

Honorable Marvin H. Dukes, III

Order dated March 8, 2017

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2013 CP-07-01463 (2013-CP-07-01464)

BURTON FIRE DISTRICT

CITY OF BEAUFORT, ET AL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

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:

This came before me on Defendants' Motion for Reconsideration, filed November 7, 2016. After hearing from the parties and review of the file, I hereby deny the motion. Specifically, to the extent not addressed in the Final Order of the Court:

The Court rejects the Defenses of waiver, estoppel and laches under the facts presented. Further, the Court rejects the "Ultra Vires" defense.

Further, the Order is amended to modify that portion in which it is asserted that the parties "stipulated" to the unambiguity of the Settlement Agreement. While the motion correctly asserts that no technical "stipulation" occurred, in cross Summary Judgment motions (both denied) both parties argued that the Agreement, as a matter of law, should be interpreted in a manner consistent with unambiguity. While not a stipulation, and not the deciding factor in the Final Order, I find the parties' positions in that matter to be relevant.

Any other relief not specifically granted is denied.

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 (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.**

	3069	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

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

H. FRED KUHN

ATTORNEY(S) FOR THE PLAINTIFF(S)

WILLIAM B. HARVEY III

 MARY BASS LOHR

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A



Beaufort Common Pleas

Case Caption: Burton Fire District VS Beaufort City Of , defendant, et al

Case Number: 2013CP0701463

Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069