

2023cp262193

From: McAllister, Sheri (mcallister.sheri@horrycountysc.gov)
To: kblainemassey@yahoo.com
Cc: stephaniem_1988@yahoo.com; Walters.Rhonda@horrycountysc.gov
Date: Monday, April 29, 2024 at 10:30 AM EDT

Mr. Massey,

In reviewing aging cases I discovered that you filed a Motion for Reconsideration on March 2 , 2024. Please review Rule 59 (g) of the SC Rules of Civil Procedure which requires you to provide a copy to the judge within ten days of filing the motion.

This office does not get notified electronically of all filings within cases. The judge's queue receives proposed Orders. This office has no record of you notifying the judge pursuant to Rule 59.

Sheri McAllister, J.D. LL.M
Staff Attorney
Horry County Government
Office of the Master in Equity
The Honorable Alan D. Clemmons
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****Please note our office closes at noon on Fridays.****

***** Also, please note that Horry County does not provide a court reporter for matters before the Master in Equity. Parties are responsible for securing court reporters for contested matters.**



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RE: 2023CP2602193 (Shirley vs. Martin et. al.) Rule 60b Motion Ruling

From: McAllister, Sheri (mcallister.sheri@horrycountysc.gov)

To: kblainemassey@yahoo.com

Cc: stephaniem_1988@yahoo.com

Date: Tuesday, July 16, 2024 at 04:21 PM EDT

Good Afternoon,

The court has ruled on the 60 (b) motion as follows:

Upon learning that this court had not received notice of Plaintiff's Rule 59(g) Motion to Reconsider ("Rule 59(g) motion" filed March 3, 2024) but prior to the ruling on the Rule 59(g) motion (motion denied June 17, 2024), Plaintiff filed an intervening Rule 60(b) Motion for Relief of Judgment ("Rule 60(b) motion filed May 2, 2024"). Plaintiff's 60(b) motion did not address the merits of the case as did the previously denied Rule 59(g) motion, but limits counsel's arguments to his reasons for failing to notify the court of the Rule 59(g) motion. The position of this court regarding the Rule 59(g) motion referenced in the Rule 60(b) motion has not changed. Rule 59 (g) of the South Carolina Rules of Civil Procedure contains clear language that requires that "A party filing a written motion under this rule shall provide a copy of this motion to the judge within ten (10) days after the filing of the motion". As previously stated in the prior Rule 59 (g) motion ruling, this court is not aware of any local rule, policy or other administrative directive that requires anyone other than the moving party to provide a copy of this motion to the judge. It remains incumbent upon the moving party to provide a copy of the motion to the judge in a timely manner as directed in the South Carolina Rules of Civil Procedure. Plaintiff's Rule 60(b) motion is therefore denied.

Sheri McAllister, J.D. LL.M

Staff Attorney

Horry County Government

Office of the Master in Equity

The Honorable Alan D. Clemmons

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8/6/24, 3:02 PM

Yahoo Mail - RE: 2023CP2602193 (Shirley vs. Martin et. al.) Rule 60b Motion Ruling

From: ken massey <kblainemassey@yahoo.com>
Sent: Tuesday, July 9, 2024 12:54 PM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Subject: 2023CP2602193 (Shirley vs. Martin et. al.)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Enclosed please find a letter with attachments along with a Certificate of Service for the above stated case.

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compensation shall be limited to the initial deposit of \$2500.00 according to evidence presented in the court record. No additional damages are awarded to Plaintiff against Mrs.

Martin. Regarding Mr. Martin, the court has determined that Mr. Martin is in default for failure to respond to the Summons and Complaint personally served upon him. However, Plaintiff's compensation shall also be limited to the initial deposit of \$2500.00 and no additional damages are awarded against Mr. Martin. The Plaintiff also failed to properly plead causes of action that authorize attorney's fees by statute or by contract. Therefore, no attorney's fees are awarded to Plaintiff.

AND IT IS SO ORDERED.

Alan D. Clemmons

Master in Equity for Horry County



Horry Common Pleas

Case Caption: Benjamin Shirley VS Christopher Martin , defendant, et al
Case Number: 2023CP2602193
Type: Master/Order/Other

So Ordered

s/Alan D. Clemmons 3088 Master in Equity



Horry Common Pleas

Case Caption: Benjamin Shirley VS Christopher Martin , defendant, et al
Case Number: 2023CP2602193
Type: Order/Referred to Master or Special Referee

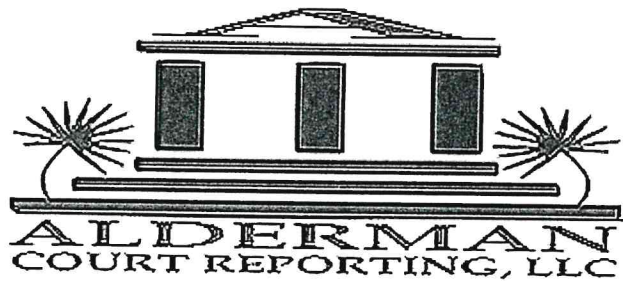
IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

In The Matter Of:
Benjamin Shirley v.
Christopher Martin and Stephanie Martin

Hearing
February 7, 2024

Alderman Court Reporting, LLC
"Proudly serving the Palmetto State"
500 Oak Pond Court
Conway, SC 29526



Original File Hearing-2-7-2024.prm

Min U-Script® with Word Index

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
BENJAMIN SHIRLEY,
Plaintiff,
vs.
CHRISTOPHER MARTIN,
STEPHANIE MARTIN,
Defendants.

IN THE MASTER-OF-EQUITY
COURT IN THE FIFTEENTH
JUDICIAL CIRCUIT
CASE NO.: 2023-CP-26-02193

MASTER-IN-EQUITY HEARING

DATE TAKEN: February 7, 2024
TIME BEGAN: 10:14 a.m.
TIME ENDED: 10:41 a.m.
LOCATION: Horry County Judicial Center
1301 Second Avenue
Conway, SC 29526
REPORTED BY: Ryan P. Alderman, CER
Notary Public for South Carolina

ALDERMAN COURT REPORTING, LLC
"Proudly serving the Palmetto State"
500 Oak Pond Court
Conway, SC 29526
P: 843-254-2675 E: ALDERMANCOURTREPORTINGLLC@GMAIL.COM

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*Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule or for internal use, but shall NOT otherwise provide or sell a copy or copies to any other party or person.

APPEARANCES:

K. Blaine Massey, Esquire
Massey Law Firm
200 Elm Street
Conway, SC 29526

.....On behalf of Benjamin Shirley

Stephanie Martin, Pro Se

.....On behalf of Christopher Martin and
Stephanie Martin

ALSO ATTENDING: Benjamin Shirley and Rick Jackson

LEGEND OF THE TRANSCRIPT

Double Dashes [--] indicate intentional or purposeful interruption or halt in speech.

(Words are transcribed as spoken. Proper names have been phonetically spelled when correct spellings cannot be obtained.)

1 JUDGE CLEMMONS: All right. We're here
2 on the case of Benjamin Shirley versus
3 Christopher Martin and Stephanie Martin,
4 Docket Number 2023-CP-26-2193.

5 Yes, Mr. Massey?

6 MR. MASSEY: May I approach? I'll hand
7 you the copies.

8 JUDGE CLEMMONS: Thank you very much.
9 All right. Mr. Massey, you are here
10 representing the Plaintiff, Benjamin Shirley;
11 is that --

12 MR. MASSEY: That is correct, Your Honor.

13 JUDGE CLEMMONS: And Mr. Christopher
14 Martin?

15 MS. MARTIN: He's not here.

16 JUDGE CLEMMONS: He's not here --

17 MS. MARTIN: No.

18 JUDGE CLEMMONS: -- today? Ms. Stephanie
19 Martin?

20 MS. MARTIN: I am Ms. Stephanie Martin,
21 sir, yes.

22 JUDGE CLEMMONS: Thank you very much.
23 All right, very good. Mr. Massey, you may
24 proceed, sir.

25 MR. MASSEY: For the Court's

1 Q. Mr. Shirley, if you'll give your full name
2 and current address, please.

3 A. Benjamin Todd Shirley. I live at 3564
4 Sandler Boulevard, Building 1, Unit 1106.

5 Q. Okay. And you had a, a bid that you worked
6 on for the, the Martins, Stephanie and
7 Michael Martin; is that correct?

8 A. Yes.

9 Q. And that was at 105 Mesa Raven --

10 A. Yes.

11 Q. -- here in Horry County?

12 MS. MARTIN: Excuse me, sir, there is no
13 Michael Martin.

14 JUDGE CLEMMONS: Yes, ma'am, you may
15 cross-examine the witness --

16 MS. MARTIN: Okay.

17 JUDGE CLEMMONS: -- to clarify that once
18 Mr. Massey is finished.

19 BY MR. MASSEY:

20 Q. And do you remember the date that you, you
21 invoiced them without the bid, and how much
22 was the actual bid? Do you remember?

23 A. The actual bid was 8,650, \$8,650.

24 Q. All right. And, in fact, you got paid
25 \$2,500; is that correct?

1 understanding, she is not in default. I
2 served him because he is in default. And
3 this is just a default hearing. I just want
4 to have my client take the stand if I may,
5 Your Honor?

6 JUDGE CLEMMONS: Yes, sir.

7 MR. MASSEY: Mr. Shirley, to the stand.

8 JUDGE CLEMMONS: Yes, sir, if you would
9 please come to the witness box and pause at
10 the bible before sitting down --

11 MR. SHIRLEY: Yes, sir.

12 JUDGE CLEMMONS: -- and place your left
13 hand on the bible, raise your right hand to
14 be sworn.

15 Do you solemnly affirm or swear that the
16 testimony you'll give in this case will be
17 the truth, the whole truth, and nothing but
18 the truth so help you God?

19 MR. SHIRLEY: Yes, sir.

20 JUDGE CLEMMONS: Thank you very much.
21 Please be seated.

22 Mr. Massey, you may proceed.

23 MR. MASSEY: May I please the Court, Your
24 Honor?

25 DIRECT EXAMINATION BY MR. MASSEY:

1 A. Yes, sir, cash --

2 Q. Who actually paid that? That wasn't the
3 Martins, but they paid some monies on behalf
4 of the Martins. Who was that?

5 A. Somebody that lived three, three doors down
6 from them, three houses. I think it was this
7 man (indicated).

8 Q. Which left you basically a balance about
9 6,150; is that right, --

10 A. Yes, sir.

11 Q. -- 6,150?

12 MR. MASSEY: If I may approach, Your
13 Honor?

14 JUDGE CLEMMONS: Yes, sir.

15 BY MR. MASSEY:

16 Q. Can you identify this document, sir?

17 A. That's the estimate I -- oh, no, that's the
18 invoice I gave for payment.

19 Q. And it's dated when?

20 A. It's dated on 11/29 of --

21 Q. And that's what --

22 A. -- '22.

23 Q. -- you gave to her?

24 A. Yes, sir.

25 Q. Okay. And that's Ms. Martin; is that

1 correct?
 2 A. Yes.
 3 MR. MASSEY: If I may make this
 4 Plaintiff's Exhibit 1. I know it's marked 6,
 5 but it's Plaintiff's Exhibit 1.
 6 JUDGE CLEMMONS: Yes, sir. You're
 7 offering it into evidence at this time?
 8 MR. MASSEY: Yes, sir.
 9 JUDGE CLEMMONS: Is there any objection?
 10 MS. MARTIN: (Non-verbal response.)
 11 JUDGE CLEMMONS: If there are no
 12 objections, so ordered.
 13 (DOCUMENT MARKED FOR IDENTIFICATION AS
 14 PLAINTIFF'S EXHIBIT NO. 1.)
 15 BY MR. MASSEY:
 16 Q. Now, you also had some painting -- the, the
 17 paint receipts; is that correct?
 18 A. Yes, sir.
 19 Q. And that was with Sherwin-Williams, correct?
 20 A. Yes, sir.
 21 Q. And from my account, I've got it listed from
 22 "A" to "G", so that's roughly about six or
 23 seven of -- invoices; is that correct?
 24 A. Basically, yes.
 25 MR. MASSEY: May I approach, Your Honor?

1 Q. And I think the final one is \$154.54; is that
 2 correct?
 3 A. (Non-verbal response.)
 4 MR. MASSEY: Your Honor, I'll offer these
 5 into Exhibit 2. I know I got it marked 7 "A"
 6 through "G", but it'll be No. 2.
 7 JUDGE CLEMMONS: Is there any objection?
 8 MS. MARTIN: (Non-verbal response.)
 9 JUDGE CLEMMONS: There are none, so
 10 ordered.
 11 (DOCUMENTS MARKED FOR IDENTIFICATION AS
 12 PLAINTIFF'S EXHIBIT NO. 2.)
 13 BY MR. MASSEY:
 14 Q. Do you know about when you finished that job?
 15 A. It was somewhere right before December,
 16 before Christmas. I don't remember it all
 17 really.
 18 Q. Would it be safe to say it was around
 19 December 14th of '22?
 20 A. Yes, sir.
 21 Q. Okay.
 22 MR. MASSEY: If I may approach the
 23 witness, Your Honor?
 24 JUDGE CLEMMONS: Yes, sir.
 25 BY MR. MASSEY:

1 JUDGE CLEMMONS: You may.
 2 BY MR. MASSEY:
 3 Q. If you can for this Court identify -- and
 4 I've got it labeled 7 "A", but it's actually
 5 No. 2, but it goes from "A" to "G" I believe.
 6 A. Okay.
 7 Q. Are those the invoices that you got from
 8 Sherwin-Williams?
 9 A. Yes.
 10 Q. Okay. And you have one invoice that is for
 11 47.52; is that correct?
 12 A. Yes.
 13 Q. And then you have the next one, which is
 14 \$714.96, correct?
 15 A. Yes.
 16 Q. And the, the third one is \$266.76; is that
 17 correct?
 18 A. Yes.
 19 Q. Then you have another one for \$10.82,
 20 correct?
 21 A. Yes.
 22 Q. And another one, it is 116, \$116, correct?
 23 A. Yes.
 24 Q. And another one for \$90.72; is that correct?
 25 A. Yes.

1 Q. If you can identify this document. Do you
 2 have your glasses with you?
 3 A. (Non-verbal response.)
 4 Q. Is that the actual invoice you sent to her?
 5 A. No, it wasn't. It's actually an invoice --
 6 this is like the front page of what you get
 7 whenever the QuickBooks sends you the
 8 invoice.
 9 Q. But you E-mailed it to her?
 10 A. Yes, sir.
 11 Q. Okay. And you did that on or about December
 12 14th of 2022, about 2:28 in the afternoon; is
 13 that correct?
 14 A. Yes, sir.
 15 MR. MASSEY: If there's no objection,
 16 Your Honor, I'd like to make this Exhibit No.
 17 3, and it's, --
 18 JUDGE CLEMMONS: Is there any objection?
 19 MR. MASSEY: -- it's two pages, --
 20 JUDGE CLEMMONS: There are none, so
 21 ordered.
 22 MR. MASSEY: -- "A" and "B".
 23 (DOCUMENTS MARKED FOR IDENTIFICATION AS
 24 PLAINTIFF'S EXHIBIT NO. 3.)
 25 BY MR. MASSEY:

1 Q. Now, was there a response? Did you get paid
2 the balance of the monies that you were owed?
3 A. No, sir.
4 Q. So you were owed roughly around \$6,000,
5 right?
6 A. Yes, sir.
7 Q. You bid it for 85. She paid 25; is that
8 correct?
9 A. I bid it for 8,650.
10 Q. Okay. So did you get the balance of your
11 monies?
12 A. No, sir.
13 Q. Okay. In fact, you came to my office; is
14 that correct?
15 A. Yes.
16 Q. Did you retain me?
17 A. Yes.
18 MR. MASSEY: Your Honor, if I may
19 approach?
20 JUDGE CLEMMONS: You may.
21 BY MR. MASSEY:
22 Q. If you would identify this document, sir.
23 It's two pages.
24 A. It is the thing between me and you.
25 Q. That would be the representation --

1 unjust enrichment, and attorney fees and
2 costs; is that correct?
3 A. Yes, sir.
4 Q. Now, you had some filing fees to pay, and I
5 believe they were in the amount of \$180.32;
6 is that correct?
7 A. Yes, sir.
8 MR. MASSEY: Your Honor, if I may
9 approach?
10 JUDGE CLEMMONS: You may.
11 BY MR. MASSEY:
12 Q. Does that reflect the amount of filing fees
13 we paid to the clerk of court, and do you
14 recognize that document?
15 A. Yes, I do.
16 MR. MASSEY: Again, Your Honor, if
17 there's no objection, I'd like to offer this,
18 I think, as Exhibit 5, --
19 JUDGE CLEMMONS: Any objection?
20 MR. MASSEY: -- four pages.
21 JUDGE CLEMMONS: There are none, so
22 ordered.
23 (DOCUMENTS MARKED FOR IDENTIFICATION AS
24 PLAINTIFF'S EXHIBIT NO. 5.)
25 BY MR. MASSEY:

