

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

John Hamilton and Erin Hamilton,

Civil Action No.: 2024-CP-17-00017

Plaintiffs,

v.

**ORDER GRANTING DEFENDANTS DAVID
MCLAURIN AND DAVID MCLAURIN APPRAISER,
LLC,'S MOTION TO DISMISS**

Connie W. Page, Donna W. Eslick, Albert
Jason Watson, Ray K. Watson, Jr.,
Crystal Darline Newmon (aka Newman,
John K. Sims, Pee Dee Pest Pros, LLC,
David McLaurin and David McLaurin
Appraiser, LLC,

Defendants.

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SC Court of Appeals

This matter comes before the Court on the Motion to Dismiss of Defendants David McLaurin and David McLaurin Appraiser, LLC (“Appraiser Defendants”) seeking dismissal of all claims alleged by Plaintiffs against Appraiser Defendants pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. This Court held a hearing on the Motion to Dismiss on November 18, 2024. Attorney Frederick “Rick” Hall, III appeared for the Plaintiffs and attorney Travis Redd appeared for Appraiser Defendants. After reviewing the pleadings and attachments thereto, the memoranda of law filed by the parties, and hearing the able arguments of counsel, for the reasons set forth below, Appraiser Defendants’ Motion to Dismiss is hereby granted.

BACKGROUND

This case arises from a residential real estate transaction between Plaintiffs and Defendant sellers, Connie W. Page, Donna W. Eslick, Albert Jason Watson, Ray K. Watson, Jr., and Crystal Darline Newmon. (See Pl.’s Compl.). Appraiser Defendants were hired by the lender for the transaction, Coast2Coast Mortgage, and the Department of Veteran Affairs to perform an

appraisal of the subject property. (See Pl.'s Compl.; Ex. D). Plaintiffs' Complaint alleges that Appraiser Defendants are liable to Plaintiffs for negligent misrepresentation and negligence because they negligently conveyed false information in the appraisal report. (Pl.'s Compl. ¶¶ 47-61).

STANDARD OF REVIEW

A trial judge may dismiss a claim when a defendant demonstrates the Plaintiff has failed "to state facts sufficient to constitute a cause of action" in the Complaint. Rule 12(b)(6), SCRC. "The trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on the face of the complaint." *Brown v. Leverette*, 291 S.C. 364, 366, 353 S.E.2d 697, 698 (1987). "The motion cannot be sustained if facts alleged in the complaint and inferences reasonably deducible therefrom would entitle plaintiff to any relief on any theory of the case." *Id.* However, a court may properly consider any documents incorporated by reference, but not actually attached to the pleadings, without converting a motion under 12(b)(6) to one for summary judgment. *Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009).

LAW & DISCUSSION

- I. **The Court finds that Plaintiffs have not plead facts that constitute a cause of action against Appraiser Defendants as an appraiser hired by a lender does not owe a duty of care to prospective purchasers of the property.**

To sustain a claim for negligence, South Carolina law requires a plaintiff to establish that the defendant owed her a duty of care. *Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998). The South Carolina Supreme Court has held, "[w]ithout a duty, there is no actionable negligence." *Id.* Similarly, to establish a claim for negligent misrepresentation, a plaintiff must prove that the defendant owed a duty of care to communicate truthful information to the plaintiff. *Hurst v. Sandy*, 329 S.C. 471, 481, 494 S.E.2d 847, 852 (Ct. App.1997). Thus,

Plaintiffs' claims for both negligence and negligent misrepresentation require Plaintiffs to plead facts sufficient to establish that Appraiser Defendants owed them a duty of care.

The Court finds that the Plaintiffs' Complaint fails to state facts from which this Court can conclude that Appraiser Defendants owed Plaintiffs a duty of care. South Carolina courts have previously held that an appraiser employed by a lender in a real estate transaction does not owe a duty of care to a prospective homebuyer or mortgagor. *Robertson v. First Union Nat'l Bank*, 350 S.C. 339, 350, 565 S.E.2d 309, 315 (Ct. App. 2002) (affirming dismissal of plaintiff homebuyers' claim for negligent misrepresentation against appraiser because appraiser did not owe duty of care to prospective buyers); *Long Huynh-Duc v. Suntrust Mortg.*, 2018-CP-23-01469 (Greenville Cnty., S.C., Ct. Com. Pl. Apr. 13, 2018) (circuit court citing *Robertson* in dismissal of plaintiff homebuyer's claims for both negligence and negligent misrepresentation because appraiser did not owe duty of care to prospective buyers).

In this case, Plaintiffs have alleged that Appraiser Defendants served as an appraiser retained by the lender for the real estate transaction. Plaintiffs identified the McLaurin appraisal report in their Complaint and incorporated it by reference as Exhibit D to their Complaint. As evidenced by the McLaurin appraisal report, Appraiser Defendants were hired solely on behalf of Coast2Coast Mortgage and the Department of Veteran Affairs. (See Pl.'s Compl. ¶ 50; Ex. D 1, 4). Notably, the McLaurin appraisal report states that the lender, not the potential homeowner, is the intended user of the appraisal, and notes that the appraisal is not a home inspection and was not prepared by a home inspector. (Ex. D. 4). The Court finds that Plaintiffs' allegations fail to establish that Appraiser Defendants owed Plaintiffs a duty of care, as Plaintiffs were the prospective purchasers of the property and Appraiser Defendants were employed on behalf of the

lender. As such, Plaintiffs' claims for negligence and negligent misrepresentation fail for the absence of the duty of care element.

In conclusion, the Court finds that Plaintiffs have failed to state facts that constitute a cause of action against Appraiser Defendants, as the alleged facts do not establish that the Appraiser Defendants owed Plaintiffs a duty of care. The Court grants Defendants' Motion to Dismiss, pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. Therefore, it is

ORDERED, ADJUDGED, and DECREED that Defendants David McLaurin and David McLaurin Appraiser, LLC's Motion to Dismiss is hereby **GRANTED**.

IT IS SO ORDERED.

The Honorable George M. McFaddin, Jr.
Presiding Judge, Fourth Judicial Circuit



Dillon Common Pleas

Case Caption: John Hamilton , plaintiff, et al VS Connie W. Page , defendant, et al
Case Number: 2024CP1700017
Type: Order/Other

So Ordered

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



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January 5, 2026

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SC Court of Appeals

VIA US MAIL & EMAIL

The Honorable Jenny Abbott Kitchings
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**RE: *John Hamilton and Erin Hamilton v. David McLaurin, David McLaurin Appraiser LLC,
et al, Civil Action No. 2024-CP-17-00017***

Dear Ms. Kitchings:

Please find enclosed the file-stamped copy of the Order, dated May 22, 2025, with the Court of Common Pleas for Dillon County to supplement the above-referenced matter.

Please contact me at my Lexington office with questions.

Very Truly Yours,


Frederick I. Hall, III

Enclosure

cc: Travis Redd, Esq. (via email)
 Jonathan Roquemore, Esq. (via email)

The Rick Hall Law Firm, LLC and Frederick I. Hall, III, P.A.

Visit us on the web at www.sctrialattorneys.com or find us on Facebook at The Rick Hall Law Firm.



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The Honorable Jenny Abbott Kitchings
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