

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

2022-NCCOA-759

No. COA21-585

Filed 15 November 2022

Carteret County, No. 18-CVD-419

SEA GATE ASSOCIATION, INC., Plaintiff,

v.

JOE JESSE MITCHELL, Defendant.

Appeal by Defendant from order entered 6 January 2021 by Judge Peter Mack, Jr. in Carteret County District Court. Heard in the Court of Appeals 11 May 2022.

Ward and Smith, P.A., by Eric J. Remington, for the Plaintiff-Appellee.

David A. Sawyer for the Defendant-Appellant.

DILLON, Judge.

¶ 1

This case involves facts and arguments like those considered in *Sea Gate Ass'n v. Range*, ___ N.C. App ___, ___ S.E.2d ___ (2022) (COA21-581) which we have decided today by separate opinion. Based on the reasoning stated in that opinion, we affirm the trial court's grant of summary judgment for Plaintiff on its implied contract theory, and we reverse the trial court's award of attorney's fees.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Judges DIETZ and TYSON concur.

SEA GATE ASS'N, INC. V. MITCHELL

2022-NCCOA-759

Opinion of the Court

Report per Rule 30(e).