FERIKES & BLEYNAT PLLC
ATTORNEYS AT LAW

Ed Bleynat <ed@ashevillelitigators.com>

Re: Fuse 10, LLC V. Cedars Lodge & Spa, L.L.C. And 719nomain LLC, Superior Court, Henderson County, 26CV001244-440 (pending in North Carolina Business Court)

1 message

Ed Bleynat <ed@ashevillelitigators.com> Mon, Jul 6, 2026 at 2:50 PM
To: Michael Martinez <mmartinez@grierlaw.com>
Cc: "Paul A. Fanning" <paf@wardandsmith.com>, "Evan M. Musselwhite" <emmusselwhite@wardandsmith.com>, "Lance P. Martin" <lpm@wardandsmith.com>, Matt Weiner <MWeiner@poynerspruill.com>, Anna Gorman <agorman@grierlaw.com>, "Esser, Will" <willesser@parkerpoe.com>, Gray Martin <gray@martinlawfirmnc.com>, Ed Bleynat <ed@ashevillelitigators.com>

Michael

Attached please find correspondence and supporting documentation concerning Jean Anne Mullen's claims in the referenced litigation. Please let me know if you need anything further from me at this time.

Ed

On Fri, Jul 3, 2026 at 1:00 PM Ed Bleynat <ed@ashevillelitigators.com> wrote:
Thanks, Michael. We will get the paperwork squared away and sent it to you.

Ed

On Fri, Jul 3, 2026 at 12:39 PM Michael Martinez <mmartinez@grierlaw.com> wrote:

Ed:

You may send the recission package addressed to me as counsel to the limited receiver; *provided, however,* that the receiver does not consent to your client taking any additional or further action with respect to the receivership entities or their assets without our advance knowledge and approval. Thanks.

GRIER WRIGHT MARTINEZ

Michael L. Martinez



Case No.2026CVS1244 ECF No. 72.5 Filed 10/06/2026 15:20:54 N.C. Business Court

Grier Wright Martinez PA

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mmartinez@grierlaw.com

From: Ed Bleynat <ed@ashevillelitigators.com>
Sent: Thursday, July 2, 2026 1:55 PM
To: Paul A. Fanning <paf@wardandsmith.com>; Evan M. Musselwhite <emmusselwhite@wardandsmith.com>; Lance P. Martin <lpm@wardandsmith.com>; Matt Weiner <MWeiner@poynerspruill.com>; Michael Martinez <mmartinez@grierlaw.com>; Anna Gorman <agorman@grierlaw.com>
Cc: Esser, Will <willesser@parkerpoe.com>; Gray Martin <gray@martinlawfirmnc.com>; Ed Bleynat <ed@ashevillelitigators.com>
Subject: Re: Fuse 10, LLC V. Cedars Lodge & Spa, L.L.C. And 719nomain LLC, Superior Court, Henderson County, 26CV001244-440 (pending in North Carolina Business Court)

Caution: This message is from an external sender.

Will Esser and I spoke about this submission a few minutes ago. By way of follow up, please be advised:

1. The rescission is, of course, time sensitive. It needs to be executed soon or Ms. Mullen would otherwise be required to initiate some form of legal claim.

2. Ms. Mullen's intention was for this unit to be her primary residence.

3. As it stands, without rescission, there is a potential liability of over $1.5 million due from her to close.

4. She needs to make other plans for her life, as she is currently living in a rental unit.

5. If she decides to purchase another property as a permanent residence, she needs to remove this potential liability to preserve her access to credit for any such purchase.

6. Therefore, she needs to go ahead and complete this rescission, even if the question of payment to her as a creditor is not yet resolved and may not be resolved for some time.

Please let me know if there are other questions or concerns. If not, please let me know to whom this recission package should be submitted.

Thanks!

Ed

On Thu, Jul 2, 2026 at 11:53 AM Ed Bleynat <ed@ashevillelitigators.com> wrote:

> Dear All:
>
> I am sending this email to you in your respective capacities as attorneys for the debtors or the receiver in the referenced matter. As you may recall, I represent Jean Anne Mullen, one of the people who contracted to purchase a condo unit at The Cedars. Ms. Mullen is also represented by Asheville attorney Gray Martin, though he is not counsel of record in this litigation. I have copied him on this email.
>
> As the attached documentation shows, Mr. Martin acted in the winter to exercise Ms. Mullen's rights by sending a notice to substantially complete to the Cedars. The time has now expired for such substantial completion to occur, and as we all know, it has not been accomplished. Mr. Martin has now prepared a draft notice of breach in order to exercise Ms. Mullen's right of rescission. Copies of that draft letter and supporting documentation are attached.
>
> With the receivership created shortly before Ms. Mullen's right to declare breach ripened, and not wanting to risk violating a stay order, I am sending this letter to seek your direction as to whom the correspondence should be addressed and your consent that sending it would not violate the stay. Judge Shirley, in his comments during the hearing on the motion to appoint receiver, asked that time sensitive claims first be routed to counsel to determine their positions, and if consent could not be obtained, then access to the court would be available to seek relief. While these comments arose in the course of addressing lien rights, the actions we anticipate taking on behalf of Ms. Mullen are functionally no different. There are timelines for the exercise of certain rights, and we are within them now. We are acting so that those rights do not expire.
>
> Accordingly, please let me know your directions as to who should receive the formal notifications described in Mr. Martin's draft letter. It will be simple enough for us to update the addresses and to send the notification to the proper addresses.
>
> If you object to this approach, please let me know by Monday, July 6, of that objection. I will then file a motion in order to avoid potential loss of rights due to passage of time.
>
> Thank you for your prompt attention, and I look forward to hearing from you soon.
>
> --

Edward L. Bleynat Jr.

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Our office is located at 67 Charlotte Street just north of I-240.

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4 attachments

Letter to Seller - Notice of Recission - Final.pdf
773K

1_P610_Cedars Purchase and Sale Agreement_EFF DATE 2-13-25_EXE.pdf
510K

Letter 1 to Seller - Notice to Complete.docx.pdf
595K

Email confirming Receipt of Letter #1.pdf
913K