

IN THE SUPREME COURT OF NORTH CAROLINA

No. 269PA98

FILED: 5 February 1999

PORTIA REESE, Individually and as Administratrix of the
Estate of CARLO REESE

v.

LEE TODD BARBEE

On discretionary review pursuant to N.C.G.S. § 7A-31 to
review a unanimous decision of the Court of Appeals, ___ N.C.
App. ___, 501 S.E.2d 698 (1998), affirming an order entered on
17 June 1997 by Bullock, J., in Superior Court, Wake County.
Heard in the Supreme Court 13 January 1999.

*Pipkin, Knott, Clark & Berger, L.L.P., by Michael W. Clark
and Ashmead P. Pipkin; and Currie, Becton & Stewart, by
Elwood Becton, for plaintiff-appellant.*

*Bailey & Dixon, L.L.P., by Kenyann Brown Stanford, for
unnamed defendant-appellee Nationwide Mutual Insurance
Company.*

*Cranfill, Sumner & Hartzog, L.L.P., by Stephanie Hutchins
Autry, for unnamed defendant-appellee North Carolina Farm
Bureau Insurance Company, Inc.*

PER CURIAM.

Chief Justice Mitchell and Associate Justices Parker and
Wainwright voted to affirm and Associate Justices Frye, Lake and
Orr voted 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); *Kempson v. N.C.
Dep't of Human Resources*, 328 N.C. 722, 403 S.E.2d 279 (1991).

AFFIRMED.

Associate Justice MARTIN did not participate in the consideration or decision of this case.