

**NOTICE OF APPEAL IN A CIVIL CASE FROM COMMON PLEAS
REGARDING A DECISION BY THE COURT**

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

RECEIVED

JUL 16 2015

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

S.C. SUPREME COURT

FILED FOR RECORD
2015 JUL 10 PM 2:16

J. Martin Harvey, Special Referee

Case No. 2014-CP-06-244

J. Martin Harvey, as Special Referee
Representative of the Property of

Junelle Bryant

Respondent,

v.

Samuel C. Freeman

Appellant,

NOTICE OF APPEAL

I Samuel C. Freeman appeals the order [judgement] of the Special Referee J. Martin Harvey dated May 27, 2015. I the appellant received written notice of entry of this order [judgement] on June 9, 2015 requesting me to report before the court on June 10, 2015 which was impossible meet. I am no longer a resident of Elko, SC due to lack of employment opportunities to meet my financial obligations I am currently working and living in Tampa, FL. I the appellant in good faith made regular payments of \$150 to the late Mrs. Junelle Bryant the owner and made a final cash payment of \$1,800 dollars at which time she provide me a receipt for final payment to complete this contract of said property located at 73 Robinson Street, Williston, SC. At the time of purchase there was a framed house standing at this location. Although the home was in deportable condition, the flooring throughout the home had several large hole which needed repairing and the electrical wiring system no longer meet city code of safety to produce sufficient heating, cooking, lighting and the plumping system required for daily bathing, cooking, washing and cleaning was also in great need of very expensive repairs. The

late Mrs. Junelle Bryant and I agreed that it was less expensive to remove/ demolish the house and I could place a mobile home in the same spot. I believe the ruling is inaccurate due to the agreement between the late Mrs. Junelle Bryant and myself which her family is now trying to collect payment from me for a property which has been paid for in full.

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-06-244

Junelle Bryant

Samuel Freeman

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: J. Martin Harvey, Special Referee

Attorney for : Plaintiff Defendant
or
 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.
- 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

FILED FOR RECORD
2015 MAY 27 PM 3:36

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 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.

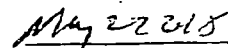
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Junelle Bryant	Samuel Freeman	\$15,130.00
		S
		S

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

Judge Code


Date

For Clerk of Court Office Use Only

This judgment was entered on the 27th day of May 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 28th day of May 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Martha D. Rivers

12923 Main St.

Williston SC 29853

Mr. Samuel Freeman

18111 Birdwater Dr.

Tampa, FL 33647

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Constance B. Mansfield

CLERK OF COURT

Deputy

Court Reporter:

South Carolina Supreme Court

357 pg #

(803) 734-1080 Supreme Clerk of court

Daniel Shearouse

Special Repeal order
Barnwell County

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Court of Appeals
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STATE OF SOUTH CAROLINA)
)
 BARNWELL COUNTY)
)
 Junelle Bryant,)
 Plaintiff,)
)
 v.)
)
 Samuel Freeman.)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

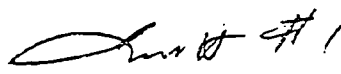
2014-CP-06-244

Order

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 2015 MAY 27 PM 3:36
 CLERK OF COURT
 BARNWELL COUNTY
 SOUTH CAROLINA

This matter came before the Honorable J. Martin Harvey, Jr., as Special Referee on May 6, 2015. Present were plaintiff, her attorney Martha M. Rivers, and Ms. Pearl Bryant. Plaintiff presented a transcript of testimony. Plaintiff had previously filed a motion and affidavit for default. After filing said motion, plaintiff discovered a potential Florida address for Defendant and served defendant at that address on February 19, 2015. No responsive pleading has been filed. Defendant is in default.


This case involves the breach of an installment sales contract. Plaintiff and Defendant entered into a contract by which defendant would purchase plaintiff's property on Robinson Street in Elko, South Carolina, Barnwell County, and as described in the complaint. Defendant failed to pay the full purchase price. The parties then entered into a second agreement ("2013 Contract"). In the 2013 Contract, defendant agreed to pay plaintiff \$2,784.51 payable at the rate of \$150.00 per month for eighteen months. A late charge of \$10.00 per month was charged if payment was received after the 10th of any given month. Defendant was to pay the property taxes each year. The 2013 Contract was filed in the records of the Barnwell County Clerk of Court in book 1028 at page 207 on May 17, 2013.



