

FILED
GREENVILLE CO. S. C. BOOK 18 1554
MAR 12 3 01 PM '82
DONALD BARNERSLEY
IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

*Amended
Daniel L. Lindsey
1982*
Services, Inc. of Greer,)
Plaintiff,)
-vs-)
J E F Underground, Inc. and)
Western Carolina Regional)
Sewer Authority,)
Defendants.)

82-CP-23-575

CONSENT ORDER

FILED CLERK OF COURT
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This matter came before the Court upon motion of Western Carolina Regional Sewer Authority to dissolve a Mechanics Lien filed by Services, Inc. of Greer and to seek dismissal of Western Carolina as a party to this action.

It appears that Western Carolina is a body politic and has entered into a general prime contract with a general contractor, Commercial Plumbing Company, Inc. in relation to DHEC/EPA Project No. 450-370-06-02 which is also known as a part of the Sunny Slopes-Travelers Rest project. The Plaintiff is a sub-subcontractor on this job as a supplier of materials to the Defendant, J E F Underground, Inc.

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J.E.
It is conceded that there is no contract existing between the Plaintiff and Western Carolina.

It is clear in this state that a political subdivision cannot be subjected to a Mechanics Lien. (Atlantic Coast Lumber Corporation v. Morrison, 152 S.C. 305, 149 S.E. 243 and Brooks v. One Motor Bus, 190 S.C. 379, 3 S.E. 2d 42.)

There is no provision under common or statutory law for the filing of a Mechanics Lien either against the property or funds held by Western Carolina. While not material to this Order, this Court notes that Western Carolina required the prime contractor to post a bond for a payment and performance bond. The purpose of a payment bond is to protect those doing work or furnishing materials to a project.

Now, therefore

IT IS ORDERED, ADJUDGED AND DECREED that the Mechanics Lien filed by Services, Inc. of Greer against the Defendants filed in the RMC Office for Greenville County in Mechanics Lien book 18 at page 490 be

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