

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
Classic Pools of Spartanburg, LLC,)
Plaintiff,)
)
vs.)
)
Scott E. Bisbee and South Carolina)
Department of Revenue,)
Defendants)

IN THE COURT OF COMMON PLEAS
2015 – CP – 23 – 05871

ORDER ON MOTION TO RECONSIDER

RECEIVED

MAY 26 2017

SC Court of Appeals

This mechanic’s lien foreclosure case was tried on March 13, 2017. On March 27, 2017 an Order was issued, finding in favor of the Defendant Scott Bisbee and giving him judgment against Plaintiff for attorney’s fees and costs in the amount of \$2750.00.

Subsequently, Plaintiff filed a Motion for Reconsideration in which it alleged that it, and not Defendant Bisbee, was the prevailing party, citing Diamond Swimming Pool, Inc. vs. Broome, 252 SC 379, 166 SE 2d 308 (1969). However, as stated in the original Order, the greater weight of the evidence supports Bisbee’s position that Plaintiff is not entitled to payment for the \$1700.00 it claimed in its mechanic’s lien. Bisbee is therefore the prevailing party and is entitled to attorney’s fees under Sections 29–5–10 and 29-5-20, SC Code.

Plaintiff’s motion also pointed out that, under Sections 29-5-10 and 29-5-20, any award of attorney’s fees is limited to the amount of the lien. The amount of the lien in this matter is \$1700.00. Therefore, Plaintiff’s motion is granted as to the amount of the attorney’s fee award to Defendant Bisbee and the judgment is reduced to \$1700.00. The Clerk of Court shall note the same.

AND IT IS SO ORDERED.

Judge’s Signature Page To Follow



Greenville Common Pleas

Case Caption: Classic Pools Of Spartanburg LLC vs. Scott E Bisbee , defendant, et al
Case Number: 2015CP2305871
Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)