

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2007 OCT 22 PM 4: 08

SUPERIOR COURT DIVISION

COUNTY OF BUNCOMBE

FILE NO. 07 CVS 4914

BUNCOMBE COUNTY C.S.C.

Roger and Joellen Johnson,
Plaintiffs,

BY _____)

vs.)

Tedd M. Pearce and Jeannie Pearce, individually)

and d/b/a Regal Homes, Tedd Pearce, Inc.,)

Edward T. Vogel and Karen K. Vogel, individually)

and d/b/a Vogel Enterprises,)

Defendants.)

COMPLAINT

NOW COME the Plaintiffs, by and through undersigned Counsel, complaining of the Defendants say and allege as follows:

1. That the Plaintiffs are citizens and residents of North Carolina.
2. That the Defendants Tedd M. Pearce and Jeannie Pearce, individually and d/b/a Regal Homes, (hereinafter collectively referred to as "Pearce"), upon information and belief are citizens and residents of North Carolina.
3. That the Defendant Tedd Pearce, Inc., upon information and belief, is a lawfully formed corporate entity under the laws of North Carolina and is authorized to do business in the state of North Carolina.
4. That the Defendants Edward T. Vogel and Karen K. Vogel, individually and d/b/a Vogel Enterprises, upon information and belief, are citizens and residents of North Carolina.
5. That on or about October 1, 2004, the Plaintiffs purchased from Pearce a constructed home and lot located at 520 Red Fox Court, Hendersonville, NC 28792 and being referred to as Lot 32 of The Ledges of Hidden Hills (said home and lot hereinafter referred to as the "Property"). A deed for same being recorded in Deed Book 1200, Page 742, of the Hederson County Registry.
6. At the time of the sale and related contract to purchase, Pearce held himself out as a reputable builder and that this Property was a like-new construction spec house that he built. In the course of negotiations to purchase the home, Ted Pearce represented himself as a licensed and insured builder and provided the Plaintiffs a business card indicating that he is the president of Tedd Pearce, Inc.
7. At said time, Ted Pearce also held himself out as doing business under the name of Regal Homes.

