

MARIE T. FORMYDUVAL, as Administratrix of the Estate of HARTWELL B. FORMYDUVAL, and JOEY FORMYDUVAL v. WILLIAM S. BRITT, individually and d/b/a BRITT & BRITT; and BRITT & BRITT, PLLC

No. 357A06

FILED: 26 JANUARY 2007

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 177 N.C. App. ___, 630 S.E.2d 192 (2006), reversing an order of dismissal entered 3 November 2003 by Judge B. Craig Ellis in Superior Court, Columbus County, and remanding for further proceedings. Heard in the Supreme Court 9 January 2007.

The Odom Firm, PLLC, by Thomas L. Odom, Jr. and T. LaFontine Odom, Sr., and Williamson & Walton, LLP, by Benton H. Walton, III, for plaintiff-appellees.

Mitchell Brewer Richardson, by Ronnie M. Mitchell and Coy E. Brewer, Jr., for defendant-appellants.

PER CURIAM.

Justice TIMMONS-GOODSON 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 *State v. Harrison*, 360 N.C. 394, 627 S.E.2d 461 (2006); *Crawford v. Commercial Union Midwest Ins. Co.*, 356 N.C. 609, 572 S.E.2d 781 (2002); *Robinson v. Byrd*, 356 N.C. 608, 572 S.E.2d 781 (2002).

AFFIRMED.