1 A. Yes.
2 Q. Can you see the date on there? Second page.
3 A. 11/8/23.
4 Q. Okay.
5 MR. MASSEY: If there's no objection,
6 Your Honor, I'd like to make this -- I think
7 it's Exhibit No. 4, these --
8 JUDGE CLEMMONS: Okay. Any objection?
9 MS. MARTIN: (Non-verbal response.)
10 MR. MASSEY: -- two pages.
11 JUDGE CLEMMONS: There are none. So
12 ordered.
13 (DOCUMENTS MARKED FOR IDENTIFICATION AS
14 PLAINTIFF'S EXHIBIT NO. 4.)
15 BY MR. MASSEY:
16 Q. So at that point after you retained me, we
17 filed; is that correct?
18 A. Yes, sir.
19 Q. Filed a Summons and Complaint, and at that
20 time it was Court of Common Pleas case
21 223-CP-26-02193, correct?
22 A. Yes, sir.
23 Q. And that was for breach of trust -- I mean
24 breach of contract, fraud, fraud in the
25 inducement, negligence, gross negligence,

1 Q. Now, after we filed, we actually had to have
2 the action served; is that correct?
3 A. Yes, sir.
4 Q. And we had the services of a Mr. Scott
5 Skinebrook (ph), who's a private investigator
6 here in South Carolina and also a processor;
7 is that correct?
8 A. Yes, sir.
9 Q. And we filed that action against a Mr.
10 Michael Martin -- I mean a Christopher Martin
11 and a Stephanie Martin; is that correct?
12 A. Yes, sir.
13 MR. MASSEY: Your Honor, if I may
14 approach? There's two documents.
15 JUDGE CLEMMONS: Yes, sir.
16 BY MR. MASSEY:
17 Q. And I believe you paid \$55 apiece; is that
18 correct?
19 A. Yes, sir, for both.
20 Q. So that was \$110 on service of process.
21 MR. MASSEY: If there's no objection,
22 Your Honor, this is two separate exhibits, so
23 I think that would be 6 and 7.
24 JUDGE CLEMMONS: Is there any objection?
25 MS. MARTIN: (Non-verbal response.)

1 JUDGE CLEMMONS: There are none, so
 2 ordered into evidence.
 3 (DOCUMENTS MARKED FOR IDENTIFICATION AS
 4 PLAINTIFF'S EXHIBIT NOS. 6 AND 7.)
 5 BY MR. MASSEY
 6 Q. In fact, we had a default filed on behalf of
 7 Christopher Martin; is that correct?
 8 A. Yes, sir.
 9 Q. Default meaning he didn't file an answer?
 10 A. Yes.
 11 Q. I believe Ms. Martin did file an answer; is
 12 that correct?
 13 A. Yes.
 14 Q. So in regards to Mr. Christopher Martin, we
 15 filed with the Master-in-Equity to have this
 16 case heard; is that correct?
 17 A. Yes.
 18 Q. And you had to pay \$125 for the
 19 Master-in-Equity fee; is that correct?
 20 A. Yes.
 21 MR. MASSEY: If I may approach, Your
 22 Honor?
 23 JUDGE CLEMMONS: Yes, sir.
 24 BY MR. MASSEY:
 25 Q. Can you identify that --

1 Q. In fact, you paid \$25 for that?
 2 A. Yes.
 3 MR. MASSEY: I think this is going to
 4 be -- it's one page. I think it's going to
 5 be Exhibit 9 if I'm --
 6 JUDGE CLEMMONS: Thank you. Any
 7 objection to make it into evidence?
 8 MS. MARTIN: (Non-verbal response.)
 9 JUDGE CLEMMONS: There are none, ordered
 10 into evidence.
 11 (DOCUMENT MARKED FOR IDENTIFICATION AS
 12 PLAINTIFF'S EXHIBIT NO. 9.)
 13 BY MR. MASSEY:
 14 Q. Now, with the Master-in-Equity, we have to
 15 have a court reporter; is that correct?
 16 A. Yes, sir.
 17 Q. And I sent you an E-mail concerning the
 18 communications we've had with the court
 19 reporter, and I believe the fee was \$75.00 a,
 20 a page (sic) for a court record.
 21 A. Right.
 22 Q. And we just estimated it'd be at least 20
 23 pages, --
 24 A. Yes, sir.
 25 Q. -- how long it would be; is that correct?

1 A. Oh, yeah, I remember that.
 2 Q. Is that the filing fee that we had for the
 3 Master-in-Equity?
 4 A. Yes.
 5 MR. MASSEY: I believe it's one page.
 6 It's Exhibit No. 8 now I believe.
 7 JUDGE CLEMMONS: Yes, sir. Any
 8 objection?
 9 MS. MARTIN: No.
 10 JUDGE CLEMMONS: There are none, ordered
 11 into evidence.
 12 (DOCUMENT MARKED FOR IDENTIFICATION AS
 13 PLAINTIFF'S EXHIBIT NO. 8.)
 14 BY MR. MASSEY:
 15 Q. Now, when we filed that Order of Reference
 16 for the Master-in-Equity, from the Court of
 17 Common Pleas down to the Master-in-Equity,
 18 there's a fee for filing it with the Court
 19 for I think it was 20 -- \$25; is that
 20 correct?
 21 A. Yes, sir.
 22 MR. MASSEY: Your Honor, if I may
 23 approach?
 24 JUDGE CLEMMONS: Yes, sir.
 25 BY MR. MASSEY:

1 A. Yes, sir.
 2 Q. And then it's \$125 for the first hour, and
 3 then an additional hour is \$50 each, right?
 4 A. Right.
 5 Q. So we did a rough estimate about what the
 6 court reporter fees would be, about \$310; is
 7 that correct?
 8 A. Right.
 9 MR. MASSEY: Your Honor, if I may
 10 approach?
 11 JUDGE CLEMMONS: Yes, sir.
 12 BY MR. MASSEY:
 13 Q. Does that reflect the conversation we had
 14 about the court reporter fees?
 15 A. Yes, it does.
 16 Q. Okay. And you paid 100 -- you haven't paid
 17 any monies on that yet, but we roughly
 18 estimated it was \$310; is that correct?
 19 A. Yes, sir.
 20 MR. MASSEY: It's two documents, Your
 21 Honor -- well, it's a two-page document, but
 22 that would be 11 (sic) I believe.
 23 JUDGE CLEMMONS: Any objection?
 24 MR. MASSEY: Your Honor, --
 25 MS. MARTIN: (Non-verbal response.)

