

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 HARLEYSVILLE GROUP INSURANCE,)
 A PENNSYLVANIA CORPORATION)
)
 Plaintiff,)
)
 VS.)
)
 HERITAGE COMMUNITIES, INC, A)
 SOUTH CAROLINA CORPORATION;)
 HERITAGE MAGNOLIA NORTH, INC.)
 A SOUTH CAROLINA CORPORATION;)
 BUILDSTAR CORPORATION, A)
 SOUTH CAROLINA CORPORATION,)
 MAGNOLIA NORTH HORIZONTAL)
 PROPERTY REGIME, MAGNOLIA)
 NORTH PROPERTY OWNERS)
 ASSOCIATION, INC. A SOUTH)
 CAROLINA CORPORATION and)
 NATIONAL SURETY CORP.)
)
 Defendants)
)


IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 CASE NO. 2009-CP-26-11862

ORDER

HORRY COUNTY
 13 MAR -5 AM 8:58
 MEL AHLE HUBBINS-WARD
 CLERK OF COURT

This matter came to be before the Court pursuant to a Motion for Judgment as a Matter of Law and for a Directed Verdict filed by the Plaintiff in this action on September 12, 2012. This Motion is being made pursuant to Rule 50 of the South Carolina Rules of Civil Procedure.


This matter was submitted to the undersigned as Special Referee and was heard non-jury. This Court reads Rule 50 of the South Carolina Rules of Civil Procedure to apply to situations where a jury trial is being held. Inasmuch as this case was heard non-jury, then Rule 50 would not apply. Further, all of the issues to be presented to the undersigned are set forth in the record, and have been considered by the Court. IT IS, THEREFORE,

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ORDERED That the Motion by the Plaintiff for a Judgment as a Matter of Law and for a Directed Verdict, pursuant to Rule 50 of the South Carolina Rules of Civil Procedure be, and the same hereby is denied.

Darlington, South Carolina.

February 28, 2013.



JOHN M. MILLING, Special Referee

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