

NORTH CAROLINA
CHATHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26 CVS _____

PUBLIC SERVICE COMPANY OF
NORTH CAROLINA, INC. d/b/a ENBRIDGE
GAS NORTH CAROLINA,

Plaintiff,

v.

JOHN M. ALDERMAN and GLORIA R.
ALDERMAN, both Individually and as
Trustees of the John and Gloria Alderman
Revocable Trust U/A February 27, 2018,

Defendants.

VERIFIED COMPLAINT

NOW COMES THE PLAINTIFF, Public Service Company of North Carolina, Inc. d/b/a Enbridge Gas North Carolina (hereinafter “**EGNC**” or “**Plaintiff**”), by and through its undersigned counsel, and complaining of Defendants alleges and says as follows:

THE PARTIES

1. EGNC is a South Carolina corporation authorized to do business in North Carolina, with its principal place of business in Gastonia, North Carolina, and is authorized to supply natural gas to members of the general public within its service area, including Chatham County, North Carolina.

2. Defendants are citizens and residents of Chatham County, North Carolina.

SUMMARY OF CLAIMS

3. This is an action for injunctive relief and other appropriate relief arising out of Defendants’ actions obstructing and preventing EGNC’s entry onto property owned by Defendants in Chatham County pursuant to N.C. Gen. Stat. §40A-11. Despite EGNC having complied with all of the requirements of N.C. Gen. Stat. §40A-11, Defendants have refused to allow EGNC access

to the property for purposes of surveying and inspecting the land, as permitted by the statute. EGNC seeks injunctive relief for the irreparable harm it has suffered and will continue to suffer as a direct and proximate cause of Defendants' conduct. In particular, EGNC seeks a preliminary and permanent injunction restraining and enjoining Defendants from directly or indirectly, whether alone or in concert with others, obstructing EGNC, its agents, employees, or contractors, from exercising its rights pursuant to the statute.

JURISDICTION

4. Subject matter jurisdiction over this cause is conferred upon and vested in this Court under and by virtue of, *inter alia*, N.C.G.S. § 7A-240 and N.C.G.S. § 7A-245.

5. Personal jurisdiction over Defendants is vested in this Court under and by virtue of, *inter alia*, N.C.G.S. § 1-75.4.

FACTUAL BACKGROUND

6. Defendants, in their capacities as the Trustees of the "John and Gloria Alderman Revocable Trust u/a February 27, 2018," are the owners of two (2) tracts of land located in Chatham County, as described in the deeds recorded in Book 2111, Page 936, and Book 2111, Page 941, both Chatham County Registry, said parcels being identified by Chatham County Parcel Nos. 0012306 and 0012040 (collectively, the "***Property***"). True and accurate copies of said deeds are attached hereto as **Exhibit A** and incorporated herein.

7. In order to continue to safely and efficiently providing natural gas to customers in its service territory, including Chatham County, as required by law, EGNC intends to construct a new natural gas pipeline in the vicinity of the Property and is in the process of surveying and inspecting properties in the area to determine the most appropriate location for the new pipeline.

8. EGNC must have proper surveys and examinations of the Property to enable it to determine whether the Property is suitable for the new pipeline, to determine the proper location of the new pipeline, to obtain the necessary governmental permits for the construction of the new pipeline, to enable it to negotiate with Defendants for the acquisition of any necessary easements for the new pipeline, and, if necessary, to enable it to institute condemnation proceedings.

9. To enable it to provide natural gas to its service area, including Chatham County, EGNC has been granted the power of eminent domain pursuant to Chapter 62, Article 9, and Chapter 40A of the North Carolina General Statutes.

10. Pursuant to N.C. Gen. Stat. § 40A-11, EGNC has the right to enter any lands upon thirty days' written notice to make surveys, borings, examinations, and appraisals as necessary to effectuate its powers under Chapter 40A.

11. By letter dated April 16, 2026, and, upon information and belief, delivered to Defendants on April 22, 2026, EGNC provided written notice to Defendants, as required by N.C. Gen. Stat. § 40A-11, that EGNC plans to install a new natural gas pipeline, that it will be performing land surveys and engineering studies to determine the exact route of the new pipeline, and that it needs to access the Property to conduct such surveys and inspections. A true and accurate copy of this letter and delivery receipt are attached hereto as **Exhibit B**.

12. By letter dated April 24, 2026, Defendants made numerous demands of EGNC, concluding as follows: "NOTICE: No consent is granted for entry, survey, or easement acquisition beyond strictly lawful limits. Any unauthorized entry, or failure to substantiate jurisdiction and public necessity, will result in immediate legal action." A true and accurate copy of this letter is attached hereto as **Exhibit C**.

13. By email dated April 26, 2026, Defendants notified EGNC that even if EGNC responded to all of Defendants' demands in their April 24, 2026, letter, "no one associated with Enbridge is allowed on our tree farm." A true and accurate copy of this email is attached hereto as **Exhibit D**.

14. By letter dated "April 2026" and delivered via email on or about April 27, 2026, Defendants notified EGNC that "No consent is granted for easement acquisition or unnecessary entry beyond lawful limits." A true and accurate copy of this letter is attached hereto as **Exhibit E**.

15. By letter dated May 20, 2026, undersigned counsel for EGNC notified Defendants that EGNC has the right to enter the Property pursuant to N.C. Gen. Stat. § 40A-11 and requested that Defendants allow EGNC to enter the Property. A true and accurate copy of this letter is attached hereto as **Exhibit F**.

16. By email dated May 22, 2026, Defendant John M. Alderman notified undersigned counsel for EGNC that he considers N.C. Gen. Stat. § 40A-11 to be unconstitutional, that he does not consent to surveying, and that any entry will be a trespass. A true and accurate copy of this email is attached hereto as **Exhibit G**.

17. By email dated May 26, 2026, undersigned counsel for EGNC explained to Defendants that the North Carolina Supreme Court has held N.C. Gen. Stat. § 40A-11 to be constitutional and reiterated that EGNC has a right to enter the Property pursuant to that statute. A true and accurate copy of this email is attached hereto as **Exhibit H**.

18. By email dated May 26, 2026, Defendant John M. Alderman again stated that EGNC is not permitted to enter the Property and claimed that "we are country folk and target practice most hours of the day." A true and accurate copy of this email is attached hereto as **Exhibit I**.

19. By email dated June 21, 2026, Defendant John M. Alderman notified EGNC that he would not allow EGNC to enter the Property until it has fully evaluated alternative routes that do not affect properties enrolled in the Voluntary Agriculture District program. A true and accurate copy of this email is attached hereto as **Exhibit J**.

20. By letter dated June 24, 2026, hand delivered by Defendant John M. Alderman to EGNC's surveying crew, Defendant John M. Alderman stated: "Be advised: Stay off our property." A true and accurate copy of this letter is attached hereto as **Exhibit K**.

21. By email dated July 6, 2026, undersigned counsel for EGNC explained to Defendant John M. Alderman that EGNC's rights to enter the Property pursuant to N.C. Gen. Stat. § 40A-11 are not affected by the Property's enrollment in the Voluntary Agriculture District program and notified him that EGNC plans to have surveyors on the Property that same week. A true and accurate copy of this email is attached hereto as **Exhibit L**.

22. By email dated July 6, 2026, Defendant John M. Alderman notified EGNC as follows: "As I said, no surveyors. Period. I only listen to the courts. You must have such orders and coordinate with me on a date and time, so I can have a deputy present at all times." A true and accurate copy of this email is attached hereto as **Exhibit M**.

