

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Arthur B. Schirmer, III and)
 Joyce Schirmer,)
)
 Plaintiffs,)
)
 vs.)
)
 William Mark Adams,)
)
 Defendant.)
 _____)
 William Mark Adams,)
)
 3rd-Party Plaintiff,)
)
 vs.)
)
 Landscape Pavers, LLC and)
 JRJ Holdings, LLC,)
)
 3rd-Party Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO.: 2012-CP-10-0333

FINAL JUDGMENT OR DECREE
 (1st Amended)

RECEIVED

DEC 05 2014

SC Court of Appeals

FILED
 2014 NOV -7 PM 1:03
 JULIE J ARMSTRONG
 CLERK OF COURT
 BY _____

JUDGE: The Honorable William Jeffrey Young
 DATE OF HEARING: August 7, 2014
 PLAINTIFF'S ATTORNEY: T.O. Sanders/Sanders Law Firm, LLC
 DEFENDANT'S ATTORNEY: Frank M. Cisa
 COURT REPORTER: _____

This matter comes before me upon Defendant/Third-Party Plaintiff William Mark Adams' *Motion to Alter or Amend and/or to Reconsider the Final Judgment or Decree*. I deny the motion, and I find as follows:

1. On February 28, 2014, the Court issued its *Final Judgment or Decree* ("the first Order") which found for the Plaintiffs and for the Third-Party Defendants on all causes of action. On March 21, 2014, Defendant/Third Party Plaintiff William Mark Adams ("Adams") filed his *Motion to Alter or Amend*, and he served it on the Court.

2. A motion to alter or amend pertains to a situation where the issues were presented at

trial, but the Court did not rule on them. The issues raised by Adams in his motion were ruled upon at trial and in the *Final Judgment or Decree*.

3. Adams failed to make a *Motion for Judgment Notwithstanding the Verdict* (Rule 50, SCRCF), a *Motion for New Trial* (Rule 59, SCRCF), and/or a *Motion for Relief from Judgment or Order* (Rule 60, SCRCF). The time to make these motions has expired.

4. Adams did not offer any evidence to contradict the court's findings and rulings in the *Final Judgment or Decree* except as to the issue of attorney's fees and costs. As such, he should not be afforded relief. Adams' counterclaims and third-party claims should remain dismissed.

5. Regarding the valuation of his interest in both Landscape Pavers, L.L.C. and in JRJ Holdings, LLC ("the LLCs"), Adams offered no expert (or lay) testimony at trial. As such, he failed to refute the expert testimony offered by Plaintiffs Arthur B. Schirmer, III's and Joyce Schirmer's ("Plaintiffs") two certified public accountants as to the valuation of Adams' interest in the LLCs (-\$87,050.00 net). In the portion of the transcript of Travis Dale Ainsworth, CPA provided by Adams, Adams attempts to take Ainsworth's testimony out of context and is not persuasive.

6. As to Landscape Pavers, L.L.C., Adams offered no testimony to refute the finding that the Flexi-Pave Franchise was a worthless asset.

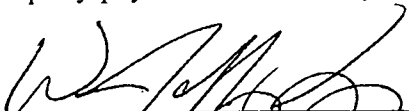
7. Regarding the award of Plaintiffs' attorney's fees and costs, the first Order is revised by requiring each party to pay its own attorney's fees and costs.

8. Adams is not required to pay the LLCs \$87,050.00, which is the amount of his net interest in the LLCs.

9. Plaintiffs' membership interest in Landscape Pavers, L.L.C. represents a majority in interest of this LLC. As such, the Plaintiffs' disposition of Adams' interest is proper according to Paragraph 3.3(A) of the operating agreement of Landscape Pavers, L.L.C. (see Plaintiff's Evidence "2" at trial).

IT IS ORDERED, ADJUDGED AND DECREED that the February 28, 2014 *Final Judgment or Decree* is modified to require that each party pays its own attorney's fees and costs.

AND IT IS SO ORDERED!


The Honorable William Jeffrey Young
Judge of the Ninth Judicial Circuit

2 NOV, 2014
Sumter, South Carolina