STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
Cassandra M. Myers and Bartholomew Myers in their capacity as Co-Personal Representatives of the Estate of Evan Morris Myers,	)	Civil Action No.: 2014-CP-32-02210
Plaintiffs,	)	**ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**
vs.	)	
The Consolidated Employee Recreation Clubs, a non-profit organization a/k/a Pine Island Club at Lake Murray, South Carolina Electric and Gas Holding Company, Inc.; SCANA,	)	
Defendants.	)	

The Defendants' motion for summary judgment was heard on December 11, 2015. The court has wrestled with the issue for an extended period and has requested additional input from the attorneys in the interim. Having carefully considered the matter, the court finds that summary judgment must be granted. The events giving rise to this lawsuit are the result of a tragic accident, and there is no evidence that they were the result of any negligence or gross negligence on the part of the Defendants.

FACTUAL/PROCEDURAL BACKGROUND

The Plaintiffs' decedent drowned on June 15, 2011, after having entered the waters of Lake Murray from a boat dock at the Pine Island Club. Defendants are The Consolidated Employee Recreation Clubs, a non-profit organization a/k/a Pine Island Club at Lake Murray ("Pine Island Club" or the "club"), South Carolina Electric and Gas Holding Company, Inc., and SCANA (all defendants being designated collectively as "SCANA Defendants" or "Defendants"). The Plaintiffs Cassandra M. Myers and Bartholomew Myers, in their capacity as

Co-Personal Representatives of the Estate of Evan Morris Myers, brought a wrongful death action against the SCANA Defendants.[1] The Plaintiffs subsequently amended their complaint on October 2, 2015, so that the Plaintiffs' remaining negligence and gross negligence causes of action allege the SCANA Defendants failed to warn decedent of an incoming storm and failed to provide lifesaving measures, which they allege could have prevented decedent from drowning.

Decedent Evan Morris Myers was the invited guest of Mandy Nicole Bellamy ("Bellamy") at the Pine Island Club on June 15, 2011. (Complaint ¶ 7). Defendant Consolidated Employee Recreation Clubs owns and operates the Pine Island Club at Lake Murray and is a charitable non-profit organization created for the benefit of SCANA and SCE&G-related company employees and their families. (Affidavit of Andrea L. Lange, at ¶ 4). Mandy Nicole Bellamy's father, Ralph Bellamy, is a member of the Pine Island Club, and she enjoyed the benefits of his affiliation. (Mandy Bellamy Dep., p. 20, line 24 – p. 21, line 10).

In order to be a member of the Pine Island Club, one must be an employee of SCANA (or have a relationship with SCANA as provided in the by-laws), pay an initiation fee, and pay dues. There is a guard gate at the entrance. Guests of members cannot be on the property without the member also being present. Mr. Myers and Ms. Bellamy had been at the location on a previous occasion. There is a swimming area of the lake that is roped off and a swimming beach adjoins it as part of the club property. There is a separate swimming pool in another area, which has lifeguards on duty. The drowning did not occur at either of those locations.

[1] Plaintiffs' claims have been dismissed against Lexington County Medical Center Auxiliary, Lexington County Sheriff's Department, and the Lexington County Coroner's Office ("Lexington County Defendants"), as well as Mandy Nicole Bellamy and her brother Matthew Bellamy ("Bellamy Defendants").

In the early evening hours of June 15, 2011, Myers and Bellamy first went for a swim at the roped-off area. (Bellamy Dep., p. 74 line 24 – p. 75, line 6).[2] There is evidence that they were the only people at the roped-off swimming area and that Ms. Bellamy's car was the only one in the parking area. After swimming in that designated swimming area, Myers suggested that they jump from the boat dock and swim at a location that is not designated for swimming. They left their bags and towels at the beach.

The SCANA Defendants maintain that the area where Mr. Myers drowned was in the open waters of Lake Murray, not within the confines of the Pine Island Club. (Bellamy Dep., p. 145 line 25 – p. 146 line 7) (Bellamy Dep., p. 93, lines 10-13). Having reviewed the evidence presented, the only evidence in the record supports that contention. However, there is no question but that they gained access to the lake by using the property of the Pine Island Club.

