

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

The Honorable Steven H. John, Circuit Court Judge Presiding

Docket No. 2009-CP-26-8477

CHANNEL GROUP, LLC,
Plaintiff-Appellant,

vs.

WILLIAM A. PARKS,
Defendant-Appellee.

RECORD ON APPEAL

RECEIVED

FEB 26 2013

SC Court of Appeals

Richard L. Jackson
S.C. Bar # 77669
BROCK & SCOTT, PLLC
Attorneys for Plaintiff-Appellant
1315 Westbrook Plaza Drive
Winston-Salem, NC 27103
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STATE OF SOUTH CAROLINA

HORRY COUNTY

CHANNEL GROUP, LLC,

Plaintiff,

vs.

WILLIAM A PARKS.

Defendant.

IN THE COURT OF COMMON PLEAS
15TH JUDICIAL CIRCUIT
DOCKET NO. 2009CP268477

ORDER

Denied

IT APPEARING TO THE COURT that the Order entered by this Court on December 6, 2010 stated a clerical error in the name of the Defendant; that Defendant's name should be recorded as "William A. Parks, Jr."; that such error occurred by oversight or omission; and that no prejudice will result to the Defendant as a result of the amendment; it is

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Judgment heretofore entered on April 23, 2010 is amended to reflect that Judgment is rendered in favor of Plaintiff, and against each Defendant identified as follows:

WILLIAM A. PARKS, JR.

2. The Clerk is directed to index the Judgment under each name and alias set forth above.

FILED
HORRY COUNTY
12 JUL 26 AM 10:05
MELANIE HUGGINS-WARD
CLERK OF COURT

This the ___ day of _____, 20__

Order

Judge _____

The motion to change the name of the Defendant against whom the judgment was rendered from William A. Parks to William A. Parks, Jr., is Denied. Based on the filings attached to this Order, the Plaintiff shall file a request with the Clerk of Court to make the judgment as filed against William A. Parks to be completely satisfied and null and void due to the error of the Plaintiff's failure to do so within 30 days of the

show this judgment as null and void
and void ab initio due to the filing
attached to this Order.

7/20/12
Conroy, S.C.

David L. John
Administrative Judge
11th Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF HORRY



IN THE COURT OF COMMON PLEAS
15th JUDICIAL CIRCUIT
DOCKET NO. 2009CP268477

CHANNEL GROUP, LLC,
Plaintiff,

vs.

WILLIAM A PARKS,
Defendant.

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ORDER OF DEFAULT AND
JUDGMENT

IT being made to appear to me that the Summons and Complaint in the above-entitled action was personally served on the Defendant in the within cause of action more than thirty (30) day ago as may be seen by the records filed with the Clerk; that no Notice of Appearance or other pleadings have been received or served in response thereto as may be seen by reference to the Affidavit of Plaintiff's Attorney; and that the Plaintiff has notified the Defendant regarding the request for Attorney's fees and no objection has been filed with this Court.

NOW, THEREFORE, pursuant to Rule 55 of the South Carolina Rules of Civil Procedure and upon motion of the Attorney for the plaintiff, the Defendant(s) below named is hereby declared to be in default.

UPON FURTHER MOTION of Plaintiff's Attorney, it is hereby adjudged that the Plaintiff herein have Judgment as follows:

Defendant: WILLIAM A PARKS

Principal	\$2,043.35	
Interest	\$1,070.33	26.74% from March 31, 2008 to March 16, 2010
Attorney's Fees	\$306.50	Not to exceed \$1500.00
Court Cost	\$190.00.	

AND IT IS SO ORDERED.

This the 14th day of April, 2010.
HORRY, South Carolina

S/ Edward B. Cottingham
JUDGE PRESIDING FOR THE 15th
JUDICIAL CIRCUIT

HORRY COUNTY
2010 APR 23 PM 2:19
MELANIE M. STANLEY
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS

15th JUDICIAL CIRCUIT

DOCKET NO.

CHANNEL GROUP, LLC,
Plaintiff,

vs.

WILLIAM A PARKS,
Defendant.

