

In the
Indiana Supreme Court



CITY OF GREENWOOD, et al.,)	Supreme Court Cause No.
Appellants,)	41S05-1012-CV-666
)	
v.)	Court of Appeals Cause No.
)	41A05-0912-CV-684
TOWN OF BARGERSVILLE, INDIANA,)	
Appellee.)	Johnson Co. Superior Court Cause No.
)	41D01-0809-PL-66

ORDER

On December 10, 2010, we granted transfer of jurisdiction over this appeal. *See* Appellate Rules 56(B) and 58(A). After further review, including oral argument, the Court is evenly divided.

Accordingly, the Court of Appeals opinion reported as City of Greenwood v. Town of Bargersville, 930 N.E.2d 58 (Ind. Ct. App. 2010), is no longer vacated and is REINSTATED as Court of Appeals precedent. *See* App. R. 58(A) & (C).

This appeal is at an end. The Clerk is directed to certify this appeal as final and to send copies of the order to the Hon. Thomas K. Milligan, Special Judge, Johnson Superior Court; to the Johnson Superior Court; to the Hon. Margret G. Robb, Chief Judge, Indiana Court of Appeals; to Steve Lancaster, Court of Appeals Administrator; and to all counsel of record.

The Clerk is also directed to post this order on the Court's website, and Thomson Reuters is directed to publish this order in the bound volumes of this Court's decisions.

Done at Indianapolis, Indiana, this 29th day of January, 2011.

/s/ For the Court
Randall T. Shepard
Chief Justice of Indiana

Shepard, C.J. and David, J., would affirm the trial court.
Dickson and Rucker, JJ., would reverse the trial court.
Sullivan, J., did not participate.