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JUL 07 2015

Lawrence R. Potts, Candace Marie Potts, and

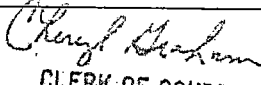
CERTIFIED COPY Edward E. Yager

SC Court of Appeals

Lanette Zimmerman

2015 JUN 15 PM 12:18
 DEFENDANT(S)

PLAINTIFF(S)

Submitted by: Megan White	 Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
	CLERK OF COURT DORCHESTER COUNTY

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.
- 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

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: Plaintiff's Motion to Amend Findings by the Court Pursuant to Rules 52, SCRPC, is hereby respectfully denied without a hearing.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

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

2142

Judge Code

Date

6/3/15

For Clerk of Court Office Use Only

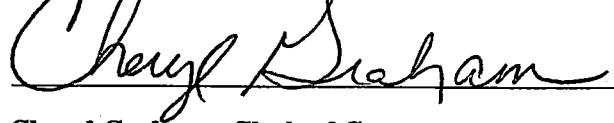
This judgment was entered on **6/15/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **6/15/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

Michael Allan Maucher PO Box 9 Goose Creek, SC 29445

Jenny Anderson Horne 133 East 1St North St. Suite 5
Summerville, SC 29483

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2012CP1801764

Lawrence R Potts Lanette Zimmerman	Candace Marie Potts Edward E Yager
CERTIFIED COPY <u>1-26-2015</u> <i>Cheryl Graham</i> Clerk of Court	

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <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:

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: _____

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)

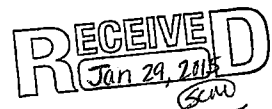
If applicable, describe the property, including tax map information and address, referenced in the order:

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.**

Carmen T. Mullen
 Circuit Court Judge

2142
 Judge Code

1/26/2015
 Date



For Clerk of Court Office Use Only

This judgment was entered on 1/26/2015, and a copy mailed first class or placed in the appropriate attorney's box on 1/26/2015. to attorneys of record or to parties (when appearing pro se) as follows:

Michael Allan Maucher PO Box 9 Goose Creek, SC 29445

Jenny Anderson Horne 133 East 1St North St. Suite 5
Summerville, SC 29483

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Cheryl Graham - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

THE FIRST JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
Case No.: 2012-CP-18-1764

Lawrence Potts and Candace Potts)
Plaintiffs,)

vs.)

ORDER

Edward Yager,)
Defendant.)

CERTIFIED COPY

1-26-2015
Cheryl Graham
Clerk of Court
Dorchester County

This matter came before the Court as a bench trial on November 18-19, 2014 in Dorchester County. Present at the bench trial were Michael Maucher, attorney for the Plaintiff, Lawrence Potts, and Jenny Horne, attorney for the Defendant, Edward Yager. After considering the evidence presented at trial and the arguments of counsel, the Court makes the following Findings of Fact:

FINDINGS OF FACT

1. On July 1, 2006, a Personal Property Rental Agreement was entered into between Edward Yager (hereinafter "Yager") and Lawrence Potts (hereinafter "Potts") with Potts listed address at Ramelias Drive. Yager is the President of All Transportation Services, Inc., a trucking and storage company located in Summerville, South Carolina. The agreement permitted Potts to store a forty-foot trailer with All Transportation Services. Potts paid through November 2009 and then did not make a payment for twenty months following. Potts was in default under the Agreement.

2. An employee of All Transportation Services, Donna Quattlebaum (hereinafter "Quattlebaum"), testified that either Yager or herself called Potts monthly

about being in default, looking for payment. Potts continually told them he would be there shortly to pay but did not pay for twenty months.

3. Potts testified that he never phoned nor in writing notified Yager that he moved and of his new address but testified that Yager and the employees of All Transportation knew his new address. Entered as Exhibit 12 shows Yager sent a letter to Potts at his Ramelias Drive address on August 1, 2011 informing him that he was in default and if the rent was not paid current by August 8, 2011, the property would be considered abandoned and sold thirty days thereafter.

