

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

SONIA BEATRIZ GUTERREZ,
Plaintiff,

vs.

GREG S. SARVER,
Defendant.

IN THE COURT OF MASTER IN EQUITY
NINTH JUDICIAL DISTRICT

FINAL ORDER

CIVIL ACTION NO.: 2011-CP-08-280

CLERK OF COURT
BERKELEY COUNTY

2013 MAY 16 PM 4:29

FILED

RECEIVED

MAY 29 2013

SC Court of Appeals

PRESIDING JUDGE:

Robert E. Watson

DATE OF TRIAL:

January 24, 2013

ATTORNEY FOR THE PLAINTIFF:

Rhett D. Klok, Esq.

ATTORNEY FOR THE DEFENDANT:

Pro se

THIS MATTER CAME BEFORE the court for trial and the court heard all the evidence as put on by the parties. Appearances and representations were as noted above. At the conclusion of the both parties having presented their cases in chief, the attorney for the Plaintiff brought before the court a motion for directed verdict. Upon hearing argument for both Parties this Court considered the motion for directed verdict and makes the following findings of fact and conclusions of law:

FINDINGS

1. The Plaintiff is a resident of the State of South Carolina, County of Berkeley having resided therein for a period in excess of one (1) year prior to the commencement of this action.
2. The parties stipulated that the property at issue in this suit is located in the State of South Carolina, County of Berkeley.
3. The parties made the following stipulations before the commencement of the trial

which this Court finds as follows:

- a. That the Defendant became the owner of the Skyline mobile home title number 7701002272 which was acquired during a Berkeley County Tax Sale on February 1, 2010;
 - b. That Mr. Sarver paid \$751.58 for the Skyline mobile home including taxes during the February 1, 2010 Berkeley County Tax Sale; and
 - c. That the Defendant and the Plaintiff in this matter were never in contract with one another.
4. This Court finds based on uncontroverted evidence and testimony that the Plaintiff spent on costs for material not including labor, \$9,249.99 on improvements to the Skyline Mobile home.
 5. This Court finds the Defendant was aware that he was benefitting from those improvements made by the Plaintiff and allowed the Plaintiff to continue those improvements.
 6. This Court finds the Defendant was aware of his benefitting from those improvements while work was being done on the Skyline mobile home title number 7701002272 made by the Plaintiff.
 7. This Court finds the Plaintiff was put on notice by the Defendant there were problems associated with their ownership when a handwritten "For Sale" sign was posted on the Skyline mobile home number 7701002272 on Sunday, May 8, 2011, which was Mother's day.
 8. Based on uncontroverted evidence and testimony this Court finds that the Defendant

was conferred benefit by the Plaintiff in the improvement of the Skyline mobile home title number 7701002272. That the Defendant realized that benefit and it would be unjust for the Defendant to retain that benefit.

CONCLUSIONS OF LAW

1. **ORDERED, JUDGED, AND DECREED** that the Plaintiff's Motion for Directed Verdict is granted finding liability based on uncontroverted evidence and testimony that established a benefit was conferred upon the Defendant, the Defendant realized that benefit and it would be unjust for the Defendant to retain that benefit without paying its value.
2. **ORDERED, JUDGED, AND DECREED** that the Plaintiff be awarded Quantum Meruit damages or unjust enrichment damages realized by the Defendant.

The issue of Damages was taken under advisement by this Court and upon this Court's request, post trial briefs from the parties on the issue pertaining to damages were requested. After having carefully considered the evidence presented during trial and the parties post trial briefs relative to damages the court orders as follows:

ORDER AS TO THE ISSUE OF DAMAGES

ORDERED, JUDGED, AND DECREED that the Defendant pay the sum of \$8,081.00 (eight thousand and eighty one) dollars as damages for the value of the benefit conferred on the

Defendant. That this amount reflects the amount the Defendant has been unjustly enriched at the expense of the Plaintiff.

AND IT IS SO ORDERED.

Robert E. Watson

Hon. Robert E. Watson
Master in Equity
Berkeley County, South Carolina

Dated: ^{May} ~~April~~ 13, 2013
Moncks Corner, SC