

IN THE SUPREME COURT OF NORTH CAROLINA

No. 350PA16

Filed 26 October 2018

TD BANK, N.A.

v.

EAGLES CREST AT SHARP TOP, LLC, JOHN W. HOLDSWORTH, and JOHN H. SEATS

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, ___ N.C. App. ___, 791 S.E.2d 651 (2016), dismissing defendants' appeal from an order of summary judgment entered on 11 July 2014 and affirming an order denying reconsideration entered on 5 December 2014 by Judge Gary M. Gavenus in Superior Court, Yancey County. Heard in the Supreme Court on 7 November 2017.

Ward and Smith, P.A., by Norman J. Leonard and Lance P. Martin, for plaintiff-appellee.

David R. Payne, P.A., by David R. Payne and Brian W. Sharpe, for defendant-appellants.

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.