

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant
Landscapes,)

Plaintiff,)

v.)

Joseph W. Beasley a/k/a Billy Beasley,)

Defendant.)

ORDER


FILED
2014 JUL -3 PM 2:28
JULIE S. ARMSTRONG
CLERK OF COURT

FILED
2014 JUL 7 AM 9:5
JULIE S. ARMSTRONG
CLERK OF COURT

BY _____
CANCELED

The instant matter came on for trial on May 8, 2013. Present were James Parker, owner of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes, Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley. This action was initially filed, *pro se*, in the Small Claims Court. Mr. Parker, signing the complaint on behalf of the Plaintiff, alleged that Defendant owed an outstanding balance of \$5,498.88 for work performed, along with applicable interest and fees. Defendant answered and counterclaimed for \$15,300, the amount alleged to be the estimate required to complete the project left unfinished by Plaintiff, and make necessary repairs. Because the counterclaim exceeded the jurisdiction of the Small Claims Court, the case was transferred to this Court.

Following the transfer, Defendant filed a Motion to Strike, asserting that the *pro se* complaint, filed on behalf of a corporate entity, constituted the unauthorized practice of law by the owner. Defendant noted in its Motion that it is well established that a corporation must be represented by a licensed attorney. *Renaissance Enterprises, Inc. v. Babb*, 334 S.C. 649, 515 S.E.2d 257 (1999). Although an authorized individual may represent a corporate entity in Small Claims, such representation is not permissible in this Court.

1013

6/16/14

Plaintiff failed to obtain counsel to sign the complaint, answer to the counterclaims, or to otherwise appear on its behalf before this Court. The Court finds that Motion to Strike of Defendant is well taken, and it should be and hereby is GRANTED. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN. In addition, as Plaintiff has failed to answer to the counterclaim, the Court hereby enters judgment on behalf of Defendant.

As further grounds for the dismissal of the complaint, the Court notes that Plaintiff has failed to appear for the trial of this action, despite having received notice from the Clerk as to the date and time of this hearing. As Plaintiff was not present to proceed with its claim, the Court finds that Plaintiff has failed to prosecute this action, and it should be dismissed.

As to damages, Defendant Billy Beasley testified that much of the work originally called for in the contract between Plaintiff and Defendant had been left incomplete, and that additional portions of the work required significant remediation. In order to complete the contract, Defendant was forced to obtain substitute services, and he testified that in order to finish the work, he expended \$10,300 over and above the original contract price. Defendant testified about the contracted-for work that had not been finished by Plaintiff, and also testified about the specific items of work that had been incorrectly performed and which had to be removed and replaced.

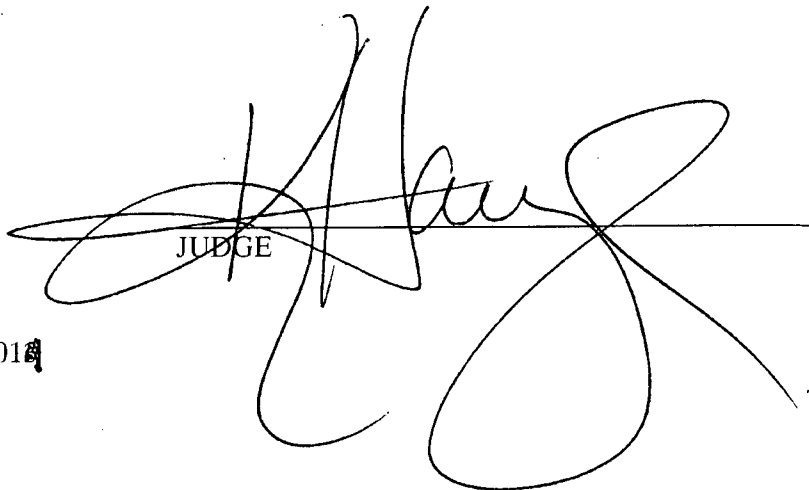
Having found that Plaintiff failed to answer to the counterclaim, and that judgment must therefore be entered in favor of Defendant, the Court further finds that Defendant has proven damages in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars. The Court will, therefore, enter judgment as follows:

2 of 3
BHB
6/16/14

1. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN;

2. Judgment shall be entered in favor of Defendant William Beasley a/k/a Billy Beasley on the Counterclaim in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars.

IT IS SO ORDERED!


JUDGE

June 16, 2014
Charleston, SC

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant Landscapes,

Joseph W. Beasley a/k/a Billy Beasley

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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

FILED
JUL 21 PM 2:31
BY JULIE J. ANNE TROTT
CLERK OF COURT

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 Order is intended to Amend the Court's Order entered on July 3, 2014.

