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Feb 27 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Anderson County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2021-CP-04-01349
Appellate Case No. 2024-002150

Poly-Med, Inc., Technology Drive 51, LLC,
Technology Drive 52, LLC, PMI Properties, LLC,

Respondents/Appellants,

v.

Research Park, LLC,

Appellant/Respondent.

SUPPLEMENTAL RECORD ON APPEAL

Steven Edward Buckingham (SC Bar No. 75089)

THE LAW OFFICE OF
STEVEN EDWARD BUCKINGHAM

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*Attorney for Appellant/Respondent
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Technology Drive 52, LLC, and
PMI Properties, LLC*

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*Attorneys for Respondents/Appellants
Poly-Med, Inc., Technology Drive 51, LLC,
Technology Drive 52, LLC, and
PMI Properties, LLC*

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0401349

Poly-Med Inc., et al.
PLAINTIFF(S)

Research Park LLC
DEFENDANT(S)

Submitted by: R. Lawton McIntosh	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <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
- 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:

ORDER INFORMATION

WHILE DEFENDANT HAD THE UNAMBIGUOUS RIGHT TO CHARGE THE PRESCRIBED AMOUNTS IN THE COVENANTS, WHICH WAS \$300 PER ACRE COMPOUNDED 10% ANNUALLY, FOR MAINTENANCE AND UPKEEP, DEFENDANT WAS REQUIRED BY THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING, AND POSSIBLY HAD A FIDUCIARY DUTY TO USE THE MONIES CHARGED FOR THE PURPOSE OF MAINTENANCE AND UPKEEP. THE FEES CHARGED FOR MAINTENANCE AND UPKEEP WERE NOT INTENDED TO BE A PROFIT-MAKING MECHANISM. THE COURT FINDS THAT PLAINTIFF IS ENTITLED TO DAMAGES IN THE AMOUNT OF \$65,724.23. THIS AMOUNT REPRESENTS THE DIFFERENCE IN WHAT DEFENDANT CHARGED PLAINTIFF FOR MAINTENANCE AND UPKEEP AND THE AMOUNT DEFENDANT ACTUALLY SPENT ON MAINTENANCE AND UPKEEP FROM THE TIME DEFENDANT TOOK OWNERSHIP OF THE PROPERTY TO PRESENT.

FURTHER, THE COURT FINDS THAT WHEN TAKING THE COVENANTS INTO CONSIDERATION AS A WHOLE, DEFENDANT IS UNDER NO OBLIGATION OR REQUIREMENT TO CONVEY COMMON AREAS OVER TO THE ASSOCIATION. BASED ON THE COVENANTS, THE CONVEYANCE OF COMMON AREAS TO THE ASSOCIATION IS DISCRETIONARY.

THE COURT ALSO FINDS THAT THE POLY-MED TRAILERS THAT WERE ONCE CONSIDERED TEMPORARY STRUCTURES IN ACCORDANCE WITH THE COVENANTS, HAVE GONE PAST THE TIME PERIOD IN WHICH THEY CAN REASONABLY BE CONSIDERED TEMPORARY. AS SUCH, THESE TRAILERS ARE IN VIOLATION OF THE COVENANTS. AS A RESULT, THE TRAILERS ARE ORDERED TO BE REMOVED WITHIN A REASONABLE TIME PERIOD. THE COURT REQUESTS THAT THE PARTIES BRIEF THE COURT ON WHAT SHOULD BE CONSIDERED A REASONABLE TIME PERIOD TO HAVE THE STRUCTURES REMOVED BASES ON THE CIRCUMSTANCES OF THIS CASE.

PLAINTIFF’S COUNSEL TO PREPARE A FORMAL ORDER AND CIRCULATE IT WITH OPPOSING COUNSEL PRIOR TO ITS SUBMISSION TO THE COURT.

This order ends does not end the case.

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.

	2155	
Circuit Court Judge	Judge Code	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:

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

Court Reporter:

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), SCRCP.

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.



Anderson Common Pleas

Case Caption: Poly-Med Inc , plaintiff, et al VS Research Park Llc

Case Number: 2021CP0401349

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2023-11-06 11:32:06 page 4 of 4

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.**
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S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2024-07-29 15:12:55 page 3 of 3

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0401349

Poly-Med, Inc.
PLAINTIFF(S)

Research Park, LLC
DEFENDANT(S)

Submitted by: R. Lawton McIntosh	Attorney for : <input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
	or	
	<input type="checkbox"/> Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

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- 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:

ORDER INFORMATION

COUNSEL FOR THE DEFENDANT HAS FIFTEEN (15) DAYS FROM THE DATE OF FILING THIS ORDER TO SEEK TO CROSS-EXAMINE PLAINTIFF'S COUNSEL AS TO ATTORNEYS FEES AND COST REQUESTED AND /OR TO FILE A MEMORANDUM IN OPPOSITION.

FAILURE OF DEFENDANT'S COUNSEL TO REQUEST THE RIGHT TO CROSS-EXAMINE PLAINTIFF'S ATTORNEYS REGARDING FEES AND/OR TO FILE A MEMORANDUM IN OPPOSITION WILL BE TREATED AS DEFENDANT'S ACQUIESCENCE OF THE FEES AND COSTS BY CLAIMANT.

PLAINTIFF'S CLAIM FOR CONVERSION IS DENIED.

AS TO DEFENDANT'S COUNTER CLAIM FOR THE REMOVAL OF THE MOBILE STRUCTURES, THE COURT WILL NOT SET A CERTAIN TIME FRAME IN WHICH PLAINTIFF IS TO ACT. THIS MATTER WILL BE REVIEWED FROM TIME TO TIME AT THE REQUEST OF DEFENDANT'S COUNSEL TO REVIEW ADVANCES MADE IN REMOVAL OF THE MOBILE STRUCTURES AND REPLACE THEM WITH PERMANENT STRUCTURES. IF UPON REQUEST BY DEFENDANT TO REVIEW PLAINTIFF'S PROGRESS, THE COURT DETERMINES THAT PLAINTIFF'S PROGRESS IS INADEQUATE, THE COURT RESERVES THE RIGHT TO ORDER A SPECIFIC TIME FRAME IN WHICH PLAINTIFF WILL BE REQUIRED TO PERFORM. DEFENDANT'S COUNSEL TO PREPARE A FORMAL ORDER.

This order ends does not end the case.

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	Judgment Against	Judgment Amount To be Enrolled

(List name(s) below)	(List name(s) below)	(List amount(s) below)
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Anderson Common Pleas

Case Caption: Poly-Med Inc , plaintiff, et al VS Research Park Llc

Case Number: 2021CP0401349

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0401349

Poly-Med, Inc.
PLAINTIFF(S)

Research Park, LLC
DEFENDANT(S)

Submitted by: R. Lawton McIntosh	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

THE COURT FINDS THAT PLAINTIFF WAS THE PREVAILING PARTY. WHILE THIS CASE PRIMARILY INVOLVED THE USE OF CARE AND MAINTENANCE FEES, THE CASE ALSO PARTIALLY INVOLVED THE REMOVAL OF TEMPORARY BUILDINGS. THEREFORE, THE PLAINTIFF IS HEREBY GRANTED 75% OF THEIR TOTAL COST FOR ATTORNEY’S FEES. MR. ZUBI TO PREPARE A FORMAL ORDER.

This order ends does not end the case.

INFORMATION FOR THE JUDGMENT INDEX		
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Case Number: 2021CP0401349

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2024-11-19 16:15:18 page 3 of 3

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP0401349

Poly-Med Inc. et al
PLAINTIFF(S)

Research Park LLC
DEFENDANT(S)

Submitted by: R. Lawton McIntosh	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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ORDER INFORMATION

PLAINTIFF’S MOTION FOR RECONSIDERATION IS DENIED WITHOUT NECESSITY OF A FORMAL HEARING. NO FORMAL ORDER REQUESTED.

This order ends does not end the case.

INFORMATION FOR THE JUDGMENT INDEX		
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Anderson Common Pleas

Case Caption: Poly-Med Inc , plaintiff, et al VS Research Park Llc

Case Number: 2021CP0401349

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2024-12-17 15:43:01 page 3 of 3

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

INNOVATE ANDERSON**Corporate Information**

Entity Id: 00221077

Entity Type: Nonprofit

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 08/16/1993

Expiration Date: N/A

:

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: A. BURRISS NELSON

Address: 126 N MCDUFFIE ST
ANDERSON, South Carolina 29621**Official Documents On File**

Filing Type	Filing Date
Change of Agent or Office	09/08/2015
Amendment	02/13/2008
Change of Agent or Office	02/04/2008
Change of Agent or Office	09/15/2003
Amendment	02/22/2001
Change of Agent or Office	09/24/1999
Amendment	11/03/1993
Incorporation	08/16/1993

Former Names

Name	Filing Date
ANDERSON COUNTY DEVELOPMENT PARTNERSHIP, INC.	N/A

For filing questions please contact us at **803-734-2158**

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON) TENTH JUDICIAL CIRCUIT

POLY-MED, INC.; TECHNOLOGY) C.A. No.: 2021-CP-04-01349
DRIVE 51, LLC; TECHNOLOGY)
DRIVE 52, LLC; and PMI)
PROPERTIES, LLC,)

Plaintiffs / Counterclaim Defendants,)

vs.)

RESEARCH PARK, LLC,)

Defendant / Counterclaim Plaintiff.)

PROPOSED ORDER ON OUTSTANDING
MOTIONS REGARDING CONVERSION &
INJUNCTIVE RELIEF

THIS MATTER came before the Court in connection with two issues that remain post-trial; specifically, the issues regarding the disposition of Plaintiffs’ claim for conversion, as well as whether and to what extent the Court may establish dates certain by which Plaintiffs must remove temporary trailers from their premises at the Clemson Research Park. A hearing on these and related matters was held on July 24, 2024. Plaintiffs were represented by Marwan Zubi and William Coates; Defendant was represented by Steven Edward Buckingham. By Form 4 entered August 27, 2024, the Court indicated its decision as to the matters presented in this order, and has entered this order to explain the bases for its decision.

As to Plaintiffs’ cause of action for conversion, one of the issues raised in Defendant’s post-trial motions is that Plaintiffs could not have prevailed on their action for conversion as a matter of law, and that therefore, to the extent the Court’s written decision of February 23, 2024 held otherwise, the decision should be reversed and corrected. Upon due consideration of the facts and pertinent legal authorities, Defendant’s motion is granted.

In the initial written decision regarding this dispute, this Court held that, under the pertinent covenants, “Defendant had the unambiguous right to charge the prescribed amounts in the covenants, which was \$300 per acre compounded 10% annually” going back to 1986. The undisputed evidence at trial was that, for the duration of Defendant’s ownership of the Clemson Research Park, Defendant had charged property owners \$600 per year per acre owned, and that this was substantially less than the amount authorized by the covenants, which is a mathematical fact. Accordingly, the Court held that the amount Defendant had charged property owners under the covenants was consistent with the covenants, while also holding that Defendant’s use of funds collected from property owners for anything other than “maintenance and upkeep,” as that term is defined in this Court’s prior decision, was inconsistent with the covenants.

Plaintiffs’ interpretation of the covenants appears to conflate two issues: collection of maintenance fees and their expenditure. It appears to be Plaintiffs’ contention that, under the covenants, Defendant may only collect maintenance fees from property owners necessary to cover “maintenance and upkeep;” that the collection of any amount of maintenance fee in excess of what is necessary for “maintenance and upkeep” constitutes conversion.

To reach this construction, however, the Court would have to disregard the plain language of the covenants, which establish the method by which annual maintenance fees are calculated, and which further establish that each property owner’s obligation is to pay the maintenance fees as calculated. And, while the covenants do give Defendant the authority to reduce the amount of the maintenance fee in any given year according to its discretion, the covenants do not establish an obligation to do so. Therefore, if the Court were to adopt Plaintiffs’ construction of the covenants, the Court would also be required to create a new term in the covenants—one providing an alternative method of calculating the maintenance fee—even

though the covenants already establish the method by which the fee is calculated. Consistent with well-established precedent, the Court declines the invitation to create a new contractual obligation.

The question of whether Defendant's collection of maintenance fees remains distinct from the question of how the maintenance fees are spent. And the immediate issue before the Court—with respect to Plaintiffs' conversion action—relates solely to collection.

Conversion is the unauthorized assumption in the exercise of the right of ownership over goods or personal chattels belonging to another to the exclusion of the owner's rights. See, e.g., SSI Med. Servs., Inc. v. Cox, 301 S.C. 493, 392 S.E.2d 789 (1990). An action for conversion “cannot arise from the exercise of a legal right” of ownership over the property allegedly converted. Kirby v. Horne Motor Co., 295 S.C. 7, 11, 366 S.E.2d 259, 261-62 (Ct. App. 1988) (citation omitted).

In the instant case, and consistent with the foregoing discussion, Defendant's collection of the maintenance fee does not constitute conversion. As long as Defendant charges Clemson Research Park property owners an amount no greater than \$300 per acre compounded by 10% annually, going back to 1986, Defendant's imposition of such charges is permissible under the covenants. And, since the covenants establish that each property owner's obligation is to pay the maintenance fee, Defendant has the right to collect such fee from each property owner. Accordingly, when a property owner tenders the maintenance fee to Defendant, it is doing so expressly pursuant to its contractual obligations. Plaintiffs' payment of their contractual obligations does not constitute a conversion, see, e.g., Owens v. Zippy Mart of S.C. Inc., 268 S.C. 383, 234 S.E.2d 217 (1977), and that is separate and apart from the real matter in dispute, which is how the funds collected were spent.

For these reasons, Defendant’s motion for reconsideration as to the issue of conversion is granted. As a matter of law, Plaintiffs have failed to state a legally cognizable cause of action for conversion, and judgment on Plaintiffs’ conversion action is hereby directed in Defendant’s favor.

The final matter to address in this decision pertains to Defendant’s action against Plaintiffs for breach of the covenants, specifically regarding the continued presence of “temporary” office trailers that were installed on Plaintiffs’ premises and have remained there for a number of years. The Court has previously held that Plaintiffs must remove the trailers from their premises, but invited supplemental briefing from the parties as to the amount of time that Plaintiffs should be allowed to accomplish such removal. Upon due consideration of the parties’ submissions, the Court has elected to suspend the imposition of a date certain by which removal must be accomplished. Instead, from time to time and only upon the request of Defendant’s counsel, the Court may require Plaintiffs to provide information by which the Court may evaluate Plaintiffs’ advances in the removal of such trailers and/or their replacement with permanent structures. If, upon such review, the Court finds that Plaintiffs’ progress has been inadequate, the Court reserves the right to order a specific time frame, or date certain, by which the removal of the temporary trailers must be accomplished.

It is **SO ORDERED**.

The Honorable R. Lawton McIntosh
Judge, Tenth Judicial Circuit

Entered this _____ Day of _____, 2024
Anderson, South Carolina

CERTIFICATE OF COUNSEL

The undersigned counsel for Respondents/Appellants certifies that, in accordance with Rule 210(c), SCACR, this **Supplemental Record on Appeal** contains only material proposed to be included by any party that was presented to the lower court and not any other material. The undersigned also certifies that this **Supplemental Record on Appeal** complies with the Supreme Court of South Carolina's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued April 15, 2014.

<SIGNED ON THE FOLLOWING PAGE>

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