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STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS  
SECOND JUDICIAL CIRCUIT

COUNTY ~~STATE OF SOUTH CAROLINA~~  
~~COUNTY OF AIKEN~~

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

vs. )

Case Number: 2014-GS-02-00826

CP Case Number: 2015-CP-02-01621

**RECEIVED**  
JAN 25 2016  
SC Court of Appeals

Julie Ann Getson,

DEC 28 2015 *all*

Defendant *Liz Godard*  
CCCP & G. A., Aiken County, S.C. )

**ORDER DENYING SURETY'S MOTION  
FOR RECONSIDERATION**

Christy Nims ~~Georgia~~-Carolina )  
Enterprises, Inc., )

Surety, )

Accredited Insurance Co., )

Insurance Company )

FILED 12.28.2015  
*Liz Godard*  
CCCP & G.S. 40  
*Arita Knoepfle* 12/21  
Deputy Clerk

This matter comes before the Court upon Surety Georgia Carolina Enterprises' (hereinafter referenced as "Surety") Motion for Reconsideration of this Court's Final Order for Estreatment of Bond, dated September 29, 2015. This motion was made pursuant to Rule 59(e), SCRPC.

By way of background, Notice of Forfeited Recognizance was filed by the State on July 9, 2015, following the Defendant's failure to appear at the March 16, 2015 Term of General Sessions Court. In accordance with S.C. Code Ann. § 17-15-150, this Court issued a Conditional Order to Estreat Bond on July 9, 2015. On September 8, 2015, a hearing was convened before this Court for consideration of the Conditional Order to Estreat Bond and Notice of Forfeited Recognizance. At that time, this Court ordered payment of the entire bond amount, the first half due immediately and the second half due ninety (90) days thereafter.

In its Motion for Reconsideration, Surety now asserts (1) that this Court erred in failing to consider the actual costs to the State; (2) that this Court erred in failing to consider the efforts of law enforcement, or lack thereof, to locate or apprehend the Defendant; and (3) that this Court erred in failing to consider the efforts of Surety to recover the Defendant. In making these assertions, Surety relies, in substantial part, upon *Ex Parte Polk*, 354 S.C. 8, 579 S.E.2d 329 (2003).

~~FILED December 28 2015~~  
~~*Liz Godard*~~  
~~CCCP & G.S.~~  
~~*Kate E. Williams*~~  
~~Deputy Clerk~~

*[Handwritten signature]*  
*[Handwritten initials]*


In *Polk*, the Court held that the trial court had erred in failing to consider the cost to the State of Henry Bartinicki, the Defendant, failing to appear in court in ordering the estreatment of his bond. *Id.* at 10, 579 S.E.2d at 329. Citing S.C. Code Ann. § 38-53-70, the Court held that the Defendant's bond had been forfeited and judgment on the bond entered properly. *Id.* at 12, 570 S.E.2d at 331. However, the Court continued that it was error for the trial court to not consider the costs to the State in determining remission of the judgment on a forfeited bond. In determining whether and to what extent bond should be remitted, at a minimum, the trial court should consider (1) the purpose of the bond; (2) the nature and willfulness of the default; and (3) any prejudice or additional expense resulting to the State. *Id.*

In the instant case, the Court considered all three of the above listed factors at both the hearing for the Final Order of Estreatment of Bond and at the hearing of Surety's Motion for Reconsideration. The Court found that the purpose of bond was to assure the Defendant's appearance in court, that the Defendant's failure to appear in court was willful, that Surety presented no mitigation or explanation justifying the Defendant's failure to appear at the March 16, 2015 Term of General Sessions Court, and that while there may not have been expense to the State at this time, that fact does not foreclose the possibility of future expense. Likewise, the Court considered the extensive efforts made by the Surety to recover the Defendant, but found remission proper regardless.

As to Surety's second argument that the Court erred in failing to consider the lack of effort by law enforcement to locate the Defendant, the Court finds that law enforcement bore no responsibility for insuring the Defendant's appearance at the March 16, 2015 Term of General Sessions Court and has entered information in the National Crime Information Center (NCIC) to alert law enforcement nationwide of her pending bench warrant.

It is therefore ordered that Surety's Motion for Reconsideration is DENIED.

IT IS SO ORDERED this 8 day of <sup>Dec</sup> ~~November~~, 2015 at Barnwell, South Carolina.

  
The Honorable Doyet A. Early  
Circuit Court Judge

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2015CP0201621

South Carolina State Of _____	Julie-Ann Getson Georgia-Carolina Enterprises Inc	Christy Nimau Accredited Insurance Company
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

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

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge	Judge Code	Date
		12/28/2015

**For Clerk of Court Office Use Only**

This judgment was entered on 12-28-15, and a copy mailed first class or placed in the appropriate attorney's box on 12-28-15, to attorneys of record or to parties (when appearing pro se) as follows:

James Strom Thurmond Jr. PO Drawer 3368 Aiken, SC  
29802 - 4 copies

Aaron G. Walsh PO Box 639 Aiken, SC 29802-0639  
LG, GS, Accounting - 1 copy

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*Liz Godard*  
Liz Godard - Clerk of Court

Court Reporter

Liz Godard - Clerk of Court

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

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

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