

Mechanics Lien Bl 19 page 43

STATE OF SOUTH CAROLINA)  
COUNTY OF GREENVILLE )

Air Control Systems, Inc., )

Plaintiff, )

-vs- )

Beverly Paddie and Wayne )  
Paddie, )

Defendants. )

FILED  
GREENVILLE CC. S. C.  
JAN 6 1 50 PM '84  
DOUGLAS J. JENNINGS  
R.M.C.  
IN THE COURT OF COMMON PLEAS

BOOK 19 PAGE 592

ORDER  
83-CP-23-781

FILED  
CLERK OF COURT  
JAN 5 4 55 PM '84

These motions came to be heard in my chambers during pre-trial conference on January 4, 1984. Defendants' Motion for Dismissal of the Mechanic's Lien foreclosure is granted and the Lien is dissolved. Plaintiff's motion to amend the Complaint to seek only a personal money judgment against the Defendants is granted.

#1  
CJA  
The Plaintiff in this case failed to properly file a Notice of Pendency of Action as required by Section 29-5-120 of the Code of Laws of South Carolina, 1976 as amended. Under the holding in Multiplex Bldg. Corp., Inc. vs. Lyles, 268 S.C. 577, 235 S.E.2d 133 (1977), a Motion to Dismiss and dissolve a Mechanic's Lien must be granted if there is failure by Plaintiff to file the required notice within six months after he ceases to furnish labor and/or materials for a structure. Therefore, it is imperative under the law of South Carolina that the Mechanic's Lien foreclosure be dismissed and the Lien be dissolved.