

JERRY MILLS, JR., and wife, TERRIE SUTHERLAND MILLS v. JOSEPH
WAYNE THOMAS and ANDREA WEST THOMAS

No. 345PA00

FILED 6 APRIL 2001

No headnotes.

On discretionary review pursuant to N.C.G.S. § 7A-31 of an unpublished, unanimous decision of the Court of Appeals, 138 N.C. App. 553, 536 S.E.2d 366 (2000), reversing and remanding an order for summary judgment entered 16 October 1998, *nunc pro tunc* 16 September 1998, by Morgan (Melzer A., Jr.), in Superior Court, Randolph County, and a judgment entered 6 January 1999 by Balog, J., in Superior Court, Randolph County. Heard in the Supreme Court 13 February 2001.

Dees, Giles, Tedder, Tate & Gaylord, L.L.P., by T.M. Gaylord, Jr., and Jeffrey T. Workman, for plaintiff-appellants.

Stephen E. Lawing for defendant-appellees.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.

Justice EDMUNDS did not participate in the consideration or decision of this case.