

IN THE SUPREME COURT OF NORTH CAROLINA

No. 369PA01

FILED: 4 OCTOBER 2002

MARGARET WILLIAMS PITTS, Individually and on behalf of all persons similarly situated

v.

AMERICAN SECURITY INSURANCE COMPANY, AMERICAN SECURITY INSURANCE GROUP, STANDARD GUARANTY INSURANCE COMPANY, AND WACHOVIA BANK OF NORTH CAROLINA, N.A.

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, 144 N.C. App. 1, 550 S.E.2d 179 (2001), reversing in part, vacating in part, and remanding an order and opinion entered by Tennille, J., on 7 February 2000 in Superior Court, Pitt County. Heard in the Supreme Court 9 September 2002.

*The Blount Law Firm, P.L.L.C., by Marvin K. Blount, Jr., for plaintiff-appellee.*

*Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., by Carl N. Patterson, Jr., and Donald H. Tucker, Jr., for defendant-appellants American Security Insurance Company and Standard Guaranty Insurance Company.*

*Womble Carlyle Sandridge & Rice, by Burley B. Mitchell, Jr., Hada V. Haulsee, and Reid C. Adams, Jr., for defendant-appellant Wachovia Bank of North Carolina, N.A.*

*Bell, Davis & Pitt, P.A., by William K. Davis and Stephen M. Russell, on behalf of the National Association of Manufacturers, the Chamber of Commerce of the United States, and United Services Automobile Association, amici curiae.*

*North Carolina Justice Center, by Carlene McNulty, on behalf of AARP, CRA-NC, Financial Protection Law Center, North Carolina Consumer's Council, North Carolina Justice and Community Development Center, and NC PIRG, amici curiae; and Financial Protection Law Center, by Mallam J. Maynard, amicus curiae.*

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by Edward C. Winslow III and Clinton R. Pinyan, on*

*behalf of North Carolina Bankers Association, amicus curiae.*

*Rhoda Billings; and Robinson, Bradshaw & Hinson, P.A., by John M. Conley, on behalf of North Carolina Citizens for Business and Industry, amicus curiae.*

*Lewis & Roberts, PLLC, by Gary W. Jackson, on behalf of the North Carolina Academy of Trial Lawyers and the American Civil Liberties Union of North Carolina Legal Foundation, Inc., amici curiae.*

PER CURIAM.

Justices ORR, WAINWRIGHT, and EDMUNDS did not participate in the consideration or decision of this case. The remaining members of the Court were equally divided, with two members voting to affirm the decision of the Court of Appeals and two 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.