

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018_-CP-10_3825

K-Con, Inc)
) Plaintiff,)

vs.)

King Street Enterprises, LLC and Ohio)
Imaging Associates, Inc.)
 Defendant.)

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Brent S. Halversen, Bar No. _____ Address: Halversen & Associates 751 Johnnie Dodds Blvd., Ste. 200 Mount Pleasant, SC 29464 Phone: 843-284-5790 Fax _____ E-mail: brent@halversenlaw.com Other: _____	Defendant's Attorney: William Scott, Bar No. _____ Address: <p style="text-align: right;">Pedersen and Scott, PC</p> 775 St. Andrews Blvd. Charleston, SC 29407 Phone: 843-556-5656 Fax _____ E-mail: _____ Other: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: Motion for Summary Judgment Estimated Time Needed: 2 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="text-align: center; margin-top: 10px;"> _____ June 14, 2019. Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant Date submitted </div>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID – AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____

CONTESTED – AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 K-CON, INC.,)
)
 Plaintiff,)
)
 vs.)
)
)
)
 KING STREET ENTERPRISES, LLC)
 and OHIO IMAGING ASSOCIATES INC.)
)
)
 Defendants.)
)
 _____)

IN THE COURT OF COMMON PLEAS
 CASE NO. 2018-CP-10-3825

KING STREET ENTERPRISES, LLC
MOTION FOR SUMMARY JUDGMENT

FILED
 2019 JUN 14 AM 11:15
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

PLEASE TAKE NOTICE that the Defendant, King Street Enterprises, LLC (hereinafter, "building owner KSE") moves the Court at the Charleston County Court of Common Pleas, for an order granting Defendant KSE Summary Judgment pursuant to Rule 56 as there is no genuine issue as to any material fact and that the Defendant KSE is entitled to judgment as a matter of law. The motion is made on the following grounds:

- 1) Plaintiff filed an action for alleged non-payment for labor and materials provided to the building owner KSE's tenant Ohio Imaging Associates, Inc.-- whom Plaintiff had a contract with for an upfit of commercial retail space on King Street. Plaintiff had no contract whatsoever with building owner KSE, but named KSE for an unjust enrichment cause of action, as well as to foreclose its mechanic's lien.
- 2) Pursuant to SC Code §29-50-110, KSE posted at cash bond equal to one and one-third times the claimed lien, and therefore the Plaintiff's

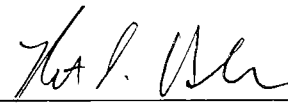
mechanic's lien is discharged as the cash undertaking takes the place of and is substitute for the property, pursuant to the above referenced statute. The bond is recorded at the Charleston County Register of Deeds Office, Book 0783, Page 787.

- 3) As the mechanic's lien has been discharged, the Plaintiff has no recourse against the building owner KSE even in the event of an adverse determination against the tenant for Plaintiff's non-payment claims.

WHEREFORE, the Plaintiff prays this Honorable Court inquire into the matters set forth herein and grant summary judgment to building owner KSE.

Respectfully submitted,

Brent Souther Halversen, LLC

By: 

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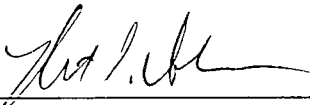
June 14th, 2019.

2018-CP-10-3825

CERTIFICATE OF SERVICE

I certify that I served the Motion for Summary Judgment upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to the counsel's last known address on this 14th day of June, 2019.

Brent Souther Halversen, LLC

By: 
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6/14, 2019.
Mount Pleasant, South Carolina

FILED
2019 JUN 14 AM 11:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____