

IN RE THE ESTATE OF CANDICE LEIGH LUNSFORD, Deceased

No. 362A01

(Filed 18 December 2001)

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 143 N.C. App. 646, 547 S.E.2d 483 (2001), affirming an order entered 3 March 2000 by Burke, J., in Superior Court, Surry County. On 19 July 2001, the Supreme Court allowed respondent Lunsford's petition for discretionary review as to additional issues. Heard in the Supreme Court 15 November 2001.

Royster and Royster, by Stephen G. Royster and Michael D. Beal, for petitioner-appellee Dawn Collins Bean.

Law Offices of Jonathan S. Dills, P.A., by Jonathan S. Dills and Daniel B. Anthony, for respondent-appellant Randy Keith Lunsford.

ORDER.

The opinion of the Court of Appeals is vacated. This case is remanded to the Court of Appeals for further remand to the trial court for additional findings of fact as to (1) whether respondent Randy Lunsford abandoned Candice Leigh Lunsford; (2) if so, whether respondent Randy Lunsford resumed care and maintenance of Candice Leigh Lunsford at least one year prior to her death and continued the same until her death; and (3) whether respondent Randy Lunsford "substantially complied" with all orders of the trial court requiring contribution to the support of the child.

So ordered by the Court in Conference, this the 18th day of
December, 2001.

s/Butterfield, J.
For the Court

WITNESS my hand and the seal of the Supreme Court of North
Carolina, this the 18th day of December, 2001.

CHRISTIE SPEIR CAMERON
Clerk of the Supreme Court

s/Carol B. Templeton
Assistant Clerk