

The burden is on the plaintiff to prove its case by the greater weight of the testimony and I find that not only has the plaintiff failed to meet this burden but the defendants have proved to my satisfaction that the plaintiff is guilty of negligence in the manner in which it constructed the swimming pool in question and, further, the defendants have proved by convincing testimony that they have been damaged in excess of the debt claimed by the plaintiff, namely, Four Thousand, One Hundred Ninety-Seven and 50/100 (\$4,197.50) Dollars.

In view of the evidence and the law, I am convinced that the plaintiff is not entitled to judgment in any amount.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

- A. The prayer of the complaint is denied.
- B. The plaintiff is not entitled to a foreclosure of the mechanics lien.
- C. That the Register of Mesne Conveyances for Greenville County is hereby directed to cancel of record all entries pertaining to the mechanics lien as filed by the plaintiff against the defendants.
- D. That the Clerk of Court for Greenville County is hereby directed to cancel of record all entries of record pertaining to the lis pendens filed by the plaintiff.
- E. That the defendants have a set off against the plaintiff in the sum of Four Thousand, One Hundred Ninety-Seven and 50/100 (\$4,197.50) Dollars.

IT IS SO ORDERED.

William M. [Signature]
 Special Judge
 Court of Common Pleas
 Thirteenth Judicial Circuit

Jul 5, 1982
 Date
 Greenville, South Carolina

Caroline W. [Signature]
 Clerk of Court C. P. & G. S.
 Ex-Officio Clerk County Court
 Greenville County, S. C.

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Dated

DEC 10 1984

SERVICE ACCEPTED
[Signature] 7-9-82
 Attorney for Plaintiff
[Signature] 7-8-82
 Attorney for Defendant

Recorded December 11, 1984 at 10:03 A/M

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