

STATE OF NORTH CAROLINA BY: S. Smallwood IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION
24CV016052-910

NORTH CAROLINA LANDSCAPE)
CONTRACTORS' LICENSING BOARD,)
)
Plaintiff,)
)
v.)
)
ELKS LAWN CARE & LANDSCAPING,)
LLC,)
)
Defendant.)

DEFAULT JUDGMENT

The North Carolina Landscape Contractors' Licensing Board's ("Plaintiff") Motion for Default Judgment was heard on October 29, 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 Elks Lawn Care & Landscaping, Inc. ("Defendant") is:
 - a) A corporation organized under the laws of North Carolina with a principal place of business of 2003 Hydes Corner, New Bern, North Carolina. Jimmie B. Hicks, Jr., is the Registered Agent and Brian D. Elks is the President; and
 - b) Was previously licensed by Plaintiff Board as a "Landscape Contractor," as that term is defined by N.C. Gen. Stat. § 89D-11(3), license number CL.00720. Defendant's license expired on July 31, 2023.
3. Defendant advertises on its website that it is a "North Carolina Registered Landscape Contractor."
4. By advertising that it is a "North Carolina Registered Landscape Contractor," Defendant has violated N.C. Gen. Stat. § 89D-12.
5. Defendant has been duly served with the Summons and Complaint and Application for Injunctive Relief in this action.

6. Entry of Default was filed on September 12, 2024.

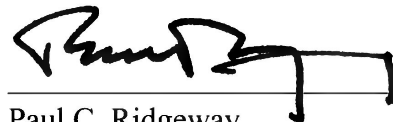
CONCLUSIONS OF LAW

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. 12/23/2024



Paul C. Ridgeway
Superior Court Judge Presiding

12/23/2024 11:05:37 AM