

COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-32-2038

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SEP 02 2014

Oliver Grady Query, and the Estate of)
Grady W. Query, by its Personal)
Representative, Oliver Grady Query,)

Plaintiffs,)

v.)

ORDER

Ladislao Castrejon, Alberto Lozano,)
and Jesus Brito,)

Defendants.)

SC Court of Appeals

BETH A. CANTRELL
CLERK OF COURT

2014 AUG 28 5 11 PM

FILED

This matter comes before the Court by way of Defendant Ladislao Castrejon's ("Defendant") motion pursuant to Rule 60(a), SCRPC, filed July 18, 2014. In Defendant's motion he requested the Court issue an order correcting a scrivener's error contained in the final paragraph of Section C of the Court's order dated April 4, 2014. By email correspondence dated July 25, 2014, Plaintiffs indicated, through counsel, their consent to Defendant's motion. Plaintiffs subsequently confirmed their consent, through counsel, by email correspondence dated August 13, 2014. Therefore, the Court grants the relief requested by Defendant.


The final paragraph of this Court's order dated April 4, 2014 in the above captioned matter is amended to read as follows:

Plaintiffs contend that their offer to provide owner financing for a portion of the purchase price satisfied the condition precedent and, thereby, made the contract enforceable. However, Plaintiffs' position is not persuasive. The owner financing arrangement had two components: (1) a down payment and (2) the balance to be financed. Plaintiffs argue by implication that since they were the "bank," they could have reached an agreement wherein Defendant could have paid some amount as a down payment with the balance being negotiated. That argument is flawed since it would convert the financing equation from one of a good faith negotiation into one where Plaintiffs could invoke any offer of owner

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financing terms to justify a claim that Mr. Castrejon breached the Contract by not agreeing to their conditions as to terms, interest rates, down payment amount, etc.

AND IT IS SO ORDERED this 15 day of August, 2014.



JAMES O. SPENCE
Master-In-Equity
Lexington County

Lexington, South Carolina.

SPENCE, JAMES

From: SPENCE, JAMES
Sent: Friday, August 15, 2014 10:26 AM
To: 'Mark Evans'; 'Allen Bullard'; FAIRCLOTH, GAIL
Cc: 'Carey L. Warren'
Subject: RE: Oliver Grady Query, et al v. Ladislao Castrejon, et al (2010-CP-32-2038)

Thanks to all.

JOS

From: Mark Evans [mailto:mevans14@bellsouth.net]
Sent: Friday, August 15, 2014 10:22 AM
To: 'Allen Bullard'; FAIRCLOTH, GAIL
Cc: 'Carey L. Warren'; SPENCE, JAMES
Subject: RE: Oliver Grady Query, et al v. Ladislao Castrejon, et al (2010-CP-32-2038)

I consent to the proposed order. ✓

From: Allen Bullard [mailto:abullard@montgomerywillard.com]
Sent: Friday, August 15, 2014 10:12 AM
To: FAIRCLOTH, GAIL
Cc: Carey L. Warren; Mark Evans; SPENCE, JAMES
Subject: Oliver Grady Query, et al v. Ladislao Castrejon, et al (2010-CP-32-2038)

I have attached a proposed order granting the relief requested in the rule 60 motion for Mr. Evans' review and comments and the judge's consideration.



ALLEN BULLARD
MONTGOMERY WILLARD, LLC

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From: FAIRCLOTH, GAIL [mailto:GFAIRCLOTH@lex-co.com]
Sent: Wednesday, August 13, 2014 4:42 PM
To: Allen Bullard
Cc: Carey L. Warren; Mark Evans; SPENCE, JAMES
Subject: RE: Oliver Grady Query, et al v. Ladislao Castrejon, et al (2010-CP-32-2038)

Hi Mr. Bullard,

Judge Spence did not have the Rule 60(a) Motion, however he did have the July 25th e-mail from Mark Evans Consenting to the motion – He will need a consent order to this motion as we did not see one attached to the e-mail that you sent to me below. ✓

Thanks,
Gail

Gail R. Faircloth, Docket Manager
Lexington County Master-In-Equity
205 E. Main Street, Suite 204
Lexington, SC 29072
ph: 803-785-8291 fax: 803-785-0609

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From: Allen Bullard [<mailto:abullard@montgomerywillard.com>]
Sent: Wednesday, August 13, 2014 9:33 AM
To: FAIRCLOTH, GAIL
Cc: Carey L. Warren; Mark Evans; Shealy, Leslie; SPENCE, JAMES
Subject: RE: Oliver Grady Query, et al v. Ladislao Castrejon, et al (2010-CP-32-2038)

Mrs. Faircloth:

I have attached a copy of the motion in question. I do believe opposing counsel, Mr. Evans, indicated his consent to the motion by email, but I do not know if an order has been signed. If a hearing is necessary, I would appreciate it if you could assist us in setting it up.



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August 29, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

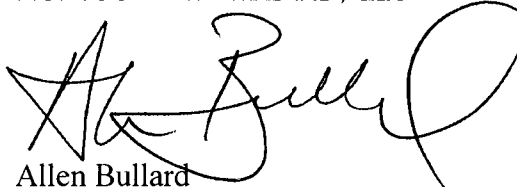
RE: *Oliver Grady Query v. Ladislao Castrejon*
Appellate Case No.: 2014-001041
Our File No.: 2135450

Dear Ms. Kitchings:

Please be advised that the lower court has issued an order resolving Mr. Castrejon's Rule 60 motion. A copy of the order is enclosed.

Sincerely,

MONTGOMERY WILLARD, LLC


Allen Bullard

cc: Mark V. Evans, Esquire
Ladislao Castrejon

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SC Court of Appeals

MONTGOMERY WILLARD, LLC

ATTORNEYS & COUNSELORS AT LAW

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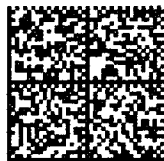
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