23. Defendants' unlawful refusal to allow EGNC to conduct its work on the Property is causing and will continue to cause significant delay in planning and constructing the new pipeline, as a route for the new pipeline cannot be selected until EGNC has inspected all properties in the area to determine the most appropriate route.

24. Continued delay by Defendants may cause EGNC to have to hire additional surveying crews and land agents in order to get the work done on time, at a substantial additional cost to EGNC.

25. Continued delay by Defendants could cause EGNC to fail to have the new pipeline constructed and placed in service in time to meet known increases in customer demand in the area, which could result in gas shortages in violation of EGNC's statutory obligation to provide safe, efficient, and reliable natural gas to its customers in the area.

FIRST CLAIM FOR RELIEF
(Declaratory Judgment)

26. The allegations set forth in the prior paragraphs of this Verified Complaint are hereby re-alleged and incorporated by reference as if set forth verbatim herein.

27. EGNC has provided Defendants with the requisite notice under N.C. Gen. Stat. § 40A-11, and thirty days have passed since said notice was provided; accordingly, EGNC now has a statutory right to enter upon the Property for the purposes set forth in N.C. Gen. Stat. § 40A-11.

28. Despite EGNC's compliance with N.C. Gen. Stat. § 40A-11 and numerous requests to permit entry, Defendants have failed and refused to allow EGNC to enter the Property.

29. Based upon the foregoing, there exists a real and justiciable dispute concerning EGNC's right to enter the Property pursuant to N.C. Gen. Stat. § 40A-11.

30. EGNC is entitled to a judicial declaration that, pursuant to N.C. Gen. Stat. § 40A-11, EGNC, its employees, agents, and contractors, have the right to enter the Property "to make surveys, borings, examinations, and appraisals as may be necessary or expedient" in determining the location for its new pipeline, as set forth in said statute.

SECOND CLAIM FOR RELIEF
(Injunction)

31. The allegations set forth in the prior paragraphs of this Verified Complaint are hereby re-alleged and incorporated by reference as if set forth verbatim herein.

32. Defendants have unlawfully obstructed and prevented EGNC from exercising its rights granted by N.C. Gen. Stat. § 40A-11 by refusing to allow EGNC, its employees, agents, and contractors, to enter upon the Property to conduct surveys, borings, examinations, and appraisals and to otherwise exercise its rights pursuant to N.C. Gen. Stat. § 40A-11.

33. EGNC seeks injunctive relief for the irreparable harm it has suffered and will continue to suffer as a direct and proximate cause of Defendants' refusal to allow EGNC to exercise, use, and enjoy the rights granted to it by N.C. Gen. Stat. § 40A-11.

WHEREFORE, EGNC prays unto the Court as follows:

1. That the Court find that EGNC has the right to enter the Property pursuant to N.C. Gen. Stat. § 40A-11;

2. Pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, that Defendants be preliminarily and permanently enjoined as follows: That Defendants be restrained and enjoined from directly or indirectly, whether alone or in concert with others, obstructing EGNC, its agents, employees, contractors, or any law enforcement officer assisting EGNC, from entering upon the Property for the purposes of exercising its rights granted by N.C. Gen. Stat. § 40A-11;

3. That EGNC recover from Defendants actual damages in an amount yet to be determined, but reasonably believed to exceed \$10,000, plus interest and costs and fees allowed by law;

4. That EGNC recover against Defendants all of EGNC's attorneys' fees, court costs, filing fees, experts' fees, and similar costs arising out of or related to securing injunctive relief and/or damages, as permitted by law;

5. That the costs of this action be taxed against Defendants;

6. For a trial by jury on all issues so triable herein; and

7. For such other and further relief as this Court deems just and proper.

This the 7th day of July, 2026.

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

By:

A handwritten signature in blue ink, appearing to be 'M. D. Rhoad', written over a horizontal line.

Matthew D. Rhoad

N.C. State Bar No. 29409

J. Mitchell Armbruster

N.C. State Bar No. 26422

Amy C. Crout

N.C. State Bar No. 50913

P.O. Box 2611

Raleigh, North Carolina 27602

(919) 821-1220

Attorneys for Plaintiff

VERIFICATION

STATE OF North Carolina

COUNTY OF Gaston

Andrew Moore, being first duly sworn, deposes and says: That he is Director – Engineering, Construction & Transmission Ops for Public Service Company of North Carolina, Inc. d/b/a Enbridge Gas North Carolina., that he has authority to make this verification on its behalf, that he has read the foregoing Complaint, and that the contents of the foregoing Complaint are true to his own knowledge, except as to matters stated upon information and belief, and as to those matters he believes them to be true.

This the 7th day of July, 2026.



Andrew Moore

Sworn to and subscribed before me, this the _____ day of July, 2026.



Notary Public

Kisha R. Hayes

Print Name

My Commission Expires: 10/2/2029

(SEAL)

EXHIBIT A
(Deeds to the Property)

FILED	May 07, 2020
AT	04:20:56 PM
BOOK	02111
START PAGE	0936
END PAGE	0940
INSTRUMENT #	05002
EXCISE TAX	\$218.00

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Prepared by: Roth Jackson Gibbons Condlin, PLCExcise Tax: **\$218**

Return to: Grantee

Parcel ID Numbers: 0012306

THIS DEED made this 4th day of May, 2020 by and between

GRANTOR

Edward L. Weintraub, unmarried,

PO Box 1354

Chapel Hill, NC 27514

and

Joseph Brown Holloman, unmarried,

1070 NC 111 South

Pinetops, NC 27864

☐ If checked, the property includes the primary residence of at least one of the Grantors. (NC GS § 105-317.2)

GRANTEE

John M. Alderman and Gloria R. Alderman, Trustees of the John and Gloria Alderman

Revocable Trust u/a February 27, 2018

244 Redgate Rd.

Pittsboro, NC 27312

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the County of Chatham, North Carolina, and more particularly described as follows:

Submitted electronically by "Roth Jackson Gibbons Condlin PLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Chatham County Register of Deeds.

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY
REFERENCE.

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 1389, Page 949, Chatham County Registry.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee, their heirs, successors, and assigns, in fee simple.

AND THE GRANTOR COVENANTS with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

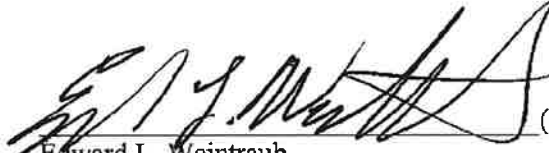
Title to the property hereinabove described is subject to the following exceptions:

Subject to 2020 taxes, easements, conditions and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year acknowledged below.

**** ACKNOWLEDGEMENTS AND SIGNATURE PAGES TO FOLLOW ****

ACKNOWLEDGEMENTS AND SIGNATURE PAGES


Edward L. Weintraub (SEAL)

STATE OF NC
COUNTY OF DURHAM

I, Gary K. Berman, Notary Public for the County of Durham, State of NC, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward L. Weintraub, Grantor.

Witness my hand and official stamp or seal, this the 28 day of April, 2020.


Notary Public
My Commission Expires: January 8, 2023



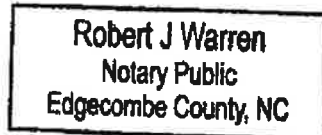
Joseph Brown Holloman (SEAL)
Joseph Brown Holloman

STATE OF North Carolina

COUNTY OF Edgecombe

I, Robert J Warren, Notary Public for the County of Edgecombe State of North Carolina, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Joseph Brown Holloman, Grantor.

