

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1696

LORAINÉ D. POOL; KEVIN D. POOL,

Plaintiffs - Appellants,

versus

STATE FARM FIRE AND CASUALTY COMPANY, a/k/a
State Farm Insurance,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-01-208-5-3BO)

Submitted: November 7, 2002

Decided: November 13, 2002

Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Ronnie P. King, RONNIE P. KING, P.A., Roxboro, North Carolina, for Appellants. R. Scott Brown, BROWN, CRUMP, VANORE & TIERNEY, L.L.P., Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lorraine and Kevin Pool appeal the district court's grant of summary judgment in favor of State Farm Fire and Casualty Insurance Company in their action for breach of contract under a fire insurance policy. We affirm.

State Farm moved for summary judgment and the Pools did not respond. The district court found, as a matter of law and upon the facts presented by State Farm, that the Pools had not complied with the policy requirements and that compliance is a condition precedent to bringing suit against the insurer. See Fineberg v. State Farm Fire and Casualty Co., 438 S.E.2d 754, 755 (N.C. App. 1994). Failure to comply with conditions precedent "bars recovery as well as the right to bring suit under the policy." Id. We agree with the district court's conclusion that State Farm was entitled to judgment as a matter of law on the facts presented in the motion for summary judgment. See Fed. R. Civ. P. 56(c), (e); Custer v. Pan American Life Insurance Co., 12 F.3d 410, 416 (4th Cir. 1986).

Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED