

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS)
C/A NO: 2014-CP-21-916)

Beneficial Financial I Inc., successor)
by merger to Beneficial Mortgage Co.)
of South Carolina,)

Plaintiff,)

vs.)

Jon Windham a/k/a Jon D. Windham,)
Frances Windham a/k/a Frances C.)
Windham, and Jerry Coker a/k/a)
Jerry L. Coker, Carolina Bank a/k/a)
Carolina Bank & Trust Co., The)
United States of America, by and)
through its agency, the Internal)
Revenue Service, and The Citizens)
Bank,)

Defendants.)

2017 SEP -8 PM 12: 48
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

FILED

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SC Court of Appeals

ORDER

On August 31, 2017, the parties appeared before the Court and argument was heard on Defendant Jon Windham's motion for summary judgment. At the hearing, Plaintiff failed to overcome the facts and law set forth by Defendant. After reviewing the pleadings, affidavits on file, Defendant's brief, and arguments of counsel, the Court finds that there is no genuine issue of material fact in this matter and that summary judgment is due to be granted in Defendant's favor.

Therefore, it is hereby **Ordered, Adjudged and Decreed** as follows:

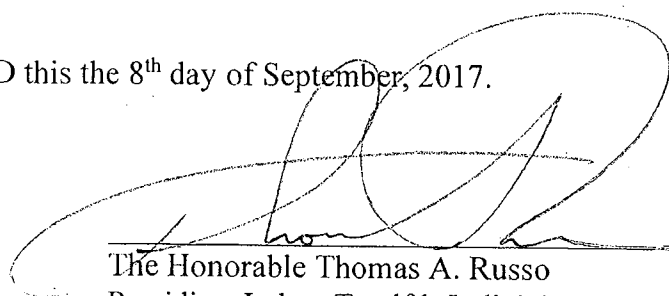
1. Summary Judgment is granted in Defendant's favor on his claim that Plaintiff violated the South Carolina Unfair Trade Practices Act, and that said

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Doris Poulos O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

violation was done willfully. As the Court has found that Plaintiff's violations of the South Carolina Unfair Trade Practices Act were willful, this Court orders that all damages attributed to said violations be trebled. Additionally, pursuant to the South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-140, Plaintiff is liable to pay reasonable attorney's fees and costs to Defendant.

2. Summary Judgment is granted in Defendant's favor on his claim of fraud.
3. Summary Judgment is granted in Defendant's favor on his claim of negligent misrepresentation.
4. Summary Judgment is granted in Defendant's favor on his claim of intentional infliction of emotional distress.
5. Summary Judgment is granted in Defendant's favor on his claims of negligent and reckless training and supervision.
6. This matter will be brought to the jury on September 25, 2017, to determine damages.

AND IT IS SO ORDERED this the 8th day of September, 2017.



The Honorable Thomas A. Russo
Presiding Judge, Twelfth Judicial Circuit

Florence, South Carolina

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Janis K. O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

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