

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable George M. McFaddin Jr.
Presiding Judge, Fifteenth Judicial Circuit

Case No.: 2024-CP-26-01211

Smarthomeenterprise LLC,.....Respondent,

v.

Lifetime Energy LLC and Logan Jacob Smith..... Appellants.

NOTICE OF APPEAL

Notice is hereby given that the Appellants appeal the Order Granting Default Judgment and Damages filed April 9, 2025 and the Order Denying Motion for Reconsideration filed April 24, 2025. Copies of both orders are attached herein. Appellants received the Order Denying Motion for Reconsideration on April 24, 2025, and since Monday, May 26, 2025 was a holiday, this notice is timely filed pursuant to Rule 263 SCACR.

BURR & FORMAN LLP

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Attorney for Appellants

Myrtle Beach, South Carolina
May 27, 2025

ATTORNEY OF RECORD FOR RESPONDENT

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Attorneys for Respondents Smarthomeenterprise LLC

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v.

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PROOF OF SERVICE

I certify on this 27th day of May 2025 that a true copy of the **Notice of Appeal** has been served upon the following Counsel of Record by sending a copy of the same via electronic mail (see attached) and via U.S. Mail, postage prepaid and affixed thereto, as follows:

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Attorney for Appellants

Myrtle Beach, South Carolina
May 27, 2025

Subject: Smarthomeenterprise, LLC v. Lifetime Energy, LLC, et al./0051324.0000001
 Date: 5/27/2025 12:40 PM
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Good Afternoon Counselors,

Attached please find a Notice of Appeal and Proof of Service, which we will be filing with the Court of Appeals shortly.

Sheila



Sheila Evans

Paralegal

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
SMARTHOMEEENTERPRISES, LLC)
Plaintiff,)
vs.)
LIFETIME ENERGY, LLC AND LOGAN)
JACOB SMITH,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2024-CP-26-1211

**ORDER GRANTING DEFAULT
JUDGMENT AND DAMAGES**

RECEIVED
May 27 2025
SC Court of Appeals

Introduction

THIS MATTER came before the Court on March 18, 2025, via Webex for a motion to set aside entry of default against Defendants and determining damages. Representing the Plaintiff is Wesley Henderson of Henderson & Henderson, LLC. Representing Defendants is Jarrett Bouchette of Burr Forman.

Factual Background

Defendants entered into an Independent Contractor Agreement (the “Contract”), on May 21, 2023, to provide solar installation services for Plaintiff. The Contract outlines the payments owed by Defendant to Plaintiff. Plaintiff performed the services according to the Contract and requested the agreed-upon compensation for the solar installations as per the Contract.

Plaintiff’s Summons and Complaint were served upon Defendants on April 7, 2024. Plaintiff filed a copy of its Affidavit of Service with the Charleston County Clerk of Court on May 20, 2024. The Court entered Default on May 23, 2024. On November 6, 2024, Defendants filed a Motion to Set Aside Entry of Default arguing that the service had not been effectuated.

Plaintiffs submitted the following evidence to the court in its Memorandum in opposition to the Motion to Set Aside. On April 7, 2024, Mr. Edward Spicer was able to effectuate service of Defendant Smith and Defendant Lifetime Energy, LLC while Mr. Smith was staying at his second home at 3507 Burris Street, North Myrtle Beach, South Carolina, 29582. To evidence that service was effectuated, Mr. Spicer took a photograph of the Defendant at the door of his residence with an automated timestamp reading April 7, 2024, at 7:34 p.m. at 3507 Burris Street, North Myrtle Beach, SC 29582. Mr. Spicer also photographed Defendant Smith's truck in the driveway. Additionally, Mr. Spicer signed an Affidavit of Service dated April 9, 2024, stating that he effectuated service at the same. After Defendant Smith denied being served in the Motion to Set Aside Entry of Default, Mr. Spicer executed a secondary Affidavit to clarify the events that occurred on April 7, 2024, to ensure that the Court is aware of the circumstances surrounding service.

At the hearing on March 18, 2025, Mr. Spicer appeared virtually and presented testimony as to his serving the Defendant Logan Smith on April 7, 2024. Defendant Logan Smith did not appear or present testimony at the hearing but did submit an affidavit along with the affidavits of four other individuals attesting to nonservice. None of whom appeared at the hearing.

Findings of Fact

Based on all of the submitted evidence and the hearing on March 18, 2025, the Court finds the following:

1. Defendants were properly served on April 7, 2024, by Ed Spicer based on his affidavit of service, secondary affidavit, and testimony at the hearing.
2. Defendants failed to timely response to the Complaint resulting in an entry of default on May 23, 2025, as to the allegations in the Complaint including breach of contract.

3. Defendants owe Plaintiff \$131,461.00 in commissions based on the breach of contract as presented in its Motion on November 1, 2024.

4. Defendants owe Plaintiff \$5,078.85 for prejudgment interest from the date of default to the November 1, 2024, filing pursuant to SC Code 34—31-20(A).

5. Defendants owe Plaintiff \$5,000 for reasonable attorney's fees pursuant to the Contract and as requested in its November 1 Motion.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's Motion to Set Aside Entry of Default is denied.
2. Judgment be entered in favor of Plaintiff on his breach of contract claim.
3. Plaintiff is entitled to an award of damages in the amount of \$141,461.

Honorable Judge

March 27, 2025
Charleston, South Carolina



Horry Common Pleas

Case Caption: Smarthomeenterprise LLC VS Lifetime Energy LLC , defendant, et al

Case Number: 2024CP2601211

Type: Order/Damages

So Ordered

S/George M. McFaddin, Jr., #2759

Smarthomeenterprise LLC
PLAINTIFF(S)

Lifetime Energy LLC 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:


I considered the motion to reconsider after review of the filings and notes, I respectfully decline to alter, amend, or vacate the ruling. As we are aware, this Court may address and decide the motion without a hearing. I appreciate your patience and civility.

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 04/22/2025 .



RECEIVED
May 27 2025
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2025 May 27 10:24 AM - Horry - COMMON PLEAS - CASE#2024CP2601211

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.



Horry Common Pleas

Case Caption: Smarthomeenterprise LLC VS Lifetime Energy LLC , defendant, et al

Case Number: 2024CP2601211

Type: Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759