An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-1119

Filed 4 November 2026

Mecklenburg County, No. 19CVD012741-590

BRAD W. HURD, Plaintiff,

v.

PRIORITY AUTOMOTIVE HUNTERSVILLE, INC., Defendant.

Appeal by defendant from judgment entered 13 August 2025 by Judge Keith S. Smith in Mecklenburg County District Court. Heard in the Court of Appeals 22 April 2026.

Woods Rogers Vandeventer Black, PLC, by Joshua F. P. Long, for defendant-appellant.

Williams & Perry, PLLC, by M. Shane Perry, for plaintiff-appellee.

GORE, Judge.

This appeal arises from the trial court's order striking defendant's answer and directing the clerk to enter default. Because defendant filed its answer before default was entered, we reverse and remand.

Plaintiff moved for entry of default on 12 February 2025, and defendant filed its answer on 14 February 2025. When the clerk considered the motion on 19 February 2025, the answer was already on file.

Once an answer has been filed—even if untimely—default may not be entered. *Peebles v. Moore*, 302 N.C. 351, 356 (1981); *Broughton v. McClatchy Newspapers, Inc.*, 161 N.C. App. 20, 24 (2003); *Moore v. Sullivan*, 123 N.C. App. 647, 649 (1996). The trial court therefore erred by striking defendant's answer and directing entry of default.

Because this issue is dispositive, we do not address defendant's remaining arguments. *Monteith v. Kovas*, 162 N.C. App. 545, 546 (2004).

REVERSED AND REMANDED.

Judges TYSON and COLLINS concur.

Report per Rule 30(e).