

RECEIVED

Apr 26 2024

STATE OF SOUTH CAROLINA)

2023CV261071639
CIVIL CASE NUMBER

SC Court of Appeals

COUNTY OF HORRY)

IN THE MAGISTRATE'S COURT

TRANSCRIPT OF JUDGMENT
FIND FOR PLAINTIFF

Names of Parties Against Whom Judgment is Granted	
Timothy Meyers 7712 Hunting Swamp Rd Conway, SC 29527 Attorneys:	2024-CP-26-2421

Names of Parties To Whom Judgment is Granted	
Affordable Concrete And Masonry 6491 Hwy 701 N Conway, SC 29526 Attorneys:	

DAMAGES AND COSTS

Amount of Judgment:	\$7,155.00
Costs:	
Court Costs / Filing Fees	\$80.00
	\$0.00
	\$0.00
Total Amount of Judgment:	\$7,235.00
Date of Judgment:	12/21/2023

I, Bradley Dwyer Mayers, Magistrate in and for the County of Horry, do hereby certify that the foregoing is a correct transcript of the Judgment issued by this Court.

Bradley Dwyer Mayers
Horry County Magistrate



ORIGINAL

April 1, 2024

STATE OF SOUTH CAROLINA

COUNTY OF Horry

Affordable Concrete & Masonry
Plaintiff(s)

vs.

Timothy Meyers
Defendant(s)

Submitted By: Shauna Hughes
Address: 220 Ketchum Pl Conway SC 29527

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024-CP-26-2421

SC Bar #: _____
Telephone #: 843-907-1228
Fax #: _____
Other: _____
E-mail: sd701ka.scccoast.net

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) <p>Previous Notice of Intent Case #
20 <u>-NI-</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Special/Complex/Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input checked="" type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |

Submitting Party Signature: Shauna Hughes

Date: 04-08-2024



CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Renee N. Elvis
Horry County Clerk of Court
P.O. Box 677
1301 2nd Avenue
Conway, SC 29526

January 12, 2024

VIA E-MAIL

**The Honorable Bradley Mayers
1201 Third Avenue
Conway, SC 29526**

**In re: Timothy Meyers VS. Affordable Concrete and Masonry
Magistrate Court Case No.: 2023CV261071639
Circuit Court Case No.: 2024CP2600231**

Dear Judge Mayers,

Please be advised that an appeal from an Order of your Civil Court has been filed in this office. Attached for your information is the Notice of Appeal filed in our office. Pursuant to S.C. Code Ann. 18-7-60, in order for the appeal to be considered by the circuit court, a Magistrate's Return must be prepared in this case. The statute requires that you forward your return to this office no later than **February 12, 2024** (30 days from the date the Appeal was filed). If you are able in your Return to address the matters set forth in the Notice of Appeal, this would be helpful to the reviewing judge as well as the parties.

Thank you for your attention to this matter.

Sincerely yours,

Kandace R. Rabon
Administrative Assistant

Enclosures: Civil Appeal

STATE OF SOUTH CAROLINA)

COUNTY OF)

Timothy Meyers)

IN THE COURT OF COMMON PLEAS

CERTIFIED CIVIL ACTION COVERSHEET

Plaintiff(s))

GENE N. ELVIS
CLERK OF COURT
Horry County, SC

2024-CP-26-0231

vs.)

Affordable Concrete & Masonry)

Defendant(s))

Submitted By: Tim Meyers

Address: 772 Harting Sweet Rd
Conway SC 29527

SC Bar #: _____

Telephone #: 814-574-0117

Fax #: _____

Other: _____

E-mail: starthebug@aol.com

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|---|---|--|---|

Submitting Party Signature: _____

Date: 1-11-24

FILED
JAN 11 10:59
Horry County
Clerk of Court
Gene N. Elvis
Horry County, SC

PAID

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

2024 CP 26 0231
COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
Timothy Meyers)
APPELLANT(S))

2023 CV 261071639
MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS
NOTICE OF CIVIL APPEAL

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2024 JAN 10 10:59 AM
HORRY COUNTY
FILED

VS.

Affordable Concrete + Masonry)
RESPONDENT(S))

The plaintiff defendant (circle one), Timothy Meyers hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Horry.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 2nd day of January, 2024.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

Magistrate + staff never took into consideration that Plaintiff was 37 mins. late for initial scheduled hearings set time of 10am. I had checked with a staff member in 2 offices and a staff member said it should be dismissed after me waiting 15 mins.
Magistrate never took into consideration lack of quality of install of work done. work performed is shabby and lacking professionalism.
Plaintiff lied under oath on multiple occasions - court never considered objections.

Dated: 1-11-24

G-h
Appellant (or his attorney)

STATE OF SOUTH CAROLINA

2023CV261071639
CIVIL CASE NUMBER

COUNTY OF HORRY

ORDER OF
DISPOSITION

Affordable Concrete And Masoury
6491 Hwy 701 N
Conway, SC 29526
(843) 241-0528

PLAINTIFF(S)

Vs

Timothy Meyers
7712 Hunting Swamp Rd
Conway, SC 29527

DEFENDANT(S)

FILED
HORRY COUNTY
2024 JAN 11 A 10:59
RENEE N. ELNIS
CLERK OF COURT
HORRY COUNTY, SC

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- Settled
- Dismissed
- Default Judgment
- Find for the Plaintiff for Summons and Complaint (Transcript of Judgment will be issued ten (30) days from the court date.)
- Find for the Plaintiff for Claim and Delivery (Pick Up Order issued the day of court.)
- Find for Defendant
- Transferred to another Court

On, December 13, 2023 the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff in the amount of \$7155.00, plus filing fees of \$80.00, for a total of \$7235.00. Find for Plaintiff on Counterclaim.

IT SO ORDERED



JUDGE

Conway Magistrate Court
1201 Third Avenue
Conway, SC 29526
Phone: (843) 915-5290
Fax: (843) 915-6290

December 14, 2023

Addendum to Order dated December 13, 2023

Case 2023CV 261071639

Summons and Complaint

Affordable Concrete and Masonry

6491 Hwy 701 North

Conway, SC 29526

843-241-0528

Vs

Timothy Meyers

7712 Hunting Swamp Rd.

Conway, SC 29527

Plaintiff

Defendant

FILED
COURT MAGISTRATE
NOV 29 11:59:23
HORRY COUNTY, SC

FILED
HORRY COUNTY
2024 JAN 11 A 10:59
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

I find for the Plaintiff as to the Claim and the Counterclaim

Case was heard in the Old Horry County Courthouse in Conway SC, in courtroom one. The case was filed by the Plaintiff as a result of non-payment for concrete work performed by Plaintiff at the residence of the Defendant. The agreed upon price was 7155.00. No written contract was undertaken. The agreement was verbal and was not disputed by the Defendant during trial of the case. Since completion of the work, on or about June 29, 2023, Defendant has paid no portion of the bill and asserts his refusal to pay is because the work was not to his satisfaction and will have to be demolished and redone. **As of this date, no demolition or reconstruction has taken place.**

Plaintiff testified the agreement was for the removal of a 10 x 10 concrete pad at Defendants residence and for the construction of a 24 x 24 brushed square patio type concrete pad in its place. The Plaintiffs stated the work was performed as agreed. Defendant testified that the work was substandard in that brush and trowel marks were visible and that the pad held water after rain.

I visited the site, along with clerk Karen Long. All litigants were present. In my opinion, the concrete looked to be a standard brushed surface with no cracks or breakage. It appeared to be standard work and what I would consider satisfactory. I see no reason to withhold payment based on testimony provided at trial and the onsite inspection of the area in question.

In addition to the assertion by the Defendant that he should not pay for the concrete replacement, he countersued, asking the court to award him \$7400.00 to pay another contractor to demolish and reconstruct the pad. Given that outcome, the Defendant would have obtained a 24 x 24 pad at no cost.

The Defendants argument would have the contractor suffer financial loss on the front end for all labor and material costs in addition to paying another contract price in excess of the original agreed amount. To this court, that is a ridiculous consideration.

As stated in the beginning, I find for the Plaintiff in both the claim and the counterclaim

It is so ordered,

Mark Harris



Horry-County Magistrate

FILED
HORRY COUNTY
2024 JAN 11 A 10:59
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC