

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
 2) COMMON PLEAS
 3 COUNTY OF GREENVILLE) OF THE THIRTEENTH
 4) JUDICIAL CIRCUIT
 5)
 6 SYNOVUS BANK,)
 7)
 8 Plaintiff,) TRANSCRIPT OF RECORD
 9) 2019-CP-23-00367
 10 VS.)
 11)
 12 JEFFREY L. CLEMENS,)
 13)
 14 Defendants.)

RECEIVED
Nov 07 2025
SC Court of Appeals

 10 March 4, 2025
 11 Greenville, SC

11 B E F O R E:
 12 HONORABLE CHARLES B. SIMMONS, JR., Judge.
 13

14 A P P E A R A N C E S

15
 16 MARY M. CASKEY, ESQUIRE
 17 For Plaintiff
 18 JAMES G. CARPENTER, ESQUIRE
 19 For Defendant

20
 21 Julie A. Cendroski,
 22 Master in Equity Court Reporter
 23 Thirteenth Judicial Circuit
 24
 25

1 UNITED COMMUNITY BANK VS. JEFFREY L. CLEMENS

2 THE COURT: Let's go ahead and go on the record.
3 This is 2019-367, United Community Bank versus Clemens.
4 And the two issues here today, from what I understand
5 is, one, is a continuation or examination of assets.
6 And then also, Defendant's Motion to Quash was
7 subpoenaed to Southern First; is that correct?

8 MR. CARPENTER: Your Honor, going back to what
9 you said a moment ago, not to be overly picky but we did
10 not receive an offer. We received an invitation for us
11 to make an offer to her and we didn't do that.

12 THE COURT: All right.

13 MS. CASKEY: Your Honor, before we go off the
14 record or take a minute, that's inaccurate.

15 THE COURT: All right.

16 MS. CASKEY: I made a -- but in any event ---

17 THE COURT: Do you just want to take some
18 testimony from Mr. Clemens?

19 MS. CASKEY: I actually don't need any testimony,
20 Your Honor. We did a deposition of Mr. Clemens. If I
21 could give the Court, if you don't mind, an overview of
22 what we're requesting today, I think that will help
23 expedite.

24 THE COURT: All right.

25 MS. CASKEY: This is a second supplemental

1 proceedings in this action. In the prior proceedings
2 there was a Charging Order that you had entered against
3 another of entities. So one of the first things we're
4 asking for is for that Charging Order to be reinstated.

5 At the last hearing in December, Mr. Clemens did
6 not appear, but you went ahead and extended the Charging
7 Order. I think it expires next week. And so one of the
8 things we're asking is that that Charging Order go ahead
9 and be reinstated or extended, I'm requesting through
10 the end of the judgment expiration which would be June
11 6th of 2019. I realize that's four years, but ---

12 THE COURT: You're talking about 2029?

13 MS. CASKEY: 2029. I don't know where that
14 number came from. 2029. But, you know, what happened
15 in this case was the Charging Order was in place for two
16 years and then we, a couple months after it expired,
17 went ahead and reinstated supplemental. It took months
18 to get back in the court, not due to this Court's
19 docket, but due to getting the nulle bona back.

20 There was a verified petition, the Defendant
21 requested a continuance, and so it took between May and
22 December to get back before you to have that extended.
23 So, for that reason the first request is to go ahead and
24 extend the Charging Order. I did ask for the consent of
25 the Defendant to that, because I don't think there's a

1 defense, but I did not hear back.

2 The second issue is I had concerns, based on my
3 review of the subpoenaed bank records, that there had
4 been a violation of your prior discharge order. And
5 that was based upon the fact that there were checks
6 deposited from some of the corporations and entities
7 that the Charging Order had been served on.

8 After taking Mr. Clemens deposition, it does look
9 like there was only, at least to the best of my
10 understanding, one check that he received that he failed
11 to turn over pursuant to the Charging Order for a total
12 of \$1,336.91. So we would request that Mr. Clemens be
13 directed to pay that amount immediately given that it
14 was, in fact, owed pursuant to the prior Charging Order.