Defendant was delinquent in his payment for the months of June 2013 and July 2013. He failed to make any payment thereafter. On December 30, 2013, plaintiff sent defendant notice of his delinquency in accordance with the 2013 Contract. She also filed a notice of rescission in the Barnwell County records in book 1069 at page 12 and again in book 1073 at page 262 to correct the defendant's name. Plaintiff claims the contracted monthly payments and late fees through December 2013 when she mailed him notice of the rescission. Plaintiff also claims attorney's fees and litigation costs and presented a statement of account for this amount, not including the \$200.00 fee paid to the special referee at the hearing.

Furthermore, defendant demolished a home on the property during the time of the first sales contract and moved a mobile home on to the property. Plaintiff testified that she did not approve these acts and has lost value in her property of at least \$10,000.00. She does not consent to the mobile home being located at the property and has not collected any rent for the mobile home.

The court finds that defendant is in default. The evidence shows that defendant breached the installment sales contract by failing to pay the agreed upon amount. Plaintiff shall have judgment in the amount of \$1,350.00 for the unpaid balance prior to rescission of the contract in December 2013 plus attorney's fees and costs in the total amount of \$3,830.00 which is the statement of account with the additional referee fee. Having reviewed the record and the statement of account, the court finds that the attorney's fees are fair and reasonable. Additionally, the evidence is that the value of the property was diminished by no less than \$10,000.00 by the removal of a fixture upon the property. The total judgment against defendant is \$15,180.00.



Plaintiff is the fee simple owner of the following described property:

All that certain piece, parcel or lot of land with improvements thereon, if any, situate, lying and being in the Town of Elko, County of Barnwell, State of South Carolina, and being bounded and measuring as follows, to-wit: On the North by lands of Mary P. Stansell and measuring thereon One Hundred Forty (140) feet, more or less; on the East by lands of Mary P Stansell and measuring thereon One Hundred Sixty (160) feet, more or less; on the South by Robertson Street and measuring thereon One Hundred Forty (140) feet, more or less; and on the West by an unnamed street and measuring thereon One Hundred Sixty (160) feet, more or less.

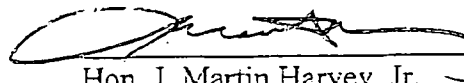
This being the same property conveyed to Junelle C. Bryant by deed of Samuel Freeman, Pearlie Chitty, and Julia Gardner to Junelle C. Bryant, dated September 14, 1982, as recorded in the Barnwell County records in book 16-X at page 167 on September 15, 1982.

Any claim or right of use of defendant pursuant to the 2008 or 2013 contract is null and void. The continued presence of a mobile home without the permission of the owner disturbs the quiet enjoyment and violates the property rights of the owner. Defendant shall have thirty days from the date of service of this order to remove the mobile home. For each day thereafter that the mobile home remains on the property after that, plaintiff shall have a storage lien of \$15.00 per day. Plaintiff may apply for execution of lien in the appropriate court of jurisdiction if necessary.

Defendant must notify plaintiff and her designee, Pearl Bryant, before he enters on to the land for any reason, including removal of the mobile home.

IT IS SO ORDERED.

May 27, 2015
Barnwell, South Carolina


Hon. J. Martin Harvey, Jr.
Special Referee

#3

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BARNWELL)
)
 Junelle Bryant)
 Plaintiff,)
)
 v.)
)
 Samuel Freeman)
 Defendant.)
 _____)
)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

2014-CP-06-244

Certificate of Service
 by Mailing

RECEIVED

JUL 16 2015

S.C. SUPREME COURT

I, Martha M. Rivers, do hereby certify I have served the foregoing copy of SCRCF Form 4C Judgement and Order on the date shown below by mailing a copy of the same, via U.S. mail to the person(s) listed below:

Mr. Samuel Freeman
 18111 Birdwater Drive
 Tampa, FL 33647

Mr. Samuel Freeman
 899 Alfred Street
 Aiken, SC 29801

Mr. Samuel Freeman
 73 Robinson Street
 Williston, SC 29853

5/28/2015
 Date

Janet S. Carter
 Janet S. Carter

Samuel C. Freeman
18111 Birdwater Dr.
Tampa, Florida 33647



Supreme Court
Supreme Court Bldg
P.O. Box 11330
Columbia, S.C. 29211