

FILE

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Three Runs Plantation Homeowners)
Association, Inc.)
Plaintiff,)

CASE NO.: 11-CP-02-00548

Vs.)

Jay J. Jacobs and Judith B. Jacobs)
Defendants and Third- Party)
Plaintiffs,)

ORDER
STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

Vs.)

T. R. Sales Plantation, LLC and J. Wayne)
Raiford)
Third-Party Defendant.)

SEP 26 2013

Liz Godard
C.C.C.P. & G. A., Aiken County, S.C.
Deputy Clerk

Hearing Date: August 9, 2013
Judge: M. Anderson Griffith
Attorneys for Plaintiff: William Byrd Warlick and James S. Murray
Attorney for Defendants: Clarke McCants, III

PROCEDURE

1. The Order was filed on July 2, 2013.
2. The defendants/third party plaintiffs filed a Notice of Motion to Alter or Amend on July 17, 2013.
3. The motion hearing was held on August 9, 2013.

The first issue raised by the defendants was:

1. By way of Counterclaim the Defendants sought a declaration that the Plaintiff has failed to abide by its bylaws and the protective covenants applicable to Three Runs Plantation. The Court did conclude that the Plaintiff has failed to abide by the bylaws and / or protective covenants but did not enter judgment in favor in the Defendants. The Defendant respectfully request that the Court amend and / alter its decision to enter judgment in favor of the Defendants against the Plaintiff.

FILED 9/20 2013
Liz Godard
C.C.C.P. & G.S.
Deputy Clerk

MAGBI

In Conclusion of Law, on page 21, the court stated the following: "The complaint of horse manure on the riding easement does appear to be a violation of the protective covenants. Also, the photographs show trailers visible from the road are in violation of the covenants based on the language of the covenants. However, the Court could not determine the extent of those violations and does not find that the defendant's established any damages based on the evidence submitted." The same issues are discussed in the Statement of Facts on page 10 of the Order.

To the extent that the defendants are asking that the Court find that the developer failed to enforce these two violations of the protective covenants, that language is already part of the Order. The Court will not alter or amend the portion of the Order that finds the defendants are not entitled to any damages based on the evidence presented at the trial.

The second issue raised by the defendants was:


2. The Court found that certain trees on the Defendants' property obstructed an equestrian easement and that the Defendants should remove such trees. The Plaintiff has never requested such relief nor followed proper procedure, prior to filing its civil action, to obtain such relief. The Defendants respectfully request that the Court amend and / or alter its judgment to delete such findings and conclusions.

A review of the record reveals that the plaintiff did not make any specific allegations about the trees in the equestrian easement. The developer did not offer any testimony about the issue. As the defendants argue, the only witness to raise the issue was Rhonda Laverghetta. Based on this review of the record, the Order is amended to remove the following paragraph from page 17 of the Order:

The other issue is the growth of the trees on portions of the defendant's property. One issue was that there are trees growing in the riding easement on their property. Article IV, Reservations of Easements, provides for the use of the equestrian/pedestrian easements in the subdivision. It requires owners to keep the easement open and accessible for the full width of the easement. Based on that language, the trees should be removed from the equestrian/pedestrian easement.

IT IS SO ORDERED:

September 20, 2013



M. Anderson Griffith
Master-in-Equity for Aiken County

MAG 12

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2011CP0200548

Three Runs Plantation Homeowners Association , Inc	Jay J Jacobs Judith B Jacobs T R Sales Plantation Llc J Wayne Raiford
--	--

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

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)

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.**

9/20/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 9/20/13, and a copy mailed first class or placed in the appropriate attorney's box on 9/20/13, to attorneys of record or to parties (when appearing pro se) as follows:

Martin

James Samuel Murray PO Box 1495 Augusta, GA
309031495

Clarke W. McCants III PO Box 2881 Aiken, SC 298022881

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard

Court Reporter

Liz Godard - Clerk of Court

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.