15 I have a copy of Mr. Clemens deposition if he
16 contests that, but I don't believe he does. He even
17 admitted in his deposition that he knew that he was
18 supposed to turn the money over to Synovus if he
19 received it from one of those entities. And, in fact,
20 three months before he got that payment, he turned over
21 two other payments to Synovus.

22 I know it's a small amount, but I think it goes
23 to the overall attitude of Mr. Clemens towards this
24 Court, which includes the fact that he failed to appear
25 at the December hearing. He was ordered to pay

1 sanctions in the amount of \$1,748.64. He has declined
2 to pay that, despite numerous reminders.

3 And when asked, his attorney did, after the
4 hearing, did follow up as to why he failed to appear and
5 his attorney said there was a miscommunication about the
6 hearing date. Mr. Clemens then did testify in his
7 deposition that he was on vacation in South Africa
8 during that hearing. Again, relatively small amount of
9 \$3,085.55, but I would request that the Court order that
10 paid immediately given that it's a violation of two
11 orders of this Court.

12 The next issue is that this case, the verified
13 petition was filed in May. You issued a Rule To Show
14 Cause in September. Part of that Rule To Show Cause was
15 that Mr. Clemens was directed not to transfer any money.
16 He has testified that he received a little over -- he
17 hasn't specified the amount, nor has he provided the
18 documents to show what it was, but one of the entities
19 that was subject to the Charging Order paid him a little
20 over \$9,000.

21 Now, I acknowledge that the Charging Order had
22 expired at the time that that payment was made, but
23 there was an active supplemental proceeding before you,
24 he had been ordered not to make any transfers.

25 He had requested a continuance of the Rule To

1 show Cause hearing in November, got the check in
2 December, cashed it and said it's not there. So I would
3 request that you also order in addition to that
4 \$3,085.00, a payment of that amount. For the sake of
5 just keeping it simple, we would request that \$9,000 be
6 turned over.

7 So, Your Honor, the total relief requested today
8 is an extension of the Charging Order, payment of
9 \$12,085.55 due within I would say, I would request
10 within 10 days.

11 And then, Your Honor, with respect to the Motion
12 to Compel, I wasn't aware that was noticed for today,
13 but ---

14 THE COURT: It may not have been. I was just
15 going through the files this morning, as I always do
16 prior to a hearing, and saw that it was filed February
17 21st. Don't know if it's been docketed or not.

18 MS. CASKEY: And I think you -- the attorney for
19 Southern First also reached out to me. I believe that
20 motion was filed by Mr. Clemens.

21 THE COURT: Mr. Carpenter.

22 MS. CASKEY: Yeah, I'm sorry, Mr. Carpenter on
23 behalf of Mr. Clemens. I'm working with Southern First
24 to see whether we can resolve that motion. I don't -- I
25 would request that we not hear that today and I can

1 advise the Court within ten days of the hearing today as
2 to whether that motion has been resolved.

3 THE COURT: All right.

4 All right, Mr. Carpenter, let me start with
5 first, has Mr. Clemens paid the court ordered fees from
6 the last court order?

7 MR. CARPENTER: I believe not.

8 THE COURT: Okay. Then he is now in contempt of
9 court and he's looking at jail. So now let's move into
10 the Charging Order. Let me hear your argument on the
11 Charging Order.

12 MR. CARPENTER: Well, Your Honor, the prior one
13 was for a period of two years, which we think should be
14 sufficient. I think opposing counsel is upset because
15 after the Charging Order expired, some money came in,
16 which Mr. Clemens did not turn over because the Charging
17 Order had expired. So we think two years on the
18 Charging Order is sufficient and we'd ask the Court deny
19 it.

20 THE COURT: Well, but what do we do with the fact
21 that, I guess, the best case scenario is at least a
22 \$1300 check that was negotiated during the Charging
23 Order time, that was not turned over to Synovus?
24 Doesn't that kind of mitigate against Mr. Clemens
25 position?

