

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Carolina Auto Credit /Colleen Bartona )  
 )  
*Appellant* )  
 )  
 VS )  
 )  
 Nadira Jackson )  
 )  
*Respondent* )

IN THE MAGISTRATE COURT

2020-CP-230-3928  
2020-CV-231100-0757  
 CIVIL CASE NUMBER

APPEAL RETURN

RECEIVED  
 JAN 19 2021  
 SC Court of Appeals

SK

This matter was heard in the Greenville County Gantt Summary Court by Magistrate Judge Jacquelyn Duckett on August 10, 2020. Plaintiff, Nadira Jackson, filed a Summons & Complaint against Carolina Auto Credit and both parties were notified to appear. However, on the hearing date for the Summons & Complaint action, the Plaintiff appeared only and was sworn in for her testimony. It was duly noted for the record that the defendant, Colleen Bartona of Carolina Auto Credit, was sent notice as well to the business address listed and notice was *not* returned and the address filing was *correct*. No communication from the defendant as to her absence nor notification to the court of an Attorney representation letter on file. Defendant was notified to appear but failed to do so, therefore, S/C hearing held in her absence with sworn testimony from the Plaintiff only.

**FACTS/PROCEDURAL BACKGROUND**

On the public sale auction date which I personally conducted along with my Constable on March 2, 2020, prior to the Summons & Complaint being filed, a person of interest who stated his name was Michael Roberts appeared alongside Ms. Bartona and bid a high bid of \$6500.00 right from the start when the bidding commenced at minimum \$400.00. This individual came from the inside of the office with Ms. Bartona upon my arrival and stood with her throughout the bidding. The 2017 Ford Focus was present on scene with no visible outside damage at all to the naked eye.

After bidding concluded due to the high bid of \$6500.00 by the individual who had identified himself as Michael Roberts all parties departed from property.

When asked to present the payment to the Magistrate Court from the auction bid, this individual, who stated his name as Michael Roberts, proclaimed he could have payment by end of week to the court for the public sale. The court allowed Mr. Roberts who stood with the Appellant, Collen Bartona, the time he requested. The court waited patiently for payment of \$6500.00, however, Mr. Roberts, never appeared with the funds for the public sale. Another sale was then scheduled and commenced after concerns of non-payment by the individual who had identified himself as Michael Roberts on the original auction date. All parties including Ms. Nadira Jackson who initially appeared at the on-site auction on March 2 were invited once again to the Magistrate Court on March 9, 2020, to attend the public sale due to Mr. Roberts not submitting funds for sale of vehicle. Ms. Bartona from Carolina Auto appeared as well as Ms. Nadira Jackson once again to re-bid. A motion was made by Ms. Bartona asking that the amount she originally requested in her petition to the court be raised due to her miscalculations, however, since bidding had already began at that same amount a week prior and no objection was raised at that time the bidding once again started at the minimum of \$400.00 which was listed in the petition by the Appellant as owed to Carolina Auto to recover fees incurred for the storage of the vehicle. The bid subsequently started again at the amount submitted by Ms. Bartona on her petition for sale at \$400.00 and the Ford Focus was awarded to Ms. Jackson by law and she paid the required bid amount this date to the court and received the notice and order for the public sale to retrieve her vehicle. Ms. Jackson was told she must go back to the property to retrieve the vehicle and given court documents to do so.

On this same date after arriving at the property to retrieve the vehicle, Ms. Jackson called back to the court stating Appellant and the same individual, who identified himself as Michael Roberts previously and an acquaintance of Ms. Bartona, would not let them inside fenced in area to retrieve vehicle.

This was the same male individual who had bid \$6500.00 a week prior but never recovered vehicle nor brought funds to the court to legally possess vehicle. After a heated argument with Ms. Jackson, disallowing her to retrieve vehicle, our Constable Paul Boston was summoned to go to scene to assist. Once the Constable arrived, he called back to the court stating this male individual, identified as an acquaintance of Ms. Bartona, was very irate and argumentative about not allowing Ms. Jackson retrieve the vehicle located inside the fenced area. Ms. Bartona, owner of property, was present with this individual and stood by idly watching these events unfold per our Constable.

After much debate and finally being let inside the fenced area to retrieve the vehicle, Ms. Jackson reviewed the engine and discovered all wires and hoses underneath the hood of the vehicle were slashed and chopped. Ms. Jackson had also stated previously that another truck she had previously bought at auction from same location at a minimum bid had same damage as well underneath the hood when she retrieved it legally through a public sale from Carolina Auto.