WPH #3

A thunderstorm was approaching, and, in the light most favorable to the Plaintiffs, it eventually developed into a violent storm. The swimming pool was closed because of the incoming storm. The lifeguards left the property. The Plaintiffs place significance on those facts. The only evidence is that the lifeguards were assigned to the swimming pool, not to the designated swimming area at the swimming beach, and certainly were not assigned to cover the entire area of the lake accessible from the club's property. From the exhibits produced, the Pine Island Club is surrounded by the waters of Lake Murray, with only a small vehicle access road connecting it to the mainland.

The memorandum in opposition to the motion states that there is evidence that the two swimmers left the area which is roped-off after the time where the swimming pool had been closed and the lifeguard(s) had left the swimming pool area. It states that the two of them

[2] Signage at the swimming beach stated that swimmers swam at their own risk. (Bellamy Dep., p. 74, line 24 – p. 75, lines 1-17; Bellamy Dep., Ex. 7e).

walked, in wet bathing suits, past a caretaker and jumped from the dock about 50 feet away from that person. The SCANA Defendants dispute that there is anything in the record before the court to substantiate any claims that an employee or agent associated with the Defendants was aware or should have been aware that the two swimmers were in the water off the dock. Viewed in the light most favorable to the Plaintiffs, the court feels that it must accept that there is evidence that a caretaker would have seen the two swimmers go past in wet bathing suits and head toward the boat dock or, at the very least, that the Plaintiffs would be given further opportunity to develop evidence of that fact. However, there is no evidence that the caretaker had any duty to supervise or warn the Plaintiffs' decedent of the approaching storm or to warn of the dangers of swimming in the lake.

At some point after jumping off the dock, outside the confined swimming area, Mr. Myers struggled to keep afloat and tragically drowned. (Bellamy Dep., p. 96, line 25 – p. 97, line 24). Additional signage at the subject dock from which decedent jumped indicated a prohibition against swimming in the area in which he drowned. (Bellamy Dep., p. 86, line 25 – p. 87, line 14; Bellamy Dep., Ex. 8). The open waters of Lake Murray are owned by South Carolina Electric & Gas and all persons have access to the open waters for recreational use at any time. The point of entry into the lake was clearly from property of the Pine Island Club.

STANDARD OF REVIEW

A court will grant a motion for summary judgment when there exists no genuine issue of material fact and a party is entitled to judgment as a matter of law. Rule 56(c), SCRCP. In determining whether any triable issues of fact exist, the court must view both the evidence and all reasonable inferences from the evidence in the light most favorable to the non-moving party. Simmons v. Tuomey Regional Medical Center, 341 S.C. 32, 533 S.E.2d 312 (2000).

Nonetheless, the trial court, "cannot ignore facts unfavorable to [the non-moving] party and [it] must determine whether a verdict for the party opposing the motion would be reasonably possible under the facts." Bloom v. Ravoira, 339 S.C. 417, 423, 529 S.E.2d 710, 713 (2000). Accordingly, the court must search the proof to ascertain whether it discloses a real issue, rather than a formal, perfunctory or shadowy one. Saluda Motor Lines v. Crouch, 300 S.C. 43, 46, 386 S.E. 2d 290, 292 (Ct. App. 1989).

The plain language of Rule 56(c), SCRCP, mandates the entry of summary judgment against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial. Bray v. Marathon Corp., 347 S.C. 189, 553 S.E.2d 477 (Ct. App. 2001).[3] With respect to an issue on which the non-moving party has the burden of proof, the moving party may point out to the trial court that there is an absence of evidence to support the non-moving party's case. Hedgepath v. AT&T, 348 S.C. 340, 354, 559 S.E.2d 327, 335 (Ct. App. 2001). The non-moving party must

[3] In Bass v. Gopal, Inc., 384 S.C. 238, 247 n.6, 680 S.E.2d 917, 921 n.6 (Ct. App. 2009), the Court of Appeals addressed the recent change in summary judgment standard. In granting the summary judgment motion, the South Carolina Court of Appeals noted:

> [I]n Hancock v. Mid-South Mgmt., Inc., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009), our Supreme Court stated that in cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment. However, in footnote 3 of the opinion, the Court was careful to point out that its pronouncement concerning a mere scintilla of evidence was not necessary for its determination of the outcome in the Hancock case. In any event, we must assume any evidence, even a scintilla, that is useful to withstand a summary judgment motion must meet the prerequisite of being probative.

