



## News & Trending

NEWS

### N.C. LAWYERS WEEKLY QUOTES PARTNER MATT RHOAD ON UTILITY EASEMENT ENCROACHMENT SUIT

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By Phillip Bantz

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For the past nine years the decision in *Pottle v. Link* has been law and the statute of limitations for bringing an action to remove an encroachment from an easement in North Carolina has been six years from the date the encroachment was installed. But the North Carolina Supreme Court unanimously overruled *Pottle* on August 19 with a decision in *Duke Energy Carolinas, LLC v Gray* that extends the clock from six to 20 years – as it had been prior to *Pottle* – a move that utility companies across the state are applauding.

Reporting on the case, [North Carolina Lawyers Weekly's](#) Phillip Bantz asked partner [Matt Rhoad](#) to explain how continuing to apply the shorter statute of limitations to encroachment actions would jeopardize the state's infrastructure and result in higher utility costs for residents.

"This is something that has been kind of festering since 2007," said Matt, who wrote the Public Service Company of North Carolina's amicus brief in support of Duke Energy. "It never would have happened if utility companies had been involved [in *Pottle*] at the trial court level. *Pottle* was really a break from what had always been the case."

Matt added that *Pottle* would create an enormous hardship for public utility companies, which potentially could affect all North Carolina citizens by way of rate increases and safety hazards and adversely impact service reliability.

Matt Rhoad has significant experience in public utility real estate issues, including right-of-way acquisitions and condemnation/ eminent domain; easement negotiation and drafting; land use and zoning; real estate development; commercial real estate transactions; negotiating and litigating boundary and encroachment disputes; and title disputes.

The [full article](#) is available to *North Carolina Lawyers Weekly* subscribers.

## PROFESSIONALS

[Matthew D. Rhoad](#)

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