

RECEIVED  
JAN 19 2021  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Carolina Auto Credit/Colleen Bartona  
Appellant,

v.

Nadira Jackson,  
Respondent.

COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO.: 2020-CP-23-03928

**ORDER DENYING APPELLANT'S  
APPEAL AND AFFIRMING  
MAGISTRATES RULING**

This matter came before the Court on November 19, 2020, on Appellant's Motion for Appeal, filed August 19, 2020. Present on behalf of the Appellant(s) was Daniel J. Farnsworth, Jr., Esq. The Respondent appeared *pro se*. The Motion is made pursuant to Rule 60(b), SCRCP. For the following reasons, the Motion is heard and respectfully denied.

"In determining whether to grant a motion under Rule 60(b), the trial judge should consider: (1) the promptness with which relief is sought, (2) the reasons for failure to act promptly, (3) the existence of a meritorious defense, and (4) the prejudice to the other party." *Micronics v. South Carolina Dept. of Revenue*, 345 S.C. 506, 510-11, 548 S.E.2d 223, 226 (Cl. App. 2001).

While Appellant promptly sought relief upon entry of the judgment by the Magistrate, it appears the "meritorious defense" outlined by the Appellant during the hearing is spurious. Counsel for Appellant argues that there is a question of whether Respondent was the actual owner of the vehicle and had standing to bring the underlying action in Magistrate Court. Respondent testified that she was in fact the owner of the vehicle and received the Magistrate Bill of Sale on March 9, 2020, and could provide a copy by the end of the day. Respondent did in fact provide this court with a copy of the Magistrate Bill of Sale executed on March 9, 2020,

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transferring ownership of the subject vehicle to Respondent. Therefore, Appellant's contended meritorious defense is without merit. The Magistrate's Return indicates there is sufficient evidence in the record to support her decision and the Respondent would be prejudiced by further delay of her judgment award.

ACCORDINGLY, Defendant's Motion is hereby DENIED and the ruling of the Magistrate is AFFIRMED.

IT IS SO ORDERED!

\_\_\_\_\_  
Honorable Alexander S. Macaulay

\_\_\_\_\_, 2020



Greenville Common Pleas

**Case Caption:** Carolina Auto Credit, plaintiff, et al VS Nadira Jackson

**Case Number:** 2020CP2303928

**Type:** Order/Other

And it is so ordered.

S/ Alexander S. Macaulay, Judge (Active/Retired)  
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