

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

Terence "Terry" Carroll,

Plaintiff,

vs.

Debra Mowery, TD Realty, Upstate RE Group, Hawk Shadow Business Services, LLC, and Debra Mower Realtor,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

**ORDER
(PLAINTIFF'S MOTION FOR
RECONSIDERATION ALTERATION
AND OR AMENDMENT)**

C.A. No. 2018-CP-39-00585

This matter was before the Court on December 17, 2019, for a trial on the merits. An Order was filed on January 6, 2020, determining all issues in this case. On January 17, 2020, Plaintiff filed a Motion for Reconsideration Alteration and or Amendment pursuant to Rules 52(b) and 59(e) SCRCF. On January 28, 2020, Plaintiff filed an Affidavit in support of Plaintiff's motion.

On February 7, 2020, the Court held a conference call to hear argument of counsel regarding Plaintiff's motion. James P. O'Connell was present on the call representing Plaintiff and Luke A. Burke was present on the call representing Defendants.

Plaintiff argued that Defendant Debra Mowery has been unjustly enriched by money invested and labors performed by Plaintiff. Specifically, Plaintiff argued (1) the parties equally contributed money and time to the relationship for profit; (2) there is insufficient proof of amounts contributed by either party to the relationship or to the expenses related thereto and any profit made on any of the real estate dealings between the parties; and, (3) therefore, Plaintiff should recover one half of the value of the real estate properties, the same as Defendant because Plaintiff has conferred a benefit on Defendant, Defendant knows of the

benefit conferred, and retention of the benefit would be inequitable without paying for its value.

Defendants argue that the law is tailored in the areas of marital contracts and real property transfers and ownership to specifically avoid claims of equitable division between unmarried parties and disputes of ownership of real property like the claims raised by Plaintiff. The parties have never been married or held themselves out to be married and the real property disputed by Plaintiff has always been titled solely in Defendant Debra Mowery's name.

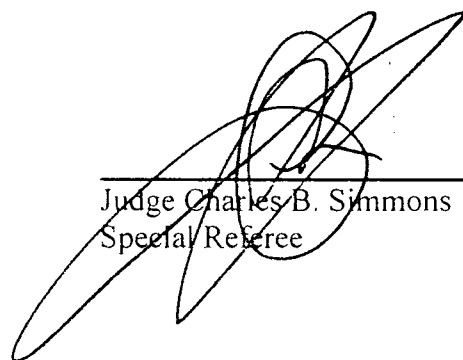
The Court has considered the arguments of counsel and finds that the arguments raised in support and opposition to this motion are similar to those raised and previously considered at trial. Therefore, the Court finds that Plaintiff's motion should be denied.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff's Motion for Reconsideration Alteration and or Amendment is DENIED.

IT IS SO ORDERED.

Date 2/17/20



Judge Charles B. Simmons
Special Referee