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MAY 19 2015  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi Harrington, Circuit Court Judge

Case No. 2011-CP-10-1559

WILDFLOWER NURSERY, INC. d/b/a/ PLEASANT LANDSCAPES.....Appellant,  
v.  
JOSEPH W. BEASLEY <sup>Jr.</sup> a/k/a BILLY BEASLEY.....Respondent.

**RECORD ON APPEAL**

D. Gregory Placone  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700 (29201)  
Post Office Drawer 2426  
Columbia, SC 29202  
Tel: 803.540.2170  
[gplacone@nexsenpruet.com](mailto:gplacone@nexsenpruet.com)

*Attorney for Appellant*

Steven L. Smith  
Zachary J. Closser  
SMITH | CLOSSER, P.A.  
7455 Cross County Road, Suite 1  
Post Office Drawer 40578  
Charleston, SC 29423  
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*Attorneys for Respondents*

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STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

WILDFLOWER NURSERY  
d/b/a PLEASANT LANDSCAPES

Plaintiff

versus

JOSEPH W. BEASLEY, JR. a/k/a BILL BEASLEY  
a/k/a JOSEPH BEASLEY a/k/a WILLIAM BEASLEY

Defendant

2011-CP-10-1559  
IN THE SMALL CLAIMS COURT  
CASE NO: 2010-SC-87-2639

**ORDER**

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

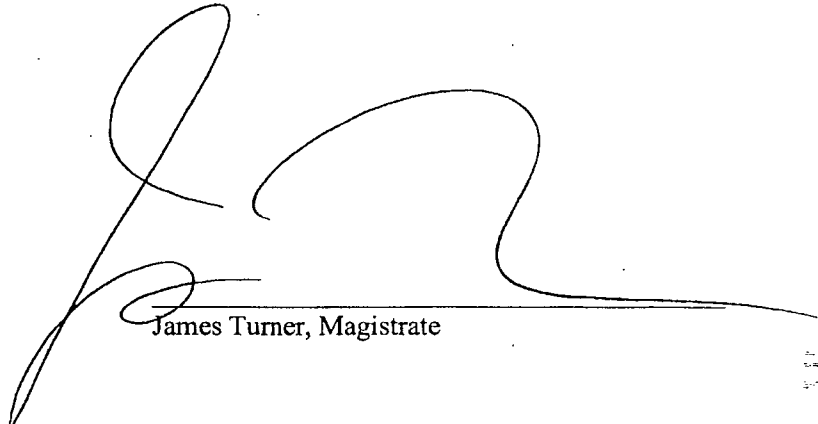
2011 MAR -1 PM 1:30

FILED

IT APPEARING TO THIS COURT that the Defendant has filed a counterclaim that exceeds the jurisdictional limit of \$7,500.00 in the Charleston County Small Claims Court.

IT IS THEREFORE ORDERED, that this case is removed from the docket of the Charleston County Small Claims Court and is transferred to the docket of the Charleston County Court of Common Pleas.

IT IS SO ORDERED!

  
James Turner, Magistrate

February 24, 2011  
North Charleston, South Carolina



Judge James Turner  
Magistrate

NORTH AREA SMALL CLAIMS  
COURT

February 24, 2011

843.202-6650  
Fax: 843.202-6652  
Lonnie Hamilton, III Public Services  
Building  
4045 Bridge View Drive  
Post Office Box 70235  
North Charleston, SC 29415-0235

Wildflower Nursery  
d/b/a Pleasant Landscapes  
Post Office Box 445  
Isle of Palms, SC 29451

Zachary J. Closser, Esquire  
Post Office Box 40578  
Charleston, SC 29423-0578

CASE NO: 2010-SC-87-2639      2011-CP-10-1559  
RE: WILDFLOWER NURSERY d/b/a PLEASANT LANDSCAPES vs. JOSEPH W.  
BEASLEY, JR. a/k/a BILL BEASLEY a/k/a JOSEPH BEASLEY a/k/a WILLIAM BEASLEY

Notice to all parties:

Enclosed is a copy of the **Order to Transfer Case to Court of Common Pleas** filed by the Defendant's Attorney with this court on February 22, 2011 in reference to the above captioned matter.

In light of the fact that the amount in controversy now exceeds the jurisdictional limits of the Charleston County Small Claims Court, this matter will be transferred to the Court of Common Pleas.

If you have any questions pertaining to this matter, please do not hesitate to contact this court.

Sincerely,

Val B. Alston  
Summary Court Specialist

Enclosure: Order

cc: file

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-10-1559

Wildflower Nursery, Inc. b/d/a Pleasant Landscapes

Joseph W. Beasley, Jr. a/k/a Bill Beasley

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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.
- 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  
 2013 MAY 10 PM 12:37  
 JULIE J. ARSTRONG  
 CLERK OF COURT

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: Defendant's Motion to Strike Plaintiff's Summons and Complaint is GRANTED. It is further ordered that Defendant's Counterclaim, in the amount of \$10,300.00, is GRANTED. A formal order will follow.

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)
Joseph W. Beasley a/k/a Billy Beasley	Wildflower Nursery, Inc. d/b/a Pleasant Landscapes	\$10,300.00
		\$
		\$
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.

*Justin Haney*  
 Circuit Court Judge  
 SCRPC Form 4C (10/2011)

2151  
Judge Code

5/9/13  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc., et al

Joseph W. Beasley, Jr., et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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

BY JUDGE JAMES R. RYAN  
 JUDGE OF COURT  
 2013 NOV 26 PM 2:45  
 FILED

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: This case came before the Court on Plaintiff's Motion to Vacate Judgment and Defendant's Motion to Appoint Receiver. The Court hereby DENIES Plaintiff's Motion to Vacate Judgment entered on May 9, 2013. Additionally, the Court hereby DENIES Defendant's Motion to Appoint Receiver.

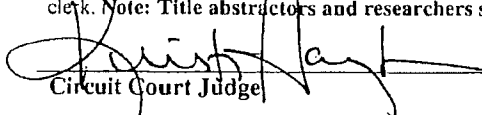
ORDER INFORMATION

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.		
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		\$
		\$
		\$
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 Circuit Court Judge

2151  
 Judge Code

11/25/13  
 Date



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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant Landscapes,

Joseph W. Beasley a/k/a Billy Beasley

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<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.
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- 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  
 2014 JUN -9 AM 9:31  
 CLERK OF COURT  
 JUDICIAL BRANCH

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.

*Krista Hamilton*  
Circuit Court Judge

2151  
Judge Code

6/5/14  
Date



STATE OF SOUTH CAROLINA )

COUNTY OF CHARLESTON )

Wildflower Nursery d/b/a Pleasant  
Landscapes, )

Plaintiff, )

vs. )

Joseph W. Beasley a/k/a Billy Beasley, )

Defendant. )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2011-CP-10-1559

ORDER

BY \_\_\_\_\_

JULIE L. ARMSTRONG  
CLERK OF COURT

2014 JUN -9 AM 9:31

FILED

THIS MATTER came before the Court on May 15, 2014, for hearing on Plaintiff's Motion for Relief from Judgment and Defendant's Motion for Supplemental Proceedings. Plaintiff had previously requested this Court vacate the judgment entered against the Plaintiff in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars which this Court denied in November of 2013.

The Court interprets Plaintiff's instant motion, specifically the language requesting the Court "reexamine[e], alter, amend, or reconsider" the May 9, 2013, judgment, as a Motion to Reconsider under SCRPC Rule 59(e) rather than under SCRPC Rule 60. Plaintiff has not identified nor has it satisfied any of the circumstances listed in SCRPC Rule 60(b) under which this Court may grant relief. In the alternative, if the Court treats the motion as one for reconsideration, relief must also be denied. The instant motion was filed on January 21, 2014, well outside the ten (10) day period for a motion to reconsider under SCRPC Rule 59(e).

For the above reasons, the Court DENIES Plaintiff's Motion for Relief from the judgment

entered on May 9, 2013. The Court GRANTS Defendant's Motion for Supplemental Proceedings and Reference to the Master in Equity for the purpose of recovering the judgment.

IT APPEARING from the Motion of the Defendant, Joseph W. Beasley a/k/a Billy Beasley, (hereinafter designated as "Defendant") that a Judgment has been rendered against the Plaintiff, Wildflower Nursery Inc. d/b/a Pleasant Landscapes, (hereinafter designated as "Plaintiff"), and that the Plaintiff has property which it unjustly refuses to apply toward the satisfaction of said Judgment; and

IT FURTHER APPEARING that the Defendant is entitled to examine the Plaintiff under oath concerning any assets which it may own, and to locate and ascertain the financial assets of the Plaintiff, for the purpose of satisfying the Judgment obtained against the said Plaintiff, as more fully described in the attached Motion,

NOW, THEREFORE,

IT IS ORDERED that this matter be referred to the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, for further proceedings consistent with this Order and that the aforesaid Plaintiff, through its President James Parker, appear before said Judge at 100 Broad Street, Charleston, South Carolina, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .M., in compliance with said Motion and this Order, to answer questions propounded by the Defendant.

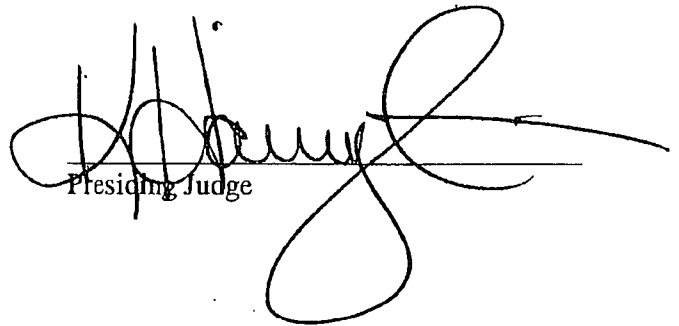
IT IS FURTHER ORDERED that in the meantime, the Plaintiff is restrained from selling, removing, hypothecating, granting a security interest in, or in any way alienating, during the pendency of this action, any of its personal property, real property, receivables on sales, or

banking accounts, wherever situated, except in the usual course of trade.

IT IS FURTHER ORDERED that the Plaintiff produce all documents listed in Exhibit "A" of the attached Subpoena prior to the above hearing.

IT IS FURTHER ORDERED that copies of this Order, and the Motion attached hereto, be personally served as promptly as possible on the aforesaid Plaintiff.

AND IT IS SO ORDERED!

  
Presiding Judge

Charleston, South Carolina

June 6, 2014  
11/064

EXHIBIT A

1. Current checkbooks or any accounts in the name of said Plaintiff, along with bank statements on said accounts for the past twelve (12) months and canceled checks on any such accounts from January 1, 2008, to present.
2. Detailed statements of Accounts receivable belonging to Plaintiff, whether or not the same may be pledged or hypothecated.
3. Any certificates of deposit, savings account passbooks, stock certificates in any publicly held or closely held corporations as well as any bonds owned by Plaintiff either separately or jointly held with others.
4. Any balance sheets, profit and loss statements or financial statements, audited or unaudited, prepared and issued by Plaintiff since January 1, 2008.
5. Certificates of title to any vehicles, mobile homes or water craft owned by Plaintiff either separately or jointly due to any lien on any of said vehicle or mobile homes or water craft, then in lieu thereof a written statement detailing a description of each item including year, model, serial number, present value and the amount of any lien therein shall be furnished.
6. Any Deeds, Mortgages, Notes, Contracts of Sale, and Settlement or Closing Statements relating to any real estate transactions involving Plaintiff since January 1, 2008.
7. Copies of any life insurance policies owned by Plaintiff, along with any information pertaining to any loans outstanding on any of said policies.
8. A written inventory or any items of jewelry or art owned by Plaintiff, including a description of each item of jewelry or art and its most appraised evaluation.
9. Any leases of realty or personalty in favor of Plaintiff either individually, or jointly with others.
10. Any and all books, records, documents, or writing concerning the financial status of Plaintiff not herein before specified.
11. Any tax receipts, tax returns, tax supplement forms, and any and all other documents, forms or letters filed with the United States Internal Revenue Service, or the South Carolina Tax Commission, or the Tax authority of any other state within the last five years.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant  
Landscapes,

Plaintiff,

v.

Joseph W. Beasley a/k/a Billy Beasley,

Defendant.

ORDER

The instant matter came on for trial on May 8, 2013. Present were James Parker, owner of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes, Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley. This action was initially filed, *pro se*, in the Small Claims Court. Mr. Parker, signing the complaint on behalf of the Plaintiff, alleged that Defendant owed an outstanding balance of \$5,498.88 for work performed, along with applicable interest and fees. Defendant answered and counterclaimed for \$15,300, the amount alleged to be the estimate required to complete the project left unfinished by Plaintiff, and make necessary repairs. Because the counterclaim exceeded the jurisdiction of the Small Claims Court, the case was transferred to this Court.

Following the transfer, Defendant filed a Motion to Strike, asserting that the *pro se* complaint, filed on behalf of a corporate entity, constituted the unauthorized practice of law by the owner. Defendant noted in its Motion that it is well established that a corporation must be represented by a licensed attorney. *Renaissance Enterprises, Inc. v. Babb*, 334 S.C. 649, 515 S.E.2d 257 (1999). Although an authorized individual may represent a corporate entity in Small Claims, such representation is not permissible in this Court.

1093 [Signature] 6/18/14

FILED  
2011 JUL -3 PM 2:28  
JULIE L. PARKER, CLERK  
COURT OF COMMON PLEAS  
BY [Signature]  
2014 JUN 17 AM 9:5  
FILED  
JULIE L. PARKER, CLERK  
COURT OF COMMON PLEAS  
BY [Signature]

Plaintiff failed to obtain counsel to sign the complaint, answer to the counterclaims, or to otherwise appear on its behalf before this Court. The Court finds that Motion to Strike of Defendant is well taken, and it should be and hereby is GRANTED. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN. In addition, as Plaintiff has failed to answer to the counterclaim, the Court hereby enters judgment on behalf of Defendant.

As further grounds for the dismissal of the complaint, the Court notes that Plaintiff has failed to appear for the trial of this action, despite having received notice from the Clerk as to the date and time of this hearing. As Plaintiff was not present to proceed with its claim, the Court finds that Plaintiff has failed to prosecute this action, and it should be dismissed.

As to damages, Defendant Billy Beasley testified that much of the work originally called for in the contract between Plaintiff and Defendant had been left incomplete, and that additional portions of the work required significant remediation. In order to complete the contract, Defendant was forced to obtain substitute services, and he testified that in order to finish the work, he expended \$10,300 over and above the original contract price. Defendant testified about the contracted-for work that had not been finished by Plaintiff, and also testified about the specific items of work that had been incorrectly performed and which had to be removed and replaced.

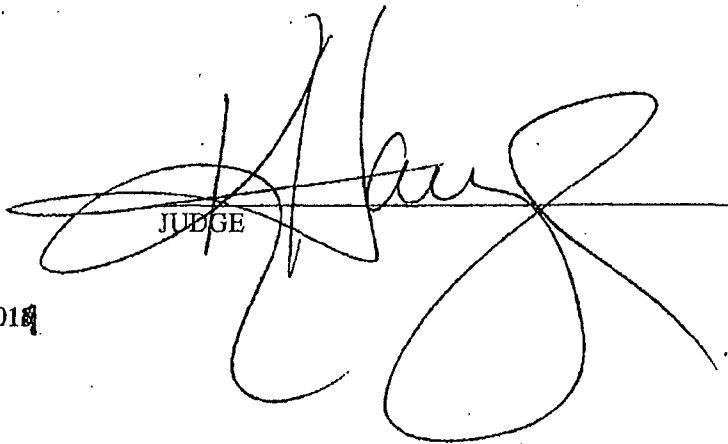
Having found that Plaintiff failed to answer to the counterclaim, and that judgment must therefore be entered in favor of Defendant, the Court further finds that Defendant has proven damages in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars. The Court will, therefore, enter judgment as follows:

2 of 3  
B/H  
6/16/14

1. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN;

2. Judgment shall be entered in favor of Defendant William Beasley a/k/a Billy Beasley on the Counterclaim in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars.

IT IS SO ORDERED!

  
JUDGE

June 16, 2014  
Charleston, SC

2 of 3

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant Landscapes,

Joseph W. Beasley a/k/a Billy Beasley

PLAINTIFF(S) \_\_\_\_\_ DEFENDANT(S) \_\_\_\_\_

Submitted by: \_\_\_\_\_ 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

FILED  
 JUL 21 PM 2:31  
 CLERK  
 JULIE J. ANDERSON  
 BY

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

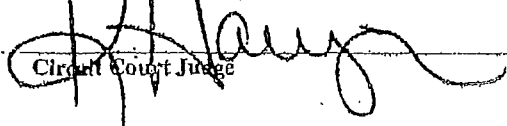
**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court; This Order is Intended to Amend the Court's Order entered on July 3, 2014.

