

FILED: 4 May 2001

No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 140 N.C. App. ___, 538 S.E.2d 629 (2000), affirming an order for summary judgment entered orally in open court on 12 July 1999 and entered in writing in an undated order signed by Noble, J., in Superior Court, Buncombe County. Heard in the Supreme Court 18 April 2001.

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

Frank J. Contrivo and Rick S. Queen for defendant-appellee.

PER CURIAM.

AFFIRMED.

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