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IN THE COURT OF APPEALS OF NORTH CAROLINA

2021-NCCOA-107

No. COA19-309-2

Filed 6 April 2021

Cabarrus County, No. 17-CVS-1144

BOST REALTY CO., INC.; GK HAMPDEN VILLAGE, LLP f/k/a GK HAMPDEN VILLAGE, LLC; TUCKER CHASE, LLC; TAYLOR MORRISON OF CAROLINAS, INC.; EASTWOOD CONSTRUCTION, LLC f/k/a EASTWOOD CONSTRUCTION CO., INC.; MTS CLT, LLC; PARK VIEW ESTATES, LLC; and B&C LAND HOLDINGS, LLC, Plaintiffs,

v.

CITY OF CONCORD, Defendant.

Appeal by Plaintiffs and cross-appeal by Defendant from summary judgment entered 10 October 2018 by Judge Joseph N. Crosswhite in Cabarrus County Superior Court. Heard in the Court of Appeals 18 September 2019, and opinion filed 17 December 2019. Remanded to this Court by order of the North Carolina Supreme Court for reconsideration in light of *JVC Enterprises, LLC v. City of Concord*, ___ N.C. ___, 2021-NCSC-14.

Scarbrough & Scarbrough, PLLC, by John F. Scarbrough, for Plaintiffs-Appellants.

Hamilton Stephens Steele + Martin, PLLC, by Keith J. Merritt, for Defendant-Appellee.

INMAN, Judge.

BOST REALTY CO. V. CITY OF CONCORD

2021-NCCOA-107

Opinion of the Court

¶ 1

We reconsider our prior opinion in this matter, *Bost Realty Co., Inc. v. City of Concord*, 269 N.C. App. 109, 836 S.E.2d 344, 2019 WL 6875346 (2019) (unpublished), in light of *JVC Enterprises, LLC v. City of Concord*, ___ N.C. ___, 2021-NCSC-14 (March 12, 2021). As we recognized in our prior opinion, this appeal and cross-appeal is entirely controlled by *JVC Enterprises*. *Bost Realty*, 2019 WL 6875346 at *1. We therefore affirm the trial court's entry of summary judgment in favor of Defendant and the dismissal of Plaintiffs' complaint consistent with our Supreme Court's holding in that case. *JVC Enterprises*, ___ N.C. at ___, 2021-NCSC-14, ¶ 1.

AFFIRMED.

Report per Rule 30(e).