

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Clear Skies Restoration, LLC,)
)
Plaintiffs,)
)
v.)
)
Ivan Martinez and Paula A. Martinez,)
)
Defendants;)
)
Oriole Properties, LLC and Rallis Holdings)
LLC,)
)
Intervenors and Third Party Purchasers,)
_____)

IN THE COURT OF COMMON PLEAS
C.A. No. 2018-CP-23-03124

ORDER

This matter came before the Court on remand pursuant to an Order granting the application for an Order for a Writ of Ejectment filed by Oriole Properties, LLC and Rallis Holdings, LLC, Intervenors and Third Party Purchasers (“Intervenors”) on June 12, 2019. Subsequently, Defendants Ivan and Paula Martinez filed a series of motions for relief in this action, including from the Writ of Ejectment, which this Court granted in part by an Order filed September 19, 2019 (the “Order”), which, among other things, stayed the Writ of Ejectment.

Intervenors appealed the Order. The South Carolina Court of Appeals reversed the Order and remanded in an opinion filed January 11, 2023. Following the appellate court’s decision, the Court held an evidentiary hearing on February 28, 2023. Counsel for all parties were present at the hearing. Several witnesses testified, and the parties submitted numerous exhibits into evidence. The Court issued an Order on March 30, 2023 which, among other things, lifted the stay of the Writ of Ejectment.

The parties have failed to reach agreement on a date by which the ejectment shall be executed and, without prejudice to the rights of Defendants to seek other appropriate relief in this matter, the Court orders as follows:

IT IS HEREBY ORDERED that the Intervenor is entitled to recover possession of the premises described as follows:

All that certain piece, parcel or lot of land situate, lying and being in the State of South Carolina, County of Greenville, being known and designated as Lot No. 22 of Ascot subdivision, as shown on that certain subdivision plat entitled "Ascot, Sheet One of Two," prepared by Wooten Surveying Co., Surveyors, dated April 14, 1999, and recorded in Plat Book 39-W at Page 23 in the office of the Greenville County Register of Deeds; and shown more recently on that certain plat of survey entitled "Survey for Matthew C. Watson [and] Abby C. Watson," prepared by PLS, Inc., dated December 11, 2000 and recorded in Plat Book 43-G at Page 88 in the office of the Greenville County Register of Deeds, reference hereby being made to the more recent plat for a more complete and accurate description thereof.

2 Landstone Court, Greer, SC 29650

TMS# 0534.33-01-022.00

IT IS FURTHER ORDERED that on or after June 5, 2023, the Sheriff of Greenville County, South Carolina shall be authorized to enter upon the afore described premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put the Intervenor in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due Return to the Clerk of Court for Greenville County, South Carolina, showing how this Order has been executed.

JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW



Greenville Common Pleas

Case Caption: Clear Skies Restoration LLC , plaintiff, et al vs. Ivan Martinez ,
defendant, et al
Case Number: 2018CP2303124
Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)