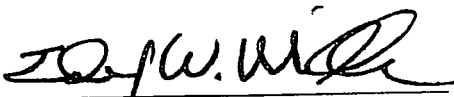
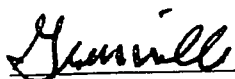


ambiguous is a question of law for the court. Middleton v. Eubank, 388 S.C. 8, 14, 694 S.E.2d 31, 34 (Ct. App. 2010). Only when the contract is deemed ambiguous does a question of fact exist for a jury to consider. Id. Accordingly, there must be some question of fact posed to the Court in order for this matter to remain a jury trial. The Defendant only raised legal issues—the interpretation of various statutes—in contesting the Plaintiff's motion to transfer to the non-jury trial roster. See Regions Bank v. Strawn, 399 S.C. 530, 732 S.E.2d 230 (Ct. App. 2012) (“Determining the proper interpretation of a statute is a question of law...””) (Quoting Town of Summerville v. City of N. Charleston, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008)). The Defendant has not raised any factual issues in opposing the Plaintiff's motion. Moreover, because this Court finds the documents at issue to be unambiguous, there is no question of fact for a jury to consider. Consequently, transferring this matter to the non-jury roster is appropriate, and the Defendant's motion is DENIED.

IT IS SO ORDERED.

By: 
Edward W. Miller
Presiding Judge

 , South Carolina

July 17, 2013.

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP0705410

2013 MAY 15 AM 10: 54

Callawassie Island Members Club Inc	Arthur H Applegate BEAUFORT COUNTY, S.C. CLERK OF COURT Harman Switzer Philip Kilian John H Krumpe	Robert Deluca James Staulcup Richard Courreges William F Julavits
PLAINTIFF(S)		DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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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), 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: _____
- 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; (formal order to follow) Statement of Judgment by the Court:

This case is referred to the Master in Equity.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

RECEIVED

AUG 23 2013

SC Court of Appeals

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)
N/A		

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.

Edward W. Miller

Circuit Court Judge-Edward W. Miller

2130

Judge Code

5/14/13

Date

For Clerk of Court Office Use Only

This judgment was entered on 29 May, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 29 May, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Ehrick K. Haight Jr. PO Drawer 6067 Hilton Head Island,
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William Thomas Young III PO Box 40 Beaufort, SC
299010040

Brian D. McDaniel PO Box 2085 Beaufort, SC 29901
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ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jamie Thompson

Jerri Ann Roseneau - Clerk of Court

Court Reporter-N/A