

NO. COA98-484

NORTH CAROLINA COURT OF APPEALS

Filed: 5 January 1999

RICHARD MELVIN,  
Plaintiff

v.

ROLAND R. ST. LOUIS, JR. and FRIEDMAN, RODRIGUEZ, and FERRARO,  
P.A.,  
Defendants

Appeal by plaintiff from judgment filed 2 March 1998 by  
Judge James L. Baker, Jr. in Macon County Superior Court. Heard  
in the Court of Appeals 16 December 1998.

*Jones, Key, Melvin & Patton, P.A., by Richard Melvin, for  
plaintiff appellant.*

*Van Winkle, Buck, Wall, Starnes and Davis, P.A., by Dale A.  
Curriden, for defendant appellees.*

GREENE, Judge.

Richard Melvin (Plaintiff) purports to appeal from the trial  
court's adverse final judgment by orally giving notice of appeal  
before the trial court. Our Rules of Appellate Procedure provide  
that notice of appeal in a civil action is taken "by filing  
notice of appeal with the clerk of superior court and serving  
copies thereof upon all other parties . . . ." N.C.R. App. P.  
3(a). The requirements of Rule 3 are jurisdictional; therefore  
oral notice of appeal is insufficient to confer jurisdiction on  
this Court in a civil action. *Currin-Dillehay Bldg. Supply v.  
Frazier*, 100 N.C. App. 188, 189, 394 S.E.2d 683, 683, *appeal*

*dismissed and disc. review denied*, 327 N.C. 633, 399 S.E.2d 326 (1990). Because the record on appeal does not contain a notice of appeal filed with the clerk of superior court and served upon the appellees, we are required to dismiss this appeal. *Crowell Constructors, Inc. v. State ex rel. Cobey*, 328 N.C. 563, 563-64, 402 S.E.2d 407, 407 (1991) (*per curiam*).

Dismissed.

Judges TIMMONS-GOODSON and HUNTER concur.