IN THE SUPREME COURT OF IOWA

No. 11–2019

Polk County No. CVCV008116

ORDER

FILED
MAY 10 2013
CLERK SUPREME COURT

RESIDENTS OF ELSIE MASON MANOR & LIGUTTI TOWER, KATHERINE DANIEL, et al.,

Plaintiffs-Appellees,

vs.

FIRST BAPTIST HOUSING FOUNDATION and **AMERICAN BAPTIST HOMES OF THE MIDWEST** d/b/a ELSIE MASON MANOR & LIGUTTI TOWER,

Defendants-Appellants.

The court, being evenly divided, affirms this case by operation of law. *See* Iowa Code § 602.4107 (2001).

Wiggins, Hecht, and Zager, JJ., would affirm the judgment of the district court; Cady, C.J., and Waterman and Mansfield, JJ., would reverse the judgment of the district court; and Appel, J., takes no part.

Dated this 10th day of May, 2013.

Mark S. Cady, Chief Justice

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