



The South Carolina Court of Appeals

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POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 03, 2015

The Honorable Harold P. Welborn, Jr.
PO Box 215
Pickens SC 29671-0215

REMITTITUR

Re: Palmetto State Enterprises v. Clegg Lamar Greene
Lower Court Case No. 2008CP3900056
Appellate Case No. 2013-002154

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: David Richard Price, Jr., Esquire
Scott Franklin Talley, Esquire
The Honorable Charles B. Simmons, Jr.

**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**

Palmetto State Enterprises, LLC, Respondent,

v.

Clegg Lamar Greene a/k/a Lamar Greene, Juleene
Greene, a/k/a Julie Greene, J & P Enterprises of the
Carolinas, Inc., and Gaston Engineering, Inc.,
Defendants,

Of Which J & P Enterprises of the Carolinas, Inc., is the
Appellant.

Appellate Case No. 2013-002154

Appeal From Pickens County
Charles B. Simmons, Jr., Special Referee

Unpublished Opinion No. 2015-UP-254
Submitted March 1, 2015 – Filed May 13, 2015

AFFIRMED

Scott Franklin Talley, of Talley Law Firm, P.A., of
Spartanburg, for Appellant.

David Richard Price, Jr., of David R. Price, Jr., P.A., of
Greenville, for Respondent.

PER CURIAM: J & P Enterprises of the Carolinas, Inc. (J&P) appeals the special referee's order finding J&P liable to Palmetto State Enterprises, LLC (PSE) for conversion in the amount of \$154,772.65. On appeal, J&P argues the referee erred in finding in favor of PSE because the evidence demonstrated (1) Lamar Greene had the authority and the right to convey his salary from a PSE account into a J&P account and (2) Greene had the authority to make loans to J&P from a PSE account. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

As to Issue 1: *Ritter & Assocs., Inc. v. Buchanan Volkswagen, Inc.*, 405 S.C. 643, 649, 748 S.E.2d 801, 804 (Ct. App. 2013) ("[W]hen reviewing an action at law, on appeal of a case tried without a jury, the appellate court's jurisdiction is limited to correction of errors at law, and the appellate court will not disturb the [special referee]'s findings of fact as long as they are *reasonably supported by the evidence.*" (alteration by court) (emphasis added) (citation and internal quotation marks omitted)); *Moore v. Benson*, 390 S.C. 153, 162, 700 S.E.2d 273, 278 (Ct. App. 2010) ("An action for conversion is an action at law.").

As to Issue 2: S.C. Code Ann. § 33-44-301(b)(1) (2006) (providing "[e]ach manager is an agent of the company for the purpose of its business, and an act of a manager, including the signing of an instrument in the company's name, *for apparently carrying on in the ordinary course the company's business or business of the kind carried on by the company binds the company*" (emphasis added)); *Town of Kingstree v. Chapman*, 405 S.C. 282, 314, 747 S.E.2d 494, 510 (Ct. App. 2013) (stating "the concept of apparent authority depends upon manifestations by the principal to a third party and the reasonable belief by the third party that the agent is authorized to bind the principal" (citation and internal quotation marks omitted)).

AFFIRMED.¹

FEW C.J., and HUFF and WILLIAMS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.