

IN THE SUPREME COURT OF NORTH CAROLINA

No. 222A98

FILED: 5 February 1999

C. TODD WILLIFORD, and wife, RITA C. WILLIFORD

v.

ATLANTIC AMERICAN PROPERTIES, INC., a corporation

Appeal by defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 129 N.C. App. 409, 498 S.E.2d 852 (1998), reversing an order granting summary judgment in favor of defendant entered by Morton, J., on 31 March 1997 in District Court, Cabarrus County. Heard in the Supreme Court 12 January 1999.

*Hartsell Hartsell & White, P.A., by J. Merritt White, III, for plaintiff-appellees.*

*Rayburn, Moon & Smith, P.A., by James C. Smith, for defendant-appellant.*

PER CURIAM.

Chief Justice Mitchell and Justices Parker, Martin and Wainwright voted to reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion by Greene, J. Justices Frye, Lake and Orr voted to affirm the decision of the Court of Appeals for the reasons stated in the majority opinion by Walker, J. Accordingly, we reverse the decision of the Court of Appeals and remand this case to that court for further remand to the District Court, Cabarrus County, for reinstatement of its summary judgment in favor of defendant.

REVERSED AND REMANDED.

