

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

BANK OF AMERICA, N.A.

Plaintiff(s)

vs.

FRED A BETHEA

Defendant(s)

IN THE COURT OF COMMON PLEAS

12th JUDICIAL CIRCUIT COURT

Civil Action No. 2024CP2101600

**ORDER GRANTING
SUMMARY JUDGMENT**

This comes before the Court on Plaintiff's motion for summary judgment. The Plaintiff, Bank of America, N.A., being represented by Laura C. Tesh, and the Defendant, Fred A Bethea, pro se, were both present for the hearing.

Defendant's motion to strike Plaintiff's business records affidavit in support of Bank of America's motion for summary judgment is hereby denied as unsupported by legal authority. A business records affidavit is made by the records custodian. They do not have personal knowledge of every transaction, nor are they required to. A corporation cannot speak for itself but as a legal entity can only speak through its agents. Business records are an exception to hearsay under Rule 803(6), SCRE.

Defendant also requested arbitration in his response. There is no arbitration clause, so the Court cannot order it. Nor was this argument raised at hearing. Defendant also failed to respond to Plaintiff's discovery. He filed a purported response, but drafted his own questions and then answered those. As such, under Rule 36, SCRPC, those matters are deemed admitted.

During the hearing, Plaintiff demonstrated that Bank of America, N.A. had filed a motion for summary judgment with a properly supporting business records affidavit and exhibit statements. The Defendant failed to respond to that summary judgment motion or supporting affidavit and therefore failed to set forth or point to specific facts showing there is a genuine issue of fact for the Court to decide. "A party opposing a properly supported motion for summary judgment, however, may not rest upon the mere allegations or denials of his pleading, but must set forth or point to specific facts showing that there is a genuine issue of material fact." *Bravis v. Dunbar*, 316 S.C. 263, 265, 449 S.E.2d 495, 496 (Ct. App. 1994).

The Court, having reviewed the motion, the Court file and being duly advised in the case, it is hereby **ORDERED, ADJUDGED AND DECREED** that the Plaintiff have and recover from the Defendant the

amount of \$12,651.42; plus costs in the amount of \$227.06 for a total judgment of \$12,878.48.

AND IT IS SO ORDERED.

By: _____

Judge George M. McFaddin, Jr.
FLORENCE CIRCUIT COURT

Florence, South Carolina

May ___, 2026

598690

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2101600

BANK OF AMERICA, N.A.

PLAINTIFF(S)

FRED A BETHEA

DEFENDANT(S)

Submitted by:

☐ Joseph E. Brown, #9085☒ Laura C. Tesh, #68526☐ Adam S. Tesh, #68555Attorney 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.
- ☐ **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 _____.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment

By the Court: _____

ORDER INFORMATION

The 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 amounts(s) below)
BANK OF AMERICA, N.A.	FRED A BETHEA	\$12,878.48

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.**

Circuit Court Judge

Judge Code

Date

For Clerk of Court 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 the _____ 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)

Court Reporter: _____

CLERK OF COURT

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.



Florence Common Pleas

Case Caption: Bank Of America Na VS Fred A Bethea

Case Number: 2024CP2101600

Type: Order/Judgment and Form 4

So Ordered

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