

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

2018-CP-10-3925
IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 18-CP-10-

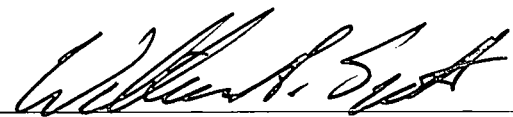
FILED
2018 AUG - 1 AM 11:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

K-CON, INC.,
Plaintiff,
v.
KING STREET ENTERPRISES, LLC, and
OHIO IMAGING ASSOCIATES, INC.,
Defendants.

SUMMONS
(Jury)
(Mechanics Lien Foreclosure, Breach of
Contract, Unjust Enrichment/Quantum
Meruit)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to file with the Clerk of Court an answer to the Complaint in the above-captioned case, a copy of which is herewith served upon you, and to serve a copy of your Answer to the subscriber at the office of PEDERSEN & SCOTT, P.C., 775 St. Andrews Blvd., Charleston, South Carolina 29407, within thirty (30) days after the service hereof, exclusive of the day of service. If you fail to answer or otherwise plead within the time aforesaid, the Plaintiff herein will apply to the Court for the relief demanded in the Complaint.



William A. Scott
Pedersen & Scott, P.C.
775 St. Andrews Blvd.
Charleston, SC 29407
(843) 556-5656
ATTORNEY FOR PLAINTIFF

Dated ____ day of July, 2018

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

2018 CP 110 3825
IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 18-CP-10-

FILED
2018 AUG -1 AM 11:44
JULIE J. ARMSTRONG
CLERK OF COURT

K-CON, INC.,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, and
OHIO and IMAGING ASSOCIATES, INC.,

Defendants.

COMPLAINT

(Jury)

(Mechanics Lien Foreclosure, Breach of
Contract, Unjust Enrichment/Quantum
Meruit)

The Plaintiff, complaining of the Defendants above named, alleges and shows unto this Honorable Court the following:

1. The Plaintiff, K-Con, Inc., is a corporation organized and existing under the laws of the State of South Carolina.
2. The Defendant, Ohio Imaging Associates, Inc. (hereinafter "Ohio Imaging"), is a corporation organized and existing under the laws of the State of Ohio.
3. The Defendant, King Street Enterprises, LLC (hereinafter "King Street"), is a limited liability company organized and existing under the laws of the State of South Carolina, and is the owner (hereinafter "Owner") of the premises located at 484 King Street, Suite 205, Charleston, County of Charleston, South Carolina, and hereinafter described in Exhibit "A" attached hereto.
4. The Plaintiff, K-Con, Inc., entered into a contract with Ohio Imaging to provide labor and services to the premises owned by King Street, described in Exhibits "A" and "B", with the full knowledge and consent of said Owner.

5. Plaintiff, K-Con, Inc., fully completed the aforesaid contract, and there is a balance on said contract in the amount of \$80,101.23, no part of which has been paid to Plaintiff although repeated demand has been made therefor.
6. This Court has jurisdiction over this matter.
7. Venue is proper in Charleston County because it is where the work was performed.

FOR A FIRST CAUSE OF ACTION
(Breach of Contract as to Ohio Imaging Associates, Inc.)

8. The allegations set forth in preceding paragraphs are repeated and realleged as fully as if said matters were set forth herein verbatim.
9. The Defendant, Ohio Imaging, breached the aforesaid contract by failing to pay the Plaintiff the balance on said subcontract although Plaintiff fully completed the work required thereunder.
10. In addition to breaching the contract by failing to pay, Ohio Imaging breached its obligation of good faith and fair dealings, breached the contract by failing to cooperate, and breached the contract by failing and refusing to mediate and by failing and refusing to abide by the contract disputes resolution requirements.
11. As the direct and proximate result of the Defendant's breach, the Plaintiff suffered actual damages in the amount of \$80,101.23, plus incidental, and consequential damages, all in an amount to be determined by the trier of fact.

FOR A SECOND CAUSE OF ACTION
(Unjust Enrichment/Quantum Meruit as to Defendant, King Street Enterprises, LLC)

12. The allegations set forth in the preceding paragraphs are repeated and realleged as fully as if said matters were set forth here verbatim.
13. The Plaintiff provided labor and material to the premises owned by the Defendant, King

Street, thereby conferring a benefit to the Defendant.

14. The Defendant realized a benefit from the services provided by the Plaintiff.
15. The Defendant's retention of the benefits provided by the Plaintiff is unjust without compensating the Plaintiff for the value of the services provided to the Defendant, plus interest and the costs of this action, all in an amount to be determined by the trier of fact.

