

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Larry E. Koon and Allen Lee Koon, by and through his
attorney in fact, Larry E. Koon, Respondents,

v.

Thomas Jackson Construction Inc., Appellant.

Appellate Case No. 2014-001215

Appeal From Newberry County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2016-UP-077
Heard February 1, 2016 – Filed February 24, 2016

AFFIRMED

Mindy Westbrook Zimmerman and Wade Coleman
Lawrimore, both of Zimmerman & Shealy, LLC, of
Newberry, for Appellant.

Robert W. Dibble, Jr. and Jennifer Dowd Nichols, both
of Harrell & Martin, P.A., of Chapin; and Kelley B. Parr,
of Kelley B. Parr, Attorney at Law, of Chapin, for
Respondents.

PER CURIAM: Appellant Thomas Jackson Construction Inc. appeals the circuit court's grant of Respondents' motion for summary judgment and dismissal of its motion to dismiss. We find the personal judgment against Respondent Allen Lee Koon was void because the special referee acted without personal jurisdiction. *See* Rule 60(b)(4), SCRCP (explaining the circuit court "may relieve a party or his legal representative from a final judgment, order, or proceeding . . . [if] the judgment is void"); *Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP*, 373 S.C. 331, 337, 644 S.E.2d 793, 796 (Ct. App. 2007) ("A judgment is void if a court acts without personal jurisdiction."); *id.* ("A court usually obtains personal jurisdiction by the service of the summons and complaint."); Rule 37(b)(2), SCRCP ("If a party or an officer, director, or managing agent of a party . . . fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just . . ."); Rule 37(b)(2)(C), SCRCP (authorizing the circuit court to enter a "judgment by default against the disobedient *party*" (emphasis added)). Appellant conceded during oral argument the circuit court properly granted summary judgment if the personal judgment against Allen Lee Koon was void; thus, we affirm the circuit court's grant of summary judgment.

AFFIRMED.

FEW, C.J., and SHORT and THOMAS, JJ., concur.