

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2012-CP-30-258

RECEIVED

OCT 25 2013

IN THE MATTER OF THE ESTATE OF MARION M.  
KAY  
LYNN W. LANCASTER

36 Court of Appeals

PLAINTIFF(S)

2013 OCT -1 P 2:50 DEFENDANT(S)

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

CLERK OF COURT  
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 \_\_\_\_\_
- 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:

This matter comes before the court on competing motions for reconsideration of the court's order of August 20, 2013. The court received permission from counsel to decide the issue on the briefs submitted instead of oral argument. Having considered the arguments presented, the court reaffirms its prior ruling and affirms the order of the Probate Court.

On the question of whether the award against the PR for excessive fees bears post-judgment interest, the court is hesitant to even address this question because the law appears fairly clear. An award made in an action to review compensation under Section 62-3-808(d) falls within the meaning of "[a] money decree or judgment" under 34-31-20 (Supp. 2005). The underlying suit was in the way of an action for an accounting under Section 62-3-808(d). An action for an accounting sounds in equity, and Section 34-31-20(b) applies to equitable actions. *Casey v. Casey*, 311 S.C. 243, 245, 428 S.E.2d 714, 715-16 (S.C. 1993). A party need not request post-judgment interest in the complaint, nor must a party raise the issue at trial or Rule 59 motion, because the prevailing party is entitled to post-judgment interest "as a matter of course." *Calhoun v. Calhoun*, 339 S.C. 96, 102-04, 529 S.E.2d 14, 17-19 (S.C. 2000). Interest runs from the date of the original judgment even during the pendency of an appeal. *Calhoun, supra*, 339 S.C. at 104, 529 S.E.2d at 19. A judgment debtor may stop the running of interest by paying the amount of the judgment into court during the pendency of an appeal. *Horry County v. Woodward*, 291 S.C. 1, 351 S.E.2d 877 (S.C. App. 1986). To the extent further clarification is necessary, the matter should be briefed in the appeal of this court's orders affirming the trial court.

**Order Information**

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

Complete if judgment requires payment of a sum of money or affects title to real or personal property.	
JUDGMENT AGAINST PLAINTIFF:	JUDGMENT AGAINST DEFENDANT:

