

IN THE SUPREME COURT OF NORTH CAROLINA

No. 26A99

(Filed 25 JUNE 1999)

STAR FINANCIAL CORPORATION

v.

HOWARD NANCE COMPANY

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. ___, 508 S.E.2d 534 (1998), affirming an order for summary judgment entered 3 December 1997 by Baker, J., in Superior Court, Mecklenburg County. Heard in the Supreme Court 10 May 1999.

John E. Hodge, Jr., for plaintiff-appellant.

Perry, Patrick, Farmer & Michaux, P.A., by Ray Michaux, Jr., and John H. Carmichael, for defendant-appellee.

PER CURIAM.

For the reasons stated in the majority opinion of the Court of Appeals, the decision of the Court of Appeals is affirmed. See *Scott v. Foppe*, 247 N.C. 67, 100 S.E.2d 238 (1957).

AFFIRMED.