

No.

District 19B

NORTH CAROLINA SUPREME COURT

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 PINEWILD PROJECT LIMITED )  
 PARTNERSHIP, et al. )  
 )  
 Petitioners-Appellants ) FROM  
 ) Court of Appeals No. COA08-1288  
 v. ) Moore County No. 07 CVS 01204  
 )  
 VILLAGE OF PINEHURST, a North )  
 Carolina Municipality )  
 )  
 Respondent-Appellee )

FILED  
 2009 SEP 29 AM 10:43  
 VINCE GIBSON, C.S.C.

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 MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE  
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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

The North Carolina Institute for Constitutional Law (“NCICL”), pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure, hereby moves for leave to file a brief as *amicus curiae* in the above-captioned matter in the event the Court grants review. In support of this motion, Movant shows unto the Court that:

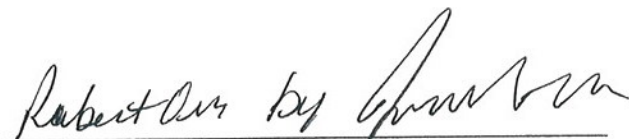
The NCICL is a 501(c)(3) corporation established to conduct research, and to educate and advise the general public, policy makers, and the Bar on the rights of citizens under the constitutions of the State of North Carolina and the United States of America. The NCICL engages in litigation as necessary to further these goals. It thus has a strong interest in this Court’s ruling on the questions presented in the Petition for Discretionary Review in the above-captioned case.

The grounds for this motion are that *Amicus* has a direct and immediate concern for and interest in this case. The NCICL's mission is to ensure compliance with constitutional restraints on government. To that end, the NCICL's efforts focus primarily on economic issues as they relate to the North Carolina and United States Constitutions. Specific issues that the NCICL may address through public interest litigation include the constitutionality of government expenditures, eminent domain and takings, zoning and regulation, and property taxes and assessments.

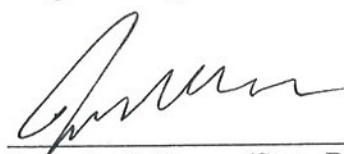
*Amicus* NCICL has a direct interest in North Carolina's annexation laws in that annexation implicates the power of taxation and property rights generally and the NCICL has a history of litigating taxation and similar issues. Moreover, *Amicus* NCICL has a strong interest in eminent domain and takings law, such interest has been manifest in whitepapers produced by the NCICL and continuing legal education presentations conducted by NCICL staff. In the event this Court grants review of this case, the resulting decision may either expand or restrict property rights in this State. This case involves legal principles of major significance to the jurisprudence of North Carolina. Accordingly, given *Amicus* NCICL's direct interest in the proper resolution of those issues, it desires to file a brief *amicus curiae* should the Court grant review of the above-referenced case. In view of the nature and significance of this case for officials and the citizens of North Carolina, *Amicus* respectfully submits that the issues to be addressed in the brief may assist the Court in its consideration of this appeal.

For the foregoing reasons, *Amicus* respectfully requests that this Motion for Leave to File Brief *Amicus Curiae* be granted.

This the 30<sup>th</sup> day of September, 2009.



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## CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a copy of the foregoing Motion for Leave to File Brief *Amicus Curiae* was served upon counsel of record in this action by depositing a true copy thereof in the United States mail, postage prepaid, and addressed to the last known address to me as follows:

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This the 30<sup>th</sup> day of September, 2009.



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