1 MR. CARPENTER: Excuse me, can I have a couple of
2 minutes with my client, Your Honor?

3 THE COURT: Sure.

4 (Off the record discussion occurred.)

5 MR. CARPENTER: Your Honor, Mr. Clemens is
6 prepared to pay the \$1300 dollar figure and the \$1700
7 figure. He can do that today.

8 THE COURT: Why hadn't it -- on the attorneys'
9 fees, why hadn't it been done by now? Is it kind of
10 poking the bear to see if this Court is really gonna
11 enforce the order?

12 MR. CARPENTER: I think not, Your Honor. I think
13 it's ---

14 THE COURT: I'm troubled by that.

15 MR. CARPENTER: I don't have a good answer, Your
16 Honor, but he's prepared to pay it today.

17 THE COURT: All right. Talk with me on the
18 \$9,000 amount that counsel for Clemens [sic] just
19 referenced.

20 MR. CARPENTER: Two things on that, Your Honor.
21 We believed that the Charging Order had expired when
22 those funds came in. Two, those funds represent
23 repayment of a loan, which are joint funds between him
24 and his wife, who is not subject to the Charging Order.

25 THE COURT: All right. Let me hear the

1 Plaintiff's position. First, was a Charging Order in
2 effect at the time the \$9,000 came through?

3 MS. CASKEY: No, Your Honor. No, it absolutely
4 was not. It did expire in December the prior year.
5 What was in effect ---

6 THE COURT: Well, how does the Court have
7 authority of jurisdiction over that \$9,000?

8 MS. CASKEY: Your Honor, you have jurisdiction
9 over it because you issued a Rule To Show Cause
10 directing him not to make the transfer. So I'm not
11 relying on the Charging Order for that. I'm relying on
12 the fact that you issued a Rule To Show Cause in
13 September that it expressly directed him not to make any
14 transfers.

15 This is the first I'm hearing that this is
16 repayment of a loan. This is a bankruptcy related claim
17 that Mr. Clemens has previously testified was owed to
18 him. It is the subject of not one, but two of your
19 prior Charging Orders. So I don't think there's any
20 defense that the money was due and owing to Mr. Clemens
21 at the time.

22 And, Your Honor, I would also note that since
23 your Charging Order was entered in December, we have
24 received an additional payment from one of the entities.
25 So the Charging Order is working when it is in effect.

1 I acknowledge the one-year gap, but that's not the
2 argument that we're making here today about that \$9,000.
3 We're making the argument that the Rule To Show Cause
4 forbidden him from making a transfer of it.

5 THE COURT: Which order are you referring to?

6 MS. CASKEY: The Rule To Show Cause that was
7 entered in September of 2024. It was entered on
8 September 18th. The very last page of the order states
9 that it is ordered the Defendant is restricted from
10 transferring any assets out of the ordinary course of
11 business until otherwise ordered by this Court. That
12 payment did not represent a commission. It doesn't
13 represent a wage.

14 THE COURT: I'm sorry, I'm still trying to find
15 it.

16 MS. CASKEY: Oh, I'm sorry, Your Honor.

17 THE COURT: It was filed?

18 MS. CASKEY: September 18th.

19 THE COURT: I'm sorry, the way the clerk's office
20 is pulled up I'm not able...

21 MS. CASKEY: I have an extra copy, if that would
22 be helpful.

23 THE COURT: Okay. I'm sorry, I was just finding
24 the file.

25 MS. CASKEY: Okay, perfect.

1 THE COURT: We'll have to review the error, which
2 has been known to happen.

3 Mr. Carpenter, let me hear your argument on the
4 applicability and the enforceability of the order issued
5 September 18, 2024. And it does, towards the end,
6 reference the Defendant is hereby placed on actual
7 notice of the service. Well, I'm sorry, go ahead.

8 MR. CARPENTER: Your Honor, I don't have that
9 order in front of me, so I'm gonna have a hard time
10 commenting on it.

