

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

JUDGMENT IN A CIVIL CASE
 CASE NO. 2011 CP-34-0218

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Guess Farm Equipment Company, Inc. d/b/a Guess Irrigation Company,

Justice Family Farms, LLC., Catfish Bay, LLC, and Carter Bank & Trust,

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Robert T. Strickland

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

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

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

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : The case is ended without prejudice to the Plaintiff's right to foreclose on its mechanic's lien.

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)
Guess Farm Equipment Company, Inc.	Justice Family Farms, LLC	\$646,670.55
Guess Farm Equipment Company, Inc.	Catfish Bay, LLC	\$288,032.00
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel, or tract of land lying, being, and situate in Kirby Township in the Counties of Dillon and Marlboro, State of South Carolina, containing 2,884 acres, according to a plat made by Johnson and Roberts, CE's, recorded in the Office of the Clerk of Court for Dillon County in Plat Book 9 at Page 6. Said plat shall be incorporated herein by reference pursuant to S.C. Code § 30-5-250.

This is the same property conveyed to Catfish Bay, LLC by deed of Bluestone Industries, Inc. dated October 16, 2003, recorded in the Office of the Clerk of Court for Dillon County on October 22, 2003, in Deed Book 979 at Page 338, and recorded in the Office of the Clerk of Court for Marlboro County on October 22, 2003, in Deed Book 463 at Page 188.

Upon information and belief, all of the property described above is located at 409 Bay Catfish Road, Latta, South Carolina 29566 and comprises the parcels of land assigned Dillon County Tax Map No. 054-00-00-007 and Marlboro County Tax Map No. 973-01-081.

SCRPC Form 4C (03/2013)

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 CLERK OF COURT
 MARLBORO COUNTY, S.C.
 WILLIAM J. HINDRICKS, JR.
 CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF MARLBORO

)
) IN THE COURT OF COMMON PLEAS
)

Guess Farm Equipment Company, Inc., d/b/a
Guess Irrigation Company,

) Civil Action No. 2011-CP-34-218
)

Plaintiff,

vs.

Justice Family Farms, LLC, Catfish Bay,
LLC, and Carter Bank & Trust,

Defendants.

ORDER OF JUDGMENT

This is a mechanic's lien foreclosure action concerning a tract of land that lies in Marlboro and Dillon counties. The Plaintiff filed foreclosure suits in both counties, with the Dillon County case currently captioned Guess Farm Equipment Company, Inc. d/b/a Guess Irrigation Company vs. Justice Family Farms, LLC and Catfish Bay, LLC, civil action number 2011-CP-17-0413. As the cases involved common issues of law and fact, there was no reason to litigate the common issues in two separate lawsuits. Consequently, at the parties' request, this action was stayed by Order of the Honorable Paul M. Burch entered on July 9, 2012. The parties agreed that the outcome of the Dillon County Lawsuit would control the outcome of this Marlboro County action.

The Dillon County Lawsuit was tried before a jury during the week of September 14, 2015. On September 18, 2015, the jury returned a verdict for the Plaintiff on the Plaintiff's breach of contract and mechanic's lien claims in the amount of One Hundred Forty-four Thousand Sixteen Dollars against the Defendants, Justice Family Farms, LLC and Catfish Bay, LLC. The jury also returned a verdict in favor of the Plaintiff on the counterclaims of Justice

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CLERK OF COURT
MARLBORO COUNTY, S.C.

Family Farms, LLC. The verdict was entered as a judgment in Dillon County on September 28, 2015. A copy of the Judgment is attached to this Order as Exhibit 1 and incorporated by reference.

The Plaintiff's Motion for an Award of Attorney's Fees, Costs, and Litigation Expenses was heard on October 13, 2015. By Order entered on November 9, 2015 in the Dillon County Lawsuit, the Plaintiff was awarded pre-judgment interest of Fifty-one Thousand, Twenty-seven and 04/100 (\$51,027.04) Dollars and attorney's fees, costs and litigation expenses of Four Hundred Fifty-one Thousand, Six Hundred Twenty-seven and 51/100 (\$451,627.51) Dollars. A copy of that Order is attached as Exhibit 2 and incorporated by reference.

Per the Consent Order entered on July 9, 2012, the judgment entered in the Dillon County Lawsuit is to be entered in this action.

IT IS, THEREFORE, ORDERED that judgment be entered in favor of the Plaintiff, Guess Farm Equipment Company, Inc., d/b/a Guess Irrigation Company, and against the Defendant, Justice Family Farms, LLC, in the total sum of Six Hundred Forty-six Thousand, Six Hundred Seventy and 55/100 Dollars (\$646,670.55). This amount represents the jury's verdict of \$144,016.00, a total attorney's fee award of \$451,627.51, and an award of prejudgment interest of \$51,027.04.

IT IS FURTHER ORDERED that of this total judgment amount, the sum of Two Hundred Eighty-eight Thousand, Thirty-two Dollars (\$288,032.00) be entered as a judgment on the Plaintiff's mechanic's lien claim against Justice Family Farms, LLC and Catfish Bay, LLC to secure the payment of the debt due the Plaintiff. This lien is enforceable against the real property identified in the lien as being owned by the Defendant, Catfish Bay, LLC. This

WILLIAM B. FUNDERBURK
CLERK OF COURT
MARLBORO COUNTY, S.A.

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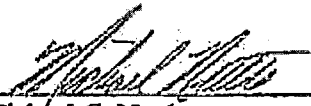
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the total lien amount awarded by the jury's verdict plus the maximum amount of attorney's fees, costs, and litigation expenses recoverable under S. C. Code § 29-5-10.

IT IS FURTHER ORDERED that the entry of this Order and the Judgment in the Dillon County Lawsuit represent a single right of recovery and thus shall not be construed as permitting the Plaintiff a double recovery.

IT IS FURTHER ORDERED that the property identified in the Plaintiff's mechanic's lien be sold to satisfy the Plaintiff's mechanic's lien, the sale to be made by such officer as may be authorized by law to make sales of property.

IT IS SO ORDERED.

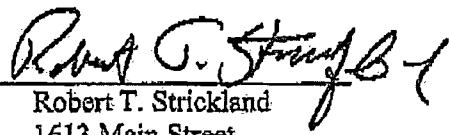


Michael G. Nettles
Presiding Judge

January 29, 2016
Florence, South Carolina

WE CONSENT:

**BARNES, ALFORD, STORK
& JOHNSON, LLP**

By: 
Robert T. Strickland
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
(803) 799-1111

Attorneys for the Plaintiff

**Defendants agree to this disposition
preserving all rights of appeal for both
the Dillon County and Marlboro County
litigation**

**GENTRY LOCKE RAKES
& MOORE LLP**

By: 
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(540) 983-9391

Attorneys for the Defendant

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WILLIAM B. FUNDERBURK
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MARLBORO COUNTY, S.C.