

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Terry Hasty, Sr.

Plaintiff,

vs.

Bill Dyson,

Defendant.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
Case No.: 2018-CP-43-01056

ORDER GRANTING MOTION TO
DISMISS PURSUANT TO
SCRPC 12(b)(6)
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SUMTER COUNTY
SOUTH CAROLINA

SC Court of Appeals

This matter came before me regularly for hearing on December 10, 2018 in Sumter County on the Defendant's Motion to Dismiss pursuant to South Carolina Rules of Civil Procedure 12(b)(6). Present for the Defendant was Patrick M. Killen of the Sumter County Bar and the Plaintiff, whom appeared without counsel.

At the call of the case, counsel for the Defendant provided a detailed chronology of the litigation between the Defendant, Bill Dyson, and the Plaintiff, Terry Hasty, Sr., and Mr. Hasty's wife, Linda Hasty. The chronology reaches back over two (2) years and includes filings in both this Court and the Sumter County Magistrate's Court.

The Defendant pointed to a specific filing made on or about March 1, 2017 by Linda Hasty, the wife of the Plaintiff. The action was purportedly to quiet title. In that case, which included a complaint similar in format and substance to the instant Complaint of the Plaintiff, the Defendant argued that the matter should be dismissed pursuant to Rule 12(b)(6) as the Plaintiff failed to plead facts sufficient to constitute a cause of action upon which relief could be granted. The presiding Circuit Court Judge, the Honorable D. Craig Brown, agreed and stated in his order that the Court was unable

to ascertain from the filing the basis of the Plaintiff's claim and could not construe under what legal theory that she, the Plaintiff, could possibly obtain relief. Judge Brown further ruled that, even if the Plaintiff was alleging a flaw in tax sale procedure (the Defendant gained title to the property in question pursuant to a Sumter County Treasurer's office Tax Deed in 2012), the tax deed was not timely challenged. Finally, Judge Brown indicated that the Plaintiff failed to establish standing to challenge the Defendant's ownership of the property.

As argued by counsel for the Defendant, the instant lawsuit is strikingly similar to that of Linda Hasty (which was dismissed by Judge Brown) in substance and format. It appears as though, because Linda Hasty's Complaint was dismissed by Judge Brown, this action was refiled in her husband's name as a means to avoid a *res judicata* argument by the Defendant.

Ultimately, the Court finds that these matters between these parties were brought to a head and decided by Judge Brown. As such, the Court finds that, even resolving all doubts in favor of the Plaintiff, this case should be dismissed.

Base on the foregoing, the instant matter is hereby dismissed, with prejudice, pursuant to SCRCP 12(b)(6).

IT IS SO ORDERED!

Sumter, South Carolina
February __, 2019

Kristi F. Curtis
Presiding Circuit Court Judge



Sumter Common Pleas

Case Caption: Terry Hasty Sr VS Bill Dyson

Case Number: 2018CP4301056

Type: Order/Dismissal

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762

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