

IN THE SUPREME COURT OF NORTH CAROLINA

No. 511A01

FILED: 20 DECEMBER 2002

DIANE ROBINSON

v.

MAYNARD BYRD

Appeal pursuant to N.C.G.S. § 7A-30(2) from an unpublished decision of a divided panel of the Court of Appeals, 145 N.C. App. 503, 550 S.E.2d 281 (2001), reversing and remanding orders entered 1 March 2000 and 7 April 2000 by DeVine, J., in District Court, Orange County. On 31 January 2002, the Supreme Court granted discretionary review of additional issues. Heard in the Supreme Court 14 May 2002.

*J. Randolph Ward for plaintiff-appellant.*

*Martin and Martin, P.A., by J. Matthew Martin and Harry C. Martin; and Fisher Law Firm, P.A., by C. Douglas Fisher, for defendant-appellee.*

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.