

IN THE SUPREME COURT OF NORTH CAROLINA

No. 19A02

FILED: 20 DECEMBER 2002

BARRETT L. CRAWFORD, Trustee in the bankruptcy of Jeter Edward Greene, and JETER EDWARD GREENE

v.

COMMERCIAL UNION MIDWEST INSURANCE COMPANY, GERALD BENFIELD, and BENFIELD INSURANCE ENTERPRISES

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 147 N.C. App. 455, 556 S.E.2d 30 (2001), reversing and remanding an order for summary judgment entered 22 March 2000 and an order denying reconsideration entered 24 May 2000, both orders entered by Martin (Jerry Cash), J., in Superior Court, Burke County. Heard in the Supreme Court 3 December 2002.

*Daniel Law Firm P.A., by Stephen T. Daniel and Warren T. Daniel, for plaintiff-appellees.*

*Young Moore and Henderson P.A., by Walter E. Brock, Jr., and Christopher A. Page, for defendant-appellant Commercial Union Midwest Insurance Company.*

PER CURIAM.

Justice BUTTERFIELD did not participate in the consideration or decision of this case. The remaining members of the Court were equally divided, with three members voting to affirm the decision of the Court of Appeals and three members voting to reverse. Therefore, the decision of the Court of Appeals is left undisturbed and stands without precedential value. See *Reese v. Barbee*, 350 N.C. 60, 510 S.E.2d 374 (1999); *Nesbit v. Howard*, 333 N.C. 782, 429 S.E.2d 730 (1993).

AFFIRMED.