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)
Billy Beasley	Wildflower Nursery	\$ 10,500.00
		\$
		\$
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.


2151  
Judge Code
7/21/14  
Date



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

Amended Order

BY

JULIE J. ARNSTRONG  
CLERK OF COURT

2014 JUL 21 PM 2:37

FILED

The instant matter came on for trial on May 8, 2013. Present was Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley. This action was initially filed, *pro se*, in the Small Claims Court. Mr. Parker, signing the complaint on behalf of the Plaintiff, alleged that Defendant owed an outstanding balance of \$5,498.88 for work performed, along with applicable interest and fees. Defendant answered and counterclaimed for \$15,300, the amount alleged to be the estimate required to complete the project left unfinished by Plaintiff, and make necessary repairs. Because the counterclaim exceeded the jurisdiction of the Small Claims Court, the case was transferred to this Court.

Following the transfer, Defendant filed a Motion to Strike, asserting that the *pro se* complaint, filed on behalf of a corporate entity, constituted the unauthorized practice of law by the owner. Defendant noted in its Motion that it is well established that a corporation must be represented by a licensed attorney. *Renaissance Enterprises, Inc. v. Babb*, 334 S.C. 649, 515 S.E.2d 257 (1999). Although an authorized individual may represent a corporate entity in Small Claims, such representation is not permissible in this Court.

Plaintiff failed to obtain counsel to sign the complaint, answer to the counterclaims, or to otherwise appear on its behalf before this Court. The Court finds that Motion to Strike of Defendant is well taken, and it should be and hereby is GRANTED. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN. In addition, as Plaintiff has failed to answer to the counterclaim, the Court hereby enters judgment on behalf of Defendant.

As further grounds for the dismissal of the complaint, the Court notes that Plaintiff has failed to appear for the trial of this action, despite having received notice from the Clerk as to the date and time of this hearing. As Plaintiff was not present to proceed with its claim, the Court finds that Plaintiff has failed to prosecute this action, and it should be dismissed.

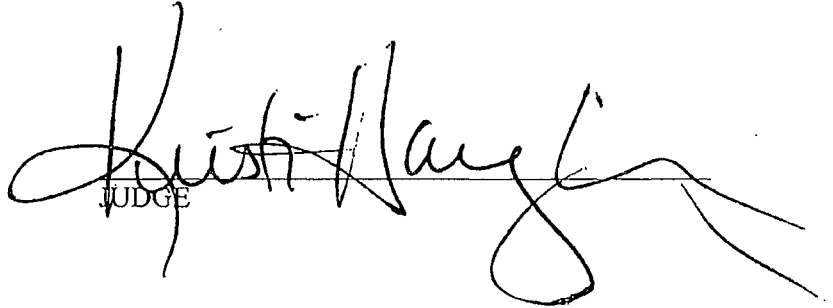
As to damages, Defendant Billy Beasley testified that much of the work originally called for in the contract between Plaintiff and Defendant had been left incomplete, and that additional portions of the work required significant remediation. In order to complete the contract, Defendant was forced to obtain substitute services, and he testified that in order to finish the work, he expended \$10,300 over and above the original contract price. Defendant testified about the contracted-for work that had not been finished by Plaintiff, and also testified about the specific items of work that had been incorrectly performed and which had to be removed and replaced.

Having found that Plaintiff failed to answer to the counterclaim, and that judgment must therefore be entered in favor of Defendant, the Court further finds that Defendant has proven damages in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars. The Court will, therefore, enter judgment as follows:

1. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN;

2. Judgment shall be entered in favor of Defendant William Beasley a/k/a Billy Beasley on the Counterclaim in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars.

IT IS SO ORDERED!

  
JUDGE

July 21<sup>st</sup>, 2014  
Charleston, SC

Case No: 10SC-87-2639  
 Filed: \_\_\_\_\_  
 Served: \_\_\_\_\_  
 Default: \_\_\_\_\_  
 Hearing: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
 COUNTY OF CHARLESTON

2011-CP-10-1559  
 4045 BRIDGE VIEW DRIVE  
 PO BOX 70235  
 NORTH CHARLESTON, SC 29405

IN THE SMALL CLAIMS COURT

Plaintiff: Wildflower Nursery DBA Pleasant Landscapes  
 Street Address: P.O. Box 445  
 City: Isle of Palms SC State: 29451 Zip: \_\_\_\_\_  
 Phone: 843-886-9316

Defendant: Joseph W Beasley Jr. AKA Bill Beasley  
 Street Address: 758 Grimsley Dr  
 City: Charleston SC State: 29412 Zip: \_\_\_\_\_  
 Phone: (843) 224-3931

FILED IN CHARLESTON COUNTY

COMPLAINT

- I, the plaintiff in this civil action, make the following claim against the defendant: DEC 15 2010
- 1.) I believe that the defendant is a resident of Charleston County.
  - 2.) Check a, b, or c to indicate type of suit and supply documents required. SMALL CLAIMS COURT
    - a. ( ) This is a suit on a note; Two (2) copies of note attached. Defendant has defaulted in payment of said note with balance of \$ \_\_\_\_\_ now due and payable.
    - b. ( ) This is a suit on account; Two (2) copies of statement attached. Sign as affiant swearing to statement and have your signature notarized.

SWORN and subscribed before me this 9th day of December, 2010  
[Signature]  
 NOTARY PUBLIC, State of South Carolina  
 My Commission Expires: 10/17/17

Attached to this complaint is a statement of account which I swear to be true and correct, with no part of the balance having been paid.  
[Signature]  
 Affiant's Signature (Plaintiff)

- c. ( ) OTHER. This is a claim based on the following facts: (Describe Complaint)  
 (attach supplement if necessary)

Post Due Invoices \$5498.88 plus Interest/Late Fees \$500.51

BY	2011 MAR -1 PM 1:31	FILED
	JULIE J. ARSTRONG	CLERK OF COURT

3.) I believe because of the above information, that I am entitled to, and request a judgment for \$ 5999.39 and/or other relief:  
plus court costs

(List any costs resulting from this action (Example: court costs, legal fees, interest))

I STATE UNDER PENALTY OF PERJURY THAT THE ABOVE IS CORRECT AND TRUTHFUL.

12/9/10  
 Date

[Signature]  
 Signature of Plaintiff or Attorney

Pleasant Landscapes  
 A Division of Wildflower Nursery, Inc.  
 PO Box 445  
 Isle of Palms, SC 29451  
 Tel: (843) 886-9316 Fax: (843) 886-4918

## Invoice Summary

12/09/10

Beasley, Bill  
 758 Grimsley Drive  
 charleston, SC 29412

Account Summary	
Charges	5,498.88
Late Charges	500.51
Total Due	5,999.39

Date	Invoice No	Type	Age	Job No	Job Name	Amount	Paid	Remaining Balance
03/31/10	53651		253	10023	Beasley, Bill Lawn Manteance	218.50	0.00	218.50
05/14/10	54600		209	10115	Beasley, Bill Install and Connect Wells Irrigation System 4 - Zone - Module for Clock Repair front Yard Irrigation Pump - 1 HP	3,361.00	0.00	3,361.00
07/28/10	60069		134	9915	beasley pool3 Transplanting and greens (plants) 1 Day Clean Up Front Beds Remove 4 stumps Drain System for walkway	1,919.38	0.00	1,919.38
						5,498.88	0.00	5,498.88

Current	30-60	60-90	Over 90
0.00	0.00	0.00	5,498.88

**Pleasant Landscapes**

A Division of Wildflowers Nursery, Inc.  
 PO Box 445  
 Isle of Palms, SC 29451  
 Tel: (843) 886-9316 Fax: (843) 886-4918

Invoice		
Terms	Invoice No	Date
Net 10 Days	53651	03/31/10
Site	Client No	Job No
758 Grimsley Drive	4859	10023

Purchase Order#

Beasley, Bill  
 758 Grimsley Drive  
 Charleston, SC 29412

Description	Date	Unit	Quantity	Unit Price	Ext Price
Lawn Maintenance	03/25/10		2.3	95.00	218.50
<b>Total</b>					<b>\$218.50</b>
Payments Received					<b>\$0.00</b>
<b>Balance Due</b>					<b>\$218.50</b>

I would like to receive my invoices electronically: Yes No

I would like to receive monthly newsletters by email: Yes No

I would like to talk about auto pay via ACHS(Check Draft) or Credit Card Payments: Yes No

We now have the availability to send invoices electronically. If you would like to sign up for this option, please PRINT your email address clearly below:

---

A friend of a friend is someone we would like to know. For each new project you refer, we will issue a \$100 service credit to your account. It's that simple. Refer them before somebody else does. Thank you for your business and your vote of confidence.

**Pleasant Landscapes**

A Division of Wildflowers Nursery, Inc.  
 PO Box 445  
 Isle of Palms, SC 29451  
 Tel: (843) 886-9316 Fax: (843) 886-4918

Invoice		
Terms	Invoice No	Date
Net 10 Days	54600	05/14/10
Site	Client No	Job No
758 Grimsley Drive	4859	10115

Purchase Order#

Beasley, Bill  
 758 Grimsley Drive  
 charleston, SC 29412

Description	Date	Unit	Quantity	Unit Price	Ext Price
Install and Connect Wells	05/13/10		1	550.00	550.00
Irrigation System 4 - Zone -	05/13/10	Ea.	1	2,000.00	2,000.00
Module for Clock	05/13/10		1	41.00	41.00
Repair front Yard Irrigation	05/13/10		1	325.00	325.00
Pump - 1 HP	05/14/10	Ea.	1	445.00	445.00
<b>Total</b>					<b>\$3,361.00</b>
Payments Received					<b>\$0.00</b>
<b>Balance Due</b>					<b>\$3,361.00</b>

I would like to receive my invoices electronically: Yes No

I would like to receive monthly newsletters by email. Yes No

I would like to talk about auto pay via ACHS(Check Draft) or Credit Card Payments: Yes No

We now have the availability to send invoices electronically. If you would like to sign up for this option, please PRINT your email address clearly below:

---

A friend of a friend is someone we would like to know. For each new project you refer, we will issue a \$100 service credit to your account. It's that simple. Refer them before somebody else does. Thank you for your business and your vote of confidence.

**Pleasant Landscapes**

A Division of Wildflowers Nursery, Inc.  
 PO Box 445  
 Isle of Palms, SC 29451  
 Tel: (843) 886-9316 Fax: (843) 886-4918

Invoice		
Terms	Invoice No	Date
Net 10 Days	60069	07/28/10
Site	Client No	Job No
758 Grimsley Dr	4859	9915

Purchase Order#

Beasley, Bill  
 758 Grimsley Drive  
 Charleston, SC 29412

Description	Date	Unit	Quantity	Unit Price	Ext Price
Transplanting and greens (plants)	06/09/10		1	145.00	145.00
1 Day Clean Up Front Beds	06/09/10		1	600.00	600.00
Remove 4 stumps	06/09/10		1	750.00	750.00
Drain System for walkway	06/09/10		1	424.38	424.38
<b>Total</b>					<b>\$1,919.38</b>
Payments Received					<b>\$0.00</b>
<b>Balance Due</b>					<b>\$1,919.38</b>

I would like to receive my invoices electronically. Yes No

I would like to receive monthly newsletters by email Yes No

I would like to talk about auto pay via ACHS(Check Draft) or Credit Card Payments. Yes No

We now have the availability to send invoices electronically. If you would like to sign up for this option, please PRINT your email address clearly below:

---

A friend of a friend is someone we would like to know. For each new project you refer, we will issue a \$100 service credit to your account. It's that simple. Refer them before somebody else does. Thank you for your business and your vote of confidence.

2011-CP-10-1559  
2010-SC-87-002639  
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF Charleston )  
WILD FLOWER NURSERY DBA. )  
PLEASANT LANDSCAPES )  
PLAINTIFF )  
PO BOX 448 )  
STREET ADDRESS )  
Isle of Palms SC 29451 )  
CITY, STATE ZIP )  
TELEPHONE )  
 )  
VS. )  
Joseph W. BEASLEY JR. )  
DEFENDANT(S) )  
758 GRIMSLEY DR )  
STREET ADDRESS )  
CHARLESTON, SC 29412 )  
CITY, STATE ZIP )  
843-224-3931 )  
TELEPHONE )

IN THE MAGISTRATE'S COURT  
FILED IN CHARLESTON COUNTY  
DEC 29 2010  
SMALL CLAIMS COURT

ANSWER  
JULIE J. ARMSTRONG  
CLERK OF COURT  
2011 MAR -1 PM 1:30  
FILED

On 12.23.10 I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the \_\_\_\_\_ Magistrate Court, is as follows:

CHECK ONE:

A.  I contest the jurisdiction of the court based on the following: (use additional pages if necessary)

B.  I admit everything in the complaint and do not want a trial.

C.  I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary)

D.  I deny that I am responsible at all because: (use additional pages if necessary)

PLEASE SEE ATTACHED.

You must file this document with the Court within thirty days.

THE DEFENDANT STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

Dated: 12.28.10

[Signature]  
Signature of Defendant (or his attorney)

KEEP A COPY OF THIS ANSWER AND BRING IT TO COURT

2011-CP-10-1559

**Joseph W. Beasley Jr**  
**758 Grimsley Dr**  
**Charleston, SC 29412**  
**843-224-3931 Mobile**

12.28.10

Small Claims Court  
4045 Bridge View Dr  
North Charleston, SC 29405

FILED IN CHARLESTON COUNTY

DEC 29 2010

SMALL CLAIMS COURT

Re: 2010-SC-87-002639

To Whom It May Concern:

This letter is in regards to the reference number above. I Joseph Beasley Jr, feel that the amount due to Pleasant Landscapes is incorrect. I have had numerous conversations with James Parker and his staff in regards to the invoices due. I have numerous problems with the performance of work that has been completed at my house.

I hired Pleasant Landscape in the early spring of 2010 to install a pool, glass tile in the pool, new landscaping and remodel the existing irrigation. The problems are as follows; the mortar (grout) for the stone around the pool area is 6 different shades. They have attempted to fix this issue, but it has yet to be taken care of as of today 12.28.10. The glass tile in the pool surround is not to standard, meaning the tile is not square and has lipage, which could hurt my family or a guest at my house. The caulking/grout is a mess. The caulking and grout was not installed the proper way leaving clean lines the way it should be, which could in turn leave mold and mildew and become a health hazard. They have come out and attempted to correct this but it is still unacceptable. The pool leaks water through the eye holes, which is taking my water bill higher then what it should be. The new shrubs that they installed died within 2 weeks of installation. I have called them due to the cartridge filter they installed, it was pumping debris back into the pool while vacuuming the pool. I have explained that this was a problem, I ended up having to replace the cartridge pump with a new sand filtration system through another company. I have complained to Pleasant Landscapes about the salt content being too high in the water, and it was burning our skin while swimming, they said that the levels were fine and that there was no problem. I had 2 other companies come in and test the salt levels and found out that Pleasant Landscapes installed drinking salt instead of pool salt. I had a company come in to fix this problem.

I do not feel that I have asked for a lot from Pleasant Landscapes, but being a business owner myself, I do expect the same quality of craftsmanship that I give my customers. My main concerns are the mortar (grout) colors being taken care of so they all match, the

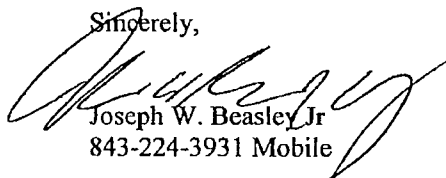
shrubs surviving for more then 2 weeks, and the leak in the pool being taken care of, as well as the glass tile being square and level so no one gets hurts while trying to enjoy their time in the pool. I have had 2 other companies come out and give me proposals to fix the problems, and the cheapest was \$15,300.00.

The reasons I have not paid the balance due, is I feel the job is not complete. The remaining balance is supposed to be trade work on a rental house for James Parker at 701 Ocean Blvd on Isle of Palms. I am refusing to do my part of the trade, due to the job his company has done at my house bring incomplete.

Please feel free to contact me with any questions or concerns in regards to this matter.

Thank you.

