

IN THE SUPREME COURT OF NORTH CAROLINA

No. 561PA97

RONALD E. SHACKELFORD, et al.,
Petitioners

v.

CITY OF WILMINGTON,
Respondent

On writ of certiorari pursuant to N.C.G.S. § 7A-32(b) to review the decision of the Court of Appeals, 127 N.C. App. 449, 490 S.E.2d 578 (1997), affirming an order and judgment entered 10 April 1996 by Cashwell, J., in Superior Court, New Hanover County. Heard in the Supreme Court 28 September 1998.

Shipman & Associates, L.L.P., by Gary K. Shipman and C. Wes Hodges, II, for petitioner-appellants.

Thomas C. Pollard, City Attorney, for respondent-appellee.

Adams Hendon Carson Crow & Saenger, P.A., by Martin K. Reidinger, on behalf of the Good Neighbors Association of North Carolina, amicus curiae.

North Carolina League of Municipalities, by John M. Phelps, II, Assistant General Counsel, amicus curiae.

PER CURIAM.

Justice Webb took no part in the consideration or decision of this case. The remaining members of the Court are equally divided, with three members voting to affirm and three members voting to reverse the decision of the Court of Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *Nesbit v. Howard*, 333 N.C. 782, 429 S.E.2d 730 (1993).

AFFIRMED.