

IN THE SUPREME COURT OF NORTH CAROLINA

460A12

FILED 13 JUNE 2013

JOHN CONNER CONSTRUCTION, INC., R&G CONSTRUCTION COMPANY,  
and EGGERS CONSTRUCTION COMPANY, INC.

v.

GRANDFATHER HOLDING COMPANY, LLC and MOUNTAIN COMMUNITY  
BANK, a Branch of CARTER COUNTY BANK

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 732 S.E.2d 367 (2012), affirming an order entered on 15 February 2011 by Judge Marvin P. Pope, Jr. in Superior Court, Avery County. On 12 December 2012, the Supreme Court allowed a petition by plaintiffs for discretionary review of additional issues. Heard in the Supreme Court on 15 April 2013.

*Tricia Wilson Law Firm, PLLC, by Patricia L. Wilson; and J. Thomas Dunn, Jr., for plaintiff-appellants.*

*Roberson Haworth & Reese, P.L.L.C., by Alan B. Powell, Christopher C. Finan, and Matthew A. L. Anderson, for defendant-appellee Mountain Community Bank.*

PER CURIAM.

Justice BEASLEY 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

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Appeals. Accordingly, the decision of the Court of Appeals stands without precedential value. *See, e.g., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *Goldston v. State*, 364 N.C. 416, 700 S.E.2d 223 (2010). As to the issue allowed in plaintiffs' petition for discretionary review, we hold that discretionary review was improvidently allowed.

AFFIRMED; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.