

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:10-CV-74-FL

KYLE WANNEMACHER and )  
TAMARA WANNEMACHER, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
FIRST BANK; FIRST BANCORP, as )  
Successor in Interest to Cooperative )  
Bank; COOPERATIVE BANK; )  
COOPERATIVE BANKSHARES, )  
INC.; and, H. KENNETH STEPHENS, )  
II, as a Trustee on a certain Deed of )  
Trust, )  
 )  
Defendants. )

ORDER DISMISSING ACTION  
WITHOUT PREJUDICE  
FOR FAILURE TO OBTAIN SERVICE

This matter comes now before the court for its review upon plaintiffs' apparent failure to obtain service upon defendant within one hundred twenty (120) days after filing of the complaint on April 20 2010. On August 26, 2010, plaintiffs were noticed by the clerk of the failure to make service and instructed to comply within ten days of receipt of the notice. As of this date, there has been no effort, as reflected on the record, by plaintiffs to comply with the clerk's notice. No good cause having been demonstrated as to why such service was not made within the period, this action is DISMISSED without prejudice.

SO ORDERED this the 15<sup>th</sup> day of September, 2010.

  
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LOUISE W. FLANAGAN  
Chief United States District Judge