

JUDITH LYNN JACKSON v. FRED H. JACKSON, JR.

No. 172A05

FILED: 4 NOVEMBER 2005

Divorce--separation agreement--intent of parties--ambiguities--parol evidence

The decision of the Court of Appeals upholding an order of the trial court voiding an entire separation agreement for vagueness and uncertainty is reversed for the reasons stated in the dissenting opinion in the Court of Appeals that the intent of the parties can be determined by the plain language of the separation agreement, and any ambiguities creating questions of fact may properly be resolved with the use of parol evidence.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 169 N.C. App. 46, 610 S.E.2d 731 (2005), affirming an order entered on 1 March 2004 by Judge Kimbrell Kelly Tucker in District Court, Cumberland County. Heard in the Supreme Court 17 October 2005.

Reid, Lewis, Deese, Nance & Person, LLP, by Renny W. Deese, for plaintiff-appellant.

Sullivan & Grace, P.A., by Nancy L. Grace, for defendant-appellee.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed. The case is remanded to the Court of Appeals for further remand to the trial court for further proceedings.

REVERSED AND REMANDED.