

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jan 05 2023
SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Hon. Joe M. Crosby, Master in Equity

Case No. 2020-CP-22-00882

South Carolina Board of Financial Institutions, Appellant,

v.

CDM Corporation and Guardian Fiduciary Services, LLC, Respondents.

NOTICE OF APPEAL

The South Carolina Board of Financial Institutions, Appellant, appeals the decision of the Honorable Joe M. Crosby, Master in Equity, issued November 3, 2022, received by Appellant on November 3, 2022, a copy of which is attached hereto. Appellant timely filed a Motion for Partial Reconsideration on November 14, 2022, which, pursuant to Rule 203(b)(6), SCACR, stayed the time for filing an appeal. On December 20, 2022, the Honorable Joe M. Crosby entered an Order Denying Appellant's Motion for Partial Reconsideration, a copy of which is also attached hereto. Appellant hereby timely appeals both orders.

January 5, 2023

s/ Shawn D. Eubanks
Shawn D. Eubanks (S.C. Bar No. 78370)
William J. Condon, Jr. (S.C. Bar No. 72632)

1200 Senate St., Suite 214
Wade Hampton Office Building
Columbia, SC 29201
(803) 734-2623

shawn.eubanks@sto.sc.gov
bill.condon@sto.sc.gov

Attorneys for Appellant

Other Counsel of Record:
James D. Myrick, Esq.
Womble Bond Dickinson
5 Exchange St.
Charleston, SC 29401
(843) 720-4643
Jim.myrick@wbd-us.com
Attorney for Respondents

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal in this matter on Respondents CDM Corporation and Guardian Fiduciary Services, LLC, by and through their counsel, James D. Myrick, Esq., by electronic mail delivery of same to his primary e-mail address listed in the Attorney Information System, on January 5, 2023.

I further certify that I have also served the Notice of Appeal in this matter on the Master in Equity of Georgetown County by filing this notice electronically with the Georgetown County Clerk of Court on January 5, 2023, and by placing a copy of the same in the U.S. Mail, addressed to Hon. Joe M. Crosby, Master in Equity, c/o Crosby Law Firm, LLC 405 Dozier St., Georgetown, SC 29440.

January 5, 2023

s/ Shawn D. Eubanks
Shawn D. Eubanks (S.C. Bar No. 78370)
1200 Senate St., Suite 214
Wade Hampton Office Building
Columbia, SC 29201
(803) 734-2623
shawn.eubanks@sto.sc.gov
Attorney for Appellant

From: [Eubanks, Shawn](#)
To: jim.myrick@wbd-us.com
Cc: [Condon, Bill](#)
Subject: BOFI v. CDM and Guardian Fiduciary Services
Date: Thursday, January 5, 2023 9:49:00 AM
Attachments: [1a - Order 11-3-22.PDF](#)
[1b - Order Denying 59\(e\) Motion 12-20-22.PDF](#)
[2 - Proof of Service.pdf](#)
[1 - Notice of Appeal.pdf](#)

Jim,

In accordance with the Supreme Court's Order, dated August 25, 2021, regarding e-filing and service on attorneys in appellate cases, I am attaching the following documents for service upon you in the above referenced case:

1. Notice of Appeal
2. Master in Equity Order dated November 3, 2022
3. Master in Equity Order dated December 20, 2022
4. Proof of Service

These documents will be filed with the Court of Appeals today, along with a copy of this e-mail to be filed with the Proof of Service.

If you have any questions, please feel free to contact me at your convenience.

Thank you,

Shawn D. Eubanks | Deputy General Counsel

South Carolina Treasurer's Office
1200 Senate Street, Suite 214
Wade Hampton Office Building
Columbia, SC 29201
office (803) 734-2623



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Jan 05 2023

SC Court of Appeals

SOUTH CAROLINA
STATE BOARD OF FINANCIAL INSTITUTIONS

January 5, 2023

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: South Carolina Board of Financial Institutions v. CDM Corporation, et al
2020-CP-22-0882

Dear Ms. Kitchings,

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal upon the Respondents and the Master in Equity for Georgetown County;
- (2) Copy of e-mail serving Respondent via counsel;
- (3) Copies of the Orders which are to be challenged upon appeal

Pursuant to Rule 203(d)(2)(B)(iii), as this is an appeal by an agency of the State of South Carolina, a filing fee is not required.

Please note that hearings were not held in relation to these Orders; accordingly, there is no transcript to order or provide to the Court.

If you have any questions, please feel free to contact me at (803) 734-2623.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn D. Eubanks".

Shawn D. Eubanks

cc: James Myrick, Esq., Counsel for Defendants

William J. Condon, Esq.