Sincerely,



Joseph W. Beasley Jr  
843-224-3931 Mobile

FILED IN CHARLESTON COUNTY

DEC 29 2010

SMALL CLAIMS COURT

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Wildflower Nursery, Inc. etc., )  
( ) Plaintiff )  
v. )  
Joseph W. Beasley a/k/a Billy Beasley, )  
(x) Defendant )  
check box above indicating submitting party )

Case No. 2011-CP-10-1559

**MOTION INFORMATION FORM  
AND COVER SHEET**

name, SC Bar no. and address of plaintiff's attorney  
Wildflower Nursery, pro se by James Parker  
P.O. Box 445  
Isle of Palms, SC29451

name, SC Bar no. and address of defendant's attorney  
Zachary J. Closser - 74005  
Smith | Closser, PA  
P.O. Box 40578  
Charleston, SC 29423  
telephone: 843-760-0220 fax: 843-552-2678  
e-mail: zclosser@scnlaw.com

telephone: fax:  
e-mail:

- (x) MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I AND III)  
( ) FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II AND III)  
( ) PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II AND III)

**SECTION I: Hearing Information**

Nature of Motion: to Strike Complaint  
Estimated Time Needed: 15 minutes

Court Reporter Needed: / NO

**SECTION II: Motion Type**

- (x) Written motion attached  
( ) Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.

9-22-11

Signature of Attorney for Plaintiff / Defendant

Date submitted

**SECTION III: Motion Fee**

- (x) PAID - AMOUNT: \$25.00  
( ) EXEMPT: ( ) Rule to Show Cause in Child or Spousal Support  
(check reason) ( ) Domestic Abuse or Abuse and Neglect  
( ) Indigent Status ( ) State Agency v. Indigent Party  
( ) Sexually Violent Predator Act ( ) Post-Conviction Relief  
( ) Motion for Stay in Bankruptcy  
( ) Motion for Publication ( ) Motion for Execution (Rule 69, SCRPC)  
( ) Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
( ) Other:

**JUDGE'S SECTION**

- ( ) Motion Fee to be paid upon filing of the attached order.  
( ) Other:

JUDGE

CODE:

Date:

**CLERK'S VERIFICATION**

DATE FILED

Collected by: \_\_\_\_\_ (print name)

( ) MOTION FEE COLLECTION: \_\_\_\_\_

( ) CONTESTED - AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WILDFLOWER NURSERY, INC. d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

**Notice of Motion and Motion to Strike  
Plaintiff's Summons and Complaint**

FILED  
2011 SEP 23 PM 2:48  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

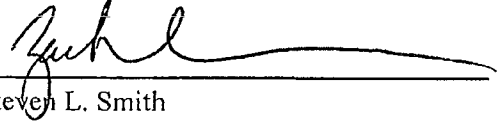
TO: WILDFLOWER NURSERY d/b/a PLEASANT LANDSCAPES:

**YOU WILL PLEASE TAKE NOTICE**, that the undersigned, as attorney for the Defendant, will move before the Presiding Judge for the Ninth Judicial Circuit, within ten (10) days from the service of this Notice of Motion and Motion, or as soon thereafter as Counsel may be heard, for an Order striking the Summons and Complaint of the Plaintiff.

The basis of this motion is that the Complaint was filed on behalf of Plaintiff company Wildflower Nursery, Inc. as a *pro se* Complaint; it was signed by Plaintiff company owner James Parker who is not an attorney. Wildflower Nursery, Inc., is a corporations, existing pursuant to the laws of the State of South Carolina. It is well established in this State that a corporation is a separate entity and must be represented by licensed counsel in any court other than Magistrate's Court. *See, e.g., Renaissance Enterprises, Inc. v. Babb*, 3334 S.C. 649, 515 S.E.2d 257 (1999); *State v. Wells*, 11 S.C. 468, 5 S.E.2d 181 (1939). Representation by a non-lawyer individual constitutes the unauthorized practice of law. *Babb*, 334 S.C. at 652, 515 S.E.2d at 258. James Parker is a owner of Wildflower Nursery, Inc. Mr. Parker is not licensed to practice law in the State of South Carolina and therefore cannot represent the corporation Wildflower Nursery, Inc.

For the foregoing reasons, Defendant requests that the Court strike the Summons and Complaint of the Plaintiff.

SMITH | CLOSSER, PA



Steven L. Smith

Zachary J. Closser

7455 Cross County Road, Suite 1

Post Office Box 40578

Charleston, SC 29423

843-760-0220

843-552-2678 (fax)

Attorneys for the Defendant

Charleston, South Carolina

September 13, 2011

11-064

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2011-CP-10-1559

Wildflower Nursery, Inc. d/b/a Pleasant  
Landscapes, )

Plaintiff, )

vs. )

Joseph W. Easley a/k/a Billy Beasley, )

Defendant. )

CERTIFICATE OF SERVICE

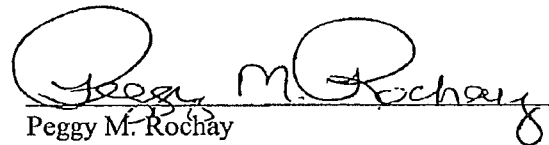
BY  
JULIE J. ARMSTRONG  
CLERK OF COURT

2011 SEP 23 PM 2:48

FILED

I certify that on this date a copy of the foregoing Notice of Motion and Motion to Strike  
Plaintiff's Summons and Complaint was served by mailing or hand delivery on the following:

**Wildflower Nursery d/b/a Pleasant Landscapes**  
**P.O. Box 445**  
**Isle of Palms, SC 29451**

  
Peggy M. Rochay

Charleston, South Carolina

September 14, 2011  
11-064

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Wildflower Nursery, Inc; etc., )  
( ) Plaintiff )  
v. )  
Joseph W. Beasley a/k/a Billy Beasley, )  
(x) Defendant )  
check box above indicating submitting party )

Case No. 2011-CP-10-1559

**MOTION INFORMATION FORM  
AND COVER SHEET**

name, SC Bar no. and address of plaintiff's attorney  
Wildflower Nursery, pro se by James Parker  
P.O. Box 445  
Isle of Palms, SC29451

name, SC Bar no. and address of defendant's attorney  
Steven L. Smith - 5137  
Smith | Closser, PA  
P.O. Box 40578  
Charleston, SC 29423  
telephone: 843-760-0220 fax: 843-552-2678  
e-mail: ssmith@scnlaw.com

telephone: \_\_\_\_\_ fax: \_\_\_\_\_  
e-mail: \_\_\_\_\_

- ( ) MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I AND III)  
(x) FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II AND III)  
(x) PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II AND III)

**SECTION I: Hearing Information**

Nature of Motion:

Estimated Time Needed: \_\_\_\_\_ minutes Court Reporter Needed: / NO

**SECTION II: Motion Type**

- ( ) Written motion attached  
(x) Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.

\_\_\_\_\_  
Signature of Attorney for Plaintiff / Defendant  
\_\_\_\_\_  
Date submitted: 9/27/13

**SECTION III: Motion Fee**

- (x) PAID - AMOUNT: \$25.00  
( ) EXEMPT: ( ) Rule to Show Cause in Child or Spousal Support  
(check reason) ( ) Domestic Abuse or Abuse and Neglect  
( ) Indigent Status ( ) State Agency v. Indigent Party  
( ) Sexually Violent Predator Act ( ) Post-Conviction Relief  
( ) Motion for Stay in Bankruptcy  
( ) Motion for Publication ( ) Motion for Execution (Rule 69, SCRPC)  
( ) Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
( ) Other: \_\_\_\_\_

**JUDGE'S SECTION**

- ( ) Motion Fee to be paid upon filing of the attached order.  
( ) Other: \_\_\_\_\_

JUDGE

CODE: \_\_\_\_\_ Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

DATE FILED

Collected by: \_\_\_\_\_ (print name)

( ) MOTION FEE COLLECTION: \_\_\_\_\_

( ) CONTESTED - AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2011-CP-10-1559

FILED  
2013 SEP 30 PM 1:36  
JULIE J. ARMSTRONG  
CLERK OF COURT

Wildflower Nursery d/b/a Pleasant  
Landscapes, )  
 )  
 )  
Plaintiff, )  
 )  
 )  
vs. )  
 )  
Joseph W. Beasley a/k/a Billy Beasley, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

NOTICE OF MOTION AND MOTION  
FOR SUPPLEMENTAL PROCEEDINGS

The Defendant, Joseph W. Beasley a/k/a Billy Beasley, (hereinafter designated as "Defendant") alleges:

1. The Defendant has duly recovered Judgment against the Plaintiff, Wildflower Nursery d/b/a Pleasant Landscapes, (hereinafter designated as "Plaintiff") as is evidenced by the Judgment Rolls of this Honorable Court, in the amount of Ten Thousand Three Hundred and NO/100 (\$10,300.00), which balance, together with interest at the rate of 7.25% from May 9, 2013 until paid in full, remains unpaid. An execution against the property of the Plaintiff was returned by the Sheriff unsatisfied and marked *Nulla-Bona*, a copy of which is attached hereto as Exhibit "A".

2. The Defendant is informed and believes that the Plaintiff may have property and assets which it unjustly refuses to apply toward the satisfaction of the said Judgment.

3. The Defendant is of the opinion that it is entitled, therefore, to examine the Plaintiff, through its President James Parker, under oath concerning any assets which it may own, in order to locate and ascertain the financial assets of the Plaintiff for the purpose of satisfying the Judgment obtained against the said Plaintiff.

4. The Defendant is of the opinion that it is entitled to have the Plaintiff required by Subpoena to produce for inspection in advance of the aforesaid examination any and all books, records, and documents concerning the financial status of the Plaintiff.

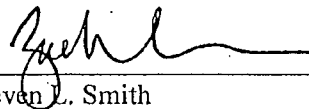
WHEREFORE, Plaintiff prays as follows:

1. For an Order requiring the Plaintiff, through its President James Parker, to appear before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, at the time and place to be designated in said Order, to answer under oath questions propounded by Defendant;

2. For a Subpoena directing the aforesaid Plaintiff to produce for inspection in advance of the aforesaid examination all books, records and documents relating to the financial status of the Plaintiff; and

3. For such other and further relief as this Honorable Court may deem just and proper.

SMITH | CLOSSER, P.A.



---

Steven L. Smith  
Zachary J. Closser  
7455 Cross County Road, Suite 1  
P.O. Box 40578  
Charleston, SC 29423-0578  
843-760-0220  
Attorney for the Defendant

Charleston, South Carolina

September 27, 2013  
11-064

13-8721

EXECUTION AGAINST PROPERTY

THE STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

CASE NO.: 2011-CP-10-1559

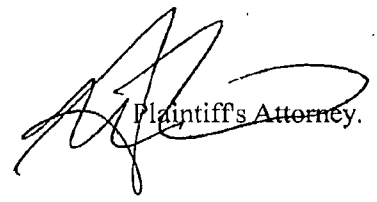
TO THE SHERIFF OF THE COUNTY OF CHARLESTON GREETING:

Judgment was rendered on the 10<sup>th</sup> day of August, two thousand thirteen in an action in the Court of Common Pleas. Wildflower Nursery, Inc. d/b/a Pleasant Landscapes, Plaintiff, and Joseph W. Beasley, Jr. a/k/a Billy Beasley, Defendant in favor of said Defendant, against the said Plaintiff, for the sum of \$10,300.00, as appears to us by the Judgment Roll, filed in the office of the Clerk of Court of Common Pleas, County of Charleston.

AND WHEREAS, the said judgment was docketed in your County on the 10<sup>th</sup> day of May, in the year two thousand thirteen and in the sum of \$10,300.00, with interest at the rate of 7.25% from 5/9/13, until paid in full.

THEREFORE, WE COMMAND YOU, that you satisfy the said judgment out of the personal property of the said judgment debtor within your County, or if sufficient personal property cannot be found, then out of the real property in your County belonging to such judgment debtor on the date when the said judgment was so docketed in your County, or at anytime thereafter, in whose hands whomsoever the same may be, and duly return this execution, according to law, to the Clerk of the Court of Common Pleas for the County of Charleston.

WITNESS: Julie J. Ametong of said Court at Charleston County the 10<sup>th</sup>  
day of August 2013 two thousand thirteen Charleston.

  
Plaintiff's Attorney.

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Wildflower Nursery, Inc. etc., )  
( ) Plaintiff )  
v. )  
Joseph W. Beasley a/k/a Billy Beasley, )  
(x) Defendant )  
check box above indicating submitting party )

Case No. 2011-CP-10-1559

**MOTION INFORMATION FORM  
AND COVER SHEET**

name, SC Bar no. and address of plaintiff's attorney  
Wildflower Nursery, pro se by James Parker  
P.O. Box 445  
Isle of Palms, SC29451

name, SC Bar no. and address of defendant's attorney  
Steven L. Smith - 05173  
Smith | Closser, PA  
P.O. Box 40578  
Charleston, SC 29423  
telephone: 843-760-0220 fax: 843-552-2678  
e-mail: ssmith@scnlaw.com

telephone: fax:  
e-mail:

- (x) MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I AND III)  
( ) FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II AND III)  
( ) PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II AND III)

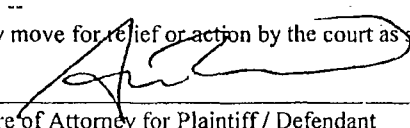
**SECTION I: Hearing Information**

Nature of Motion: To Appoint a Receiver  
Estimated Time Needed: 15 minutes Court Reporter Needed: / NO

**SECTION II: Motion Type**

- (x) Written motion attached  
( ) Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.

  
Signature of Attorney for Plaintiff / Defendant

8-28-13  
Date submitted

**SECTION III: Motion Fee**

- (x) PAID - AMOUNT: \$25.00  
( ) EXEMPT: ( ) Rule to Show Cause in Child or Spousal Support  
(check reason) ( ) Domestic Abuse or Abuse and Neglect  
( ) Indigent Status ( ) State Agency v. Indigent Party  
( ) Sexually Violent Predator Act ( ) Post-Conviction Relief  
( ) Motion for Stay in Bankruptcy  
( ) Motion for Publication ( ) Motion for Execution (Rule 69, SCRCP)  
( ) Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
( ) Other:

**JUDGE'S SECTION**

- ( ) Motion Fee to be paid upon filing of the attached order.  
( ) Other:

JUDGE

CODE:

Date:

**CLERK'S VERIFICATION**

DATE FILED

Collected by: \_\_\_\_\_ (print name)

- ( ) MOTION FEE COLLECTION: \_\_\_\_\_  
( ) CONTESTED - AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

Notice of Motion and Motion  
Appoint a Receiver

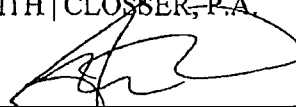
2013 AUG 30 PM 1:30  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

YOU WILL PLEASE TAKE NOTICE, that the undersigned as attorney for the Defendant, will move before the Presiding Judge for the Ninth Judicial Circuit, within ten (10) days from the service of this Notice of Motion, or as soon thereafter as counsel may be heard, for an Order appointing a Receiver for the Plaintiff for their current assets and profits.

This Motion is based upon a judgment that was entered against the Plaintiff in favor of the Plaintiff on August 10, 2013.

SMITH | CLOSSER, P.A.

  
Steven L. Smith  
SC Bar No.: 05173  
7455 Cross County Road; Suite 1  
P.O. Box 40578  
Charleston, SC 29423-0578  
843-760-0220  
Attorney for the Defendant

8-28, 2013  
Charleston, South Carolina  
13-086

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Wildflower Nursery, Inc. etc., )  
 Plaintiff )  
 )  
v. )  
 )  
Joseph W. Beasley a/k/a Billy Beasley, )  
 Defendant )  
check box above indicating submitting party )

Case No. 2011-CP-10-1559

**MOTION INFORMATION FORM  
AND COVER SHEET**

name, SC Bar no. and address of plaintiff's attorney  
Wildflower Nursery, pro se by James Parker  
P.O. Box 445  
Isle of Palms, SC29451

name, SC Bar no. and address of defendant's attorney  
Steven L. Smith - 05173  
Smith | Closser, PA  
P.O. Box 40578  
Charleston, SC 29423  
telephone: 843-760-0220 fax: 843-552-2678  
e-mail: ssmith@scalaw.com

telephone: \_\_\_\_\_ fax: \_\_\_\_\_  
e-mail: \_\_\_\_\_

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I AND III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II AND III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II AND III)

**SECTION I: Hearing Information**

Nature of Motion: To Appoint a Receiver  
Estimated Time Needed: 15 minutes Court Reporter Needed: / NO

**SECTION II: Motion Type**

- Written motion attached  
 Form Motion -

I hereby move for relief or action by the court as set forth in the attached proposed order.

