IN THE SUPREME COURT OF NORTH CAROLINA

No. 26A99

(Filed 25 JUNE 1999)

STAR FINANCIAL CORPORATION

v.

HOWARD NANCE COMPANY

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 508 S.E.2d 534 (1998), affirming an order for summary judgment entered 3 December 1997 by Baker, J., in Superior Court, Mecklenburg County. Heard in the Supreme Court 10 May 1999.

John E. Hodge, Jr., for plaintiff-appellant.

Perry, Patrick, Farmer & Michaux, P.A., by Ray Michaux, Jr., and John H. Carmichael, for defendant-appellee.

PER CURIAM.

For the reasons stated in the majority opinion of the Court of Appeals, the decision of the Court of Appeals is affirmed. See Scott v. Foppe, 247 N.C. 67, 100 S.E.2d 238 (1957).

AFFIRMED.