1 **JUDGE CLEMMONS:** There are none, ordered
 2 into evidence.
 3 (DOCUMENTS MARKED FOR IDENTIFICATION AS
 4 PLAINTIFF'S EXHIBIT NO. 10.)
 5 **MR. MASSEY:** -- that's my case. What we
 6 have basically -- I've totaled it up. I
 7 think it's 10,400.32, 10,400.32 my client is
 8 owed in this case, Your Honor.
 9 **JUDGE CLEMMONS:** Thank, thank you, sir.
 10 **MR. MASSEY:** Thank you.
 11 **JUDGE CLEMMONS:** Mr. Massey, I have just
 12 a question. So you're, you're seeking today
 13 for this Court to rule as to damages but only
 14 as to the Defendant, Mr. Christopher Martin?
 15 **MR. MASSEY:** That is correct, Your Honor.
 16 **JUDGE CLEMMONS:** All right. Ms. Martin?
 17 **MS. MARTIN:** Yes, sir?
 18 **JUDGE CLEMMONS:** As a party to the case,
 19 you have a right to ask the witness questions
 20 in cross-examination. Would you like to
 21 cross-examine --
 22 **MS. MARTIN:** I would like to actually,
 23 yes.
 24 **JUDGE CLEMMONS:** Yes, ma'am, you may do
 25 so now.

1 **MS. MARTIN:** I just have one more
 2 question.
 3 **JUDGE CLEMMONS:** Just to clarify, any
 4 questions --
 5 **MS. MARTIN:** Okay.
 6 **JUDGE CLEMMONS:** -- that you have of this
 7 witness.
 8 **BY MS. MARTIN:**
 9 Q. Honestly, the way you painted my house, would
 10 you want to paint your house like that?
 11 Because of the --
 12 A. Yes.
 13 Q. -- pictures -- you would? There's paint on
 14 every single -- you painted all my outlets.
 15 I don't understand how that could be done.
 16 **MR. MASSEY:** Your, Your Honor, --
 17 **JUDGE CLEMMONS:** Ma'am, please, --
 18 **MS. MARTIN:** Okay.
 19 **JUDGE CLEMMONS:** -- please ask a
 20 question.
 21 **MS. MARTIN:** All right. I just asked him
 22 if he would want to paint his house like
 23 that.
 24 **JUDGE CLEMMONS:** Okay.
 25 **MS. MARTIN:** He said yes, so.

1 **MS. MARTIN:** Okay.
 2 **CROSS-EXAMINATION BY MS. MARTIN:**
 3 Q. I hired you because I really, really liked
 4 you. You came into my house. There was
 5 holes in the wall, holes put in my walls.
 6 You've --
 7 **MR. MASSEY:** Objection, Your Honor, if
 8 she's going to make a statement. She can
 9 testify, or she can ask him questions --
 10 **JUDGE CLEMMONS:** Ms., Ms. Martin, --
 11 **MS. MARTIN:** Okay, sorry, I'll just ask
 12 one question.
 13 **JUDGE CLEMMONS:** -- let me clarify for
 14 you.
 15 **MS. MARTIN:** Okay.
 16 **JUDGE CLEMMONS:** This is an opportunity
 17 to ask questions.
 18 **MS. MARTIN:** Okay. Okay.
 19 **JUDGE CLEMMONS:** When we are through
 20 asking questions of this, this witness, --
 21 **MS. MARTIN:** Uh-huh.
 22 **JUDGE CLEMMONS:** -- you'll have an
 23 opportunity to take the stand --
 24 **MS. MARTIN:** Okay.
 25 **JUDGE CLEMMONS:** -- and testify --

1 **MR. MASSEY:** That, that calls for
 2 speculation, Your Honor.
 3 **MS. MARTIN:** Sorry, I've never done this.
 4 I don't know how to do --
 5 **JUDGE CLEMMONS:** No, you're fine, Ms.
 6 Martin.
 7 **MS. MARTIN:** Okay. Thank you, sir.
 8 **JUDGE CLEMMONS:** Are those all the
 9 questions you --
 10 **MS. MARTIN:** Yeah, those are all my
 11 questions. I would like to take the stand
 12 and --
 13 **JUDGE CLEMMONS:** Very good. Thank you,
 14 sir.
 15 Mr., Mr. Massey, do you have any further
 16 questions?
 17 **MR. MASSEY:** No, Your Honor, that would
 18 be our case, --
 19 **JUDGE CLEMMONS:** Thank you.
 20 **MR. MASSEY:** -- damages for a default
 21 hearing.
 22 **JUDGE CLEMMONS:** Thank you very much,
 23 sir, --
 24 **MR. MASSEY:** Thank you, Your Honor.
 25 **JUDGE CLEMMONS:** -- you may step down.

1 Thank you very much.
 2 (Whereupon there was a pause in the
 3 proceedings.)
 4 JUDGE CLEMMONS: Ms. Martin?
 5 MS. MARTIN: Yes, sir?
 6 JUDGE CLEMMONS: Would you like to call a
 7 witness or take the stand yourself at this
 8 time?
 9 MS. MARTIN: I don't want to call a
 10 witness, but I would just like to say what --
 11 JUDGE CLEMMONS: Yes, ma'am, you
 12 certainly may.
 13 MS. MARTIN: Thank you so much.
 14 JUDGE CLEMMONS: Please come forward.
 15 MS. MARTIN: Do you mind if I bring my
 16 paperwork with me?
 17 JUDGE CLEMMONS: Don't mind at all.
 18 MS. MARTIN: Okay. Thank you.
 19 JUDGE CLEMMONS: Yes, ma'am.
 20 MS. MARTIN: I'll just get myself
 21 together here.
 22 (Whereupon there was a pause in the
 23 proceedings.)
 24 JUDGE CLEMMONS: Yes, ma'am, if you'd
 25 pause at the bible. Yes. All right. If