11 THE COURT: Can you provide that to Mr.
12 Carpenter?

13 MS. CASKEY: Yes, Your Honor.

14 MR. CARPENTER: And what page is the Court on?

15 THE COURT: What specific language is Plaintiff
16 relying on?

17 MS. CASKEY: Thank you, Your Honor. It's the
18 third to left paragraph before the bolded, second from
19 the top: And it is further ordered that the Defendant
20 is restricted from transferring any assets outside the
21 ordinary course of business.

22 I will note that this order was filed on
23 September 18th for a hearing that was supposed to occur
24 on November 21st. Defendant requested a continuance of
25 that hearing and a check came in between the original

1 hearing date and the continued hearing date that he did
2 not appear at.

3 THE COURT: Do you have a copy of the check?

4 MS. CASKEY: No, Your Honor. He has refused to
5 provide his bank records from December of 2024, which is
6 another issue I'm not wanting to waste the Court's time
7 with, but it has taken months to get a basic compliance
8 with a court order. This includes I just got documents
9 last week that have been requested for months.

10 THE COURT: Mr. Carpenter, are you familiar with
11 -- or if the check was made out to Mr. Clemens only,
12 then, yeah, he's got to turn that \$9,000 over.

13 (Off the record discussion.)

14 MR. CARPENTER: He thinks it was made out to him.
15 It was a loan repayment. He made a loan -- the two of
16 them made a loan years and years ago to the Cliffs back
17 when the cliffs were going through the -- they were
18 trying to help keep the Cliffs afloat. And the two of
19 them made a loan, which was -- this represents, I
20 believe, a partial repayment of that loan that was years
21 and years ago. And we would suggest that for that
22 reason it was joint funds and it wasn't subject to the
23 Court's order.

24 THE COURT: But the check was apparently issued
25 only to your client?

1 (Off the record discussion occurred.)

2 MR. CARPENTER: We believe so. I haven't seen
3 it. I don't remember it.

4 THE COURT: Does it note repayment of loan? Does
5 it note payable to Mr. Clemens and his wife?

6 MR. CARPENTER: We're trying to find a copy of
7 it, Judge. We're trying to go through e-mails and find
8 it.

9 THE COURT: And I don't mean to, I don't mean to
10 catch you cold, Mr. Carpenter. Here's what I'm gonna
11 do. At this point I'm gonna take the \$9,000 issue under
12 advisement. I don't want to put Mr. Clemens in jail.
13 It's not gonna benefit anybody, but at the same time I
14 have significant concern when any court says you didn't
15 appear, you've gotta pay X and then you come back and
16 say, well, you know, I wonder if he really meant that.
17 Well, yeah, he really did mean that.

18 So he's got 24 hours to pay everything except the
19 \$9,000. If he doesn't pay it, then at that point the
20 Greenville County Sheriff's office is gonna pick him up.
21 I'm done with this.

22 Mr. Clemens, you've gotta understand, sir, this
23 is a court. It's not your play toy on either side. You
24 either do what the Court says or you go to jail. It
25 ain't complicated, okay?

1 MR. CLEMENS: Yes, sir.

2 THE COURT: Thank you. And if you'll prepare an
3 order.

4 MS. CASKEY: Thank you, Your Honor.

5 (Hearing concluded at.

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8 --- THIS ENDS TRANSCRIPT OF RECORD ---

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1 COURT REPORTER CERTIFICATE

2 I, the undersigned Julie A. Cendroski, Court
3 Reporter for the Thirteenth Judicial Master In Equity
4 Court of the State of South Carolina, do hereby certify
5 that to the best of my ability the foregoing is a true,
6 accurate, and complete transcript of record of all the
7 proceedings and evidence introduced in the hearing
8 and/or trial of the captioned case, relative to appeal,
9 in the Court of Common Pleas for Greenville County,
10 South Carolina, on the 4th day of March, 2025.

11 I do further certify that I am neither of kin,
12 counsel, nor interest to any party hereto.

13
14 Julie A Cendroski

15 S/O Julie A. Cendroski
16 Julie A. Cendroski
Master In Equity Greenville County
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