

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-42-4743

GBS Building Supply, Inc.,

QMM Development, LLC, Quintin Marcell Meredith, Latonya F. Meredith, and Stock Building Supply, LLC,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: W. Duffie Powers, Gallivan, White & Boyd, P.A.

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 :

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)
GBS Building Supply, Inc.	QMM Development, LLC and Quintin Marcell Meredith.	\$14,224.06
GBS Building Supply, Inc.	Quintin Marcell Meredith and Latonya F. Meredith	\$Foreclosure of mechanic's lien on real property. See additional information on following page.
		\$

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.

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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:

W. Duffie Powers  
Gallivan, White & Boyd, P.A.  
Post Office Box 10589, Greenville, SC 29603  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

**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.

As to Defendant Lontonya F. Meredith, the judgment against Mrs. Meredith pertains only to

the foreclosure of the previous mechanic's lien on the real property that is the subject of

this litigation, specifically described in Exhibit A to the Notice and Certificate of

Mechanic's Lien recorded on October 15, 2016, in the office of the Register of Deeds

for Spartanburg County, South Carolina in Mechanic's Lien Book 35, Pages 524-531, as Mrs.

Meredith is a co-owner of said property.

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**FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE**  
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Spartanburg Common Pleas

**Case Caption:** Gbs Building Supply Inc VS Qmm Development Llc , defendant, et al  
**Case Number:** 2015CP4204743  
**Type:** Master/Order/Form 4

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2017-05-09 16:04:12 page 6 of 6

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Pursuant to the terms of the Business Credit Application, a personal guaranty for all of the obligations of QMM was executed by Defendant Quintin Marcel Meredith. See Business Credit Application attached to Plaintiff's Verified Complaint.

Pursuant to the Business Credit Application and guarantee, Plaintiff provided certain construction materials to QMM. Plaintiff invoiced QMM for said materials, and QMM subsequently failed to remit payment to Plaintiff.

### **LEGAL STANDARD**

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material facts and that the moving party is entitled to judgment as a matter of law." Rule 56(e), SCRPC: *Baughman v. American Telephone and Telegraph Co.*, 306 S.C. 101, 111, 410 S.E.2d 537, 545 (1991). In determining the appropriateness of granting summary judgment, "the trial court is not required to single out some one morsel of evidence... to create an issue of fact that is not genuine." *Englert, Inc. v. Netherlands Ins. Co.* 315 S.C. 300, 302, 433 S.E.2d 871, 873 (Ct. App. 1993) (quoting *Maine v. Corley*, 281 S.C. 525, 527, 316 S.E.2d 406, 407 (1984)). Moreover, "[a] a party opposing summary judgment must do more than rely on mere allegations." *Walton v. Mazda of Rock Hill*, 376 S.C. 301, 307, 657 S.E.2d 67, 70 (Ct. App. 2008) (citing *Dyer v. Moss*, 208 S.C. 208, 211, 325 S.E.2d 69, 70 (Ct. App. 1985)). Where a defendant establishes entitlement to judgment as a matter of law, the court must grant summary judgment. *Humana Hospital – Bayside v. Lightle*, 305 S.C. 214, 216, 407 S.E.2d 637, 638 (1991); *Dyer v. Moss*, 284 S.C. 208, 211, 325 S.E.2d 69, 70 (Ct. App. 1985).

**CONCLUSIONS OF LAW**

IT APPEARS TO THE COURT from the Defendants' First Amended Answer, that Defendants admitted that Defendant QMM executed a business credit application with Plaintiff for the purchase of building materials. Defendants' First Amended Answer ¶ 7.

IT ALSO APPEARS TO THE COURT that Defendant Quintin Marcel Meredith ("Mr. Meredith") admitted in his deposition taken on November 14, 2016, at the law office of Alford & Hart, P.C., located at 160 Hidden Hills Road, Spartanburg, South Carolina, that he ordered materials from Plaintiff, that he had no problems with the materials supplied by Plaintiff, and that he had failed to pay Plaintiff in full for said materials. Quintin Marcel Meredith Dep. Nov. 14, 2016: 56:12 – 57:11.

IT ALSO APPEARS that as to Defendant Latonya F. Meredith ("Mrs. Meredith"), the judgment against Mrs. Meredith pertains only to the foreclosure of the previous mechanic's lien on the real property that is the subject of this litigation, specifically described in Exhibit A to the Notice and Certificate of Mechanic's Lien recorded on October 15, 2016, in the office of the Register of Deeds for Spartanburg County, South Carolina, in Mechanic's Lien Book 35, Pages 524-531, as Mrs. Meredith is a co-owner of said real property.

THEREFORE IT APPEARS TO THE COURT that according to Plaintiff's Verified Complaint, the other pleadings in this case, Plaintiff's Motion for Summary Judgment, the Exhibits attached thereto, and the deposition testimony of Defendant Quintin Marcell Meredith on behalf of Defendant QMM, that there is no genuine issue of material fact concerning the liability and damages under Plaintiff's claims for account stated, breach of contract, and foreclosure of its mechanic's lien.

IT IS THEREFORE ORDERED that judgment in the amount of Fourteen Thousand Two Hundred Twenty Four and 06/100 (\$14,224.06) Dollars is hereby ordered in favor of the Plaintiff against Defendants QMM and Quintin Marcel Meredith, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure and for foreclosure of the aforesaid mechanic's lien held by Plaintiff against the real property that is the subject of this action.

IT IS SO ORDERED.

\_\_\_\_\_, 2017  
Spartanburg, South Carolina

\_\_\_\_\_  
The Honorable Gordon G. Cooper  
Master in Equity, Spartanburg County



Spartanburg Common Pleas

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It is So Ordered

s/Judge Gordon G Cooper-3065