

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NUMBER: 2021-CP-40-05041

LOOM CAPITAL, LLC,

Plaintiff,

v.

DOMINIQUE HILL and  
MABEL C. HILL,

Defendants.

SUMMARY  
JUDGMENT

**RECEIVED**

**Jul 05 2022**

**SC Court of Appeals**

ELECTRONICALLY FILED - 2022 Jun 15 8:45 AM - RICHLAND - COMMON PLEAS - CASE#2021CP4005041

THIS MATTER CAME ON FOR HEARING before the Honorable Clifton Newman, Judge Presiding on June 2, 2022, upon Plaintiff's Motion for Summary Judgment filed on December 10, 2021 and Defendants' written Motion to Dismiss, filed on November 22, 2021. At the virtual hearing, Sarah Dalonzo-Baker, Esq., appeared on behalf of the Plaintiff. The Defendants, Dominique Hill and Mabel C. Hill (hereinafter "Defendants") appeared pro se.

Based on its review of the record, the Court makes the following

**FINDINGS OF FACT:**

1. On or about April 24, 2018, the Defendants requested and were granted approval for a loan with Sharonview Federal Credit Union pursuant to the Consumer Lending Plan and Consumer Lending Plan Advance Receipt and Truth-In-Lending Statement ("Credit Agreement").
2. Defendants defaulted under the terms of the Credit Agreement.
3. Sharonview Federal Credit Union sold and assigned the Credit Agreement to Plaintiff and Plaintiff now has the right to enforce same.
4. Plaintiff's verified Complaint in the above titled action was filed on October 8, 2021.
5. Defendant Dominique Hill was served with the Summons and Complaint personally by the Richland County Sheriff's Department on October 20, 2021.
6. Defendant Mabel C. Hill was served with the Summons and Complaint personally by the Aiken County Sheriff's Office on October 25, 2021

7. Defendants filed their Answer to Complaint Debt Collection Complaint Motion to Dismiss ("Answer") on November 22, 2021. Defendants denied the substantive claims made by Plaintiff in its verified Complaint and listed Rule 12(b)(6) "As A Second Defense to Plaintiff's Allegations."

8. Defendants' Motion for Amendment of Answer to Plaintiff's Complaint was filed on November 29, 2021. The amended answer clarified Defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure by stating that "Plaintiff has failed to state facts sufficient to constitute a cause of action." Defendants further state that the Plaintiff has failed assert any cause of action against Defendants and seeks to preserve the right of Defendants to make a motion to dismiss at any time prior to the resolution of the case.

9. Defendants failed to formally file their Amended Answer with the Clerk of Court. However, Defendants' Amended Answer to Complaint Debt Collection Complaint Motion to Dismiss was attached as "Exhibit A" to their Motion for Amendment of Answer to Plaintiff's Complaint.

10. Plaintiff's Motion for Summary Judgment was filed on December 10, 2021.

11. Plaintiff's Response to Defendant's Motion for Amendment of Answer (stating no objection to the amendment of Defendants' answer) was filed on January 19, 2022.

12. Plaintiff's Reply (stating that to the extent that the Defendants raised a counterclaim in their or Amended Answer, Plaintiff denies any basis for same) was also filed on January 19, 2022.

13. Defendants' Motion to Dismiss was filed on November 22, 2021.

14. That Defendants failed to file any response nor opposing affidavits the Plaintiff's Motion for Summary Judgment.

15. That there was neither argument nor evidence presented by either Defendant regarding the underlying debt and amounts due.

Based on the above uncontroverted facts, the Court makes the following:

#### CONCLUSIONS OF LAW

1. This Court has proper and personal jurisdiction over the subject matter hereof and the parties hereto.

2. The motions properly came on for consideration before the Court after notice thereof was duly and properly given to both parties. No further notice or hearing is required

relative to the entry of this Order.

3. The verified Complaint sufficiently sets forth the loan to the Defendants, Defendants' obligation to pay, and the failure of the Defendants to pay pursuant to said obligation.
4. Pursuant to Rule 56(e) of the South Carolina Rules of Civil Procedure, general denials in pleadings are not enough to constitute a genuine issue of material fact.
5. There is no genuine issue as to any material fact.

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendants' Motion/s to Dismiss are denied and that Summary Judgment is granted in favor of Plaintiff against Defendants. Plaintiff shall have and recover of Defendants, jointly and severally, the total amount of \$8,250.24, as follows:

1. Principal sum of \$4,764.83;
2. Interest at the contract rate of 14.49% *per annum* (\$1.89) per diem) from October 21, 2018, until the date of judgment and interest thereafter at the legal rate (7.25% *per annum*) until satisfied (\$2,496.88 as of June 2, 2022);
3. Attorney's fees in the amount of \$714.72;
4. Court costs which are, as of the date of this Summary Judgment, \$273.81.

This the \_\_\_\_\_ day of June, 2022.

\_\_\_\_\_  
The Honorable Clifton Newman

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**FORM 4**

**JUDGMENT IN A CIVIL CASE**

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 IN THE COURT OF COMMON PLEAS

CASE NO. 2021-CP-40-05041

LOOM CAPITAL, LLC

DOMINIQUE HILL

PLAINTIFF(S)

MABEL C. HILL  
 DEFENDANT(S)

Submitted by: David P. Nanney, Jr.

Attorney for :  Plaintiff  Defendant  
 or  
 Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk : \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
LOOM CAPITAL, LLC	DOMINIQUE HILL MABEL C. HILL	\$4,764.83 plus pre-judgment interest @ 14.49% per annum from 10/21/2018 until jdg, (\$2,496.88 as of 06/02/2022) and int thereafter at legal rate until paid, plus \$714.72 atty fees, plus \$273.81 court costs. Total as of 06/02/2022 is \$8,250.24
		\$
		\$





Richland Common Pleas

**Case Caption:** Loom Capital Llc vs Dominique Hill , defendant, et al  
**Case Number:** 2021CP4005041  
**Type:** Order/Summary Judgment

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2022-06-12 20:16:42 page 6 of 6

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