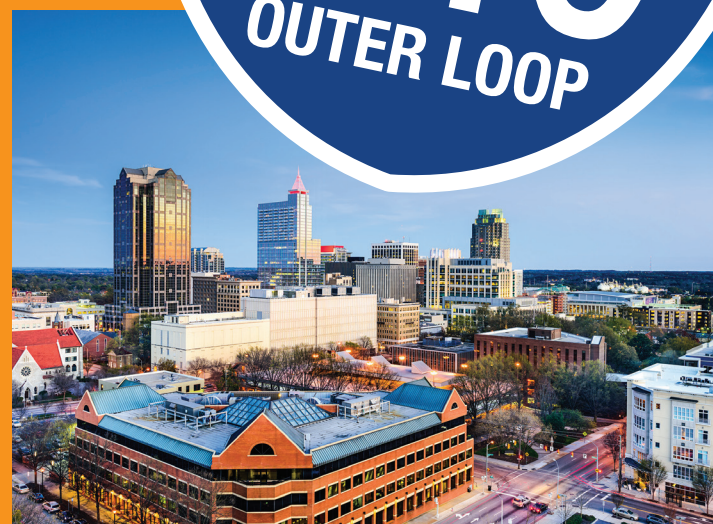


JOIN US
and let your
friends and
neighbors know
about our next
informational meeting!

Date: Thursday, July 21,
from 7:00-8:15 pm

Location: Hollands United Methodist Church
9433 Ten-Ten Road
Raleigh, NC 27603

Additional Details: Enter the parking lot,
then go to the **FAR RIGHT** to Fellowship Hall.



This newsletter is provided as a community service.

If this information helps reduce the uncertainty you've been facing for so long,
then we feel like we've provided a useful service to our community.



540 Outer Loop Newsletter
150 Fayetteville Street, Suite 1900
Raleigh, NC 27601
919.833.6408
thorplaw.com



Newsletter Vol. 1 - July 2016

★ Property Rights Report

“The provisions of the Map Act that allow landowners relief...are inadequate to safeguard their constitutionally protected property rights.” The North Carolina Supreme Court, Kirby v. North Carolina Department of Transportation, June 8, 2016.

Twenty years ago, the North Carolina Department of Transportation (NCDOT) filed “corridor maps” that identified potential routes the 540 Outer Loop may take. If your property was included in any of the corridors, you faced significant restrictions on how you could develop or use your property. The corridor maps depressed property values and blighted the development of entire communities. And the NCDOT said that you weren’t entitled to anything for the diminished value of your property, as you sat and wondered what would happen next.

On June 8, 2016, the North Carolina Supreme Court delivered the NCDOT its worst nightmare. The Court said the North Carolina Department of Transportation has to pay landowners for the decrease in property values that have resulted **over the last 20 years** since the corridor maps were filed in 1996 and 1997. It recognized that property owners in this predicament are constitutionally entitled to be paid for their diminished property values.

How do you take advantage of this new law? By filing a lawsuit against the NCDOT. You don’t have to wait any longer for the NCDOT to decide whether it is going to condemn your property. It also doesn’t matter whether the NCDOT ultimately decides it is going to take your property for the Outer Loop or not. If your property’s value has been depressed because it was included in any of the NCDOT corridor maps, you are entitled to be paid for your loss.

Why am I receiving this newsletter?

Our mission is to arm property owners facing eminent domain with useful information so they can better understand what lies ahead.

Staying informed about the 540 Outer Loop expansion can help you to understand your rights as a property owner, how these changes may affect you and how you can rightfully take action. When you know your rights, you are more likely to be treated fairly. Knowledge is power.

This is so important that it is worth repeating. The new law compensates you for the loss you’ve shouldered over the last 20 years, regardless of whether the NCDOT takes your property for the highway. This represents a radical shift in power from the North Carolina Department of Transportation to property owners who have been in limbo for 20 years, waiting for the NCDOT to choose a route and move forward with property acquisition.

