

Walter B Wall, Jr et al
PLAINTIFF(S)

Jonathan Dye et al
DEFENDANT(S)

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.
- 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:

This matter came before the court on Nov. 2, 2020 on Defendants Johnathan and Shaun Dye's Motion to Dissolve the Preliminary Injunction. Based upon this court's review of the record, arguments of counsel and the factors required to grant an injunction, the Motion is GRANTED and the Preliminary Injunction is dissolved.

Defendant's summary judgment motion as to Plaintiff's claims for Breach of Fiduciary Duty and Civil Conspiracy are GRANTED as there is no fiduciary duty owed by the Directors to the Plaintiff and no evidence of special damages has been shown by the Plaintiff to constitute a civil conspiracy.

The cross motions for Summary Judgment are respectfully DENIED as to the Declaratory Judgment relief sought, Breach of Covenants claims and the claim of Nuisance. As to these issues, the matter will proceed to trial on Feb. 24-25, 2021. The parties are directed to pursue resolution of these issues by mediation and/or by vote at the Annual Shellmore HOA Meeting to be held in Jan. 2021.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/19/2020 .

Shellmore Homeowners Association Inc Director
Case Party Info Protected

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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 judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

RECEIVED

Dec 02 2020

SC Court of Appeals



Charleston Common Pleas

Case Caption: Walter B Wall Jr , plaintiff, et al VS Jonathan Dye , defendant, et al

Case Number: 2020CP1004185

Type: Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062