

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

Case No. 2019-CP23-00775

159 Welborn Street, LLC, on behalf of itself  
and the State of South Carolina,

Plaintiff,

v.

Harold Means,

Defendant.

Order

**RECEIVED**

**Aug 21 2020**

**SC Court of Appeals**

This matter came before the Court upon Plaintiff 159 Welborn Street, LLC's Motion for Default Judgment against Defendant Harold Means, at a hearing on May 20, 2019. Having considered the motion, the record in this case, and being otherwise advised in the premises, IT IS HEREBY ORDERED AS FOLLOWS:

**STATEMENT OF FACTS**

1. Plaintiff filed its Complaint on February 15, 2019, alleging actions for private and public Nuisance occurring at a house owned by Defendant at 18 Monroe Street in Greenville South Carolina ("18 Monroe"), situated adjacent to Plaintiff's apartment complexes.
2. On February 19, 2019, Plaintiff served Defendant with the Complaint via personal service, making Defendant's response due on March 21, 2019.
3. Defendant failed to respond to the Complaint by March 21, 2019, so Plaintiff filed a Motion for Default Judgment.
4. As of today's date, Defendant has not responded to the Complaint.
5. A hearing was conducted with both parties present on May 20, 2019.
6. At the hearing, Defendant admitted on the record to receiving notice of the Complaint and failing to respond. Therefore, liability is deemed to be admitted by Defendant.

7. In support of its claim for damages, Plaintiff submitted affidavits and proffered the testimony of witnesses that, as a consequence of the nuisance at 18 Monroe, Plaintiff has suffered damages, and this Court finds as follows:

- a. Plaintiff presented reliable evidence of ongoing criminal activity on Defendant's property, where the laws are publicly and repeatedly violated;
- b. The criminal activities at 18 Monroe have caused and continue to cause Plaintiff to suffer the loss of use and quiet enjoyment of Plaintiff's property;
- c. Defendant as the owner of 18 Monroe, is liable for a nuisance pursuant to SC Code § 15-43-10 *et seq.*;
- d. The building and the ground itself at 18 Monroe is declared a Nuisance;
- e. As a direct and proximate result of the criminal activity and nuisance occurring at 18 Monroe, Plaintiff has suffered monetary damages for lost rent of \$144,180.

8. Accordingly, Plaintiff's Motion for Default Judgment for private nuisance, public nuisance, and injunctive relief is hereby GRANTED. The Clerk of Court is instructed to enter FINAL DEFAULT JUDGMENT in favor of 159 Welborn Street, LLC and against Defendant Harold Means for a total of \$144,180.

9. Additionally, Defendant is hereby ORDERED, within thirty (30) days of the date of this order, to take any actions necessary to abate the nuisance. Such actions shall include, but are not limited to, removing persons from the property who are engaging in illegal activities and removing any hazardous waste from the premises.

IT IS SO ORDERED.

Greenville, South Carolina

*Electronic Signature of Judge Perry H. Gravely to follow*

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE  
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-2300775

**RECEIVED**

159 Welborn Street, LLC

Harold Means

**Aug 21 2020**

PLAINTIFF(S)

DEFENDANT(S)

**SC Court of Appeals**

|                               |   |
|-------------------------------|---|
| Submitted by: George Campbell | Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br>or<br><input type="checkbox"/> Self-Represented Litigant |
|-------------------------------|---|

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk :

| <b>INFORMATION FOR THE JUDGMENT INDEX</b><br>Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |  |   |
|---|--|---|
| Judgment in Favor of<br>(List name(s) below)  | Judgment Against<br>(List name(s) below) | Judgment Amount To be<br>Enrolled<br>(List amount(s) below) |
| 159 Welborn Street, LLC   | Harold Means                             |   |
| 159 Welborn Street, LLC   | Harold Means                             | \$144,180   |
| If applicable, describe the property, including tax map information and address, referenced in the order:<br>18 Monroe Street, Greenville SC; Tax Map # 0149001000301   |  |   |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.  
**Note: Title abstractors and researchers should refer to the official court order for judgment details.**  
**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Judge Code

\_\_\_\_\_  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
George A. Campbell

\_\_\_\_\_  
E. Jordan Teague

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Greenville Common Pleas

**Case Caption:** 159 Wellborn Street LLC vs. Harold Means  
**Case Number:** 2019CP2300775  
**Type:** Order/Other

So Ordered

s/ Honorable Perry H. Gravely, #2755