

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Clear Skies Restoration, LLC

Petitioner,

vs.

Ivan Martinez, Paula A. Martinez,

Respondent.

IN THE CIRCUIT COURT
THIRTEENTH JUDICIAL CIRCUIT

Order

Case No. 2018-CP-23-03124

RECEIVED
OCT 28 2019
SC Court of Appeals

A review of the record will readily establish that this has become a quagmire of competing interests, positions and arguments arising out of this mechanic's lien action. Based upon the Court's familiarity with the record, the Court resolves the latest motions without the necessity of a hearing.

On September 14, 2019, the Court set aside the foreclosure sale for reasons more fully set forth in that Order. In the Court's opinion it was simply, under the unique facts of this case, the right and proper thing to do based upon the record presented to the Court at that time of the hearing. The Court has declined to allow submission of post-hearing materials and/or affidavits.

On September 16, 2019, the previously identified third party purchasers, Rallis Holdings, LLC and Oriole Properties, LLC, filed a Motion to Intervene. Also, the third party purchasers that same day filed their Motion to Reconsider the Order filed September 14, 2019. Neither of the original parties to the lawsuit (Clear Skies and the Martinezs') filed a similar motion. Rather, and also on September 14, 2019, the original parties filed a Stipulation of Dismissal with prejudice dismissing all issues between them.

As relates to the third party purchasers Motion to Intervene, the Court grants the same finding that that have an interest in pursuing their claims and that they have actively participated, without objection, in the post-sale proceedings.

As relates to the third party's Motion to Reconsider, which was filed when technically they were not parties of record, the Court allows the same and denies the Motion for the same reasons as set forth in the September 14, 2019. Nothing in the record has ever established that Paula Martinez, who had been living separate from Ivan Martinez and away from the marital residence since January of 2014 and was shown in the Family Court pleadings as having an address other than the location of the former marital residence, was served with any pleadings or aware of the lawsuit pending against her until after the sale of the real property of which she had a one-half ownership interest.

AND IT IS SO ORDERED.

JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW ON NEXT PAGE

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Greenville Common Pleas

Case Caption: Clear Skies Restoration LLC , plaintiff, et al vs. Ivan Martinez ,
defendant, et al
Case Number: 2018CP2303124
Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)