

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
COURT FILE NO. 11-CP-08-3412

FIRST CITIZENS BANK AND)
TRUST COMPANY, INC.,)
SUCCESSOR-IN-INTEREST TO)
THE FEDERAL DEPOSIT)
INSURANCE CORPORATION,)
RECEIVER OF GEORGIAN BANK,)

Plaintiff,)

vs.)

GOOSE CREEK II, LLC,)
JAMES C. WALLACE A/K/A)
JAMES C. WALLACE, SR.,)
JOHN S. PAULSON A/K/A JOHN)
PAULSON, JIRI JILICH A/K/A)
JIRI JILICH, JR., JAMES K.)
PRICE, EASTWOOD HOMES,)
INC., CHARLES HUFF, AS THE)
PERSONAL REPRESENTATIVE)
OF THE ESTATE OF RICHARD P.)
HUFF, JR., SEAMON, WHITESIDE)
& ASSOCIATES, INC., MONARCH)
PLANTATION HOMEOWNERS')
ASSOCIATION, INC.,)

Defendants.)

NOTICE OF SALE
(Deficiency Demanded)

RECEIVED

OCT 30 2013

SC Court of Appeals

FILED
2013 OCT -1, PM 2:55
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

NOTICE IS HEREBY GIVEN that under and by virtue of a Decree of this Honorable Court filed in the above-entitled action, I shall offer for sale to the highest bidder for cash according to the custom of auction, at the Berkeley County Courthouse, Moncks Corner, SC, South Carolina, at 11:00 o'clock a.m., or as soon thereafter as the matter can be reached, on November 6, 2013, on the terms and conditions hereinafter set forth, the following described real property, to wit:

All those certain pieces, parcels and lots of land, situate, lying and being in the Town of Goose Creek, County of Berkeley, State of South Carolina, and shown and designated as Lots 1-23, 29-34, 41-123, COMMERCIAL PARCEL "A", COMMERCIAL PARCEL "B", Open Space 1462.0 SQ. FT. 0.03 acres; Open Space 2757.3 SQ. FT. 0.06 acres; Open Space 12457.6 SQ. FT. 0.29 acres; Open Space 3211.1 SQ. FT. 0.07 acres; Open Space (2) 1642.6 SQ. FT. (0.01 AC) between lots 84/85 118/119; Open Space 7210.4 SQ. FT. 0.17 acres; Open Space 2608.1 SQ. FT. 0.06 acres; Open Space 2975.6 SQ. FT. 0.07 acres; Open Space 4400.5 SQ. FT. 0.10 acres; Open Space 11512.0 SQ. FT. 0.26 acres; Open Space 12930.2 SQ. FT. 0.30 acres; Open Space 17290.2 SQ. FT. 0.40 acres; Open Space 5975.6 SQ. FT. 0.14 acres; Open Space 11133.7 SQ. FT. 0.26 acres; Open Space 39936.6 SQ. FT. 0.92 acres (inclusive of Pond Area 33275.1 SQ. FT. 0.76 acres); Open Space 975.2 SQ. FT., and the private roads designated as Orangetip Drive, Silverdrop Street, Viceroy Lane, Duskywing Drive and Swallowtail Lane all as shown on plat by A. H. Schwacke, III, PLS dated January 7, 2009, last revised April 20, 2009, entitled "PLAT OF THE SUBDIVISION OF TRACT 1-C (10.89AC), INTO LOTS 1 THRU 123 MONARCH PLANTATION PHASE 1 ALSO THE SUBDIVISION OF TRACT 1-B INTO COMMERCIAL PARCELS "A" & "B" OWNED BY GOOSE CREEK II LLC" recorded in Plat Book N, page 81P - 82P, Berkeley County ROD Office.

TMS Nos.

