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Neighbor sues Goodnight over property rights

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A next-door neighbor to a home that **James A. Goodnight**, son of SAS founder Jim Goodnight, is reconstructing on White Oak Road in Raleigh has filed a lawsuit against the billionaire's son claiming property damage and trespassing as part of a case that's pitted the new neighbors against each other.



DATHAN KAZSUK
A neighbor of a home owned by Raleigh real estate investor James A. Goodnight on White Oak Road in Raleigh filed a civil lawsuit against Goodnight in June 2017 claiming trespassing and destruction of property of part of a property access and ownership dispute.

The family is alleging that Goodnight, a Raleigh real estate investor, and his construction contractors have trespassed on a property that's been in their family since the 1980s, cut and removed several trees and shrubs without their permission and illegally claimed adverse possession of the land.

"The nature of this action is defendant's actions to increase the size of his real property and take for his own, without compensation, a portion of the subject property owned by the plaintiffs," reads the complaint filed in Wake County Superior Court on June 7.

Representatives of a trust for **Janice Dunn**, who has lived in the modest house at 2115 White Oak Road since the 1960s, is claiming that Goodnight, who purchased his home in 2014, has falsely taken adverse possession of a strip of land between their houses that they claim the Dunn family has owned since 1985.

At issue is a narrow strip of wooded property separating the Goodnight and Dunn houses that had historically been planned for a street connecting White Oak Road to a property behind their houses. The street was never built, and the property was subsequently purchased and sold to several property owners over the course of the past few decades.

Where the confusion comes in is that a small piece of the property had also for many years been shared with the Duns' neighbors for driveway access to the 1940s-era house, but the complaint states that the property had been part of the Dunn's property since its acquisition in 1985.

Goodnight, allegedly unaware of the Dunn's ownership of the land, was awarded in November a court order for summary judgment for adverse possession of the property that he claimed in an affidavit was owned by the heirs of Hubert and **Louise Royster**.

The Dunn family's attorney, **Carl Younger** of the Weatherspoon & Voltz law firm in Raleigh, detailed in the complaint how the property had been sold four times since the Royster family owned and submitted as evidence a deed transaction dated Nov. 12, 1985.

In a case for adverse possession, a court could allow an individual to gain title and occupy an otherwise neglected property that they've claimed possession of for at least 20 years. In Goodnight's case, he had not claimed possession of the property for 20 years but the previous owners of his property had claimed access to part of the property for more than 40 years, he argued.

Younger did not want to provide additional comment for the case and referred all questions to statements and details in the complaint. An attorney for Goodnight did not by press time respond to requests for comment.

Dunn-Goodnight Properties White Oak Road



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