1 the record. Don't talk over Mr. Massey. He
 2 won't talk over you.
 3 MS. MARTIN: Okay.
 4 JUDGE CLEMMONS: That's so the court
 5 reporter can take down everything that's
 6 being said.
 7 MS. MARTIN: Okay. I'm sorry.
 8 JUDGE CLEMMONS: Okay. All right. You
 9 may proceed.
 10 MS. MARTIN: Okay. I just kind of want
 11 to say that this is a contract that, "A", was
 12 not signed. The contract was never signed.
 13 But it's a contract between me and Todd, not
 14 Christopher. Christopher's name is not on
 15 anything, so why is Christopher a part of
 16 this. He should not be a part of this. All
 17 the documents you see, it has my name on it.
 18 The first guy that came to serve in
 19 April, I was outside putting down rocks. My
 20 82 year old neighbor was there, not Mr. Rick.
 21 He's younger. My 82 year old neighbor that
 22 lived right next-door to me was there, and my
 23 15, almost 16 year old son was out there. He
 24 handed me both envelopes. He did not serve
 25 Chris. He served me.

1 you'd come forward and place your left bible
 2 on the bible and raise your --
 3 MS. MARTIN: My left hand?
 4 JUDGE CLEMMONS: -- right hand.
 5 MS. MARTIN: Okay, let me just put this
 6 down.
 7 JUDGE CLEMMONS: Thank you. Raise your
 8 right hand. Ms. Martin, do you solemnly
 9 affirm or swear the testimony you'll give in
 10 this case will be the truth, the whole truth,
 11 and nothing but the truth so help you God?
 12 MS. MARTIN: I do.
 13 JUDGE CLEMMONS: Thank you very much.
 14 Please be seated.
 15 MS. MARTIN: Thank you.
 16 JUDGE CLEMMONS: And just, just a couple
 17 of ground rules for you.
 18 MS. MARTIN: Okay.
 19 JUDGE CLEMMONS: You may at this time
 20 testify as you please to the facts of this
 21 case.
 22 MS. MARTIN: Okay.
 23 JUDGE CLEMMONS: I would ask that if Mr.
 24 Massey should stand up that you stop talking
 25 at that time so he can get his objection on

1 I did see in an E-mail that I was stated
 2 as being grumpy. I'll put it that way. He
 3 woke me up. He knocked on my door. He woke
 4 me up. Chris isn't there. What do you want
 5 me to say. That's my personal business, and
 6 that's nothing that I feel like I have to
 7 explain to somebody that comes to my house to
 8 serve, so.
 9 And I would have completely paid Mr.
 10 Todd if he had done a good job. I had all
 11 intentions of paying him. The ceiling patch
 12 that he put on to repair the ceiling is
 13 falling through. There's paints on all my
 14 outlets. There's no straight lines in the
 15 house. He punched holes in the wall. He
 16 left a mess. He made a mess out of my house.
 17 I have a quote for \$17,500 to repaint my
 18 house now and fix the patches and fix all the
 19 nail pops and everything. My house needs to
 20 be repainted. It's a mess. Anyone that
 21 comes in and sees it said -- says you hired a
 22 professional. I said yeah, I did.
 23 I hired him because of his demeanor and
 24 how he came off. I thought this was going to
 25 be a really good work relationship, and it

1 was going to be fine. I thought he was good.
2 I hired him over other people. And I'm upset
3 with the work, and I wanted him to come back
4 and fix it; but he said oh, I'll come in like
5 an hour and do it. No, that's not just an
6 hour's worth of work. There's a lot.

7 You can see the pictures. I have
8 pictures. There's a lot that needs to be
9 redone. I just don't understand how you take
10 off outlet covers, and every single outlet is
11 still painted, has paint on it. It's just a
12 sloppy, sloppy job, and now I have to replace
13 outlets. I'll tell you that. Paint got in
14 all my smoke detectors. The fire department
15 had to come down because they're hard-wired.
16 They took them off, told me what to buy. I
17 spent hundreds of dollars on new paint -- new
18 smoke detectors because the paint ruined it.

19 I'm in this for money, and I still have
20 to paint the house. I have not painted it
21 yet because I didn't know if any other
22 evidence was going to be needed. But I'm
23 just very upset with the workmanship; and I
24 think if you look at the pictures, I don't
25 think you'd want him coming in to paint your

1 he served this default hearing -- he tried to
2 serve the house. I -- Christopher wasn't
3 there, so I said Christopher is not here. He
4 can't take this. He's not going to get it.
5 So I declined that.

6 I got this thing in the mail, which I
7 think is one of the things he gave me. If
8 Mr. Rick wasn't at my house, taking care of
9 my house, I would have never gotten this
10 because this is Mr. Rick's signature.
11 So if I didn't show up today, would a
12 default have been put in our names because I
13 didn't show up, which it says right here
14 Christopher and Stephanie on this one, so I
15 feel as if both of us should have been served
16 to tell us that there was a default hearing.

17 But like I said, on all contracts that
18 were not even signed, it's only my name. I'm
19 the party, not Christopher. He has nothing
20 to do with this. And I was out of town
21 because my son is having some health issues
22 and needs to have brain surgery, so I had a
23 lot to deal with, and I don't need to keep
24 getting letters and coming back and dealing
25 with this.

1 house. I think it speaks for itself.

2 And I know back at home, when I did a
3 painting job at my old house, you don't pay
4 'til you're satisfied, and he got paid
5 because I was satisfied. He did a phenomenal
6 job. But this job was just not done
7 professionally. You don't fire your son and
8 swear and yell on my front lawn in front of
9 my neighbors. You don't punch holes in my
10 walls. Unfortunately, it's my word against
11 his, but those holes weren't there, and then
12 they were. They're in the pictures. So he
13 got in an argument and got mad and caused
14 damage to my home, which he patched and
15 fixed, but still they weren't there before.

16 So I'm sorry, but I, I really feel as if
17 he did a good job he would have been paid.
18 He would have been paid. But it was a
19 horrible job. There's paint on ceilings.
20 There's no straight lines. There's paint in
21 the bathtub. There's paint everywhere. It's
22 so sloppy.

