

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

Hip Truss, Inc.,)
Plaintiff,)
vs.)
Louis D. Lempesis, Charles J.)
Theodore, First Federal Savings)
and Loan Association of South)
Carolina, and Mike Collins,)
d/b/a Collins Construction Co.,)
Defendants.)

BK# 20 pg-296

ORDER
85-CP-23-4928

FILED
CLERK OF COURT
GREENVILLE CO. S.C.
JUL 23 10 20 AM '86

FILED
GREENVILLE CO. S.C.
JUL 23 10 41 AM '86
DORRIS S. STARKENSLER
R.M.C.

Charles J. Theodore
Dennis S. Starks

W.G. Walsh

This is a mechanic's lien action in which the defendants Lempesis have moved for summary judgment. A hearing on this Motion was held by me on July 8, 1986. Present at this hearing was the attorney for the defendants Lempesis, Jeffrey A. Merriam, and the plaintiff's attorney, William G. Walsh. At the commencement of the hearing, Mr. Walsh advised me that the matter had been resolved in that it appeared that the defendants Lempesis had paid the full contract price for the work involving the materials in question to their building contractor, Collins & Company, prior to the filing of the Certificate of Mechanic's Lien and the service of the Petition in this action. This being the case, the plaintiff conceded that the defendants Lempesis have an absolute defense to the mechanic's lien action.

Accordingly, the Motion of the defendants Lempesis for summary judgment is granted and this relief is also granted to the defendant Charles A. Theodore, who, although in default, is an owner of the property and therefore has the right to claim the

