

IN THE SUPREME COURT OF NORTH CAROLINA

No. 559A98

ROY O. RODWELL and COWEE CORPORATION

v.

PAUL C. CHAMBLEE

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 509 S.E.2d 785 (1998), reversing entry of summary judgment against plaintiff Roy O. Rodwell signed 19 March 1997 by Cashwell, J., in Superior Court, Wake County. Heard in the Supreme Court 12 April 1999.

Michael W. Strickland & Associates, P.A., by Michael W. Strickland, for plaintiff-appellee Rodwell.

Bode, Call & Stroupe, L.L.P., by Odes L. Stroupe, Jr., and Anthony D. Taibi, 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 Timmons-Goodson, 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 Greene, J. Accordingly, we reverse the decision of the Court of Appeals and remand this case to that court for further remand to the Superior Court, Wake County, for reinstatement of its judgment in favor of defendant.

REVERSED.