

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-1053

Filed 20 May 2026

Buncombe County, No. 24CVD001955-100

NANCY SPENCE-EDWARDS, Plaintiff,

v.

JANE H. SPENCE-EDWARDS, Defendant.

Appeal by defendant from order entered 21 April 2025 by Judge Ward D. Scott in Buncombe County District Court. Heard in the Court of Appeals 22 April 2026.

*Tuorto Family Law, by Shannan Tuorto, for plaintiff-appellee, no brief filed.*

*Bagwell Holt & Smith, PA, by Michael S. Harrell, for defendant-appellant.*

PER CURIAM.

Defendant appeals the trial court's final order for specific performance. Defendant filed notice of appeal but failed to include a certificate of service demonstrating proof of service upon plaintiff. Plaintiff has not filed a brief and has not indicated waiver of defendant's failure to include a certificate of service with the notice of appeal. *See Ribble v. Ribble*, 180 N.C. App. 341, 343 (2006). Pursuant to Rules 3 and 26 of the North Carolina Rules of Appellate Procedure, and for the reasons stated in *Ribble*, we dismiss this appeal. 180 N.C. App. at 342 ("Failure to

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include the certificate of service for a notice of appeal in the record is a violation of Rule 3 and Rule 26 of the North Carolina Rules of Appellate Procedure.”); *see Viar v. N.C. Dep’t of Transp.*, 359 N.C. 400, 401 (2005) (“The North Carolina Rules of Appellate Procedure are mandatory and failure to follow these rules will subject an appeal to dismissal.”).

DISMISSED.

Panel consisting of Judges TYSON, COLLINS and GORE.

Report per Rule 30(e).