

IN THE SUPREME COURT OF NORTH CAROLINA

No. 323A97

FILED: 6 MARCH 1998

ANTONIA AYERS CRISP

v.

DARRELL CRISP

Appeal of right by defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 126 N.C. App. 625, 486 S.E.2d 485 (1997), affirming a judgment entered on 20 December 1995 by Bryant, J., in District Court, Graham County. On 2 October 1997 the Supreme Court allowed plaintiff's petition for a writ of certiorari to review additional issues. Heard in the Supreme Court 10 February 1998.

*Sutton & Edmonds, by John R. Sutton, for plaintiff.*

*Coward, Hicks & Siler, P.A., by William H. Coward, for defendant.*

PER CURIAM.

As to the issue presented by defendant's appeal based on the dissenting opinion in the Court of Appeals, the decision of the Court of Appeals is affirmed. As to the additional issues presented by this Court's having allowed plaintiff's petition for a writ of certiorari, we conclude that certiorari was improvidently allowed.

AFFIRMED IN PART; CERTIORARI IMPROVIDENTLY ALLOWED IN PART.