Witness my hand and official stamp or seal, this the 24 day of April, 2020.



Robert J Warren
Notary Public
My Commission Expires:
June 8, 2021

EXHIBIT "A"

Legal Description

Lying in Hickory Mountain, Chatham County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron stake, Ed Weintraub's corner in The Rising's line, and running thence with said line in an Easterly direction 1030 feet, more or less, to a stake, a corner with Three Springs Camp; thence with its line North 3 degrees East 1811.70 feet to a stake; thence South 84 degrees West 734.58 feet to a stake; thence North 6 degrees East 228 feet to a stake; thence Westwardly 75 feet to a stake; thence South 6 degrees West 228 feet to a stake; thence South 6 degrees West 1732.50 feet to the point and place of beginning, containing 37 acres, more or less, according to a survey and plat prepared by William G. Joyner, R.L.S., April 18, 1972 and recorded in Plat Book 14 at Page 16, Chatham County Registry; and being the identical same land conveyed to Laurence Layton Funk by deed from K. W. Cooper and wife, Wynell S. Cooper, dated September 20, 1972 and recorded in Book 369 at Page 471, Chatham County Registry.

Site Address: 0 Pleasant Hill Church Road, Siler City, NC 27344

Parcel: 0012306

FILED	May 07, 2020
AT	04:22:19 PM
BOOK	02111
START PAGE	0941
END PAGE	0946
INSTRUMENT #	05003
EXCISE TAX	\$902.00

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Prepared by: Roth Jackson Gibbons Condlin, PLC Excise Tax: \$902

Return to: Grantee Parcel ID Numbers: 0012040

THIS DEED made this 4th day of May, 2020 by and between

GRANTOR

Edward Weintraub, unmarried,

PO Box 1354

Chapel Hill, NC 27514

and

Brown Holloman (a/k/a Joseph Brown Holloman), unmarried,

1070 NC 111 South

Pinetops, NC 27864

☐ If checked, the property includes the primary residence of at least one of the Grantors. (NC GS § 105-317.2)

GRANTEE

John M. Alderman and Gloria R. Alderman, Trustees of the John and Gloria Alderman

Revocable Trust u/a February 27, 2018

244 Redgate Rd.

Pittsboro, NC 27312

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the County of Chatham, North Carolina, and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY
REFERENCE

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 1022, Page 39, Chatham County Registry.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee, their heirs, successors, and assigns, in fee simple.

AND THE GRANTOR COVENANTS with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

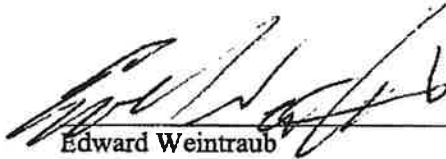
Title to the property hereinabove described is subject to the following exceptions:

Subject to 2020 taxes, easements, conditions and restrictions of record, if any.
SEE EXHIBIT "B" ATTACHED.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year acknowledged below.

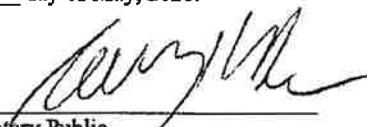
**** ACKNOWLEDGEMENTS AND SIGNATURE PAGES TO FOLLOW ****

ACKNOWLEDGEMENTS AND SIGNATURE PAGES

 (SEAL)
Edward Weintraub

STATE OF NC
COUNTY OF DURHAM
I, Gary K. Berman, Notary Public for the County of Durham, State of North Carolina, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward Weintraub, Grantor.

Witness my hand and official stamp or seal, this the 4 day of May, 2020.


Notary Public
My Commission Expires: January 8, 2023



Brown Holloman (SEAL)
Brown Holloman (a/k/a Joseph Brown Holloman)

STATE OF NORTH CAROLINA

COUNTY OF Edgecombe

I, Bonnie Rose Allen, Notary Public for the County of Edgecombe, State of North Carolina, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Brown Holloman (a/k/a Joseph Brown Holloman), Grantor.

Witness my hand and official stamp or seal, this the 4th day of May, 2020.

Bonnie Rose Allen
Notary Public
My Commission Expires: June 8, 2021

Bonnie Rose Allen
Notary Public
Edgecombe County, NC

EXHIBIT "A"

Legal Description

Lying in Hickory Mountain, Chatham County, North Carolina, and being more particularly described as follows:

BEING ALL of a tract containing 158.80 acres, more or less, as shown on a plat thereof entitled, "Peggy Burke Tract" and recorded in Plat Book 20 at Page 92, Chatham County Registry.

SAVING, RESERVING AND EXCEPTING from the above described property is the following:

1. The reservation of Telecommunication rights as set forth in that certain deed dated June 25, 2001, from SP Forests, LLC, to Edwards Land & Timber, LLC and recorded in Deed Book 878, Page 625, Chatham County Registry.
2. The reservation by International Paper Company of an undivided fifty percent (50%) royalty interest for a forty (40) year period in the oil, gas, hydrocarbons and mineral substances and said reservations are more particularly described in a deed from International Paper Company dated June 25, 2001 and recorded in Book 878, Page 600, Chatham County Registry. It is understood that the Grantor herein has been granted an option for a period of ten (10) years from this date to purchase all but not less than all of the minerals in which real property is located at the rate of \$25.00, per acre and further that of the Grantor exercises its option to purchase mineral rights in any of the real property in a County, it must purchase all of the mineral rights reserved by International Paper Company reserved in that County. In the event the Grantor exercises that option for the County herein then the Grantee herein shall have the option of purchasing the mineral rights for the property described herein for \$25.00 per acre, provided, however, the grantee must purchase all of the mineral rights for the tracts described in this deed.

Site Address: 18640 Pleasant Hill Church Road, Siler City, NC 27344

Parcel: 0012040

EXHIBIT "B"

1. Matters of zoning and local land use ordinances and regulations affecting the property, as well as any state/federal law matters restricting the use of any portion of the subject property which may be designated as "wet lands" or "flood zones";
2. Matters of record, licenses, cemeteries, and access thereto, easements, rights of ways, conditions and restrictions affecting the property;
3. Subject to all outstanding oil, gas and other mineral and/or royalty rights, interests and leases of record;
4. All matters which would be revealed by a current and accurate survey of the property, including but not limited to the location of boundary lines, improvements and encroachments, if any;
5. Subject to rights of others in and to the free and uninterrupted flow of creeks or streams adjoining or running through the property.

EXHIBIT B

(4/16/26 EGNC 40A-11 Letter to Alderman)



April 16th, 2026

Dear John and Gloria Alderman Revocable Trust-John M. Alderman & Gloria R. Alderman,
Trustees:

Re: Parcel Number 0012040, 0012306

There is increasing demand for natural gas due to residential, commercial, and industrial growth in Chatham and Lee counties. As a result, Enbridge Gas North Carolina (EGNC) needs to expand its gas infrastructure to continue providing safe, reliable, and affordable natural gas service for cooking, heating, and manufacturing. EGNC is in the early stages of designing the installation of a new natural gas pipeline in this area.

