

NORTH CAROLINA
PERSON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24 CVS 61

KRISTOPHER CLAYTON, JAMES)
DYKES, BERNHARD LAMPERT, MARY)
AMANDA HAMILL, JOHN HOFFMAN,)
SHARI JILL STOWERS-HOFFMAN,)
DAVID THOMPSON, and DORIS ANN)
THOMPSON)

Plaintiffs,)

v.)

PERSON COUNTY, and PERSON)
COUNTY BOARD OF COMMISSIONERS,)

Defendants)

**MOTION FOR RULE 25
SUBSTITUTION OF PARTY**

and

PUBLIC SERVICE COMPANY OF
NORTH CAROLINA INCORPORATED,

Defendant-Intervenor.

The Estate of James Russell Dykes (the “Estate”), by and through its Executor, Catherine Connell Dykes, pursuant to Rule 25(a) of the North Carolina Rules of Civil Procedure, moves the Court that the Estate be substituted as Plaintiff in place of James Dykes in the above-captioned action.

In support of this motion, the Estate, by and through Catherine Connell Dykes, states that:

1. This action has been maintained by Kristopher Clayton, James Dykes, Bernhard Lampert, Mary Amanda Hamill, John Hoffman, Shari Jill Stowers-Hoffman, David Thompson, and Doris Ann Thompson as Plaintiffs.

2. On June 24, 2024, Catherine Connell Dykes was duly appointed as Executor of James Russell Dykes' Estate by reason of James Dykes' death. *See* **Exhibit A**.
3. The cause of action survives Plaintiff James Dykes' death.
4. Rule 25(a) of the North Carolina Rules of Civil Procedure provides for the substitution of parties upon the death of a party where the cause of action survives.
5. Plaintiffs' counsel requested the position of Defendants and Defendant-Intervenor, through their counsel, regarding this motion on September 23, 2024, and provided a draft copy on October 18, 2024. As of the filing of this motion, no response with a position has been received.

WHEREFORE, the Estate of James Russell Dykes, by and through its Executor Catherine Connell Dykes, prays the Court that the Estate be substituted as Plaintiff in place of James Dykes.

This the 23rd day of October, 2024.

LAW OFFICES OF F. BRYAN BRICE, JR.

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SOUTHERN COALITION FOR SOCIAL JUSTICE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, October 23rd, 2024, a copy of the foregoing document was filed with the Court using the electronic filing system, which will send a Notice of Filing to all counsel of record. In addition, I hereby certify that the foregoing document was electronically served via electronic mail to the parties and counsel listed below:

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SOUTHERN COALITION FOR SOCIAL JUSTICE

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EXHIBIT A

STATE OF NORTH CAROLINA

File No. 24E001229-720

In The General Court Of Justice
Superior Court Division
Before the Clerk

Person _____ County

IN THE MATTER OF THE ESTATE OF:

Name
James Russell Dykes

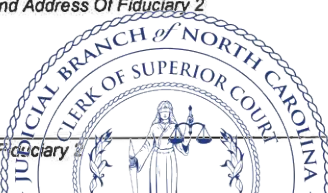
LETTERS

G.S. 28A-6-1; 28A-6-3; 28A-11-1; 36C-2-209

The Court in the exercise of its jurisdiction of the probate of wills and the administration of estates, and upon application of the fiduciary, has adjudged legally sufficient the qualification of the fiduciary named below and orders that Letters be issued in the above estate.

The fiduciary is fully authorized by the laws of North Carolina to receive and administer all of the assets belonging to the estate, and these Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Fiduciary 1 Catherine Connell Dykes 548 Pot Luck Farm Road Rougemont, NC 27572 CLERK OF SUPERIOR COURT	Date Of Qualification 6/24/2024
	Clerk Of Superior Court Deborah L. Barker
Title Of Fiduciary 1 PERSON COUNTY Executor	EX OFFICIO JUDGE OF PROBATE
Name And Address Of Fiduciary 2 	Date Of Issuance 6/24/2024
	Signature <i>Girda V. Tucker</i> 6/24/2024 2:56:10 PM
Title Of Fiduciary 2	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.