23 So I'm sorry, but that is my statement,
24 and I just want to make sure I -- oh, and my
25 other thing is I'm upset because I feel as if

1 I tried to go in front of another judge
2 and get it dismissed due to the fact of the
3 workmanship, but that judge, unfortunately,
4 told me that, -- it was a Zoom call back a
5 couple months ago -- that he could not
6 dismiss it on the case of bad workmanship. I
7 had to go in front of a jury.

8 But I really feel as if this -- Chris's
9 name needs to be dismissed. He can sue me
10 for anything he wants, but Chris's name needs
11 to be dismissed because that house I guess
12 you would say is in Chris's name, and that
13 puts a roof over my seven kids, and I need
14 the house, so. And this has nothing to do
15 with Chris. Like I said, if Chris's name was
16 on the original contract, if he talked to
17 Chris, fine, but this just has nothing to do
18 with him.

19 **JUDGE CLEMMONS:** Thank you, Ms. Martin.

20 **MS. MARTIN:** You're very welcome, sir.

21 **JUDGE CLEMMONS:** Mr. Massey, do you have
22 any questions?

23 **MR. MASSEY:** Just a few, Your Honor.

24 **DIRECT EXAMINATION BY MR. MASSEY:**

25 Q. The document you hold -- held up saying that

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1 that was not Christopher's signature, what's
 2 the address on that?
 3 A. You sent it to Christopher, but this was --
 4 Q. What's the --
 5 A. -- this was -- he went to the post office,
 6 sir, and picked it up.
 7 Q. What was the address?
 8 A. Christopher's address.
 9 Q. What's the address?
 10 A. 105 --
 11 Q. 105 what?
 12 A. -- Mesa Raven Drive.
 13 Q. Okay. And that's where he was served and you
 14 were served with the initial documents back
 15 in April of last --
 16 A. Christopher was not served back in April.
 17 Q. Are you over the age of 18?
 18 A. I am over the age of 18.
 19 Q. And he is on the deed; is that correct?
 20 A. Christopher on the deed? I think so.
 21 Q. Well, you just stated so under oath that he
 22 was.
 23 A. Yeah, I mean, whoever -- what's the deed?
 24 Q. No further questions.
 25 A. What's a deed? I don't know what a deed is.

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1 Q. No further questions.
 2 MS. MARTIN: Sorry, Your Honor.
 3 JUDGE CLEMMONS: You're fine, Ms. Martin.
 4 Thank you.
 5 Ms. Martin, you, you mentioned
 6 photographs.
 7 MS. MARTIN: Yes.
 8 JUDGE CLEMMONS: Do you wish to enter
 9 those photographs --
 10 MS. MARTIN: I have a bunch that are
 11 already entered with you in the file, but I
 12 have more. They're not as good as the ones
 13 you have.
 14 JUDGE CLEMMONS: You're speaking as to
 15 the ones that were E-filed?
 16 MS. MARTIN: Probably.
 17 JUDGE CLEMMONS: All right. I -- and we
 18 have a copy of those --
 19 MS. MARTIN: I have a bunch here, too,
 20 but those ones are the better ones.
 21 JUDGE CLEMMONS: Okay. There are 57
 22 photographs that have been filed.
 23 MS. MARTIN: Okay, I have more if you
 24 want them. I don't care.
 25 JUDGE CLEMMONS: Let's, let's take them

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1 one at a time. As, as to the 57 that you
 2 have filed with the Court, do you wish to
 3 admit those photographs into evidence?
 4 MS. MARTIN: Oh, yes, please.
 5 JUDGE CLEMMONS: Mr. Massey, is there any
 6 objection?
 7 MR. MASSEY: If, if it's the documents
 8 that she's E-filed, I have no problem with
 9 it. I don't know what she has in her hand.
 10 MS. MARTIN: Pretty much the same thing.
 11 JUDGE CLEMMONS: Thank you. As to the --
 12 MR. MASSEY: That's where it concerns me,
 13 is the pretty much.
 14 JUDGE CLEMMONS: Yes --
 15 MS. MARTIN: I mean that's from the same
 16 time.
 17 JUDGE CLEMMONS: As to the photographs
 18 that were E-filed, they are ordered into
 19 evidence for --
 20 MS. MARTIN: Yes, --
 21 JUDGE CLEMMONS: -- consideration of the
 22 Court.
 23 (PHOTOGRAPHS MARKED FOR IDENTIFICATION AS
 24 DEFENDANT'S EXHIBIT NO. 11.)
 25 MS. MARTIN: -- that's fine. I just

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1 didn't want to give them all just in case
 2 something happened to my phone or something,
 3 so I kept some and gave you some.
 4 JUDGE CLEMMONS: Yes, ma'am. If you
 5 think those are sufficient, --
 6 MS. MARTIN: I think so.
 7 JUDGE CLEMMONS: -- then that'll be fine.
 8 If you'd like to introduce the other
 9 photographs into evidence, you'll need to
 10 give those to Mr. Massey --
 11 MS. MARTIN: Well, he said no, --
 12 JUDGE CLEMMONS: -- to review --
 13 MS. MARTIN: -- so it's fine.
 14 JUDGE CLEMMONS: Okay. All right. Do
 15 you have any other evidence or witnesses that
 16 you'd like to call?
 17 MS. MARTIN: I'm -- I mean, if Mr. -- if
 18 you want to talk about the job he did or no?
 19 You don't have to --
 20 MR. JACKSON: I think the pictures --
 21 MS. MARTIN: Okay.
 22 MR. JACKSON: -- ought to do it.
 23 MS. MARTIN: All right. No, I don't want
 24 to have him do that. That's fine.
 25 JUDGE CLEMMONS: Okay. All right, very