According to county property records, your property is within or adjacent to a potential route for the new pipeline. The purpose of this letter is to introduce the project to the landowners along the route and to inform you of what to expect for next steps. Pursuant to Chapter 40A-11 of the North Carolina General Statutes, EGNC is notifying you of planned surveys and other inspection activities on your property. This does not necessarily mean your property will be impacted by construction, but rather is intended to inform you of EGNC's need to conduct surveys and inspections for design purposes.

Sometime over the next few months, EGNC and/or a representative from Doyle Land Services (DLS) will reach out to you to discuss the survey process, answer any questions you may have, and learn about any features of your property that EGNC should be aware of prior to entry. HDR Engineering, Inc. (HDR) and S&ME, Inc., our contract surveyors, will then begin locating, marking, and staking the limits of the potential right-of-way. Crews will be working in a linear direction along the route, so you may not see activity near your property until later in the surveying process. This survey will identify the right-of-way EGNC may need and/or temporary construction easement locations that may be required. In order to complete the corridor survey, the survey team may need to locate the following on your property: boundary corners; overhead and underground utilities; buildings and permanent structures; as well as environmentally and culturally sensitive areas.

EGNC is planning to begin construction in the fall of 2027. If the new natural gas pipeline requires a right-of-way and/or a temporary construction easement on your property, a representative from DLS will reach out to you in the coming months and you will receive future notifications from EGNC with more detailed information about what to expect during the planning and construction processes.

If you would like to learn more about this project, please visit
EnbridgeGas.com/ChathamCountySystemExpansion.

Thank you,

Enbridge Gas North Carolina

EXHIBIT C

(4/24/26 Alderman Letter to EGNC)

John M. Alderman and Gloria R. Alderman
479 Rising Ridge
Siler City, NC 27344

April 2026

Justin Flora
Doyle Land Services (on behalf of Enbridge Gas North Carolina)

Re: Chatham County System Expansion Project – Formal Legal Demand and Targeted Discovery Requests

Mr. Flora:

You are currently the only direct point of contact we have been provided regarding the proposed Enbridge Gas North Carolina pipeline affecting our property. Accordingly, this correspondence is directed to you with the request that it be immediately forwarded to the appropriate Enbridge legal, regulatory, and project management personnel responsible for this project.

This letter constitutes a formal legal demand and targeted discovery request issued in anticipation of litigation to determine jurisdiction, statutory authority, and legal sufficiency of the proposed pipeline. These requests are made pursuant to N.C. Gen. Stat. §40A-11, Chapter 62, and applicable federal law including the Natural Gas Act (15 U.S.C. §717f). Failure to provide complete and accurate responses will be used as evidence of lack of public necessity and improper exercise of eminent domain authority.

1. Identify whether the proposed pipeline is interstate or intrastate, including all jurisdictional determinations.
2. Produce all filings with FERC, including docket numbers and any Certificate of Public Convenience and Necessity.
3. Produce all filings with the North Carolina Utilities Commission, including docket numbers and any CPCN approvals.
4. Identify all end users and provide quantified demand projections.
5. Produce all engineering and capacity analyses demonstrating need versus existing infrastructure.
6. Produce a complete routing alternatives analysis.
7. Produce all environmental and biological impact assessments.
8. Identify all properties where survey access has been requested and the legal basis for entry under §40A-11.
9. State the legal basis for any claimed eminent domain authority.
10. Produce all contracts or agreements with developers or third parties supporting this project.
11. Produce the full project timeline and regulatory milestones.
12. Produce internal communications regarding project purpose and justification.
13. Identify financial analyses supporting the project.
14. Produce documents demonstrating satisfaction of the 'public use' requirement under North Carolina law.

NOTICE: No consent is granted for entry, survey, or easement acquisition beyond strictly lawful limits. Any unauthorized entry, or failure to substantiate jurisdiction and public necessity, will result in immediate legal action.

Sincerely,

John M. Alderman
Gloria R. Alderman

EXHIBIT D

(4/26/26 Alderman Email to EGNC)

Matt Rhoad

From: John Alderman <aldermanjm@gmail.com>
Sent: Sunday, April 26, 2026 5:08 PM
To: jflora@doyleland.com; Emily Sutton; Megan Kimball; Ryke Longest; Lisa Sorg
Subject: Trespass on Alderman Tree Farm/Carbon Sequestration Woodland to install a new gas pipeline

Dear Mr. Flora:

I have received the Enbridge letter dated 16 April 2026 notifying us that Enbridge plans to trespass upon our actively managed and productive tree farm in Chatham County, North Carolina. I responded to Enbridge by sending a certified letter back to a Mr. Nick Almblade in New Orleans, Louisiana, on 24 April 2026. Mr. Almblade sent the certified Enbridge letter. In our letter, I requested specific things from Enbridge. All of these requests must be satisfied. Even after we receive a reply, no one associated with Enbridge is allowed upon our tree farm. This not just "any ol' tree farm." It serves multiple purposes: significant carbon sequestration, significant oxygen production, enhanced wildlife habitat, increased native biodiversity, future production of lumber used in structures for long-term storage of carbon, and numerous other functions. We are currently operating under a USDA grant focused upon these purposes, and our Forest Management Plan serves as a model for other tree farmers wishing to fulfill the same purposes.

Enbridge should also know that we live on our two parcels and actively manage our woodland. Further, as an environmental scientist who has worked as an endangered species biologist throughout the Southeast, I know firsthand the losses we have incurred via climate change. So, now in retirement, Gloria and I have become committed to living carbon negative for the rest of our lives. In addition to our forest management strategies, we live in a modern off-grid, basically fireproof house, charge our EV farm truck using solar power from our home, and charge other tools using our solar power. The only fossil fueled vehicle we have is a diesel tractor to help manage our land. It only requires a few gallons of diesel a month. So, we are now confronted with a use of our land that is completely contrary to our beliefs, and it will be a major taking of our property . . . no matter what anyone calls it.

If you wish to contact me in the future, please do so through email and copy it to the identified people listed under "To."

Justin, I respectfully request that you honor our wishes.

Sincerely,

John M. Alderman (electronic signature)

Gloria R. Alderman (electronic signature)

EXHIBIT E
(April 2026 Alderman Letter to EGNC)

Final Response Letter

April 2026

Enbridge Gas North Carolina

Re: Formal Legal Response – Proposed Pipeline

Dear Sir or Madam:

I acknowledge receipt of your April 16, 2026 correspondence regarding a proposed pipeline.

Your assertion of "increasing demand" is speculative and fails to establish a defined public necessity as required under North Carolina law.

Under N.C. Gen. Stat. §40A and the North Carolina Supreme Court's decision in *Town of Apex v. Rubin* (2025), any taking must be supported by a legitimate, non-pretextual public use.

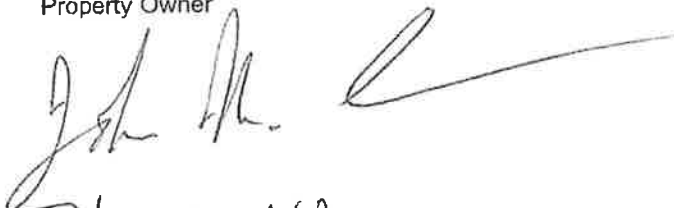
I request the following information: (1) identification of end users; (2) quantified demand; (3) routing alternatives analysis; (4) regulatory approvals; (5) environmental impact assessments.

My property is enrolled in a federally supported conservation program, creating additional environmental and policy considerations.

All rights are reserved. No consent is granted for easement acquisition or unnecessary entry beyond lawful limits.

