

IN THE SUPREME COURT OF NORTH CAROLINA

No. 83PA12

FILED 14 DECEMBER 2012

KLINGSTUBBINS SOUTHEAST, INC.

v.

301 HILLSBOROUGH STREET PARTNERS, LLC and THEODORE R. REYNOLDS

On writ of certiorari pursuant to N.C.G.S. § 7A-32(b) from the decision of a divided panel of the Court of Appeals, ___ N.C. App. ___, 721 S.E.2d 749 (2012), reversing in part an order entered on 16 February 2011 by Judge Carl Fox in Superior Court, Wake County. Heard in the Supreme Court on 15 October 2012.

Creech Law Firm, P.A., by Peter J. Sarda, for plaintiff-appellee.

Harris Winfield Sarratt & Hodges, LLP, by John L. Sarratt, for defendant-appellant Theodore R. Reynolds.

PER CURIAM.

The decision of the Court of Appeals is affirmed. This case is remanded to the Court of Appeals for further remand to the Superior Court, Wake County, for additional proceedings not inconsistent with this opinion.

AFFIRMED AND REMANDED.