

BOOK 19 PAGE 13/13

The Clerk had the option of accepting or rejecting for filing the Statement of Account. In this case, the Statement of Account was accepted and filed by the Clerk. Since the Statement of Account was filed in the Office of the Clerk, then the Court concludes as a matter of law that the defendant has complied with the clear and unambiguous terms of §29-5-90.

The plaintiff further contends that the Statement of Account is not in a proper form because it does not comply with §29-5-90. This statute requires, among other things, that the Statement of Account contain a "statement of a just and true amount due him, with all just credits given". The Court has reviewed the Statement of Account and finds as a matter of fact and concludes as a matter of law that it is in a proper form.

ACCORDINGLY, IT IS ORDERED, ADJUDGED AND DECREED as follows that:

1. The Motion to Dismiss the counterclaim is denied.
2. The Clerk of Court of Greenville County is directed to transfer the Statement of Account and Certificate of Claim and Mechanic's Lien to the Register of Mesne Conveyances of Greenville County so that it may be properly indexed.

*[Signature]*  
 STUART H. HALL, SPECIAL JUDGE  
 FOR THE THIRTEENTH JUDICIAL  
 CIRCUIT

January 1985  
 Gaffney, South Carolina

*Caroline W. Mattos*

Caroline W. Mattos, G.S.  
 ex Officio, Greenville County Court  
 Greenville County, S.C.

noted JAN 14 1985

*[Signature]*  
 Attorney for Plaintiff

Attorney for Defendant

Recorded January 14, 1985 at 4:16 P/M

- 3 -

SERVICE ACCEPTED

Date Jan 14, 1985

Date

20835