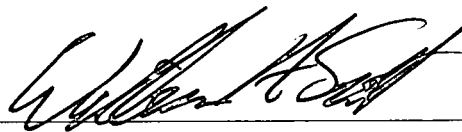
FOR A THIRD CAUSE OF ACTION
(Mechanic's Lien Foreclosure)

16. The allegations set forth in the preceding paragraphs are repeated and realleged as fully as if said matters were set forth here verbatim.
17. The Plaintiff, K-Con, Inc., duly filed its Mechanic's Lien on June 12, 2018, and Amended Mechanic's Lien on June 15, 2018, in the RMC Office for Charleston County (attached hereto as Exhibits "A" and "B") and was duly served on the Defendants.
18. The Plaintiff herein is entitled to have the aforesaid Amended Mechanic's Lien declared valid and binding on the Defendants, on the described premises and sold according to the law.

WHEREFORE, the pray for judgment against the Defendants requiring the Defendants to follow the contract requirements for dispute resolution without delay, or alternatively, for judgement against the Defendants for actual, incidental and consequential damages under its breach of contract cause of action; for judgment against the Defendant, King Street, for actual, incidental and consequential damages under its unjust enrichment/quantum meruit cause of action; and prays that the premises of the Defendant, King Street, as herein described be sold and the proceeds of such sale be distributed to the satisfaction of the Amended Mechanic's Lien for the Plaintiff including interest and attorney's fees and any balance thereof be distributed according to

the law, and for such other and further relief as this Court deems just and proper.

Respectfully submitted.



William A. Scott
PEDERSEN & SCOTT, P.C.
775 St. Andrews Blvd.
Charleston, SC 29407
(843) 556-5656
ATTORNEY FOR PLAINTIFF

Dated this 31st day of July, 2018

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON



BP0724977

PGS:

6

K-CON, INC.
SC License No. 11001,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, OHIO
IMAGING ASSOCIATES, INC., and TD
BANK, N.A.,

Defendants.

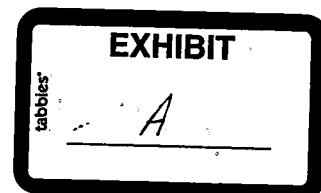
**STATEMENT FOR
MECHANIC'S LIEN**

PERSONALLY appeared before me, Pat Kiernan, who, after being duly sworn, deposes and says that he is the President of K-Con, Inc., a South Carolina company; that K-Con, Inc. ("K-Con") entered into a contract with Ohio Imaging Associates, Inc., to provide labor and material to the property commonly known as 484 King Street Suite 205 (hereinafter described on Exhibit "A" attached hereto) owned by King Street Enterprises, LLC with the full knowledge and consent of the said owner, and mortgagee TD Bank, N.A.

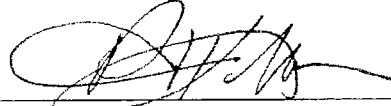
That, at this time, there is a balance due to K-Con in the amount of Sixty Nine Thousand Two Hundred Twenty Nine and 42/100 (\$69,229.42) Dollars for labor and materials, no part of which has been paid.

That the last day of which labor and materials were furnished on the property of the Respondent has been within the last ninety days.

Deponent further states that K-Con is entitled to a Mechanic's Lien on the property of the Defendant as herein described in the amount of Sixty Nine Thousand Two Hundred Twenty Nine and 42/100 (\$69,229.42) Dollars, together with interest, costs and reasonable attorneys' fees.

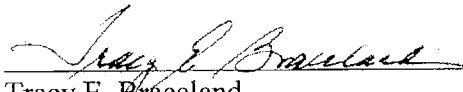


K-CON, INC.



By: Pat Kiernan
Its: President

Sworn to and subscribed before me
this 7th day of June, 2018.



Tracy E. Braceland
Notary Public for South Carolina
My commission expires: 11/18/2024

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

K-CON, INC.
SC License No. 11001,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, OHIO
IMAGING ASSOCIATES, INC., and TD
BANK, N.A.,

Defendants.

