

Said counterclaim seeks recovery for losses which include the same labor and materials included in the recovery sought in this Mechanic's Lien filed by Poinsett Discount Company, Inc..

It appears that the recovery sought by Poinsett Discount Company, Inc., in this action is a portion of that recovery sought in that action presently pending in this Court under case number 78-CL-23-272. I find that the Plaintiff in this action, Poinsett Discount Company, Inc., may not seek the same recovery under both causes of action but must proceed on only one cause of action.

IT IS ORDERED, ADJUDGED AND DECREED that this case 78-CL-23-822 be dismissed and forever ended as to all parties only in so far as the foreclosure of Plaintiff's Mechanic's Lien is concerned. Said dismissal shall have no effect nor prejudice in any way the rights of the parties in that action pending in this Court which is designated as 78-CL-23-272.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Mechanic's Lien which is in the records of the RMC Office for Greenville County in Mechanic's Lien Book 17 at Page 1375 and as amended in Mechanic's Lien Book 17 at Page 1385 be released.

AND IT IS SO ORDERED.

C. Victor Pyle, Jr.
JUDGE C. VICTOR PYLE, JR.
GREENVILLE COUNTY COURT

Greenville, S.C.

Dated 12-6-78

WE SO MOVE:

Abrama, Bowen, Robertson, Tapp and Parham

BY:

Michael Parham
Michael Parham
Attorney for Defendants
William J. Hufflin and Virginia S. Hufflin

WE CONSENT,

Sasso & Ledford P.A.

BY:

Peter J. Sasso, Jr.
Peter J. Sasso, Jr.
Attorney for Plaintiff
Poinsett Discount Company, Inc.

Rachelle W. Kelly
A Certified Copy
Clerk of Court C. P. & G. S.
Ex-Officio Clerk County Court
Greenville County, S. C.

Dated JAN 8 1979

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RECORDED JAN 8 1979

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