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Course: EDAL 560 K-12 Law
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Date: December 9, 2021

Case Analysis

Dare County v. Sakaria

Case Analysis Relevant Facts: Dare County Board of Education "initiated condemnation proceedings in Dare County Superior Court against defendants Elpis Sakaria, Raj Alexander Trust, Jera Associates and Jack and Lillian Hillman for the purpose of acquiring six lots adjacent to Cape Hatteras School in Buxton on Hatteras Island" (FindLaw, n.d.). The plaintiff intended to use the land to expand the school's recreational fields as per Article 3 of Chapter 40A. The plaintiff, filed the condemnation complaint on February 19, 1993, while simultaneously making a deposit of $21,400 with the clerk of court "pursuant to G.S. § 40A-41 on that date" (FindLaw, n.d.). However, the "defendants answered and challenged" the condemnation "under N.C.G.S. § 115C-517 (1994) and the North Carolina Constitution" which stated "plaintiff's authority to take defendants' land" (FindLaw, n.d.).

Legal Issue: Whether Plaintiff, Dare County Board of Education has the authority to take defendants' land under N.C.G.S. § 115C-517 (1994) and the North Carolina Constitution.

Opinion of the Court: Yes.

Reasons for the Court Opinion: The plaintiff is entitled to possess and own the defendants' land because the property's title as described in the complaint is "vested in [plaintiff]" (FindLaw, n.d.). The court stated that the plaintiff, the property owner, had the right to be paid interest from the date of filing the report. In addition, it is stated that the trial court was not wrong to award the plaintiff backed up interest starting from the date they were entitled to possess the land.

Reference

FindLaw. (n.d.). DARE COUNTY BOARD OF EDUCATION. Retrieved on December 26, 2021, from https://caselaw.findlaw.com/nc-court-of-appeals/1234581.html

Your total Score = 50/50

Overview & Comments on Case Study #19

Summary of Relevant Facts - Excellent - Very concise description of the reasons for the case.

Description of the legal issues - Very precise

Court's answer - Perfect summary.

Reasons for Court's Opinion - Excellent summary

This was an excellent detailed submission, Nicole. You went well beyond the average expected Nicole.

Bible Verses for this Christmas Season

“Behold, the Lamb of God, who takes away the sin of the world!” – John 1:29 “For nothing will be impossible with God.” – Luke 1:37 “But when the fullness of the time came, God sent forth His Son, born of a woman, born under the Law, so that He might redeem those who were under the Law, that we might receive the adoption as sons.” – Galatians 4:4-5