

COURT OF APPEALS OF NORTH CAROLINA

Yurk v. Terra Ctr., LLC

No. COA25-439 (N.C. Ct. App. Mar. 18, 2026) · No. COA25-439 · Decided March 18, 2026

SUMMARY

The North Carolina Court of Appeals reviews appeals arising from a dispute over merchandise stored at a self-storage facility. The court affirms liability for conversion, trespass to chattels, and unfair or deceptive trade practices, as well as the compensatory and certain extra-compensatory damages, but remands for clarification of extra-compensatory damages and attorney’s fees. It also dismisses portions of the plaintiff’s cross-appeal as moot and affirms dismissal of the Self-Storage Facility Act, civil trespass, and veil-piercing claims.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge Fred Gore; Judge Arrowood; Judge Griffin
JURISDICTION	North Carolina Court of Appeals
DECIDED	March 18, 2026
DOCKET	COA25-439
DISPOSITION	other
PROCEDURAL POSTURE	Defendants appealed and plaintiff cross-appealed from a superior court judgment entered after a bench trial. The trial court entered judgment for plaintiff on conversion, trespass to chattels, and unfair and deceptive trade practices, awarded compensatory, punitive, trebled, and attorney's-fee damages, and dismissed plaintiff's Self-Storage Facility Act, civil-trespass, and veil-piercing claims.
STANDARD OF REVIEW	Following a nonjury trial, the court reviews whether competent evidence supports the findings of fact and whether the findings support the conclusions of law and judgment. Supported factual findings are binding even if contrary evidence exists. Standing is reviewed de novo, and whether conduct violates N.C.G.S. § 75-1.1 is reviewed de novo.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Terra Center, LLC f/k/a Carolina Storage Centers, LLC, Carolina Records Center, LLC, Alyce S. Lee, Storage Management Series,

LLC, a Wyoming Limited Liability Company, Storage Management Series, LLC, a South Carolina Limited Liability Company v. Jeffrey Yurk

TOPICS

appellate procedure mootness conversion trespass consumer protection

PRACTICE AREAS

appellate procedure torts consumer protection remedies corporate law statutory interpretation

QUESTIONS PRESENTED

1. Whether Yurk had standing based on competent evidence that he personally owned the stored merchandise.
2. Whether defendants' withholding and movement of the merchandise constituted conversion.
3. Whether defendants committed trespass to chattels.
4. Whether defendants' conduct violated N.C.G.S. § 75-1.1.
5. Whether the compensatory-damages award was supported by competent evidence.
6. Whether punitive damages and treble damages were properly awarded without requiring an election where the awards were imposed on different defendants under distinct theories.
7. Whether the judgment improperly imposed joint and several liability for treble damages.
8. Whether attorney's fees could be imposed against defendants not found liable under Chapter 75 and whether the required statutory findings existed.
9. Whether Lee could be held individually liable for her own tortious conduct without piercing the corporate veil.
10. Whether challenges to summary judgment on claims omitted from the amended complaint were moot.
11. Whether the Self-Storage Facility Act created a remedy absent assertion or enforcement of a storage lien.
12. Whether Yurk proved possession of the real property sufficient to maintain a civil-trespass claim.
13. Whether the evidence satisfied North Carolina's instrumentality rule for piercing the corporate veil.

HOLDINGS

1. Yurk had standing because competent evidence supported the trial court's finding that he was the lawful owner of the merchandise and entitled to its possession.
2. The trial court properly found defendants liable for conversion because Yurk proved ownership and defendants wrongfully possessed and withheld the merchandise.
3. The trial court properly found trespass to chattels because Yurk had constructive possession and defendants' unauthorized interference dispossessed him of the merchandise.

4. Defendants' prolonged withholding of Yurk's property, including conditioning its return on a liability release, supported liability under N.C.G.S. § 75-1.1.
5. The \$155,552.10 compensatory-damages award was supported by competent evidence and reasonable certainty.
6. The punitive-damages award against CSC and CRC and the treble-damages award against Lee and SMS were affirmed because they were imposed on different defendants under distinct theories; no election was required.
7. The portion of the judgment imposing joint and several liability across all defendants for the trebled amount was improper and had to be vacated and remanded for clarification.
8. The attorney's-fee award had to be vacated and remanded because the judgment did not establish a statutory basis for imposing fees against CSC and CRC, which were not found liable under Chapter 75, or make the required findings as to Lee and SMS.
9. Lee could be held individually liable for her own tortious conduct without piercing the corporate veil, and the refusal to pierce the veil did not require reversal.
10. Challenges to summary judgment on claims omitted from the amended complaint were dismissed as moot because the amended complaint superseded the original and the omitted claims no longer existed.
11. The Self-Storage Facility Act claim was properly dismissed because the statutory remedy invoked applies to a lienor enforcing a self-storage lien, and defendants did not assert or enforce such a lien.
12. The dismissal of Yurk's civil-trespass claim was affirmed because he did not prove actual or constructive possession of the real property at the time of the alleged entry.
13. The trial court properly refused to pierce the corporate veil because Yurk did not establish the elements of North Carolina's instrumentality rule.

