

IN THE SUPREME COURT OF NORTH CAROLINA

No. 81A99

(Filed 25 JUNE 1999)

MARGARET ATKINSON

v.

DAVID E. ATKINSON

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. ___, 510 S.E.2d 178 (1999), reversing an order signed 15 July 1997 by Smith (John W.), J., in District Court, New Hanover County, and remanding for further proceedings to effect an equitable distribution of the parties' marital property.

Heard in the Supreme Court 12 May 1999.

Lea, Clyburn & Rhine, by J. Albert Clyburn and James W. Lea, III, for plaintiff-appellee.

Edward P. Hausle, P.A., by Edward P. Hausle, for defendant-appellant.

PER CURIAM.

For the reasons stated in the dissenting opinion of Judge Greene, the decision of the Court of Appeals is reversed, and the case is remanded to the Court of Appeals for further remand to the District Court, New Hanover County, for reinstatement of its order allowing defendant's motion to dismiss the equitable distribution claim.

REVERSED.

