

FORM 4

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

FILED CLERK OF COURT
 GREENVILLE CO. S.C.
 DATE & TIME ENTERED

JUDGMENT IN A CIVIL CASE
 CASE NUMBER

Kyle Pertuis

2013 SEP 10 P 1:34

Beachfront Foods Inc
 Lake Point Restaurants Inc
 Front Roe Restaurants Inc
 Mark Hammond
 Larkin Hammond

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 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)

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.

9/10/2013

RECEIVED SEP 12 2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 10th day of September, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 10th day of September, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Rodney F. Pillsbury Pillsbury & Read, P.A. 1204-A East
Washington Street Greenville, SC 29601
Curtis Warren Stodghill PO Box 2431 Greenville, SC
296022431

Robert C. Wilson Jr. 201 Whitsett St. Greenville, SC 29601
David A Lloyd 230 Spindale St Ste 2 Spindale, NC 28160

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court

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.

FIELD CLERK OF COURT
 GREENVILLE CO. S.C.
 STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE) IN THE COURT OF COMMON PLEAS
) P 1: 34
) 2010-CP-23-1646

Kyle Pertuis,)
)
 Plaintiff,)
)
 vs.)
)
 Front Roe Restaurants, Inc.,)
 Beachfront Foods, Inc., Lake Point)
 Restaurants, Inc., Mark Hammond,)
 Larkin Hammond,)
)
 Defendants.)
)

ORDER

Pursuant to Rules 59 and 60, SCRPC, Defendants served and filed consolidated post-trial Motions to Alter or Amend and to Reconsider the Order of this Court, (the "Order"), dated July 3, 2013. Defendants then served and filed an "Amended Motion to Alter or Amend and Motion to Reconsider." After careful review of Defendants' Motions and supporting materials, this Court has determined to amend the Order in this case, as follows:

1. This Court still finds, on the basis set forth in the Order, that Plaintiff is a 7.2% shareholder in Defendant Front Roe Restaurants, Inc. This Court still finds, for the reasons set forth in the Order, that Defendant Front Roe Restaurants, Inc., has a value of \$1,376,000. Due to clerical errors, however, this Court hereby adjusts the award to Plaintiff for his 7.2% interest to more accurately reflect that Plaintiff shall receive \$99,072.00 for his 7.2% interest in Defendant Front Roe Restaurants, Inc.

2. This Court finds that, for the reasons set forth in the Order, Lake Point Restaurants,

Inc., has a value of \$507,000. For the reasons set forth in the Order, Plaintiff is a 10% shareholder in Lake Point Restaurants, Inc. Accordingly, this Court finds that Plaintiff shall receive \$50,700.00 for his 10% shareholder's interest in Lake Point Restaurants, Inc.

3. This Court finds that, for the reasons set forth in the Order, Plaintiff did not receive \$99,117.00 in corporate distributions. Accordingly, this Court finds that Plaintiff shall receive the sum of \$99,117.00 for corporate distributions which were not received by Plaintiff.

4. In their post-trial Motions, Defendants asserted claims of *ex parte* communications between this Court and counsel for Plaintiff, largely based on tardy service on counsel for Defendants of Plaintiff's post-trial "Memorandum in Support of Plaintiff's Claims." This Court has reviewed the record of this case, particularly the chronology of service of the parties'

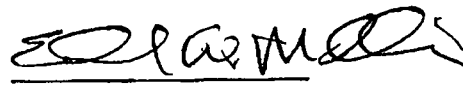
communications, and specifically with respect to Plaintiff's post-trial Memorandum. This Court made no decision until counsel for Defendants had been served with said Memorandum. Based on a careful review of the chronology of filings in this action, this Court hereby affirms that no ruling was issued by this Court until after all filings had been served on all counsel for all parties. There has been no occurrence of *ex parte* communication in this action; Defendants, therefore, cannot assert that there has been any prejudice to Defendants, or to any party, from any alleged *ex parte* communication.

5. Otherwise than as set forth above, Defendants' Motions to Alter or Amend and to Reconsider are hereby denied. Accordingly, save as hereinabove amended, modified, or otherwise amplified, the Order of this Court, dated July 3, 2013, is hereby affirmed in all respects.

This Court also notes that Defendants renewed their Motion for a Directed Verdict in writing on May 31, 2013, which Motion has not yet been resolved. This Court, viewing the evidence in the light most favorable to the Plaintiff, and for the reasons set forth in the Order, and for the further, and additional reasons set forth in this Order, denies Defendants' Motion for Directed Verdict.

AND IT IS SO ORDERED.

Dated: 9/1/13


E. W. Miller, Judge