

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY v. JOHN M. BOURLON

No. 551A05

FILED: 3 MARCH 2006

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. ___, 617 S.E.2d 40 (2005), affirming in part and reversing in part an order entered 5 September 2003 by Judge Evelyn W. Hill in Superior Court, Wake County. Heard in the Supreme Court 15 February 2006.

Bailey & Dixon, L.L.P., by David S. Wisz, for plaintiff-appellee.

Stark Law Group, PLLC, by Thomas H. Stark and Seth A. Neyhart, for defendant-appellant.

PER CURIAM.

AFFIRMED.

Justice MARTIN and Justice TIMMONS-GOODSON did not participate in the consideration or decision of this case.