

STATE OF SOUTH CAROLINA

COUNTY OF CLARENDON

First United Security Bank,

Plaintiff,

v.

Holly Court Apts. Co., a S.C.L.P, a South
Carolina limited partnership and South
Carolina State Housing Finance and
Development Authority,

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2012-CP-14-543

ORDER OF REFERENCE

RECEIVED

OCT 22 2013

SC Court of Appeals

This matter comes before me upon motion of the Plaintiff for an Order of Reference. That the matter was heard on September 5, 2013 and appearing for Plaintiff First United Security Bank was S. Nelson Weston, Jr. and appearing for Defendant Holly Court Apts. Co. was Ian S. Ford.

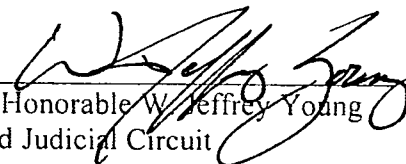
It appears from the pleadings that the within action has been brought for the foreclosure of a mortgage and lies within the equity jurisdiction of this Court, and it further appears that the Defendant Holly Court Apts. Co., a S.C.L.P., a South Carolina limited partnership and Defendant South Carolina State Housing Finance and Development Authority have filed timely Answers.

NOW, THEREFORE, UPON MOTION of S. Nelson Weston, Jr., of Richardson, Plowden & Robinson, P.A., attorneys for the Plaintiff;

I find that the counterclaims filed by the Defendant Holly Court Apts. Co. are not legal and compulsory rather the counterclaims are legal and permissive in that the counterclaims are too attenuated from the enforceability of the note and do not arise out

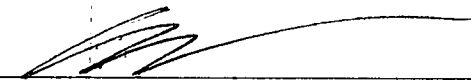
of the same transaction. Also, due to the fact that the counterclaims are permissive, the Defendant Holly Court Apts. Co. has waived its right to a jury trial.

IT IS ORDERED that the above-captioned case be and the same is referred to the Master in Equity for Clarendon County, to take testimony, determine the issues involved and report his findings of fact and conclusions of law to this Court with all convenient dispatch, with leave to make findings of fact and conclusions of law as to any special matter, with authority to enter final judgment herein. The Master in Equity shall have authority to enter final judgment with appeal, if any, directly to the South Carolina Supreme Court.


The Honorable W. Jeffrey Young
Third Judicial Circuit

6 Oct, 2013

I SO MOVE:


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