The Hancock Court also cited McDowell v. Stilley Plywood Co., 210 S.C. 173, 179, 41 S.E.2d 872, 874-75 (1947), for the proposition "that although there was a scintilla of testimony that could be used to support the claimants' position, when the entire testimony of the witnesses was viewed as a whole, it was obvious the testimony in support of claimants' position rested on speculation and thus had no probative value." Id.

then "do more than simply show that there is some metaphysical doubt as to the materials facts[,]" but "must come forward with specific facts showing that there is a genuine issue for trial." Id. "[W]hen plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." Moore v. Barony House Restaurant, LLC, 382 S.C. 35, 40, 674 S.E.2d 500, 503 (Ct. App. 2009).

DISCUSSION

I. No Evidence of Proximate Cause

The SCANA Defendants are entitled to summary judgment as to any claims arising from an assertion that the weather conditions caused or contributed to the drowning, as well as on any claims made on the basis of a failure to warn of the storm or a failure to close the facility and require Mr. Myers to leave.

The Plaintiffs base their claim in large part on the position that the weather conditions caused the decedent to drown. After carefully searching the record, in the light most favorable to the Plaintiffs, there is only evidence to support the following: 1) a storm was approaching; 2) the pool area was closed because of it; 3) the lifeguards who watched the pool area were sent home; 4) the storm eventually reached the Pine Island Club; 5) the autopsy did not discover any medical condition that caused the decedent to have difficulty in swimming; 6) EMS did not go to the scene because of bad weather conditions (at some unspecified location). The Lexington County Sheriff's office responded.

The exhibits filed in support of the motion include a rule for the Pine Island Club that states, "5. In case of inclement weather, the clubhouse and grounds may be closed." As previously mentioned, a lifeguard is present at the pool area, and the pool had been closed based on an approaching storm. The grounds had not been closed.

The deposition of the only witness to the drowning, Ms. Bellamy, stated that the drowning occurred before the storm arrived at the Pine Island Club. She testified that the water

was calm and that the decedent exhibited distress for an unknown reason, seemed to panic, and was not able to follow her instructions to relax and try to float. There is no evidence that lightning or any other element associated with the storm caused or contributed to the drowning. There is no evidence that weather conditions hindered anyone, including the EMS personnel, from any realistic rescue attempt that could have saved the life of Mr. Myers. EMS did cease attempting to go to the location due to the weather, but there is no indication they could have saved the life of Mr. Myers had they been able to make it to the location.

It is pointed out by the SCANA Defendants that the Plaintiffs did not plead issues about the weather and the failure to warn swimmers about the storm. If it is not properly raised, the remedy would be to allow amendment rather than to grant summary judgment. However, that is not necessary here because the assertion that the storm caused or contributed to the decedent's death is purely speculative. A jury is not allowed, from the facts presented here, to determine that the weather conditions caused or contributed to the tragic drowning of this young man. Since there is no evidence that the weather conditions were a proximate cause of the drowning, the argument about liability based on a failure to warn or a failure to remove the Plaintiffs' decedent from the property becomes irrelevant. The SCANA Defendants are entitled to partial summary judgment on this issue.

II. Summary Judgment is Warranted Because Plaintiffs Have Failed to Demonstrate a Colorable Duty of Care Owed to the Decedent

In the court's view, this presents the most difficult issue because of the scintilla rule. There were no lifesaving devices at the boat dock from which the decedent entered the lake. The dock had signage with restrictions and warnings placed thereon by the SCANA Defendants. There was no ladder from the dock into the water by which a swimmer could climb onto the

dock because it was not intended to be a swimming area. It was a place where boats could dock to load and unload passengers. There are several boat docks and, as mentioned previously, the entire property is bounded by the lake. So, people would be able to access the lake to swim at any point along the entire shoreline.

