

RANDY BROWN, Plaintiff, v. COUNTY OF AVERY, Defendant

NO. COA03-805-2

Filed: 7 December 2004

Appeal by Defendant from order entered 7 March 2003 by Judge William A. Leavell, III, District Court, Avery County. Heard in the Court of Appeals 30 March 2004.

*Hall & Hall Attorneys At Law, P.C., by Douglas L. Hall, for Defendant.*

*Mr. Randy Brown, pro se.*

PER CURIAM.

This matter was heard in the North Carolina Court of Appeals on 30 March 2004, and an opinion was filed on 1 June 2004. Thereafter, this Court granted Defendant's Petition for Rehearing. Upon reconsideration, this Court now determines that the Petition for Rehearing was improvidently allowed.

Accordingly, the opinion filed 1 June 2004 is deemed filed as of the date of this opinion.

Petition for Rehearing Improvidently Allowed.

Panel consisting of:

WYNN, HUNTER, STEELMAN.