

COURT OF APPEALS OF NORTH CAROLINA

Eagles v. Integon Indem. Corp.; Integon Indem. Corp. v. Eagles

Eagles v. Integon Indemnity Corp.; Integon Indemnity Corp. v. Eagles, Nos. COA25-263, COA25-264 · No. Nos. COA25-263, COA25-264 · Decided January 21, 2026

SUMMARY

The North Carolina Court of Appeals addresses two related appeals arising from claims concerning automobile insurers’ handling of settlement demands following a \$40 million wrongful-death judgment. The court holds that Integon National Insurance Company lacked standing when it filed the Forsyth County declaratory-judgment action, requiring dismissal without prejudice, and affirms the denial of Integon Indemnity Corporation’s motion challenging venue in the Nash County action. The court also concludes that the receivers’ residence made Nash County a legally proper venue.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge Valerie Zachary; Chief Judge Dillon; Judge Zachary; Judge Freeman
JURISDICTION	North Carolina Court of Appeals
DECIDED	January 21, 2026
DOCKET	Nos. COA25-263, COA25-264
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Integon Indemnity appealed interlocutory orders entered in two related actions. In the Forsyth County declaratory-judgment action, it challenged abatement of the action and denial of reconsideration of an order denying its motion to compel a deposition. In the Nash County action, it challenged denial of its motion to dismiss for improper venue or, alternatively, to transfer venue or stay the proceedings.
STANDARD OF REVIEW	Subject-matter jurisdiction and proper venue under the applicable substantive venue statute are reviewed de novo. A discretionary ruling on a motion to change venue is reviewed for manifest abuse of discretion. Interlocutory appeals generally require an order affecting a substantial right.
PRECEDENTIAL VALUE	published and precedential

PARTIES

Integon Indemnity Corporation v. Benjamin L. Eagles, in his capacity as court-appointed Receiver for Shemaro Deann Webb, Joseph P. Tunstall, in his capacity as court-appointed Receiver for LaDorothy Foreman

TOPICS

subject matter jurisdiction standing venue appellate jurisdiction declaratory judgment

PRACTICE AREAS

civil procedure appellate procedure insurance contracts remedies

QUESTIONS PRESENTED

1. Whether the Forsyth County declaratory-judgment action was valid when it was initially filed by Integon National Insurance Company, which did not issue the relevant insurance policies and therefore lacked standing.
2. Whether the trial court had authority to permit amendment substituting Integon Indemnity as plaintiff after the action was filed by a plaintiff lacking standing.
3. Whether the Court of Appeals had interlocutory jurisdiction over Integon Indemnity's appeal from denial of its motion to dismiss the Nash County action for improper venue.
4. Whether Nash County was a legally proper venue for the receivers' claims against Integon Indemnity.
5. Whether the Franklin County receivership order authorized the appointing court to retain exclusive jurisdiction over future claims brought by the receivers or otherwise displaced the general venue statute.

HOLDINGS

1. Integon National lacked standing to bring the Forsyth County declaratory-judgment action because Integon Indemnity, not Integon National, issued the relevant insurance policies. The complaint was therefore a nullity and the trial court lacked subject-matter jurisdiction.
2. The trial court could not cure the original lack of subject-matter jurisdiction by permitting Integon Indemnity to be substituted as plaintiff, and the parties could not create subject-matter jurisdiction by consent, waiver, estoppel, or participation.
3. The Court of Appeals had jurisdiction to review the denial of Integon Indemnity's motion to dismiss for improper venue because the asserted venue challenge concerned legally improper venue and affected a substantial right.
4. Nash County was a legally proper venue for the receivers' claims because one receiver resided there and the claims were governed by the general venue statute, N.C. Gen. Stat. § 1-82.
5. The Franklin County Superior Court's receivership order did not authorize it to retain exclusive jurisdiction over future actions brought by the receivers or to displace the general venue rules.

