

IN THE SUPREME COURT OF NORTH CAROLINA

No. 377A14

Filed 18 December 2015

MARIA ALVAREZ, MOLLY BAILEY-GOGA, JOHN BARTON, PAMELA BARTON, BONNIE BARY, THOMAS BARY, CAROL BIDDINGTON, WILLIAM BIDDINGTON, MARTIN BOCOCK, JR., NATHANIEL BOCOCK, CRAIG BRIGHAM, NANCY BRIGHAM, JOANN BUZEK, JOHN BUZEK, ROGER CARNIE, DIANE COUSINS, JOHN COUSINS, DANIEL D'ALESSANDRO, KELLY D'ALESSANDRO, PATRICIA DEMATTIA, DIANA FAICCHIO, NICHOLAS FAICCHIO, MARK FAIRNEY, JAMES GANDY, LOIS GANDY, EMMANUEL GEROLAMO, JOANNE GEROLAMO, THOMAS GILMARTIN, THOMAS GOGA, DORIS GUAY, JAMES HENNESSY, FREDERICK HORAK, JOANNE HORAK, JAY JONES, RUTH PAISKER JOSKO, WILLIAM JOSKO, DANIELLE KARNS, JASON KARNS, BRAD KIEL, MARK KIEL, ROBERT KIEL, MEREDITH KISNER, WILLIAM KISNER, MICHAEL KOWALSKI, BRUCE LEWIS, KIRA LEWIS, JAMES LOUY, JR., KATHLEEN MARTIN-WEIS, CHRISTOPHER MENIER, JAYME MENIER, MIDLANTIC COASTAL PROPERTIES, LLC, MRB STOCKTON PARTNERSHIP, CATHARYN NOSEK, JOHN NOSEK, ERIC OLSEN, KRISTEN OLSEN, DESIREE PATNO, DAVID POWERS, VICKIE POWERS, RBW PROPERTIES, SANDRA REYNOLDS, JANICE RIMER, JOHN RIMER, AMARANTHA RUOCCO, FREDDIE SHIVDAT, SANDRA SHIVDAT, JOHN SPICER, KATHLEEN SPICER, LARRY STAHL, MARIE STAHL, ELI TATE, PATRICIA SUE WAGNER, DEANNA SUE WATTERS, JOHN WEIS, MICHAEL WHITLOCK, and ROBERT WHITLOCK, II

v.

COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, INC., COASTAL COMMUNITIES AT SEAWATCH PLANTATION, LLC, SEAWATCH AT SUNSET HARBOR, INC., SEAWATCH AT SUNSET HARBOR, LLC, COASTAL COMMUNITIES AT SEAWATCH, LLC, COASTAL COMMUNITIES, INC., MARK A. SAUNDERS, DEBORAH BOODRO, ALAN KARG, MAS PROPERTIES, LLC, OLD DOCK LAND AND TIMBER, 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 BAXLEY¹

¹ The trial court referred to this case as "*Barton*" in the orders on appeal to this Court. Plaintiffs' amended complaint filed on 28 April 2010 added Alvarez and Bailey-Goga as plaintiffs in the instant action.

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.

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).