

STATE OF SOUTH CAROLINA  
COUNTY OF ABBEVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP0100036

CITY OF ABBEVILLE

TOWN OF CALHOUN FALLS, ET AL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: COURT

Attorney for : ☐ Plaintiff ☐ Defendant  
or  
☐ Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order attached) ☐ Statement of Judgment by the Court:

**THIS MATTER ORIGINALLY CAME BEFORE THE COURT** on April 8, 2025 for a hearing on Plaintiff's motion for a preliminary injunction. The Court subsequently issued an order on April 21, 2025. On January 15, 2026, this matter was revisited by way of a Rule to Show Cause filed by Plaintiff in which Plaintiff seeks a finding of contempt against Defendant due to Defendant's failure to remit payments since October, 2025 for water supplied by Plaintiff. Plaintiff was represented by Tombo Hite, Esq., Tommy Hite, Esq., and Steve Matthews, Esq. Defendant was represented by Juan Shingles, Esq. The Court finds as follows:

The Court is aware that a change in administration has recently occurred whereby Calhoun Falls has elected a new mayor and city council. Unfortunately, the new mayor was unable to attend this hearing for valid reasons. Mr. Shingles assured the Court that Defendant takes seriously its responsibilities under the April 21, 2025 order and that Defendant's failure to remit payments was due to an issue with Defendant's billing software which stopped working in October. As a result, bills for water did not go out to the Defendant's water customers. Mr.

Shingles also stated than an accounting for water revenue was available and offered to provide same to Plaintiff.

Plaintiff informed the Court that roughly 243 meters in Calhoun Falls do not function, and as a result, those customers are not being billed anything, not even the minimum, for their water. Plaintiff seeks appointment of a receiver to oversee billing. Plaintiff also points out that Calhoun Falls has not raised its water rates since 2019.

Again, the Court is aware a new administration has recently taken office, and the Court was assured that Defendant is working diligently on getting its house in order with regard to the water system. To that end, the Court will hold any finding of contempt in abeyance pending a further hearing to be held on **Thursday, February 26, 2026 at 10:00 AM** at the Abbeville Courthouse. The Court would strongly encourage a representative of Defendant, who possesses some measure of authority, to be present at that hearing.

In the interim, the Court will remain attentive to any measures Defendant employs to comply with the Court's prior order. Such measures are, of course, presently discretionary with Calhoun Fall's government. To that end, Mr. Shingles indicated that legislation to enhance revenue was being considered and that the issues with the billing software have been resolved. Additionally, Mr. Shingles indicated that assignment of an outstanding account with a large balance to Plaintiff could also be considered.

The Court reiterates the findings in its April 8, 2025 form-4 order: for Defendant to receive the benefit of a necessity such as water without appropriate remuneration to Plaintiff is wholly inequitable. The Court remains hopeful that Defendant's new administration will devise a viable plan which, going forward, not only complies with the requirements of the April 21, 2025 order, but which also accomplishes the repairs and upgrades which are absolutely necessary for the citizens of Calhoun Falls.

It is so ORDERED.

#### ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
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, 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)
		\$
		\$

		\$
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 SC 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.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

<u>s/ Frank R. Addy, Jr.</u>	<u>2159</u>	<u>1/15/2026</u>
<b>Circuit Court Judge</b>	<b>Judge Code</b>	<b>Date</b>

### For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

<u>Steve Matthews, Esq.</u>	<u>Juan Shingles, Esq.</u>
<u>Tombo Hite, Esq., Tommy Hite, Esq.</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<b>ATTORNEY(S) FOR THE PLAINTIFF(S)</b>	<b>ATTORNEY(S) FOR THE DEFENDANT(S)</b>
	<u>CLERK OF COURT</u>

**Court Reporter: Tara Scott**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRC.**



Abbeville Common Pleas

**Case Caption:** City Of Abbeville VS Town Of Calhoun Falls , defendant, et al

**Case Number:** 2025CP0100036

**Type:** Order/Form 4

So Ordered

S/ Frank R. Addy, Jr.