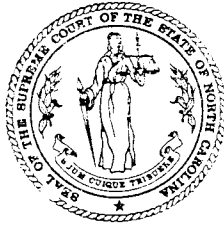


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APPELLATE PROCEDURE RULES

Rule 28 of the North Carolina Rules of Appellate Procedure 287 N.C. at 742 is hereby amended by repealing subsection (d), "Incorporation of Court of Appeals Argument into Supreme Court Brief by Reference."

Rather than re-letter the remaining subsections of Rule 28, the Court has elected to reserve subsection (d) for future use. The following note will be added to the end of the existing material under the Commentary to Rule 28, Subdivision (d):

"Note: The North Carolina Supreme Court, in repealing subsection (d), has eliminated the right to incorporate by reference any argument contained in a brief filed in the Court of Appeals. Not only must a party include in his new brief any question which he wants to preserve as required by Rule 28(b), but now he must also present any argument for that question upon which he intends to rely. Questions not brought forward *and* argued in the new brief will be considered abandoned."

Approved by the Court in Conference this 27th day of January 1981, to become effective 1 July 1981. It shall be promulgated by publication in the Advance Sheets of the Supreme Court and the Court of Appeals.

Meyer, J.
For the Court