

The State of South Carolina

In the Court of Appeals

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Appeal From Charleston Court of Common Pleas

SC Court of Appeals

James A Turner,

Charleston County Magistrate

Case No. 2021-001064

Danny D. Henrikson

Respondent,

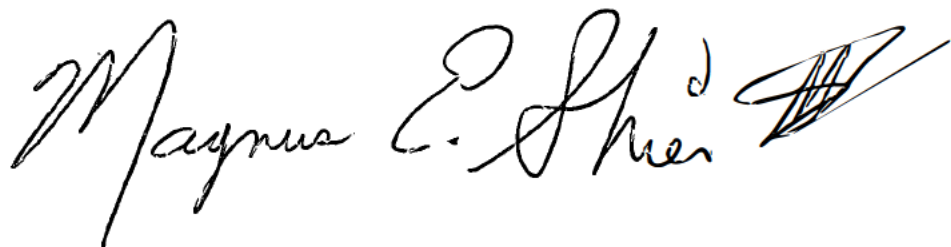
Magnus Shier, DDA Edgewater Kitchens

Appellant

FINAL BRIEF OF APPELLANT

February 22, 2024

Magnue E. Shier
Dda Edgewater Kitchens
2487-Dd Ashley River Rd.
Charleston, SC 29414



STATEMENT OF ISSUES ON APPEAL

STATEMENT OF THE CASE

Between August 3 – August 31, 2020, Due diligence of failure to Properly serve Mr. Shier at his home or business. Mr. Shier has lived In Charleston at 1956 & 1954 Dulsey Rd. since 1986- 2022 or 36 years.

Court transcript dated June 9, 2021

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On the issue of failure to complete job in a timely matter; I was on the job every day including Saturdays until Mr. Henricksen refused to pay me \$2,26.00 for extra work on pantry & sheet rock, after he agreed to. Mr. Henricksen put tools outside & changed locks, refused to let me complete job.

The cost to tile 33 sq. ft. of backsplash would have been 12 sq. ft. including labor which would be \$12.00 times 33 = \$396.00

The cost to replace cabinet doors on existing cabinet would be 2 times 135.00 per door = \$270.00 + freight \$65.00 for a total of \$335.00. Mr. Henricksen never mentioned he wanted a glass door on north wall cabinet. The corner pantry was finished & inspected by Mr. Henricksen.

The island trim & door was scheduled to be installed when delivered. Cost to finish was \$539.28, total cost to finish job including items not invoiced or paid for would have been \$1,270.28. The cost estimate from Mr. Henriksen was \$6958.00 a difference of \$5,687.72. There were no estimates or bills for this work. I do not know how Mr. Henriksen came up with these numbers.



CALL: 1-877-781-3280

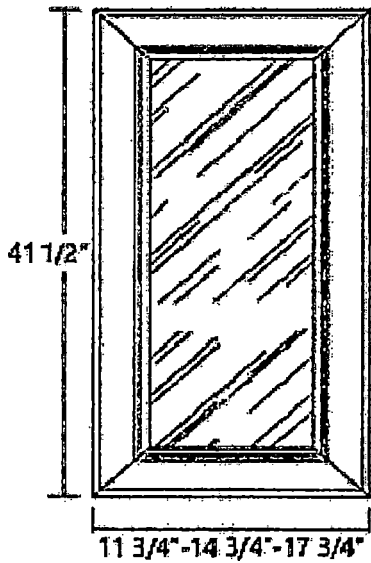
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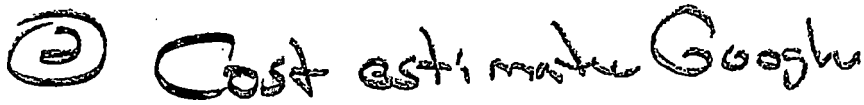
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Example: a 10 x 10 area = 100 square feet.

SUBWAY TILE BACKSPLASH COSTS	ZIP CODE <input type="text" value="29407"/>	SQ FT. <input type="text" value="33"/>	Update
	Basic	Better	Best
Subway Tile Backsplash – Material Prices	\$326.70 - \$386.10	\$415.80 - \$430.65	\$445.50 - \$475.20
Subway Tile Backsplash – Installation Cost	\$445.50 - \$460.35	\$495.99 - \$504.90	\$534.60 - \$564.30
Subway Tile Backsplash – Total	\$772.20 - \$846.45	\$911.79 - \$935.55	\$980.10 - \$1039.50

EDGEWATER KITCHEN

1. 2487-D ASHLEY RIVER RD.

CHARLESTON, S.C. 29414

843 225 6263 Cell 843 364 3700

EDGEWATER KITCHENS COMPLAINT & RESPONSE

1 Contractor did not complete work on cabinets in a timely manner. **Edgewater Answer**, Dan said he was going to help me with the job, no help after first 2 weeks. This is why job took longer than anticipated.

2. Did not tile the backsplash per drawing. **Edgewater Answer**, He got backsplash that came with counter. The drawing has wall tile for aesthetic purpose.

3. Did not install cabinet glass doors on the north wall. **Edgewater Answer**, this was never discussed period.

4. Did not finish the corner pantry installation **Edgewater Answer**, Pantry was completely finished and inspected by Dan.

5. Did not finish the island trim or install cabinet door. **Edgewater Answer**, Parts & doors were ordered and arrived 4/04/20. Called to deliver to Dan and he refused

delivery several times. Island trim was received 2/15/20. Called to install, received no answer. Never told me I would not be allowed to finish. This was approximately \$500.00 worth of labor, 5 hours of work.

6. Contractor did extort payments to install the final cabinet. **Edgewater Answer** Dan refused to pay me the money he agreed to, 9 days or so after we talked. So, I wanted money for work and materials.

7. Edgewater Kitchens entered into a contract to complete my kitchen on 9/26/19 with the exceptions of appliances, electrical and plumbing. The project according to them would take approximately four weeks. They were to install the cabinets, island, corner pantry, complete backsplash, install the counter tops per the agreed drawings and artistic designs. **Edgewater Answer** Four to six weeks with Dan's help. Date was never discussed.

8. During the negotiations of the contract, we discussed in length what was to be done. We discussed the tiling of backsplash with subway tile and the corner pantry. The cabinet glass doors were the last addition to the contract. **Edgewater Answer** Dan said he was doing the backsplash wall tile himself

9.They had told me where to go to look at designs of tile and countertops. The initial price of the work was \$25,500.00. When the backsplash was added 4" above counter top the price was \$29,119.84 The cabinet glass windows on the north wall was the last item which raised the price to \$31,509.84 in the end. **Edgewater Answer** Palmetto Surfacing installed the countertop, & 4" backsplash. Raised price, extra counter at island 01/23/20 (The glass doors never discussed.)

10. Into the renovations on the sixth week problems with working relations started when the contractor presented on 1/17/20 addendum prices for so called additional work, without any prior approval. The figures were written on a piece of cardboard, \$1100.00 for floor molding. I told him that we had discussed that before we entered into the contract and it was included. That is when he wanted to see the contract I was talking about. **Edgewater Answer** Dan was called, had cardboard, these figures as wrong including the \$3,100.00. He agreed to pay me for extras and then decided he was not going to pay. This was the start of the sour taste in my mouth. Extra base & install shoe extra. Drywall extra, materials & labor \$2,026.00

11. The Contractor basically held the kitchen unusable for 8 weeks. He used saws, planner, and sanders in the house without catch bags attached. Although it is sometimes necessary to use these tools inside the house, most of the time it is not. I asked that he not use the saw inside the house unless necessary after the counter tops were installed, he did so anyway. He reduced his hours from 30 per week, to about 20 prolonging the job while continuing to create a mess inside the house and creating a hazardous environment for the occupants of the house. After 8 weeks, on January 30th, my son and I removed his tools from the kitchen and notified him to pick them up. **Edgewater Answer** There was a fan in the window to create a vacuum & drop cloth over door. Dan's children moved through kitchen instead of front door. Chop saw did have a bag on it. Sander had a bag. Planner produces large partials.

12. Another argument in the meeting, Magnus wanting more money. No work performed. Palmetto Surfacing came and installed last piece of counter top backing behind stove.

Edgewater Answer Countertop and backsplash installed, waiting for Forest, Dan's son to finish painting.

13. Worked 2 hours: Called and asked when the last cabinet would be installed, he said whenever he got paid.

Edgewater Answer Told Dan whenever the cabinet was delivered.

14. Jacob and myself moved all of Magnus tools and equipment out of the house and started cleaning up.

Edgewater Answer After this, most normal people would have left and never come back. I finished all items on Dan's list and some as soon as he let me back in house after giving him the key, he still changed the loc

15. Meeting at Edgewater Kitchens office, told Magnus there would be no more using saw inside the house, and he had one week to finish the job. Paid \$2,850.00 to get last or extortion cabinet installed.

Edgewater Answer Paying for services when rendered is normal after trust is broken.

16. Installed the extortion cabinet.

Edgewater Answer Installed last cabinet.

17. Installed bottom trim on extortion cabinet. Informed me that the trash can pull out drawer would not be shipped until February 28.

Edgewater Answer Installed base & trim last cabinet

18. No Show

Answer Waiting for Forest to finish painting for 3 days.

19. Installed trim around window and floor molding on closet.

Edgewater Answer Waiting for Island trim to arrive from manufacture. Don't know anything about glass doors. No wall tile on invoice.

20. Met Magnus and Pat O'Neil house, told Pat to bring her camera if she wanted to take pictures of their work. Met at 3PM. Paid \$1000.00. Island trim not finished, door on garbage cabinet not installed. Pantry closet not finished, glass doors on cabinet not installed, and backsplash not tiled.

Edgewater Answer Never informed I was not welcome to come complete job. We offered several times to come and complete job.

21. Pat O'Neil called and asked if Magnus could come and finish the job. I told her I would have to contact my sons

and decide it would be better not to let him return to finish work.

Edgewater, Answer We offered to give Dan all the doors and trim to finish kitchen for free. He refused to receive the material.

22. Called Magnus Shier asked if I could have cabinet door to install on the garbage cabinet, he said I still owned him \$500.00 on the contract and I could have the door once I paid him.

Edgewater Answer We offered to give him door and trim at no cost. Don't know why -no explanation.

23. Pat O'Neil called again asking Magnus and I have a meeting. I told her; I was not interested in having a meeting.

Edgewater Answer We told him to come pick up materials to finish

24. Pat O'Neil called and said I could have the cabinet door, and trim.

Edgewater Answer Cabinet window door, never discussed that.

25. Tile

Edgewater Answer Tile no mentioned of tile on contract.

26.Edgewater Answer Refused Service

27.Edgewater Answer \$600.00-\$500.00 Due = \$10.00 ↻

Maybe.

100.00
MCA ↻

On February 1st meeting at Edgewater Kitchens office. Paid \$2850 to get last or extortion cabinet installed. On 2/3/2020 he started installing the last cabinet.

Please see attachments

1. Contract signed by Magnus Shier.
2. Financial figures for complaint.
3. Time line for Contract.
4. Text messages for time of contract.

Edgewater Kitchens
 2487-D Ashley River Rd
 Charleston, SC 29414 US
 edgewk@gmail.com
 edgewaterkitchens.com



INVOICE

BILL TO
 Dan Hendrickson

INVOICE # 1007
DATE 09/10/2019
DUE DATE 09/10/2019
TERMS Due on receipt

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Quartz Countertops	At Cost Counters	62	80.00	4,960.00
Cabinetry Cab Craft	See Design Layout	1	19,119.84	19,119.84
Walled Pantry	Walled Pantry	1	2,500.00	2,500.00
Cabinetry Installation	Cabinetry Installation	1	2,370.00	2,370.00
Payment Agreement	Deposit 19,000.00 To Start, Week 1 Draw 2500.00, Week 2 Draw 2489.84	1	0.00	0.00
Quartz Countertops	At Cost Island	32	80.00	2,560.00
Demolition	Remove Cabinetry not on original agreement Habitat for Humanity was to remove.	1	350.00	350.00
Paid		1	0.00	

Deposit due upon receipt 19,000.00

BALANCE DUE

\$31,859.84

CERTIFICATE OF COUNSEL IN FINAL BREIF

THE STATE OF SOUTH CARILINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Jenifer B. Mccoy

Honorable Judge

Case No. 2021-0011064

Danny D. Henrikson

Respondent

V

Magnus E. Shier Dda Edgewater

Appellant.

CERTIFICATE OF COUNSEL

I certify that I have served the Notice of Appeal on Danny D. Henrikson by depositing a copy of it in the United States Mail, Postage Prepaid on February 22, 2024, addressed to Danny D. Henrikson, 322 Cabel Street, Charlson, SC 29407

February 22, 2024

Magnue E. Shier

2487-D Ashley River Rd.
Charleston, SC.29414
(843 364- 3700)

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