An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-461

Filed 18 November 2026

Mecklenburg County, No. 24CV011028-590

DISCOVER BANK, Plaintiff,

v.

TRENTON ABBOTT, Defendant.

Appeal by defendant from order entered 29 December 2025 by Judge Jennifer L. Fleet in Mecklenburg County District Court. Heard in the Court of Appeals 14 October 2026.

Smith Debnam Narron Drake Saintsing & Myers, L.L.P., by Rachel E. Rogers, for plaintiff-appellee.

Trenton Abbott, pro se defendant-appellant.

PER CURIAM.

Defendant Trenton Abbott appeals the summary judgment entered in favor of plaintiff. Upon review of the briefs and the record, we affirm.

I.

Defendant entered into a credit card agreement with plaintiff through usage of the credit card. As part of the agreement, defendant was to pay all amounts due

on the account. Defendant made his last payment in 2023. Afterwards, the credit card continued to accrue debt and defendant defaulted on his payments. On 7 March 2024, plaintiff initiated this action for breach of contract and sought to recover the outstanding balance of $3,353.08. Plaintiff issued an alias and pluries summons on 20 May 2024, but it was returned unserved. Plaintiff issued another alias and pluries summons on 3 December 2024, approximately 197 days after the issuance of the previous alias and pluries summons.

On 18 December 2024, plaintiff filed an affidavit of service and attached a copy of the signed certified mail return receipt showing service occurred on 5 December 2024. Defendant filed a motion to quash service on the same day alleging the certified mail return receipt was fraudulently signed by another individual and therefore the summons and complaint discovered in his mailbox were not properly served.

On 10 October 2025, defendant filed a motion to dismiss. However, defendant did not calendar either motion for hearing. Plaintiff issued discovery, and on 21 October 2025, filed a motion for summary judgment with unanswered discovery requests and an affidavit in support of summary judgment. Defendant filed a response in opposition to the motion for summary judgment. On 11 November 2025, plaintiff filed a notice of hearing on the motion for summary judgment to be held 16 December 2025.

Defendant filed a motion to continue the summary judgment hearing on 14 November 2025 that was denied on 26 November 2025. On 16 December 2025, the

trial court heard arguments on the motion for summary judgment. Defendant attempted to argue his motion to dismiss at this hearing, but after the trial court determined defendant never set it for hearing, the trial court refused to hear defendant's arguments related to the motion to dismiss for lack of personal jurisdiction. The trial court recognized that defendant had appeared in court and proceeded to hear plaintiff's motion for summary judgment. The trial court entered an order granting plaintiff's motion for summary judgment and awarded judgment to plaintiff in the amount of $3,353.08 with interest. Defendant timely filed a notice of appeal specifying appeal of the order granting summary judgment.

II.

Defendant seeks review of the following issues: (1) whether the trial court lacked personal jurisdiction due to improper and defective service of process; (2) whether the trial court improperly refused to hear defendant's motion to dismiss; and (3) whether the trial court improperly granted summary judgment in favor of plaintiff. Defendant timely specified appeal from the summary judgment; because the challenge to personal jurisdiction was based upon a motion to dismiss of which the trial court did not rule, defendant's issues one and two are unpreserved for appellate review. *See* N.C.R. App. P. 10(a)(1). Accordingly, we consider defendant's remaining challenge to the trial court's order granting plaintiff's motion for summary judgment.

Defendant argues the trial court improperly granted plaintiff's motion for summary judgment. Defendant argues the trial court lacked jurisdiction to consider the motion for summary judgment. We disagree.

We review a challenge to summary judgment de novo. *In re Will of Jones*, 362 N.C. 569, 573 (2008). Summary judgment is proper when "there is no genuine issue as to any material fact and [the record shows] that any party is entitled to a judgment as a matter of law." *Id.* (citation omitted). The trial court considers the evidence in the "light most favorable to the nonmoving party." *Id.* (citation omitted). The burden shifts to the nonmoving party to present material facts establishing "the presence of a genuine factual dispute" once the moving party "demonstrates the absence of a genuine issue of material fact." *Id.*

In the present case, plaintiff presented evidence tending to show defendant had entered into a credit card agreement with it. It presented evidence that defendant had defaulted on the payments required under the credit card agreement and left an unpaid balance of $3,353.08. In response, defendant only raised personal jurisdiction challenges but failed to bring forward genuine factual disputes as to the credit card default. Accordingly, the trial court properly granted plaintiff's motion for summary judgment.

III.

For the foregoing reasons, the trial court properly granted summary judgment in favor of plaintiff.

AFFIRMED.

Panel consisting of Judges TYSON, WOOD, and GORE.

Report per Rule 30(e).