

IN THE SUPREME COURT OF NORTH CAROLINA

No. 242A03

FILED: 7 NOVEMBER 2003

IN THE MATTER OF THE WILL OF CHARLES RICHARD JOHNSTON, Deceased

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. \_\_\_, 578 S.E.2d 635 (2003), dismissing as interlocutory an appeal of an order entered 22 January 2002 by Judge Paul L. Jones in Superior Court, New Hanover County. Heard in the Supreme Court 14 October 2003.

*Shipman & Associates, L.L.P., by Gary K. Shipman and William G. Wright, for propounder-appellee Constance Sophia Johnston.*

*Hogue Hill Jones Nash & Lynch, LLP, by David A. Nash, for caveator-appellants Charles Richard Johnston, Jr.; Jennifer J. Mangan; and Lorie J. McCabe.*

PER CURIAM.

AFFIRMED.

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