

**THE STATE OF SOUTH CAROLINA  
In the Supreme Court**

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**APPEAL FROM McCORMICK COUNTY  
Court of Common Pleas  
Honorable Alison Renee Lee, Circuit Court Judge**

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S.C. SUPREME COURT

**Appellate Case No. 2016-002462  
Unpublished Opinion No. 2018-UP-467**

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**Sonny Adams, ..... Respondent,**

**vs.**

**Nadine Adams, ..... Petitioner.**

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**APPENDIX**

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Sony Adams, Respondent,

v.

Nadine Adams, Appellant.

Appellate Case No. 2016-002462

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Appeal From McCormick County  
Alison Renee Lee, Circuit Court Judge

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Unpublished Opinion No. 2018-UP-467  
Submitted November 1, 2018 – Filed December 19, 2018

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**AFFIRMED**

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Clarence Rauch Wise, of Greenwood, for Appellant.

Heather Hite Stone, of Hite and Stone, of Abbeville; and  
Scarlet Bell Moore, of Greenville, both for Respondent.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Earthscapes Unlimited, Inc. v. Ulbrich*, 390 S.C. 609, 616, 703 S.E.2d 221, 225 (2010) ("An action based on a theory of quantum meruit sounds in equity."); *id.* ("When reviewing an action in equity, an appellate court reviews the evidence to determine facts in accordance with its own view of the preponderance of the evidence."); *Columbia Wholesale Co. v. Scudder May N.V.*, 312 S.C. 259,

261, 440 S.E.2d 129, 130 (1994) ("This [c]ourt has recognized quantum meruit as an equitable doctrine to allow recovery for unjust enrichment."); *Dema v. Tenet Physician Servs.-Hilton Head, Inc.*, 383 S.C. 115, 123, 678 S.E.2d 430, 434 (2009) ("A party may be unjustly enriched when it has and retains benefits or money which in justice and equity belong to another."); *id.* ("Unjust enrichment is an equitable doctrine which permits the recovery of that amount the defendant has been unjustly enriched at the expense of the plaintiff.").

**AFFIRMED.**<sup>1</sup>

**KONDUROS, MCDONALD, and HILL, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Sonny Adams, Respondent,

v.

Nadine Adams, Appellant.

Appellate Case № 2016-002462

Appeal from McCormick County  
Alison Renee Lee, Circuit Court Judge

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Opinion № 2018-UP-467  
Heard November 1, 2018 - Filed December 19, 2018

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Petition for Rehearing

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Pursuant to Rule 221 of the South Carolina Rules of Appellate Practice, Nadine Adams respectfully requests that this Court rehear this matter to correct the following errors and omissions:

1. This Court failed to consider or rule upon the fact that in her appeal Nadine Adams argued that the lower court erred in awarding the amount of damages as equal to the amount of money that Sonny Adams, the Respondent, spent improving the mobile home and land and not the increased value of the land belonging to Mrs. Adams. This Court in *Stringer Oil Co. v. Bobo*, 320 S.C. 397, 581 S.E.2d 161 (2003) established the rule of law that in a suit for unjust enrichment the amount of damages is the increased value of the land and not the amount the claimant spent improving the property. This Court has also adopted the identical or very similar rule in *Barrett v. Miller*, 283 S.C. 264, 321 S.E.2d 198 (Ct. App. 1984) and *Ackerman v. Heard*,

287 S.C. 626, 340 SE.2d 560 (Ct. App. 1986). In this case the lower court admitted the amount of damages was based solely on the amount Mr. Adams claimed he spent improving the property and not the amount the improvements increased the value of the property belonging to Mrs. Adams. Rec. on App. at 115. As the lower Court used a measure of damages that has been specifically rejected by this Court on at least three occasions, this Court should rehear this matter and issue an opinion consistent with the *Stringer* and related decisions decision or remand the case to the lower court to determine the how much the improvements improved the value of the land of Mrs. Adams.

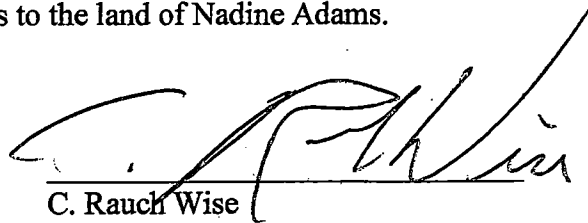
2. The Court failed to consider that the Plaintiff in his quantum merit action has the burden of proving any increased value to the land for the improvements he made. This Court failed to consider Mr. Adams did not offer any proof as to how much the value of the land belonging to Mrs. Adams had in fact been increased. To the extent the value of the mobile home has been increased and is movable, then the testimony at the hearing established that Mr. Adams was in fact free to move the mobile home therefore Mrs. Adams should not be responsible for any increase value to just the mobile home.

3. This Court failed to consider and rule upon the fact that the lower Court improperly relied upon *Boykin Contracting, Inc. v. Kirby*, 405 S.C. 631, 748 S.E.2d 795 (Ct. App. 2013) to support her decision. *Boykin* involved the issue of an implied contract and not the improvements to the value of the land due to unjust enrichment. The cause of action upon which this matter proceeded was unjust enrichment and not any implied contract. While the Plaintiff brought an action for Promissory Estoppel concerning an alleged agreement convey land to Mr. Adams, (Rec. on App. at 4) the testimony at the hearing established that Mr. Adams admitted he

was never promised the land. Rec. on App. at 46, ll 113-19.

For the foregoing reasons, this Court should rehear this matter and issue an order reversing the Order of the lower court or in the alternative remanding this matter to the lower court to determine the value of the improvements to the land of Nadine Adams.

January 2, 2019



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# The South Carolina Court of Appeals

Sonny Adams, Respondent,

v.

Nadine Adams, Appellant.

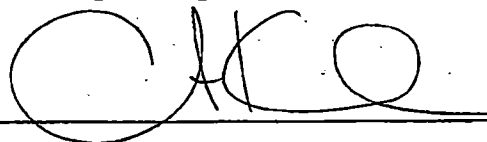
Appellate Case No. 2016-002462

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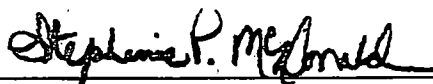
## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Clarence Rauch Wise, Esquire

Heather Hite Stone, Esquire

Scarlet Bell Moore, Esquire

The Honorable Alison Renee Lee

**FILED**

January 17, 2019