

No. 9A08

FILED: 12 JUNE 2008

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 187 N.C. App. \_\_\_, 653 S.E.2d 229 (2007), affirming a judgment entered on 6 October 2006 by Judge Dennis J. Winner in Superior Court, Orange County. Heard in the Supreme Court 6 May 2008.

*Alexander & Miller, LLP, by Sydenham B. Alexander, Jr. and Meg K. Howes, for plaintiff-appellee.*

*Levine & Stewart, by John T. Stewart and James E. Tanner III, for defendant-appellant Ervin Jones.*

PER CURIAM.

AFFIRMED.

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