IN THE SUPREME COURT OF NORTH CAROLINA

No. 504A02

FILED: 28 MARCH 2003

GOVERNORS CLUB, INC., a North Carolina non-profit corporation, and ROBERT L. ALPERT, on behalf of himself and all other similarly situated members of Governors Club, Inc.

v.

GOVERNORS CLUB LIMITED PARTNERSHIP, a Delaware limited partnership, GOVERNORS CLUB DEVELOPMENT CORPORATION, a North Carolina corporation, ESTATE OF TRUBY J. PROCTOR, JR., and KIRK J. BRADLEY

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 152 N.C. App. 240, 567 S.E.2d 781 (2002), reversing an order entered 4 October 2000 by Judge Raymond A. Warren in Superior Court, Chatham County. Heard in the Supreme Court 13 March 2003.

> Womble Carlyle Sandridge & Rice, PLLC, by Burley B. Mitchell, Jr., and Charles L. Becker, for plaintiffappellee Governors Club, Inc.

McCoy, Weaver, Wiggins, Cleveland & Raper, P.L.L.C., by John E. Raper, Jr., for defendant-appellants Governors Club Limited Partnership and Governors Club Development Corporation; Smith Moore LLP, by James G. Exum, Jr., for defendant-appellant Estate of Truby G. Proctor, Jr.; and Boyce & Isley, P.L.L.C., by G. Eugene Boyce and Philip R. Isley, for defendant-appellant Kirk J. Bradley.

PER CURIAM.

AFFIRMED.