

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-37-00652

Stoneledge at Lake Keowee Owners Association,

IMK Development Co., LLC, et al

Inc., et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- 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 to follow) Statement of Judgment by the Court:

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)
N/A	N/A	\$N/A
N/A	N/A	\$N/A
N/A	N/A	\$N/A

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.

s/Alexander S. Macaulay
 Circuit Court Judge

2063
 Judge Code

05/21/2013
 Date

For Clerk of Court Office Use Only

This judgment was entered on the 22nd day of May, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 22nd day of May, 202013 to attorneys of record or to parties (when appearing pro se) as follows:

Robert T. Lyles, Jr.

Jason M. Imhoff; David A. Root; Kevin L. Terrell;

D. Andrew Williams; Stephen P. Hughes;

Elizabeth A. Martineau; Finley B. Clarke;

Paul E. Hammack; Christopher G. Lewis;

G. Thomas Chase; Dana Lang

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beverly H. Whitfield

CLERK OF COURT

Court Reporter: Vivian Cross

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Multiple horizontal lines for additional information.

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)
)
STONELEDGE AT LAKE KEOWEE OWNERS')
ASSOCIATION, INC., C. DAN CARSON, JEFFREY)
J. DAULER, JOAN W. DAVENPORT, MICHAEL)
FURNARI, DONNA FURNARI, JESSY B. GRASSO,)
NANCY E. GRASSO, ROBERT P. HAYES, LUCY)
H. HAYES, TY HIX, JENNIFER D. HIX, PAUL W.)
HUND, III, RUTH E. ISAAC, MICHAEL D.)
PLOURDE, MARY LOU PLOURDE, CAROL C.)
POPE, STEVEN B. TAYLOR, BETTE J. TAYLOR,)
AND ROBERT WHITE, INDIVIDUALLY AND ON)
BEHALF OF ALL OTHERS SIMILARLY SITUATED)

Plaintiffs,)

vs.)

IMK DEVELOPMENT CO., LLC, KEOWEE)
TOWNHOUSES, LLC, LUDWIG CORPORATION,)
LLC, SDI FUNDING, LLC, MEDALLION AT)
KEOWEE, LLC, BRADFORD D. SECKINGER,)
JOHN LUDWIG, LARRY D. LOLLIS, WILLIAM C.)
COX, INTEGRYS KEOWEE DEVELOPMENT, LLC,)
MARICK HOME BUILDERS, LLC, M GROUP)
CONSTRUCTION AND DEVELOPMENT, LLC,)
BOSTIC BROTHERS CONSTRUCTION, INC., RICK)
THOENNES, MEL MORRIS, JOE BOSTIC, JEFF)
BOSTIC, CLEAR VIEW CONSTRUCTION, LLC,)
MICHAEL FRANZ, MHC CONTRACTORS,)
MIGUEL PORRAS CHONCOAS, BUILDERS FIRST)
SOURCE SOUTHEAST GROUP, MIKE GREEN,)
SOUTHERN CONCRETE SPECIALTIES, CARL)
COMPTON D/B/A COMPTON ENTERPRIZE A/K/A)
COMPTON ENTERPRISES, GUNTER HEATING &)
AIR, ALL PRO HEATING, A/C &)
REFRIGERATION, LLC, COLEMAN)
WATERPROOFING, HEYWARD ELECTRICAL)
SERVICES, INC., TINSLEY ELECTRICAL, LLC,)
HUTCH N SON CONSTRUCTION, INC., CARL)
CATOE CONSTRUCTION, INC., T.G.)
CONSTRUCTION, LLC, DELFINO)
CONSTRUCTION, FRANCISCO JAVIER ZARATE)
D/B/A ZARATE CONSTRUCTION, ALEJANDRO)

IN THE COURT OF COMMON PLEAS)
FOR THE TENTH JUDICIAL CIRCUIT)
CASE NUMBER: 2009-CP-37-0652)

**ORDER DENYING DEFENDANTS
MARICK HOME BUILDERS, LLC AND
RICK THOENNES' MOTION FOR
RECONSIDERATION AND TO ALTER
JUDGMENT**

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2013 MAY 22 AM 10 38

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AVALOS CRUZ, HERBERTO ACROS HERNANDEZ,)
MARTIN HERNANDEZ-AVILES, FRANCISCO)
VILLALOBOS LOPEZ, AMBROSIO MARTINEZ-)
RAMIREZ, ESTER MORAN MENTADO, SOCORRO)
CASTILLO MONTEL, UPSTATE UTILITIES, INC.,)
SOUTHERN BASEMENTS, INC., MJG)
CONSTRUCTION AND HOMEBUILDERS, INC.)
D/B/A MJG CONSTRUCTION, KMAC, INC.,)
D/B/A KMAC NORTH CAROLINA, EUFACIO)
GARCIA, EVERADO JARMAMILLO, GARCIA)
PARRA INSULATION, INC., J&J CONSTRUCTION,)
JOSE NIÑO, JOSE MANUEL GARCIA, EASON)
CONSTRUCTION, INC., AND VINCENT MORALES)
D/B/A MORALES MASONRY, MILLER/PLAYER &)
ASSOCIATES,)

Defendants,)

BOSTIC CONSTRUCTION, INC.,)

Third-Party Plaintiffs,)

vs.)

SOUTHERN STONE, INC. AND BUCK SMITH)
CONSTRUCTION,)

Third-Party Defendants,)

This matter came before the Court on a Motion for Reconsideration and to Alter Judgment filed by Defendants Marick Home Builders, LLC and Rick Thoennes (collectively "Marick"), seeking to "vacate and/or reconsider" this Court's Order, dated January 11, 2013 and filed January 14, 2013 (the "Order"). The Order granted Carl Catoe Construction, Inc. ("Catoe"), and Catoe's subcontractors T.G. Construction, LLC, Martin Hernandez-Aviles; Ester Moran Mentado, Herberto Arcos Hernandez, Francisco Javier Zarate d/b/a/ Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel (collectively "Catoe's Subcontractors") summary judgment as to Marick's cross-

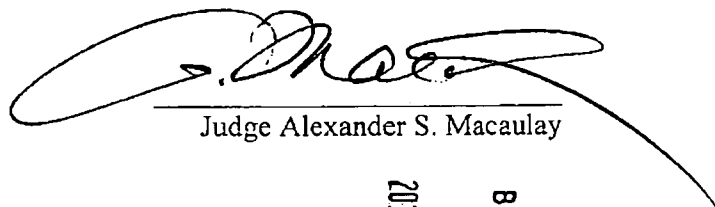
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a.

claims for equitable indemnity, negligence, and breach of warranty. The Order also granted Builders FirstSource - Southeast Group, LLC ("BFS") summary judgment as to Marick's cross-claims for equitable indemnity and negligence. Marick's cross-claims against BFS for breach of contract and breach of warranty were disposed of by separate order.

The Court conducted a hearing on this Motion on April 10, 2013. Jason M. Imhoff appeared on behalf of Marick. David A. Root appeared on behalf of BFS, and counsel also appeared for Catoe and Catoe's Subcontractors.

After careful consideration and review, the Court finds that the Order contained no error of law or misconstruction of fact. The Court, therefore, DENIES Defendants' Marick Home Builders, LLC and Rick Thoennes' Motion for Reconsideration and to Alter Judgment.

IT IS SO ORDERED.



Judge Alexander S. Macaulay

Walhalla, South Carolina

May 21
April , 2013

FILED O'CONNOR, SO
BEVERLY H. WHITFIELD
CLERK OF COURT
2013 MAY 22 AM 10 38

A TRUE COPY
MAY 22 2013
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