

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Richard Young and Jason Greene

Plaintiffs,
v.

John W. Beasley a/k/a John W. Beasley, Sr.
and Lillian Beasley in their individual
capacities and as Trustees or as successors in
trust under the Beasley Living Trust dated
August 14, 2018 and any amendments
thereto, Bob Hollow Investments, LLC, Anna
Pruitt, Seaside Plantation Property Owners
Association, Inc., South Carolina Department
of Revenue, and the United States of America
by and through its agency the Internal
Revenue Service,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-03510

**ORDER DENYING THE BEASLEYS
MOTION FOR SUMMARY JUDGMENT
AND STRIKING THE BEASLEYS
COUNTERCLAIMS**

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THIS MATTER CAME BEFORE THE UNDERSIGNED on two Motions:

- (1) Motion to Dismiss/Strike the Defendants' Counterclaims, or in the alternative for Summary Judgment on the Defendants' Counterclaim, filed by Plaintiffs Richard Young and Jason Greene (collectively, "Plaintiffs").
- (2) Motion For Summary Judgment filed by Defendants John W. Beasley a/k/a John W. Beasley, Sr. and Lillian Beasley in their individual capacities and as Trustees or as successors in trust under the Beasley Living Trust dated August 14, 2018 and any amendments thereto (collectively, "Beasleys" or the Beasley Defendants").

A hearing was held on September 27, 2023 on both motions. Present at said hearing were Ian D. McVey and Joey Floyd for Plaintiffs, as well as the Plaintiffs themselves. Cheryl D. Shoun, R. Markley Dennis, Jr., Rhett Ricard, John C. Johnston and Victoria W. Kurtz appeared for the Beasley Defendants, none of whom were present at the hearing.

Counsel for the Beasley Defendants filed a Motion for Summary Judgment on August 14, 2023, after the Plaintiffs' Motion for Summary Judgment was heard by this Court (August 8, 2023, hearing on Plaintiff's Motion for Summary Judgment). In light of the *Order Granting Plaintiffs' Motion for Summary Judgment* entered on August 23, 2023, in favor of the Plaintiffs and against the Beasley Defendants, the Beasley Defendants' Motion for Summary Judgment is rendered moot and is hereby denied.

The Plaintiffs also filed an Amended Motion to Strike the Defendants' Counterclaims, or in the alternative, for Summary Judgment on the Beasley Defendants' Counterclaims. The Beasleys' abuse of process counterclaim is based on the theory that the Beasley Defendants have been released from the Mortgage. See Ans. of John W. Beasley Sr. and Lillian Beasley, ¶¶ 52-53. The Court has now made a determination that the Mortgage is still a binding obligation of the Beasley Defendants, and the Plaintiffs are entitled to pursue their remedy of foreclosure. As a result of this finding, the Beasleys' counterclaim for abuse of process should be dismissed pursuant to Rule 12(b)(1), stricken pursuant to Rule 12(f) and/or the Plaintiffs should be granted Summary Judgment on the Beasley Defendants' Counterclaim for Abuse of Process.

The Beasleys' Counterclaim for Breach of Contract alleges that the Plaintiffs have breached the Second Settlement Agreement. Again, the Beasley Defendants' Counterclaim for Breach of Contract fails, as a matter of law, because this Court has entered Summary Judgment in favor of the Plaintiffs. As a practical matter, the Order of Summary Judgment disposes of the Beasley Defendants' Counterclaims.

IT IS HEREBY ORDERED THAT (1) the Beasley Defendants' Motion for Summary Judgment is hereby DENIED and (2) the Beasley Defendants' Counterclaims are hereby dismissed, for the reasons set forth herein. IT IS SO ORDERED.

- *Signature page of Judge follows* -



Charleston Common Pleas

Case Caption: Richard Young , plaintiff, et al VS John W Beasley , defendant, et al

Case Number: 2022CP1003510

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062