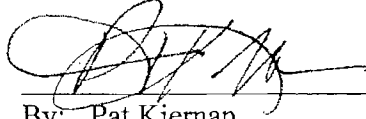
VERIFIED STATEMENT OF ACCOUNT

I hereby certify that on this 7th day of June, 2018, personally appeared before me Pat Kiernan, who being duly sworn, deposes and says:

1. That he is the President of K-Con, Inc.;
2. That K-Con, Inc. provided labor and materials to the property owned by King Street Enterprises, LLC and more fully described in the description attached hereto;
3. That K-Con, Inc. requested payment for services rendered and that such payment is due and owed;
4. That K-Con, Inc. has not received full payment, either directly or indirectly, from the said owner of the aforesaid property for the services rendered;
5. That K-Con, Inc. maintained regular books and records, the entries in said books and records being made in the ordinary course of business, and that said books and records show that said owner is indebted to K-Con, Inc. in the amount of Sixty Nine Thousand

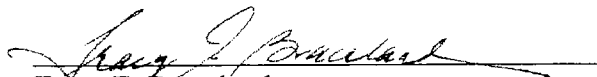
Two Hundred Twenty Nine and 42/100 (\$69,229.42) Dollars.

K-CON, INC.



By: Pat Kiernan
Its: President

Sworn to and subscribed before me
this 7th day of June, 2018.



Tracy E. Braceland
Notary Public for South Carolina
My commission expires: 11/18/2024

EXHIBIT "A"
Legal Description of Property

Property known as 484 King Street, Charleston, SC 29403:

ALL that certain piece, parcel or tract of land, together with the building and improvements located thereon, situate, lying and being in the City of Charleston, Charleston County, South Carolina and being more particularly described as follows:

ALL of that lot of land, with the building thereon, situate on the East side of King Street and known by the No. 484 on said street.

Measuring and containing on the front of King Street thirty (30') feet; one hundred sixty (160') feet in depth; and on the East or back line twenty-five (25') feet; be all the said dimensions all more or less.

Butting and bounding North on lands now or late of Rabin Family Associates Limited Partnership and formerly of Graman; East on lands now or late of the South Carolina Railroad Building Horizontal Property Regime and formerly of William Rouse, Sr.; South on land of 484 King Street, LLC and formerly of Gabriel E. Manigault; and West by King Street.

BEING the same property conveyed to King Street Enterprises, LLC by: (1) Warranty Deed of 484 King Street, LLC dated July 3, 2012 and recorded on July 5, 2012 in Book 0262, at Page 409 in the Charleston County RMC Office; (2) Quit Claim Deed of 484 King Street, LLC dated July 3, 2012 and recorded on July 5, 2012 in Book 0262, at Page 410 in the Charleston County RMC Office; and (3) Quit Claim Deed of 480 King Street, LLC dated as of November 21, 2014 and recorded on December 10, 2014 in Book 0445, at Page 569 in the Charleston County RMC Office.

TMS# 460-12-02-026

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NOTE: This page **MUST** remain with the original document

Filed By:

PEDERSEN & SCOTT, LC
 WILLIAM A SCOTT ESQ
 775 ST. ANDREWS BLVD.
 CHARLESTON SC 29407

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Time:	9:12:57 AM	
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0724	977	Mech/Lien
Elaine H. Bozman, Register Charleston County, SC		

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KING ST ENTERPRISES AL

RECIPIENT:

K-CON INC

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Recording Fee	\$ 10.00
Extra Reference Cost	\$ -
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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

K-CON, INC.
SC License No. 11001,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, OHIO
IMAGING ASSOCIATES, INC., and TD
BANK, N.A.,

Defendants.



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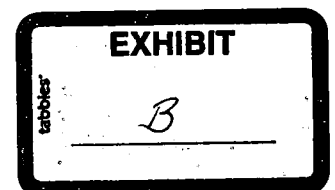
AMENDED MECHANIC'S LIEN
(Original Lien at Book 0724, page 977
Filed on 6./2.18)
Amended to Increase Amount of Lien)

PERSONALLY appeared before me, Pat Kiernan, who, after being duly sworn, deposes and says that he is the President of K-Con, Inc., a South Carolina company; that K-Con, Inc. ("K-Con") entered into a contract with Ohio Imaging Associates, Inc., to provide labor and material to the property commonly known as 484 King Street Suite 205 (hereinafter described on Exhibit "A" attached hereto) owned by King Street Enterprises, LLC with the full knowledge and consent of the said owner, and mortgagee TD Bank, N.A.

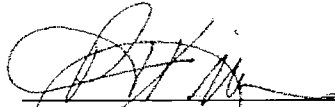
That, at this time, there is a balance due to K-Con in the amount of Eighty Thousand One Hundred One and 23/100 (\$80,101.23) Dollars for labor and materials, no part of which has been paid.

That the last day of which labor and materials were furnished on the property of the Respondent has been within the last ninety days.

Deponent further states that K-Con is entitled to a Mechanic's Lien on the property of the Defendant as herein described in the amount of Eighty Thousand One Hundred One and 23/100 (\$80,101.23) Dollars, together with interest, costs and reasonable attorneys' fees.