[Signature]  
Signature of Attorney for Plaintiff / Defendant

9/11/13  
Date submitted

**SECTION III: Motion Fee**

- PAID AMOUNT: \$25.00  
 EXEMPT:  Rule to Show Cause in Child or Spousal Support  
(check reason)  Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRCP)  
 Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per Judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

CODE: \_\_\_\_\_

Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

DATE FILED

Collected by: \_\_\_\_\_ (print name)

MOTION FEE COLLECTION: \_\_\_\_\_

CONTESTED - AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

WILDFLOWER NURSERY INC. d/b/a )  
PLEASANT LANDSCAPES, )

Plaintiff, )

vs. )

JOSEPH W. BEASLEY a/k/a )  
BILLY BEASLEY, )

Defendant. )

NOTICE OF MOTION  
TO VACATE JUDGMENT

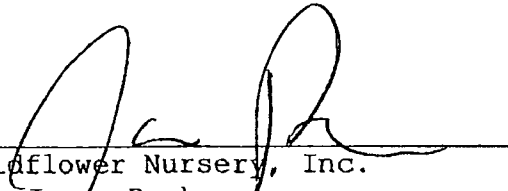
BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2013 SEP 12 PM 3:19

FILED

PLEASE TAKE NOTICE THAT THE UNDERSIGNED, will move before the Presiding Judge for the Ninth Judicial Circuit, within Ten (10) days from service of this notice or as soon thereafter as the Court may hear such, for an Order vacating the Judgment rendered against the Plaintiff on May 9, 2103 in the above referenced case and for an Order striking such from the Judgment Rolls based on the facts set forth in the attached Motion.

  
Wildflower Nursery, Inc.  
By: James Parker  
Its: President  
P.O. Box 445  
Isle of Palms, SC 29451

9/11, 2013  
Charleston, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

WILDFLOWER NURSERY INC. d/b/a )  
PLEASANT LANDSCAPES, )  
 )  
Plaintiff, )

MOTION TO VACATE JUDGMENT

vs. )

JOSEPH W. BEASLEY a/k/a )  
BILLY BEASLEY, )  
 )  
Defendant. )

FILED  
2013 SEP 12 PM 3:19  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Plaintiff hereby moves to have the attached Judgment rendered May 9, 2013 vacated and for an Order removing such from the Judgment Rolls based on the following facts;

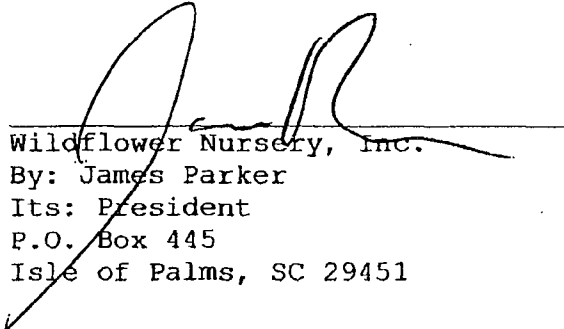
1. This matter began as a Small Claims Court Action with an address given as P.O. Box 445, Isle of Palms.
2. Defendant subsequently appears to have removed such to Circuit Court, it is believed by filing a counterclaim above the jurisdictional limit of the Magistrates Court.
3. Plaintiff's records thereafter appear incomplete as from what is available it appears Defendant began either intentionally and deceitfully or with reckless disregard for notification requirements, to use multiple addresses and party names.

4. Upon information and belief Defendant was aware the use of 4953 Highway 17 North, Awendaw, SC 29429, the name Myra Clark and on occasion the exclusion of any corporate reference would effectively act to deprive the Plaintiff of further notice in the case and did so with such intent.

5. Such lack of notice did in fact occur with all events between approximately September of 2011 and the rendering of the Judgment in May of 2013 unknown to the Plaintiff.

It is therefore requested the Judgment be vacated, an Order removing such from the Judgment Rolls be granted and that in the interest of prudent use of the Court's time and resources this motion be heard before the Defendant's pending Motion to Appoint a Receiver.

9/11, 2013  
Charleston, SC

  
Wildflower Nursery, Inc.  
By: James Parker  
Its: President  
P.O. Box 445  
Isle of Palms, SC 29451

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-10-1569

Wildflower Nursery, Inc. d/b/a Pleasant Landscapes

Joseph V. Bosaley, Jr. a/k/a Bill Bosaley

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney For: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action comes 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. Non suit);  Rule 43(e), 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: Defendant's Motion to Strike Plaintiff's Summons and Complaint is GRANTED. It is further ordered that Defendant's Counterclaim, in the amount of \$10,300.00, is GRANTED. A formal order will follow.

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 "NA" 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)
Joseph V. Bosaley a/k/a Billy Bosaley	Wildflower Nursery, Inc. d/b/a Pleasant Landscapes	\$10,300.00
		\$
		\$

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.

*Joseph V. Bosaley, Jr.*  
 Circuit Court Judge

2151  
 Judge Code

5/9/13  
 Date

SCRPC Form 4C (10/2011)

Page 1 of 2



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS  
) NINTH JUDICIAL CIRCUIT  
) CASE NO. 2011-CP-10-1559  
)

WILDFLOWER NURSERY, INC., d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

**AMENDED REPLY TO DEFENDANT'S  
MOTION FOR SUPPLEMENTAL  
PROCEEDINGS AND NOTICE OF  
MOTION AND MOTION FOR RELIEF  
FROM JUDGMENT**

-VS-

JOSEPH W. BEASLEY a/k/a  
BILLY BEASLEY

Defendant.



JULIE J. ARMSTRONG  
CLERK OF COURT

2014 MAY -2 PM 1:25

FILED

To: JOSEPH W. BEASLEY, Defendant, and his attorney of record:

Pursuant to Rule 60 of the South Carolina Rules of Civil Procedure, Plaintiff hereby moves this Honorable Court for the reexamination, alteration, amendment or reconsideration of and/or relief from the Judgment rendered against Plaintiff on May 9, 2013, for the following reasons:

- 1. The damages awarded to Defendant are excessive, unjustly enriching the Defendant and effectively punishing the Plaintiff for failing to answer Defendant's "counterclaim."**

Plaintiff substantially complied with his contractual obligations to Defendant, as is evidenced in Defendant's "Answer," by installing a pool, glass tile, new landscaping and remodeling the existing irrigation. Defendant, by his own admission, did not pay the balance due, and now seeks to collect on a judgment of \$10,300.00 against the Plaintiff. Defendant provides no proof of actual damages other than his narrative Answer.

"In any civil action where punitive damages are claimed, the plaintiff has the burden of proving

such damages by clear and convincing evidence.” “ *Solley v. Navy Federal Credit Union, Inc.*, 723 S.E.2d 597, 603 (S.C.App. 2012), quoting *Austin v. Specialty Transp. Servs., Inc.*, 594 S.E.2d 867, 875 (Ct.App.2004) (quoting S.C.Code Ann. § 15-33-135). Defendant’s narrative Answer was not notarized, and contains no attachments. Defendant does not provide an accounting of what he paid for Plaintiff’s work on his property, and is seeking a double recovery in the form of non-payment of Plaintiff’s contract price and monetary damages from Plaintiff.

Defendant owed a balance of \$17,840.71 at the time of completion of the project. See attached Exhibits A & B. Defendant claims damages of \$10, 300.00 therefore Defendant has no actual damages. Furthermore, the project is completed as in demonstrated by the attached Exhibit C. Finally, the Defendant admits that he owes the Plaintiff a balance for the project. See Exhibit D.

**2. In the event Defendant’s damages are construed as a Default Judgment, Plaintiff does not concede the amount of liability.**

In a default case, the prevailing party must prove by competent evidence the amount of his damages, and such proof must be by a preponderance of the evidence. *Solley v. Navy Federal Credit Union, Inc.*, 723 S.E.2d 597, 603 (S.C.App. 2012), *Jackson v. Midlands Human Res. Ctr.*, 374 S.E.2d 505, 507 (Ct.App.1988). A defaulting defendant does not concede the [a]mount of liability. *Solley*, at 603. An award of damages must be in keeping not only with the allegations of the complaint and the prayer for relief, but also with the proof that has been submitted. *Limehouse v. Hulsey*, 744 S.E.2d 566, 578 (S.C. 2013), *Jackson* 296 S.C. at 529, 374 S.E.2d at 506.

As the court noted in *Howard v. Holiday Inns, Inc.*, 246 S.E.2d 880 (S.C. 1978), [i]t is common knowledge at the bench and bar that in a tort action the amount stated in the prayer for relief often bears little relation to the amount which the plaintiff is entitled to recover.


In the instant action, Defendant’s counterclaim was for an unliquidated demand of damages

based only on Defendant's Answer. An itemized statement of damages duly verified was not served upon the Plaintiff, and Plaintiff's Summons and Complaint were stricken from the record. Judgment was improperly entered on Defendant's pleadings alone, without proof of damages.

**WHEREFORE**, Plaintiff prays for an Order of this honorable Court:

- a) Vacating the default judgment awarded to Defendant;
- b) Staying Defendant's Motion for Supplemental Proceedings until such time as a hearing on the question of damages may be had; and
- c) Such other and further relief as the Court deems just and proper.

BY: \_\_\_\_\_

  
Christopher Inglese  
Attorney for Plaintiff  
PO Box 21796  
Charleston, SC 29413  
Ph: 843-277-9785  
Fx: 843-353-2523  
Em: chris@ingleselaw.info

Charleston, South Carolina  
This 2 day of May, 2014.

# Exhibit A



A division of Wildflowers Nursery, Inc.

PO Box 445 Isle of Palms, SC 29451  
(843) 886-9316 Office  
(843) 886-4918 Fax

August 23<sup>rd</sup>, 2010

Bill Beasley  
758 Grimsley Dr  
Charleston, SC 29412

*for file*

Dear Mr. Beasley:

We believe your project has been finished in a professional and complete manner. James Parker has personally walked through the project to approve this. The pool and deck have very little differentiation from the property we duplicated on 223 Forest Trail and it is nearly impossible to perfectly duplicate a construction project. While there are plants that are struggling, they are not dead and even the crepe myrtle seems to be showing new growth since the transplant. These were not plants provided by our own company, and are therefore not provided a warranty; but these plants will still most likely recover.

James Parker has personally sent emails to you requesting a punch list. We have had no reply in 2 weeks. Rick Russell has also tried to contact you several times. The reply received was the same punch list that was provided to Miguel months earlier, which had been completed. After setting an in person appointment to discuss any and all concerns with the project, you were unable to attend and have made little contact with us since. While we originally had an agreement to accept floor covering for payment on June 28<sup>th</sup>, you have defaulted on this agreement as well.

If you have a viable punch list of any concerns relating to the original project, please submit it in writing by September 1<sup>st</sup>, 2010. If you plan to use the floor covering as partial payment, please follow through in writing by September 1<sup>st</sup>, 2010. Otherwise, we anticipate a full payment for the remaining balance of \$17,840.71. Should this account be brought to a collection status, the project will be audited which may result in additional billings and charges. Example being the additional plants you received and irrigation installation, both of which you have not been billed for as of now.

For your convenience we accept Checks, MasterCard, Visa, American Express and Discover. We must receive a response within 10 business days to move forward. If there is no communication, we will bring this account to collections status.

Thank you,

Kelly Slater  
Pleasant Landscapes

# Exhibit B

Pleasant Landscapes  
 A Division of Wildflower Nursery, Inc.  
 PO Box 445  
 Isle of Palms, SC 29451  
 Tel: (843) 886-9316 Fax: (843) 886-4918



Beasley, Bill  
 758 Grimsley Drive  
 Charleston, SC 29412

Account Summary	
Charges	17,840.71
Late Charges	616.70
<b>Total Due</b>	<b>18,457.41</b>

Date	Invoice No	Type	Age	Job No	Job Name	Amount	Paid	Remaining Balance
03/31/10	53651		119	10023	Beasley, Bill Lawn Maintenance	218.50	0.00	218.50
04/28/10	54694		91	9915	beasley pool3 Pavers with Sub base and Edging Coral Reef Sod - Centipede 1000 to 5000 sq ft Drain Grate 12" Labor - crew stump removal 100 sq ft Cartrage filter Mulch - Hardwood Drain Pipe -4" Corrigated Liriope Clorine Salt Generator Mulch - Play safe V zone tye down chains and blocks Cypress, Leland Pool. 1/2 hp pump Palm - Sabal Palmetto Pool. Underwater low voltage lighting 1 Sweet Grass Vacuum hose connection Pittosporum "Green" Pool start up W tools Society Garlic Tile finnish 6" from manufacture Lantana Weeping Yaupon Viburnum Pampas Miscanthus. Yew Palm - Sago Palm	45,686.21	35,000.00	10,686.21
05/14/10	54600		75	10115	Beasley, Bill Install and Connect Wells Irrigation System 4 - Zone - Module for Clock Repair front Yard Irrigation Pump - 1 HP	3,361.00	0.00	3,361.00
07/28/10	56474		0	9915	beasley pool3 Install Dewatering Wells Additional Front Plantings and bed aligr Remove 4 stumps Grade and sod septic Remove discolored mortar-warranty Replace discolored mortar-warranty	3,575.00	0.00	3,575.00
						<b>52,840.71</b>	<b>35,000.00</b>	<b>17,840.71</b>

Current	30-60	60-90	Over 90
3,575.00	0.00	3,361.00	10,904.71

# Exhibit C

---

# CHARLESTOWNE ENGINEERING LLC

PO BOX 31263 CHARLESTON, SOUTH CAROLINA

PHONE: (843) 766-8224

FAX: (843) 766-8607

---

October 22, 2010

James Parker  
Pleasant Pool LLC

Via e-mail: Jparker815@aol.com

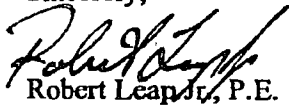
Re: **V-Zone design certification.**

Please take this letter as certification that the pool installed 758 Grimsley Dr. in Lighthouse Point subdivision on James Island has been installed per my detail for anchorage in a V-Zone. This detail is on sketch S-1 and dated March 3, 2010. The chain shown was replaced with a 10,000 lb rated cable, which is acceptable.

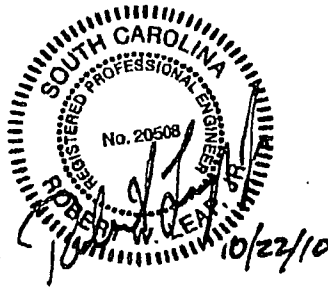
The in ground pool also will not amplify or deflect any waves associated with a storm surge into any adjacent structures.

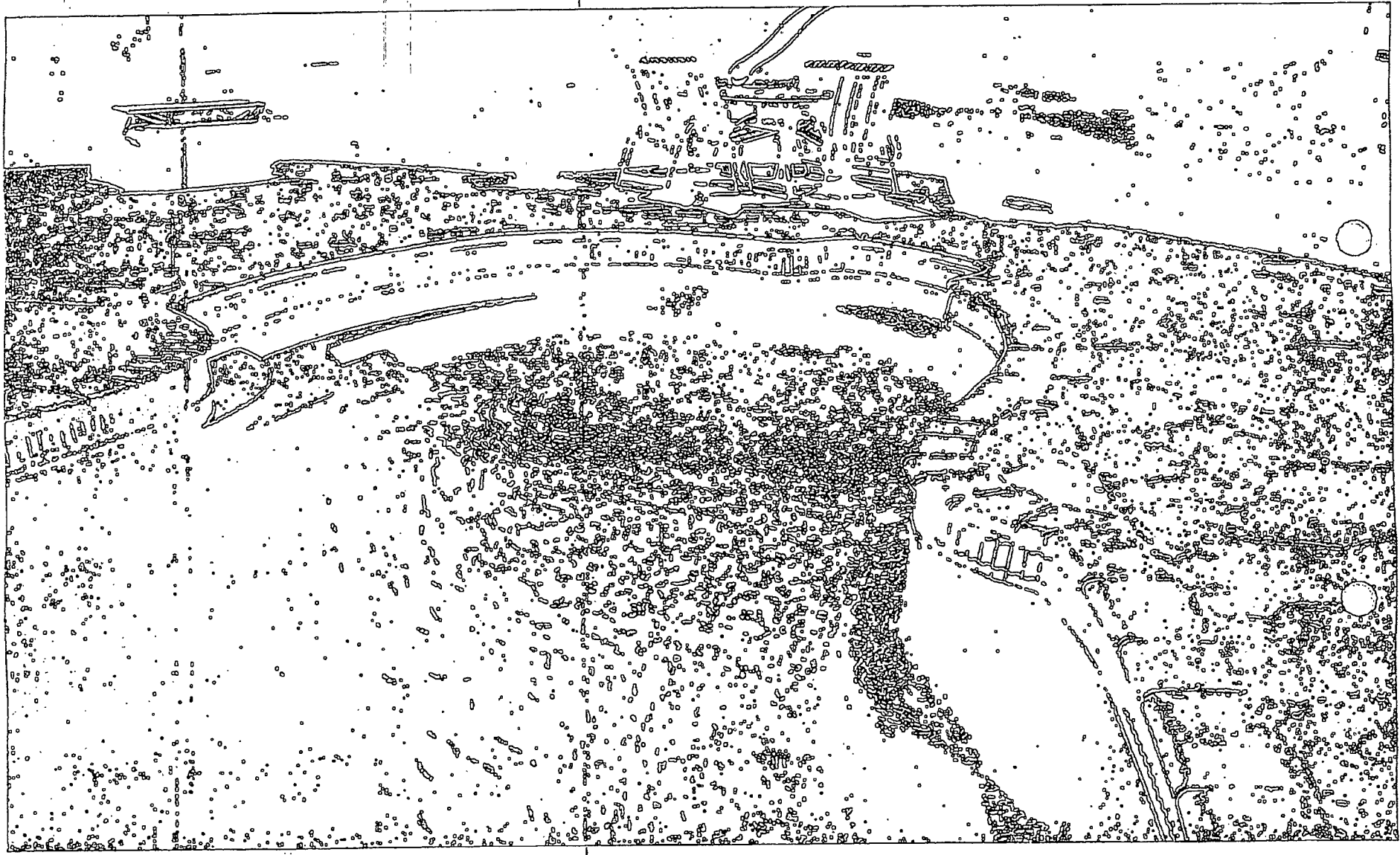
If you have any questions or comments please let me know.

