

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Cynthia Holmes, M.D.,

Plaintiff,

vs.

Haynsworth Sinkler Boyd, P.A.,  
successor to Sinkler & Boyd, P.A.,  
Manton Grier and James Y. Becker

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE NINTH JUDICIAL CIRCUIT

C/A NO: 2007-CP-10-01444

**RECEIVED**

JUN 30 2020

**SC Court of Appeals**

**ORDER DENYING RELIEF SOUGHT BY DEFENDANT HSB**

This matter came before the Court on the motion of Defendant Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A (“HSB”) for an expedited order of execution against the interest of Cynthia Holmes (“Holmes”) in property located at 1611 Poe Avenue, Sullivans Island, SC 29482 (the “Property”). In support of HSB’s request, HSB submitted a motion and affidavit of Mary M. Caskey concerning the reasons they believe expedited relief was warranted. Defendant asserted its motion is of an “emergency nature,” and that the Master-in-Equity Judge Scarborough’s office informed them he would be recusing himself from the case, therefore, the motion was forwarded to this judge in her capacity as Chief Administrative Judge for Civil Purposes. For the reasons set forth below and in HSB’s Motion and supporting documents, the Court DENIES HSB’s Motion without a hearing pursuant section (c)(4) of the Order of the Supreme Court of South Carolina dated April 22, 2020 “Re: Operation of the Trial Courts During the Coronavirus Emergency” (Appellate Case No. 2020-000447.)

**EXHIBIT A**

In South Carolina, a judgment cannot last more than ten years, irrespective of whether a party has filed for bankruptcy during those ten years. The ten-year enforcement period for execution on judgments as provided in S.C. Code Ann. §15-39-30 (Supp.2003), once commenced, is absolute and not subject to tolling. *Home Port Rentals, Inc. v. Moore* 359 S.C. 230, 236 (Ct. App. 2004). Such judgment is considered “utterly extinguished” ten years from the date of its entry. *Wells ex. rel. A.C. Sutton & Sons, Inc. v. Sutton*, 299 S.C. 19 (Ct. App. 1989).

As noted by Defendant HSB in its Emergency Motion for Expedited Order of Execution and Sale of Property and Issuing Notice of Sale, *Gordon v. Lancaster*, 425 S.C. 386 (2018), gives no flexibility as to the enforcement of judgments after the Statute of Limitations has run. The South Carolina Supreme Court granted certiorari in *Gordon* to determine whether a creditor may execute on a judgment more than ten years after its enrollment when the time period had expired during the course of litigation. *Id.* at 387. In this case, the court held a creditor could not obtain satisfaction of his judgment after its statutory period of active energy had expired. *Id.* at 386. In arriving at this decision, the court interpreted the plain meaning of the statute finding a creditor has ten years to execute on the judgment from the date of entry, a time period that cannot be renewed. *Id.* at 397. Further, the court rejected Gordon’s argument that South Carolina stands in isolation compared with other jurisdictions on the issue, arguing it must remain faithful to the text of the act. *Id.* at 393. Additionally, the court cited earlier precedent, *Garrison v. Owens*, which held “a judgment lien is purely statutory, its duration as fixed by the legislature may not be prolonged by the courts and the bringing of an action to enforce the lien will not preserve it beyond the time fixed by the statute, if such time expires before the action is tried. 258 S.C. 442, 446-47 (1972).

Based on the foregoing, Defendant’s Motion is DENIED.

AND IT IS SO ORDERED.

June 10, 2020  
Charleston, SC

s/Jennifer B. McCoy  
Circuit Court Judge



Charleston Common Pleas

**Case Caption:** C Holmes , plaintiff, et al VS Haynesworth Sinkler & Boyd P A As  
Successor Etc , defendant, et al  
**Case Number:** 2007CP1001444  
**Type:** Order/Other

So Ordered

s/Jennifer B. McCoy #2764

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