

IN THE SUPREME COURT OF NORTH CAROLINA

No. 94A22

Filed 20 October 2023

HOLLIS L. BATSON and CAROL D. BATSON; LAWRENCE F. BALDWIN and ELIZABETH C. BALDWIN; BALDWIN-BATSON OWNERS' ASSOCIATION, INC.

v.

COASTAL RESOURCES COMMISSION and NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 282 N.C. App. 1 (2022), vacating an order entered on 23 September 2020 by Judge Charles H. Henry in Superior Court, Carteret County, and remanding the case. Heard in the Supreme Court on 20 September 2023.

*I. Clark Wright Jr. for petitioner-appellees.*

*Joshua H. Stein, Attorney General, by Mary L. Lucasse, Special Deputy Attorney General, for respondent-appellant Coastal Resources Commission.*

*No brief for respondent-appellee North Carolina Department of Transportation.*

PER CURIAM.

Justice DIETZ did not participate 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 City of Charlotte v. Univ. Fin. Props., LLC*, 373 N.C. 325 (2020) (per curiam) (affirming by an equally divided vote a Court of Appeals

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decision without precedential value).

**AFFIRMED.**