

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

Founders Federal Credit Union,

Plaintiff,

vs.

Richard O. Gardner, III,

Defendant.

IN THE CIRCUIT COURT

Case No. 2022-CP-29-01298

**ORDER DENYING DEFENDANT  
GARDNER'S MOTION TO ALTER OR  
AMEND JUDGMENT PURSUANT TO  
RULE 59(A), SCRPC**

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SC Court of Appeals

THIS MATTER COMES BEFORE THE COURT upon the *Notice and Motion to Alter or Amend Judgment Pursuant to Rule 59(a), SCRPC* (“Motion”) filed by Defendant Richard O. Gardner, III (“Defendant Gardner”) on May 8, 2023, seeking an order altering or amending the Court’s *Order Denying Defendant Gardner’s Motion to Dismiss*. The Honorable Brian M. Gibbons presided over a virtual hearing on the Motion on May 30, 2023. In attendance at the virtual hearing were Suzanne Graham Grigg, attorney for Founders Federal Credit Union and J. Martin Foster, attorney for Defendant Gardner. Based on the arguments of counsel and pleadings filed herein, the Court finds and orders as follows:

After careful consideration and review of the pleadings, argument of the parties, and applicable case law, this Court denies Defendant Gardner’s Motion because the defendant essentially reiterates and rehashes the argument in the Motion to Dismiss. South Carolina courts have routinely recognized judgment-lien foreclosure actions as a means of recovery for judgment creditors. *See Inglese v. Beal*, 403 S.C. 290, 296, 742 S.E.2d 687, 690 (Ct. App. 2013) (recognizing that a judgment creditor may foreclose its judgment lien if the lien is not released); *see also S.C. Nat. Bank v. Cook*, 291 S.C. 530, 531, 354 S.E.2d 562, 562 (1987) (affirming circuit court order granting summary judgment in favor of bank on judgment-lien foreclosure

claim); *see also McMasters v. Charpia*, No. 2017-000834, 2020 WL 6194025, at \*1 (S.C. Ct. App. Sept. 30, 2020) (finding that Plaintiff “obtained a judgment against [Defendant], which made [Defendant] subject to the foreclosure of [Plaintiff’s] judgment lien”).

Moreover, the Court is not aware, nor does the defendant cite to, any prior process or procedure that a creditor must follow before instituting a judgment lien foreclosure action.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Gardner’s Motion is denied;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there is no other process or procedure with which Founders must comply prior to prosecuting a judgment lien foreclosure action;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court’s *Order of Reference* shall stand referring the case to the Honorable Jackson Kimball as special referee;

AND IT IS SO ORDERED.

\_\_\_\_\_, 2023

\_\_\_\_\_  
Brian M. Gibbons  
Circuit Court Judge



Lancaster Common Pleas

**Case Caption:** Founders Federal Credit Union VS Richard O. Gardner III

**Case Number:** 2022CP2901298

**Type:** Master/Order/Other

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge