RANDY BROWN, Plaintiff, v. COUNTY OF AVERY, Defendant

NO. COA03-805-2

Filed: 7 December 2004

Appeal by Defendant from order entered 7 March 2003 by Judge William A. Leavell, III, District Court, Avery County. Heard in the Court of Appeals 30 March 2004.

Hall & Hall Attorneys At Law, P.C., by Douglas L. Hall, for Defendant.

Mr. Randy Brown, pro se.

PER CURIAM.

This matter was heard in the North Carolina Court of Appeals on 30 March 2004, and an opinion was filed on 1 June 2004. Thereafter, this Court granted Defendant's Petition for Rehearing. Upon reconsideration, this Court now determines that the Petition for Rehearing was improvidently allowed.

Accordingly, the opinion filed 1 June 2004 is deemed filed as of the date of this opinion.

Petition for Rehearing Improvidently Allowed.

Panel consisting of:

WYNN, HUNTER, STEELMAN.