

STATE OF NORTH CAROLINA BY: S. Smallwood IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION
23 CV 032961-910

NORTH CAROLINA LANDSCAPE)
CONTRACTORS' LICENSING BOARD,)
)
Plaintiff,)
)
v.)
)
DUANE JOHNSTON t/a UNITY LAWN)
AND LANDSCAPE,)
)
Defendant.)

**ORDER GRANTING DEFAULT
JUDGMENT**

The North Carolina Landscape Contractors' Licensing Board's ("Plaintiff") Motion for Default Judgment was heard on March 4, 2024, before the undersigned presiding judge. The Court having reviewed the pleadings, makes the following:

FINDINGS OF FACT

1. Plaintiff is an agency of the State of North Carolina created under the authority of Chapter 89D of the General Statutes of North Carolina.
2. Defendant Duane Johnston t/a Unity Lawn and Landscape ("Defendant") is:
 - a. An individual who resides at 8906 Ryan Lane, Waxhaw, North Carolina, 28173;
and
 - b. Not presently and was not previously licensed by Plaintiff Board as a "Landscape Contractor," as that term is defined by N.C. Gen. Stat. § 89D-11(3).
3. Defendant engaged in the practice of landscape contracting in violation of N.C. Gen. Stat. §§ 89D-11 and 89D-12 in that Defendant entered into a contract to provide landscaping services in excess of \$30,000.0.

4. Defendant has been duly served with the Summons and Complaint and Application for Injunctive Relief in this action.
5. Entry of Default was filed on January 5, 2024.

CONCLUSIONS OF LAW

1. Plaintiff is authorized to bring this suit and to obtain injunctive relief under the provisions of N.C. Gen. Stat. § 89D-24.
2. Defendant has violated N.C. Gen. Stat. §§ 89D-11 and 89D-12.
3. Plaintiff is entitled to judgment by default.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED, AND DECREED that:

- I. Plaintiff's Motion for Default Judgment is hereby granted; and
- II. Defendant is hereby permanently enjoined from the practice of landscape construction or contracting in North Carolina until such time as Defendant is licensed by the Board.

SO ORDERED.

22nd of March, 2024