235-06-03-001	Lot 1	235-06-03-050	Lot 50	235-06-03-088	Lot 88
235-06-03-002	Lot 2	235-06-03-051	Lot 51	235-06-03-089	Lot 89
235-06-03-003	Lot 3	235-06-03-052	Lot 52	235-06-03-090	Lot 90
235-06-03-004	Lot 4	235-06-03-053	Lot 53	235-06-03-091	Lot 91
235-06-03-005	Lot 5	235-06-03-054	Lot 54	235-06-03-092	Lot 92
235-06-03-006	Lot 6	235-06-03-055	Lot 55	235-06-03-093	Lot 93
235-06-03-007	Lot 7	235-06-03-056	Lot 56	235-06-03-094	Lot 94
235-06-03-008	Lot 8	235-06-03-057	Lot 57	235-06-03-095	Lot 95
235-06-03-009	Lot 9	235-06-03-058	Lot 58	235-06-03-096	Lot 96
235-06-03-010	Lot 10	235-06-03-059	Lot 59	235-06-03-097	Lot 97
235-06-03-011	Lot 11	235-06-03-060	Lot 60	235-06-03-098	Lot 98
235-06-03-012	Lot 12	235-06-03-061	Lot 61	235-06-03-099	Lot 99
235-06-03-013	Lot 13	235-06-03-062	Lot 62	235-06-03-100	Lot 100
235-06-03-014	Lot 14	235-06-03-063	Lot 63	235-06-03-101	Lot 101
235-06-03-015	Lot 15	235-06-03-064	Lot 64	235-06-03-102	Lot 102
235-06-03-016	Lot 16	235-06-03-065	Lot 65	235-06-03-103	Lot 103
235-06-03-017	Lot 17	235-06-03-066	Lot 66	235-06-03-104	Lot 104
235-06-03-018	Lot 18	235-06-03-067	Lot 67	235-06-03-105	Lot 105
235-06-03-019	Lot 19	235-06-03-068	Lot 68	235-06-03-106	Lot 106
235-06-03-020	Lot 20	235-06-03-069	Lot 69	235-06-03-107	Lot 107
235-06-03-021	Lot 21	235-06-03-070	Lot 70	235-06-03-108	Lot 108
235-06-03-022	Lot 22	235-06-03-070	Lot 71	235-06-03-109	Lot 109
235-06-03-023	Lot 23	235-06-03-072	Lot 72	235-06-03-110	Lot 110
235-06-03-029	Lot 29	235-06-03-073	Lot 73	235-06-03-111	Lot 111
235-06-03-030	Lot 30	235-06-03-074	Lot 74	235-06-03-112	Lot 112
235-06-03-031	Lot 31	235-06-03-075	Lot 75	235-06-03-113	Lot 113
235-06-03-032	Lot 32	235-06-03-076	Lot 76	235-06-03-114	Lot 114

235-06-03-033	Lot 33	235-06-03-077	Lot 77	235-06-03-115	Lot 115
235-06-03-034	Lot 34	235-06-03-078	Lot 78	235-06-03-116	Lot 116
235-06-03-041	Lot 41	235-06-03-079	Lot 79	235-06-03-117	Lot 117
235-06-03-042	Lot 42	235-06-03-080	Lot 80	235-06-03-118	Lot 118
235-06-03-043	Lot 43	235-06-03-081	Lot 81	235-06-03-119	Lot 119
235-06-03-044	Lot 44	235-06-03-082	Lot 82	235-06-03-120	Lot 120
235-06-03-045	Lot 45	235-06-03-083	Lot 83	235-06-03-121	Lot 121
235-06-03-046	Lot 46	235-06-03-084	Lot 84	235-06-03-122	Lot 122
235-06-03-047	Lot 47	235-06-03-085	Lot 85	235-06-03-123	Lot 123
235-06-03-048	Lot 48	235-06-03-086	Lot 86		
235-06-03-049	Lot 49	235-06-03-087	Lot 87		

235-05-11-001	COMMERCIAL PARCEL "A"
235-05-11-002	COMMERCIAL PARCEL "B"
235-05-11-004	Open Space 1462.0 SQ. FT. 0.03 acres Open Space 2757.3 SQ. FT. 0.06 acres Open Space 12930.2 SQ. FT. 0.30 acres Open Space 2608.1 SQ. FT. 0.06 acres Open Space 12457.6 SQ. FT. 0.29 acres Open Space 3211.1 SQ. FT. 0.07 acres
235-06-03-124	Open Space 7210.4 SQ. FT. 0.17 acres
235-06-03-125	Open Space 11133.7 SQ. FT. 0.26 acres
235-06-03-126	Open Space 5975.6 SQ. FT. 0.14 acres
235-06-03-127	Open Space 17290.2 SQ. FT. 0.40 acres
235-06-03-134	Open Space 975.2 SQ. FT.
235-06-03-133	Open Space 39936.6 SQ. FT. 0.92 acres (inclusive of Pond Area 33275.1 SQ. FT. 0.76 acres)
235-06-03-132	Open Space (2) 1642.6 SQ. FT. (0.01 AC) between
235-06-03-135	lots 84/85 118/119
235-06-03-130	Open Space 4400.5 SQ. FT. 0.10 acres
235-06-03-131	Open Space 2975.6 SQ. FT. 0.07 acres
235-06-03-129	Open Space 11512.0 SQ. FT. 0.26 acres
235-05-11-003	Orangetip Drive
235-06-03-128	Silverdrop Street Viceroy Lane Duskywing Drive Swallowtail Lane

AND

All that certain piece, parcel and tract of land situate, lying and being in the Town of Goose Creek, County of Berkeley, State of South Carolina and shown and designated as "TRACT 1-B RESIDUAL 26.67 ACRES" as shown on that certain plat by A. H. Schwacke, III, PLS dated January 7, 2009, last revised March 31, 2009, entitled "PLAT OF THE SUBDIVISION OF TRACT 1-C (10.89 AC.) INTO LOTS 1 THRU 123 MONARCH PLANTATION PHASE 1 ALSO THE SUBDIVISION OF TRACT 1-B INTO COMMERCIAL PARCELS "A" & "B" OWNED BY GOOSE CREEK II LLC" recorded in Plat Book N, page 81P - 82P, Berkeley

County ROD Office.

