

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 Linda Acker,)
)
 Plaintiff,)
)
 v.)
)
 Westgate Myrtle Beach, LLC,)
)
 Defendant.)
)
 _____)
 Westgate Myrtle Beach, LLC,)
)
 Third-Party Plaintiff,)
)
 v.)
)
 Home Depot U.S.A., Inc.)
)
 Third-Party Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 Civil Action No.: 2024CP2604023

**ORDER GRANTING THIRD-PARTY
 PLAINTIFF WESTGATE MYRTLE
 BEACH, LLC’S MOTION FOR DEFAULT
 JUDGMENT**



THIS MATTER COMES before the Court on Defendant and Third-Party Plaintiff Westgate Myrtle Beach, LLC’s (hereinafter, “Third-Party Plaintiff”) Motion for Default Judgment against the Third-Party Defendant, Home Depot U.S.A., Inc. (hereinafter, “Third-Party Defendant”), pursuant to Rule 55 of South Carolina Rules of Civil Procedure.

It appearing that a Third-Party Complaint was filed and a Third-Party Summons was issued in this action, and said Third-Party Summons, together with a copy of said Third-Party Complaint, was properly served on the Third-Party Defendant;

And it further appearing to the Court that no Answer, Motion to Dismiss, or pleading has been filed by the Third-Party Defendant, and that no extension of time to file pleadings has been granted, and that the time for pleading or otherwise defending expired;

And it further appearing to the Court that the Third-Party Defendant is in default and has been entered according to the Rules of Civil Procedure. An Order for Default was entered by this Court on June 25, 2025. Upon the request of the Third-Party Plaintiff, Judgment is hereby entered against the Third-Party Defendant in pursuance of the prayer of said Third-Party Complaint.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Third-Party Plaintiff have and recover of the said Third-Party Defendant the sum of \$144,650.97 in actual damages, plus, post-judgment interest at the highest rate allowable by law.

IT IS SO ORDERED.

The Honorable David P. Caraker, Jr.
Fifteenth Judicial Circuit

Dated:



Horry Common Pleas

Case Caption: Linda Acker VS Westgate Myrtle Beach LLC , defendant, et al

Case Number: 2024CP2604023

Type: Order/Damages

IT IS SO ORDERED

s/ David P. Caraker, Jr.

Linda Acker
PLAINTIFF(S)

Westgate Myrtle Beach LLC et al
DEFENDANT(S)

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
- 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:

This matter came before the court on Defendant Westgate Myrtle Beach LLC's Third Party Complaint against Third Party Defendant Home Depot USA Inc. The Court finds in favor of Westgate Myrtle Beach LLC against Home Depot USA Inc. in the amount of \$144,650.97 for damages. Attorney Smith to submit a formal order.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/13/2026 .

Home Depot USA Inc
Home Depot U.S.A., Inc. (3rd Party)

RECEIVED
Mar 16 2026
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Horry Common Pleas

Case Caption: Linda Acker VS Westgate Myrtle Beach LLC , defendant, et al

Case Number: 2024CP2604023

Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ David P. Caraker, Jr.