

**HOPPES BUILDERS AND DEVELOPMENT COMPANY v. HURREN BUILDERS, INC.
ET AL.; ERB LUMBER COMPANY, APPELLANT; COLE ACTON HARMON DUNN,
L.P.A., APPELLEE.**

[Cite as *Hoppes Bldrs. & Dev. Co. v. Hurren Bldrs., Inc.*, 1998-Ohio-641.]

Appeal dismissed as improvidently allowed.

(No. 96-2702—Submitted January 13, 1998—Decided March 4, 1998.)

APPEAL from the Court of Appeals for Clark County, No. 96-CA-23.

Klein & Zegarski, Daniel S. Zegarski and Stephen E. Klein, for appellant.

Cole Acton Harmon Dunn, L.P.A., and *Joseph A. Dunn*, for appellee.

Thompson, Hine & Flory, L.L.P., J. Raymond Prohaska and Anne E. Hadden, urging affirmance for *amicus curiae*, Ohio Land Title Association.

{¶ 1} The appeal is dismissed, *sua sponte*, as having been improvidently allowed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.