K-CON, INC.



By: Pat Kiernan
Its: President

Sworn to and subscribed before me
this 13th day of June, 2018.



Tracy E. Braceland
Notary Public for South Carolina
My commission expires: 11/18/2024

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

K-CON, INC.
SC License No. 11001,

Plaintiff,

v.

KING STREET ENTERPRISES, LLC, OHIO
IMAGING ASSOCIATES, INC., and TD
BANK, N.A.,

Defendants.

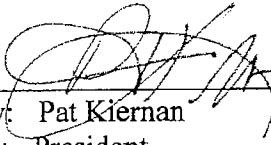
VERIFIED STATEMENT OF ACCOUNT

I hereby certify that on this 7th day of June, 2018, personally appeared before me Pat Kiernan, who being duly sworn, deposes and says:

1. That he is the President of K-Con, Inc.;
2. That K-Con, Inc. provided labor and materials to the property owned by King Street Enterprises, LLC and more fully described in the description attached hereto;
3. That K-Con, Inc. requested payment for services rendered and that such payment is due and owed;
4. That K-Con, Inc. has not received full payment, either directly or indirectly, from the said owner of the aforesaid property for the services rendered;
5. That K-Con, Inc. maintained regular books and records, the entries in said books and records being made in the ordinary course of business, and that said books and records show that said owner is indebted to K-Con, Inc. in the amount of Eighty Thousand One

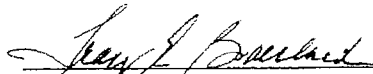
Hundred One and 23/100 (\$80,101.23) Dollars.

K-CON, INC.



By: Pat Kiernan
Its: President

Sworn to and subscribed before me
this 5th day of June, 2018.



Tracy E. Braceland
Notary Public for South Carolina
My commission expires: 11/18/2024

EXHIBIT "A"
Legal Description of Property

Property known as 484 King Street, Charleston, SC 29403:

ALL that certain piece, parcel or tract of land, together with the building and improvements located thereon, situate, lying and being in the City of Charleston, Charleston County, South Carolina and being more particularly described as follows:

ALL of that lot of land, with the building thereon, situate on the East side of King Street and known by the No. 484 on said street.

Measuring and containing on the front of King Street thirty (30') feet; one hundred sixty (160') feet in depth; and on the East or back line twenty-five (25') feet; be all the said dimensions all more or less.

Butting and bounding North on lands now or late of Rabin Family Associates Limited Partnership and formerly of Graman; East on lands now or late of the South Carolina Railroad Building Horizontal Property Regime and formerly of William Rouse, Sr.; South on land of 484 King Street, LLC and formerly of Gabriel E. Manigault; and West by King Street.

BEING the same property conveyed to King Street Enterprises, LLC by: (1) Warranty Deed of 484 King Street, LLC dated July 3, 2012 and recorded on July 5, 2012 in Book 0262, at Page 409 in the Charleston County RMC Office; (2) Quit Claim Deed of 484 King Street, LLC dated July 3, 2012 and recorded on July 5, 2012 in Book 0262, at Page 410 in the Charleston County RMC Office; and (3) Quit Claim Deed of 480 King Street, LLC dated as of November 21, 2014 and recorded on December 10, 2014 in Book 0445, at Page 569 in the Charleston County RMC Office.

TMS# 460-12-02-026

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RECORDED		
Date:	June 15, 2018	
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Elaine H. Bozman, Register Charleston County, SC		

MAKER:

KING STREET ENT LLC AL

RECIPIENT:

K-CON INC

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Recording Fee	\$ 10.00
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TOTAL	\$ 11.00

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PEDERSEN & SCOTT, P.C.
ATTORNEYS AT LAW

P 843-556-5656
F 843-556-5635
bscott@pslawpc.com

July 31, 2018

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

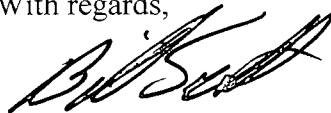
RE: K-Con, Inc. v. King Street Enterprises, LLC and Ohio Imaging Associates, Inc.

Dear Ms. Armstrong:

Please find enclosed for filing the original and one copy of the Civil Cover Sheet, Summons, Complaint, and Lis Pendens in the above-referenced case, along with a check in the amount of \$150.00 for the filing fee. Please file the original and return stamped-in copies of the documents in the enclosed envelope.

Your assistance in this matter is greatly appreciated. Please call me if you have any questions.

With regards,



William A. Scott

WAS/pb
Enclosures
cc: K-Con, Inc.