Ms. Jackson and my Constable were told to retreat and Law Enforcement would have to be called. The individual identified previously as Mr. Roberts, an acquaintance of Ms. Bartona, was then *videotaped* by Ms. Jackson aggressively ramming a tow truck to the front of the Ford Focus and hoisting the 2 front wheels in the air and dragging it from the back lot leaving spilled liquids on the ground below. Major damage was proven to be done and seen on the video to the radiator, engine and oil pan with severe damage to the outside front bumper leaving dents and bent warped destruction to the front of the vehicle.

Preponderance of evidence presented by Ms. Jackson on Summons & Complaint hearing date concluded that Carolina Auto was liable for damages to the 2017 Ford Focus which was completed legally through a Magistrate Sale. The Plaintiff *presented videotaped evidence* on the retrieval date and still pictures of vehicle being damaged by Appellant's acquaintance, Mr. Roberts, using a tow truck as it was being moved aggressively by Carolina Auto from the rear fenced area to the front lot of the property.

Leakage displayed from underneath the vehicle was recorded instantaneously by Ms. Jackson at the spot of the quick removal of the vehicle as Mr. Roberts drove off angrily to the front of the lot with the vehicle in tow. The driver was the associate of Ms. Barton of Carolina Auto and very angry over the 2<sup>nd</sup> auction bid which had occurred and that the vehicle was being relinquished to the Ms. Jackson at a minimal bid. The Ford Focus, in turn, had to be *towed* by the Ms. Jackson to Columbia, SC after recovery due to damage created by the aggressive tow truck driver associated with Carolina Auto Credit.

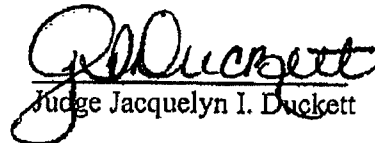
During testimony for the Summons & Complaint, Ms. Jackson presented blue book value documentation for the vehicle between \$8415 - \$9886 in excess of \$7500.00 for the 2017 Ford Focus. Therefore, award granted for full amount deemed within Magistrate Court jurisdiction and as requested by Ms. Jackson for \$7420.00.

Duly noted that the defendant was fully aware of the hearing date but failed to appear. Also, duly noted, that Attorney stated his own employee made a clerical error, and she failed to appear. *However, the court has never received an Attorney representation letter nor did the defendant make the court aware she had retained an Attorney.* Being that the defendant did willfully fail to appear and knew of the hearing date, Judgement was ruled for the Plaintiff in the amount of \$7500.00. Award \$7420.00 plus court cost \$80.00.

A ruling was mailed to all parties as required by law.

Respectively Submitted,

August 31, 2020

  
Judge Jacquelyn I. Duckett

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
 )  
 )

2020CV2311000757  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

SUMMONS

Nadira Jackson  
156 Taylor Chaple Rd  
Columbia, SC 29203  
(803) 201-2292

PLAINTIFF(S)

Vs

Carolina Auto Credit/ Colleen  
Bartona  
3216 New Easley Hwy  
Greenville, SC 29611

DEFENDANT(S)

*Judgment for Plaintiff!  
Dismissed w/ prejudice  
Neither party appeared!  
(See notes) OR  
8/10/20 J. Duckett*

TO THE DEFENDANT(S) NAMED ABOVE:

YOU ARE SUMMONED and required to answer the allegations of the attached complaint and present any appropriate counterclaims/crossclaims to the attached Complaint within THIRTY days from the first day after receipt of this summons. Your Answer must be received by the:

Gantt - Summary Court  
1103 White Horse Rd  
Greenville, SC 29605  
Phone: (864) 277-4429  
Fax:

If you fail to answer within the prescribed time, a judgment by default may be rendered against you for the amount or other remedy requested in the attached complaint, plus interest and costs. If you desire a jury trial, you must request one in writing at least five (5) working days prior to the date set for trial. If no jury trial is timely requested, the matter will be heard and decided by the Judge.

Given under my hand:

*J. Duckett*  
\_\_\_\_\_  
JUDGE

READ ATTACHED INSTRUCTIONS CAREFULLY

March 9, 2020

*Plaintiff appeared! Def TIA!  
10:40 am  
Judgment \$7500.00  
8/10/20 JDC*

STATE OF SOUTH CAROLINA )

COUNTY OF \_\_\_\_\_ )

IN THE MAGISTRATE'S COURT

Nadira Jackson  
PLAINTIFF

STREET ADDRESS  
Sc  
CITY STATE ZIP CODE

VS. TELEPHONE

COMPLAINT

Agent of Service  
Kleen  
Burlona

Carolina Auto Credit  
DEFENDANT

3216 New Eastley Hwy  
STREET ADDRESS  
Greenville SC 29611  
CITY STATE ZIP CODE  
8644321537  
TELEPHONE

I, Nadira Jackson, the plaintiff in this civil action do make the following claims:

1. I believe that the defendant, Carolina Auto Credit is a resident of Greenville County, and resides at 3216 New Eastley Hwy Greenville SC which is within Judge Duckett's magistral jurisdiction.

