

J. RIVES MANNING, JR. and wife, JUDY S. MANNING, RACHEL W. MATKINS TRUST, SHIELDS FERTILIZER COMPANY, CHARLES J. SHIELDS and wife, ANN J. SHIELDS, DOROTHY H. SHIELDS, FRANK SHIELDS, J.E. KERR TIMBER COMPANY, JAMES E. KERR, II and wife, JOAN B. KERR, ROY G. DIXON and wife, JANET R. DIXON, CHESTER L. HENDERSON and wife, CAROLYN M. HENDERSON, J.C. PODRUCHNY, DOUGLAS TEMPLE, III, MARY JO TEMPLE, AUGUSTA E. ROOK and husband, FORREST ROOK, JAMES A. WILSON, SR., JAMES A. WILSON, JR., WILLIAM R. WILSON, WILSON FARMS, INC., KAY MANN ANTHONY, J. ALTON WHITEHURST, JR., VERNON T. BRADLEY v. THE COUNTY OF HALIFAX

No. 589PA04

FILED: 19 AUGUST 2005

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, 166 N.C. App. 279, 603 S.E.2d 168 (2004), affirming a judgment entered 28 February 2003 by Judge Dwight L. Cranford in Superior Court, Halifax County. On 6 April 2005, the Supreme Court allowed defendant's motion to consolidate this case with *Elliott v. County of Halifax*, 166 N.C. App. 279, 603 S.E.2d 168 (2004) for hearing. Heard in the Supreme Court 18 May 2005.

*Janet B. Dudley for plaintiff-appellees.*

*Womble Carlyle Sandridge & Rice, PLLC, by Christopher W. Jones, for defendant-appellant.*

*James B. Blackburn, General Counsel, for North Carolina Association of County Commissioners, amicus curiae.*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.