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Sep 16 2022
SC Court of Appeals

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September 16, 2022

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Ayers, et al -v- Shurwest, LLC
Appellate Case No. 2021-000182
Rich -v- Shurwest LLC
Appellate Case No. 2021-000187
Billings -v- Shurwest, LLC
Appellate Case No. 2021-000188

Dear Ms. Kitchings:

I am counsel for the Appellant, Shurwest, LLC. Per the Court's letter of November 18, 2021, this is my monthly report to the Court. By Order entered August 31, 2022, the United States Bankruptcy Court for the District of Arizona set a Confirmation Hearing for November 8, 2022 for Debtor's Amended Plan of Reorganization ("Plan"). The lawsuits that are subject of these appeals appear to be included as Unsecured Claims in the Plan. If the Plan is approved, the plaintiffs in these lawsuits will be able to choose to follow the claims resolution process as provided in the Bankruptcy Code and Bankruptcy Rules or if the plaintiff qualifies, make a claim to a Claims Arbitrator appointed by the Bankruptcy Judge.

Assuming the Plan is confirmed, Appellant requests that each of the Respondents notify the Court which option they elect under the Plan and how this affects the resolution of their claims in the courts of South Carolina, as such information will not be readily available to counsel for Appellant.

I do note that many pending state court matters involving Shurwest have been dismissed and Shurwest is seeking consent of all parties to these actions for dismissal without prejudice as well, but at the time of this correspondence has not yet received all necessary consents.

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Page 2

Sincerely,

Burr & Forman LLP

A handwritten signature in blue ink, appearing to read "Ben Nicholson", written in a cursive style.

Benjamin E. Nicholson, V

cc: Deborah B. Barbier, Esquire
Robert G. Rikard
Charles A. Kinney
Benjamin J. Biard
David W. Overstreet Esquire
J. Derrick Quattlebaum