

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
)
Serena Green Grant,)
)
Plaintiff(s),)
)
vs.)
)
Palbert, Inc., et al.,)
)
Defendant(s).)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO: 2017-CP-07-01921

ORDER GRANTING MOTION
TO INTERVENE AND DENYING
MOTION TO SET ASIDE

RECEIVED

JUL 08 2021

SC Court of Appeals

This matter comes to me pursuant to a SOUTH CAROLINA PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION'S MOTION TO INTERVENE AND SET ASIDE DEFAULT. The Motion seeks, pursuant to S.C. Code § 38-31-160, to Intervene and to re-litigate the Default, entered August 10th, 2018. (The Damages hearing was set aside on other grounds and is awaiting scheduling)

The Motion to Intervene is granted.

With regard to the Motion to Set Aside: As the Entry of Order of Liquidation was filed August 11, 2020, some two years after the Beaufort County Clerk's default and 13 months after the Final Order, I find that the motion is untimely. The legislature could not have intended that the Association be allowed to re-litigate the distant past. Further, there is nothing in the record to indicate that the "insurer" defaulted or failed to defend the insured. Presumably, such a default or failure would occur when an insured, after service, turned the pleadings over the carrier, who then failed to respond or defend. The record does not indicate that situation.

This Order should in no way be considered a finding on the issue of limitation of liability or any other matter contained in the South Carolina Property and Casualty Insurance Guaranty Association Act

IT IS SO ORDERED:

Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court Judge
for Beaufort County

April _____, 2021
Beaufort, South Carolina



Beaufort Common Pleas

Case Caption: Serena Green Grant VS Palbert Inc

Case Number: 2017CP0701921

Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

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