

BOOK 79 517

After the case was concluded, the Court, on its own motion, put Mr. Harris back on the witness stand and inquired as to what action he had taken or what demands he had made since July 10, 1973, when he was paid the sum of Thirty-Six Thousand Five Hundred (\$36,500.00) Dollars. He responded that since that time he had made no further demands for payment, and had not even attempted to contact the Quinns except on one or two occasions.

It is the opinion of this Court that based on the Plaintiff's prior conduct, if he felt that Mr. Quinn still owed him additional substantial amounts of money, then he would have pursued collection of same after the payment made to him of Thirty-Six Thousand Five Hundred (\$36,500.00) Dollars.

Based upon all of the foregoing, it is the opinion of this Court that on July 10, 1973, when the Defendant paid the Plaintiff Thirty-Six Thousand Five Hundred (\$36,500.00) Dollars, this payment was meant to be payment in full and an accord and satisfaction of any and all sums due under the note dated May 15, 1975, and given by the Defendant to the Plaintiff.

Based upon all of the foregoing, it is further opinion of this Court that on that date all mortgages given by Mr. Quinn to Mr. Harris should have been satisfied and marked as paid in full and cancelled of record in the RMC Office for Greenville County.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Thirty-Six Thousand Five Hundred (\$36,500.00) Dollars paid to the Plaintiff by the Defendant on July 10, 1973, is adjudged to be payment in full of the May 5, 1975, note, and that said note is paid in full and satisfied as a result of that payment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all mortgages held by James A. Harris <sup>originally by Charles E. Quinn</sup> will be cancelled and marked paid in full by this Court, and the Register of Mesne Conveyance is hereby authorized and directed to mark the recorded mortgages as paid in full. *Right Book 1337, Page 536.*  
AND IT IS SO ORDERED.

*W. Daniel Yarbrough, Jr.*  
W. DANIEL YARBROUGH, JR.  
MASTER IN EQUITY

Greenville, S.C.  
January 6, 1983

A Certified Copy  
Caroline M. Miller  
Greenville County Court  
Greenville County, S.C.  
Dated JAN 25 1983

*[Signature]*  
*[Signature]*

*[Signature]*  
1-7-83  
1/6/83

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