

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-37-00652

Stoneledge at Lake Keowee Owners Association,

IMK Development Co., LLC, et al

Inc., et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> 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)
N/A	N/A	\$N/A
N/A	N/A	\$N/A
N/A	N/A	\$N/A
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.

s/Alexander S. Macaulay  
 Circuit Court Judge

2063  
 Judge Code

05/21/2013  
 Date



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF OCONEE )  
 )  
STONELEDGE AT LAKE KEOWEE OWNERS' )  
ASSOCIATION, INC., C. DAN CARSON, JEFFREY )  
J. DAULER, JOAN W. DAVENPORT, MICHAEL )  
FURNARI, DONNA FURNARI, JESSY B. GRASSO, )  
NANCY E. GRASSO, ROBERT P. HAYES, LUCY )  
H. HAYES, TY HIX, JENNIFER D. HIX, PAUL W. )  
HUND, III, RUTH E. ISAAC, MICHAEL D. )  
PLOURDE, MARY LOU PLOURDE, CAROL C. )  
POPE, STEVEN B. TAYLOR, BETTE J. TAYLOR, )  
AND ROBERT WHITE, INDIVIDUALLY AND ON )  
BEHALF OF ALL OTHERS SIMILARLY SITUATED )

Plaintiffs, )

vs. )

IMK DEVELOPMENT Co., LLC, KEOWEE )  
TOWNHOUSES, LLC, LUDWIG CORPORATION, )  
LLC, SDI FUNDING, LLC, MEDALLION AT )  
KEOWEE, LLC, BRADFORD D. SECKINGER, )  
JOHN LUDWIG, LARRY D. LOLLIS, WILLIAM C. )  
COX, INTEGRYS KEOWEE DEVELOPMENT, LLC, )  
MARICK HOME BUILDERS, LLC, M GROUP )  
CONSTRUCTION AND DEVELOPMENT, LLC, )  
BOSTIC BROTHERS CONSTRUCTION, INC., RICK )  
THOENNES, MEL MORRIS, JOE BOSTIC, JEFF )  
BOSTIC, CLEAR VIEW CONSTRUCTION, LLC, )  
MICHAEL FRANZ, MHC CONTRACTORS, )  
MIGUEL PORRAS CHONCOAS, BUILDERS FIRST )  
SOURCE SOUTHEAST GROUP, MIKE GREEN, )  
SOUTHERN CONCRETE SPECIALTIES, CARL )  
COMPTON D/B/A COMPTON ENTERPRIZE A/K/A )  
COMPTON ENTERPRISES, GUNTER HEATING & )  
AIR, ALL PRO HEATING, A/C & )  
REFRIGERATION, LLC, COLEMAN )  
WATERPROOFING, HEYWARD ELECTRICAL )  
SERVICES, INC., TINSLEY ELECTRICAL, LLC, )  
HUTCH N SON CONSTRUCTION, INC., CARL )  
CATOE CONSTRUCTION, INC., T.G. )  
CONSTRUCTION, LLC, DELFINO )  
CONSTRUCTION, FRANCISCO JAVIER ZARATE )  
D/B/A ZARATE CONSTRUCTION, ALEJANDRO )

IN THE COURT OF COMMON PLEAS )  
FOR THE TENTH JUDICIAL CIRCUIT )  
CASE NUMBER: 2009-CP-37-0652 )

**ORDER DENYING DEFENDANTS  
MARICK HOME BUILDERS, LLC AND  
RICK THOENNES' MOTION FOR  
RECONSIDERATION AND TO ALTER  
JUDGMENT**

FILED OCONEE, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT  
2013 MAY 22 AM 9 35

*Handwritten signature and date:*  
1.6.13

AVALOS CRUZ, HERBERTO ACROS HERNANDEZ, )  
MARTIN HERNANDEZ-AVILES, FRANCISCO )  
VILLALOBOS LOPEZ, AMBROSIO MARTINEZ- )  
RAMIREZ, ESTER MORAN MENTADO, SOCORRO )  
CASTILLO MONTEL, UPSTATE UTILITIES, INC., )  
SOUTHERN BASEMENTS, INC., MJG )  
CONSTRUCTION AND HOMEBUILDERS, INC. )  
D/B/A MJG CONSTRUCTION, KMAC, INC., )  
D/B/A KMAC NORTH CAROLINA, EUFACIO )  
GARCIA, EVERADO JARMAMILLO, GARCIA )  
PARRA INSULATION, INC., J&J CONSTRUCTION, )  
JOSE NINO, JOSE MANUEL GARCIA, EASON )  
CONSTRUCTION, INC., AND VINCENT MORALES )  
D/B/A MORALES MASONRY, MILLER/PLAYER & )  
ASSOCIATES, )

Defendants, )

Bostic Construction, Inc., )

Third-Party Plaintiffs, )

vs. )

Southern Stone, Inc. and Buck Smith )  
Construction, )

Third-Party Defendants, )

This matter came before the Court on a Motion for Reconsideration and to Alter Judgment filed by Defendants Marick Home Builders, LLC and Rick Thoennes (collectively "Marick"), seeking to "vacate and/or reconsider" this Court's Order, dated January 11, 2013 and filed January 14, 2013 (the "Order"). The Order granted Clear View Construction, LLC and Michael Franz (collectively "Clear View Defendants") summary judgment as to Marick's cross-claims for equitable indemnity and negligence. Marick's cross-claims against Clear View Defendants for breach of contract and breach of warranty were disposed of by separate order.

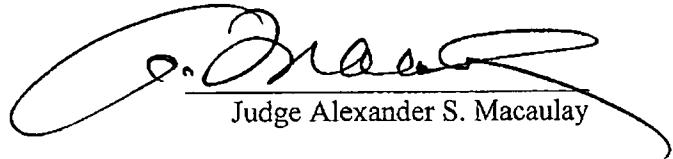
The Court conducted a hearing on this Motion on April 10, 2013. Lindsay L. Builder appeared on behalf Clear View Construction, LLC and Michael Franz and Jason M. Imhoff appeared on behalf of Marick.

After careful consideration and review, the Court finds there was no error of law or misconstruction of fact. The Court, therefore, DENIES Defendants Marick Home Builders, LLC and Rick Thoennes' Motion for Reconsideration and to Alter Judgment.


**IT IS SO ORDERED.**

Walhalla, South Carolina

*May 21*  
April 21, 2013

  
Judge Alexander S. Macaulay

FILED O'CONNOR, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT  
2013 MAY 22 AM 9 35

**A TRUE COPY**  
MAY 22 2013  
  
CLERK OF COURT - O'CONNOR COUNTY

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