

**IN THE COURT OF APPEALS**  
**CASES REPORTED WITH PUBLISHED OPINIONS**  
**(FILED 16 JUNE 1998)**  
**(MANDATE 6 JULY 1998)**

Docket #	Title	County	Judge
97-864-1	HBS Contractors v National Fire Ins. (Civil) <b>Decision:</b> Dismissed in part and reversed in part	Cumberland	Walker
97-1058-1	Massey, et al v Duke University (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Durham	Eagles, Jr.
97-1118-1	PHC, Inc. v NC Farm Bureau Mutual (Civil) <b>Decision:</b> Affirmed	Durham	Horton, Jr.
97-1165-1	State Farm Mutual v Fortin, et al (Civil) <b>Decision:</b> Affirmed	Durham	Walker
97-920-1	Williams, et al v Town of Kernersville (Civil) <b>Decision:</b> Affirmed	Forsyth	Wynn, Jr.
97-967-1	Condellone v Condellone, et al (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Guilford	Greene
97-1144-1	State v Falana (Criminal) <b>Decision:</b> Reversed	Guilford	Walker
97-1157-1	Cox v Dine-A-Mate (Civil) <b>Decision:</b> Affirmed	Guilford	Smith
97-1270-1	Calhoun v Wayne Dennis Heating (Civil) <b>Decision:</b> Reversed and Remanded	Guilford	Greene
97-1379-1	Warren v Guilford County, et al (Civil) <b>Decision:</b> Affirmed	Guilford	Greene
97-704-1	Kowalick v Kowalick (Civil) <b>Decision:</b> Custody Order--Affirmed. Alimony/Child Support Order--Reversed and remanded. Attorney's Fees--Reversed and remanded.	Moore	Greene
97-352-1	Commissioner of Ins. v Rate Bureau (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	N.C. Dept. of Insurance	Martin
97-1131-1	Tucker v Workable Company, Inc. (Civil) <b>Decision:</b> Affirmed in part, reversed in part, and remanded	N.C. Industrial Commission	Horton, Jr.
97-688-1	State v Brantley (Criminal) <b>Decision:</b> New trial	Nash	Timmons-Goodson
97-1366-1	Orange County et al v Byrd (Civil) <b>Decision:</b> Reversed	Orange	Horton, Jr. 97-1366 & 97-1367 consolidated in one opinion

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97-1367-1	Orange County et al v Byrd (Civil) <b>Decision:</b> Reversed	Orange	Horton, Jr. 97-1366 & 97-1367 consolidated in one opinion
97-77-1	Derwort, et al v Polk County (Civil) <b>Decision:</b> Reversed	Polk	John, Sr.
97-984-1	Blackwell, et al v City of Reidsville (Civil) <b>Decision:</b> Reversed and Remanded	Rockingham	Eagles, Jr.
97-904-1	Town of Spencer v Town of East Spencer (Civil) <b>Decision:</b> Reversed and Remanded	Rowan	Wynn, Jr.
97-1192-1	Williams, et al v Town of Spencer (Civil) <b>Decision:</b> Affirmed	Rowan	Walker
97-966-1	Caudill v Dellinger, et al (Civil) <b>Decision:</b> Reversed and remanded	Surry	Horton, Jr.
97-784-1	Teague, et al v Randolph Surgical (Civil) <b>Decision:</b> Plaintiff's appeal affirmed. Defendant's appeal dismissed.	Union	Martin
97-942-1	Florek, et al v Borrer Realty Co. (Civil) <b>Decision:</b> Appeal dismissed	Wake	Smith
97-953-1	Reese v Barbee (Civil) <b>Decision:</b> Affirmed	Wake	Martin
97-976-1	Progressive American v Vasquez, et al (Civil) <b>Decision:</b> Affirmed in part, reversed in part	Wake	Eagles, Jr.
97-1078-1	State v Dennis (Criminal) <b>Decision:</b> No error	Wake	Horton, Jr.
96-1486-1	State v Rice (Criminal) <b>Decision:</b> No error	Yancey	John, Sr.

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Docket #	Title	County	Judge
97-1201-1	In The Matter of The Will of: M. Taylor (Civil) <b>Decision:</b> Affirmed	Bladen 95CVS750	Smith
97-1034-1	Sanchez v Montgomery (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Buncombe 93CVD4120	Eagles, Jr.
97-1507-1	Sterr v Troutman Enterprises (Civil) <b>Decision:</b> Affirmed	Cabarrus 97CVS448	Smith
97-1287-1	State v Williamson (Criminal) <b>Decision:</b> No error	Cumberland 96CRS27050 96CRS27051 96CRS27049 96CRS27052	Greene
97-1424-1	State v Allen (Criminal) <b>Decision:</b> No error	Cumberland 96CRS4359 96CRS5955 96CRS4358	Greene
96-1438-1	Lupo v Paul (Civil) <b>Decision:</b> New trial	Davidson 95CVS501	John, Sr.
97-1068-1	Pitts v Bean v Bowser (Civil) <b>Decision:</b> No error	Davidson 94CVS00910	Walker
97-1091-1	Hughes, et al v Welch (Criminal) <b>Decision:</b> Affirmed	Davidson 96CVS2404	Greene
97-1334-1	State v Stukes (Criminal) <b>Decision:</b> No error	Duplin 96CRS5838 96CRS5839 96CRS5837	Smith
97-1043-1	Wrenn v Maria Parham Hospital (Civil) <b>Decision:</b> Affirmed in part, reversed in part	Durham 95CVS2437	Eagles, Jr.
97-1436-1	State v McQuaig (Criminal) <b>Decision:</b> No error	Durham 95CRS31257	Smith
98-62-1	In The Matter of: Terrell Hightower (Criminal) <b>Decision:</b> Affirmed	Durham 97J187	Smith
97-1190-1	State v Allen (Criminal) <b>Decision:</b> No error	Forsyth 96CRS26737 96CRS36285 96CRS26738 96CRS26716 96CRS26739	Smith
97-908-1	State v McNeill (Criminal) <b>Decision:</b> No error in part, reversed and remanded in part	Franklin 95CRS800 95CRS801 95CRS783	Eagles, Jr.
97-1246-1	City of Gastonia v Ashley Arms, Inc. (Civil) <b>Decision:</b> Affirmed	Gaston 96CVS3180	Eagles, Jr.