COMPLAINT

FILED
HORRY COUNTY
2009 AUG 28 PM 2:49
MELANIE HUGGINS
CLERK OF COURT

COMES NOW the Plaintiff, and complaining of the Defendant, avers and says as follows:

1. Plaintiff is an entity authorized to prosecute this civil action pursuant to S.C. Code Ann. §33-15-101(b)(8). Plaintiff is the owner of the credit account, numbered 4417169944903717, forming the basis of this civil action, having purchased it from the original creditor CHASE MANHATTAN BANK Inc. or the original creditor's successor in interest.
2. Upon information and belief, each Defendant is an adult citizen and resident of HORRY County, South Carolina, is under no legal disability of infancy or incompetency, and is not entitled to relief pursuant to the Servicemembers Civil Relief Act of 2003, 50 U.S.C. Appendix §§501 *et seq.*
3. Defendant requested and received a credit account from Plaintiff's predecessor in interest. Each Defendant has defaulted upon the account by failing and refusing to make payments to Plaintiff when due, and the default of each Defendant continues to the date of this Complaint. Plaintiff has sent to each Defendant a notice of right to cure pursuant to S.C. Code §§ 37-5-110 *et seq.*, the form and content of which are substantially as set forth in the "Notice of Right to Cure Letter" attached hereto and incorporated herein by reference as an Exhibit.
4. Defendant owes to the Plaintiff the original principal balance of \$2,043.35, together with interest at the contracted rate of 26.74% per annum from and after March 31, 2008. Interest continues to accrue upon the said account at the aforesaid rate until entry of Judgment, and accrues thereafter at the statutory rate until the Judgment is satisfied in full. The provisions of the account allow Plaintiff to recover the costs of court and a reasonable attorney's fee incurred in collecting upon the account.
5. Attached hereto and incorporated herein by reference as though set forth verbatim are Plaintiff's Exhibits which together establish Plaintiff's claim against the Defendant.

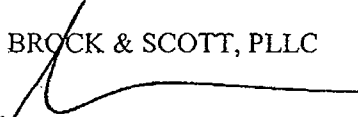
WHEREFORE, Plaintiff respectfully prays the Court for relief as follows:

That Plaintiff have and recover Judgment against the Defendant for the original principal balance of \$2,043.35, together with interest thereon at 26.74% per annum from and after March 31, 2008 until entry of Judgment, and at the legal rate thereafter until the Judgment is satisfied in full; and, that the costs of this civil action to be taxed to the Defendant, together with Plaintiff's reasonable attorney's fees; and, for such other, further, and general relief as to which the Plaintiff may be entitled in law or equity alike.

This the 25 day of August, 2009.

1315 Westbrook Plaza Drive
Winston-Salem, NC 27103
Telephone: (336) 354-1797
Telefax: (336) 354-1588

BROCK & SCOTT, PLLC


Richard L. Jackson, SC Bar No. 77669

This communication is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

AFFIDAVIT OF DEFAULTED ACCOUNT

WILLIAM A PARKS
4575 HIDDEN CREEK LN
MYRTLE BEACH SC 29579

I, the undersigned, swear and depose that I am the appropriate custodian of records and having knowledge of the information set forth certify as to the following:

1. CHASE MANHATTAN BANK issued credit account 4417169944903717 to Debtor(s). Creditor is current holder of this account through assignment in due course from CHASE MANHATTAN BANK.
2. Debtor, WILLIAM A PARKS in this action has same account 4417169944903717 with the Creditor which is currently in default.
3. The outstanding principal balance as of the date of this affidavit is \$2,043.35. This amount remains due after credit for all sums paid on behalf of Debtor(s), including all discounts and other credits, is applied to the account.
4. Interest is accruing at a rate of 26.74 % per annum from the date interest began March 31, 2008, pursuant to the agreement governing the account.
5. This document is a true copy of a business record of the Creditor maintained by me and in my custody. This business record was made at or near the time of the occurrences or transactions referenced herein, by persons having actual knowledge of the said occurrences or transactions, or in the alternative are made from information transmitted by persons having actual knowledge thereof. The business records are kept in the course of the Creditor's regularly conducted business activity, and it is the regular practice of the Creditor to keep such records.

This the 20 day of August, 2009.

