



The South Carolina Court of Appeals

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November 20, 2014

The Honorable Beth Carrigg
205 E Main St Ste 146
Lexington SC 29072-3557

REMITTITUR

Re: Carolina Refrigeration v. Claude Leitzsey
Lower Court Case No. 2011CP3201369
Appellate Case No. 2013-000002

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Gerald D. Jowers, Esquire
Jean Perrin Derrick, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Carolina Refrigeration Services, Respondent,

v.

Claude L. Leitzsey, Sr., Claude L. Leitzsey, Jr., Lisa M.
Leitzsey and Branch Banking and Trust Company,
Defendants,

Of Whom Claude L. Leitzsey, Sr., Claude L. Leitzsey,
Jr., and Lisa M. Leitzsey are Appellants.

Appellate Case No. 2013-000002

Appeal From Lexington County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2014-UP-359
Heard September 10, 2014 – Filed October 15, 2014

AFFIRMED

Gerald D. Jowers, of Columbia, for Appellants.

Jean Perrin Derrick, of Lexington, for Respondent.

PER CURIAM: In this appeal from the foreclosure of a mechanic's lien, Claude L. Leitzsey, Sr., Claude L. Leitzsey, Jr., and Lisa M. Leitzsey argue the circuit

court erred in granting a default judgment against them pursuant to Rule 55, SCRCF, for failing to answer Carolina Refrigeration Services' summons and complaint. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *Harbor Island Owners' Ass'n v. Preferred Island Props., Inc.*, 369 S.C. 540, 544, 633 S.E.2d 497, 499 (2006) (holding the decision whether to set aside an entry of default or a default judgment lies solely within the sound discretion of the circuit court); *Mitchell Supply Co. v. Gaffney*, 297 S.C. 160, 163, 375 S.E.2d 321, 323 (Ct. App. 1988) (holding the circuit court's decision will not be disturbed on appeal absent a clear showing of an abuse of that discretion); *In re Estate of Weeks*, 329 S.C. 251, 259, 495 S.E.2d 454, 459 (Ct. App. 1997) (holding an abuse of discretion occurs when the judgment is controlled by some error of law or when the order, based upon factual, as distinguished from legal conclusions, is without evidentiary support).

AFFIRMED.

FEW, C.J., and THOMAS and LOCKEMY, JJ., concur.

