

IN THE SUPREME COURT OF NORTH CAROLINA

No. 338PA98

WILLIAM A. HAYES, ROBERT O. FLOYD, ROBERT O. FLOYD, III, JIMMY DANE AMMONS, TERESA TURNER AMMONS, GLENN S. MCPHATTER, JO ANN SMITH, JIMMY BAIN SMITH, RUBY NORRIS SMITH, AMY S. BASS, ELLA MAE WALLACE, FRANCES JOHNSON CLONCH, CONNIE WHEELER BROOKS, JAMES C. CAPPS, JR., WENDY LOU CAPPS, ROBERT L. CAPPS, BEVERLY MARKS CAPPS, THOMAS M. LEWIS, SHIRLEY R. LEWIS, C.M. IVEY, GLADYS S. IVEY, D. JEFFREY ROGERS, KAY ROGERS, CAROLYN BRITT, BOBBY BRITT, A. ALLEN FOWLER, III, CARL SCOTT, MYRTLE ROSE SCOTT, RITA SCOTT PRIDGEN, RICHARD PRIDGEN, NANCY DICKENS, NANCY IVEY MARKS, BELINDA SMITH, ROBBIE LYNN SMITH, CHANDOS SMITH, KATHRYN BASSETT, WAYNE FLOYD, CHARLES CALLAHAN, A.B. STUBBS, REBECCA M. STUBBS, ALEX B. STUBBS, III, SHIRLEY F. JENKINS,  
Petitioners

v.

TOWN OF FAIRMONT,  
Respondent

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 130 N.C. App. 125, 502 S.E.2d 380 (1998), reversing and remanding an order entered on 9 October 1997 by Ellis, J., in Superior Court, Robeson County. On 5 November 1998, this Court allowed respondent's petition for discretionary review and petitioners' petition for discretionary review as to additional issues. Heard in the Supreme Court 9 February 1999.

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

*Womble Carlyle Sandridge & Rice, P.L.L.C., by Mark A. Davis, for respondent-appellant and -appellee.*

PER CURIAM.

Justice Martin recused and 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, e.g., *Shackelford v. City of Wilmington*, 349 N.C. 222, 505 S.E.2d 80 (1998).

AFFIRMED.