

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-10-4356

CHRISTOPHER CHAFFIN

BRANDON PRATT

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
or
 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.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE):** Affirmed; Reversed; Remanded; Other

FILED
2012 JUL 10 PM 3:36
JULIE J. ARMSTRONG
CLERK OF COURT

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : ORDER FOR JUDGMENT

INFORMATION FOR THE PUBLIC 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)
CHRISTOPHER CHAFFIN	BRANDON PRATT	\$168,518
		\$
		\$

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.

Circuit Court Judge

3062
Judge Code

7/9/2012
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
CHRISTOPHER CHAFFIN)
)
Plaintiff,)
)
vs.)
)
BRANDON PRATT,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2011-CP-10-4356

Master's Decree

FILED
2012 JUL 10 PM 3:36
JULIE J. ARMSTRONG
CLERK OF COURT

This matter was referred from the Circuit Court based on Plaintiff's motion seeking injunctive relief and damages from Defendant. Defendant was served on or around June 29, 2011, a certificate of which is filed with the Clerk of this Court. Neither Defendant nor an Attorney on behalf of Defendant made any appearance nor offered any showing of evidence on behalf of Defendant, and an entry of default was entered by this court on October 25, 2011. This order comes pursuant to a damages hearing held on December 12, 2011, where notice was given to the Defendant pursuant to certified mail, certificate of such filed with the Clerk of this Court on December 9, 2011. Defendant failed to make any showing on the issue of damages.

HAVING HEARD all evidence produced before it, both oral and documentary;

THIS COURT HEREBY FINDS that the Defendant, Brandon Pratt, solicited the Plaintiff, Christopher Chaffin, to buy into or finance the purchase of a business. For that purpose, Plaintiff put up an obligation to repay a \$45,000 loan to First Federal Savings & Loan of Charleston. The loan matures in June 2013, and has borne 6.5% interest. This Court finds this in fact, is a financier's interest and not a partnership interest. To the extent there was ever any partnership entity, this Court dissolves that partnership entity.



The Court finds that Plaintiff's actual investment into this business consisted of the \$45,000, plus \$1,835 in closing costs, and another \$1,000 in advertising costs, totaling \$47,835. Defendant is entitled to a set off for the payments that have been shown to have been made by the Defendant, and then add interest owed based on the amortization schedule, leaving a balance of \$30,518.

The Court also finds that the Defendant represented to the Plaintiff that Plaintiff could expect and would receive \$4000 per month as a return on his investment. Plaintiff entered into the financing arrangement and contributed his money based on these representations by Defendant, and thus Plaintiff is entitled to realize some return on his investments for the time he continued as part of the venture, which this court finds to be from June 1, 2009 to June 1, 2011.

As a matter of law, based on the foregoing, this Court finds that Plaintiff put forth his money with the mutual understanding between Plaintiff and Defendant that Plaintiff expected a return on his investment, and that Plaintiff would obtain a return on his investment. Therefore, this Court finds Plaintiff is entitled to one half of his expected return at a total amount of \$48,000 or \$2000 a month for 24 months.

Based on the foregoing determinations by this Court, the Plaintiff is entitled to and the Court hereby awards the Plaintiff a combined \$78,518 in actual damages from Defendant.

The Defendant has not been forthcoming with any information as to the value of a business or if the business has been operating, profiting or any type of financial accounting information as to a business entity; therefore, it is impossible for this court to do an accounting, and thus this court finds it is not a partnership interest the Plaintiff seeks to recover under. Having made such conclusion, this Court finds that assets which were in fact titled in the name of Plaintiff belong to Plaintiff. To the extent the location of those assets are known, they belong to Plaintiff. In the event Defendant is in possession of those properties, Plaintiff is entitled to

protection from any action of Defendant against those personal properties. To the extent those properties have been converted, Plaintiff is entitled to relief for Conversion.

THE COURT THEREFORE ORDERS all assets titled to Plaintiff or should be titled to Plaintiff, but in the possession of Defendant, held in constructive trust. This court finds, in fact, those assets have been converted by Defendant; therefore, Plaintiff is entitled to relief for Conversion. Those assets may be seized by the Sheriff and sold to generate funds in effort to satisfy Plaintiff's obligation with First Federal Savings & Loan of Charleston. This court finds the value of those converted assets as \$30,000 based on the amounts Defendant was attempting to sell such assets on the public market, as evidenced by exhibits attached to complaint. In addition, this Court finds Plaintiff is entitled to punitive damages

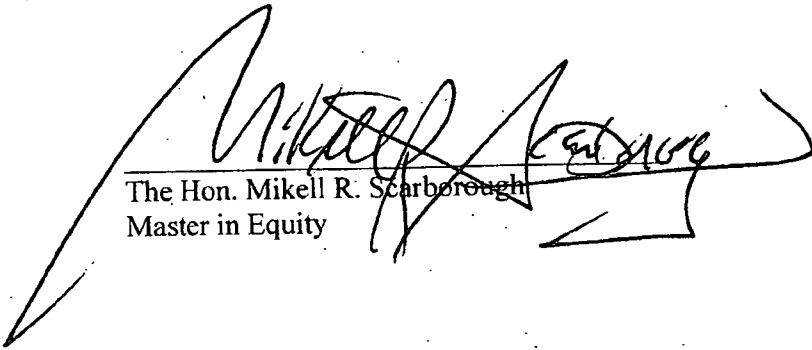
Punitive damages are to be awarded when "in the interest of society in the nature of punishment and as a warning and example to deter the wrongdoer and others from committing like offenses in the future." *Gamble v. Stevenson*, 406 S.E.2d 350, 354 (1991) citing *Laird v. Nationwide Ins. Co.*, 134 S.E.2d 206, 210 (1964). Further the Court in *Gamble* held that punitive damages may be awarded only when the amount meets "general concerns of reasonableness" and the trial court should consider among other things "1) Defendant's degree of culpability; 2) duration of the conduct; 3) Defendant's awareness or concealment; 4) the existence of similar past conduct; 5) likelihood the award will deter the defendant or others from like conduct; 6) whether the award is reasonably related to the harm likely to result from such conduct; 7) Defendant's ability to pay; and finally, 8) . . . other factors deemed appropriate." *Gamble* at 354. In considering the guidelines put forth by the Court in *Gamble*, this Court can reach no other conclusion but that the Defendant deliberately disregarded the rights of the Plaintiff, and is fully culpable for this deliberate conduct, which is deserving of a punitive damages award. The Court therefore finds it reasonable and appropriate to treble the value of the converted assets, and

award punitive damages in the amount of \$90,000, considering the willful and deliberate disregard for the rights and interest of the Plaintiff.

Based on the foregoing, this Court hereby awards Judgment in favor of Plaintiff and against the Defendant in the amount of \$168,518.

IT IS SO ORDERED.

Charleston, South Carolina
7/9, 2012


The Hon. Mikell R. Scarborough
Master in Equity