

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

JUDGMENT IN A CIVIL CASE

RECEIVED

CASE NO. 2020-CP-31-00237

Jun 17 2024

CARROLL D. BROWN

JOHN M. BAKER

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Richard L. Hinson, Special Referee

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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

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 Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : The case shall remain pending.

INFORMATION FOR THE JUDGMENT 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)
JOHN M. BAKER	CARROLL D. BROWN	\$301,150.00
		\$
		\$

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Special Referee

N/A
Judge Code

June 5, 2024
Date

RECEIVED

Jun 17 2024

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

SC Court of Appeals

COUNTY OF LEE)

DOCKET NO.: 2020-CP-31-00237

Carroll D. Brown,)

Plaintiff,)

vs.)

**ORDER AND JUDGMENT
(As to Counterclaim ONLY)**

John M. Baker dba Humpty Dumpty)

Mobile Home Park and Dream Home)

Properties, LLC,)

Defendants.)

This matter was referred to me as Special Referee pursuant to an Order of Reference and For Hearing on Damages filed March 7, 2024. This Order followed a prior Order Granting Defendant Baker’s Motion for Summary Judgment filed June 27, 2023. The damages to be determined only relate to Defendant Baker’s Counterclaim against Plaintiff.

A hearing was conducted at the Bledsoe Law Firm, 325 W. Home Avenue, in Hartsville, South Carolina on June 4, 2024, beginning at 9:00 a.m. John M. Bledsoe, Esquire, was present on behalf of Plaintiff, and Kevin M. Barth, Esquire, was present on behalf of Defendant Baker. A court reporter was also present. Evidence was presented in the form of sworn testimony from Plaintiff and Defendant Baker, along with documentary evidence.

This matter arises out of business dispute between the parties. On June 27, 2023, the Circuit Court Judge granted Defendant Baker’s Motion for Summary Judgment on his Counterclaims against Plaintiff for Breach of Fiduciary Duty and Conversion.

At the damages hearing, Defendant Baker requested an award in the amount of \$541,445.49 against the Plaintiff as set for in his Exhibit 3, which is part of the record. Plaintiff contested most of the damages claimed as being speculative in nature, irrelevant, and not proximately caused by Plaintiff's breach of fiduciary duty and conversion.

I find as follows: (a) Plaintiff admittedly converted monies due the Defendant Baker and commingled business funds into his own personal account from 2006-2020; (b) Plaintiff failed to appropriately use the maintenance funds to maintain the quality and condition of the mobile homes; (c) Plaintiff failed to appropriately collect, report, and account for rents; and (d) Plaintiff admittedly intentionally destroyed business records out of anger approximately one month before filing this litigation.

I find that the intentional destruction of crucial documentary evidence by Plaintiff entitles Defendant Baker to an inference that the information contained in the documents would have been adverse to Plaintiff, and thus Defendant Baker should be allowed to utilize reasonable methods to compute his damages, with scrutiny by this Court to insure that speculative damages are not awarded in spite of Plaintiff's intentional actions.

Taking all the above into consideration and based on the three hours of testimony and a thorough review of the documentary evidence presented by both parties, I find that Defendant Baker has proven that he is entitled to legally recover actual damages against Plaintiff for Breach of Fiduciary Duty and Conversion in the amount of Three Hundred One Thousand One Hundred Fifty and 00/100 Dollars (\$301,150.00).



JUDGMENT

Judgment shall be entered in favor of Defendant John M. Baker against Plaintiff Carroll D. Brown in the amount of Three Hundred One Thousand One Hundred Fifty and 00/100 Dollars (\$301,150.00).

IT IS SO ORDERED.

June 5, 2024



Richard L. Hinson
Special Referee
SC Bar # 15082