

IN THE SUPREME COURT OF NORTH CAROLINA

Filed: 9 April 1999

No. 454PA98

DEPARTMENT OF TRANSPORTATION

v.

CHARLES G. IRVING, JR., Individually and as Executor under the Will of Charles G. Irving, Sr.; VIVIAN E. IRVING, Individually and as Executrix under the Will of Charles G. Irving, Sr.; FLORENCE IRVING FRANCIS, Individually and as Executrix under the Will of Charles G. Irving, Sr.; WAYNE BRASWELL MANUFACTURING HOMES CORPORATION, Lessee; COUNTY OF WAKE; and TOWN OF GARNER

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, ___ N.C. App. ___, 508 S.E.2d 847 (1998), affirming an order entered by Thompson, J., on 21 March 1997 in Superior Court, Wake County. Heard in the Supreme Court 9 March 1999.

Wood & Francis, PLLC, by Charles T. Francis and Alan D. Woodlief, Jr., for defendant-appellees Irving.

Kirk, Kirk, Gwynn & Howell, L.L.P., by Joseph T. Howell, for defendant-appellant Wayne Braswell Manufacturing Homes Corporation.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.