

D. MICHAEL HYDE, and wife, DINA M. HYDE v. CHESNEY GLEN
HOMEOWNERS ASSOCIATION, INC.

No. 247A00

(Filed 6 October 2000)

**Deeds--restrictive covenants--architectural review committee--above-ground pool--
unreasonable denial**

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion in the Court of Appeals that a subdivision architectural review committee unreasonably withheld approval of plaintiffs' application for permission to construct an above-ground swimming pool where it failed to give plaintiffs notice of valid reasons why the application was denied.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 137 N.C. App. 605, 529 S.E.2d 499 (2000), affirming a judgment entered 15 September 1998 and orders signed 15 January 1999 by Morgan (Michael R.), J., in District Court, Wake County. Heard in the Supreme Court 14 September 2000.

Levine & Stewart, by Michael D. Levine, for plaintiff-appellants.

Jordan Price Wall Gray Jones & Carlton, PLLC, by Henry W. Jones, Jr., and Hope Derby Carmichael, for defendant-appellee.

PER CURIAM.

The decision of the Court of Appeals is reversed for the reasons stated in Judge Hunter's dissenting opinion.

REVERSED.

Justice PARKER did not participate in the consideration or decision of this case.