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1 good.
2 MR. MASSEY: Your Honor, I just have one
3 follow-up question.
4 JUDGE CLEMMONS: Yes, sir.
5 BY MR. MASSEY:
6 Q. And you are over the age of 18; is that
7 correct?
8 A. Yes, sir.
9 Q. Thank you.
10 MR. MASSEY: No further questions, Your
11 Honor.
12 JUDGE CLEMMONS: Thank you very much, Ms.
13 Martin.
14 MS. MARTIN: Thank you very much, sir.
15 JUDGE CLEMMONS: You're excused, ma'am.
16 MS. MARTIN: Thank you.
17 MR. JACKSON: Excuse me.
18 MS. MARTIN: Yeah?
19 MR. JACKSON: Can I say something to her?
20 MS. MARTIN: What?
21 JUDGE CLEMMONS: Do you need to --
22 MS. MARTIN: I can come over there. I'll
23 come over there.
24 JUDGE CLEMMONS: Yes, please, step down
25 and confer --

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1 MS. MARTIN: Okay. Thank you so much.
2 JUDGE CLEMMONS: -- and if you decide
3 you'd like to call a witness to add to the
4 record, we'd be happy to --
5 MS. MARTIN: Okay. Thank you, sir.
6 (Whereupon there was a pause in the
7 proceedings.)
8 MS. MARTIN: You understand that it's
9 Christopher, not Michael, it was a mistake,
10 correct? 'Cause he first said Michael, and
11 it's actually --
12 JUDGE CLEMMONS: The action is against
13 yourself and Christopher --
14 MS. MARTIN: Yes.
15 JUDGE CLEMMONS: -- Martin, so.
16 MS. MARTIN: Yes. So that was just a
17 mistake, I think, that the attorney
18 accidentally made, so.
19 (Whereupon there was a pause in the
20 proceedings.)
21 MS. MARTIN: The only other -- I do have
22 one more question if you don't mind? Do you
23 want me to go back up on the stand or --
24 JUDGE CLEMMONS: Do you have a question,
25 or do you want to --

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1 MS. MARTIN: It was just a piece of paper
2 he gave me that he exhibited into evidence.
3 After I looked at it, it has the same date on
4 both papers, but they're saying that they
5 paid it twice.
6 JUDGE CLEMMONS: Yeah, if, if you want to
7 augment your testimony, I'll need you to
8 retake the stand.
9 MS. MARTIN: Okay, let me just find that
10 piece of paper that he handed me now that I
11 took all my stuff out. Oh, this is -- you
12 want me to take the stand again?
13 JUDGE CLEMMONS: Yes, ma'am.
14 MS. MARTIN: Do you want me to do the
15 bible again?
16 JUDGE CLEMMONS: No, ma'am.
17 MS. MARTIN: Okay.
18 JUDGE CLEMMONS: Have a seat. You're
19 still under oath.
20 MS. MARTIN: All right, thank you. Oops,
21 sorry.
22 So the only thing is, is I gave that
23 Exhibit 1 and 2 on this, and the same date is
24 on both of them, so I don't --
25 JUDGE CLEMMONS: You're referring to

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1 Plaintiff's Exhibit No. 1 and Plaintiff's
2 Exhibit No. 2?
3 MS. MARTIN: Yes, sir. It has the same
4 date on both of them, but he's saying he paid
5 them \$55 twice, so I'm guessing this was made
6 twice, and a receipt is missing.
7 JUDGE CLEMMONS: Very good.
8 Any follow-up, Mr. Massey?
9 MR. MASSEY: Your Honor, he charged \$55
10 for her and \$55 for the husband for a total
11 of 110, the service processor. It's not two
12 for one like at Bojangles.
13 MS. MARTIN: So it's not the twice --
14 it's not the two times he tried to serve us
15 then? Okay, so that's fine. So he only --
16 okay, that's fine. Never mind.
17 JUDGE CLEMMONS: Very good.
18 MS. MARTIN: Thank you, sir.
19 JUDGE CLEMMONS: Anything further, Ms.
20 Martin?
21 MS. MARTIN: I'm all set. Thank you.
22 JUDGE CLEMMONS: Thank you very much.
23 You may return to --
24 MS. MARTIN: Thank you. I am so sorry.
25 I'm sorry.

1 **JUDGE CLEMMONS:** Ms. Martin, I'll ask
 2 again, do you wish to call a witness?
 3 **MS. MARTIN:** No, I think I'm all set,
 4 sir. I think the pictures speak for
 5 themselves like I said.
 6 **JUDGE CLEMMONS:** All right. Thank you
 7 very much.
 8 Mr. Massey, anything further?
 9 **MR. MASSEY:** I have nothing, Your Honor.
 10 I think you understand this case.
 11 **JUDGE CLEMMONS:** Thank you. Thank you.
 12 Ms. Martin, anything further?
 13 **MS. MARTIN:** No, I'm all set.
 14 **JUDGE CLEMMONS:** Thank you very much.
 15 We stand adjourned. The Court will take
 16 into consideration the evidence and testimony
 17 that's been presented, and we'll, we'll --
 18 thank you so much.
 19 **MS. MARTIN:** Thank you.
 20 **MR. MASSEY:** We're finished here today;
 21 is that correct?
 22 **JUDGE CLEMMONS:** Pardon me, sir?
 23 **MR. MASSEY:** We're finished here today;
 24 is that --
 25 **JUDGE CLEMMONS:** We are finished here

C E R T I F I C A T E

I, the undersigned, Ryan P. Alderman, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing statement was taken on the aforementioned date;

That the foregoing is an accurate transcription of the testimony;

That all exhibits entered herein are attached hereto (if requested by counsel) and made a part of this statement.

I further certify that I am neither counsel nor solicitor to any of the parties in said suit, nor interested in the event of the cause.

In witness whereof, I have hereunto set my hand and court reporting seal on May 16, 2024.

Ryan P. Alderman

 Ryan P. Alderman
 Notary Public for South
 Carolina
 My Commission Expires:
 02/20/2030

1 today.
 2 **MR. MASSEY:** Thank you, Your Honor.
 3 **MS. MARTIN:** Thank you so much, Your
 4 Honor.
 5 (Hearing concluded at 10:41 a.m.)
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