

IN THE SUPREME COURT OF NORTH CAROLINA

No. 455A97

FILED: 6 MARCH 1998

GEOFFREY PAGE

v.

MARSHALL OIL CO., INC.

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from the unpublished decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 490 S.E.2d 256 (1997), affirming in part, reversing in part and remanding a judgment entered by Cashwell, J., on 10 May 1996, in Superior Court, Wake County. Heard in the Supreme Court 9 February 1998.

Glover & Petersen, P.A., by James R. Glover, for plaintiff-appellee.

Davis, Sturges & Tomlinson, by Charles M. Davis and John W. Davis, for defendant-appellant.

PER CURIAM.

As to the issue on direct appeal based on the dissenting opinion of Walker, J., we reverse the decision of the Court of Appeals and we remand this case to that court for further remand to the Superior Court, Wake County, for reinstatement of its summary judgment for defendant on plaintiff's unlawful eviction claim.

REVERSED AND REMANDED.