

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

Jerry Powers,)
)
Plaintiff,)
)
-vs-)
)
Rizan Properties, LLC, and Anthony)
Pearson and Tiesha Dash,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No.: 2020-CP-23-02076

ORDER

RECEIVED

FEB 25 2021

SC Court of Appeals

The matter is before the Court pursuant to Plaintiff's and Defendant Rizan Properties, LLC Motions to Reconsider, both filed February 4, 2021.

The Court held a conference call with the attorneys on February 9, 2021. Both attorneys presented cogent and zealous arguments on behalf of their respective clients.

In substance, Plaintiff contends that the Order entered January 27, 2021 improperly addressed and dealt with the 2013 Option by not finding that it was a stand-alone, independent agreement. And, further, that the Court erred in disposing of the issues pursuant the cross motions for summary judgment in that there are factual issues regarding the parties' intentions arising out of the 2013 agreements.

The Court has reviewed the record and the Order filed January 27, 2021. The 2013 Lease and the 2013 Option were drafted by an attorney, discussed between the parties, were simultaneously executed, arose out of the same transaction, and related to the same purpose; that being the real property located at 39 2nd Avenue, Greenville, South Carolina. The Court is of the opinion that its Order of January 27, 2021 properly resolved the issues and that in light of the

uncontroverted facts presented to the Court, Plaintiff breached the agreement, as well as waived and abandoned any and all rights he may have had under the Option.

As relates to Rizan Properties, LLC's motion, the Court affirms its findings and conclusions in the January 27, 2021 Order except for the fact that the Court erred in granting summary judgment as to Rizan's breach of contract counterclaim in that Plaintiff acknowledges that he did not move for summary judgment regarding the breach of contract cause of action. That cause of action shall be addressed at a later date.

Notwithstanding the above, implicit in the Court's ruling herein and in the Order filed January 27, 2021, the Lis Pendens filed by Plaintiff in this matter is necessarily dissolved and shall be canceled of record.

AND IT IS SO ORDERED.

JUDGE'S SIGNATURE PAGE TO FOLLOW



Greenville Common Pleas

Case Caption: Jerry Powers vs. Rizan Properties LLC , defendant, et al
Case Number: 2020CP2302076
Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

Electronically signed on 2021-02-11 08:36:11 page 3 of 3