2. I make this complaint on the following:

2017 Ford Focus last 6vin 345641  
was vandalize by the employees of  
owners of Carolina Auto Credit All wires  
was cut under hood Radiator was smashed  
in with tow truck.

(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ and/or other relief as below requested:

\$7500

including any costs resulting in this action.

In state under penalty of perjury that the above is correct and truthful.

DATED: 3-9-20

Nadira Jackson  
Signature of Plaintiff  
(or his attorney)

20 CV231100

CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Nadina Jackson  
PLAINTIFF(S)

AFFIDAVIT AND ITEMIZATION  
OF ACCOUNTS

Carolina Credit  
DEFENDANT(S)

Plaintiff, Nadina Jackson, personally appearing before me, who, being duly sworn, states that he is the plaintiff in this action, and that the itemization of accounts which follows is true and correct.

He further states that no part of the sum included in the itemization below has been paid or satisfied in any fashion, and is today due and owed to him.

ITEMIZATION OF ACCOUNTS

2017 Ford Focus	\$ 7420
Court Cost	\$ 20.00
TOTAL	\$ 7500

(Copies of bills, papers or other proof of any of the above accounts should be attached to this document.)

Sworn to and Subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017

Magistrate or Notary Public for South Carolina

Nadine Jackson  
PLAINTIFF (or his attorney)

My Commission expires \_\_\_\_\_

Gantt - Summary Court  
1103 White Horse Rd  
Greenville, SC 29605

AFFIDAVIT OF SERVICE

Personally appeared before me  
Anna Williams

who, being duly sworn, says that, on the  
16 Day of March 13 2020  
s/he served X

the defendant within named, the Summons  
and Complaint in this action, by delivering  
copies thereof to X

personally, and leaving the same with \_\_\_\_\_

Gantt Summary Ct  
at 1103 White Horse Rd  
Greenville SC 29605

the place of residence/work/other of said  
Defendant and Deponent is not a party to  
The action.

Anna Williams  
Deputy Sheriff/Constable/Process Server

DATE \_\_\_\_\_

COURT ORIGINAL

DEFENDANT'S COPY

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MAGISTRATE'S COURT  
SUMMONS AND COMPLAINT

Nadira Jackson  
156 Taylor Chaple Rd  
Columbia, SC 29203

VS

PLAINTIFF(S)

Carolina Auto Credit/ Colleen Bartona  
3216 New Easley Hwy  
Greenville, SC 29611

DEFENDANT(S)

Trial will be scheduled approximately 30 days from date  
of service. You will be Notified by mail as to the date  
and time for trial.

DISPOSITION OF CASE

- PLAINTIFF PRESENT
- DEFENDANT PRESENT
- LIQUIDATED ACCOUNT
- UNLIQUIDATED ACCOUNT
- RULED FOR PLAINTIFF

\$ \_\_\_\_\_ CLAIM  
\$ \_\_\_\_\_ COURT COST  
\$ \_\_\_\_\_ TOTAL

RULED FOR DEFENDANT

DEFAULT

SETTLED

OTHER \_\_\_\_\_

JUDGE \_\_\_\_\_

DATE \_\_\_\_\_

2020 CV 23100 D.757  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF Greenville )  
Nadira Jackson )  
PLAINTIFF )

Gantt Summary Co  
FILED

APR 14 2020

CITY STATE ZIP )  
TELEPHONE )

ANSWER

Carolina Auto Credit )  
DEFENDANT(S) )  
8216 New Eastern Hwy )  
STREET ADDRESS )  
Greenville, SC 29611 )  
CITY STATE ZIP )  
844-438-1537 )  
TELEPHONE )

On 3/16/20 I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer, which is hereby filed with the Gantt Magistrate Court, is as follows:

CHECK ONE

- A.  I contest the jurisdiction of the court based on the following: (use additional pages if necessary) \_\_\_\_\_
- B.  I admit everything in the complaint and do not want a trial.
- C.  I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary) \_\_\_\_\_
- D.  I deny that I am responsible at all because: (use additional pages if necessary) \_\_\_\_\_

You must file this document with the Court within thirty days.

THE DEFENDANT STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

Dated: 4-14-20

  
Signature of Defendant (or his attorney)