

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

IN THE COURT OF COMMON PLEAS
3RD JUDICIAL CIRCUIT

Case Nos.: 2018-CP-45-00258 and
2019-CP-45-00193

Bank of Newington,)
)
Plaintiff,)

vs.)

LHSC, Inc.; Williamsburg County Development)
Corporation; Viking Fire Protection, Inc. of the)
Southeast; and HBC, Inc.,)
Defendants.)

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Jul 27 2023

SC Court of Appeals

HBC, Inc.)
)
Cross-Claimant,)

vs.)

LHSC, Inc.)
)
Cross-Claim Defendant.)

**ORDER DENYING (1) BANK OF
NEWINGTON’S MOTION FOR
STAY OF ENFORCEMENT OF
ORDER, AND (2) WILLIAMSBURG
COUNTY DEVELOPMENT
CORPORATION’S MOTION TO
ALTER/AMEND JUDGMENT, AND
TO DISBURSE ALL FUNDS IN
ESCROW**

HBC, Inc.,)
)
3rd Party Plaintiff,)

vs.)

Louis Hornick, II, and Blake Fickling,)
)
3rd Party Defendants.)

Williamsburg County Development Corporation,)
)
Cross-Claimant,)

vs.)

LHSC, Inc.,)
)
Cross-claim Defendant.)

Williamsburg County Development Corporation,)
)
3rd Party Plaintiff,)

vs.)

Louis Hornick, II, and Blake Fickling,)
)
3rd Party Defendants.)

Two matters came before me for hearing on June 29, 2023, as follows:

- (i) The Bank of Newington’s (“BON”) Motion for Stay Enforcement of [March 13, 2023] Order (also filed March 13, 2022), and granted in part temporarily by that certain Order Extending Mandatory Stay for limited time by order dated March 22, 2023; and
- (ii) Williamsburg County Development Corporation (“WCDC”) Motion to Alter/Amend Judgment (filed June 12, 2023).

For the reasons set forth in the record, both motions are DENIED.ⁱ The Court additionally vacates the temporary stay order entered on March 22, 2023, and all funds being held in the “Escrow Account” by Wells Dickson, Esquire, pursuant to that certain Foreclosure Decree (filed March 10, 2022) are to be distributed as follows:

1. As a first priority payment, and consistent with Paragraph Nos. 3 and 4 of this Court’s Amended Order (at page 24, filed June 2, 2023), WCDC is to receive an “amount [equal] to \$371,404.66, plus [post-judgment interest under S.C. Code Ann. § 34-31-20(B)]ⁱⁱ from [June 29, 2023].”
 - a. The *per diem* accumulation of interest on this amount (\$371,404.66) at 11.5 % is \$117.02 / day, and the amount due to WCDC under Paragraphs 3 and 4, as of July 25, 2023, is \$374,447.18;ⁱⁱⁱ
2. As a second priority payment, and consistent with Paragraph Nos. 3 and 5 of this Court’s Amended Order (at page 24, filed June 2, 2023), HBC is to receive an “amount [equal] to \$362,612.14, plus [post-judgment interest under S.C. Code Ann. § 34-31-20(B)]ⁱⁱ from [June 29, 2023]”;
 - a. The *per diem* accumulation of interest on this amount (\$362,612.14) at 11.5 % is \$114.25 / day, and the amount due to HBC under Paragraphs 3 and 4, as of July 25, 2023, is \$365,582.64;ⁱⁱ
3. As a third priority payment, and consistent with Paragraph No. 6, as set forth on page 24 of this Court’s Amended Order (filed June 2, 2023):
 - a. WCDC is to receive an amount equal to \$788.74, as its costs of this action (not already awarded); and
 - b. (2) HBC is to receive an amount equal to \$989.64, as its costs of this action (not already awarded);
4. As set forth in Paragraphs 1-3 above, the total amount to be distributed from the Escrow Account as of July 11, 2023, prior to any funds are distributed to the Bank of Newington is:

- a. **\$375,235.92** (\$374,447.18+ \$788.74) to WCDC, and
 - b. **\$366,572.28** (\$365,582.64+ \$989.64) to HBC; and
5. All remaining funds are to be disbursed to the Bank of Newington, and the Escrow Account created by the Foreclosure Decree shall be closed.

IT IS SO ORDERED.

The Honorable R. Ferrell Cothran, Jr.
Chief Administrative Judge, 3rd Judicial Circuit

July ____, 2023
Manning, South Carolina

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- i To the extent the Bank of Newington moved this Court to avoid the accrual of interest on the judgment amounts awarded to WCDC and HBC in this Court’s March 13, 2023 order, in either of its March 13, 2023 Motion to stay Enforcement of Order or its March 22, 2023 Motion to Amend for a New Trial and to Reconsider by the Bank Newington and Blake Fickling, that issue was ruled on by this Court in its order dated June 2, 2023, specifically in Paragraph Nos. 3, 4 and 5. (*Id.* at 24).
 - ii As is set forth in the S.C. Supreme Court’s Order No: 2023-01-04-01 (filed Jan. 4, 2023), “for the period January 15, 2023, through January 14, 2024, the legal rate of interest for money decrees and judgments is 11.50 % compounded annually.” *Id.*
 - iii This represents 26 days of interest at the *per diem* rate(s) set forth above.



Williamsburg Common Pleas

Case Caption: Bank Of Newington VS Lhsc, Inc. , defendant, et al

Case Number: 2019CP4500193

Type: Order/Other

So Ordered

R. Ferrell Cothran, Jr.