KEY QUOTATIONS

"The tort of conversion is well defined as 'an unauthorized assumption and exercise of the right of ownership over goods or personal chattels belonging to another, to the alteration of their condition or the exclusion of an owner's rights.'" (6)

"In order to prevail under [the UDTPA] plaintiffs must prove: (1) defendant committed an unfair or deceptive act or practice, (2) that the action in question was in or affecting commerce, [and] (3) that said act proximately caused actual injury to plaintiff." (9)

"North Carolina law permits liability against an officer or LLC member for her own torts, independent of any veil-piercing theory." (15)

"an amended complaint has the effect of superseding the original complaint." (16)

"Under North Carolina's instrumentality rule, a plaintiff must show: (1) complete domination and control of the entity so that it had no separate existence with respect to the transaction attacked; (2) use of that control to commit a fraud, wrong, or violation of a legal duty; and (3) proximate causation of the injury." (19)

FACTUAL BACKGROUND

Yurk stored merchandise in two interior units at a North Carolina storage facility. On July 8, 2021, defendants over-locked the units, took possession of the merchandise, moved it twice, and continued withholding it through trial while conditioning its return on a liability release. The trial court found Yurk was the lawful owner and that Lee directed the taking and withholding. The Court of Appeals relied on Yurk's testimony, personal credit-card records, storage history, and defendants' references to the property as Yurk's property.

PROCEDURAL HISTORY

Jeffrey Yurk sued entities operating a storage facility and Alyce S. Lee concerning defendants' withholding and movement of merchandise stored in two units. After a bench trial, the Moore County Superior Court found for Yurk on conversion, trespass to chattels, and UDTPA claims and awarded damages and fees. Defendants challenged standing, liability, damages, and Lee's personal liability; Yurk challenged summary-judgment rulings, dismissal of statutory and civil-trespass claims, and refusal to pierce the corporate veil. The Court of Appeals dismissed portions of Yurk's appeal as moot, affirmed liability and most damages rulings, and vacated and remanded portions of the extra-compensatory-damages and attorney's-fee awards.

DISPOSITION

other

REMAND INSTRUCTIONS

Vacate paragraph 36 of the judgment and remand for the trial court to clarify the allocation of extra-compensatory damages consistently with the opinion and the prohibition on double recovery. Vacate the attorney's-fee award and remand for the trial court to identify a valid statutory basis, specify the defendants to whom any award applies, and make the findings required by N.C.G.S. § 75-16.1, or vacate the award if no statutory predicate exists. The remaining affirmed portions include liability for conversion, trespass to chattels, and UDTPA; compensatory damages; punitive damages against CSC and CRC; treble damages against Lee and SMS; dismissal of the Self-Storage Facility Act and civil-trespass claims; and refusal to pierce the corporate veil.

CASES CITED

- Cartin v. Harrison, 151 N.C. App. 697, 699 (2002)
- Sessler v. Marsh, 144 N.C. App. 623, 628 (2001)
- Creek Pointe Homeowner's Ass'n v. Happ, 146 N.C. App. 159, 164 (2001)
- In re Menendez, 259 N.C. App. 460, 462 (2018)
- Chafin v. Chafin, 250 N.C. App. 19, 27 (2016)
- Comm. to Elect Dan Forest v. Emps. Pol. Action Comm., 376 N.C. 558, 608 (2021)
- Peed v. Burleson's, Inc., 244 N.C. 437, 439 (1956)
- Gadson v. Toney, 69 N.C. App. 244, 246 (1984)
- Nowell v. Basnight, 185 N.C. 142 (1923)
- Kirschbaum v. McLaurin Parking Co., 188 N.C. App. 782, 786-87 (2008)
- Fordham v. Eason, 351 N.C. 151, 155 (1999)

- Koufman v. Koufman, 330 N.C. 93, 97 (1991)
- Gray v. N.C. Ins. Underwriting Ass'n, 352 N.C. 61, 68 (2000)
- Canady v. Mann, 107 N.C. App. 252, 260 (1992)
- Bob Timberlake Collection, Inc. v. Edwards, 176 N.C. App. 33, 41 (2006)
- Marshall v. Miller, 302 N.C. 539, 548 (1981)
- Eley v. Mid/East Acceptance Corp. of N.C., Inc., 171 N.C. App. 368 (2005)
- Love v. Pressley, 34 N.C. App. 503 (1977)
- Dalton v. Camp, 353 N.C. 647, 656 (2001)
- Heaton-Sides v. Snipes, 233 N.C. App. 1, 5-6 (2014)
- Mace v. Pyatt, 203 N.C. App. 245, 253-54 (2010)
- Lacey v. Kirk, 238 N.C. App. 376, 392 (2014)
- Compton v. Kirby, 157 N.C. App. 1, 18 (2003)
- United Labs., Inc. v. Kuykendall, 335 N.C. 183, 191, 193-94 (1993)
- Mapp v. Toyota World, Inc., 81 N.C. App. 421, 428-29 (1986)
- White v. Collins Bldg., Inc., 209 N.C. App. 48, 51-53 (2011)
- Spaulding v. Honeywell Int'l, Inc., 184 N.C. App. 317, 322 (2007)
- Hyder v. Dergance, 76 N.C. App. 317, 319-20 (1985)
- Burrell v. Dickson Transfer Co., 244 N.C. 662, 665 (1956)
- Woody v. Vickrey, 276 N.C. App. 427, 440 (2021)
- Houston v. Tillman, 234 N.C. App. 691, 695 (2014)
- Maint. Equip. Co. v. Godley Builders, 107 N.C. App. 343, 348 (1992)
- Matthews v. Forrest, 235 N.C. 281, 283 (1952)
- Smith v. VonCannon, 283 N.C. 656, 660 (1973)
- Glenn v. Wagner, 313 N.C. 450, 454-55 (1985)