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97-1317-1	State v Reid (Criminal) <b>Decision:</b> No error in part, vacated in part and remanded	Gaston 97CRS7440 96CRS29956	Greene
98-15-1	State v Stout (Criminal) <b>Decision:</b> Affirmed	Gaston 96CRS003946 96CRS003945	Smith
97-1373-1	State v Blacknall (Criminal) <b>Decision:</b> No error	Granville 96CRS3324 96CRS3325 96CRS3323	Greene
97-1015-1	Shah v Shah (Civil) <b>Decision:</b> Affirmed	Guilford 94CVD4861	Smith
97-1066-1	R.E. Carroll Construction v Roberts (Civil) <b>Decision:</b> No error	Guilford 93CVS8902	Smith
97-1148-1	State v Coffey (Criminal) <b>Decision:</b> No error	Guilford 96CRS78034	Greene
97-1176-1	State v Lockemy (Criminal) <b>Decision:</b> No error	Guilford 96CRS20122 96CRS20121	Smith
97-1254-1	Kennedy v Robinson, et al (Civil) <b>Decision:</b> Affirmed	Guilford 95CVS9841	Horton, Jr.
97-1291-1	State v Taylor (Criminal) <b>Decision:</b> No error	Guilford 95CRS82211	Greene
97-1599-1	State v Milton (Criminal) <b>Decision:</b> No error	Guilford 96CRS022438	Smith
97-1336-1	State v Sartori (Criminal) <b>Decision:</b> Dismissed	Haywood 96CRS2930	Greene
97-1340-1	Wojteczko, et al v Frank, et al (Civil) <b>Decision:</b> Affirmed	Haywood 95CVD514	McGee
97-948-1	Lesniak v Caulder, et al (Civil) <b>Decision:</b> Affirmed	Henderson 96CVS616	Martin
97-1225-1	State v Harrell (Criminal) <b>Decision:</b> No Error	Hertford 96CRS4223 96CRS4224 96CRS4636 97CRS649	Greene
97-993-1	Tucker, et al v Westlake, et al (Civil) <b>Decision:</b> Affirmed in part and reversed in part	Iredell 95CVS1336	Eagles, Jr.
97-1039-1	Turner v Glenville Lake Estates (Civil) <b>Decision:</b> No Error	Jackson 95CVS271	Martin

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97-987-1	State v Hunter (Criminal)	Mecklenburg 94CRS30196 94CRS33376 94CRS33370 94CRS30194 94CRS33375	Timmons-Goodson
	<b>Decision:</b> No error in part, reverse and remand in part		
97-411-1	Smith v Doby (Civil)	Moore 92CVS0175	Eagles, Jr.
	<b>Decision:</b> No Error		
97-687-1	Harris v Wake County Public Schools (Civil)	N.C. Industrial Commission IC452064	McGee
	<b>Decision:</b> Vacated and remanded		
97-1262-1	Woodbury v Thomas & Howard of Asheville (Civil)	N.C. Industrial Commission IC438332	Martin
	<b>Decision:</b> Affirmed		
97-1354-1	Clements v Omega Drywall, et al (Civil)	N.C. Industrial Commission IC618863 IC618863 IC618863	McGee
	<b>Decision:</b> Vacated and remanded		
97-1509-1	Pethel v Fieldcrest Cannon, Inc. (Civil)	N.C. Industrial Commission IC429532 IC554835	Smith
	<b>Decision:</b> Affirmed		
96-1373-1	Gathings v Croom (Civil)	Richmond 93CVS699	Smith
	<b>Decision:</b> No Error		
97-1368-1	State v Hill (Criminal)	Robeson 97CRS2336	Greene
	<b>Decision:</b> No Error		
97-1497-1	State v Candelaria (Criminal)	Robeson 95CRS21653	Smith
	<b>Decision:</b> No Error		
98-18-1	State v Cleveland (Criminal)	Rowan 96CRS12626 96CRS12627 96CRS12625	Greene
	<b>Decision:</b> No Error		
97-1006-1	Davis, et al v Huneycutt, et al (Criminal)	Stanly 96CVS144	Smith
	<b>Decision:</b> Affirmed		
97-1325-1	In Re: Dakota L. Slate, a minor (Civil)	Surry 95J71	Martin
	<b>Decision:</b> Affirmed		
97-1533-1	Haywood v Killens, Commissioner NCDMV (Civil)	Union 96CVS1641	Smith
	<b>Decision:</b> Reversed and remanded		
97-1023-1	Cox v Cudmore, et al (Civil)	Wake 96CVS04664	Eagles, Jr.
	<b>Decision:</b> Affirmed		
97-1239-1	Landmark Properties v Harrell, et al (Civil)	Wake 97CVS03394	Horton, Jr.
	<b>Decision:</b> Reversed and remanded		
97-1394-1	Sweeney v Wake County (Civil)	Wake 97CVS02009	Martin
	<b>Decision:</b> Affirmed		

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98-53-1	State v Harris (Criminal)	Wake 97CRS30402 97CRS30401	Smith
	<b>Decision:</b> No error		