

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

RECEIVED

CASE NO. 2023-CP-42-01229

MAY 24 2023

Chris Klein

Kay Family Investments

SC Court of Appeals

APPELLANT(S)

RESPONDANT(S)

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

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
- STAYED DUE TO BANKRUPTCY**
- 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:

This matter came before the Court on May 15, 2023 at 9:30 for a WebEx hearing on Chris Klein's Appeal from Magistrate Court. Klein and Kay Family Investments attended *pro se*.

"When a judgment is rendered by a magistrate court ... the appeal shall be to the circuit court of the county wherein the judgment was rendered ..." S. C. Code Ann. Section 18-7-10. "The appellant, within thirty days after written notice of judgment has been given him ... shall serve a notice of appeal stating the grounds upon which the appeal is founded." *Id.* Section 18-7- 20. "The appeal shall be heard by the court upon all the papers in the case ... and the grounds of exception made, without examination of witnesses in court." *Id.* Section 18-7-130. "Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment, the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all parties and for errors of law or fact." *Id.* Section 18-7-170.

The Parties mentioned multiple related cases. Klein argues the underlying issues in this case were subject to a settlement agreement in another case, and for numerous reasons, a new case could and/or should not be opened to enforce a settlement in the other case. See *Appellant's Memorandum* (May 5, 2023). A party is not required to file a motion to enforce a settlement agreement in the same case. See *Vista Antiques and Persian Rugs, Inc. v. Noaha, LLC et al.*, 425 S.C. 413 (S.C. Ct. App. Oct. 17, 2008) (discussing breach of contract claim based on alleged breach of settlement agreement).

Appellant further argues this matter should not be dismissed because he is a month-to-month tenant. See Appellant's Memorandum (May 5, 2023). It appears from the Return from Magistrate's Court that Appellant raised this argument, and agreed he was provided the required 30-day notice to vacate the premises. This admission is dispositive. In his appeal hearing, Klein did not deny this notice was provided.

Upon review of the record and the presentation made at the hearing on appeal, this court finds that the judgment of the Magistrate Court is supported by the law and evidence appearing in the record of this case. There appearing no error of law or fact, the JUDGMENT of the magistrate court should be and IS therefore AFFIRMED and the APPEAL is DISMISSED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT 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 order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

_____	3087	05/16/2023
Shannon M. Phillips, Special Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the 17 day of May, 2023 and a copy mailed first class or placed in the appropriate attorney's box on this 17 day of May, 2023 to attorneys of record or to parties (when appearing pro se) as follows:

Chris Klein
 120 Dogwood Lane Unit A
 Duncan, SC 29334
 APPELLANT PRO SE

Kay Family Investments
 2536 Boiling Springs Road
 Boiling Springs, SC 29316
 RESPONDANT PRO SE

Pro Se

Ammy W. Cox / Tamara Massay
CLERK OF COURT

ELECTRONICALLY FILED - 2023 May 17 9:54 AM - SPARTANBURG - COMMON PLEAS - CASE#2023CP4201229

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Spartanburg Common Pleas

Case Caption: Chris Klein VS Kay Family Investments
Case Number: 2023CP4201229
Type: Order/Form 4

IT IS SO ORDERED.

s/ Shannon M. Phillips - 3087

Electronically signed on 2023-05-16 11:04:44 page 4 of 4