TMS No. 235-01-01-053

SUBJECT TO the rights, if any, of third persons in the open ditch as shown on the aforesaid plat.

TOGETHER WITH a perpetual non-exclusive, appurtenant right of way, fifty (50') feet in width, for use of pedestrian, car, truck and railroad traffic and all types of utilities, either overhead or underground, providing the use does not obstruct passage on or use of this right of way land to the remaining property of the grantor's predecessor in title except during any period of construction and/or maintenance for the above uses. The said right of way is shown on Plat Book N, at Page 53-H and designated as "Existing 50' Access Road Easement (Book R Page 97)," and butting, bounding and measuring as follows: to the south on the northern line of the property above described, 50 feet; to the west on the right of way of Seaboard Coast Line Railroad, 250 feet; to the north on the easterly extension of the northern line of an entrance road crossing said railroad right of way shown on said plat, 50 feet; and to the east on other property now or formerly of International Fastener Research Corp., 250 feet; be all the said dimensions a little more or less.

TOGETHER WITH all right, title and interest of, in and to any licenses, permits, or easements over Seaboard Coast Line Railroad Company property, appertaining to the property conveyed herein.

TOGETHER WITH a perpetual appurtenant landscape easement with portions thereof being thirty feet (30') in width and twenty feet (20') in width; running approximately nine hundred sixty-two and 09/100 feet (962.09) in length along the southeastern, southern and southwestern boundary lines of "TRACT 1-A 221078 SQ. FT. 5.08 ACRES" as depicted on the plat recorded at Plat Book N, at Page 53-H.

AND

All that certain piece, parcel and tract of land situate, lying and being in the Town of Goose Creek, County of Berkeley, State of South Carolina and shown and designated as "RESIDUAL 13.74 ACRES" as shown on that certain plat by A. H. Schwacke, III, PLS dated January 7, 2009, last revised March 31, 2009, entitled "PLAT OF THE SUBDIVISION OF TRACT 1-C (10.89 AC.) INTO LOTS 1 THRU 123 MONARCH PLANTATION PHASE 1 ALSO THE SUBDIVISION OF TRACT 1-B INTO COMMERCIAL PARCELS "A" & "B" OWNED BY GOOSE CREEK II LLC" recorded in Plat Book N, page 81P - 82P, Berkeley County ROD Office.

TMS No. 235-00-00-031

AND

All that certain piece, parcel and lot of land, situate, lying and being in the Town of Goose Creek, County of Berkeley, State of South Carolina and shown and designated as "NEW

AMENITY AREA 16620.1 SQ. FT. 0.38 ACRES", as shown on plat by Kevin M. Schwacke, Sr., PLS dated November 20, 2008, revised December 9, 2008, entitled "PLAT OF THE SUBDIVISION OF TAX MAP NO. 235-00-00-031 25.01 AC INTO TRACT 1-C (10.89 AC.), AMENITY AREA (0.89 AC.) & RESIDUAL (13.74 AC) OWNED BY MONARCH DEVELOPMENT (sic)" and recorded in Plat Book M, page 383-P, Berkeley County ROD Office.

TMS No. 235-00-00-075

BEING portions of the same property conveyed to Goose Creek II, LLC by deed of Monarch Development, LLC dated January 8, 2008 and recorded on January 9, 2008 in the Office of the ROD for Berkeley County, South Carolina, in Volume 7095, Page 327, and by deed of Goose Creek Association, LLC dated January 8, 2008 and recorded on January 9, 2008 in the Office of the ROD for Berkeley County, South Carolina, in Volume 7095, Page 331.

together with all buildings, structures, improvements, fixtures, personal property, machinery, equipment, appliances, furnishings, intellectual property, easements, rights-of-way, strips and gores of land, streets, ways, alleys, passages, sewer and utility rights, water rights, estates, interests, privileges, tenements, and all other rights related to said real property. The successful bidder will also receive an assignment of Declarant's rights under the Declaration of Covenants, Conditions, Restrictions, And Easements For Monarch Plantation, which was recorded in the office of the Register of Deeds for Berkeley County, South Carolina, on September 25, 2009, in Volume 8130 at page 1.

As the Plaintiff did not waive its right for a deficiency judgment in the Complaint, this sale will be reopened for final bidding at 11:00 a.m. on December 6, 2013.