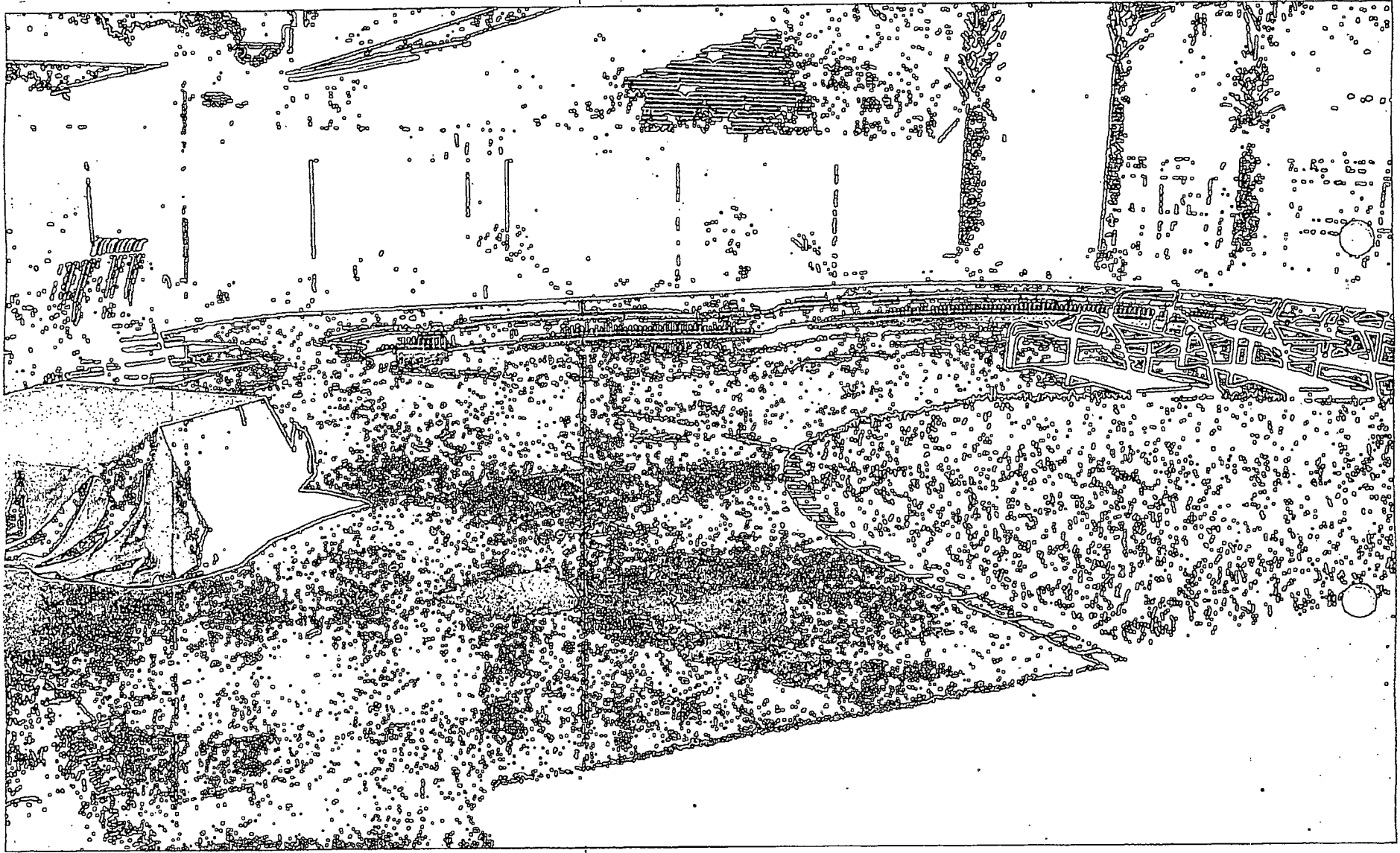
Sincerely,

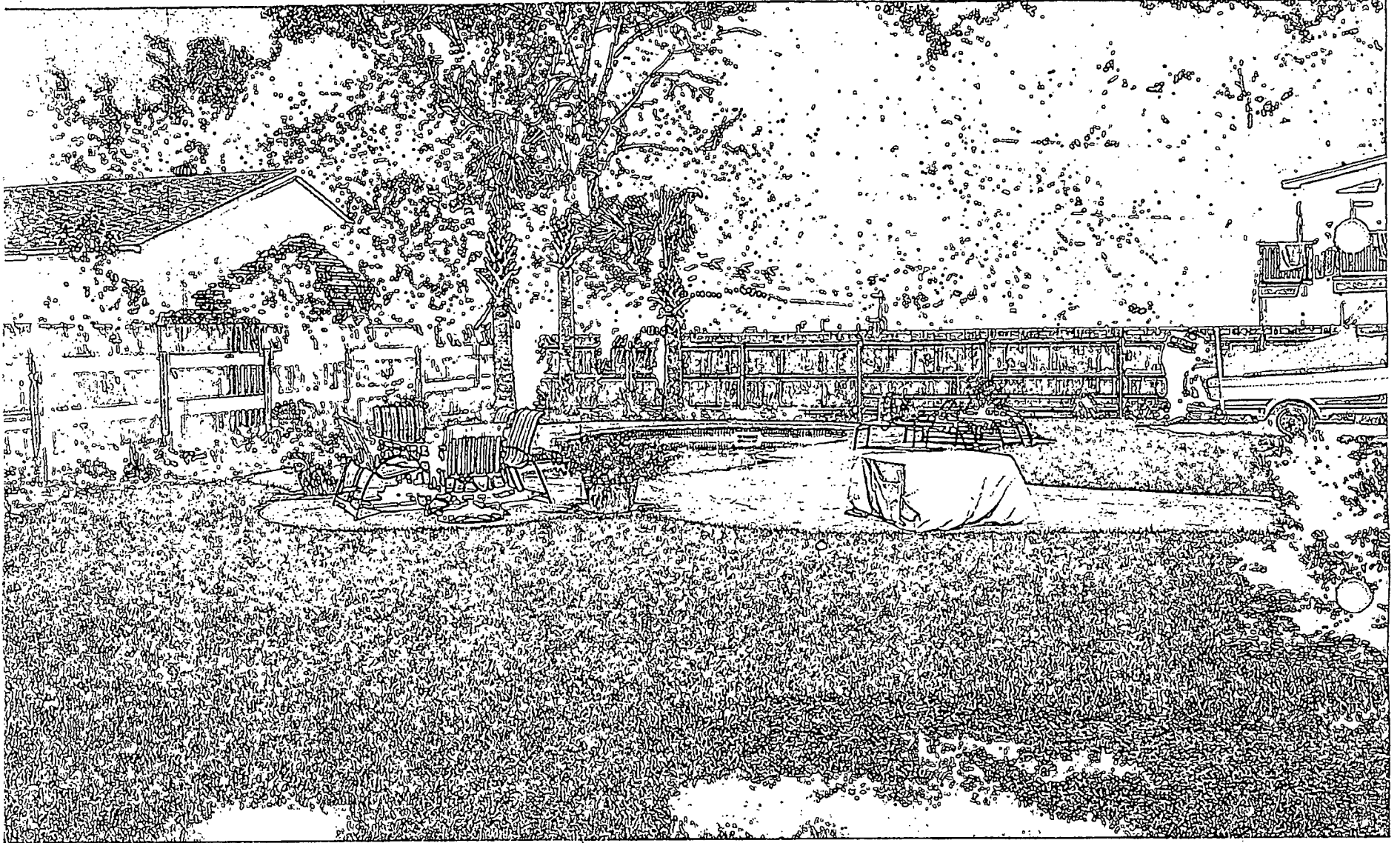


Robert Leap Jr., P.E.  
Charlestowne Engineering LLC  
843-766-8224 office  
843-509-9617 cell









# Exhibit D

Subj: Re: [SPAM] Fwd: 758 Grimly Dr  
Date: 9/15/2010 12:25:24 P.M. Eastern Daylight Time  
From: Jparker815@aol.com  
To: billy@beasleyfloorcovering.com

ok let me know when so we can get moving:

In a message dated 9/15/2010 12:20:10 P.M. Eastern Daylight Time, billy@beasleyfloorcovering.com writes:

We will have to meet. I measured the stone and my #'s are correct.

Sent from my Verizon Wireless BlackBerry

---

From: Jparker815@aol.com  
Date: Wed, 15 Sep 2010 12:04:26 EDT  
To: <billy@beasleyfloorcovering.com>  
Subject: [SPAM] Fwd: 758 Grimsley Dr

we are not going very fast on getting a resolution to our differences, do you want to meet, go to an arbitration, a mediator, or work this out for our selves. I would like to get your project done but we need to finalize the final price, if we can at least agree on that then we can get working on the last few small issues. you can pay with floor covering for all but the 5 k you had promised. if you would like to hold the actual money and do floor work first that would be fine. James

---

From: Jparker815@aol.com  
To: billy@beasleyfloorcovering.com  
Sent: 8/27/2010 12:36:27 P.M. Eastern Daylight Time  
Subj: Re: 758 Grimsley Dr

I am glad we are talking about this so we can get it straighten out soon for you and me. but lets not forget these items

2.3 hrs clean up work up front on march 25th for that you requested with Miguel 218.00

the hidden stumps along the property line that were not visible pre construction 750.00

the drain system to keep the walkway from flooding reference on original proposal 424.38

additional decking worked out with Miguel, and mentioned to me that you were going to work with Miguel on exact placement and that it would be 12.00 ft and wrote on signed original proposal, which is the biggest difference in our numbers for an addition 373 sq ft additional 4476.00

day cleanup for the front beds, transplanting, and green plants next to steps 745.00

Additional  
6613.00

I am not going to dispute your below math, but I don't 100% agree with the below, math and credits but for this to be resolved for now owed below

Tuesday, November 23, 2010 AOL: Jparker815

840.00

7453.00 plus floor covering for

Carolina

this number reflects our conversations that you had with me that you had 40 k to spend plus floor coverings, but you have already missed the install date of June 28 th. which was the only 2 days we had open until November. if we can come to an understanding soon we can take care of the last issues and accept the floor covering, if this drags on we will just want cash for this extra work. I would like you to send the 5 k that has been promised to us as a good will faith on your part, we will work on the tiles, the plants , mulch, and deck. we will not have another day open for the Carolina home until November to Jan so I will have to wait maybe 4 months to get the flooring now because of back to back bookings.

the remaining 2453.00 we can work on after final acceptance.

your engineer said that Charleston county does not need a flood zone completion fcertificate for the final inspection of an inground pool although James Island said we do. Robert gave me the names of the people in Charleston county that said this is true but it has been so long I don't remember there names. after we come to a agrèement on how we will move forward I will start getting them to agree on this. if this is acceptable or if you have a different view of this, email me back. we both benefit from working this out among us.

James Parker

In a message dated 8/27/2010 10:43:05 A.M. Eastern Daylight Time, billy@beasleyfloorcovering.com writes:

James,

My dad said you came by the other day. I was not home and no one has been here in a while. You had two guys here that work on the caulking and the mortar a couple of weeks ago. It is still not correct. Two days after that two guys showed up and replaced some plants, still more to replace. Here is a list of what I signed up for on March 2, 2010.

In Short Form:

Swimming Pool \$22,198.58

Pavers with Sub Base and edging \$9,600.00

Plants, Trees, Ect \$5,732.32

Total \$37,530.90

Additional Work:

V. Zone Flood \$1,999.00

Irrigation \$3,361.00

New Total \$42,890.90

Minus:

Deposit Of \$400.00

Coupon Of \$750.00

Paid \$35,000.00

Total \$36,150.00

Agreement between James Parker and Billy Beasley at Ocean Blvd Isle of Palms to install hardwood steps and carpet.

Total

\$5,900.00

I will owe \$840.90

You started in March the job is still not a 100 %. The mulch was never enough, mortar color to be one color, the caulk above and below the tile, & the dead plants.

The inspector came by this week and said there was not a flood inspection after the pool was set. There has not been a final inspection done. His name is Karl Wichmann 202-6930.

Tuesday, November 23, 2010 AOL: Jparker815

I have signed off on everything w/ Miguel on the pricing.

Billy

Tuesday, November 23, 2010 AOL: Jparker815

11-064

# Smith | Closser, P.A.

Attorneys at Law  
7455 Cross County Road, Suite One  
Post Office Box 40578  
Charleston, South Carolina 29423-0578

Steven L. Smith  
ssmith@scnlaw.com

Office - 843-760-0220  
Fax - 843-552-2678  
www.smithclosser.com

July 10, 2014

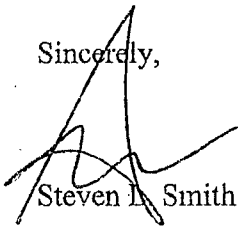
Charleston County Clerk of Court  
Attn: Judge Harrington  
Judicial Center  
100 Broad St, Ste 106  
Charleston, SC 29401

Re: *Wildflower Nursery d/b/a Pleasant Landscapes v. Billy Beasley*  
Case No.: 2010-CP-10-1559  
SJC File No.: 11-064

Dear Judge Harrington:

Enclosed please find an original and one copy of the Defendant's Notice of Motion and Motion to Amend Order Due to a Clerical Error along with a copy of the Amended Order for your signature. I would appreciate you sign this Amended Order file and return a copy in the enclosed envelope.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,  
  
Steven L. Smith

SLS/cmp  
Enclosure

cc: Christopher Inglese

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 WILDFLOWER NURSERY d/b/a PLEASANT )  
 LANDSCAPES, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOSEPH W. BEASLEY a/k/a BILLY BEASLEY, )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2011-CP-10-1559

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

<p style="text-align: center;"><u>Plaintiff's Attorney</u></p> <p style="text-align: center;">Christopher Santino Inglese          PO Box 21796          Charleston SC 29413</p>	<p style="text-align: center;"><u>Defendant's Attorney</u></p> <p style="text-align: center;">Steven L. Smith          Smith   Closser          P.O. Box 40578          Charleston, SC 29414          O: 843-760-0220 F: 843-552-2678          ssmith@scnlaw.com</p>		
<input checked="" type="checkbox"/> <b>MOTION HEARING REQUESTED</b> (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> <b>FORM MOTION, NO HEARING REQUESTED</b> (complete SECTIONS II and III) <input checked="" type="checkbox"/> <b>PROPOSED ORDER/CONSENT ORDER</b> (complete SECTIONS II and III)			
<p style="text-align: center;"><b>SECTION I: Hearing Information</b></p> <p>Nature of Motion: Motion to Amend Error due to Clerical Errir          Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO</p>			
<p style="text-align: center;"><b>SECTION II: Motion/Order Type</b></p> <p><input checked="" type="checkbox"/> Written motion attached  <input type="checkbox"/> Form Motion/Order</p> <p style="text-align: center;">I hereby move for relief or action by the court as set forth in the attached proposed order.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <p style="text-align: center;">Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant</p> </div> <div style="width: 30%; text-align: right;"> <p style="font-size: 1.2em; font-weight: bold;">7-10-14</p> <p>Date submitted</p> </div> </div>			
<p style="text-align: center;"><b>SECTION III: Motion Fee</b></p> <p><input checked="" type="checkbox"/> <b>PAID – AMOUNT: \$25.00</b></p> <table style="width:100%; border: none;"> <tr> <td style="width: 30%; border: none;"><input type="checkbox"/> <b>EXEMPT:</b> (check reason)</td> <td style="border: none;"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support  <input type="checkbox"/> Domestic Abuse or Abuse and Neglect  <input type="checkbox"/> Indigent Status    <input type="checkbox"/> State Agency v. Indigent Party  <input type="checkbox"/> Sexually Violent Predator Act    <input type="checkbox"/> Post-Conviction Relief  <input type="checkbox"/> Motion for Stay in Bankruptcy  <input type="checkbox"/> Motion for Publication    <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)  <input type="checkbox"/> Proposed order submitted at request of the court; or,            reduced to writing from motion made in open court per judge's            Name of Court Reporter: _____  <input type="checkbox"/> Other: _____         </td> </tr> </table>		<input type="checkbox"/> <b>EXEMPT:</b> (check reason)	<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's Name of Court Reporter: _____ <input type="checkbox"/> Other: _____
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<p style="text-align: center;"><b>JUDGE'S SECTION</b></p> <p><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.  <input type="checkbox"/> Other: _____</p>	<p>JUDGE CODE _____</p> <p>Date: _____</p>		
<p style="text-align: center;"><b>CLERK'S VERIFICATION</b></p> <p>Collected by: _____ Date Filed: _____  <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____  <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____</p>			

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

**Notice of Motion and Motion to  
Amend Order Due to a Clerical Error**

YOU WILL PLEASE TAKE NOTICE, that the undersigned as attorney for the Defendant, will move before the Presiding Judge for the Ninth Judicial Circuit, within ten (10) days from the service of this Notice of Motion, or as soon thereafter as counsel may be heard, for an Order Amending the Order filed on July 3, 2014.

This Motion is based upon a clerical error in the second sentence of the Order that was filed on July 3, 2014. The Plaintiff was not present at the hearing. The following should be removed from the Order "James Parker, owner of Plaintiff Wildflower Nursery, d/b/a Pleasant Landscapes" and the sentence should read "Present was Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley." An Order with this change was submitted to the court on May 14, 2014. A copy of this Amended Order it attached hereto.

SMITH | CLOSSER, P.A.



---

Steven L. Smith  
SC Bar No.: 05173  
7455 Cross County Road, Suite 1  
P.O. Box 40578  
Charleston, SC 29423-0578  
843-760-0220  
Attorney for the Defendant

7-10, 2014  
Charleston, South Carolina  
13-086

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

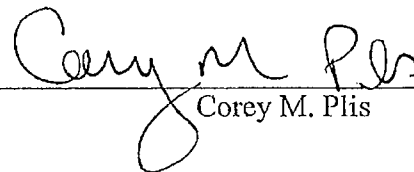
IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

**Certificate of Service**

I certify that on this date a copy of the foregoing **Defendant's Notice of Motion and Motion to Amend Order Due to a Clerical Error** was served by mailing or hand delivery on the following:

Christopher Santino Inglese  
PO Box 21796  
Charleston SC 29413

SMITH | CLOSSER, P.A.

  
Corey M. Plis

7-10, 2014  
Charleston, South Carolina  
11-064

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

**Amended Order**

The instant matter came on for trial on May 8, 2013. Present was Steven L. Smith, Esquire, on behalf of Defendant, and Defendant Billy Beasley. This action was initially filed, *pro se*, in the Small Claims Court. Mr. Parker, signing the complaint on behalf of the Plaintiff, alleged that Defendant owed an outstanding balance of \$5,498.88 for work performed, along with applicable interest and fees. Defendant answered and counterclaimed for \$15,300, the amount alleged to be the estimate required to complete the project left unfinished by Plaintiff, and make necessary repairs. Because the counterclaim exceeded the jurisdiction of the Small Claims Court, the case was transferred to this Court.

Following the transfer, Defendant filed a Motion to Strike, asserting that the *pro se* complaint, filed on behalf of a corporate entity, constituted the unauthorized practice of law by the owner. Defendant noted in its Motion that it is well established that a corporation must be represented by a licensed attorney. *Renaissance Enterprises, Inc. v. Babb*, 334 S.C. 649, 515 S.E.2d 257 (1999). Although an authorized individual may represent a corporate entity in Small Claims, such representation is not permissible in this Court.

Plaintiff failed to obtain counsel to sign the complaint, answer to the counterclaims, or to otherwise appear on its behalf before this Court. The Court finds that Motion to Strike of Defendant is well taken, and it should be and hereby is GRANTED. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN. In addition, as Plaintiff has failed to answer to the counterclaim, the Court hereby enters judgment on behalf of Defendant.

As further grounds for the dismissal of the complaint, the Court notes that Plaintiff has failed to appear for the trial of this action, despite having received notice from the Clerk as to the date and time of this hearing. As Plaintiff was not present to proceed with its claim, the Court finds that Plaintiff has failed to prosecute this action, and it should be dismissed.

As to damages, Defendant Billy Beasley testified that much of the work originally called for in the contract between Plaintiff and Defendant had been left incomplete, and that additional portions of the work required significant remediation. In order to complete the contract, Defendant was forced to obtain substitute services, and he testified that in order to finish the work, he expended \$10,300 over and above the original contract price. Defendant testified about the contracted-for work that had not been finished by Plaintiff, and also testified about the specific items of work that had been incorrectly performed and which had to be removed and replaced.

Having found that Plaintiff failed to answer to the counterclaim, and that judgment must therefore be entered in favor of Defendant, the Court further finds that Defendant has proven damages in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars. The Court will, therefore, enter judgment as follows:

1. The Complaint of Plaintiff Wildflower Nursery, Inc. d/b/a Pleasant Landscapes is hereby STRIKEN;

2. Judgment shall be entered in favor of Defendant William Beasley a/k/a Billy Beasley on the Counterclaim in the amount of Ten Thousand Three Hundred and 00/100 (\$10,300.00) Dollars.

IT IS SO ORDERED!

\_\_\_\_\_  
JUDGE

\_\_\_\_\_, 2014  
Charleston, SC



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

Wildflower Nursery, Inc., d/b/a Pleasant  
Landscapes,

Case No. 2011-CP-10-1559

Plaintiff,

vs.

Joseph W. Beasley a/k/a Billy Beasley,

Defendant.

**MOTION TO ALTER, AMEND,  
RECONSIDER, AND/OR VACATE**

FILED  
2014 JUL 14 AM 10:41  
JULIE J. STRONG  
CLERK OF COURT  
RY

To: Joseph W. Beasley, Defendant, and his attorneys of record:

Wildflower Nursery d/b/a Pleasant Landscapes (hereinafter "Wildflower") moves pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure to alter, amend, and/or reconsider its order entered on July 3, 2014. Wildflower also moves pursuant to Rule 60, SCRCP, to vacate the orders filed November 26, 2013 and June 9, 2014, which purport to enforce a judgment that was not final.

Written notice of the entry of the July 3, 2014 order was received on July 11, 2014, when the undersigned was served with a copy of Joseph W. Beasley's motion to amend the July 3<sup>rd</sup> order. This motion is supported by the attached memorandum of law and exhibits thereto.

*[Signature block on following page]*

Respectfully submitted,



---

Christopher Inglese  
P.O. Box 21796  
Charleston, SC 29413  
p. 843.277.9785; f. 843-353-2523  
[chris@ingleselaw.info](mailto:chris@ingleselaw.info)

And

Tanya A. Gee  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700 (29201)  
Post Office Drawer 2426  
Columbia, South Carolina 29202  
T: 803-771-8900; F: 803-727-1453  
[tgee@nexsenpruet.com](mailto:tgee@nexsenpruet.com)

Charleston, South Carolina  
July 14, 2014





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INDEX TO EXHIBITS

No exhibits were introduced

1 PROCEEDINGS

2 THE COURT: Keep talking Mr. Smith.

3 MR. SMITH: Thank you, Your Honor. My name is  
4 Steve Smith. I represent the defendant Joseph W. Beasley  
5 also known as Billy Beasley in a case that was brought by  
6 Wildflower Nursery Inc. doing business as Pleasant  
7 Landscapes.

8 It was brought originally in Small Claims Court kind  
9 of as I think a race to the courthouse to see who could  
10 beat whom to the courthouse. They brought it in Small  
11 Claims Court. Billy filed a counterclaim, exceeded the  
12 jurisdiction and it was then brought to this court.  
13 Wildflower Nursery Inc. is a corporation. We told them  
14 they needed to be ---

15 THE COURT: --- hold on one second.

16 [Off the record momentarily]

17 MR. SMITH: The plaintiff is a corporation. I told  
18 them that they can't be represented -- that they can't  
19 represent themselves in Circuit Court since the matter  
20 before I even became involved was transferred. They  
21 wouldn't get an attorney. We filed a motion to have  
22 their complaint struck because they can't represent  
23 themselves in Circuit Court. They still didn't get an  
24 attorney and we're here today. We notified them of this  
25 hearing and they still haven't shown up and they still

1 don't have an attorney. Your Honor, we do have a  
2 counterclaim that I would like to proceed on.

3 THE COURT: All right. What's your counterclaim?

4 MR. SMITH: The counterclaim is -- Wildflower  
5 Nursery did work -- Billy is a contractor and does a lot  
6 of construction work. This just happened to be on his  
7 personal house. They came out and did landscaping on his  
8 house. He ended up having to incur 15,300 dollars to  
9 have their work corrected; and we have pictures of the  
10 work. Their remaining balance of the contract was 5,000  
11 dollars so it would be a counterclaim of 10,300 dollars.

12 THE COURT: How much, I'm sorry?

13 MR. SMITH: 10,300 dollars.

14 THE COURT: All right. Let me hear testimony.

15 MR. SMITH: I'd call as my first witness Billy  
16 Beasley.

17 THE COURT: This is all within two minutes, Mr  
18 Smith.

19 MR. SMITH: It will be very quick.

20 [Whereupon, Mr. Beasley comes forward]

21 [Whereupon, the witness is duly sworn by the Clerk  
22 of Court]

23 CLERK OF COURT: Sir, for the record if you will  
24 please state your name spelling your last name.

25 THE WITNESS: My name is Joseph Beasley, Jr.,

1 B-E-A-S-L-E-Y.

2 THE COURT: All right. Mr. Smith?

3 - - - - -

4 JOSEPH BEASLEY,

5 Having been first duly sworn,

6 Was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SMITH:

9 Q. Mr. Beasley, did you hire Wildflower Nursery, Inc.  
10 doing business as Pleasant Landscapes to do some work at  
11 your house?

12 A. Yes, sir.

13 Q. And did they do that work?

14 A. Yes, sir.

15 Q. And did they perform that work in accordance with  
16 the contract documents?

17 A. No, sir.

18 Q. You and your father build houses?

19 A. Yes, sir.

20 Q. Y'all have built about 40 houses?

21 A. Yes, sir.

22 Q. And that's what you do for a living?

23 A. We do many things.

24 Q. You own -- in addition you own a carpet company, you  
25 do construction?

1 A. Yes, sir.

2 Q. General construction?

3 A. Yes, sir.

4 Q. And you've done that for fourteen years?

5 A. Yes, sir.

6 Q. Did you price out what it is going to cost to have  
7 their work corrected?

8 A. Yes, sir.

9 Q. And after you priced it out did you in fact do the  
10 normal thing which is get bids on what it is going to  
11 cost to correct it?

12 A. Yes, sir.

13 Q. And is that what a typical contractor, somebody like  
14 you would do to arrive at a cost of what it is going to  
15 cost?

16 A. Yes, sir.

17 Q. And have you started correcting the work?

18 A. Two weeks ago we started.

19 Q. With one of the companies that gave you a bid?

20 A. Yes, sir.

21 Q. Above the completion cost, in other words if you'd  
22 paid the contract in full to Wildflower how much in  
23 addition is it going to cost you to complete this?

24 A. 10,300.

25 Q. And is that based on your expertise in your business

1 and what you've done in the past?

2 A. Yes, sir.

3 MR. SMITH: Your Honor, I have no further  
4 questions.

5 THE COURT: All right. Thank you.

6 [Whereupon, the witness is excused and exits the  
7 witness stand]

8 THE COURT: All right. Mr. Smith, do you have a  
9 proposed order?

10 MR. SMITH: I wasn't sure if they were going to  
11 come today.

12 THE COURT: All right.

13 MR. SMITH: I will submit one if you would like by  
14 email.

15 THE COURT: All right. If you will do that I will  
16 take this matter under advisement. Anything further?

17 MR. SMITH: Nothing, Your Honor.

18 THE COURT: Thank you. Good luck to you, Mr.  
19 Beasley.

20 MR. SMITH: Thank you, Your Honor.

21 \*\*\*\*\*END OF TRANSCRIPT OF RECORD\*\*\*\*\*

22

23

24

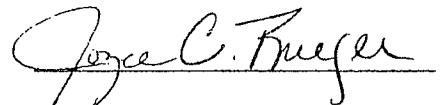
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official  
Circuit Court Reporter for the Ninth Judicial Circuit of  
the State of South Carolina, do hereby certify that the  
foregoing is a true, accurate, and complete Transcript of  
Record of the proceedings had and evidence introduced in  
the trial of the captioned case, relative to appeal, in  
the Court of Common Pleas for Charleston County, South  
Carolina on the 7th day of May, 2013.

I do further certify that I am neither of kin,  
counsel, nor interest to any party hereto.

July 25, 2014



Joyce C. Rueger, CVR-M  
Court Reporter

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

COURT OF COMMON PLEAS

Wildflower Nursery, Inc., )  
 )  
PLAINTIFF, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
DEFENDANT. )  
\_\_\_\_\_ )

**TRANSCRIPT OF MOTIONS**  
C/A No. 2011-CP-10-01559

Charleston County Courthouse  
May 15, 2014

BEFORE:

HONORABLE KRISTI LEA HARRINGTON, PRESIDING

APPEARANCES:

Zachary James Closser, Esquire  
Attorney for Plaintiffs

Stephen L. Smith, Esquire  
Attorney for Defendant

TAKEN BY MELISSA R. SINGLETARY  
CERTIFIED VERBATIM REPORTER

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 The Court: Good-morning. Counsel, please state your  
2 name for the record and who you represent.

3 Mr. Inglese: Good morning, Your Honor, I'm  
4 Christopher Inglese and I represent Wildflower Nursery  
5 aka Pleasant Landscaping.

6 Mr. Smith: Good morning. Steve Smith. I represent  
7 Joseph W. Beasley, also known as Billy Beasley, the  
8 Defendant.

9 The Court: Counsel, what are we doing here today?

10 Mr. Inglese: Your Honor, the Plaintiff in this case  
11 is here on a Motion to reconsider, Rule 60 motions to  
12 modify, amend or vacate the judgment, the judgment that  
13 was entered, I think it was May of last year and timely  
14 filed. This has been on going, we were here twice before  
15 and we think that you have grounds to at least modify.  
16 One of three things probably should happen here. Either  
17 reopen the case and be able to present our case. In the  
18 alternate we could have a true damages hearing because  
19 I'm convinced that one didn't really happen in this case  
20 or you could just modify based on the exhibits that we've  
21 provided in arguments today regarding this, it's a fairly  
22 simple breach of contract. We started the case in small  
23 claims court. The Plaintiff brought two small claims  
24 actions for \$7,500 each. One for the landscape company,  
25 one for the pool company. The counterclaim included a

1 10,000.00 counterclaim so it got moved to circuit court.

2 At that point, the Plaintiff, my client, never got  
3 any correspondence for a year and a half, almost two  
4 years after that. Never got any notices in the mail,  
5 never got a phone call from the defendant and a judgment  
6 was entered. I believe that would be a default judgment  
7 but I'm not clear on whether or not that's a default  
8 judgment. We would take the position that it was a  
9 default judgment and that under Rule 55 or Rule 60, 55©)  
10 for good cause shown the court may set aside an entry of  
11 default and if judgment by default has been entered, set  
12 it aside in accordance with Rule 60(b). We think there  
13 is good cause in this case because essentially the  
14 Defendant has had no damages. His claims for having to  
15 supplement the deficiencies of the Plaintiff's  
16 performance in the contract is less than the deficiencies  
17 that he paid in the bill that he had outstanding for  
18 landscaping and pool work. So even with ... basically  
19 there was \$17,000 in outstanding bills. This Court  
20 awarded a \$10,000 judgment in favor of the defendant, but  
21 that's a windfall. In other words, he's getting \$45,000  
22 worth of work minus \$17,000 that he didn't pay plus  
23 another \$10,000 judgment on top of that. So he's getting  
24 \$27,000, basically he's getting half price a pool and all  
25 this landscaping work for half price.

1 Under the Tomlinson case, that I handed up last time  
2 I was here, I think the language in that case is very  
3 clear on what is allowed under this breach of contract  
4 and that a windfall is not available to the defendant in  
5 this case. He's essentially getting more. We're only  
6 supposed to put people back in the place they would have  
7 been had the performance been done and we've gone way  
8 pass that. So we'd like either the opportunity to  
9 balance this court's judgment by having a damages hearing  
10 so we can demonstrate to you that the defendant actually  
11 had no damages and what he was awarded was a windfall and  
12 he's not entitled to it under the stated law.

13 The Court: Tell me why I should give your client ---  
14 why your client didn't respond --- how this all came  
15 about.

16 Mr. Inglese: The first Rule 60 that was filed  
17 included an Affidavit filed by the president of the  
18 company and it stated that they never received a single  
19 notice in the mail. It's possible that I, well, the  
20 Secretary of State's Office has the forwarding address  
21 still listed. My understanding from opposing counsel is  
22 that they sent it to the current P.O. Box as well as the  
23 old address but for whatever reason they never got notice  
24 of the hearing, they never got notice of the motion.  
25 They did a motion a long time ago to basically ---

1 because they didn't have an attorney at the time that it  
2 came to circuit court and the rules require that they  
3 have an attorney because they are a business entity.  
4 They filed that motion and got heard on that motion and  
5 the result of that the Complaint got stricken. They were  
6 never made aware of that, they were never noticed, they  
7 never appeared on behalf of the claim. At that point a  
8 hearing was set in this court, but they never received  
9 any notice of that. They never received notice of that  
10 final hearing that happened. Then I came in after the  
11 judgment got entered because what happened was they  
12 started getting phone calls. They got notices of the  
13 judgment. Once they got a judgment someone picked up the  
14 phone and called these folks said we got a judgment, how  
15 are you going to pay us. You know, it would have been  
16 nice to get a phone call, you know, sometime before that.  
17 If there had of been an attorney involved that courtesy  
18 would have extended it but for whatever reason they  
19 didn't and a judgment got entered and I think equity is  
20 in the pursuit of justice, you know, we would  
21 respectfully request an opportunity to make this ...

22 The Court: How is there equity if your clients were  
23 not following their rules. It was their case, correct?

24 Mr. Inglese: Yes.

25 The Court: Just because they sit on their rights and

1 now an adverse ruling has occurred, how does that, how is  
2 that equitable for me to reopen this case?

3 Mr. Inglese: Well, they ....their position is ...

4 The Court: Under your equitable principles because  
5 the first thing I'm going to do is find a legal principle  
6 and follow it.

7 Mr. Inglese: I think the rules provide a legal  
8 principle to follow for just cause shown. Two things. We  
9 didn't know about any of the proceedings things. I think  
10 the conduct of my client is consistent ...

11 The Court: Doesn't the law provide that your client  
12 be at least proactive about what is happening in a year  
13 and a half?

14 Mr. Inglese: You know, I think that presumption is  
15 fair. I can't point to any rule that says they have to  
16 check in with the court every six months or every nine  
17 months or every year. Had there been a lawyer involved,  
18 I think communication would have been fair.

19 The Court: I would agree. Mr. Smith had contacted  
20 the attorney of record and maybe they would have found  
21 out but again I don't know that their failure to hire an  
22 attorney and have a contact person other than themselves  
23 is just cause.

24 Mr. Inglese: Well, I think their conduct is  
25 consistent with their position that they never got any

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notices.

The Court: It's a circular argument. They never got any notice because they don't have an attorney and they don't have an attorney evidentially because they didn't get notice.

Mr. Inglese: They are entitled to notice and I don't know that there is anything in the court's file that guarantees to some satisfaction that ...

The Court: At some point notice had to go out, Mr. Smith is here.

Mr. Inglese: I know but we can't point to it. The clerk's office --- there is nothing in the clerk's file that points to it.

The Court: Paige do you have that file. Do you show that notice was sent?

Ms. Paige: I can look and see.

Mr. Smith: Your Honor, you've already heard the notice issue. You've already issued an Order in the notice issue.

The Court: I prefer, as we all do, I prefer to try cases on there merits, and I understand. I'm trying - I don't like doing it this way. I don't like default judgments and I think everyone here would agree it is just better if we try the cases on the merits for that very reason that the Plaintiff is her again and I

1 understand your position.

2 Mr. Smith: This wasn't a default. This was a trial  
3 on the merits. If you read the Order that you granted  
4 ...

5 The Court: The issue is, what I understand the issue  
6 is they are complaining that they never received the  
7 notice. I'm sure that ...

8 Mr. Smith: I'd love to be heard on that.

9 The Court: I'm sure I know that with a reasonable  
10 degree of certainty that I would not have heard the issue  
11 without a Plaintiff being present if I was not convinced  
12 that there had been notice, but out of an abundance of  
13 precaution, we're here, I have all day, and I just want  
14 to make sure, because it is important for me that the  
15 Plaintiff as well as your client, Mr. Smith, feel that  
16 they are adequately heard on the merits in the case and  
17 that is what we can do. All right.

18 Mr. Inglese: Your Honor, my client just informed  
19 that she was, during this time, however it was  
20 misdirected. She followed up with small claims court in  
21 regular intervals and they didn't have any news for her  
22 unfortunately, my client is, you know, a business entity,  
23 but they are not lawyers, they are not, you know, part of  
24 the system. They are doing the best they can.

25 The Court: When were you retained?

1 Mr. Inglese: Pardon?

2 The Court: When were you retained?

3 Mr. Inglese: Pretty much, in a very short period of  
4 time after your judgment was entered because again as  
5 soon as your judgment was entered they got phone calls,  
6 they got letters in the mail.

7 The Court: Was your motion to set aside timely  
8 filed?

9 Mr. Inglese: Yes. Yes.

10 The Court: Mr. Smith is saying no.

11 Mr. Smith: Your Honor, I'd love to be heard on all  
12 this because I'd love to give you the right time line, if  
13 I can, on what's happened.

14 The Court: I really want, you all have been here and  
15 I'm trying to make sure that, that everyone feels that  
16 the proper procedure was followed and Mr. Smith there is  
17 no doubt that we addressed these issues but Mr. Inglese  
18 is here now attempting to represent his client so I just  
19 want ... I know you have other things you'd rather be ---  
20 you feel we've already addressed ...

21 Mr. Smith: I want the court to realize he was here  
22 at a previous hearing and you've already heard all those  
23 issues and you rendered an order already denying that  
24 relief.

25 The Court: Why are we doing it again, Mr. Inglese?

1 Mr. Inglese: Well, they filed a motion for  
2 supplemental proceedings and in response to that we filed  
3 another Rule 60 on similar grounds but ...

4 The Court: Let me hear you on the motion for  
5 supplemental proceedings. What are you requesting? For  
6 me to send it to the Master?

7 Mr. Smith: That's correct.

8 The Court: What are you hoping the Master is going  
9 to accomplish?

10 Mr. Smith: Well, Your Honor, we're a judgment  
11 creditor, and I'd love to back up, I know you don't want  
12 to hear it but I'd love to back up and tell you what  
13 really happened in this case because you will see the  
14 responses from the Plaintiff only came in response to  
15 things we were doing. The original Motion to reconsider  
16 wasn't timely filed. It was only done after we asked a  
17 receiver be appointed. Then they filed ... We asked  
18 that the original complaint be struck because they didn't  
19 have a lawyer in circuit court, they were a corporation.  
20 We had a trial. The case was called to trial pursuant to  
21 the roster. The clerk said we gave them notice. They  
22 have a P.O. Box that they gave small claims court but  
23 that's different from the registered agents street  
24 address so we sent it to both places. That's what he was  
25 saying. We, out of an abundance of precaution, sent them

1 to both. To the P.O. Box they gave small claims court and  
2 a street address. We had an actual trial with testimony  
3 and we presented it. We asked for \$50,000 in damages, you  
4 only gave them \$10,300. At a trial we had witnesses, we  
5 took testimony. We got a judgment, we sent it to the  
6 Plaintiff, they did nothing.

7 The Court: Mr...Inglese's position is that we didn't  
8 really have that.

9 Mr. Smith: Well, yeah, I mean, we've got an Order  
10 showing all this.

11 Mr. Inglese: We've got a Form 4 Order but there's no  
12 conclusions of knowledge of findings of fact. I can't  
13 find it in the court's file.

14 The Court: I did a formal order, didn't I.

15 Mr. Smith: We had submitted a formal order, I don't  
16 know if it ever got signed. You did a Form 4 and we  
17 submitted a formal Order in accordance with ...

18 The Court: I remember reviewing it. All right. Mr.  
19 Smith, I'll be happy to hear from you. Whatever else I  
20 need to know.

21 Mr. Smith: So we sent the judgment to the Defendant,  
22 I mean, the Plaintiff saying what are you going to do. I  
23 even called. I said look man, we've got a judgment  
24 against you, what are you going to do? They did nothing.  
25 So then, and you gave the judgment back in May, May 9,

1 2013. In July, we had sent the execution in well after  
2 the time for an appeal, motion to reconsider any of that.  
3 We sent an execution in to the clerk to get signed and  
4 sent it to the Sheriff and nothing still from the  
5 Plaintiff at this point.

6 August 30<sup>th</sup> we filed a motion to appoint a receiver.  
7 We finally got the **novo bono** back from the Sheriff's  
8 Office September 3, so we filed the supplemental along  
9 with the Motion for appointment of a receiver. Not until  
10 September 11, did we get a motion to reconsider because  
11 of the notice issue.

12 The Court: What date, I'm sorry.

13 Mr. Smith: Four months after you had already ruled.  
14 And four months after we had sent it in. But you'd never  
15 believe the motion to reconsider your judgment was pro  
16 se. Even though the Order, even though they knew that  
17 they couldn't appear pro se they filed a motion pro se.  
18 Then the attorney got involved, we came and argued the  
19 notice issue. You issued a decision saying their motion  
20 to reconsider is denied and that was, that was done in  
21 November of 2013. We then pushed forward to collect this  
22 judgment and they again denied it. They filed this  
23 motion in January. Sixty days after that decision came  
24 out and it's another sixty. You know, there's only two  
25 sixties that they can go under, 60(a) and 60(b). I don't

1 think this is a 60(a) because I don't think it's  
2 attempting to correct a clerical error, it would have to  
3 be under 60(b) which would be surprise or neglect or  
4 something. I've never seen an attorney, I don't think  
5 it's possible for an attorney to file a Rule 60 Motion  
6 for Relief when a ruling has come out in a hearing he's  
7 attempted, because there is no negligence, there is no  
8 surprise, there is no excuse. He was here and he just  
9 lost. Now, if you wanted to do something you've got to  
10 file a Motion to Reconsider within ten (10) days and then  
11 appeal. You don't wait sixty days and then file a Rule  
12 60(b). Only in response to us trying to get a  
13 supplemental proceeding. That's what I am saying. The  
14 response from the Plaintiff has been not timely but in  
15 response to what we are doing to try to collect our  
16 judgment. I called the attorney and I said you can't do  
17 this. If you didn't like the original order about the  
18 notice you need to file a Motion to Reconsider within ten  
19 (10) days of that Order coming out. You can't file it.  
20 It's impossible for an attorney to file a Rule 60, sixty  
21 days after he's been ruled against in Court. I don't  
22 see, there is nothing in Rule 60 that allows anybody to  
23 do that. You have to file a motion to reconsider if you  
24 don't like it, then you have the right to appeal. And I  
25 explained that to him and he said well I got to go.

1 forward. I've got to do this, I've got to do that.

2 Your Honor, at this point, I would love to have  
3 attorneys fees for having to attend this because this is  
4 the third hearing that we've attended and this has  
5 already been heard by this court and denied.

6 Mr. Inglese: Your Honor, nothing in Rule 60 ...

7 The Court: Hold on one second.

8 The Inglese: All right.

9 The Court: All right.

10 The Inglese: Nothing in Rule 60 prohibits and we've  
11 looked into this in depth, multiple Rule 60s. We are  
12 here actually responding to ...

13 The Court: You have to show every time, if I've  
14 already ruled on it and denied it, you have to show  
15 something knew ...

16 The Inglese: Right. In here the crux of this today  
17 is I have no reason to think otherwise but that there  
18 were omissions in the defendant's testimony regarding his  
19 balance that he owed the plaintiff and those omissions  
20 amount to a misrepresentation before this court. If you  
21 had that information the ruling would have been  
22 different, but, I can't imagine a scenario where Mr.  
23 Beasley got on the stand and said, well, I owe them  
24 \$17,000 and it only costs me \$10,000 to fix it, so I  
25 don't have the transcript. I don't have the findings of

1 fact from the Order because it doesn't exist at the time.  
2 Absent that scenario, if that had happened then your  
3 ruling would have been different. I'm sure of it. But  
4 that didn't happen and I think that omission is a  
5 misrepresentation under Rule 60 that entitles the  
6 Plaintiff to relief.

7 Mr. Smith: Your Honor ...

8 The Court: Hold on Mr. Smith. That goes back to the  
9 notice issue as to why you weren't here. And I've  
10 already addressed that issue. Just because you didn't  
11 like my ruling that's not sufficient for you to keep  
12 filing a motion in essence for me to keep reconsidering.

13 Mr. Inglese: We are just responding to their motion.  
14 They filed supplemental proceedings. This was ... yes,  
15 another Rule 60 but it was in response to their request  
16 to go to the Master, and so, I mean, I'm using what I  
17 have available to me which ...

18 The Court: I don't know that that's the proper  
19 procedure counsel.

20 Mr. Inglese: I can't find anything that prohibits us  
21 from doing it so we went forward with it because we felt  
22 like for just cause, for good cause we need to have a  
23 real genuine damages hearing at the minimum. It would be  
24 great to reopen the whole thing. I don't think that is  
25 going to happen. You know, we can take a lost. Like I

1 said last time I was here. We can take a lost but  
2 punishing my client, I mean, this is the kind of thing  
3 that puts, you know, us in a bad light, I think in a lay  
4 community is my clients they are essentially being  
5 punished but they are the ones actually ...

6 The Court: What about Mr. Beasley. Mr. Beasley has  
7 been here every time.

8 Mr. Inglese: He's got already, he's already \$7,000  
9 ahead.

10 The Court: Mr. Inglese, that's just to touch on that  
11 point. There's always a criticism of our justice system  
12 no matter which side it never appears that justice is  
13 done. I'm trying to follow the rules because that is the  
14 way that I insure from where I sit that justice is done.  
15 I believe that based upon my review I have followed the  
16 law. I've given you every opportunity to come in, and  
17 you cannot circumvent the process because you don't like  
18 my ruling. There are ways you could have done that  
19 timely and you have again sat, you, your client, I don't  
20 know that it was you in particular because I don't know  
21 at what stage of the game or stage of this litigation  
22 that you were involved but this is not the proper vehicle  
23 at this time, a motion to reconsider when I've already  
24 ruled on these issues. What I understand the issue to be  
25 here to day is the motion for supplemental proceedings so

1 Mr. Inglese let me hear from you regarding that matter.

2 Mr. Inglese: Your Honor, if I may point out, in the  
3 November Order you denied both motions. Both their  
4 motion to appoint a receiver and our motion to reconsider  
5 at that time. A Form 4 Order. The appointment of  
6 receiver was denied and our motion to reconsider the  
7 notice issue was denied. I want repeat myself on the  
8 omissions that I think occurred here but I just point  
9 again to Rule 55©) I believe this was a default setting  
10 for my clients failure to defend and for good cause shown  
11 having the authority to set this under Rule 55©) and  
12 60(b) you have the clear authority to set us on the right  
13 path. We are here requesting that.

14 The Court: Mr. Smith, anything further?

15 Mr. Smith: Nothing, Your Honor.

16 The Court: Counsel, I recall drafting a Form 4  
17 Order. I'm going to take today and look for that Order.  
18 There was a period in the Clerk's office where my orders  
19 were not being filed so I'm going to look to make sure.  
20 Mr. Inglese that probably is and I know that I laid out  
21 certain things in that formal Order because I remember  
22 spending the time because when we went forward this case  
23 had been on the non-jury roster at least March 28 and  
24 April 30. So, I know and it is typically my practice  
25 especially when a party is not present to lay out the

1 notice issue in detail. I will address these matters.

2 You'll have my ruling within ten (10) days.

3 Good luck to you. Thank you. Good luck to you Mr.

4 Beasley. Thank you.

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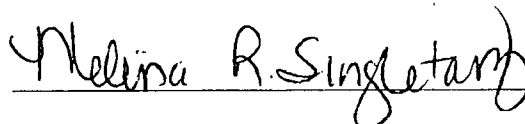
25

**CERTIFICATE**

This is to certify that the motion transcript in the matter of Wildflower Nursery, Inc. Vs. Joseph W. Beasley, consisting of Nineteen (19) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th<sup>th</sup> day of October, 2014.



Melissa R. Singletary  
Certified Court Reporter

Notary Public for South Carolina

Joseph W. Beasley Jr  
758 Grimsley Dr  
Charleston, SC 29412  
843-224-3931 Mobile

12.28.10

Small Claims Court  
4045 Bridge View Dr  
North Charleston, SC 29405

Re: 2010-SC-87-002639  
2011-CP-10-1559

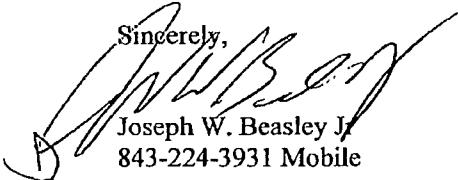
To Whom It May Concern:

This letter is in regards to the reference number above. I Joseph Beasley Jr, appoligize that I will not be able to attend the court hearing on Feb 11, 2011 due to witnesses not being available.

Please feel free to contact me with any questions or concerns in regards to this matter.

Thank you.

Sincerely,



Joseph W. Beasley Jr  
843-224-3931 Mobile

FILED IN CHARLESTON COUNTY

FEB 07 2011

SMALL CLAIMS COURT

LAW OFFICES  
**SMITH & KOONTZ**  
PROFESSIONAL ASSOCIATION

Zachary J. Closser  
zclosser@scnlaw.com

7485 Cross County Road, Suite One  
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29423-0578

Telephone  
(843) 760-0220  
Facsimile  
(843) 552-2678

February 22, 2011

FILED IN CHARLESTON COUNTY  
FEB 22 2011  
SMALL CLAIMS COURT

Via Facsimile Only (843-202-6652)  
The Honorable James A. Turner  
Charleston County Small Claims Court  
4045 Bridgeview Drive, B146  
North Charleston, SC 29405-7464

Re: *Wildflower Nursery d/b/a Pleasant Landscapes v. Billy Beasley*  
Case No.: 2010-SC-87-002639      2011-CP-10-1559  
S&K File No.: 11-064

Dear Judge Turner:

Please be advised that Smith & Koontz, P.A. represents the Defendant Mr. Beasley in the above referenced case. On December 29, 2010 Mr. Beasley filed a narrative answer asserting at least \$15,300.00 in repair costs for the work performed by the Plaintiff, which is the subject of Plaintiff's claim. It is Mr. Beasley's position that he is entitled to this amount of money from the Plaintiff. Accordingly, I request that this case be removed to the circuit court. Even if we assume that Plaintiff is entitled to the whole of his alleged claim, which my client disputes, the counterclaim asserted by Mr. Beasley still exceeds the \$7,500.00 jurisdictional limit of this court. If you would like Mr. Beasley to amend his answer and definitively assert this counterclaim, I will gladly do so. This case is scheduled to be heard on Wednesday, March 2, 2011 at 10:00 a.m. Please advise as to how the court would my client and the parties to proceed.

If you have any questions, do not hesitate to contact me.

Sincerely,



Zachary J. Closser

ZJC

cc: Billy Beasley  
Wildflower Nursery d/b/a Pleasant Landscapes

Changed  
J.T. 2/22/11  
please only to send to  
Common pleas

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WILDFLOWER NURSERY d/b/a  
PLEASANT LANDSCAPES,

Plaintiff,

vs.

JOSEPH W. BEASLEY a/k/a BILLY  
BEASLEY,

Defendant.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

Certificate of Service

FILED  
2013 AUG 30 PM 1:30  
JULIE J. ARMSTRONG  
CLERK OF COURT

I certify that on this date a copy of the foregoing **Defendant's Notice of Motion and Motion to Appoint a Receiver** was served by mailing or hand delivery on the following:

**Wildflower Nursery d/b/a Pleasant Landscapes**  
**P.O. Box 445**  
**Isle of Palms, SC 29451**

SMITH | CLOSSER, P.A.

*Corey M. Plis*  
\_\_\_\_\_  
Corey M. Plis

8-28, 2013  
Charleston, South Carolina  
13-086

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1559

WILDFLOWER NURSERY INC. d/b/a )  
PLEASANT LANDSCAPES, )  
 )  
Plaintiff, )

vs. )

JOSEPH W. BEASLEY a/k/a )  
BILLY BEASLEY, )  
 )  
Defendant. )

AFFIDAVIT OF JAMES PARKER  
IN SUPPORT OF MOTION TO  
VACATE JUDGMENT

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2013 SEP 12 PM 3:40

FILED

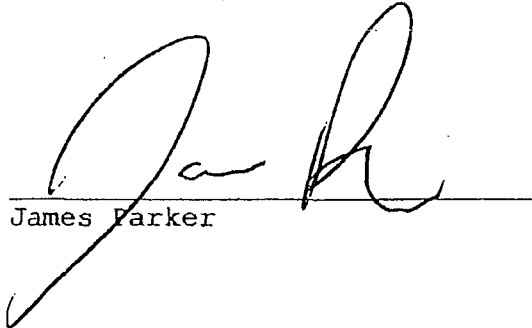
I, the undersigned James Parker, being sworn and under oath hereby state.

1. I was during the period of time from 2010 to 2013 the manager of Wildflower Nursery, Inc. and its activities under the trade names "Pleasant Pools" and "Pleasant Landscapes" being acquainted with its business, records and employee's activities.


2. The above business activities were conducted consistently giving the address of P.O. Box 445; Isle of Palms, SC 29451 and more specifically the files pertaining to this Defendant bear such address consistently.

3. I have made dutiful inquiries and neither I nor any employees I received any notices of hearings or other matters from approximately

September of 2011 onward up until the present notice of judgement  
which was addressed to P.O. Box 445; Isle of Palms, SC.

  
James Parker

SWORN TO BEFORE ME THIS THE  
11<sup>th</sup> Day of sept, 2013.

X  (SEAL)  
Barry C. Holder - Notary Public  
For the State of South Carolina  
My Commission expires 4/27/17

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF )  
 )  
 \_\_\_\_\_ )  
 PLAINTIFF )  
 \_\_\_\_\_ )  
 STREET ADDRESS )  
 \_\_\_\_\_ )  
 CITY, STATE ZIP )  
 \_\_\_\_\_ )  
 TELEPHONE )  
 VS. )  
 \_\_\_\_\_ )  
 DEFENDANT(S) )  
 \_\_\_\_\_ )  
 STREET ADDRESS )  
 \_\_\_\_\_ )  
 CITY, STATE ZIP )  
 \_\_\_\_\_ )  
 TELEPHONE )

\_\_\_\_\_  
 CIVIL CASE NUMBER  
 IN THE MAGISTRATE'S COURT

COUNTERCLAIM

The defendant states he has a claim against the plaintiff in the amount of \$ \_\_\_\_\_.  
 The counterclaim arose out of the same transaction or occurrence as the plaintiff's claim as a result of the following events:

The defendant states that the information contained in the counterclaim is true and correct to the best of his knowledge. Defendant understands that should he be successful in this action and obtain judgment, and if plaintiff does not appeal within thirty days, this judgment becomes final. The defendant cannot commence another action involving the same parties and issues.

I state under penalty of perjury that the above is correct and truthful.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Defendant (or his attorney)

**KEEP A COPY OF THIS COUNTERCLAIM AND BRING IT TO COURT**



**Julie J. Armstrong**  
Charleston County Clerk of Court

Charleston County  
Circuit Court Case Details  
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Switch View

Wildflower Nursery Inc , plaintiff, et al VS Joseph W Beasley Jr , defendant, et al					
Case Number:	2011CP1001559	Court Agency:	Common Pleas	Filed Date:	03/01/2011
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Non-Jury
Status:	Referred To Master	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Non Jury	Disposition Date:	05/10/2013	Disposition Judge:	Harrington, Kristi Lea
Original Source Doc:		Original Case #:			
Judgment Number:	2011CP1001559	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials							
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Wildflower Nursery Inc	Supplemental Notice of Appeal on order fr/ 7/3/14 & 7/21/14	Action		08/21/2014-09:50			
	Order/denies plntff's mot to alter, amend, reconsider or	Order		07/21/2014-10:20			
Wildflower Nursery Inc	Amended Order of Judgment	Order		07/21/2014-08:56			
	Notice of Appearance of Atty Gee for the plaintiffs, crt/srv	Filing		07/16/2014-09:19			
	Plaintiffs Memo in Support of Mot/Alter, Amend, Reconsider	Filing		07/14/2014-15:32			
Inglese, Christopher Santino	Motion/Alter, Amend, Reconsider or Vacate by plaintiff, srv	Motion		07/14/2014-15:31	07/21/2014-15:31		
Wildflower Nursery Inc	Motion/Motion Filing Fee	Filing		07/14/2014-10:51			
Wildflower Nursery Inc	Notice of Appealing Order filed 5/10/13 etc	Filing		07/11/2014-13:33			
Wildflower Nursery Inc	Order/Formal Order of Judgment	Order		07/03/2014-09:52			
Wildflower Nursery Inc	Order/Referred to Master & for supp proceedings etc	Order		06/09/2014-11:34			
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		05/08/2014-11:07			
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		05/08/2014-11:07			
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		05/08/2014-11:07			
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		05/07/2014-10:12			
Wildflower Nursery Inc	Motion/Motion Filing Fee	Filing		05/02/2014-13:30	06/09/2014-13:30		
Inglese, Christopher Santino	Motion/Relief from Judgment etc by plaintiff, crt/mail	Motion		05/02/2014-09:05	05/07/2014-09:05		
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		04/03/2014-12:06			
Inglese, Christopher Santino	Motion/Supplemental Proceedings & Relief by plntff, crt/mail	Motion		01/21/2014-11:20	06/19/2014-11:20		

Wildflower Nursery Inc	Order/Order Filing Fee	Filing		01/21/2014-09:52		
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		01/17/2014-13:51		
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		01/17/2014-13:51		
Inglese, Christopher Santino	Roster/Notice of Motions Roster Publication Sent	Action		01/17/2014-13:51		
	Order-crt denies plntff's mot to vacate judg & denies	Order		11/26/2013-11:06		
Wildflower Nursery Inc	Notice of Appearance of Atty Inglese	Filing		11/08/2013-16:28		
Wildflower Nursery	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Wildflower Nursery	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Smith, Steven L.	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		10/15/2013-15:18		
Closser, Zachary James	Motion/Supplemental Proceedings by defendant	Motion		10/15/2013-13:15	04/18/2014-13:15	
Beasley, Joseph W Jr	Motion/Motion Filing Fee	Filing		10/01/2013-09:08		
Wildflower Nursery Inc	Motion/Motion Filing Fee	Filing		09/13/2013-09:11	06/09/2014-09:11	
	Affidavit of James Parker in support of Mot/Vacate Judgment	Filing		09/12/2013-11:09		
Wildflower Nursery	Motion/Vacate Judgment by plaintiff, crt/srv	Motion		09/12/2013-11:09	11/18/2013-11:09	
Closser, Zachary James	Motion/Motion Filing Fee	Filing		09/03/2013-08:55		
Smith, Steven L.	Motion/Appoint Receiver by defendant, crt/srv	Motion		08/30/2013-09:09	11/18/2013-09:09	
Beasley, Joseph W Jr	Order/Judgment on C/claim & Granting Motion to Strike	Order		05/10/2013-13:05		
Pleasant Landscapes	Judgment/Judgment	Judgment		05/10/2013-13:05		
Beasley, Joseph W Jr	Judgment/Judgment	Judgment		05/10/2013-13:05		
Beasley, Joseph W Jr	Judgment/Judgment	Judgment		05/10/2013-13:04		
Wildflower Nursery Inc	Judgment/Judgment	Judgment		05/10/2013-13:04		
Closser, Zachary James	Roster/Notice of Case Roster Publication Sent	Action		04/30/2013-10:33	05/10/2013-10:33	
Wildflower Nursery	Roster/Notice of Case Roster Publication Sent	Action		04/30/2013-10:33	05/10/2013-10:33	
Closser, Zachary James	Roster/Notice of Case Roster Publication Sent	Action		03/28/2013-10:14	05/10/2013-10:14	
Wildflower Nursery	Roster/Notice of Case Roster Publication Sent	Action		03/28/2013-10:14	05/10/2013-10:14	
Wildflower Nursery	Roster/Notice of Motions Roster Publication Sent	Action		12/19/2011-08:40	05/10/2013-08:40	
Closser, Zachary James	Roster/Notice of Motions Roster Publication Sent	Action		12/19/2011-08:40	05/10/2013-08:40	
Beasley, Joseph	Motion/Motion Filing Fee	Filing		09/23/2011-10:47	05/10/2013-10:47	
Closser, Zachary James	Motion/Strike Plntff's summons & cmplt & cert/serv	Motion		09/23/2011-08:52	01/11/2012-08:52	
Wildflower Nursery Inc	Filing Fees Waived	Filing		03/01/2011-15:39	05/10/2013-15:39	
Wildflower Nursery Inc	Summons & Complaint	Filing		03/01/2011-15:37	05/10/2013-15:37	
	Miscellaneous Documents	Filing		03/01/2011-12:34	05/10/2013-12:34	
	Service/Affidavit Of Service	Filing		03/01/2011-12:34	05/10/2013-12:34	
Beasley, Joseph W Jr	Answer/Answer of Defnt	Filing		03/01/2011-12:32	05/10/2013-12:32	
	Order/Order Transferring Case	Order		03/01/2011-12:16	05/10/2013-12:16	



**Julie J. Armstrong**  
Charleston County Clerk of Court

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Wildflower Nursery Inc , plaintiff, et al VS Joseph W Beasley Jr , defendant, et al					
Case Number:	2011CP1001559	Court Agency:	Common Pleas	Filed Date:	03/01/2011
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Non-Jury
Status:	Referred To Master	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Non Jury	Disposition Date:	05/10/2013	Disposition Judge:	Harrington, Kristi Lea
Original Source Doc:		Original Case #:			
Judgment Number:	2011CP1001559	Court Roster:			

Case Parties    Judgments    Tax Map Information    Associated Cases    Actions    Financials									
Click the  icon to show associated parties.									
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated		
<input checked="" type="checkbox"/> Beasley, Bill					Defendant		05/20/2013		
<input checked="" type="checkbox"/> Beasley, Joseph					Defendant		05/20/2013		
<input checked="" type="checkbox"/> Beasley, Joseph W Jr					Defendant		10/01/2013		
<input checked="" type="checkbox"/> Beasley, William					Defendant		05/20/2013		
<input checked="" type="checkbox"/> Closser, Zachary James	PO Box 40578 Charleston SC 294230578				Defendant Attorney		09/03/2013		
<input checked="" type="checkbox"/> Gee, Tanya Amber	PO Drawer 2426 Columbia SC 29202				Plaintiff Attorney		07/14/2014		
<input checked="" type="checkbox"/> Inglese, Christopher Santino	PO Box 21796 Charleston SC 29413				Plaintiff Attorney		11/12/2013		
<input checked="" type="checkbox"/> Pleasant Landscapes					Plaintiff		05/17/2013		
<input checked="" type="checkbox"/> Smith, Steven L.	PO Box 40578 Charleston SC 294230578				Defendant Attorney		11/27/2013		
<input checked="" type="checkbox"/> Wildflower Nursery(Inactive)	Post Office Box 445 Isle of Palms SC 29451				Plaintiff Pro Se		07/14/2014		
<input checked="" type="checkbox"/> Wildflower Nursery Inc					Plaintiff		08/25/2014		

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**Kathy Korda** <kkorda@scnlaw.com>

to

Dear Judge Harrington:

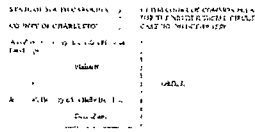
As you requested, attached please find a draft order in this matter. As there wa

Please let me know if there is anything you would like changed.

Thank you for your consideration.

Search people...

- aholmes@gibbs-...
- Amy Templeton
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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi Harrington, Circuit Court Judge

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Case No. 2011-CP-10-1559

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**SC Court of Appeals**

WILDFLOWER NURSERY, INC. d/b/a/ PLEASANT LANDSCAPES.....Appellant,

v.

JOSEPH W. BEASLEY a/k/a BILLY BEASLEY.....Respondent.

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**CERTIFICATE OF COUNSEL FOR APPELLANT**

---

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies, to the best of my ability, with the August 13, 2007 order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and other Sensitive Information in Appellate Court Filings."

April 24, 2015



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D. Gregory Placone, SC Bar # 100722  
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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi Harrington, Circuit Court Judge

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Case No. 2011-CP-10-1559

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WILDFLOWER NURSERY, INC. d/b/a/ PLEASANT LANDSCAPES.....Appellant,

v.

JOSEPH W. BEASLEY a/k/a BILLY BEASLEY .....Respondent.


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**CERTIFICATE OF SERVICE**

---

I hereby certify that a true copy of the Record on Appeal in the above-referenced case has been served upon counsel of record via US MAIL on the 24th day of April, 2015, to the address shown below.

Steven L. Smith  
Zachary J. Closser  
SMITH | CLOSSER, P.A.  
7455 Cross County Road, Suite 1  
Post Office Drawer 40578  
Charleston, SC 29423



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