mediator: Kelly Johnson of Newland

Date of settlement: Oct. 5, 2017

Most helpful experts: Appraisers Tony Wayne of Clayton and Dexter Moore of Griffin

Attorney for plaintiff: Thomas Lawton, assistant attorney general in Asheville

Attorneys for defendant: Stanley Abrams of the NC Eminent Domain Law Firm in Durham