

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
2005-CP-23-6786

William Barry Chisholm, )

Plaintiff, )

vs. )

Susan Elaine Chisholm, )

Defendant. )

**ORDER**

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER  
2015 FEB 13 5 PM 4 04

This is an action in supplemental proceedings brought by William Barry Chisholm against his former wife, Susan Elaine Chisholm. It is clearly related on many levels to an acrimonious divorce between the parties that involved an appeal to our South Carolina Court of Appeals. The \$3,248.00 judgment that Mr. Chisholm holds against Ms. Chisholm is for costs awarded by the Family Court and the Court of Appeals. See, 2001-DR-23-03596.

The matter was initially before this Court on March 12, 2015, at which time both parties appeared. Ms. Chisholm was placed under oath and Mr. Chisholm asked her questions concerning any non-exempt assets. At that time, there did not appear to be any assets. However, based upon the Court's confusion concerning attorney's fees that had been paid or had not been paid as a result of the above-mentioned divorce case and whether those related to the current judgment, the Court continued the case to allow both sides to obtain and then later submit additional documents.

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SC Court of Appeals


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The matter was back before the Court on April 29, 2015. At that time, the Court heard from both parties concerning the history of this judgment and further examination concerning assets of Ms. Chisholm.

It is uncontroverted that as a result of a refinance on her residence, Ms. Chisholm, via her attorney, forwarded a check directly to Mr. Chisholm in the amount of \$3,248.00 on or about July 7, 2008. Clearly, this was the original amount of the judgment and did not include any accrued statutory interest. However, Mr. Chisholm never notified Ms. Chisholm nor her attorney that he would not accept this amount in payment of the judgment. Rather, Mr. Chisholm never negotiated the check and later filed the present supplemental proceedings action on January 29, 2015; some six-and-a-half years after receiving the check for \$3,248.00.

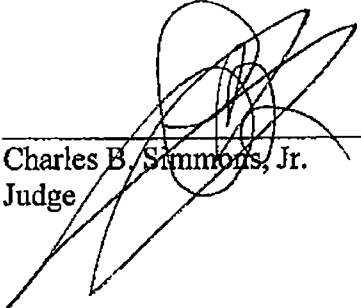
Mr. Chisholm argues that he entitled to the principal amount of \$3,248.00 plus statutory interest in the amount of \$4,680.70. Ms. Chisholm argues that the judgment should have been satisfied by Mr. Chisholm's receipt of the \$3,248.00 in July of 2008. Alternatively, she argues that statutory interest should be paid only from the date the judgment was entered on October 7, 2005, until July 7, 2008, the date the check for \$3,248.00 was proffered to Mr. Chisholm.

Upon a full and careful review of the testimony and the multiple submissions by both parties, the Court finds that Ms. Chisholm shall contact her attorney to cancel the check dated July 7, 2008 and have the attorney re-issue a check and then mail to Mr. Chisholm in that same amount. This shall serve as partial payment of the judgment. The Court further finds that Mr. Chisholm is entitled to statutory interest from October 7, 2005 through July 7, 2008, with that amount being as of today \$653.25 (per diem of \$ .65). In the event that Ms. Chisholm pays this

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amount within 30 days, the judgment shall be satisfied in full. Otherwise, the \$653.25 shall be entered as a further judgment against Ms. Chisholm.

AND IT IS SO ORDERED.

  
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Charles B. Simmons, Jr.  
Judge

May   6   2015

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