

IN THE SUPREME COURT OF NORTH CAROLINA

No. 478A03

FILED: 2 APRIL 2004

ALICE MONROE NELSON, LINDA L. MONROE, R.B. MONROE KELLY, JULIAN D. KELLY, JR., MOYNA MONROE, ALICE BLANC MONROE NELSON and husband L. KENT NELSON, BUNROTHA LIMITED PARTNERSHIP, KATALANTA CORP., KATHRYN B. HEDRICKS, SUSAN B. INMAN, SAMUEL N. EVINS, JR., WALTER P. EVINS, MARGARET EARLY, MARY PRESSLEY, SIDNEY McCARTY, III, MILDRED JOHNSON, JOHN HENRY CHEATHAM, Trustee of the Liela Barnes Cheatham North Carolina Residence Trust

v.

TOWN OF HIGHLANDS, a Municipal Corporation

MICHAEL WENTZ

v.

TOWN OF HIGHLANDS, a Municipal Corporation

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 159 N.C. App. 393, 583 S.E.2d 313 (2003), affirming orders entered 15 January 2002 by Judge James U. Downs in Superior Court, Macon County. Heard in the Supreme Court 18 February 2004.

*Adams Hendon Carson Crow & Saenger, P.A., by Martin Reidinger, for plaintiff-appellants.*

*Coward, Hicks & Siler, P.A., by William H. Coward, for defendant-appellant.*

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed and this case is remanded to that court for further remand to the Superior Court, Macon County, for proceedings not inconsistent with the dissenting opinion.

REVERSED AND REMANDED.

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