

IN THE SUPREME COURT OF NORTH CAROLINA

No. 376A14

Filed 18 December 2015

BERRY ANDERSON, JONATHAN BREAREY, JUDITH BURNETTE, STEPHEN BURNETTE, YVONNE BURNETTE, EARLIE JAMES BUTLER, LINDA BUTLER, SARA COURTNEY, MICHAEL DONOVAN, SUE DEE DUNCAN, EAG PROPERTIES, LLC, JOANNE ESSLING, WILLIAM ESSLING, WILLIAM ESSLING, JR., EILEEN FAGAN, GARY FAGAN, EDMOND GIROUX, MICHAEL GRANDINETTI, ROBIN GRANDINETTI, SETH JOHNSON, LINDA KASS, ROBERT KASS, JESSICA KEENAN, SHANE KEENAN, DAVID KUKURZA, DEBORAH KUKURZA, LUCKY 7 HOLDING CORPORATION, FRANCES MACCALLUM, JOHN MACCALLUM, JOHN MALAN, MARIAN MALAN, MICHAEL MCCABE, SHEILA MCCABE, BARBARA NARDELLA, MICHAEL NARDELLA, JOAN PARKIN, ROBERT PARKIN, BRENDA PICKERING, PHILIP PICKERING, JOHN PRICE, VIRGINIA PRICE, CHRISTINE RIGNEY, PATRICK RIGNEY, CHRISTOPHER ROCCO, JYOTI CHATLANI ROCCO, ELAINE ROWINSKI, STEVEN ROWINSKI, ALLISON SEN, ROHAN SEN, DAVID SHERMAN, SANDRA SHERMAN, DANNY WALKER, JEAN WALKER, JEFF WEBB, LAURIE WEBB, CAROLE WERKING, NOEL WERKING, CLARENCE WHICHARD, III, LINDA WHICHARD, GERALD WOLF, and MARY WOLF

v.

COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, INC., COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, LLC, COASTAL COMMUNITIES, INC., MARK A. SAUNDERS, DEBORAH BOODRO, MAS PROPERTIES, LLC, THE MORTGAGE COMPANY OF BRUNSWICK, INC., BRENDAN GORDON, JAMES POWELL, JAMES POWELL APPRAISALS, LLC, LYNN RABELLO, BRANCH BANKING AND TRUST COMPANY, BB&T COLLATERAL SERVICE CORPORATION, FOUR OAKS BANK AND TRUST COMPANY, CLIFTON L. PAINTER, BAXLEYSMITHWICK PLLC, and DOUGLAS BAXLEY

Appeal pursuant to N.C.G.S. § 7A-27(b)(1) from opinions and orders granting motions to dismiss entered on 27 June 2011 and 13 June 2012 by Judge John R. Jolly, Jr. in Superior Court, Brunswick County. On 10 October 2014, pursuant to N.C.G.S. § 7A-31(a) and (b)(2), and Rule 15(e)(2) of the North Carolina Rules of Appellate Procedure, the Supreme Court on its own initiative certified the case for review prior

ANDERSON V. COASTAL COMMUNITIES

Opinion of the Court

to determination in the Court of Appeals. Heard in the Supreme Court on 18 March 2015.

Hodges & Coxe, P.C., by C. Wes Hodges, II and Sarah R. Buzzard, for plaintiff-appellants.

Teague, Campbell, Dennis & Gorham, LLP, by Jacob H. Wellman and Natalia K. Isenberg, for defendant-appellees James Powell, James Powell Appraisals, LLC, and Lynn Rabello.

Poyner Spruill LLP, by J. Nicholas Ellis and Caroline P. Mackie, for defendant-appellees Branch Banking and Trust Company and BB&T Collateral Service Corporation.

PER CURIAM.

For the reasons stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14), the decision of the trial court is affirmed.

AFFIRMED.

Justice EDMUNDS concurs in part and dissents in part for the reasons stated in his opinion in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14).

Justice HUDSON and Justice BEASLEY concur in part and dissent in part for the reasons stated in Justice Hudson's opinion in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14).