

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-859

Filed 16 April 2024

Durham County, No. 22CVD1123

RUTHANN THOMAS, Plaintiff,

v.

MARK THOMAS, Defendant.

Appeal by plaintiff from order entered 23 May 2023 by Judge Clayton J. Jones, Jr. in Durham County District Court. Heard in the Court of Appeals 20 March 2024.

*Wilson, Reives, Silverman & Doran, PLLC, by Jonathan Silverman, for plaintiff-appellant.*

*Tharrington Smith, LLP, by Jeffrey R. Russell and Evan B. Horwitz, for defendant-appellee.*

GORE, Judge.

Plaintiff, RuthAnn Thomas, seeks interlocutory appeal of an interim distribution order. Because we lack jurisdiction in this case to hear the matter, we dismiss.

The trial court granted an interim distribution of sole ownership of the marital residence. The trial court also ordered that if the defendant chooses to sell the

residence, he must put all proceeds from the sale in a trust account with his attorney until further orders from the court.

Generally, “there is no right of appeal from an interlocutory order.” *Doe v. City of Charlotte*, 273 N.C. App. 10, 19 (2020) (citation omitted). This Court will consider an interlocutory appeal “in only two circumstances: (1) if the trial court has certified the case for appeal; and (2) when the challenged order affects a substantial right that would be lost without immediate review.” *Id.* at 19–20 (cleaned up).

When an interlocutory order is the subject of the appeal, the appellant must include in her statement of grounds for appellate review sufficient facts and argument to support appellate review on the ground that the challenged order affects a substantial right. The appellant must present more than a bare assertion that the order affects a substantial right; she must demonstrate why the order affects a substantial right.

*Hoke Cnty. Bd. of Educ. v. State*, 198 N.C. App. 274, 277–78 (2009) (cleaned up).

In the present case, plaintiff makes an assertion that the interim distribution affects a substantial right. Plaintiff then relies on a case, *Soares v. Soares*, and claims that in that case this Court determined the interlocutory order was immediately appealable because the sale of the marital residence affected a substantial right. 86 N.C. App. 369, 370 (1987). Plaintiff provides no further argument to support her claim that the interim distribution order affects a substantial right. This amounts to a bare assertion and fails to “demonstrate why the order affects a substantial right.” *Hoke Cnty. Bd. of Educ.*, 198 N.C. App. at 278. Accordingly, we dismiss the interlocutory appeal for lack of jurisdiction.

THOMAS V. THOMAS

*Opinion of the Court*

DISMISSED.

Chief Judge DILLON and Judge COLLINS concur.

Report per Rule 30(e).