

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2010-CP-10-7241

JOHN M. ENGLISH,)
)
PLAINTIFF,)
)
-versus-)
)
ELLEN SEXTON,)
)
DEFENDANT.)

RECEIVED
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MASTER'S ORDER Court of Appeals

FILED
2014 OCT 15 PM 2:54
JULIE J. ARMSTRONG
CLERK OF COURT
BY [Signature]

Date of Hearing: August 25, 2014, 10:00 A.M.
Master in Equity: Honorable Mikell R. Scarborough
Plaintiff's Attorney: David A. Collins
Defendant's Attorney: G. Thomas Hill

THIS MATTER came before the jurisdiction of the Master in Equity for Charleston County by Order of Reference. The case was arbitrated by the Honorable Richard Fields and now comes before the court for a final hearing. Plaintiff John M. English appeared at the hearing with his attorney, David A. Collins. Defendant Ellen Sexton appeared at the hearing with her attorney, G. Thomas Hill. At the hearing the parties confirmed that all matters between them had been resolved, except for the issues concerning the distribution of proceeds from the sale of a property hereinafter referred to as the Furman Home and the disposition of a Ford Explorer vehicle. It was undisputed that the sale proceeds from the Furman Home were to be divided on a 60/40 split, with 60% to the Plaintiff and 40% to the Defendant. The attorneys for the parties each presented oral statements of their respective positions on the disputed issues. The parties were directed to submit legal briefs regarding the matter of the Ford Explorer vehicle and to produce any evidence regarding the same to the court. Upon reviewing the all the evidence, affidavits, the briefs, and hearing the arguments presented by all parties, I hereby find as follows:

[Handwritten Signature]

FINDINGS

1. I find that the Arbitration Agreement and Award executed by the Honorable Richard Fields has been approved by all parties and confirmed by the Court and has been entered into by all parties and has been made a part of the court record.
2. I find that all divisions/distributions of funds/property as delineated in the Arbitration Agreement and Award have been completed as the date of this hearing; except for the division/distribution of the sale proceeds from the sale of the Furman Home (60% to Plaintiff and 40% to Defendant), and, disposition of Ford Explorer vehicle.
3. I find that the Plaintiff has used and possessed the Ford Explorer vehicle since the date of purchase almost exclusively as the primary driver of said vehicle and that said vehicle was purchased Defendant for Plaintiff due to Defendant's ability at the time of purchase to obtain a loan.
4. I find that the Arbitration Agreement and Award provides that at the time of distribution of the sales proceeds from the sale real estate that Plaintiff is to reimburse Defendant all sums paid by Defendant to purchase said Ford Explorer, and that the Defendant is to sign over the Title to the Ford Explorer to the Plaintiff.
5. I find that Defendant has made all the payments (*down payment and loan payments*) associated with the purchase the Ford Explorer vehicle through Defendant's testimony, a reading of Arbitration Agreement and Award, and, the submission of Defendant's Exhibit 1 which includes the following: Title to Ford Explorer, a \$2,000.00 down payment check for Ford Explorer made by Ellen B. Sexton, the Checking Account History of Ellen B. Sexton Account #0000107395 showing monthly Automatic Transfer of Funds in the amount of \$293.78 beginning June 2006 and ending May 2011 for Ford Explorer, and Heritage Trust Vehicle Loan Documentation regarding Ford Explorer.
6. I find that the Plaintiff is required to reimburse the Defendant the funds she expended for



the purchase of said Ford Explorer due to his predominant exclusive use and possession of said vehicle since June 2006, and due to the wear and tear on the vehicle that Plaintiff has put on said vehicle which is now located on the west coast of the United States of America; and, that Defendant is to sign over the Title to the Ford Explorer to the Plaintiff.

7. I find that the total amount paid by Defendant towards the purchase of the Ford Explorer vehicle totals \$19,626.80 (i.e., \$2000.00 down payment and \$17,626.80 in loan payments).
8. I find that the sum of \$72,000.00 from the sale of the Furman Home is being held in Escrow by Attorney David A. Collins.
9. I find that 40% of \$72,000.00 equals \$28,800.00, and, 60% of \$72,000.00 equals 43,200.00.
10. I find that the Plaintiff has entered into a fee agreement with Attorney John White.

CONCLUSIONS OF LAW

First: I hereby conclude, pursuant to the law and equity, that the Defendant is entitled to 40% of the proceeds from the sale of the Furman Home which amounts to \$28,800.00 plus the sum of \$19,626.80 for the Ford Explorer which is to be deducted out of the Plaintiff's share of the proceeds from the sale of the Furman Home.

Second: I hereby conclude, pursuant to contract law, that attorney fees in the amount of \$ 18,112.69 is to be awarded to John White attorney for Plaintiff, and that said sum is to be deducted out of the Plaintiff's share of the proceeds from the sale of the Furman Home.

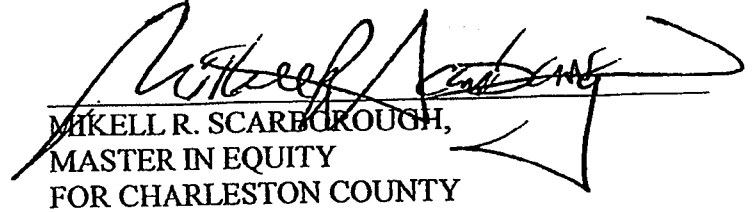
Third: I hereby conclude, pursuant to the law and equity, that Plaintiff is to receive all remaining proceeds from the sale of the Furman Home.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED,

- a) that Defendant is to receive the sum of \$48,426.80 it is further
- b) that Attorney John White is to receive the sum of \$ 18,112.69 in attorney fees; it is further

c) that John English shall receive the sum of \$ 5460.51 ⁰²

IT IS SO ORDERED!


MIKELL R. SCARBOROUGH,
MASTER IN EQUITY
FOR CHARLESTON COUNTY

Charleston, South Carolina

Oct 7, 2014

** This Net Sum to Mr. English does not
account for any fee owed to Mr. Collins or Mrs. de Long,
his current and prior counsel in this matter.*



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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-7241

English

Sexton

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.
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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

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

Plaintiff's motion to reconsider is respectfully denied.

INFORMATION FOR THE PUBLIC 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] Judge Code 3062 Date 11/10/14

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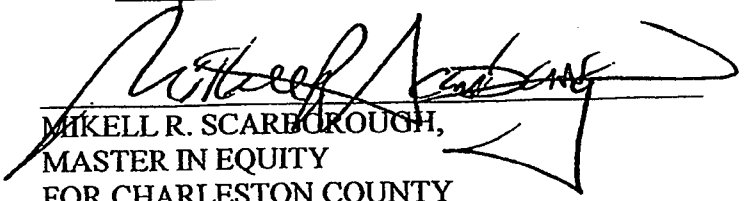
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FOR CHARLESTON COUNTY

Charleston, South Carolina

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IN THE COURT OF COMMON PLEAS

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CASE NO. 2010 CP-10-7241

English

SUTTON

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DEFENDANT(S)

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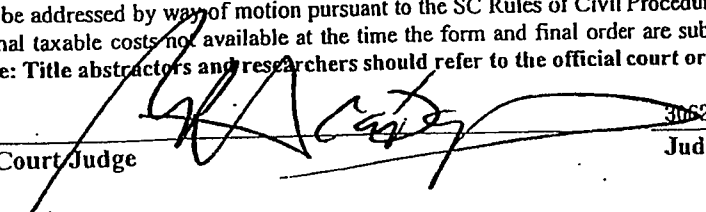
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3062

Circuit Court Judge Judge Code Date 11/10/14