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SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS

Tri-County Development, Inc. and)
Melinda Holbrooks,)

CASE NO.: 2005-CP-37-0788

Plaintiffs,)

ORDER

v.)

Christopher A. Pierce,)

Defendant/Third Party Plaintiff,)

v.)

Jeff Gray,)

Third Party Defendant.)

A TRUE COPY
MAY 29 2009
RB
CLERK OF COURT - OCONEE COUNTY

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THIS MATTER was before the Court on April 6, 2009 on various motions filed by Plaintiff, Defendant/Third-Party Plaintiff and Third-Party Defendant. Plaintiffs and Third-Party Defendant were represented by Thomas E. Dudley, III, Esquire. The Defendant/Third-Party Plaintiff was present and appeared *Pro Se*. Thereafter, an Order outlining this Court's rulings on said motion was entered May 5, 2009. Defendant/Third-Party Plaintiff submitted this Motion for Reconsideration, pursuant to Rule 59, SCRCF, on May 18, 2009.

After careful consideration of the able argument and filings of Counsel and review of the record, the Court discovered an error in the Order dated May 4, 2009, inasmuch as the Rule relied on, when Vacating the Entry of Default, was listed as Rule 60(b), SCRCF when it should have been listed as Rule 55(c), SCRCF. As no Default Judgment has been entered, the standard of review used by this Court is "good cause" rather than the more rigorous standard set out in Rule 60(b), SCRCF. *Wham v. Shearson Lehman Bros., Inc.*, 298 S.C. 462, 465, 381 S.E.2d 499, 501 (Ct. App. 1989). The Court hereby Amends its prior Order, only, to Vacate the Entry of Default pursuant to Rule 55(c), SCRCF, for good cause

known, nunc pro tunc. All remaining provisions of the Order dated May 4, 2009 remain in full effect and the Court accepts that there has been compliance with said provisions.

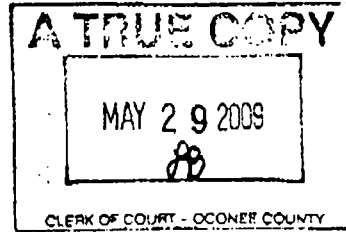
Failure to comply with this Order or any provision thereafter may result in dismissal of the case pursuant to Rule 41(b), SCRPC, and the inherent authority of the Court. *Creswood Golf Club, Inc. v. Potter*, 328 S.C. 201, 211, 493 S.E.2d 926, 832 (1997).

AND, IT IS SO ORDERED.



Alexander S. Macaulay, Presiding Judge

Walhalla, South Carolina
May 26, 2009



FILED
BEVERLY L. WHITEFIELD
CLERK OF COURT
2009 MAY 29 P 4: 39