

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Capital Bank, N.A.,)
)
Plaintiff,)
v.)
Charles A. Moore a/k/a Charles A.B. Moore,))
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2011-CP-10-7407

**ORDER GRANTING PARTIAL
SUMMARY JUDGMENT**

FILED
2013 MAR -4 AM 9:14
JULIE J. A. RISTRO
CLERK OF COURTS
BY: [Signature]

THIS MATTER having been opened to the Court by the filing of a Notice of Motion and Motion for Summary Judgment ("Motion") by Capital Bank, N.A. ("Plaintiff") with respect to its cause of action against Defendant/Counter-Plaintiff Charles A. Moore a/k/a Charles A.B. Moore ("Defendant") and all of the counterclaims alleged by Defendant. After full consideration of the pleadings and arguments of counsel present at the hearing,

IT APPEARS TO THE COURT that as to the Plaintiff's Cause of Action, there are no genuine issues of material fact regarding the validity, enforceability or the Defendant's default under the promissory note (the "Note") at issue in this litigation, and that the Plaintiff is entitled to judgment as a matter of law;

IT FURTHER APPEARS TO THE COURT that there is an issue of material fact as to the amount of damages the Plaintiff is entitled to pursuant to the Defendant's default of the Note;

IT FURTHER APPEARS TO THE COURT that as to Defendant's Counterclaims there are genuine issues of material fact and that the Plaintiff is not entitled to judgment as a matter of law;

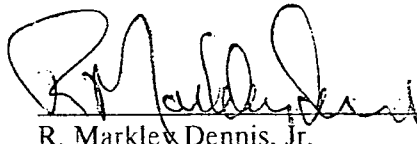
Rmd/T/12

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that as to the Plaintiff's Cause of Action, the Defendant is liable under the Note in an amount to be determined;

IT IS FURTHER ORDERED that Capital Bank, N.A. is the owner and holder of the Note at issue in this litigation and is the proper party to bring and maintain this action as Plaintiff;

IT IS FURTHER ORDERED that the Motion is hereby denied as to the Defendant's second and third counterclaims under the Fair Debt Collections Practices Act and the South Carolina Consumer Protection Code.

SO ORDERED.



R. Markley Dennis, Jr.
Presiding Judge

February 22, 2013
Charleston, South Carolina

RMD/T/2