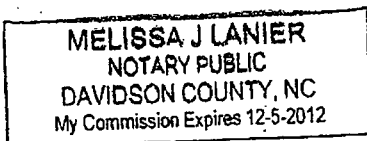


Darren Woods

CHANNEL GROUP, LLC

Creditor

Account Manager and Records Custodian
Title



Sworn to and subscribed before me this
20 day of August, 2009.

Melissa J. Lanier
Notary Public

My Commission Expires: 12-5-2012

Plaintiff's Exhibit

STATE OF SOUTH CAROLINA,

COUNTY OF HORRY

IN THE COMMON PLEAS COURT

CHANNEL GROUP, LLC

Plaintiff

vs.

WILLIAM A. PARKS

Defendant

AFFIDAVIT OF

PERSONAL SERVICE

TIME OF SERVICE: 1:25 PM

CASE # 2009CP268477

ANDREW COOPER, DEPUTY being duly sworn says that he served
 SUMMONS AND COMPLAINT, COVER SHEET in the above stated
 action, on the Defendant by delivering to him/her personally, and
 leaving with him/her copies of the same at HOME in Horry County,
 South Carolina, on the 30th day of SEPTEMBER 2009; and that he knows
 the person so served to be the one mentioned and described in the
 document served as: WILLIAM A. PARKS
 4575 HIDDEN CREEK LANE
 MYRTLE BEACH, SC

defendant therein; and the deponent is not a party to the action.

Sworn to before me this 1st day of OCTOBER 2009

J. B. Jenkins L.S.
 Notary Public for South Carolina.
 My Commission Expires: 9-15-2016

Andrew Cooper
 ANDREW COOPER
 Deputy Sheriff

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
15th JUDICIAL CIRCUIT
DOCKET NO. 2009CP268477

CHANNEL GROUP, LLC,
Plaintiff,

vs.

WILLIAM A PARKS,
Defendant.

)
) **NOTICE OF MOTION,**
) **MOTION FOR DEFAULT JUDGMENT, and**
) **AFFIDAVIT IN SUPPORT OF MOTION FOR**
) **DEFAULT JUDGMENT AND FOR**
) **ATTORNEY'S FEES**
)

COMES NOW THE PLAINTIFF, by and through the undersigned counsel, and Respectfully Moves this Honorable Court, pursuant to Rule 55 of the South Carolina Rules of Civil Procedure, that the Court grant Judgment in favor of the Plaintiff, and as cause wherefore will show as follows by the affidavit of counsel:

1. I am counsel for the Plaintiff in this civil action, and I make this Affidavit and Motion upon my own personal knowledge.

DEFAULT OF EACH DEFENDANT

2. Upon information and belief, each Defendant in this civil action has been duly served with the Summons and Complaint herein on September 30, 2009 pursuant to all affidavits of service appearing of record. Further upon information and belief, each Defendant did not present an Answer to the Plaintiff or this Court as required by the Summons and SCRPC, Rule 12(a) within thirty (30) days of service.

3. Rule 8(d) of the South Carolina Rules of Civil Procedure sets forth that the allegations of the complaint are deemed admitted when not denied by a responsive pleading, except allegations as to the amount of damages.

4. Plaintiff seeks relief by way of a claim for liquidated damages in a sum certain, or which may by computation be made certain, as set forth in the Plaintiff's verified Statement of Account filed contemporaneously with the Complaint in this civil action. This Motion is made pursuant to Rule 55(b)(1) of the South Carolina Rules of Civil Procedure.

PRAYER FOR ATTORNEY'S FEES

5. Pursuant to SCRPC Rule 55(b)(3), Plaintiff petitions this court to award attorney fees. By copy of this motion and Affidavit of Attorney Fees, the Defendant is placed on notice of this request.

