

EXHIBIT 1

MOATS CONSTRUCTION, INC.
PLAINTIFF(S)

CECIL R. DYAR
DEFENDANT(S)

Submitted By: Address:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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RECEIVED

Oct 26 2022

SC Court of Appeals

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
- 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:

After careful review of the pleadings, exhibits, memoranda filed by counsel and arguments of counsel, the Court finds that the Defendant is entitled to Summary Judgment against the Plaintiff. The Plaintiff did not reply to the Defendant's compulsory counterclaim, without good cause being demonstrated. Furthermore, the Court finds that the Defendant would be entitled to a foreclosure of the subject property even if a reply had been timely filed. The Plaintiff does not contest that foreclosure is appropriate in this case, although he seeks a set-off against the amounts claimed by the Defendant. Additional amounts due have accrued under the parties' contract since the filing of the counterclaim. Mr. Logan's statement of the amounts due appear to be correct when the total monthly payments due are calculated. However, the Court is unable to make a definite finding of the amount due after considering the allegations pled and presented by the Plaintiff.

The Court finds that a damages hearing pursuant to Rule 55(b)(2) of the South Carolina Rules of Civil Procedure shall be held in order to determine that appropriate amount of damages due to the Defendant.

Mr. Logan is directed to prepare a formal order setting forth the procedural history, findings of facts and applicable law within fourteen (14) days, copying Mr. Hawkins with same.

ORDER INFORMATION

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

INFORMATION FOR THE PUBLIC 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)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court for judgment details.**

Circuit Court Judge

2752
Judge Code

Date



Anderson Common Pleas

Case Caption: Moats Construction, Inc. VS Cecil R Dyar

Case Number: 2020CP0401202

Type: Order/Form 4

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit