

STATE OF SOUTH CAROLINA

FILED

COUNTY OF FLORENCE

2022 MAY 25 P 4:00

IN THE FAMILY COURT FOR THE
TWELFTH JUDICIAL CIRCUIT
DOCKET NO.: 2021-DR-21-1464

2022-CP-21-1066

DORIS POULOS O'HARA
FAMILY COURT
FLORENCE COUNTY, SC

Adrian P. Cain,

Plaintiff,

VS.

Rashad D. Brown,

Defendant.

FINAL DECREE OF DIVORCE



2021DR2101464 021-000001-028746 05/25/2022
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D009

Date of Hearing:

May 16, 2022

Trial Judge:

The Honorable James G. McGee, III

Attorney for Plaintiff:

Gregory D. Ammons

Attorney for Defendant:

Pro Se

Court Reporter:

DCRP

This matter came before the Court on the above referenced date for a Final Hearing for Divorce on May 16, 2022, pursuant to Plaintiff's filing of a Request for Hearing with the Clerk of Court for the County of Florence, State of South Carolina on April 5, 2022. Present at the hearing were the Plaintiff and her attorney, Gregory D. Ammons, Esquire, of Smith Ammons Howle & Ricker, LLC, in Florence, South Carolina. The Defendant was not present, nor was he represented by counsel.

The file in this matter reflects that matrimonial litigation between the parties was commenced by the Plaintiff's filing of an original Family Court Coversheet, Summons, Complaint and Motion for Temporary Relief in the office of the Family Law Clerk of Court for Florence County, South Carolina, on December 28, 2021, requesting for a divorce based on physical cruelty from the Defendant, equitable division, alimony, and other related relief. The aforementioned

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pleadings were properly served on the Defendant on February 8, 2022, as evidenced by the Affidavit of Service filed with the Clerk of Court on March 1, 2022. An Affidavit of Default was filed on March 31, 2022, by the Plaintiff based upon the Defendant failing to respond to the pleadings by the statutory time response times. A Request for Final Hearing was filed on April 5, 2022. The Defendant was properly served the Affidavit of Default and Notice of this Final Hearing on May 11, 2022, as evidenced by the Certificate of Mailing filed with the Clerk of Court on May 11, 2022. All pleadings appear to be proper and timely.

The Court inquired of the Plaintiff as to the possibility of reconciliation of this marriage, and based on her response I find there is nothing the Court can do to assist the parties in reconciling their marriage.

Based upon the testimony of the Plaintiff, the pleadings, financial declaration, and other evidence presented to the Court, I make the following findings of salient facts:

JURISDICTION AND VENUE

1. The Plaintiff is a citizen and resident of the County of Florence, State of South Carolina and has been a resident of South Carolina for a period of more than three (3) months prior to the filing of this action.

2. The Defendant is a citizen and resident of the County of Florence, State of South Carolina at the time of the filing of this action, and has been a resident of South Carolina for a period of more than three (3) months prior to the filing of this action.

3. That the Plaintiff and the Defendant are husband and wife, having been married on or about January 20, 2021, in the County of Florence, State of South Carolina. No children have been born of this union and none are expected.

5. The parties last lived together as husband and wife in the County of Florence, State of South Carolina.

6. On or about July 30, 2021, the parties separated and, they have been living separate and apart since that date.

7. This Court has jurisdiction over the parties and the subject matter herein, and venue is proper in Darlington County, South Carolina.

DIVORCE

8. Plaintiff has requested a divorce, *a vinculo matrimonii*, from Defendant upon the statutory ground of physical cruelty.

9. The burden is upon the complaining spouse to establish by the preponderance of the evidence the charges of physical cruelty against the other spouse. This carries with it the necessity of presenting corroboration of the material allegations of the complaint or an explanation of its absence. However, the rule requiring corroboration is not inflexible and may be relaxed where the circumstances of the particular case so warrant. *Brown v. Brown*, 215 S.C. 502, 512, 56 S.E. 2d 330, 335 (1949).

10. The Plaintiff testified that the Defendant used physical violence and threats against her throughout their marriage. Plaintiff specifically testified that on or about April 16, 2021, the Defendant became physically abusive to the Plaintiff at a hotel in Columbia, South Carolina where the Defendant physically assaulted the Plaintiff, and followed her for several hours from Columbia, South Carolina back to Florence, South Carolina. The Plaintiff provided evidence of the injuries she suffered from this incident and testified about burns she and the Defendant suffered as a result of Defendant's life-threatening violence toward her. Subsequent to the burn incident, Plaintiff provided evidence of Defendant breaking into her home, defecating on her bed and throughout her home, and killing her pet rabbit. Because of these offenses committed by the Defendant, the Plaintiff was made to fear for her safety. As a result of Defendant's violence, July 30, 2021 was the last time the parties resided together.

11. Based on the testimony and evidence before the Court, I find that the Plaintiff has met her burden of proof by a preponderance of the evidence and that she is entitled to a divorce, a *vinculo matrimonii*, from Defendant on the statutory ground of physical cruelty.

EQUITABLE DIVISION

12. I find that the parties shall keep any and all personal or real property in his or her own possession, free and clear from any claim from the other, and each shall be responsible for all incidents of ownership therein. I further find that the parties shall be solely responsible for any debts in his or her respective name.

ALIMONY

13. I find that the Plaintiff is asserting no right to support or alimony, past, present or future, and is forever be barred from seeking same. I further find the Defendant is barred from receiving support or alimony, past, present or future from the Plaintiff.

ATTORNEY'S FEES

14. This Court has the authority and jurisdiction to award attorney's fees and costs in this type of action. "In determining whether an attorney's fee should be awarded, the following factors should be considered: (1) the party's ability to pay his/her own attorney's fee; (2) beneficial results obtained by the attorney; (3) the parties' respective financial conditions; (4) effect of the attorney's fee on each party's standard of living." *E.D.M. v. T.A.M.*, 307 S.C. 471, 476-77, 415 S.E.2d 812, 816 (1992) (citing *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E.2d 313 (1991)). In determining the amount of a reasonable attorney's fees award, the court should consider the nature, extent and difficulty of the case; the time necessarily devoted to the case; professional standing of counsel; contingency of compensation; beneficial results obtained; and customary legal fees for similar services. *Glasscock*, 304 S.C. at 161, 403 S.E.2d at 315. An award of attorney's fees is

generally discretionary with the trial judge. *Stevenson v. Stevenson*, 295 S.C. 412, 368 S.E.2d 901 (1988).

15. The Plaintiff has incurred attorney's fees and costs in the amount of \$2,379.18 (Affidavit of Attorney's Fees (Final Hearing)) and is requesting a full award of attorney's fees and costs. Defendant never appeared in this matter and did not have an attorney appear on his behalf.

16. Upon review of the factors, I find that the Plaintiff does not have the ability to pay her own attorney's fees, she received a beneficial result from the litigation, she is in a poor financial situation and the attorney's fees incurred has only exacerbated her poor financial condition. This case had complications based on the claims of physical cruelty and the time necessarily devoted to the case by Plaintiff's counsel was appropriate. Counsel is well-known to the Court and has excellent professional standing, and Counsel obtained a beneficial result for the Plaintiff. Plaintiff's attorney did not charge any sort of contingency fee, and his fees were appropriate and customary for the time devoted to this case and the difficulty of this case.

17. I find that it is appropriate for the Defendant to be responsible for any and all of Plaintiff's attorney's fees and costs to be paid directly to the Plaintiff's attorney at his office located at 614 West Palmetto Street, Florence, South Carolina within forty-five (45) days of the filing of this order.

DISPOSITION

Based upon the pleadings, evidence, and findings of facts as are made and set forth herein:

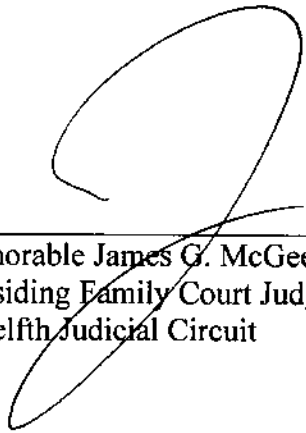
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

- A. The Plaintiff be, and hereby is, granted a divorce, *a vinculo matrimonii*, from the Defendant on the statutory ground of physical cruelty;
- B. The parties' marital assets and debts shall be apportioned as outlined above;
- C. Each party is forever barred from receiving alimony from the other; and

- D. The Defendant shall be responsible for the total amount of Plaintiff's attorney's fees and costs equaling \$2,379.18 directly to Plaintiff's attorney within forty-five (45) days of the filing of this Order.

IT IS SO ORDERED!

May 25, 2022
Florence, South Carolina



Honorable James G. McGee, III
Presiding Family Court Judge
Twelfth Judicial Circuit

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

ADRIAN P. CAIN

IN THE FAMILY COURT
TWELFTH JUDICIAL CIRCUIT

FILED

JUDGMENT IN A
FAMILY COURT CASE

Plaintiff,

vs.

RASHAD D. BROWN,

2022 MAY 25 P 4: 00

DORIS POULOS D'HARA No. 2021-DR-21-1464

Submitted by:

Gregory D. Ammons, Esquire

FAMILY COURT
FLORENCE COUNTY, SCAttorney for ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant ☐ GAL

DECISION BY COURT (check all that apply)

- ☒ This action came to trial, hearing or was resolved by consent and an order was rendered.
☐ This action has been dismissed pursuant to ☐ Rule 12(b), SCRPC ☐ Rule 41(a), SCRPC
☐ Rule 43(k), SCRPC ☐ Family Court Benchmark
☐ Other: _____

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:☐ Additional information for Clerk: _____

ORDER INFORMATION

- This is a ☐ Temporary ☒ Final order. If Final, does this order end the case? ☒ Yes ☐ No
 Support ☒ is not ordered ☐ is ordered, and it is to be paid ☐ through the court. ☐ directly to the CP.
 Case number under which support is paid if different from this one: _____
 This order involves the immediate ☐ issuance ☐ dismissal of a bench warrant, or ☐ does not apply.
☐ The following motions are ended by this order (include motion filing date): _____
☐ This order adds or dismisses the following parties to this case:
☐ dismiss ☐ add: _____ ☐ dismiss ☐ add: _____

INFORMATION FOR THE JUDGMENT INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information to enroll, indicate "N/A" in one of the boxes below.

Judgment In Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount to be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the South Carolina Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: title abstractors and researchers should refer to the official court order for judgment details.

Family Court Judge

4171
Judge Code

Date

May 25, 2022

FOR CLERK OF COURT OFFICE USE ONLY

This judgment was entered on the 5/25/22 and a copy mailed first class or placed in the appropriate attorney's box on 5/25/22 to attorneys of record or to parties (when appearing pro se) as follows:

Gregory D. Ammons

Placed in

box
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEYS FOR THE DEFENDANT(S)

Doris Poulos O'Hara
CLERK OF COURT

Court Reporter: _____

Custodial Parent (if applicable): _____