

SUPREME COURT OF NORTH CAROLINA

Anderson v. Coastal Cmtys. at Ocean Ridge Plantation, Inc.

No. 376A14 (N.C. Dec. 18, 2015) · No. 376A14 · Decided December 18, 2015

SUMMARY

The Supreme Court of North Carolina affirmed the trial court's orders granting motions to dismiss in an appeal involving purchasers and related parties connected with a real estate development. The court relied on its contemporaneous decision in Arnesen v. Rivers Edge Golf Club & Plantation, Inc.; separate justices concurred in part and dissented in part for the reasons stated in that case.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Per Curiam; Justice Edmunds; Justice Hudson; Justice Beasley
JURISDICTION	North Carolina
DECIDED	December 18, 2015
DOCKET	376A14
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from opinions and orders granting motions to dismiss entered in the Superior Court of Brunswick County. Before determination by the Court of Appeals, the Supreme Court certified the case for review on its own initiative.
PRECEDENTIAL VALUE	published
PARTIES	Berry Anderson et al. v. Coastal Communities at Ocean Ridge Plantation, Inc. et al.

TOPICS

- appellate procedure
- motions to dismiss
- civil procedure
- real estate

PRACTICE AREAS

- appellate procedure
- civil procedure
- real estate

QUESTIONS PRESENTED

1. Whether the trial court's orders granting defendants' motions to dismiss should be affirmed under the reasoning stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*

HOLDINGS

1. The trial court's decision is affirmed for the reasons stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*

KEY QUOTATIONS

“For the reasons stated in Arnesen v. Rivers Edge Golf Club & Plantation, Inc., ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14), the decision of the trial court is affirmed.” (-2-)

FACTUAL BACKGROUND

The opinion contains no independent discussion of the underlying facts. It resolves the appeal by adopting the reasons stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*

PROCEDURAL HISTORY

The Superior Court entered orders granting motions to dismiss on June 27, 2011, and June 13, 2012. Plaintiffs appealed pursuant to N.C.G.S. § 7A-27(b)(1). On October 10, 2014, the Supreme Court certified the case for review before determination in the Court of Appeals. The Supreme Court affirmed for the reasons stated in *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*

DISPOSITION

affirmed

CASES CITED

- *Arnesen v. Rivers Edge Golf Club & Plantation, Inc.*, ___ N.C. ___, ___ S.E.2d ___ (2015) (375A14)