

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-46-02223

Reginald Evans

Paces River Apartments

RECEIVED

Appellant
PLAINTIFF(S)

Respondent
DEFENDANT(S)

OCT 14 2015

SC Court of Appeals

Submitted by: Thomas I. Howard, Jr./Brownlee Law Firm, PLLC
SC Bar No.: 101252
3255 Landmark Drive, Ste. 101
N. Charleston, SC 29418

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. 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)
Paces River Apartments	Reginald Evans	\$n/a
		\$
		\$

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.

[Signature]
Circuit Court Judge

3063
Judge Code

9/28/15
Date

This judgment was entered on **September 30, 2015**, and a copy mailed first class or placed in the appropriate attorney's box on **September 30, 2015**, to attorneys of record or to parties (when appearing pro se) as follows:

Reginald D Evans 1805 Pace River Apt 104 Rock Hill, SC
29732

Thomas I. Howard Jr. 3255 Landmark Drive Suite 101
North Charleston, SC 29418

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - 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 YORK)

Reginald Evans,)
)
Appellant/Plaintiff,)
)
v.)
)
Paces River Apartments,)
)
Respondent/Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTEENTH JUDICIAL CIRCUIT
CASE NO: 2015-CP-46-02223

**ORDER DISMISSING PLAINTIFF'S
APPEAL FROM TRIAL COURT
AND DISMISSING PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT
WITH PREJUDICE**

FILED-RECEIVED
2015 SEP 30 AM 8:17
DAVID KIMBALL
CC: P. J. G. S.
YORK COUNTY, SC

These matters came before me on September 17, 2015, upon an Appeal by Appellant/Plaintiff, Reginald Evans ("Appellant"), from the Catawba/Ebenezer Magistrate Court, appealing the Magistrate Court judgment dismissing Appellant's case. Appellant also filed a Motion for Default Judgment in the above captioned case subsequent to filing his appeal.

Respondent appeared by and through its counsel, Thomas I. Howard, Jr. The motion hearing was scheduled for 2:00 p.m., and was called to be heard between 2:00 and 2:15 p.m. Appellant was not present.

The appeal was heard and denied. Additionally, Appellant's Motion for Default Judgment was summarily dismissed, as it merely sought to hold Respondent in default in this appeal, and thus, was not proper. Appellant subsequently appeared some fifteen to thirty minutes after the call of the case, and after Respondent's counsel had left the court. Appellant was advised of the disposition of his appeal and motion.

Notwithstanding Appellant's absence from the hearing, I find and conclude that the appeal was without merit. Based upon the Magistrate's Return, there were no factual issues to be resolved. Rather, Appellant simply failed to offer factual evidence in support of his claim that Respondent violated three specific statutes. The Magistrate so ruled, and dismissed Appellant's claims as a matter of law.

Therefore, Appellant's Appeal and Motion are dismissed with prejudice.

AND IT IS SO ORDERED.

September 25, 2015



S. Jackson Kimball
Special Circuit Court Judge
York County