

KEITH SMITH and MARY SMITH v. BLYTHE DEVELOPMENT COMPANY

No. 394A08

FILED: 20 MARCH 2009

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 192 N.C. App. ___, 665 S.E.2d 154 (2008), reversing an order granting summary judgment for defendant entered on 1 October 2007 by Judge Richard D. Boner in Superior Court, Mecklenburg County, and remanding for further proceedings. Heard in the Supreme Court 23 February 2009.

Grier Furr & Crisp, PA, by Alan M. Presel, for plaintiff-appellees.

York, Williams & Lewis, L.L.P., by Gregory C. York, Angela M. Easley and David M. Harmon, for defendant-appellant.

PER CURIAM.

AFFIRMED.