

IN THE SUPREME COURT OF NORTH CAROLINA

No. 378A14

Filed 18 December 2015

JOHN BARRY, III, KEVIN BESTICK, SUSAN BESTICK, GEORGE BRADY, PAMELA BRADY, BOBBY BROWN, CATHY BROWN, JOHN CARUSO, LAURA CARUSO, BARBARA KARINA CASSELL, JEFF CASSELL, FRANK CATANIA, LUDWIKA CERF, WILLIAM CERF, CHRISTINA CHAPPELL, DELANE CHAPPELL, JOE CHRISTENSEN, LAURA CLARK, SUZANNE DILLMAN, SUSAN EYERMANN, TIMOTHY EYERMANN, BRIAN FARRELL, MEGAN FARRELL, TIMOTHY FOLEY, KAY GREEN, ROBIN GREEN, TANNER GREEN, DANA JONES, KRISTI JONES, MEREDITH KISNER, WILLIAM KISNER, CHRISTOPHER LEE, MICHAEL LEWIS, TINA LEWIS, MICHAEL LUVUOLO, CLEVE THOMAS MASSON, PAULINE MARIE MASSON, FRAN METKIFF, WILLIAM METKIFF, DONNA NEELY, KEVIN NEELY, PAMELA O'BRYAN, WILLIAM O'BRYAN, CHARLES OTIS, ELAINE OTIS, DENNIS POWERS, ERIKA POWERS, GEORGE POWERS, LILLIAN POWERS, KATHLEEN ROBERTS, WILLIAM ROBERTS, JULIE ROOKSTOOL, DAVID CRAIG SALMON, NANCY SALMON, LINDA SCHUELLER, DONALD SLOVER, ELIZABETH SLOVER, SPECTRUMAX, LLC, MICHAEL STOPCZYNSKI, MICHELLE STOPCZYNSKI, SCOTT SWANN, ANDREY VARNUM, RICHARD VARNUM, JILL VOSS, JANE WALTER, and RUSSELL WALTER

v.

OCEAN ISLE PALMS, INC., OCEAN ISLE PALMS, LLC, COASTAL COMMUNITIES, INC., MARK A. SAUNDERS, DEBORAH BOODRO, DONALD HOWARTH, MAS PROPERTIES, LLC, THE MORTGAGE COMPANY OF BRUNSWICK, INC., BRENDAN GORDON, JAMES POWELL, JAMES POWELL APPRAISALS, LLC, LYNN RABELLO, BRANCH BANKING AND TRUST COMPANY, FOUR OAKS BANK AND TRUST COMPANY, BB&T COLLATERAL SERVICE CORPORATION, CLIFTON L. PAINTER, BAXLEYSMITHWICK PLLC, and DOUGLAS BAXLEY

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 Natalie 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.

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).