The type of lawsuit you’ll file against the NCDOT is known as an “inverse condemnation” claim. When the government takes a fundamental property right away without filing an eminent domain lawsuit or paying compensation, the property owner can take the NCDOT to court by filing an inverse condemnation claim.

An inverse condemnation claim, which a property owner initiates, is different from a conventional eminent domain claim, which the NCDOT files. The distinction is important, as you’ll see when you read the section on the next page.

Continued

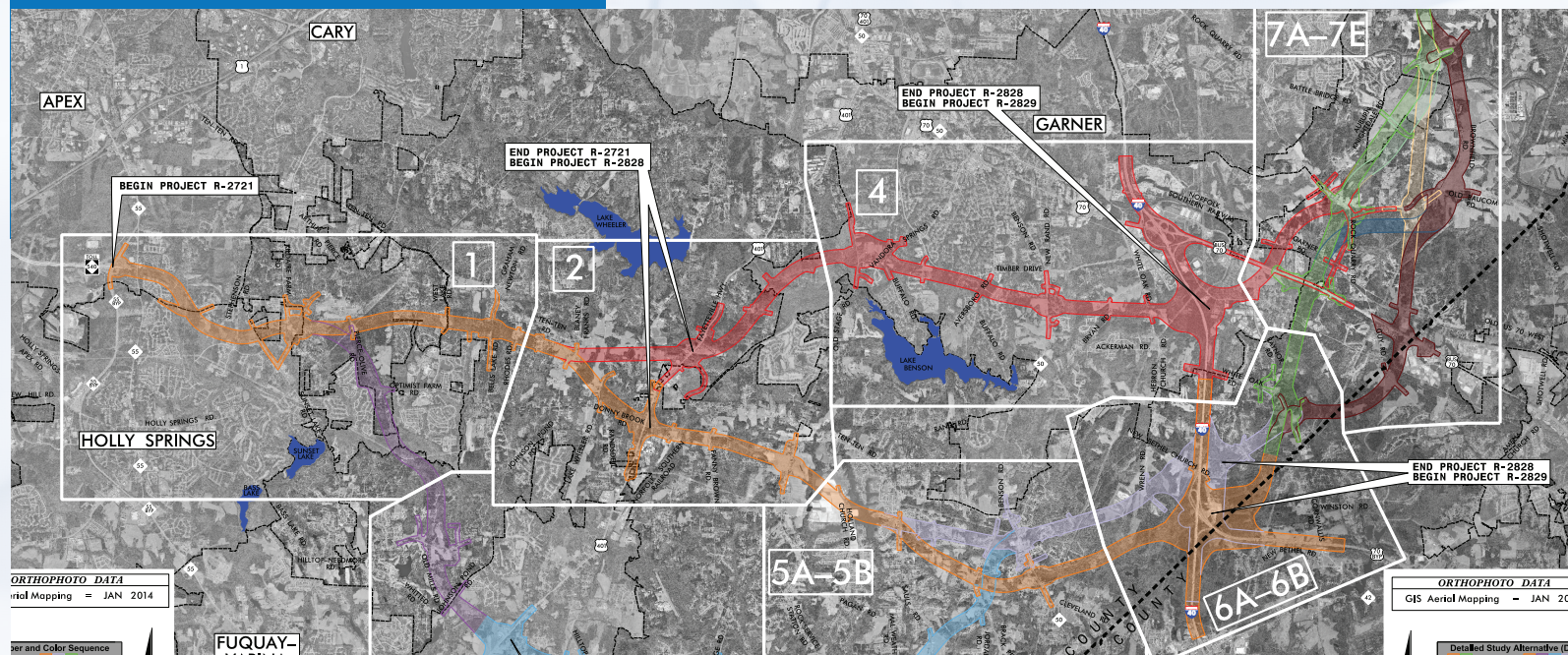
★ The Steps Involved in an Inverse Condemnation Lawsuit

First, the landowner files a complaint against the NCDOT with the Wake County Superior Court. The complaint identifies the owners of the property affected, along with a description of the property right that has been taken by the NCDOT. The new law means you can take this first step now. No more waiting.

