

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2400800

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SC Court of Appeals

ELECTRONICALLY FILED - 2025 Apr 09 12:41 PM - GREENWOOD - COMMON PLEAS - CASE#2023CP2400800

ESTATE OF HERBERT ANDERSON, JR.

ANDERSON FAMILY PROPERTIES,
LLC.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: COURT

Attorney for : Plaintiff Defendant
or
 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
- 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 attached) Statement of Judgment by the Court:

THIS MATTER CAME BEFORE THE COURT on February 10, 2025 for a virtual WebEx hearing on Defendant’s motion to dismiss pursuant to Rule 12(b)(6). Plaintiff was represented by Ben Gooding, Esq., Defendant was represented by Sarah Timmons, Esq., and the Buchanan Trust was represented by Rick Gleissner, Esq. The Court finds as follows:

This case concerns two notes dated March 22, 2012 and July 2, 2014. Plaintiff transferred real estate to Defendant and took in return these notes. No payment was ever made on these notes. The March 22, 2012 note specifically states that the obligation to repay began on March 24, 2012, and the July 2, 2014 note similarly states that the repayment obligation began on August 2, 2014. Both notes contemplate that, beginning on March 24, 2012 and August 2, 2014 respectively, upon sale of lots which were transferred to Defendant in consideration of the notes, payment of 75% of the proceeds from such a sale is required. With regard to the 2012 note, lots were sold in 2012-2015, and with regard to the 2014 note, lots were sold in 2014-2016. Again, no payment was ever made on these notes, and Herbert Anderson passed away on November 2, 2018.

Pursuant to the express terms of the notes, the triggering event (post March 24, 2012 and August 2, 2014) which required repayment under each note was the sale of any lot exchanged for that respective note. Clearly, an action on either note would be barred three (3) years after a sale takes place, and the earliest sale for each note occurred the same year as the notes were executed. Accordingly, with respect to the 2012 note, because sales of lots took place that same year, the statute of limitations ran on that note sometime in 2015. Similarly, with respect to the 2014 note, because lots were also sold in 2014, the statute of limitations ran on that note sometime in 2017.

The Court has considered Plaintiff's argument that the notes in question are demand notes. However, by their express terms, they simply are not. Both notes contain a specific date after which repayment is required upon the sale of any lot involving said note.

Simply stated, no factual dispute exists as to the triggering event which precipitated the requirement for repayment or as to the year for which the triggering event took place with respect to each note. Accordingly, Defendant's 12(b)(6) motion is granted.

It is so ORDERED.

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.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ Frank R. Addy, Jr.

Circuit Court Judge

2159

Judge Code

4/8/2025

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney’s box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Ben Gooding, Esq.
Rick Gleissner, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

Sarah Timmons, Esq.

ATTORNEY(S) FOR THE DEFENDANT(S)
CLERK OF COURT

Court Reporter: Virtual hearing. Transcript from the WebEx recording may be requested from South Carolina Court Administration.

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.



Greenwood Common Pleas

Case Caption: Herbert Rivers Anderson Jr , plaintiff, et al VS Anderson Family Properties Of Greenwood, Llc

Case Number: 2023CP2400800

Type: Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.