4. Potts testified that he does not know when he moved from Ramelias Drive to Aleene Street. doesn't know why he paid \$60 rent some months when the monthly rent was \$50. Potts could not identify when or why Yager had been to his residence on Aleene Street but states Yager did. Potts also has no evidence of what amount he paid for the trailer but testified he paid \$9,500 in cash. Potts asserts in his testimony that to "the best of his knowledge" the value of trailer and items in trailer was \$153,905.11.

5. Evidence established that the trailer was sold on October 26, 2011 to Tony Mitchell for \$1,000.

6. I find the values assigned to the alleged items in the trailer are not credible. Potts produced no evidence of payment for any of the items claimed or pictures to memorialize the items or establish their true value. Potts testified that the last time he had been in the trailer was March or April 2009. Potts testified that he and his wife, Candace Potts, were the only ones who had keys to the trailer.

7. James Proctor testified, as an expert in the trucking business. He states he has been in trucking since at least 1993 and is a mechanic and that the value of the trailer was \$5,000. Proctor testified when the trailer was opened - there was furniture, washer and dryer and mounted bull horns in the trailer. Proctor then sent his mechanic in to look to see if there was anything of value to him and he did not. Proctor did not accept Tony Mitchell's offer to take all the contents of the trailer for \$50. Among the items Potts allege was in the trailer was a Snap-On tool box. Proctor testified a Snap-On tool box would be at least 6-7 feet tall and 8 feet wide and the value would be \$8,000 - \$10,000 dollars and that any mechanic would understand the value and states neither he nor his mechanic saw any such Snap-On tool box.

8. Troy Potts, the son of Lawrence and Candace Potts, testified he and five friends moved his parents things from the Ramelias home to the trailer at All Transportation. Those three days of the move in 2007 were the only time he had ever been in the trailer.

9. Candace Potts, wife of Lawrence Potts, testified that the jewelry she wore on a regular basis was mistakenly placed in the trailer during the move from the Ramelias home and realized it on the third day of the move in 2007. Mrs. Potts testified she never went back in the trailer after the October 2007 move to retain her jewelry or anything else. Mrs. Potts further testified their family struggled after their trucking business closed down in 2009 and were unable to pay their bills.

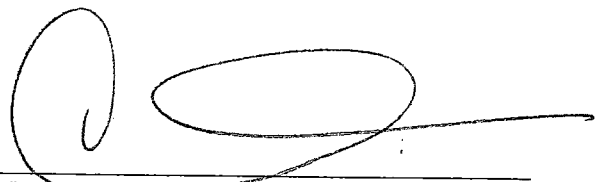
10. Mrs. Potts further testified it never occurred to her to sell any of the items in the trailer to pay the back due rent to All Transportation or other bills. She testified

that she didn't think to get credit card bills to establish purchases of items, go to businesses to prove purchases of items, or document the value of the loss of any item stored in the trailer. I find Mr. Potts testimony as to the value of the contents and Mrs. Potts testimony not credible.

11. On October 28, 2011, two days after the trailer was sold, Mrs. Potts testified that herself and Potts went to All Transportation to pay the back rent in full. She testified they had no idea the trailer was sold and it was just coincidence that after twenty months, they went in with payment in full and were going to move the trailer to a new yard where Potts was now working and could park for free. Mrs. Potts testified that Yager had been to their Aleene home and a couple of times at their Ramelias address, but could not tell the time period and only remembered Yager dropping Potts at the Ramelias address.

12. Yager in his Answer stated he had been to the Potts' home at Ramelias Drive one time but had never been to the Potts' home on Aleene Drive, which he reiterated in his testimony. Yager testified the August 1, 2011 notification of default letter never was returned. Yager testified that for the four months prior to the August 1, 2011 letter being sent, he called Potts and Potts wouldn't return his calls. He sent the letter and gave Potts thirty days and then waited another thirty days but did not hear from Potts.

I find the testimony of Lawrence and Candace Potts not credible. Particularly, the values assigned to the contents of the trailer is outrageous to the court and is unsubstantiated. As damages remain unproven, this Court finds for the Defendant, Edward Yager.



The Honorable Carmen T. Mullen
Presiding Judge, First Judicial Circuit

Beaufort, South Carolina

January 15, 2015