

IN THE SUPREME COURT OF NORTH CAROLINA

No. 437PA10

MARDAN IV, LLC

v.

COUNTY OF CABARRUS

FILED 24 AUGUST 2012

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous, unpublished decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 699 S.E.2d 139 (2010), affirming orders entered on 19 August 2008 by Judge Mark E. Klass and on 17 August 2009 by Judge W. David Lee, both in Superior Court, Cabarrus County. Heard in the Supreme Court on 17 October 2011.

*Ferguson, Scarbrough, Hayes, Hawkins & DeMay, P.A., by James R. DeMay and James E. Scarbrough, for plaintiff-appellee.*

*Brough Law Firm, by G. Nicholas Herman and Richard M. Koch, for defendant-appellant.*

*J. Michael Carpenter, General Counsel, and Burns, Day & Presnell, P.A., by Daniel C. Higgins and James J. Mills, for North Carolina Home Builders Association, amicus curiae.*

PER CURIAM.

For the reasons stated in *Lanvale Properties, LLC v. County of Cabarrus*, \_\_\_ N.C. \_\_\_, \_\_\_ S.E.2d \_\_\_ (2012) (438PA10), the decision of the Court of Appeals is affirmed.

MARDAN IV, LLC v. CNTY OF CABARRUS

*Opinion of the Court*

AFFIRMED.