Plaintiffs have produced affidavits from two potential experts in water safety opining to "obligations of a landowner, such as Defendants in this case, to a person lawfully using this swimming beach during an incoming storm..." (Aff. of Franceso A. Pia at ¶ 7). The decedent was not using the swimming beach at the time of his death, nor did he die in the swimming beach area, nor is there any evidence that the approaching storm was a proximate cause of the decedent's drowning.

The Defendants rely heavily on the South Carolina Recreational Use Statue, S.C. Code Ann. §§ 27-3-10 to -70 ("RUS") for the principle that there was no duty owed to the decedent by the Defendants. That statute is designed to "encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability towards persons entering thereon for such purposes." S.C. Code Ann. § 27-3-10 (1991). "Landowners owe 'no duty of care to keep the premises safe' for recreational users and need not 'give any warning of a dangerous condition, use, structure or activity' on the property." Cole v. SCE&G, 355 S.C. 183, 584 S.E.2d 405 (Ct. App. 2003) (citing Brooks v. Northwood Little League, Inc., 327 S.C. 400, 403, 489 S.E.2d 647, 648 (Ct. App. 1997) (quoting S.C. Code Ann. § 27-3-30 (1991))). Moreover, an owner that permits a person to use property for recreational purposes without charges does not: "(a) Extend any assurance that the premises are safe for any purpose [;] [or] (b) Confer upon such person the legal status of an invitee or a licensee to who a duty of care is owed." S.C. Code Ann. § 27-3-40 (1991).

The Plaintiffs assert that the decedent died while on the Pine Island Club premises, so the RUS does not apply. The SCANA Defendants deny that assertion and maintain that he was in the waters of Lake Murray, which are open to the public for recreational use, without charge. In this court's view, the Plaintiffs' decedent had the status of an invitee for purposes of this summary judgment motion. His presence at the club and his access to the lake through it required that he be the guest of someone who held membership status by virtue of relationship to Defendants and the payment of dues. The club is not open to the public.

However, if Plaintiffs' decedent were an invitee, to which a duty of care would be owed (and which SCANA Defendants deny), the Defendants argue that a landowner has no duty to warn of the perils of obvious natural conditions of which an invitee is **reasonably** aware. Meadows v. Heritage Village Church and Missionary Fellowship, Inc., 305 S.C. 375, 378 (1991) (holding wet grass an open and obvious natural condition). The court agrees.

WRC #9

Exhibits in support of the motion were introduced, and those included such things as photos, deposition excerpts, by-laws, and affidavits. The by-laws of the Pine Island Club state, "Swimming in the lake is allowed only in the designated area. Hazards from boating, underground cables, etc., prohibit swimming around docks, ramps or other areas of the Island." A diagram of the property shows the swimming area near the beach, the swimming pool, and three docks. The court is assuming that the dock in question is the one closest to the designated swimming area.

The court finds that there is no evidence that the Defendants' negligence or gross negligence caused or contributed to any dangerous conditions for which the Defendants are responsible. Dangers of swimming in a lake are open and obvious.[4]

[4] If there were evidence of a proximate cause related to the weather conditions, an

Here, there is no evidence that the SCANA Defendants breached any duty of care to Plaintiffs' decedent to keep the open waters of Lake Murray safe, and they were not required to give any warnings that someone swimming in the lake could drown. There is no evidence as to any actionable negligence or gross negligence on the part of the SCANA Defendants in creating or maintaining a dangerous condition, use, structure, or activity regarding the open waters of Lake Murray. To the contrary, the Pine Island Club did provide warnings, notifying swimmers that they were to swim at their own risk, that no lifeguards were on duty, and specifically prohibiting swimming off the subject dock near which decedent drowned. (Bellamy Dep., p. 86, line 25 – p. 87, line 14 and Dep. Ex. 8).

