

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SALUDA)
)
 Santander Bank, N.A. f/k/a Sovereign)
 Bank, N.A.,)
)
 Plaintiff,)
)
 v.)
)
 Saluda Motor Sales, Inc., Benjamin G.)
 Bradshaw, Kelly W. Sanders a/k/a Kelly)
 Wesley Sanders, Sanders Paint & Body,)
 Inc., Sanders Auto Sales, and Sanders)
 Holdings, Inc.,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 OF THE ELEVENTH JUDICIAL CIRCUIT

CIVIL ACTION NO. 2019-CP-41-00018

**ORDER DENYING PLAINTIFF’S
 MOTION TO ALTER OR AMEND THE
 COURT’S ORDER DENYING
 PLAINTIFF’S MOTION TO ENFORCE
 SETTLEMENT AGREEMENT**



This matter came before the Court on Plaintiff’s Motion to Enforce Settlement Agreement, which was filed on December 29, 2021. Defendant Benjamin G. Bradshaw (“Defendant Bradshaw”) filed an Objection to Motion to Enforce Settlement on July 15, 2022, and a hearing was held on July 21, 2022, which involved argument on the merits. An order was subsequently issued denying Plaintiff’s Motion on July 28, 2022.

Plaintiff, however, filed a Motion to Alter or Amend the Court’s Order Denying Plaintiff’s Motion to Enforce Settlement Agreement (“Motion to Alter or Amend”) on August 8, 2022, arguing the Court erred in holding “(1) it was not the intent of the parties to the Settlement Agreement to assign a possible restitution award to Plaintiff; (2) the Restitution Funds would be exempt from any assignment of claims pursuant to S.C. Code § 15-41-30; and (3) the restitution award did not constitute a claim that could be assigned under the Settlement agreement.” Pl.’s Motion to Reconsider, p. 3. Defendant Bradshaw then filed a Response on August 19, 2022, contending the Court did not err in its original order.

After careful consideration of the record and the submissions of counsel, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded, and thus, the Court finds no error in law or fact that was not appropriately considered. Consistent with its prior ruling, the Court now **DENIES** Plaintiff's Motion to Alter or Amend.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion to Alter or Amend is **DENIED**. Further motions in this case shall be directed to the trial judge.

AND IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE ON THE FOLLOWING PAGE]



Saluda Common Pleas

Case Caption: Santander Bank, N.A. F/K/A Sovereign Bank, N.A. VS Saluda Motor Sales, Inc. , defendant, et al
Case Number: 2019CP4100018
Type: Order/Amend

It Is So Ordered

s/ Walton J. McLeod