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|---------------------------------|---|-------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| |) | |
| COUNTY OF RICHLAND |) | CIVIL ACTION NO. 16-CP-40-100 |
| |) | |
| Hills Machinery Company, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| Jackson Development Group, LLC, |) | |
| and J. Elliott Summey, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

RECEIVED
 APR 12 2019
 SC Court of Appeals

ORDER TAXING CONTRACTUAL EXPENSES INCLUDING REASONABLE ATTORNEY'S FEES, TO BE ADDED TO JUDGMENT AMOUNT

TO THE CLERK OF COURT OF THE RICHLAND COUNTY COURT OF COMMON PLEAS:

Having considered the circumstances of the case, and the affidavit submitted pursuant to this Court's February 13, 2019 Order ruling on the bench trial, this court finds as follows:

1. The expenses of \$32,548.55 as of 2-25-19 submitted by the plaintiff Hills Machinery Company, LLC are reasonable, taking into account numerous

factors, the chief one of which is that the expenses were actually agreed and incurred.

2. Additionally, the legal services were complicated by the length of time over which they were rendered, and the issues or potential factual and legal issues involved, e.g., what present disagreement there was with the charges, the merits of any present disagreements, whether there were past disagreements, whether there was express or implied agreement, or both, to the invoices and statements, the law of "account stated" as applied to the dealings of the parties, the calculation of interest, etc. The time devoted was considerable and was all accounted for; in fact some has actually not been charged, some money has been discounted after charging for the time, and a potential agreed increase in rate has not been applied. Counsel has professional standing justifying the fees charged. The fees are no more than those customarily charged by him in the locality for similar services, and the fees charged by others in the locality vary according to the nature of the matter and the lawyers hired, and I take note that the fees in the instant case are within that range. The trial ended in a money judgment for the plaintiff which was beneficial.

3. This Court's order of February 13, 2019 only included pre-judgment interest through February 11, 2019, and the plaintiff is therefore entitled to two

additional days' interest at \$21.31 per day, for total additional pre-judgment interest of \$42.62.

I therefore conclude that the \$32,548.55 or more that Hills Machinery Company, LLC incurred was reasonably charged and incurred and that \$32,548.55 shall be the award up to 2-25-19. Additionally, \$42.62 in pre-judgment interest shall be added to the judgment. The clerk of court is directed to tax these costs to the defendants jointly and severally, and add the additional prejudgment interest within ten days of entry of this order.

AND IT IS SO ORDERED.

Doyet A. Early, III
Presiding Circuit Court Judge

Date: _____

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NO. 16-CP-40-00100

Hills Machinery Company, LLC,

Jackson Development Group, LLC and J.
Elliott Summey

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: M. Baron Stanton

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

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APR 12 2019
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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 (here, 5-6) for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; 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 order ends does not end the case.

Additional Information for the Clerk: Enter AMENDED judgment. This order ends the case, and amends the prior judgment by adding an award of expenses including attorney's fees pursuant to the attached order.

INFORMATION FOR THE JUDGMENT INDEX

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.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|---|--|--|
| Hills Machinery Company, LLC | Jackson Development Group, LLC | \$109,996.37 |
| Hills Machinery Company, LLC | J. Elliott Summey | \$109,996.37 |
| 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.

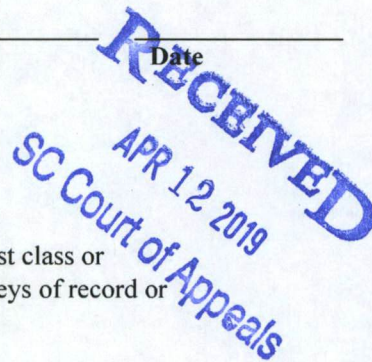
FOR ELECTRONIC SIGNATURE

Circuit Court Judge

Judge Code

Date

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:

M. Baron Stanton
P.O. Box 245

Columbia, SC 29202

Arnold Goodstein
208 Sumter Ave.
Summerville, SC 29483

Jenny A. Horne
JENNY HORNE LAW FIRM, LLC
Post Office Box 3199
Summerville, South Carolina 29483

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-Fileers or who are appearing pro se. See Rule 77(d), SCRCF.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.



Richland Common Pleas

Case Caption: Hills Machinery Company LLC vs Jackson Development Group LLC
, defendant, et al
Case Number: 2016CP4000100
Type: Order/Judgment Amended and Form 4

So Ordered

s/D.A. Early III 2136