6. After a review of the records of the U.S. Department of Defense Manpower Center, I have determined that no Defendant is entitled to relief pursuant to the Servicemember's Civil Relief Act of 2003, 50 U.S.C. Appendix §§ 501 *et seq.*

7. As to the time and labor devoted to this civil action, I have not maintained a precise record of the time expended in connection with this civil action, due to the routine nature of this civil action and further due to the nature of counsel's agreement with the Plaintiff as to fees. As to the fees permitted by S.C. Code Ann. §37-3-404, and customarily charged in this locality for similar legal service, I am aware of the usual and customary fees charged in this locality for legal services of a similar nature, and I believe that an attorney's fee of 15% of the principal balance of the unpaid debt upon which this civil action is brought, not exceeding \$1500.00, is consistent with the prevailing practice before this Court, and have set forth below a calculation which I believe to be a reasonable attorney's fee:

Principal Balance:	\$2,043.35
15% of Principal balance, not to exceed \$1500.00	\$306.50

FURTHER AFFIANT SAITH NOT!

WHEREFORE, PREMISES CONSIDERED, Plaintiff Respectfully Prays for Relief as follows:

HORRY COUNTY
10 MAR -9 AM 8:07
CLERK OF COURT

1. That Plaintiff have Judgment against each Defendant in the principal sum and amount of \$2,043.35, together with interest at the contractual rate of 26.74% per annum from and after March 31, 2008 until entry of Judgment, and thereafter accruing at the statutory rate until Judgment is satisfied in full; and,
2. That the costs of this action, together with Plaintiff's reasonable attorney's fees as aforesaid, be taxed against each Defendant; and,
3. For such other, further, and general relief as to which Plaintiff may be entitled in law or equity alike.

This the 4 day of March, 2010.

BROCK & SCOTT, PLLC

Richard L. Jackson, S.C. Bar # 77669
 Brian L. Campbell, S.C. Bar # 74521
 Thomas J. Harrington, S.C. Bar # 73787
 Ronald F. Johnson, Jr., S.C. Bar # 16931
 Jason Branham, S.C. Bar# 72902

BROCK & SCOTT, PLLC
 1315 Westbrook Plaza Drive
 Winston-Salem, NC 27103
 Telephone: (336) 354-1797
 Telefax: (336) 354-1588

Sworn to and subscribed before
 the undersigned Notary-Public

on the 4 day of March, 2010.

Donna R Eller

Notary-Public

Comm'n Exp.: 12-01-2010

DONNA R ELLER NOTARY PUBLIC DAVIDSON COUNTY, NC MY COMMISSION EXPIRES DECEMBER 1 2010

HORRY COUNTY

CHANNEL GROUP, LLC,)
)
Plaintiff,)

vs.)

WILLIAM A PARKS,)
)
Defendant.)

MOTION TO AMEND

NOW COMES PLAINTIFF, by and through the undersigned counsel, and pursuant to the South Carolina Rules of Civil Procedure, Rule 60(a), hereby moves this Honorable Court to amend the judgment obtained in the above-captioned civil action, and as cause wherefore states as follows:

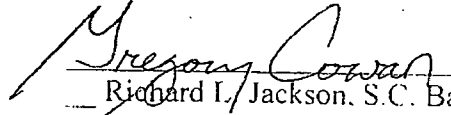
1. Plaintiff filed suit in the above-captioned civil action on August 28, 2009 against "William A. Parks." Subsequent to service of the summons and complaint in this civil action, Defendant failed to file a Notice of Appearance or other pleading responsive to the allegations of the complaint as required by the Summons and SCRCP, Rule 12(a) within thirty (30) days of service.
2. After service of the summons and complaint, Plaintiff, through counsel, filed a motion for default judgment, which judgment was entered by the Court on April 23, 2010. The Order of Default and Judgment reflected the Defendant's name in the caption and body of the Order as "WILLIAM A PARKS."
3. Subsequent to the entry of judgment against the Defendant, Plaintiff learned an amendment would be necessary to clarify the identity of the judgment debtor as against his father, William A. Parks, Sr.
4. Plaintiff's judgment constitutes a lien against assets held by the judgment debtor pursuant to SCCA § 15-35-810. To properly insure liens attach only against the judgment debtor, Plaintiff requests the Court amend the judgment to state the Defendant's name as "William A. Parks, Jr."
5. Under SCRCP, Rule 60(a), a party may seek amendment of clerical mistakes in orders at any time "arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders." "The ending of a term of court or departure from the circuit shall not operate to deprive the trial judge of jurisdiction to correct such mistakes. A party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion." *Id.* South Carolina law permits amendment of the record to amend a judgment to change the name of an individual when the "when the writ was served on the correct person." *Tri-County Ice and Fuel Company v. Palmetto Ice Company*, 399 S.E.2d 779, 781, 303 S.C. 237, 239 (S.C.1990).
6. No undue prejudice should result from the proposed amendment as to the Defendant, as Plaintiff duly served Defendant with its complaint on the underlying cause of action and the proposed amendment would not change the present obligations of the Defendant.