Failure to provide adequate justification will result in formal legal challenge.

Sincerely,
Property Owner


John M Alderman
479 Rising Rdg.
Siler City, NC 27344


Gloria Alderman
479 Rising Rdg.
Siler City, NC 27344

EXHIBIT F
(5/20/26 EGNC Letter to Alderman)

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

OFFICES

150 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601

MATTHEW D. RHOAD
DIRECT DIAL: (919) 821-6748
E-Mail: mrhoad@smithlaw.com

LAWYERS

May 20, 2026

MAILING ADDRESS

P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

Via FedEx

John M. Alderman & Gloria R. Alderman, Trustees
John and Gloria Alderman Revocable Trust
479 Rising Ridge
Siler City, NC 27344

Re: Enbridge Gas North Carolina Property Inspection
Chatham County Parcel Nos: 0012040 and 0012306 (the "Property")
EGNC Tracts CH-040 and CH-041.5

Dear Mr. and Mrs. Alderman:

Our firm represents Public Service Company of North Carolina, Inc. d/b/a Enbridge Gas North Carolina ("EGNC") in connection with the planning and installation of a new natural gas pipeline in Chatham County, North Carolina, to ensure EGNC's ability to continue to safely, reliably, and efficiently provide natural gas service to the public.

By letter dated April 16, 2026, EGNC notified you that, pursuant to N.C. Gen. Stat. §40A-11, EGNC and its contractors intend to enter upon the Property no sooner than thirty (30) days from that date to perform surveys and inspections to help determine the route for this new pipeline. The letter also requested that you consent to allow EGNC to enter the Property for such purposes prior to such thirty (30) day statutory period running.

My understanding is that you have indicated that you will not allow such inspections of the Property. However, pursuant to N.C. Gen. Stat. §40A-11 (a copy of which I enclose for your reference), once thirty (30) days had passed from that notice, EGNC acquired the legal right to enter the Property to "make surveys, borings, examinations, and appraisals as may be necessary or expedient" for EGNC's planning of the project. Accordingly, as of May 16, 2026, EGNC has the legal right to enter the Property for such purposes without your consent. Note that pursuant to that statute EGNC will be liable for any damages resulting from its entry on the Property.

EGNC intends to enter the Property for the above-stated purposes in the near future. We request your cooperation in EGNC's exercise of this legal authority. Please feel free to contact me if you have any questions.

Sincerely,

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

By: 

Matthew D. Rhoad

enclosure

cc: Mr. Jeffrey Arrington (via email)

#14560489v1

§ 40A-11. Right of entry prior to condemnation.

Any condemnor without having filed a petition or complaint, depositing any sum or taking any other action provided for in this Chapter, is authorized to enter upon any lands, but not structures, to make surveys, borings, examinations, and appraisals as may be necessary or expedient in carrying out and performing its rights or duties under this Chapter. The condemnor shall give 30 days' notice in writing to the owner at his last known address and the party in possession of the land of the intended entry authorized by this section.

Entry under this section shall not be deemed a trespass or taking within the meaning of this Chapter, however, the condemnor shall make reimbursement for any damage resulting from such activities, and the owner is entitled to bring an action to recover for the damage. If the owner recovers damages of twenty-five percent (25%) over the amount offered by the condemnor for reimbursement for its activities the court, in its discretion, may award reasonable attorney fees to the owner. (1981, c. 919, s. 1.)

EXHIBIT G
(5/22/26 Alderman Email to EGNC)

Matt Rhoad

From: John Alderman <aldermanjm@gmail.com>
Sent: Friday, May 22, 2026 7:50 AM
To: Matt Rhoad; jflora@doyleland.com
Cc: Shiloh Daum; Emily Sutton; jason@restoration.land; liz@restoration.land
Subject: No Trespassing on Alderman Parcels 12040 and 12306

Categories: Important

External:

Dear Mr. Rhoad:

I have not received the same recent letter written to my neighbors advising them that surveyors will trespass on their property soon. Given these letters, I want to make it clear that under no circumstances will we allow trespass on our working farm (business) to allow another business (Enbridge) to ultimately take part of our business. I object to any entry onto our property by Enbridge Gas North Carolina or its contractors. Our position is that the proposed entry is prohibited under the North Carolina Constitution as recognized in the North Carolina Supreme Court decision in Town of Apex v. Rubin. While Enbridge Gas North Carolina relies upon N.C.G.S. §40A-11, the North Carolina Constitution controls over any statute where constitutional private property protections are implicated. We do not agree that the statute authorizes entry onto private property under these circumstances. The proposed activities involve significant constitutional and legal issues concerning private property rights, physical invasion of land, agricultural and forestry uses, and the scope of any claimed eminent domain authority. These highly complex issues should be resolved by the courts before any entry for surveying occurs. Accordingly, I do not consent to entry onto our property and reserve all our constitutional and legal rights. Failure to honor our request will be considered acts of harassment.

Sincerely,

John M. Alderman

479 Rising Rdg.

Siler City, NC 27344

EXHIBIT H

(5/26/26 EGNC Email to Alderman)

Matt Rhoad

From: Matt Rhoad
Sent: Tuesday, May 26, 2026 3:00 PM
To: John Alderman; jflora@doyleland.com
Cc: Shiloh Daum; Emily Sutton; jason@restoration.land; liz@restoration.land
Subject: RE: No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]
Attachments: Duke Power Co v Herndon.pdf

Mr. Alderman,

Thank you for your email. Trespass is an *unauthorized* entry onto real property. As my letter explains, and I am sure Mr. Daum will confirm, NC Gen Stat 40A-11 authorizes Enbridge to enter property after giving 30 days' written notice. Accordingly, any entry by Enbridge 30 days or more after providing you notice is authorized by law and cannot be a trespass. If you can point me to any legal authority for your assertion that 40A-11 is unconstitutional (other than Rubin, which does not support that position), I will be happy to review it as I am not aware of any such case law. To the contrary, Duke Power Co. v. Herndon, 175 N.C. App. 724 (1975) (copy attached) specifically holds that an entry onto property for surveying under NC Gen Stat 40-3 (now 40A-11) is constitutional and does not constitute a taking.

Enbridge has a legal right to enter the property under 40A-11 and plans to have surveyors on the property this week or next week. If you obstruct or interfere with that entry, Enbridge will have no other option but to obtain a temporary restraining order prohibiting you from interfering with its legal rights and ask the court to order you to pay their attorneys' fees incurred in obtaining the TRO. I sincerely hope that won't be necessary.

Thank you for your attention to this matter.

Matt

MATTHEW D. RHOAD | PARTNER

mrhoad@smithlaw.com | [bio](#)

o: 919.821.6748 | smithlaw.com | [map](#)



[Sign up](#) to receive legal updates

From: John Alderman <aldermanjm@gmail.com>
Sent: Friday, May 22, 2026 7:50 AM
To: Matt Rhoad <mrhoad@smithlaw.com>; jflora@doyleland.com

Cc: Shiloh Daum <shiloh@swp-legal.com>; Emily Sutton <emily@hawriver.org>; jason@restoration.land;
liz@restoration.land

Subject: No Trespassing on Alderman Parcels 12040 and 12306

External:

Dear Mr. Rhoad:

I have not received the same recent letter written to my neighbors advising them that surveyors will trespass on their property soon. Given these letters, I want to make it clear that under no circumstances will we allow trespass on our working farm (business) to allow another business (Enbridge) to ultimately take part of our business. I object to any entry onto our property by Enbridge Gas North Carolina or its contractors. Our position is that the proposed entry is prohibited under the North Carolina Constitution as recognized in the North Carolina Supreme Court decision in Town of Apex v. Rubin. While Enbridge Gas North Carolina relies upon N.C.G.S. §40A-11, the North Carolina Constitution controls over any statute where constitutional private property protections are implicated. We do not agree that the statute authorizes entry onto private property under these circumstances. The proposed activities involve significant constitutional and legal issues concerning private property rights, physical invasion of land, agricultural and forestry uses, and the scope of any claimed eminent domain authority. These highly complex issues should be resolved by the courts before any entry for surveying occurs. Accordingly, I do not consent to entry onto our property and reserve all our constitutional and legal rights. Failure to honor our request will be considered acts of harassment.

Sincerely,

John M. Alderman

479 Rising Rdg.

Siler City, NC 27344

26 N.C.App. 724

Court of Appeals of North Carolina.

DUKE POWER COMPANY

v.

Fred J. HERNDON and wife et al.

No. 7514SC216.

|

Aug. 6, 1975.

Synopsis

Public utility brought suit to enjoin property owners from interfering with survey of defendants' property to determine what portion, if any, of defendants' properties would be needed for right-of-way for transmission lines. The Superior Court, Durham County, Clarence W. Hall, J., entered preliminary injunction and defendants appealed. The Court of Appeals, Brock, C.J., held that preliminary injunction was not improper on theory it granted all relief public utility might obtain in a trial on the merits where injury suffered by defendants from the survey would be small compared to injury suffered by plaintiff and public if plaintiff was denied its right to proceed with its preliminary survey; and that statute authorizing utility to enter for purpose of conducting preliminary survey is constitutional on its face and as applied to defendant.

Affirmed.

Procedural Posture(s): On Appeal; Motion for Preliminary Injunction.

West Headnotes (6)

- [1] **Injunction** ⇌ Necessary and indispensable parties

Holder of right-of-way across defendant's properties for underground gas pipeline and holder of easement for railroad right-of-way were not necessary parties to suit by public utilities for injunction to restrain defendant from interfering with public utility's conducting a survey across defendants' properties for purpose of locating right-of-way for electricity transmission lines. G.S. § 40-1 et seq.

- [2] **Eminent Domain** ⇌ When taking is complete; date of taking

Entry on land for purpose of making survey of proposed route of right-of-way for electricity transmission line did not constitute a "taking." G.S. §§ 40-3, 40-11.

1 Case that cites this headnote

- [3] **Injunction** ⇌ Gas and electricity

When entry on land for purpose of conducting survey to locate right-of-way for electricity transmission lines is resisted in such a way as to make probable a clash between landowner and the proposing condemnor's representatives, and thereby defeat the investigation and survey assured by statute, injunction is the proper remedy. G.S. § 40-3.

2 Cases that cite this headnote

- [4] **Injunction** ⇌ Effect of granting full relief on merits

Whether preliminary injunction grants all relief plaintiff might obtain in a trial on the merits and thereby has changed the status quo is ordinarily a proper test in weighing the propriety of interlocutory injunction.

- [5] **Injunction** ⇌ Gas and electricity

Preliminary injunction restraining property owners from interfering with public utility's survey for purpose of locating right-of-way for electricity transmission lines, was not improper on theory that it granted all relief the public utility might obtain in a trial on the merits. G.S. §§ 40-3, 40-11.

- [6] **Eminent Domain** ⇌ Validity

Statute permitting public utility to go upon defendants' property to conduct survey to locate right-of-way for electricity transmission line is

constitutional on its face and as applied to property owners. G.S. § 40-3.

1 Case that cites this headnote

***725 **83** Plaintiff, a public utility, instituted this action, alleging in substance that plaintiff believes it will be necessary to construct lines over the properties of defendants for the purpose of transmitting electricity between plaintiff's Parkwood substation and other substations operated by plaintiff; that in order to determine what portion, if any, of defendants' properties will be needed for a right-of-way for the lines, it is necessary for plaintiff's agents to go upon defendants' properties for the purpose of conducting a survey; and that plaintiff has requested of defendants, and defendants have denied, permission for plaintiff's agents to go upon defendants' properties to conduct a survey. Plaintiff prayed that defendants be enjoined from interfering with the exercise of plaintiff's rights and duties under G.S., Chap. 40.

Plaintiff served upon defendants on 27 November 1974 a notice of its motion for a preliminary injunction. The motion for preliminary injunction was heard by Judge Hall at the 9 December 1974 and the 16 December 1974 Sessions of Superior Court held in Durham County. The hearing was upon the complaint, plaintiff's affidavits, and argument of counsel. On 18 December 1974 Judge Hall entered a preliminary injunction which enjoined defendants from interfering with plaintiff's agents in going upon defendants' properties for the purpose ****84** of surveying and locating the right-of-way proposed by plaintiff.

Defendant appealed.

Attorneys and Law Firms

Newsom, Graham, Strayhorn, Hedrick, Murray & Bryson by James L. Newsom, James T. Hedrick, and K. Byron McCoy, Durham, for plaintiff.

Harriss, Ruis & Milligan by Ronald H. Ruis, Durham, for defendants.

Opinion

***726 BROCK**, Chief Judge.

Prior to the hearing in the trial court, defendants filed a motion to dismiss this action for failure of plaintiff to join

necessary parties defendant and, in the alternative, to bring in the additional parties.

[1] The parties which defendants contend are necessary parties are Public Service Company of North Carolina and Durham and South Carolina Railroad Company. Defendants allege that Public Service is the holder of a 50 foot right-of-way across defendants' properties for an underground gas pipeline. They allege that Durham and South Carolina Railroad is the holder of an easement across defendants' properties for a railroad right-of-way. Assuming defendants' allegations to be correct, we conclude that the controversy between plaintiff and defendants can be fully adjudicated without the presence of these additional parties. The denial of defendants' motion to dismiss and the denial of defendants' motion for additional parties are affirmed.

Defendants argue that the preliminary injunction denied them due process of law because it granted the ultimate relief prayed for in the complaint before a trial on the merits could determine the rights of the parties.

General Statute s 40—3 provides that those corporations to which are granted the right of eminent domain under G.S. s 40—2 'may at any time enter upon the lands through which they may desire to conduct the . . . works authorized under s 40—2 and lay out the same . . .'. The statute also provides for compensation for damage done to the lands by reason of the entry to lay out the route of the works. General Statute s 40—11 et seq., provides the manner for determining damages for the taking of the fee or an easement, if such is later taken. For many years our courts have recognized such a statutory right of entry for the purpose of laying out the route to be condemned. See *State v. Wells*, 142 N.C. 590, 55 S.E. 210 (1906); *Penn v. Coastal Corp.*, 231 N.C. 481, 57 S.E.2d 817 (1950).

[2] The present action is not an action to condemn a right-of-way across defendants' lands. This is an action to enforce the statutory right of plaintiff under G.S. s 40—3 to 'enter upon' defendants' lands for the purpose of making a survey of the proposed route. Such a survey clearly is necessary before plaintiff can undertake intelligent negotiations with defendants for a purchase of the route, or, failing in negotiations with defendants, ***727** before it can institute condemnation proceedings. General Statute s 40—12 requires that a petition for condemnation 'must contain a description of the real estate which the corporation seeks to acquire.' 'It is for the condemnor to determine what land it seeks to condemn (*Morganton v. Hutton & Bourbonnais Company*, 251 N.C. 531, 112 S.E.2d 111) and to describe it

in its petition by reference to uncontroverted monuments.' Light Company v. Creasman, 262 N.C. 390, 397, 137 S.E.2d 497, 502 (1964). An entry under G.S. s 40—3 for the purpose of laying out the proposed route for an easement does not constitute a taking. Penn v. Coastal Corp., supra, 231 N.C. at 485, 57 S.E.2d 817.

