

DR Horton Inc
PLAINTIFF(S)

Edward Mannone et al
DEFENDANT(S)

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
- 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:

Defendant DR Horton Inc., erroneously named as DR Horton, appealed the Magistrate's Court judgment raising the issue of improper service of litigation. DR Horton Inc. was served at a superintendent office in Horry County, South Carolina, and not at the principal place of business of the corporation or through its registered agent in the state of South Carolina. However, defendant acknowledged it received the summons and complaint on May 9, 2024, sent an answer on June 25, 2024, and filed an authorization for the superintendent to appear as the agent for purposes of magistrate's court. No responsive pleading raised an objection to service. The Magistrate Court found defendant in default for failure to timely file an answer and held a damages hearing.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/20/2024 .

April Mannone for April Mannone
Edward Mannone for Edward Mannone
April Mannone for April Mannone
Edward Mannone for Edward Mannone

RECEIVED
Dec 20 2024
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

From arguments of counsel and return of the Magistrate, it appears that this is the first objection to service. The filing of the answer and appearance in court without objection waived any objection to service. Defendant participated in the hearing. The court was within its discretion to hold defendant in default as no answer was received until July 2024. Therefore, this court denies DR Horton Inc's to set aside the default judgment of \$7,580.00. Defendant made the conscience decision in how it presented its case.



Horry Common Pleas

Case Caption: DR Horton Inc VS Edward Mannone , defendant, et al

Case Number: 2024CP2605611

Type: Order/Electronic Form 4

IT IS SO ORDERED.

/s/ Hon. Martha M. Rivers (2788)