

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL CIRCUIT

Synovus Bank,  
  
Plaintiff,  
  
vs.  
  
Jeffrey L. Clemens,  
  
Defendant.

C/A NO: 2019-CP-23-00367

ORDER

**RECEIVED**

**Jul 29 2025**

**SC Court of Appeals**

This matter comes before me in Supplemental Proceedings commenced by Synovus Bank to collect a judgment entered in favor of Synovus Bank against Defendant Jeffrey L. Clemens (“Clemens”) on June 6, 2019, in the amount of \$395,998.18 (the “Judgment”). A hearing was held before me on March 4, 2025. Mary M. Caskey, Esq. appeared for Synovus Bank. Clemens appeared and was represented by James G. Carpenter.

By way of background, on September 18, 2024, the Court issued an Order and Rule to Show Cause in Supplemental Proceedings (the “RTSC Order”). An initial hearing pursuant to the RTSC Order was held on December 12, 2024.<sup>1</sup> Despite proper notice, Clemens failed to appear at the December 12<sup>th</sup> hearing as required by the RTSC Order. As a result, this Court issued an Order on January 2, 2025, in which it ordered a sanction of \$1,748.64 against Clemens for failing to appear, and ordered Clemens to produce financial records and participate in a deposition as set forth in the Order. Clemens appeared for the deposition.

This is the second supplemental proceedings before this Court, arising out of this action. In

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<sup>1</sup> The original hearing set forth in the RTSC Order was scheduled for November 21, 2024. Mr. Clemens requested a continuance, to which Plaintiff consented. The hearing was rescheduled pursuant to this Court’s Order entered on November 26, 2024.

the prior proceedings, the Court entered a charging order on December 2, 2021 (the “2021 Charging Order”), attaching various dividends, distributions, profits, and other amounts payable from corporations and companies in which Clemens has an interest. The 2021 Charging Order expired on December 2, 2023.

During the period the 2021 Charging Order was in effect, Mr. Clemens submitted multiple payments to various organizations but admitted he received \$1,336.91 from The Clemens Family Corporation on January 31, 2023. Mr. Clemens further stated that he was aware of the 2021 Charging Order, and admitted turning over distributions that he received in 2022 to Synovus Bank, in order to comply with the 2021 Charging Order. Despite this knowledge, Mr. Clemens never turned over the \$1,336.91 distribution from the Clemens Family Corporation to Synovus Bank.

In addition to the amounts owed for sanctions for failing to appear in December 2024, and the amounts owed pursuant to the 2021 Charging Order, Synovus also requested that Mr. Clemens turnover approximately \$9,000.00 that was paid by Computershare Trust Company, National Association, in its capacity as Indenture Trustee, as successor to Wells Fargo Bank, N.A., with respect to the Series A Notes and Series B Notes pursuant to the Chapter 11 Plan of the Cliffs Club & Hospitality Group, Inc., et al. (“Computershare”) to Mr. Clemens in December 2024. Although Synovus Bank acknowledges that the 2021 Charging Order had expired by December 2023, Synovus Bank argues that Mr. Clemens was subject to the RTSC Order, which provides that Mr. Clemens was restricted from transferring assets outside the ordinary course of business. A hearing on the RTSC was set for November 21, 2024, and at the request of Mr. Clemens, continued to December 12, 2024. Counsel for Synovus Bank does not know when the \$9,000 check was received by Mr. Clemens, but Clemens testified it was sometime in December 2024. Synovus Bank argues that based on the RTSC Order, Mr. Clemens should be compelled to turn over the funds from Computershare.

In response Mr. Clemens claims that the debt is owed to him and his wife jointly. The Court elects to take that matter under advisement, subject to receiving a copy of the check and any accompanying documents.

Finally, Synovus Bank seeks an extension of the Charging Order entered on January 2, 2025 (“2025 Charging Order”), on the grounds that Mr. Clemens testified he still has an ownership in each of the entities listed therein. Clemens objected to the extension of the 2025 Charging Order on the grounds that the two years covered by the 2021 Charging Order was sufficient. There is no limit under South Carolina law as to the length of time a charging order may be applied, and Clemens has not shown any reason why the 2025 Charging Order should not be extended for a reasonable amount of time as to his ownership interest in the entities subject to the order.

Synovus Bank also seeks to recover funds paid by Computershare Trust Company to Mr. Clemens by check dated November 30, 2023, in the amount of \$6,145.17. The check was made payable to “Jeffrey L. Clemens,” and was issued while the 2021 Charging Order was in effect. However, Mr. Clemens did not turn the funds over to Synovus Bank, arguing that he received it after the 2021 Charging Order had expired. Like with the funds due from The Clemens Family Corporation, the 2023 check from Computershare should have been turned over to Synovus Bank. The Court will address that issue at a future hearing.

Based on the information presented at the hearing and the RTSC Order, it is hereby ORDERED:

1. The 2025 Charging Order is hereby extended from March 13, 2025 for approximately 18 months, to end September 21, 2026. And for good cause shown, Plaintiff may file a motion seeking to extend the same. IT IS ORDERED that the Judgment shall attach to Clemens’ interest in any dividends, distribution, profits, or other amounts payable from the following entities: Clemens

Family Corporation, ITSPE, LLC (either directly or through Wells Fargo, as trustee), ABCD Treats of Greenville, LP, ABCD Treats, Inc. (as to Clemens interest therein), Clemens Realty Group, LLC, Computershare Trust Company, National Association, in its capacity as Indenture Trustee, as successor to Wells Fargo Bank, N.A., with respect to the Series A Notes and Series B Notes pursuant to the Chapter 11 Plan of the Cliffs Club & Hospitality Group, Inc., et al., (as to Clemens interest therein) and Snap Dragon Way, LLC. Synovus Bank shall serve this Order on all other members of any corporation or company whose distributions are impacted by this Order, to the extent such other members are known, and on the registered agent for each entity if it is someone other than Clemens. Any entity subject to this Order is instructed that all dividends, distribution, profits, or other amounts payable to Clemens during the pendency of this Order shall be made payable to “Haynsworth Sinkler Boyd, P.A” and remitted to Synovus Bank, c/o Haynsworth Sinkler Boyd, Attn: Mary M. Caskey, 1201 Main Street, Suite 2200, Columbia, SC 29201.

2. Further, due to his failure to pay the sanctions set forth in the 2025 Charging Order, and failure to turn over funds as directed in the 2021 Charging Order, Clemens is ordered to pay a total of \$3,085.55 no later than 10:00 am on March 5, 2025. This amount represents the attorney fees and costs incurred in enforcing the Court’s order. The attorneys represent to the Court that said amount has been paid following the hearing and prior to this Order being filed.

3. Failure to comply with this Order may result in Clemens being held in contempt of court and subject to sanctions, including incarceration.

AND IT IS SO ORDERED.

[JUDGE/CLERK OF COURT ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Greenville Common Pleas

**Case Caption:** Synovus Bank vs. Jeffrey L Clemens

**Case Number:** 2019CP2300367

**Type:** Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)