

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015-CP-35-00070

RECEIVED

DEC 09 2016

Sony Adams

Nadine Adams

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

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.
- 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 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
		\$
		\$
		\$

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 Alfred Lee Judge Code 2118 Date 10/28/2016

For Clerk of Court Office Use Only

This judgment was entered on the 3 day of NOV, 20 16 and a copy mailed first class or placed in the appropriate attorney's box on this 3 day of NOV, 20 16 to attorneys of record or to parties (when appearing pro se) as follows:

Heather Hite Stone  
ATTORNEY(S) FOR THE PLAINTIFF(S)

C. Rauch Wise  
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court

Buffy Hodges, Deputy

STATE OF SOUTH CAROLINA  
COUNTY OF MCCORMICK

F) ED  
GWENDOLYN D. CHILES  
2016 NOV -B A  
CLERK OF COURT  
MCCORMICK COUNTY, SC

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Sony Adams,

CASE NO. 2015-CP-35-0070

Plaintiff,

vs.

ORDER AMENDING JUDGMENT

Nadine Adams,

Defendant.

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SC Court of Appeals

This matter comes before the Court on Defendant's, Nadine Adams, Motion to Reconsider pursuant to Rule 59(e), SCRPC. Accordingly, Defendant moves to alter or amend the judgment issued on August 15, 2016. This matter came before the Court on May 11, 2016 as a nonjury trial arising out of a dispute between Plaintiff, Sony Adams, and Defendant over a mobile home and a portion of real property. Pursuant to the Order, this Court ruled in favor of Plaintiff ordering that Defendant retain title to the mobile home and land; Defendant pay Plaintiff \$45,883.12; and in lieu of the payment, Defendant deed portion of the property upon which the mobile home sits to Plaintiff. Defendant filed the Motion to Reconsider on August 29, 2016 and thereafter, Plaintiff responded to the motion on September 7, 2016.

Defendant states the court erred in finding that: (1) the value of the real estate increased by the amount of money Plaintiff spent repairing the mobile home; (2) Defendant is required to deed portion of the real estate upon which the mobile home sits to Plaintiff when Plaintiff testified that he did not want the property, only the title to the mobile home; and (3) Defendant is required to deed a portion of the property to Plaintiff upon which the mobile home sits when the ruling is ambiguous as to the amount of the property to be deeded to Plaintiff as well as the dimensions of the property.

Defendant cites *Stringer v. Oil Co., Inc. v. Bobo*, 320 S.C. 369, 465 S.E.2d 366 (Ct. App. 1996) to support her claim that the court erred in finding that the value of the real property was increased by the amount of improvements made by Plaintiff. Defendant states there was no testimony presented at trial regarding the increased value, and Defendant testified that she did not believe the improvements on the mobile home increased the value of the property. However, Plaintiff argues that the Court did not err in awarding damages to the amount of money he spent

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improving the property. Plaintiff cites *Boykin v. Contracting, Inc. v. Kirby*, 405 S.C. 631, 748 S.E.2d 795 (Ct. App. 2013), which was distinguished by *Stringer*, to support his argument.

This Court ruled that the title to the mobile home and the land belongs to Defendant; however, Defendant would be unjustly enriched if she retained possession of the mobile home without compensation to Plaintiff. The calculation of damages was based on the cost of improvements to the mobile home and the payment of taxes made by Plaintiff, not any increase in value to the real estate. The *Stringer* case does not apply here because that court did not have competing evidence on damages, while here, Plaintiff provided receipts evidencing the work he performed on the mobile home and real property. This Court ruled that the mobile home on the property was a fixture of the land and thus, Defendant would be unjustly enriched if she retained possession of the mobile home since Defendant did not contribute to the improvements and failed to pay taxes on the real property.

In regards to the second issue, Defendant states that this Court erred in finding that she is required to deed a portion of her land to Plaintiff since Plaintiff testified that he only wanted title to the mobile home. Plaintiff argues that he only testified that the mobile home was attached to real property and could not be removed. At trial, Plaintiff testified that he believed the Defendant would convey title to the mobile home and would either sell or give him a portion of the real estate upon which the mobile home is situated. This Court ordered that Defendant deed the portion of the real property upon which the mobile home sits to Plaintiff in lieu of paying Plaintiff \$45,883.12 because the mobile home is now affixed to the real property.

Defendant further argues that the Court's ruling on the amount of property to be deeded to Plaintiff is ambiguous and as a result, the Court should amend or alter the judgment. Plaintiff does not dispute Defendant's claim; instead, he requests that Defendant deed to Plaintiff one acre to satisfy the minimum acreage of real property that the McCormick County Planning Department will approve for a plat. This Court cannot determine the amount of real estate to be deeded to Plaintiff based upon the evidence but, in lieu of the payment, Defendant shall deed to Plaintiff the portion of the land upon which the mobile home sits in acreage sufficient to satisfy the requirements of McCormick County governing authorities.

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**ORDER**


Accordingly, after careful consideration of the motion made and the record in this case, Defendant's Motion to Reconsider is **GRANTED** in part.

It is therefore, **ORDERED**, that Item 3 of the Order issued August 15, 2016 is amended to read:

3) In lieu of payment of \$45, 883.12, Defendant shall deed that portion of the real property upon which the Mobile Home sits to Plaintiff in acreage sufficient to satisfy the requirements of McCormick County governing authorities.

Pursuant to Rule 59(f), SCRCP, oral argument is not necessary.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
ALISON RENEE LEE  
Presiding Judge

October 28, 2016  
Columbia, South Carolina

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