WHEREFORE, Plaintiff requests the following relief:

1. That the Complaint be amended to state the Defendant's name as "William A. Parks, Jr."
2. For such other and further relief as the Court deems justified.

This the 15th day of May, 2012.

BROCK & SCOTT, PLLC



___ Richard L. Jackson, S.C. Bar # 77669

___ Gregory P. Cowan, SC Bar #100299

___ Brook R. Dangerfield, SC Bar #77912

BROCK & SCOTT, PLLC

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

The Honorable Steven H. John, Circuit Court Judge Presiding

Docket No. 2009-CP-26-8477

CHANNEL GROUP, LLC,
Plaintiff-Appellant,

vs.

WILLIAM A. PARKS,
Defendant-Appellee.

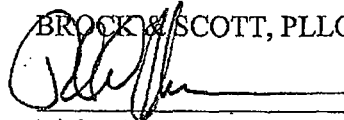
RECEIVED
FEB 26 2013
SC Court of Appeals

NOTICE OF APPEAL

TAKE NOTICE that the Plaintiff does hereby give Notice of its Appeal from an Order of the Honorable Steven H. John entered on July 26, 2012. Notice of the entry of the Order appealed from was received at the office of the undersigned on August 1, 2012. A copy of the Order appealed from is attached hereto as Exhibit A. No Defendant has appeared in this civil action through counsel or otherwise. The undersigned is counsel for the Plaintiff.

This the 10th day of August, 2012.

BROCK & SCOTT, PLLC



Richard L. Jackson, S.C. Bar # 77669

BROCK & SCOTT, PLLC
Attorneys for Plaintiff-Appellant
1315 Westbrook Plaza Drive
Winston-Salem, NC 27103
Telephone: (336) 354-1797
Telefax: (336) 354-1588

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

The Honorable Steven H. John, Circuit Court Judge Presiding

Docket No. 2009-CP-26-8477

CHANNEL GROUP, LLC,
Plaintiff-Appellant,

vs.

WILLIAM A. PARKS,
Defendant-Appellee.

PROOF OF SERVICE

THE UNDERSIGNED does hereby certify: I have served a true and exact copy of the Notice of Appeal upon the Defendant-Appellant by mailing a copy of the same by U.S. First Class mail, postage prepaid, to the Defendant-Appellee at his address of record, as follows:

William A. Parks, *pro se*
4575 Hidden Creek Lane
Myrtle Beach, SC 29579

RECEIVED

FEB 26 2013

SC Court of Appeals

On the 10th day of August, 2012.

BROCK & SCOTT, PLLC



Richard L. Jackson, S.C. Bar # 77669

BROCK & SCOTT, PLLC
Attorneys for Plaintiff-Appellant
1315 Westbrook Plaza Drive
Winston-Salem, NC 27103
Telephone: (336) 354-1797
Telefax: (336) 354-1588

CERTIFICATION

The undersigned does hereby certify that the foregoing Record on Appeal contains no matter which is irrelevant to the appeal.

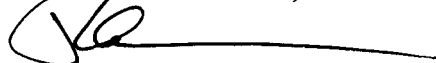
CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has served a true and correct copy of the Plaintiff-Appellant's Record on Appeal upon the Defendant-Appellee by mailing the same to him, First Class U.S. Mail, postage prepaid, addressed as follows:

William A. Parks, *pro se*
4575 Hidden Creek Lane
Myrtle Beach, SC 29579

This the 25 day of February, 2013.

BROCK & SCOTT, PLLC



Richard L. Jackson, SC Bar #77669

BROCK & SCOTT, PLLC

Attorneys for Plaintiff-Appellant

1315 Westbrook Plaza Drive

Winston-Salem, NC 27103

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FEB 26 2013

SC Court of Appeals