

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-38-00453

COPY

LEE FEATHER, LLC AND SON VAN LE

TUYET L. WHITE

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: LEWIS C. LANIER	Attorney for: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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 TRIUNAL 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 :

FILED FOR RECORD  
 MINIFIA B. CLARK  
 Jul 18 P 1:57  
 CLERK OF COURT  
 ORANGEBURG, SC

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.

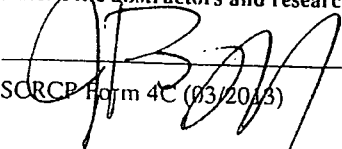

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

ATTEST: TRUE COPY

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

CLERK OF COURT  
 ORANGEBURG COUNTY, SC

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.



 3017 July 18, 2016  
 SCRPC Form 4C (03/2013) Page 1

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 NOV 22 2016  
 SC Court of Appeals



STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )  
Le Feather, LLC and Son Van Le, )  
Plaintiff, )  
v. )  
Tuyet L. White, )  
Defendant. )

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IN THE COURT OF COMMON PLEAS  
IN THE FIRST JUDICIAL CIRCUIT  
CASE NO.: 2012-CP-38-00453

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WYNNEFA B. CLARK  
2016 JUL 18 P 3:51  
COURT OF COMMON PLEAS  
ORANGEBURG, SC

FINAL ORDER

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**SC Court of Appeals**

This matter came before me on April 20, 2016. Present at the hearing were the Plaintiff, Feather Le, represented by his counsel, Lewis C. Lanier. The Defendant was also present, represented by her counsel, David Williams and Russell Blanchard.

The Plaintiff seeks an Order requiring the Defendant to vacate the property located at 1715 St. Matthews Road, Orangeburg, South Carolina, as well as be required to pay to the Plaintiff all rent owed since the filing of this action. The Defendant filed an Answer and Counterclaim asserting a constructive trust, unjust enrichment, breach of fiduciary duties and resulting trust and the matter was removed from Magistrate's Court to Circuit Court.

**FINDINGS OF FACT**

Based upon the evidence and testimony presented, I make the following findings of fact:

1. I find that this Court has In Rem and In Personam jurisdiction based upon the parties appearances and participation in these proceedings.
2. I find that the Defendant's primary defense to every action she took in this action was that she signed every document put in front of her by the Plaintiff because she was in love

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C. LEWIS CLARK  
ORANGEBURG COUNTY, SC

with the Plaintiff unavailing to the Defendant. However, the Defendant acknowledges that she was married and continues to be married to Mark White and he is the father of at least one (1) of her children. The fact that she chose not to read the documents or to understand what they meant or to ask questions about the effect of the documents she signed, is simply not a defense to the ramifications of signing all of these documents. For example, when the Defendant signed her resignation from the Le Feather, LLC, I find that this was an effective resignation from being a member of this particular LLC. Therefore, I would find that she was not a member of the LLC that purchased the real estate in question.

3. I find that the Defendant was not engaged in a partnership with the Plaintiff or the Le Feather, LLC, in any manner. While I find that they did open a clothing store that she sold her clothes together but that the testimony was that she sold her clothes and he sold his clothes and they seemed to share the expenses of that particular business, I do not find that it constitutes a partnership because there was simply no meeting of the minds or written agreement of the parties that they were entering into a partnership. I would further find that they operated what appeared to the public to be a joint business but in effect was a separate business where they each sold their own clothing. Even if this was a partnership, it was a partnership that was operating a business of selling clothes and was not operating a partnership in regards to the ownership of the building. Nevertheless, I particularly find that it could not have been a partnership because there was no meeting of the minds or written agreement of the parties they were entering into a partnership. Additionally, I find that whatever partnership the parties had concerning the operating of the clothing store ended, that business no longer continues and there was no testimony to support any division of assets upon the dissolution of the clothing business. Again,

according to the testimony of the Defendant she did whatever the Plaintiff wanted her to do and signed whatever documents he put in front of her due to her love for him.

4. I find that the building in question, specifically 1713, 1715 and 1717 St. Matthews Road, Orangeburg, South Carolina, is owned by Le Feather, LLC and that this limited liability company is owned in total by the Plaintiff.

5. I find that the Plaintiff has the right to evict the Defendant and that the Defendant should vacate the property within thirty (30) days of the date of this Order.

6. In addition, I find that the Defendant's Motion for Reconsideration of the prior ruling of this Court that the Defendant should pay \$1,000.00 rent during the pendency of this action is denied. I find that the Defendant was a tenant throughout the relationship with the Plaintiff and the Defendant should be required to pay all rent ordered under the prior Order of this Court dated December 18, 2013, as well as pay \$1,000.00 per month rent until she vacates the premises.

7. I find that the evidence presented documents numerous checks written by the Defendant over the years to the Plaintiff for rent and it was clear throughout this process that the Defendant was a tenant in a building owned by the Plaintiff.

8. I find that all monies paid by the Defendant to the Plaintiff or to Le Feather LLC was either rent or was repayment of loans made to the Defendant by the Plaintiff or by Le Feather, LLC.

9. I find that the Plaintiff paid numerous bills over the years on behalf of the Defendant and that she would have been repaying those loans to the Plaintiff and/or would have been paying rent to the Plaintiff throughout her relationship.

10. I find that while the business relationship between the parties is very confusing , there is no evidence that the Defendant has any ownership rights to the building in question.

THEREFORE IT IS ORDERED that the Defendant shall vacate the premises owned by Le Feather, LLC, the same being 1717 St. Matthews Road, Orangeburg, South Carolina, within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that the Defendant shall pay to the Plaintiff the sum of \$1,000.00 per month rent retroactive to the previous Order of this Court, the same being December 18, 2013; through the date she vacates the premises, the same being within thirty (30) days of the date of this Order.

AND IT IS SO ORDERED.

Dated: July 18, 2016  
Orangeburg, South Carolina

S/ Q30j  
The Honorable James B. Jackson, Jr.

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SC Court of Appeals

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT

CASE NO.: 2012-CP-38-00453

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

STATE OF SOUTH CAROLINA )

COUNTY OF ORANGEBURG )

LE FEATHER, LLC AND SON VAN LE )

Plaintiff, )

vs. )

TUYET L. WHITE )

Defendant. )

Plaintiff's Attorney:

LEWIS C. LANIER, Bar No. 3129

Address:

250 GIBSON STREET, ORANGEBURG, SC  
29115

Phone: 803-268-9800 Fax 803-531-3465

E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

Defendant's Attorney:

RUSSELL A. BLANCHARD AND DAVID  
WILLIAMS, Bar No. \_\_\_\_\_

Address:

370 ST. PAUL STREET, ORANGEBURG, SC 29115

Phone: 803-534-5218 Fax 803-928-5191

E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

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: \_\_\_\_\_

Estimated Time Needed: \_\_\_\_\_

Court Reporter Needed:  YES /  NO

SECTION II: Motion/Order Type

Written motion attached

Form Motion/Order

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

SECTION III: Motion Fee

PAID - AMOUNT: \$ \_\_\_\_\_

EXEMPT:

(check reason)

Rule to Show Cause in Child or Spousal Support

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

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_

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

FILED FOR RECORD  
WINIFEA B. CLARK  
2016 JUL 18 3:57  
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ORANGEBURG, SC

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