The Plaintiff reserves the right to waive deficiency prior to the foreclosure sale herein.

The property shall be sold for cash to the highest bidder. The highest bidder, other than the Plaintiff, will be required to deposit with the Master in Equity, at the conclusion of the bidding, cash or certified check in the amount of five (5%) per cent of the bid, the said deposit to be applied to the purchase price. In the case of a deficiency judgment being sought, even though

the bidding remains open for 30 days, the high bidder, other than the Plaintiff, on the day of the first sale will be required to put down the required five (5%) per cent deposit. If applicable, the successful bidder shall pay for deed preparation, costs of recording the deed, and transfer taxes on the deed.

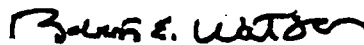
In the event the successful bidder shall be other than Plaintiff, Plaintiff shall be entitled to interest on the bid from date of sale to date of compliance at the rate of 5.25% per centum per annum.

Should the highest bidder fail to comply with the bid within thirty (30) days from the date of sale, the Master in Equity will resell the property at the risk and expense of the defaulting bidder upon the same terms as above set out. The Sheriff of Berkeley County may be authorized to put the purchaser into possession of the premises if required by the purchaser.

The property is sold subject to taxes and assessments, existing easements, easements and restrictions of record.

FOR INSERTION:

THE BERKELEY INDEPENDENT



Robert E. Watson
Master in Equity

MONCKS CORNER, SC
October 3, 2013

Christopher A. Ogiba, Esquire
Attorney for Plaintiff
Moore & Van Allen, PLLC

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY

) CIVIL ACTION NO.: 2011-CP-08-3412

First Citizens Bank and Trust Company, Inc.,
successor-in-interest to the Federal Deposit
Insurance Corporation, receiver of Georgian
Bank,

Plaintiff,

v.

CERTIFICATE OF SERVICE

Goose Creek II, LLC, James C. Wallace
a/k/a James C. Wallace, Sr., John S. Paulson
a/k/a John Paulson, Jiri Jilich a/k/a Jiri Jilich,
Jr., James K. Price, Eastwood Homes, Inc.,
Charles Huff, as the Personal Representative
of the Estate of Richard P. Huff, Jr., Seamon,
Whiteside & Associates, Inc., Monarch
Plantation Homeowners' Association, Inc.,

Defendants.

This is to certify that I, the undersigned employee of Moore & Van Allen, PLLC, have this 11th day of October, 2013 served copies of the **Master's Decree and Notice of Sale** upon opposing counsel by placing same in the United States Mail, with sufficient postage affixed thereon and addressed as follows:

R. David Chard, Esquire
2050 Spaulding Drive, Suite 2
North Charleston, SC 29406

and

James C. Adams, II, Esquire
Brooks Pierce
2000 Renaissance Plaza
230 North Elm Street
Greensboro, NC 27401

*Attorneys for Eastwood Construction, LLC, successor by merger to
Eastwood Homes Inc.*

David Popowski, Esquire
Popowski Law Firm, LLC
171 Church Street, Suite 110
Charleston, SC 29401

*Attorneys for James C. Wallace a/k/a James C. Wallace, Sr., and
John S. Paulson a/k/a John Paulson*

Keating L. Simons, III, Esquire
Simons & Dean
147 Wappoo Creek Drive, Suite 604
Charleston, SC 29412

*Attorneys for Charles Huff, as the Personal Representative of the
Estate of Richard P. Huff, Jr.*

Maria E. Kiehling, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Ste. 200
Mt. Pleasant, SC 29464

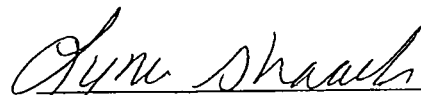
Attorneys for Seamon, Whiteside & Associates, Inc.

Goose Creek II, LLC
c/o Mr. James K. Price
15 Poulnot Lane
Charleston, SC 29401

James K. Price
15 Poulnot Lane
Charleston, SC 29401

Mr. Jiri Jilich
c/o Mrs. Jane Jilich
112 Bull Street
Charleston, SC 29401

MOORE & VAN ALLEN, PLLC.



Lynn Shaarda

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-08-03412

FIRST CITIZENS BANK AND TRUST COMPANY

GOOSE CREEK, II, LLC, ET AL

PLAINTIFF(S)

DEFENDANT(S)

	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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.
- 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 _____

FILED
 2013 OCT -4 PM 2:55
 MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, S.C.

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 PUBLIC 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.

Brian S. Watson
Presiding Judge / Master in Equity

3058
Judge Code

10/3/13
Date

For Clerk of Court Office Use Only

This judgment was entered on the 4th day of Oct, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 4th day of Oct, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Moore & Van Allen
78 Wentworth Street
Charleston, SC 29401
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
Mary P. Brown
CLERK OF COURT Brown VB

Court Reporter: