

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
FILE NO. 22-CP-46-1846

Mary M. Crouch, Trustee of the)
Samantha D. Delpozo Trust)
)
Plaintiff,)

ORDER

Vs.)

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Angela Crouch Delpozo, Lino Homero)
Delpozo, Andrew Oliver, Samantha D.)
Delpozo, and any and all other persons)
unknown claiming any right, title,)
interest in or lien upon the real estate)
described in the complaint herein,)
)
Defendants.)

Nov 07 2023

SC Court of Appeals

This matter came before the Court on August 16, 2023, for hearing on Plaintiff's Motion for Summary Judgment. Present in Court were Plaintiff and her Counsel Rebecca McNERney and Counsel for Defendants Martin Foster. After a hearing and review of the pleadings, this Court makes the following:

FINDINGS OF FACT

1. Plaintiff filed a Summons and Complaint for Declaratory Judgment, Recovery of Real Property, Quiet Title, and Unjust Enrichment on June 20, 2022.
2. Defendants filed an Amended Answer with Counterclaims for Betterments, Breach of Fiduciary Duty, and Partition on July 21, 2022.
3. Plaintiff filed her Reply on August 19, 2022.

4. Plaintiff filed her Motion for Summary Judgment and Brief in Support of Motion on April 3, 2023.
5. Defendant filed a Memorandum in Opposition to the Motion for Summary Judgment on August 15, 2023.
6. Plaintiff is the sole Trustee of the Samantha D. Delpozo Trust.
7. The Real Property located at 1162 Reservation Road, Rock Hill, SC is solely owned by the Trust.
8. The sole beneficiary of the Trust is Defendant Samantha Delpozo.
9. Defendant Angela Delpozo owns a mobile home that currently sits on the Real Property.
10. Defendants reside in the mobile home.
11. The mobile home has not been converted to real property.

CONCLUSIONS OF LAW

12. As the Trust owns the Real Property, the Defendants have no claim or interest in the Real Property.
13. Plaintiff does not owe any fiduciary duty to any Defendant except Samantha Delpozo as the beneficiary of the Trust.
14. Accordingly, there is no legal basis for Defendant Angela Delpozo's, Defendant Lino, and Defendant Andrew's counterclaim for Breach of Fiduciary Duty.
15. As the mobile home is personal property, any modifications to the mobile home do not constitute improvements or modifications to the Real Property.
16. Accordingly, there is no legal basis for Defendants' counterclaim for Betterments.
17. As Defendants are not owners of the Real Property, there is no legal basis for their counterclaim for Partition.

WHEREFORE, IT IS ORDERED AS FOLLOWS:

1. Plaintiff's Motion for Summary Judgment is GRANTED in part and DENIED in part.
2. As to Plaintiff's first cause of action for Quiet Title, Plaintiff's Motion is GRANTED.
3. As to Plaintiff's second cause of action for Declaratory Judgment, third cause of action for Recovery of Possession of Real Property, and fourth cause of action for Unjust Enrichment, Plaintiff's Motion is DENIED.
4. As to Defendants' Counterclaims for Betterments and Partition, Plaintiff's Motion is GRANTED.
5. As to Defendants' Counterclaims for Breach of Fiduciary Duty, Plaintiff's Motion is GRANTED as to Defendants Angela Delpozo, Lino, and Andrew, but DENIED as to Samantha Delpozo.
6. Title to the Real Property located at 1162 Reservation Road, Rock Hill, SC is Quieted and vested solely in the Plaintiff Mary Crouch, as Trustee of the Samantha D. Delpozo Trust.
7. Defendants have no claim to title to the Real Property located at 1162 Reservation Road, Rock Hill, SC.
8. Defendants Counterclaims for Betterments and Partition are dismissed.
9. Defendant Angela Delpozo's Counterclaim for Breach of Fiduciary Duty is dismissed.
10. Defendant Lino Delpozo's Counterclaim for Breach of Fiduciary Duty is dismissed.
11. Defendant Andrew Oliver's Counterclaim for Breach of Fiduciary Duty is dismissed.

IT IS SO ORDERED.

_____, 2023

The Honorable William A. McKinnon
Circuit Court Judge
Sixteenth Judicial Circuit



York Common Pleas

Case Caption: Mary M Crouch , plaintiff, et al VS Angela Crouch Delpozo ,
defendant, et al
Case Number: 2022CP4601846
Type: Order/Summary Judgment

So Ordered

/s William A. McKinnon, #2761, Resident Circuit
Judge and Chief Admin. Judge for CP, 16th Cir.