

VIRGINIA :

IN THE CIRCUIT COURT FOR CHARLOTTE COUNTY

FAYE TRENT, individually and through)
her durable general power of attorney for)
Ruth A. Hansen Wilcox,)

Plaintiff,)

v.)

Civil Action No. CL-21000280-00

SOLUNESCO HOLDING COMPANY,)

SOLUNESCO LLC,)

FRANCIS HODSOLL,)

PROPERTIES OF VIRGINIA, LLC,)

SANDRA ANN TOWNE D/B/A)
PROPERTIES OF VIRGINIA,)

SANDRA ANN TOWNE,)

WILLIAM BERKLEY DEVIN,)

THE PLANNING COMMISSION OF)
CHARLOTTE COUNTY, VIRGINIA,)

and)

THE BOARD OF SUPERVISORS OF)
CHARLOTTE COUNTY, VIRGINIA,)

Defendants.)

ORDER

Pending before this Court are Demurrers filed by Defendants SolUnesco Holding Company, SolUnesco, LLC, and Francis Hodsoll (the "SolUnesco Defendants") as to Counts One, Two, Three, Four, Five, and Eight of the First Amended Complaint; Defendants Properties of

Virginia, LLC, Sandra Ann Towne, d/b/a Properties of Virginia, and Sandra Ann Town, individually (the “Sandra Towne Defendants”) as to Counts Two, Three, Four, Five, Six, and Eight of the First Amended Complaint; Defendant William Berkley Devin (“Mr. Devin”) as to Counts One, Two, Three, Four, Five, Seven, and Eight of the First Amended Complaint; and Defendants the Planning Commission of Charlotte County, Virginia, and the Board of Supervisors of Charlotte County, Virginia (the “County Defendants”) as to Counts Nine and Ten of the First Amended Complaint. Also pending before this Court are two oral motions by Plaintiff’s counsel to continue the January 19, 2022 hearing on the Defendants’ Demurrers. The parties came before the Court for a hearing on these Motions on January 19, 2022. After considering the parties’ written submissions and the arguments of counsel, the Court read into the record its holdings and conclusions as a matter of law. For the reasons stated by the Court, it is hereby ADJUDGED ORDERED AND DECREED as follows:

1. The Plaintiff’s oral motion to continue the January 19, 2022 hearing on the Demurrers of the SolUnesco Defendants, the Sandra Towne Defendants, Mr. Devin, and the County Defendants is DENIED;

2. The Plaintiff’s oral motion to continue the January 19, 2022 hearing on the Demurrers of the Sandra Towne Defendants and Mr. Devin is DENIED because the Court has not reviewed or considered the briefs filed by the Sandra Towne Defendants and Mr. Devin;

3. The Demurrers to Counts One, Two, Three, Four, Five, and Eight of the First Amended Complaint filed by the SolUnesco Defendants are SUSTAINED, the new matter(s) raised in paragraphs 11 through 41 of the SolUnesco Defendants’ Demurrer to the First Amended Complaint are ADMITTED because Plaintiff failed to timely admit or deny the new matter(s)

pursuant to Rule 3:11 of the Supreme Court of Virginia, and the Complaint is DISMISSED with prejudice as to the SolUnesco Defendants;

4. The Demurrers to Counts Two, Three, Four, Five, Six, and Eight of the First Amended Complaint filed by the Sandra Towne Defendants are SUSTAINED, and the Complaint is DISMISSED with prejudice as to the Sandra Towne Defendants;

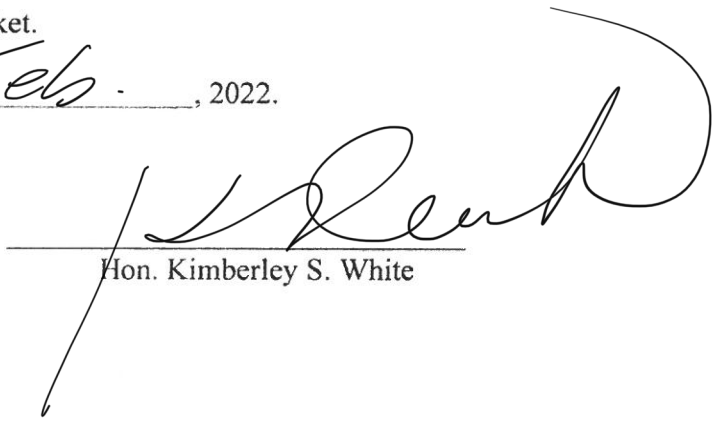
5. The Demurrers to Counts One, Two, Three, Four, Five, Seven, and Eight of the First Amended Complaint filed by Mr. Devin are SUSTAINED, and the Complaint is DISMISSED with prejudice as to Mr. Devin;

6. The Demurrers to Counts Nine and Ten of the First Amended Complaint filed by the County Defendants are SUSTAINED, and the Complaint is DISMISSED with prejudice as to the County Defendants; and

7. The First Amended Complaint is DISMISSED with prejudice as to all Defendants; and

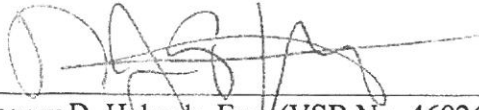
8. It is hereby ORDERED that the Clerk furnish a copy of this Order to all Parties, and that this case be removed from the Court's docket.

ENTERED this 4th day of Feb, 2022.



Hon. Kimberley S. White

REQUESTED BY:



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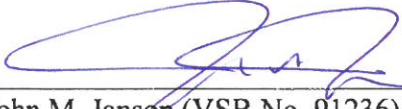
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SEEN AND ~~AGREED~~: *OBJECTION TO:*



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