

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017 CP- 04- 2632

Eugene L. Griffin, Jr. and Beth King Griffin

Arden Chase Home Owner's Association, Inc.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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), 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
- STAYED DUE TO BANKRUPTCY**
- 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 matter was before the Court on Friday, May 11, 2018 on the parties' cross motions for Summary Judgment. The issues are the same: whether or not Plaintiffs' constructed detached R.V. garage complies with Defendant's filed restrictive covenants for the subdivision or the Honorable R. Scott Sprouse's Order and amended Order from the trial of a related matter in *R. Dean Price et al v. Eugene L. Griffin et al*, Case No: 2016-CP-04-02028. Reference is made to both Judge Sprouse's Orders, the entirety of which are being incorporated herein by reference.

In an Order filed on or about June 14, 2017, in Case No: 2016-CP-04-02028, Judge Sprouse held that the Griffin's proposed, partially constructed detached R.V. garage was not in compliance with Arden Chase's recorded, restrictive covenants and enjoined the Griffins. This Order provided further however that:

[T]he Defendants [Griffins] can bring their proposed garage into compliance by changing its direction so that a straight line from each corner of the side of the garage containing the door intersects Concord Road instead of Arden Chase Street.

**RECEIVED**

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SC Court of Appeals

On or around October 13, 2017, Judge Sprouse issued another Order denying Arden Chase's motion for Temporary Injunction and clarifying the Court's original June 14, 2017 Order in Case No: 2016-CP-04-02028. Judge Sprouse's subsequent Order provides, inter alia, that "[t]he Court's intent in the previous Order was that the structure as indicated on the submitted plans was allowed on the condition that the entire structure was turned to comply with the restrictive covenants. The Defendants [Griffin's] modified plan, which slightly increases the square footage of the building and changes the configuration of the front of the building so that only one wall is turned, would constitute "a new plan which would require submission to the board." Judge Sprouse's July 11, 2014 Order provides that "[n]othing in this Order shall be construed to exempt any future project from any other restriction or standard set for in the restrictive covenants."

No party appealed either of Judge Sprouse's Orders. Accordingly, the same parties and their privies are bound by the orders. In another action, *Arden Chase Home Owner's Association v. Eugene L. Griffin, Jr. and Beth King Griffin*, Case No.: 2017-CP-04-1244, the undersigned in a Form 4 Order held:

"[Griffins] Motion for Summary Judgment granted. This matter is controlled by Judge Sprouse's Order... this Order is without prejudice to either party to have the issue of compliance with Judge Sprouse's Order determined by Judge Sprouse."

Judge Sprouse's October 13, 2017 Order in Case No.:2016-CP-04-02028 resulted from this Form 4 Order.

¶ 5.05 Submission of Plans and Specifications of Arden Chase's restrictive covenants provides: No structure shall be commenced, erected, placed, or permitted to remain on any home site nor shall any existing structure upon any home site be altered in any way which materially changes the exterior appearance of the structure of home site unless plans and specifications therefor shall have been submitted to and approved in writing by the ACC...

Therefore, the issues before this court on cross motions for summary judgment can be more particularly set forth as:

- (1) Whether the Griffins complied with Judge Sprouse's Orders?
- (2) Whether the Griffins complied with ¶ 5.05 of the restrictive covenants particularly, or the restrictive covenants generally in constructing the detached R.V Garage?<sup>1</sup>

Neither party appealed either of Judge Sprouse's Orders. Accordingly the orders constitute the law of the case. The Griffins did not attempt to turn the entire structure as provided by Judge Sprouse's Order. They simply modified the existing corner walls in an attempt to angle them away from Arden Chase Street and towards Concord Road, resulting in a six-sided structure.

The Griffins did attempt to comply with Judge Sprouse's October 13, 2017 Order by submitting several revised plans to Arden Chase's Architectural Control Committee (ACC). Ultimately, the Griffins' plans were not approved by the ACC. The Arden Chase Home Owner's Association agreed with the ACC's decision. The Griffins were properly notified of these decisions. Notwithstanding the above, the Griffins completed the construction of the R.V. detached garage. There is no genuine issue of material fact that the Griffins did not comply with the approval requirements of Arden Chase's recorded, restricted covenants by obtaining approval before constructing the present structure. There is also no genuine issue of material fact that the Griffins did not comply with Judge Sprouse's unappealed orders. Accordingly, Arden Chase shall be and here by is granted Summary Judgment. The Griffins are bound by the law of the case in this matter.

Frankie McClain to prepare a formal Order consistent with these findings, the written and oral arguments at the hearing, its motion and the prior orders of this Court.

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
<b>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.</b>		
<b>Judgment in Favor of (List name(s) below)</b>	<b>Judgment Against (List name(s) below)</b>	<b>Judgment Amount To be Enrolled (List amount(s) below)</b>
		\$

<sup>1</sup> Nothing contained in this Order is intended to address whether the Arden Chase Architectural Control Committee (ACC) or the Home Owner's Association's conduct in this matter is actionable.

		\$
		\$
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.**  
**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge	Judge Code	Date
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**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:

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

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

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

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**



Anderson Common Pleas

**Case Caption:** Eugene L Griffin Jr , plaintiff, et al VS Arden Chase Home Owners Association, Inc.  
**Case Number:** 2017CP0402632  
**Type:** Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH