

Bond Case Briefs

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DEEDS - NORTH CAROLINA

Prelaz v. Town of Canton

Court of Appeals of North Carolina - July 15, 2014 - S.E.2d - 2014 WL 3409678

Property owners with reversionary interest in adjacent property retained by town by fee simple determinable title, sued town, seeking declaration of title recognizing them as rightful title holders based on town's alleged breach of express condition of governing deed. Following a jury trial, the Superior Court entered judgment in favor of town. Owners appealed.

The Court of Appeals held that clause in deed forbidding operation of a summer camp was precatory and, therefore, merely advisory, such that violation of clause could not trigger owners' reversionary interest.