

STATE OF SOUTH CAROLINA **RECEIVED** JUDGMENT IN A CIVIL CASE
 COUNTY OF ANDERSON
 IN THE COURT OF COMMON PLEAS **Dec 19 2024** CASE NO. 2021CP0401349

Poly-Med Inc., et al.
 PLAINTIFF(S)

SC Court of Appeals Research Park LLC
 DEFENDANT(S)

Submitted by: R. Lawton McIntosh	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <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. 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 (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

WHILE DEFENDANT HAD THE UNAMBIGUOUS RIGHT TO CHARGE THE PRESCRIBED AMOUNTS IN THE COVENANTS, WHICH WAS \$300 PER ACRE COMPOUNDED 10% ANNUALLY, FOR MAINTENANCE AND UPKEEP, DEFENDANT WAS REQUIRED BY THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING, AND POSSIBLY HAD A FIDUCIARY DUTY TO USE THE MONIES CHARGED FOR THE PURPOSE OF MAINTENANCE AND UPKEEP. THE FEES CHARGED FOR MAINTENANCE AND UPKEEP WERE NOT INTENDED TO BE A PROFIT-MAKING MECHANISM. THE COURT FINDS THAT PLAINTIFF IS ENTITLED TO DAMAGES IN THE AMOUNT OF \$65,724.23. THIS AMOUNT REPRESENTS THE DIFFERENCE IN WHAT DEFENDANT CHARGED PLAINTIFF FOR MAINTENANCE AND UPKEEP AND THE AMOUNT DEFENDANT ACTUALLY SPENT ON MAINTENANCE AND UPKEEP FROM THE TIME DEFENDANT TOOK OWNERSHIP OF THE PROPERTY TO PRESENT.

FURTHER, THE COURT FINDS THAT WHEN TAKING THE COVENANTS INTO CONSIDERATION AS A WHOLE, DEFENDANT IS UNDER NO OBLIGATION OR REQUIREMENT TO CONVEY COMMON AREAS OVER TO THE ASSOCIATION. BASED ON THE COVENANTS, THE CONVEYANCE OF COMMON AREAS TO THE ASSOCIATION IS DISCRETIONARY.

THE COURT ALSO FINDS THAT THE POLY-MED TRAILERS THAT WERE ONCE CONSIDERED TEMPORARY STRUCTURES IN ACCORDANCE WITH THE COVENANTS, HAVE GONE PAST THE TIME PERIOD IN WHICH THEY CAN REASONABLY BE CONSIDERED TEMPORARY. AS SUCH, THESE TRAILERS ARE IN VIOLATION OF THE COVENANTS. AS A RESULT, THE TRAILERS ARE ORDERED TO BE REMOVED WITHIN A REASONABLE TIME PERIOD. THE COURT REQUESTS THAT THE PARTIES BRIEF THE COURT ON WHAT SHOULD BE CONSIDERED A REASONABLE TIME PERIOD TO HAVE THE STRUCTURES REMOVED BASES ON THE CIRCUMSTANCES OF THIS CASE.

PLAINTIFF’S COUNSEL TO PREPARE A FORMAL ORDER AND CIRCULATE IT WITH OPPOSING COUNSEL PRIOR TO ITS SUBMISSION TO THE COURT.

This order ends does not end the case.

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)
		\$
		\$
		\$
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.

Circuit Court Judge

2155

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ATTACHMENT A

ELECTRONICALLY FILED - 2023 Nov 06 12:02 PM - ANDERSON - COMMON PLEAS - CASE#2021CP0401349



Anderson Common Pleas

Case Caption: Poly-Med Inc , plaintiff, et al VS Research Park Llc

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Type: Order/Form 4

S/R. LAWTON McINTOSH

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