

IN THE SUPREME COURT OF NORTH CAROLINA

No. 351PA98

FILED: 5 February 1999

CORENA HONEYCUTT KIRKLAND

v.

MATTHEW DARREN ELLIS and CHARLES ELLIS

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished opinion of the Court of Appeals, ___ N.C. App. ___, 505 S.E.2d 923 (1998), affirming an order entered by Caviness, J., on 6 January 1998 in Superior Court, McDowell County. Heard in the Supreme Court 13 January 1999.

Byrd, Byrd, Ervin, Whisnant, McMahon & Ervin, P.A., by Robert C. Ervin, for plaintiff-appellee.

Cogburn, Goosmann, Brazil & Rose, P.A., by Steven D. Cogburn, for defendant-appellants.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.