An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-879

Filed: 17 April 2018

Mecklenburg County, No. 16 CVS 3810

JOSEPH BARRON and THOMASINA BARRON, Plaintiffs,

v.

ISSA IBRAHIM RAFIDI, Defendant.

Appeal by plaintiffs from judgment entered 17 July 2017 by Judge Linwood O. Foust in Mecklenburg County Superior Court. Heard in the Court of Appeals 29 March 2018.

Joseph Barron and Thomasina Barron, pro se plaintiff-appellants.

No brief filed for defendant-appellee.

ELMORE, Judge.

Joseph Barron and Thomasina Barron ("plaintiffs") appeal from an order granting summary judgment in favor of Issa Ibrahim Rafidi ("defendant"). After careful review, we dismiss plaintiffs' appeal.

This appeal arises out of a dispute over real property located in Mecklenburg County. Plaintiffs appear to claim that they purchased a home in defendant's name,

invested a substantial amount of money in repairing and improving the home, and were thereafter defrauded of the home and their money by defendant. Defendant did not file an appellate brief, but she appears to have claimed at trial that the parties engaged in a lease agreement rather a purchase of real property, and she sought to evict plaintiffs from the home.

On 12 October 2015, plaintiffs filed an amended complaint alleging a claim of breach of contract and seeking judgment in the amount of $148,800.00. On 17 July 2017, the trial court entered an order granting defendant summary judgment and declaring "that the Plaintiffs have forfeited their interest in the real property . . . under the terms of their option to purchase." The court further granted defendant judgment for possession of the property and directed the Mecklenburg County sheriff to remove plaintiffs from the property. Included in the record is a document purporting to be a notice of appeal. Plaintiffs filed their record on appeal on 14 August 2017.

We decline to review plaintiffs' appeal to this Court as it is non-compliant with multiple provisions of our Rules of Appellate Procedure. Compliance with the appellate rules is mandatory, and parties who fail to comply with the rules may forfeit their right to a review on the merits. *Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co.*, 362 N.C. 191, 194, 657 S.E.2d 361, 362–63 (2008). "[E]ven *pro se*

appellants must adhere strictly to the Rules of Appellate Procedure . . . ." *Strauss v. Hunt*, 140 N.C. App. 345, 348–49, 536 S.E.2d 636, 639 (2000).

In *Dogwood*, our Supreme Court identified three types of rule violations: "(1) waiver occurring at the trial court; (2) defects in appellate jurisdiction; and (3) violation of nonjurisdictional requirements." 362 N.C. at 194, 657 S.E.2d at 363. Noncompliance with nonjurisdictional requirements of the rules does not warrant sanctions unless it rises to the level of a "gross violation[.]" *Id.* at 199, 657 S.E.2d at 366. Defects in appellate jurisdiction, however, require dismissal of an appeal. *See Abels v. Renfro Corp.*, 126 N.C. App. 800, 802, 486 S.E.2d 735, 737 (1997) ("The provisions of Rule 3 are jurisdictional, and failure to follow the requirements thereof requires dismissal of an appeal.").

This appeal involves both nonjurisdictional defects and defects in appellate jurisdiction. As for nonjurisdictional defects, plaintiffs' brief fails to include a statement of the issues presented for review, a procedural history of the case, any citation to authority, or proof of service. N.C. R. App. P. 28(b). The record on appeal lacks an index of its contents as well as copies of most of the pleadings. N.C. R. App. P. 9(a). In sum, plaintiffs do not present this Court with any discernible argument for relief. However, we need not determine whether these nonjurisdictional defects are gross because the defects in appellate jurisdiction mandate dismissal of plaintiffs' appeal.

Pursuant to Rule 3(a) of the Rules of Appellate Procedure,

> [a]ny party entitled by law to appeal from a judgment or order of a superior or district court rendered in a civil action or special proceeding may take appeal by filing notice of appeal with the clerk of superior court and serving copies thereof upon all other parties within the time prescribed by subsection (c) of this rule.

N.C. R. App. P. 3(a). Additionally, pursuant to Rule 3(d), the notice of appeal must specify the party or parties taking the appeal, designate the judgment or order from which appeal is taken, and the court to which appeal is taken.

Here, the document purporting to be plaintiffs' notice of appeal is not file-stamped, bears no proof of service on defendant, and does not specify the judgment or order appealed from nor the court to which appeal is taken. Thus, because plaintiffs' notice of appeal fails to comply with the requirements set forth in Rule 3, this Court lacks jurisdiction, and we must dismiss the appeal. *See Bailey v. State*, 353 N.C. 142, 156, 540 S.E.2d 313, 322 (2000) ("The provisions of Rule 3 are jurisdictional, and failure to follow the rule's prerequisites mandates dismissal of an appeal.").

DISMISSED.

Judges TYSON and ZACHARY concur.

Report per Rule 30(e).