

IN THE SUPREME COURT OF NORTH CAROLINA

No. 295A02

FILED: 28 FEBRUARY 2003

GUILFORD FINANCIAL SERVICES, LLC,
Petitioner

v.

THE CITY OF BREVARD, a municipal corporation,
Respondent

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 150 N.C. App. 1, 563 S.E.2d 27 (2002), vacating a judgment entered 2 November 2000 by Judge J. Marlene Hyatt in Superior Court, Transylvania County, and remanding the case with instructions. Heard in the Supreme Court 5 February 2003.

Smith Moore LLP, by James G. Exum, Jr., and Robert R. Marcus; and Van Winkle, Buck, Wall, Starnes and Davis, P.A., by Craig D. Justus, for petitioner-appellant.

Ramsey, Hill, Smart, Ramsey & Pratt, P.A., by Michael K. Pratt; and James M. Kimzey, for respondent-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, we reverse the decision of the Court of Appeals.

REVERSED.