KEY QUOTATIONS

“Standing is a necessary prerequisite to the court’s proper exercise of subject[-]matter jurisdiction. If a party does not have standing to bring a claim, a court has no subject[-]matter jurisdiction.” (at 8)

“Standing is measured at the time the pleadings are filed. In other words, a plaintiff must have standing at the time of filing to have standing at all. Subsequent events cannot confer standing retroactively.” (at 9)

“Because [Integon National] lacked standing to bring these claims, the complaint was a nullity; consequently, the trial court lacked subject-matter jurisdiction to consider the motion to amend” (at 10)

FACTUAL BACKGROUND

Susan Renee Chappell died after a September 2020 head-on collision involving a vehicle driven by Shemaro Deann Webb and owned by LaDorothy Foreman. Integon Indemnity had issued automobile liability policies to Webb and Foreman, and the Chappell estate later obtained a \$40 million judgment against them after settlement negotiations failed. After writs of execution were returned unsatisfied, receivers were appointed to pursue potential claims against Integon Indemnity concerning its handling of the settlement offer.

PROCEDURAL HISTORY

After a \$40 million wrongful-death judgment against Shemaro Deann Webb and LaDorothy Foreman, the Franklin County Superior Court appointed Benjamin L. Eagles and Joseph P. Tunstall as receivers to pursue potential claims against the insurers. Integon National Insurance Company initially filed a declaratory-judgment action in Forsyth County, although Integon Indemnity had issued the relevant policies; the complaint was later amended to substitute Integon Indemnity as plaintiff. The receivers separately filed claims in Nash County for breach of the contractual duty to settle, unfair or deceptive trade practices, and bad-faith refusal to settle. The Court of Appeals held the Forsyth action was a nullity because the original plaintiff lacked standing and remanded for dismissal without prejudice, while affirming denial of Integon Indemnity's venue and stay motion in the Nash action.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

In COA25-264, the Forsyth County Superior Court must dismiss Integon Indemnity's declaratory-judgment action without prejudice. The orders on appeal in that action are vacated. In COA25-263, the order denying Integon Indemnity's motion to dismiss, transfer venue, or stay the Nash County action is affirmed.

CASES CITED

- Chappell v. Webb, 295 N.C. App. 13, 905 S.E.2d 346 (2024), disc. review denied, ___ N.C. ___, 916 S.E.2d 252 (2025)
- In re Menendez, 259 N.C. App. 460, 813 S.E.2d 680 (2018)
- Bassiri v. Pilling, 287 N.C. App. 538, 884 S.E.2d 165 (2023)

- Intrepid Direct Ins. Agency v. Amerex Corp., 298 N.C. App. 384, 915 S.E.2d 196 (2025)
- Town of Midland v. Harrell, 385 N.C. 365, 892 S.E.2d 845 (2023)
- Quevedo-Woolf v. Overholser, 261 N.C. App. 387, 820 S.E.2d 817 (2018), disc. review denied and appeal dismissed, 372 N.C. 359, 828 S.E.2d 164 (2019)
- Sinclair v. Sinclair, 291 N.C. App. 435, 896 S.E.2d 256 (2023)
- Pugh v. Howard, 288 N.C. App. 576, 887 S.E.2d 734 (2023)
- Hanesbrands Inc. v. Fowler, 369 N.C. 216, 794 S.E.2d 497 (2016)
- Stokes v. Stokes, 371 N.C. 770, 821 S.E.2d 161 (2018)
- Osborne v. Redwood Mountain, LLC, 275 N.C. App. 144, 852 S.E.2d 699 (2020)
- Jarman v. Twiddy & Co. of Duck, Inc., 289 N.C. App. 319, 889 S.E.2d 488 (2023)
- Hartford Accident & Indem. Co. v. Hood, 225 N.C. 361, 34 S.E.2d 204 (1945)
- State ex rel. Cobey v. Simpson, 333 N.C. 81, 423 S.E.2d 759 (1992)
- Fabrikant v. Currituck County, 174 N.C. App. 30, 621 S.E.2d 19 (2005)

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