

IN THE SUPREME COURT OF NORTH CAROLINA

No. 79A13

FILED 24 JANUARY 2014

RUTHERFORD PLANTATION, LLC

v.

THE CHALLENGE GOLF GROUP OF THE CAROLINAS, LLC f/k/a PREMIER
BALSAM BUILDERS, LLC

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. ___, 737 S.E.2d 409 (2013), reversing an order entered on 29 November 2011 denying defendant's motion to amend a partial summary judgment order entered on 4 November 2011, both by Judge Marvin P. Pope, Jr. in Superior Court, Rutherford County, and remanding for further proceedings. Heard in the Supreme Court on 4 September 2013.

David A. Lloyd for plaintiff-appellant.

McGuire, Wood & Bissette, P.A., by Douglas J. Tate, Starling B. Underwood III, and Joseph P. McGuire, for defendant-appellee.

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 Appeals. Accordingly, the decision of the Court of Appeals is left undisturbed and stands

Opinion of the Court

without precedential value. *See, e.g., Amward Homes, Inc. v. Town of Cary*, 365 N.C. 305, 716 S.E.2d 849 (2011); *State v. Pastuer*, 365 N.C. 287, 715 S.E.2d 850 (2011).

AFFIRMED.