

IN THE SUPREME COURT OF NORTH CAROLINA

No. 499A03

FILED: 7 OCTOBER 2004

WALTER CLARK ERWIN

v.

LENA LOWDERMILK TWEED

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. 579, 583 S.E.2d 717 (2003), reversing an order and declaratory judgment signed 31 May 2002 by Judge James L. Baker, Jr. in Superior Court, Burke County. Heard in the Supreme Court Monday, 13 September 2004.

*Bryce Thomas & Associates, by Bryce O. Thomas, Jr., for plaintiff-appellee.*

*Willardson, Lipscomb & Miller, L.L.P., by William F. Lipscomb, for unnamed defendant-appellant N.C. Farm Bureau Mutual Insurance Company.*

PER CURIAM.

AFFIRMED.