

FILED
GREENVILLE
MAR 26 12 12 PM '83
DONNIE S. ASHLEY
R.H.C.

Vol. 1185 Page 113

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
81-CP-23-3173

E. L. Lynch,
Plaintiff
vs.
Hysier Lee Smith,
Defendant

*Donnie S. Ashley
R.H.C.*

ORDER

This matter comes before the Court pursuant to a verified Complaint, Summons, and Lis Pendens filed in the Office of the Clerk of Court of Greenville County on October 22, 1981. The relief sought in said Complaint was for a Judgment against the Defendant in the amount of One Hundred Thousand (\$100,000.00) Dollars, the cancellation of a deed of real estate on the basis of alleged fraud on the part of the Defendant, or the finding of a constructive trust. In due time the Defendant, through his retained attorney, duly filed and served an Answer denying allegations in the Complaint and seeking a dismissal of the action.

Page One

7BN

A trial on the merits for this matter was held on March 18, 1983. Prior to the call of the case a Motion was heard in which Plaintiff sought to amend certain clerical errors in the Complaint. As the Notice of Motion, Motion, and Amended Complaint were served upon Defendant's attorney in November of 1982, and as the amendments sought by Plaintiff were minor and did not affect the cause of action alleged, Plaintiff's Motion to Amend was granted.

The case was tried before a jury on March 18, 1983, with both parties and their respective attorneys present. After careful examination of the testimony and exhibits in this matter the jury returned a verdict in favor of the Plaintiff. Accordingly, this Order is for the purpose of effecting the jury's verdict in favor of the Plaintiff. Therefore, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The parcel of real estate described in that certain deed recorded February 6, 1981, in the R.M.C. Office for Greenville County in Deed Book 1142, Page 323, be cancelled of record and the Register of Mesne Conveyance for Greenville County is hereby directed to make appropriate conspicuous entries on the face of the recorded deed indicating that the deed has been declared null and void, and of no force and effect by virtue of this Court Order.

7 (399) 513.3-1-12.4

0 1 1 0

4326-112