The Defendants cite Cole v. SCE&G, 362 S.C. 445, 608 S.E.2d 859 (2005), a case in which our Supreme Court analyzed the South Carolina Recreational Use Statue and found, even where the landowner charged a fee for parking, the landowner was still afforded the protections of the statute and affirmed summary judgment to the defendant on that issue. In this court's view, Cole is distinguishable because the case at bar involves more than a parking fee. It involves access to property which requires membership and payment of dues.

In Cole, the plaintiff's decedent drowned in the roped-off area of a swimming beach at the lake which was fenced-in and patrolled by a security guard. There were no lifeguards on duty at the lakefront, nor was there any safety equipment present at the site. Warning signs on the property indicated no lifeguards were on duty and that individuals swam at their own risk. The Court held that the purpose of the statute was to encourage landowners to make their property available for public use and recreational purposes and in accordance with that purpose,

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overcast sky and purported increasing winds are also open and obvious conditions.

the statute shielded landowners from liability.[5]

In Cole, the plaintiffs further argued the defendant was grossly negligent in failing to provide for lifeguards and lifesaving equipment, as pleaded by the Plaintiffs in the case at bar. The Court in Cole set forth that the "landowner's liability is limited to gross negligence, which is defined as the failure to exercise slight care." Id. at 455. Further, the Court specifically held that "[a] duty to provide recreational safety features such as lifeguards and lifesaving equipment exceeds this "slight care' standard." Id.

While the court finds the situation regarding the landowner's property to be different here, Cole does establish that it is not gross negligence under these circumstances to fail to provide recreational safety features such as lifeguards and lifesaving equipment because such a duty expressly exceeds the slight care standard. See Cole, 355 S.C. at 455, 608 S.E. 2d at 859 ("A duty to provide recreational safety features such as lifeguards and lifesaving equipment exceeds this 'slight care' standard.").

The party alleging negligence has the burden of proving actionable negligence and "[t]his burden cannot be met by relying upon the theory that the thing speaks for itself or that the very fact of injury indicates negligence." King v. J.C. Penney Co., 238 S.C. 336, 120 S.E.2d 229 (1961); see also Hunter v. Dixie Home Stores, 232 S.C. 139, __, 101 S.E.2d 262, 265 (1957) (stating "[i]t is elementary that in order for a plaintiff to recover damages there must be proof not only of injury, but also that it was caused by the actionable negligence of the defendant. It should be kept in mind that the doctrine of res ipsa loquitur does not apply in this State.").

[5] The court does not recall this being asserted, but a footnote from Cole discusses Regulation 61-50 being amended in 1999 and applying thereafter only to a natural swimming area if there is "a fee or membership required to gain access to a natural freshwater location." Further, the regulation no longer requires safety measures such as lifeguards and life-saving equipment but applies solely to monitoring water quality.

South Carolina courts have held that the question of whether a duty actually existed between a defendant and a plaintiff is a question of law to be determined by the trial court, and if the trial court determines that no duty exists, "the defendant is entitled to judgment as a matter of law." Doe v. Marion, 361 S.C. 463, 470, 605 S.E.2d 556, 560 (Ct. App. 2004); see also Simmons v. Tuomey Reg'l Med. Ctr., 341 S.C. 32, 39, 533 S.E.2d 312, 316 (2000). The burden of proving a breach of duty is on the plaintiff. Doe, 361 S.C. at 470, 605 S.E.2d at 560 (Ct. App. 2004) (citing Sabb v. S.C. State Univ., 350 S.C. 416, 429, 567 S.E.2d 231, 237 (2002)); Bishop v. S.C. Dept. of Mental Health, 331 S.C. 79, 502 S.E.2d 78 (1998).

