

851.

Consequently, the motion of Defendants Mr. and Mrs. Panayotopoulos for dismissal under Rule 41(b) is granted and said Defendants are entitled to judgment in their favor and against the Plaintiff on the merits. I also find that, in response to the above granting of the motion of dismissal, the Defendants Mr. and Mrs. Panayotopoulos have taken a voluntary nonsuit with prejudice as to their counterclaim in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion of Defendants Panayotis and Anastasia Panayotopoulos for involuntary dismissal under SCRPC Rule 41(b) is hereby granted and the Clerk of Court for Greenville County is hereby directed to enter judgment in favor of said Defendants against the Plaintiff in the above matter.

2. The Register of Mesne Conveyance for Greenville County is hereby directed to promptly refund to Defendants Panayotis and Anastasia Panayotopoulos the sum of \$6,366.18, paid to said Register by said Defendants on June 4, 1986, as Surety Bond for release of the Mechanic's Lien filed in this matter on September 17, 1985, by the Plaintiff against the subject property of said Defendants in Mechanic's Lien Book 20 at Page 25, and to cancel and satisfy said Mechanic's Lien, if the same has not been previously accomplished.

OTEP.
P.H.