

IN THE SUPREME COURT OF NORTH CAROLINA

No. 379A14

Filed 18 December 2015

KATHLEEN BEADNELL, RAYMOND BEADNELL, RICHARD BEMIS, DAWN BENNETT, MICHAEL BENNETT, DONNA BERRY, WILLIAM BERRY, JUDY BLOODWORTH, DARLENE BROYLES, WILLIAM BROYLES, PATRICIA CALDERONE, READ CALDERONE, JANET CAMERON, PAUL CAMERON, WAYNE CAMERON, MICHELE CARDNO, THOMAS CARDNO, JAMES CARY, JR., LISA CARY, JOSEPH CIPRIANI, KAREN CIPRIANI, CATHERINE COLELLA, CHARLES COLELLA, FITZGERALD FAMILY TRUST, CHARLES FITZGERALD, MARY FITZGERALD, NANCY FLAHERTY, THOMAS FLAHERTY, DEBRA FREEDMAN, RICHARD FREEDMAN, BLAIR HANSON, JEFF HANSON, BLANEY HARPER, SHARON HARPER, ARLENE JUROW, LESTER JUROW, PATRICIA KARL, CHRISTINE KENT, JAY KENT, STEPHEN LUNN, DANIEL LOWNES, SHARON LOWNES, DOROTHY MANCUSO, RICHARD MANCUSO, WILLIAM MCENROE, MICHAEL MCGARRY, MILLIKEN FAMILY TRUST, JOHN MILLIKEN, LINDA MILLIKEN, PETER MITCHELL, SUSAN MITCHELL, JACQUE MUNROE, SCOTT MUNROE, DIANE NEALE, PETER NEALE, BONNIE PASSARELLA, DAVID PATTERSON, DEBORAH PATTERSON, TAMARA PETRILLO, MICHAEL RATCHFORD, VALERIE RATCHFORD, MARGARET RIDGE, ANGELINA SANDOLO, MARIO SANDOLO, PAUL SANDOLO, DAVID SHERMAN, SANDRA SHERMAN, JOELENE SLOCUM, DOLORES SMITH, MARY SMITH, ROBERT SMITH, KAREN SPINELLI, MICHAEL SPINELLI, JANET STEWART, PETER STEWART, GLEN TALLEY, VIRGINIA TALLEY, ROBERT TUGYA, SUZANNE TUGYA, ERIC VAN SLYKE, KARIN VAN SLYKE, GORDON C. WICKE, JR., GORDON C. WICKE, JR. TRUST, KATHLEEN WICKE, JERRY WICKERSHAM, KATHLEEN WICKERSHAM, EMILY WILSON, LUCAS WILSON, and JOANNA ZUMALT-MCGARRY

v.

COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, INC., COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, LLC, COASTAL COMMUNITIES, INC., MARK A. SAUNDERS, DEBORAH BOODRO, MAS PROPERTIES, LLC, THE MORTGAGE COMPANY OF BRUNSWICK, INC., BRENDAN GORDON, JAMES POWELL, JAMES POWELL APPRAISALS, LLC, LYNN RABELLO, BRANCH BANKING AND TRUST COMPANY, BB&T COLLATERAL SERVICE CORPORATION, BAXLEYSMITHWICK PLLC, and DOUGLAS BAXLEY

Opinion of the Court

Appeal pursuant to N.C.G.S. § 7A-27(b)(1) from opinions and orders granting motions to dismiss entered on 27 June 2011 and 13 June 2012 by Judge John R. Jolly, Jr. in Superior Court, Brunswick County. On 10 October 2014, pursuant to N.C.G.S. § 7A-31(a) and (b)(2), and Rule 15(e)(2) of the North Carolina Rules of Appellate Procedure, the Supreme Court on its own initiative certified the case for review prior to determination in the Court of Appeals. Heard in the Supreme Court on 18 March 2015.

Hodges & Coxe, P.C., by C. Wes Hodges, II and Sarah R. Buzzard, for plaintiff-appellants.

Teague, Campbell, Dennis & Gorham, LLP, by Jacob H. Wellman and Natalia K. Isenberg, for defendant-appellees James Powell, James Powell Appraisals, LLC, and Lynn Rabello.

Poyner Spruill LLP, by J. Nicholas Ellis and Caroline P. Mackie, for defendant-appellees Branch Banking and Trust Company and BB&T Collateral Service Corporation.

PER CURIAM.

For the reasons stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14), the decision of the trial court is affirmed.

AFFIRMED.

BEADNELL V. COASTAL CMTYS. AT OCEAN RIDGE PLANTATION, INC.

Opinion of the Court

Justice EDMUNDS concurs in part and dissents in part for the reasons stated in his opinion in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14).

Justice HUDSON and Justice BEASLEY concur in part and dissent in part for the reasons stated in Justice Hudson's opinion in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14).