

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Robert Belle,

Appellant,

v.

William Leach,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C/A No.: 2021-CP-23-05987

ORDER

RECEIVED
Mar 24 2023
SC Court of Appeals

THIS MATTER came before the Court by way of Appellant's Appeal from the Magistrate Court of Greenville County, South Carolina. This Court, having been fully apprised of the judgment from the Honorable Michael Don Stokes, Presiding Judge, and having considered all relevant legal issues raised by Appellant and Respondent, finds there is no legal error presented and Magistrate Court is affirmed.

FACTUAL BACKGROUND

The following facts are drawn from the action being heard in the North Greenville Summary Court on December 27, 2021, the Return from Greenville County Magistrate Court filed on February 23, 2023, and subsequent testimony heard on Appeal on March 1, 2023.

It is undisputed that William Leach (hereinafter Respondent) entered into a service agreement with Robert Belle (hereinafter Appellant) regarding yard grading and the construction of a fence. Appellant began work on Respondent's property and improperly bore holes for fencing that encroached on an adjoining property. The encroachment caused a dispute between the Appellant and the neighboring property's owner. Supplies for the service were delivered and paid

for by the Respondent, but were not used by the Appellant. Thus, the Respondent was forced to obtain another contractor to complete the work on the property.

The Appellant received approximately fourteen thousand dollars (\$14,000.00) from the Respondent without completion of the service and the Magistrate Court ultimately determined the Appellant had been overpaid in the amount of five thousand seven hundred twenty dollars (\$5,720.00). The Magistrate Court issued a judgment against Appellant and Appellant appealed.

STANDARD OF REVIEW

Under the South Carolina Code, Chapter 7 of Title 18, “when a judgment is rendered by a magistrates court . . . the appeal shall be to the circuit court of the county wherein the judgment was rendered.” *See* S.C. Code Ann. § 18-7-10 (1985). The standard of review to be applied by the circuit court on appeal of a magistrate’s judgment is articulated in Section 18-7-170 of the South Carolina Code (1985). Upon hearing the Appeal, the appellate court may “affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.” *Bowers v. Thomas*, 373 S.C. 240, 644 S.E.2d 751 (Ct. App. 2007); *see also Hadfield v. Gilchrist*, 343 S.C. 88, 92–93, 538 S.E.2d 268, 270 (Ct. App. 2000).

ANALYSIS

On March 1, 2023, Appellant and Respondent came before this Court on Appeal. Appellant based its appeal on the allegation the Magistrate Court did not properly review the documents provided and attempted to relitigate the factual issues in this matter. The standard of review is clear that a circuit court reviewing an appeal from a magistrate’s judgment is limited to errors of law or fact. *See* S.C. Code Ann. § 18-7-10 (1985). On appeal, it is incumbent upon the Appellant to present evidence to indicate an error exists. This Court finds the Appellant did not introduce any such evidence. Thus, this Court is restricted to errors of law and the Magistrate Court’s Return.

CONCLUSION

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Appellant's attempt to relitigate the factual issues on appeal is improper as this Court's appellate review is limited to correcting errors of law, and seeing that no such error of law exists, Magistrate Court's decision is affirmed.

AND IT IS SO ORDERED.

March 2, 2023
Greenville, South Carolina

/s/ Michael G. Nettles
Presiding Judge



Greenville Common Pleas

Case Caption: Robert Belle VS William Leach

Case Number: 2021CP2305987

Type: Order/Other

So Ordered

s/ The Honorable Michael G. Nettles #2140