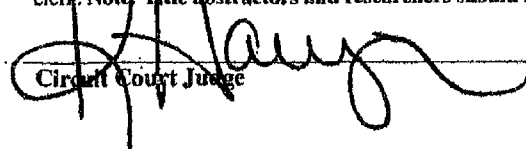
ORDER INFORMATION

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)
Billy Beasley	Wildflower Nursery	\$ 10,500.00
		\$
		\$
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

2151

Judge Code

7/21/14
Date

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2011-CP-10-1559

Amended Order

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2014 JUL 21 PM 2:37

FILED

The instant matter came on for trial on May 8, 2013. Present was Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley. This action was initially filed, *pro se*, in the Small Claims Court. Mr. Parker, signing the complaint on behalf of the Plaintiff, alleged that Defendant owed an outstanding balance of \$5,498.88 for work performed, along with applicable interest and fees. Defendant answered and counterclaimed for \$15,300, the amount alleged to be the estimate required to complete the project left unfinished by Plaintiff, and make necessary repairs. Because the counterclaim exceeded the jurisdiction of the Small Claims Court, the case was transferred to this Court.

Following the transfer, Defendant filed a Motion to Strike, asserting that the *pro se* complaint, filed on behalf of a corporate entity, constituted the unauthorized practice of law by the owner. Defendant noted in its Motion that it is well established that a corporation must be represented by a licensed attorney. *Renaissance Enterprises, Inc. v. Babb*, 334 S.C. 649, 515 S.E.2d 257 (1999). Although an authorized individual may represent a corporate entity in Small Claims, such representation is not permissible in this Court.

Plaintiff failed to obtain counsel to sign the complaint, answer to the counterclaims, or to otherwise appear on its behalf before this Court. The Court finds that Motion to Strike of Defendant is well taken, and it should be and hereby is GRANTED. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN. In addition, as Plaintiff has failed to answer to the counterclaim, the Court hereby enters judgment on behalf of Defendant.

As further grounds for the dismissal of the complaint, the Court notes that Plaintiff has failed to appear for the trial of this action, despite having received notice from the Clerk as to the date and time of this hearing. As Plaintiff was not present to proceed with its claim, the Court finds that Plaintiff has failed to prosecute this action, and it should be dismissed.

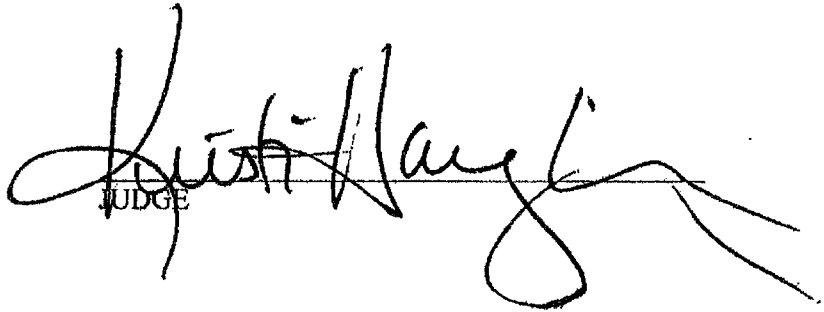
As to damages, Defendant Billy Beasley testified that much of the work originally called for in the contract between Plaintiff and Defendant had been left incomplete, and that additional portions of the work required significant remediation. In order to complete the contract, Defendant was forced to obtain substitute services, and he testified that in order to finish the work, he expended \$10,300 over and above the original contract price. Defendant testified about the contracted-for work that had not been finished by Plaintiff, and also testified about the specific items of work that had been incorrectly performed and which had to be removed and replaced.

Having found that Plaintiff failed to answer to the counterclaim, and that judgment must therefore be entered in favor of Defendant, the Court further finds that Defendant has proven damages in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars. The Court will, therefore, enter judgment as follows:

1. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN;

2. Judgment shall be entered in favor of Defendant William Beasley a/k/a Billy Beasley on the Counterclaim in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars.

IT IS SO ORDERED!


JUDGE

July 21st, 2014
Charleston, SC

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant Landscapes,

Joseph W. Beasley a/k/a Billy Beasley

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

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- 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

FILED
 2014 JUL 21 PM 2:37
 J. AP-1518018
 CLERK OF COURT

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

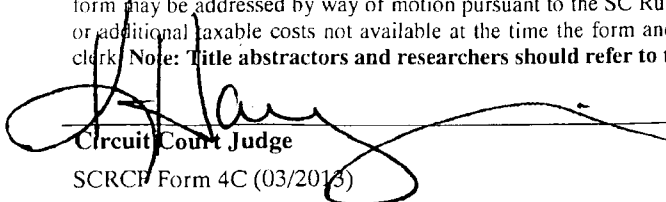
IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: This matter comes before the Court on Plaintiff's Motion to Alter, Amend, and/or Reconsider the Court's Order entered on July 3, 2014, and to Vacate the Court's Orders filed November 26, 2013, and June 9, 2014. The Court hereby DENIES Plaintiff's Motion to Alter, Amend, Reconsider, and/or Vacate.

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:		

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 Circuit Court Judge
 SCRPC Form 4C (03/2013)

2151
 Judge Code

7/21/14
 Date