Second, the NCDOT has the option of filing a response within 60 days. If the NCDOT agrees that it has taken a property right that entitles the landowner to be paid, it must deposit with the Wake County Superior Court Clerk's office the amount it believes the property owner is entitled to. The property owner can take that money, yet still argue that the NCDOT should pay more.

Third, if the NCDOT disagrees that it owes any money at all, the property owner can proceed with the lawsuit anyway. If the court agrees the NCDOT has taken a property right that requires payment of just compensation, then a jury will decide the question of how much you are entitled to receive.

Corridor Public Hearing Map



and files an inverse condemnation claim first, he may be entitled to recover significantly more money.

An inverse condemnation lawsuit provides property owners with a huge advantage that isn't available in a conventional eminent domain claim. When a landowner successfully sues the NCDOT in an inverse condemnation claim, the government may be obligated to pay the landowner's attorney fees and litigation expenses. However, if the NCDOT files a conventional eminent domain claim first, it cannot be required to pay attorney fees and litigation expenses even if the property owner wins in court.

Delay can cost you a lot and may decrease the amount the Department of Transportation ultimately has to pay you. If you feel like you've waited long enough, you can now turn the tables on the NCDOT by taking the next step.

the NCDOT to pay affected property owners for their decreased property values.

If you want to learn more about how you can make the NCDOT pay you what you are entitled to, please call us. Our award-winning attorneys offer free consultations. We will sit down with you and listen carefully, so that we can understand the specifics about your property and what you've been through. We will spend as much time as necessary to help you understand the legal process and how you can avoid making common mistakes that can harm your inverse condemnation claim. We will explain your legal rights to you in plain English, and we will give you our best insights. If you don't need an attorney, we will tell you that. If you do, we will tell you the best plan for proceeding with your case. When your consultation is over, you won't owe us anything.



I-540 Outer Look - Overview

28.4 miles long

homes and businesses will be removed

281

1,823 acres in 742 parcels will be affected

★ Why You Need to Act Now

Now that the law recognizes that you have a constitutional right to be paid for your property value loss, the North Carolina Department of Transportation may take some steps to minimize the amount you can recover. It may accelerate its schedule and file conventional eminent domain lawsuits much more quickly than it had originally planned. However, if a property owner beats the NCDOT to the courthouse

★ The North Carolina Department of Transportation's Low-Ball Tactic Has Hit a Dead End

For 20 years, the NCDOT has used corridor maps to depress your property's value while avoiding payment of just compensation for your loss. On June 8, this low-ball tactic ran off the road and over a cliff. The North Carolina Supreme Court has declared that it is time for

A Note from Isaac Thorp



I have never been able to stand by and watch people with power take advantage of people who are vulnerable.

I wrote this Property Rights Report to inform you about what to expect if your property is in the path of the 540 Outer Loop. Knowledge is power.

Thorp Law offers free consultations. I am happy to sit down with you and take as much time as you need to better understand what the eminent domain process involves. The attorneys at Thorp Law believe that if we can help educate you about your rights, then we are performing a valuable public service.

When we do represent property owners, we work on a contingency fee basis. This means we get paid an attorney fee only after we get our clients a recovery. None of them pay me a penny in attorney fees until after I put money in their pockets through just a verdict or settlement.

If you want us to sit down with you and talk, so that we can explain your rights as a property owner in more detail, please give us a call at 919-833-6408 or send us an email at isaac@thorplaw.com.

Abraham Lincoln said that a "lawyer's time and advice is his stock in trade." So why give this information away for free? When it concerns eminent domain issues, the North Carolina Department of Transportation knows the ropes. It has handled thousands of eminent domain claims. The NCDOT right-of-way agents understand that most property owners don't know what their rights are. The attorneys at Thorp Law believe deeply that if we can help educate you about your rights, we are performing a valuable public service. Knowledge is power. When you know your rights, you are a lot more likely to be treated fairly.