[3] When an entry for the statutory purpose (G.S. s 40—3) is resisted in such a way as to make probable a clash between the landowner and the proposing condemnor's representatives, and thereby defeat the investigation and survey assured by the statute, no other remedy is afforded except that of injunctive process. **85 Alabama Interstate Power Co. v. Mt. Vernon-Woodberry Cotton Duck Co., 186 Ala. 622, 65 So. 287 (1913), Aff'd, 240 U.S. 30, 36 S.Ct. 234, 60 L.Ed. 507 (1916).

[4] [5] Defendants contend that the order granting the preliminary injunction should not be allowed to stand because it grants all relief plaintiff might obtain in a trial on the merits, and thereby has changed the status quo. Although the principle argued by defendants is ordinarily a proper test in weighing the propriety of an interlocutory injunction, it is untenable under the facts presented in this case. In the first place, since plaintiff had the statutory right to enter upon the property to make its preliminary survey, the status quo is a condition of action, not one of rest. Lewis v. Texas Power & Light Co., 276 S.W.2d 950 (Tex.Ct.Civ.App.1955); 42 Am.Jur.2d Injunctions s 13 (1969). In the second place, the trial judge weighed the relative convenience and inconvenience and the comparative injuries to the parties and to the public which would arise from granting or refusing the preliminary injunction, and found the equities to lie with plaintiff and the public. There appears little doubt that plaintiff has the statutory right to acquire easement rights over defendants' lands, either by voluntary conveyance or by condemnation. Therefore, the injury suffered by the defendants from the survey will be

small compared to the injury suffered by the plaintiff and the public if plaintiff is denied its statutory right to proceed with its preliminary survey. Indeed, plaintiff has posted bond to indemnify defendants for all *728 physical damage to their property by reason of the preliminary survey.

Defendants are not left to the mercy of plaintiff by the provisions of G.S. s 40—3 or by the provisions of the preliminary injunction. In the event of a showing of abuse of its rights by plaintiff or a showing that plaintiff is exceeding its rights, defendants have relief available through the injunctive process.

[6] Defendants argue that G.S. s 40—3 is unconstitutional. The entry for the purpose of making a preliminary survey of the route proposed for purchase or condemnation does not amount to a taking of private property. Penn v. Coastal Corp., supra. 'Statutes authorizing bodies having the power of eminent domain to enter onto land for purposes of conducting preliminary surveys and the like, containing no provision for compensation to the landowner for such use of the land, have been upheld as not violative of constitutional provisions against the taking of private property for public purposes without prior payment of just compensation.' Annot., Eminent Domain: Right to Enter Land For Preliminary Survey or Examination, 29 A.L.R.3d 1104, s 4(b) (1970). In our opinion G.S. s 40—3 is constitutional on its face and as applied to defendants in this case.

Affirmed.

CLARK and ARNOLD, JJ., concur.

All Citations

26 N.C.App. 724, 217 S.E.2d 82

EXHIBIT I
(5/26/26 Alderman Email to EGNC)

Matt Rhoad

From: John Alderman <aldermanjm@gmail.com>
Sent: Tuesday, May 26, 2026 6:53 PM
To: Matt Rhoad; jflora@doyleland.com
Cc: Emily Sutton; jason@restoration.land; liz@restoration.land
Subject: Re: No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

Follow Up Flag: Flag for follow up
Flag Status: Flagged

External:

Mr. Rhoad:

I do not agree with your opinions. Please keep your surveyors and geotechnical personnel off our property. Be advised, we are country folk and target practice most hours of the day. That's the way it is in rural Chatham County. If Enbridge ever gains access to our property, it is essential that we know the mutually convenient date and time of the trespass. That way, friends and family on our land can be told to cease their practicing for a specific time or location. This is not a threat in any way; it is simply a precaution. Also, as advised by the sheriff's office, they want to have an officer out here if surveyors are ever allowed on our land. They want to protect your personnel and us.

Thanks.

John

On 5/26/2026 3:00 PM, Matt Rhoad wrote:

Mr. Alderman,

Thank you for your email. Trespass is an *unauthorized* entry onto real property. As my letter explains, and I am sure Mr. Daum will confirm, NC Gen Stat 40A-11 authorizes Enbridge to enter property after giving 30 days' written notice. Accordingly, any entry by Enbridge 30 days or more after providing you notice is authorized by law and cannot be a trespass. If you can point me to any legal authority for your assertion that 40A-11 is unconstitutional (other than Rubin, which does not support that position), I will be happy to review it as I am not aware of any such case law. To the contrary, Duke Power Co. v. Herndon, 175 N.C. App. 724 (1975) (copy attached) specifically holds that an entry onto property for surveying under NC Gen Stat 40-3 (now 40A-11) is constitutional and does not constitute a taking.

Enbridge has a legal right to enter the property under 40A-11 and plans to have surveyors on the property this week or next week. If you obstruct or interfere with that entry, Enbridge will have no other option but to obtain a temporary restraining order prohibiting you from

interfering with its legal rights and ask the court to order you to pay their attorneys' fees incurred in obtaining the TRO. I sincerely hope that won't be necessary.

Thank you for your attention to this matter.

Matt

MATTHEW D. RHOAD | PARTNER

mrhoad@smithlaw.com | [bio](#)

o: 919.821.6748 | smithlaw.com | [map](#)



[Sign up](#) to receive legal updates

From: John Alderman <aldermanjm@gmail.com>

Sent: Friday, May 22, 2026 7:50 AM

To: Matt Rhoad <mrhoad@smithlaw.com>; jflora@doyleland.com

Cc: Shiloh Daum <shiloh@swp-legal.com>; Emily Sutton <emily@hawriver.org>; jason@restoration.land; liz@restoration.land

Subject: No Trespassing on Alderman Parcels 12040 and 12306

External:

Dear Mr. Rhoad:

I have not received the same recent letter written to my neighbors advising them that surveyors will trespass on their property soon. Given these letters, I want to make it clear that under no circumstances will we allow trespass on our working farm (business) to allow another business (Enbridge) to ultimately take part of our business. I object to any entry onto our property by Enbridge Gas North Carolina or its contractors. Our position is that the proposed entry is prohibited under the North Carolina Constitution as recognized in the North Carolina Supreme Court decision in Town of Apex v. Rubin. While Enbridge Gas North Carolina relies upon N.C.G.S. §40A-11, the North Carolina Constitution controls over any statute where constitutional private property protections are implicated. We do not agree that the statute authorizes entry onto private property under these circumstances. The proposed activities involve significant constitutional and legal issues concerning private property rights, physical invasion of land, agricultural and forestry uses, and the scope of any claimed eminent domain authority. These highly complex issues

should be resolved by the courts before any entry for surveying occurs. Accordingly, I do not consent to entry onto our property and reserve all our constitutional and legal rights. Failure to honor our request will be considered acts of harassment.

Sincerely,

John M. Alderman

479 Rising Rdg.

Siler City, NC 27344

IMPORTANT: This e-mail message is intended solely for the individual or individuals to whom it is addressed. It may contain confidential attorney-client privileged information and attorney work product. If the reader of this message is not the intended recipient, you are requested not to read, copy or distribute it or any of the information it contains. Please delete it immediately and notify us by return e-mail or by telephone (919) 821-1220.

EXHIBIT J

(6/21/26 Alderman Email to EGNC)

Matt Rhoad

From: John Alderman <aldermanjm@gmail.com>
Sent: Sunday, June 21, 2026 3:45 PM
To: Matt Rhoad
Cc: jflora@doyleland.com; Emily Sutton; jason@restoration.land; liz@restoration.land; John Alderman
Subject: VAD Farms and No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

Categories: Important

External:

Dear Mr. Rhoad,

I am writing to clarify that our 195.8-acre farm is enrolled in Chatham County's Voluntary Agricultural District (VAD) program, as authorized under N.C. General Statutes §§ 106-735 through 106-744 and Chapter 153A, and strengthened by the General Assembly in 2025. Nine additional VAD farm parcels fall within the currently proposed 28-mile Enbridge Gas North Carolina pipeline route.

State law requires that VAD farms receive heightened consideration and protection, including a full evaluation of public need, alternatives, and impacts on agricultural operations. Based on the information shared to date, these requirements have not been met.

Because Enbridge is still in the very early stages of project planning—we first received notice on April 16, 2026—we expect the company to follow the established VAD protections and to fully evaluate alternatives that avoid impacts to enrolled farms. Until that process is completed and an appropriate alternative is identified, we are not granting access to our property for project-related activities.

We encourage Enbridge to follow the example set by NCDOT and other agencies that work proactively to protect North Carolina's VAD farms and the agricultural communities they support.

Sincerely,

John M. Alderman

EXHIBIT K

(6/24/26 Alderman Letter to EGNC)

6/24/2026

BE ADVISED:

STAY OFF OUR PROPERTY.
PARCELS 12840, 12306

THESE ARE VAD PARCELS
AND PROTECTED BY
STATE LAW.

JOHN M. ADERMAN

MESSAGE PHOTOGRAPHED
AND PLACED ON YOUR VEHICLE.
SENDING TO CHATHAM CO. SHERIFF

EXHIBIT L

(7/6/26 EGNC Email to Alderman)

Matt Rhoad

From: Matt Rhoad
Sent: Monday, July 6, 2026 10:00 AM
To: John Alderman
Subject: RE: VAD Farms and No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

Mr. Alderman,

Thank you for your email. I'm sorry for the slow response – I was out of the office until late last week. I am also aware of the letter you hand delivered to the surveyor again refusing access to your property. We are aware of the VAD program and the properties within the survey corridor that are enrolled in the program. I assure you that EGNC is following all applicable laws in conducting its surveys and investigations and in planning the pipeline route, including the statutes relating to VAD. That being said, EGNC's right to enter the property pursuant to NC Gen. Stat. 40A-11 does not have any preconditions other than providing 30 days' written notice, which EGNC has done. Accordingly, the VAD statutes have no bearing on EGNC's right to enter the property to perform its investigations and do not provide a basis for you to deny such entry.

EGNC plans to have surveyors on the property, as it is legally permitted to do, later this week.

Thanks,
Matt

MATTHEW RHOAD | PARTNER

mrhoad@smithlaw.com | o: 919.821.6748 | m: 919.601.3728

[bio](#) | [vcard](#)

[SmithLaw.com](#) | [LinkedIn](#) | [map](#)



SMITH ANDERSON

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From: John Alderman <aldermanjm@gmail.com>

Sent: Sunday, June 21, 2026 3:45 PM

To: Matt Rhoad <mrhoad@smithlaw.com>

Cc: jflora@doyleland.com; Emily Sutton <emily@hawriver.org>; jason@restoration.land; liz@restoration.land; John Alderman <aldermanjm@gmail.com>

Subject: VAD Farms and No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

External:

Dear Mr. Rhoad,

I am writing to clarify that our 195.8-acre farm is enrolled in Chatham County's Voluntary Agricultural District (VAD) program, as authorized under N.C. General Statutes §§ 106-735 through 106-744 and Chapter 153A, and strengthened by the General Assembly in 2025. Nine additional VAD farm parcels fall within the currently proposed 28-mile Enbridge Gas North Carolina pipeline route.

State law requires that VAD farms receive heightened consideration and protection, including a full evaluation of public need, alternatives, and impacts on agricultural operations. Based on the information shared to date, these requirements have not been met.

Because Enbridge is still in the very early stages of project planning—we first received notice on April 16, 2026—we expect the company to follow the established VAD protections and to fully evaluate alternatives that avoid impacts to enrolled farms. Until that process is completed and an appropriate alternative is identified, we are not granting access to our property for project-related activities.

We encourage Enbridge to follow the example set by NCDOT and other agencies that work proactively to protect North Carolina's VAD farms and the agricultural communities they support.

Sincerely,

John M. Alderman

EXHIBIT M

(7/6/26 Alderman Email to EGNC)

Matt Rhoad

From: John Alderman <aldermanjm@gmail.com>
Sent: Monday, July 6, 2026 10:06 AM
To: Matt Rhoad; John Alderman; Lisa Sorg; Gene Galin
Subject: Re: VAD Farms and No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

Categories: Important

External:

As I said, no surveyors. Period. I only listen to the courts. You must have such orders and coordinate with me on a date and time, so I can have a deputy present at all times.

John

On Mon, Jul 6, 2026 at 10:00 AM Matt Rhoad <mrhoad@smithlaw.com> wrote:

Mr. Alderman,

Thank you for your email. I'm sorry for the slow response – I was out of the office until late last week. I am also aware of the letter you hand delivered to the surveyor again refusing access to your property. We are aware of the VAD program and the properties within the survey corridor that are enrolled in the program. I assure you that EGNC is following all applicable laws in conducting its surveys and investigations and in planning the pipeline route, including the statutes relating to VAD. That being said, EGNC's right to enter the property pursuant to NC Gen. Stat. 40A-11 does not have any preconditions other than providing 30 days' written notice, which EGNC has done. Accordingly, the VAD statutes have no bearing on EGNC's right to enter the property to perform its investigations and do not provide a basis for you to deny such entry.

EGNC plans to have surveyors on the property, as it is legally permitted to do, later this week.

Thanks,

Matt

MATTHEW RHOAD | PARTNER

mrhoad@smithlaw.com | o: 919.821.6748 | m: 919.601.3728



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From: John Alderman <aldermanjm@gmail.com>

Sent: Sunday, June 21, 2026 3:45 PM

To: Matt Rhoad <mrhoad@smithlaw.com>

Cc: jflora@doyleland.com; Emily Sutton <emily@hawriver.org>; jason@restoration.land; liz@restoration.land; John Alderman <aldermanjm@gmail.com>

Subject: VAD Farms and No Trespassing on Alderman Parcels 12040 and 12306 [SMITHLAW-RDU.009726.00569]

External:

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Sincerely,

IMPORTANT: This e-mail message is intended solely for the individual or individuals to whom it is addressed. It may contain confidential attorney-client privileged information and attorney work product. If the reader of this message is not the intended recipient, you are requested not to read, copy or distribute it or any of the information it contains. Please delete it immediately and notify us by return e-mail or by telephone (919) 821-1220.