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Apr 25 2025

SC Court of Appeals

ELECTRONICALLY FILED - 2025 Mar 31 11:37 AM - YORK - COMMON PLEAS - CASE#2023CP4603404

STATE OF SOUTH CAROLINA]	IN THE COURT OF COMMON PLEAS
]	
COUNTY OF YORK]	SIXTEENTH JUDICIAL CIRCUIT

RONALD LEON MITCHELL,]	
]	
Plaintiff,]	ORDER
vs.]	
]	
MAJOR LEWIS MITCHELL,]	C.A. No. 2023-CP-46-03404
]	
Defendant.]	

This matter came on for trial before the Court without a jury on October 31, 2024 at 2:30 PM. John Martin Foster appeared for the Plaintiff; Mitchell Glover of the King Law Firm for the Defendant. The Defendant is in default.

1. This action concerns a lot of real estate measuring 1.207 acres, more or less, located off Leach Road in York County, South Carolina, as shown on that Plat entitled "Subdivision Survey for Ronald Mitchell" drawn by Hucks and Associates and dated March 3, 2022. A copy of that Plat, in multiple parts owing to its size, was attached to and incorporated in the Complaint as Exhibit "A".
2. A *Lis Pendens* to the subject real property has been filed with the Clerk of Court for York County, South Carolina simultaneously with the Summons and Complaint.
3. In or about late 2021, in the County and State aforesaid, the Plaintiff and Defendant entered into an oral contract under which the Plaintiff would engage a surveyor at his own cost to measure off the referenced portion of the subject real property and the Defendant represented that he would deed that real property to the Plaintiff.
4. The consideration for the said agreement was the parties' relation as brothers and Defendant's undertaking to the parties' mother that the Plaintiff and his siblings would be cared for by the Defendant.
5. To accomplish and evidence the contract referenced above, the Defendant MAJOR LEWIS MITCHELL executed an Individual Plat Approval Request to the Planning & Development Services of York County; a copy of that document was attached to and incorporated in the

Complaint as Exhibit "B"

6. The Plaintiff faithfully performed all of the terms, covenants, and conditions required of him under the parties' agreement.
7. The Defendant has failed to perform the terms of the parties' agreement, in that he has failed and refused to execute a deed to the agreed portion of the subject real property to the Plaintiff.
8. Notice of breach of the contract was given to the Defendant by the Plaintiff, and formal demand was made on him to remedy the breach, but the Defendant has continually failed and refused to remedy them. A copy of the said Notice and demand was attached to the Complaint as Exhibit "C".
9. The Plaintiff has no plain, speedy, and adequate legal remedy in that the subject real property is unique and has a special value to the Plaintiff, and any judgment recovered by the Plaintiff in an action at law would not compensate his loss under the parties' agreement.
10. The parties' agreement is fair and equitable and is supported by adequate consideration as is shown by the above-referenced facts
11. The Plaintiff is entitled to an Order enforcing the parties' agreement.
12. Pursuant to Rule 70, SCRCP, this order of judgment divests title from the Defendant, of the below described subject property, vesting it to Plaintiff, with such judgment having the "effect of a conveyance executed in due form of law". Plaintiff may request this Court issue a Master's Deed consistent with this Order.

All that piece, parcel and lot of land measuring 1.207 acres, more or less, located off Leach Road in York County, South Carolina, as shown on that plat entitled "Subdivision Survey for Ronald Mitchell" drawn by Hucks and Associates and dated March 3, 2022, a copy of which is attached as an exhibit to that Complaint filed contemporaneously, and being a portion of tax map no. 539-00-00-134.

Derivation: Being a portion of that real property conveyed to Major Lewis Mitchell by Alphonso Leach, et al., by deed dated October 1, 2007 and recorded February 12, 2008 in Record Book 9802 at page 296 in the office of the Clerk Of Court for York County, South Carolina.

NOW, THEREFORE, IT IS ORDERED:

Judgment is entered in favor of the Plaintiff against the Defendant upon Plaintiff's claim for specific performance. All other claims are dismissed.

Plaintiff may file this Order with the Clerk of Court, or request this Court to issue a Master's Deed.

Upon filing of this Order or deed, the *Lis Pendens* shall be canceled;

Plaintiff shall have judgment against the Defendant in the amount of \$180.32 for filing the Summons and Complaint, \$50.00 for service of process, and \$31.74 for Plaintiff's Motion to Strike the

Defendant's late pleading.

AND IS SO ORDERED.

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2023 CP-46-03404

RONALD LEON MITCHELL,

MAJOR LEWIS MITCHELL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: John Martin Foster	Attorney for : <input checked="" 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
- 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

This order ends does not end the case.
 Additional Information for the Clerk :

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)
		\$
Ronald Leon Mitchell	Major Lewis Mitchell	\$ 262.06
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



York Common Pleas

Case Caption: Ronald Leon Mitchell VS Major Lewis Mitchell
Case Number: 2023CP4603404
Type: Master/Order/Other

So Ordered

s/ Teasa K. Weaver 3084

Electronically signed on 2025-03-31 11:13:22 page 6 of 6

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