

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
FILED SUPERIOR COURT DIVISION
FILE NO. 17 CVS 01188

PHG ASHEVILLE, LLC,

Petitioner,

v.

CITY OF ASHEVILLE,

Respondent.

) 2017 NOV 29 A 10:13

) BUNCOMBE CO., C.S.C.

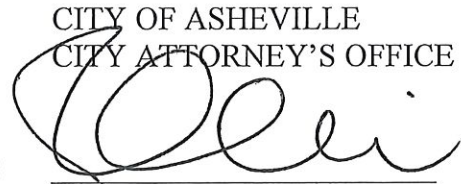
) BY WAC **NOTICE OF APPEAL**

NOW COMES Respondent, the City of Asheville, by and through undersigned counsel, pursuant to Rule 3 of the North Carolina Rules of Appellate Procedure, and hereby gives Notice of Appeal to the North Carolina Court of Appeals from the final Order entered in the above-captioned case by the Honorable William H. Coward on November 2, 2017, which Order ruled in favor of Petitioner, PHG Asheville, LLC on Petitioner's Petition for Writ of Certiorari and held that Petitioner's application for a Conditional Use Permit for a hotel at 192 Haywood Street in the City of Asheville was wrongfully denied, and remanded the case to the Asheville City Council and directed the City Council to issue Petitioner a Conditional Use Permit.

RESPECTFULLY SUBMITTED, this the 29th day of November, 2017.

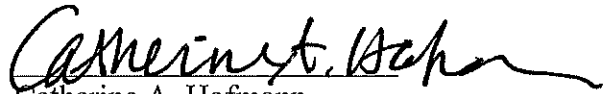
CITY OF ASHEVILLE
CITY ATTORNEY'S OFFICE

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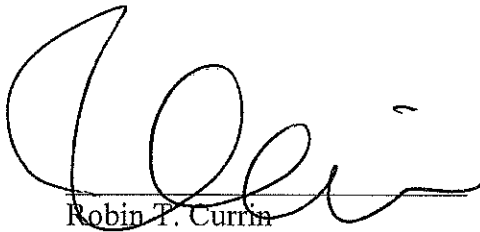
chofmann@ashevillenc.gov

CERTIFICATE OF SERVICE

This is to certify that the foregoing *Notice of Appeal* has been duly served by depositing a copy of the same in the United States mail, first class, postage pre-paid, to the following:

Thomas E. Terrell, Jr.
Kip D. Nelson
Smith Moore Leatherwood, LLP
Post Office Box 21927
Greensboro, NC 27420

This the 29th day of November, 2017.



Robin T. Curran