Here, the only evidence, and the only reasonable inferences therefrom, compel the court to determine that the decedent knew about the realities forming the dangerous condition. He knew that he was going into a large lake, without lifeguards or safety equipment. He understood and appreciated that the condition of swimming in that area was dangerous. He understood and appreciated that he was at risk of drowning, if he became unable to swim or float in the area where he chose to enter the water, and he voluntarily exposed himself to that danger. It is common knowledge that boat docks require sufficient water depth to allow boats to approach them without grounding, and the only evidence here is that he knew he left the swimming area to enter the open waters of Lake Murray.

The decedent's assumption of this risk was primary because he knowingly assumed the inherent risks. There is no evidence from which this could be construed as secondary implied assumption of risk because there is no evidence that a dangerous condition was created by the Defendants' negligence or gross negligence. So, while South Carolina has abolished common law assumption of the risk due to the adoption of comparative negligence, the court's reading of the current legal precedent is that a court is still required to grant summary judgment in situations

where the risk would be classified as primary implied assumption of the risk. In the court's understanding, this is because primary implied assumption of the risk deals more with situations where there is an absence of negligence on the part of defendants and that the term "assumption of risk" is somewhat of a misnomer in this analysis.

The Plaintiffs cannot recover because the actions of the decedent amounted to primary implied assumption of the risk inherent in swimming in Lake Murray. Mr. Myers was twenty-one (21) years of age at the time of his accidental drowning. The only evidence is that he knew and appreciated that he was swimming in the open waters of the lake at the time of his death. (Bellamy Dep., p. 144, lines 1-7; p. 148, lines 10-13). Myers was a graduate of nearby Irmo High School, was attending college courses, and had ambitions to become a first responder and join the local police department. (Bellamy Dep., p. 42, lines 19-24; p. 55, lines 10-12; p. 144, lines 16-23). It was the decedent's own decision and suggestion that he and Bellamy leave the Pine Island Club swimming beach and jump from the nearby dock into Lake Murray. (Bellamy Dep.., p. 146, lines 5-14). There were warnings posted at the subject dock, which prohibited him from swimming in the area around the dock in which he subsequently drowned. (Bellamy Dep., p. 86, line 25 – p. 87, line 14; Dep. Ex. 8). There was no ladder for swimmers to climb onto the dock from the lake.

To the extent that the Plaintiffs have premised their arguments on the notion that Mr. Myers did not know or appreciate changing weather conditions, the court has previously found that there is no evidence that the weather conditions caused or contributed to the decedent's drowning. That is purely speculative and the court has an obligation to grant summary judgment on that ground. Even if there were a causal link, the evidence demonstrates that any change in

weather condition was open and obvious to the decedent. (Bellamy Dep., p. 78, line 25 – p. 79, line 11).

There is no evidence in this case that the decedent became entangled in any moorings, cables, or other structures placed by the Defendants. There is no legal duty to warn a competent adult of the dangers of swimming in a lake. The only evidence in this case is that Mr. Myers came into distress due to something that the Defendants did not cause or create. He was overcome and unable to escape his tragic drowning. (Bellamy Dep., p. 99, line 17 – p. 101, line 15). Therefore, the Court finds that the SCANA Defendants are entitled to summary judgment on the additional ground that the only evidence supports that the conduct of Mr. Myers amounted to the equivalent of primary implied assumption of risk.

CONCLUSION

The Defendants' Motion for Summary Judgment is granted.

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AND IT IS SO ORDERED.

WILLIAM P. KEESLEY
Judge of the Eleventh Judicial Circuit

Lexington, South Carolina

August 8, 2016

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP3202210

PLAINTIFF(S)	DEFENDANT(S)
Cassandra M Myers Bartholomew Myers Evan M Myers Est	Consolidated Employee Recreation Clubs South Carolina Electric and Gas Holding Company Inc Pine Island Club at Lake Murray SCANA
Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant ☐ 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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ 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.**

8/24/2016

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on **August 24, 2016**, to attorneys of record or to parties (when appearing pro se) as follows:

Pedro Eduardo Krompecher PO Box 6639 Raleigh, NC 27628

ATTORNEY(S) FOR THE PLAINTIFF(S)

Christian Stegmaier PO Box 12487 Columbia, SC 29211

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/kpk

Court Reporter

Beth A. Carrigg - 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.