

FILED  
GREENVILLE CO. S.C.

DEC 11 10 03 AM '84

DONNIE S. TANKERSLEY  
R.M.C.

BOOK 19 PAGE 298

Mech. Lien Book 18, Page 522

*Donnie S. Tankersley  
R.M.C.*

FILED 10 28 AM '82

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Gibson Swimming Pool  
Company, Inc.,

Plaintiff,

v.

Lawrence J. Nachman and  
Lynn T. Nachman,

Defendants.

ORDER  
80-CP-23-1937

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
CAROL W. VAYTOS  
FEB 8 10 28 AM '82

*H-1*

This action involves the construction of a swimming pool. The plaintiff and the defendants entered into a written contract dated December 18, 1979 whereby the plaintiff agreed to construct a swimming pool for the defendants at the defendants' residence in the city of Greenville. The contract contained plans and specifications and for a stipulated price upon completion of the swimming pool by the plaintiff. A statement of amount due was submitted by the plaintiff to the defendants. The statement shows that the defendants had paid to the plaintiff the sum of Thirteen Thousand and No/100 (\$13,000.00) Dollars and further that there was a balance due by the defendants in the sum of Four Thousand, One Hundred Ninety-Seven and 50/100 (\$4,197.50) Dollars. The defendants refused to pay the balance due upon the grounds that certain elements of the pool were not done in a workmanlike manner and were unacceptable to the defendants.

The plaintiff on July 7, 1980 timely filed a notice and certificate of mechanics lien claiming that the defendants owed the plaintiff Four Thousand, One Hundred Ninety-Seven and 50/100 (\$4,197.50) Dollars for labor and/or materials furnished the defendants. The plaintiff also filed a lis pendens as required by law. The plaintiff timely filed its complaint against the defendants alleging the non-payment of its claim and praying for a foreclosure of the mechanics lien and that after sale of the premises, the proceeds of sale be first applied to the costs of this action, payment of plaintiff's debt, plaintiff's attorney's fees and interest.