

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) FOR THE NINTH JUDICIAL CIRCUIT  
) CASE NO.: 2016-CP-10-2380  
) )  
Chicora Life Center, LC, ) )  
) )  
Plaintiff, ) )  
vs. ) )  
Fetter Health Care Network Inc., ) )  
Defendant. ) )

**ORDER DENYING MOTION  
TO ALTER OR AMEND**

**RECEIVED**  
AUG 08 2019  
SC Court of Appeals

**FILED**  
2019 JUL 18 AM 11:32  
JULIE J. ARBISHER  
CLERK OF COURT

Following the Court’s decision, the Plaintiff filed a timely motion pursuant to Rule 52 and Rule 59, seeking reconsideration of the Order. The Court has carefully considered the arguments raised in the Plaintiff’s Motion and has re-examined its initial determination in light of the Motion.

The crux of the decision was expressed in the Conclusion that, “There are two requirements that trigger Defendant’s obligation to begin making payments under the Lease which are clearly set forth in multiple sections of the Lease, as amended, which are completion of the Tenant Improvements and the issue of a Certificate of Occupancy.” Order, page 15.

The Plaintiff challenges that proposition in several ways, essentially by arguing that it did not fail to make the Tenant Improvements (third ground), and that completion of those Tenant Improvements was not essential to the tenant’s obligations under the Lease (first and second grounds).

As to the Plaintiff’s first and second grounds, the Court adheres to its finding that under the Lease, completion of the Tenant Improvements was essential to the Lease, without which the tenant was not obligated to proceed or perform.


As to Plaintiff’s third ground, the Court paid the most careful attention to every witness

and every exhibit provided by both parties, and adheres to its findings of fact based on careful review of all the evidence.

**IT IS THEREFORE ORDERED AND DECREED**, that the Plaintiff's Motion pursuant to Rules 52 and 59 is hereby denied

IT IS SO ORDERED this 15<sup>th</sup> day of July, 2019.

Charleston, South Carolina

  
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Wade H. Logan, III  
Special Judge