

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
2015-CP-43-1981

Edward Mays and Corrine Mays,
Plaintiffs,
vs.
Irene L. Myers, Defendant.

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FEB 26 2021
SC Court of Appeals

**ORDER GRANTING PLAINTIFFS'
MOTION FOR RESTRAINING ORDER,
DENYING DEFENDANT'S POST-TRIAL
MOTIONS AND ESTABLISHING
SUSTAINING GROUNDS FOR THE
COURT'S DECISION ON THE MERITS**

MOTION FOR RESTRAINING ORDER

This matter came before me on Plaintiffs' Motion for Restraining Order filed on or about April 20, 2020 with the Sumter County Clerk of Court. A hearing in the matter was held on August 25, 2020 but was carried over to October 27, 2020, as the time allotted by the Court for August 25, 2020 expired. Present on both hearing dates were the Plaintiffs, their counsel, Patrick M. Killen of the Sumter County Bar, the Defendant, and the Defendant's son, Christopher Myers.

On the August 25, 2020 hearing date, the Plaintiffs testified at length into the reasons and grounds for the Motion for Restraining Order. The Plaintiffs testified to consistent adverse contact and harassment on the part of the Defendant and her son. On several occasions, Plaintiffs called law enforcement in response to what they described as harassing behavior by the Defendant and her son. They, the Plaintiffs, also testified regarding loud noises and smells coming and emanating from the adjacent property of the Defendant.

The Plaintiffs rested as to the Motion for Restraining Order upon the testimony of Co-Plaintiff Corine Mays. Thereafter, the Defendant testified at length in narrative form. It was after the Defendant testified at the August 25, 2020 hearing, that the court ran out

of time and indicated that the matter would be continued to the next available Master-In-Equity hearing date.

As stated *supra*, the continuation of the Motion for Restraining Order hearing was held on October 27, 2020 in Sumter. It was during that hearing that the Defendant presented her son, Christopher Myers, to provide direct testimony. During the testimony, Plaintiffs' counsel, Mr. Killen, made several objections, most of which were sustained by the Court. During Mr. Myers' direct testimony, mostly in response to the Court's sustaining of objections tendered by the Plaintiffs' counsel, the Defendant was argumentative and belligerent. The Court, in each case of inappropriate behavior on the part of the Defendant, instructed the Defendant on the reasons for calling her, the Defendant, down and/or instructed Defendant on proper direct examination. In response, the Defendant and/or her son became even more animated and belligerent. The Court, however, refrained from holding the Defendant or her son, Christopher Myers, in contempt.

After Christopher Myers' direct testimony, the Plaintiffs called Edward Mays in reply. Mr. Mays provided testimony in response to that of Ms. Myers and Christopher Myers. Ms. Myers, in response to the Plaintiffs' reply testimony, again seated Christopher Myers.

During Christopher Myers' reply testimony, the Defendant and he, Christopher Myers, again became belligerent in response to several of the Court's rulings on Plaintiffs' objections. Mr. Myers repeatedly acted out of order and the Court, in response, instructed Mr. Myers to leave the stand. At that point, Mr. Myers and Ms. Myers became extremely aggressive and made multiple inappropriate comments and ridiculed the Court. Suffice it to say, without citing each and every statement made by

the Myers, they, the comments, were inappropriate and warranted a finding of contempt by the Court. The Court, however, as stated *supra*, refrained, and simply ordered Ms. Myers and Mr. Myers to exit the courtroom and the courthouse. On their way out, the Myers' continued making inappropriate comments regarding the legitimacy of the Court and its rulings (the Court would note that a court reporter was present and transcribed, as best she could, the comments spoken and shouted out by Ms. Myers and her son.)

Based on the testimony presented by all parties on the two (2) hearing dates, I find that the Plaintiffs are entitled to a Restraining Order effective for twelve (12) months from the date of this Order. The Court further finds, based on testimony and the behavior exhibited by the Defendant and her son in the courtroom, that the Plaintiffs were victims of profanity and intimidation at the hands of Ms. Myers and her son. This ruling is made pursuant to the stalking and harassment statute found in Title 16 of the South Carolina Code of Laws. The Defendant, her friends, and family members are, therefore, restrained and enjoined from coming about, coming near, communicating with, directly or indirectly, harassing, speaking to, or shouting at, Plaintiffs. As stated *supra*, this Restraining Order is effective for twelve (12) months from the date affixed below.

SUSTAINING GROUNDS ON MERITS DECISION

As to the underlying case, the Court finds that, by balancing the equities, the value of the .21 acres subject to adverse possession (\$1,050.00 to be paid by the Plaintiffs to the Defendant) versus the cost of moving the Plaintiffs' mobile home and improvements, is a further, sustaining ground of granting the relief sought by the Plaintiffs.

The Court also finds as reasonable the appraisal value of the .21 acres, \$1,050.00, and same shall be, within thirty (30) days of the filing of this Order, paid by the Plaintiffs to the Defendant via certified funds. The Plaintiffs, however, shall be given credit for the costs of the court reporter for the August 25, 2020, and October 27, 2020 hearings, or \$275.00. Therefore, the amount owed to Defendant by Plaintiffs is \$775.00. The Plaintiffs shall mail said \$775.00 by first class mail to the Defendant at the following address said certified funds: Irene Myers, 3150 Spencer Road, Rembert, SC, 29128.

Further, the Court approves the plat of Lewis Tindal, dated April 13, 2020, which shall be recorded immediately. The Court reaffirms a ruling as set out in the Court's letter of March 26, 2020 and the proposed Order submitted by Plaintiffs' counsel (which will shortly be entered as the Court's Decree in this case) that the relief sought by the Plaintiffs is hereby granted.

DEFENDANT'S POST-TRIAL MOTIONS

Upon the issuance of my decision by letter on March 26, 2020 and the submission by Plaintiff's counsel of a Proposed Order (Plaintiff's counsel was instructed to prepare a Proposed Order consistent with my decision), the Defendant filed a packet which included, among other things, a "Motion to Determine Perjury and Fraud Upon the Court", a "Motion Pursuant to South Carolina Rules of Civil Procedure (SCRCP) (12)(b)(6)" and "Motion Pursuant to SCRCP Rule 56" (referred to collectively as "Post-Trial Motions). The Plaintiffs filed a Return to Defendant's Post-Trial Motions. In the Return, Plaintiffs pointed out that the Defendant had previously filed a motion pursuant to Rule 56 which was denied and the Rule (12)(b)(6) motion was untimely.

As to the "Motion to Determine Perjury and Fraud Upon the Court," the Court found no indication, upon a review of its notes and the procedural history of the matter,

that either the Plaintiffs, their attorney, Mr. Killen, or his staff, had committed fraud or perjury in any form, shape, or manner. Accordingly, the Defendant's Post-Trial Motions are all denied.

IT IS SO ORDERED!

Michael M. Jordan
Sumter County Master-In-Equity

Sumter, South Carolina
January____, 2021



Sumter Common Pleas

Case Caption: Edward Mays , plaintiff, et al VS Irene L Myers
Case Number: 2015CP4301981
Type: Master/Order/Other

And It Is So Ordered

S/ Michael M. Jordan - 3085