

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 21CV5630

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2021 APR -8 A 10:59

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DAVID A. GANN and
ELIZABETH D. GANN,

Plaintiffs,

vs.

DENISE GONZALEZ and
EVAN DREW

Defendants.

LIS PENDENS AND NOTICE OF LIS PENDENS

TO: All of the Above-Named Defendants
All Members of the General Public

NOW COMES DAVID A. GANN and ELIZABETH D. GANN, Plaintiffs in the above-captioned action, and by this document does create and give notice of a Lis Pendens affecting title to that property which is in part the subject of this action, as is more specifically described on Exhibit A attached hereto, and the undersigned gives notice to all concerned parties and to the Court as follows:

1. A civil action was commenced before the Superior Court of Henderson County, North Carolina, as above captioned. The Plaintiffs in this action have raised the issue of title to a Right of Way and appurtenant easements created by express instrument of record in favor of Plaintiffs, which rights are being disputed by the Defendants. Incident to those claims is the issue of title to certain real property owned by the Defendants, those properties being specifically described on Exhibit A hereto. However, notice is hereby given that this action affects title only to those portions of the described properties of Defendants that lay within that Fifty (50) foot wide right of way, as the same is described on Exhibit A and depicted on applicable Plat Slides including without limitation Plat Slide 3780 of the record of plats in the Office of the Register of Deeds of Henderson County, North Carolina.

2. The Plaintiffs in this action are seeking a declaration of title to a perpetual right of way and appurtenant easements created by express instruments of record in Henderson County over those lands described on Exhibit A. Pursuant to the provisions of North Carolina General Statute 1-116, the Plaintiffs are entitled to file a Notice of Lis Pendens with the Court, causing