

FEB 10 2014

SC Court of Appeals

01/07/2014 15:22

864-277-4376

GANTT SUMMARY COURT

PAGE 02/03

FORM 4

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

FILED-CLERK OF COURT
GREENVILLE CO. S.C.

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP2304330

PAUL B. WICKENSIMER

Tommy Moore

Thomas Perkins

2013 NOV 11 PM 4 17

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <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: _____
- 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 is an appeal from a magistrate court trial. After reviewing the file and considering the arguments presented, the appeal is denied. While the appellant presents a good argument and may have convinced another judge of the merits of his claim, the record from below indicates support for the decisions made by the magistrate. This court cannot substitute its judgment on the facts because it may disagree with the facts as viewed by the lower court. Appellant seems to direct most of his argument on the closing section of the magistrate's trial summary. However, the magistrate did not write her summary in a manner that indicates those 3 or 4 listed items were her sole reasons. As the trial judge she was in the better position to observe the witnesses, listen to them and determine which evidence convinced her of the truth. As an appellate court, this court does not lightly discount the trial judge's unique position of determining the truth of the evidence presented to her.

This court appreciates and notes the politeness and respect the parties showed to this court during the arguments.

ORDER INFORMATION

This 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 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.

Circuit Court Judge *[Signature]* 2132 Judge Code 10/25/2013 Date
For Clerk of Court Office Use Only

This judgment was entered on 11/11/13, and a copy mailed first class or placed in the appropriate attorney's box on 11/11/13, to attorneys of record or to parties (when appearing pro se) as follows:

Timmy Moore 415 North Main St. #14Q Greenville, SC 29601

Thomas Perkins 415 North Main St. #2G Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Magistrate Baybriell Gibson

Court Reporter Paul B. Wickensimer Greenville County Clerk Of Court - 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.

[Empty lines for additional information regarding decision]

Received by Appellant on 02/05/2014 upon pick-up at time: 11:50

RECEIVED NOV 11 2013 Judge Horace Gibson, Jr.