

COPY

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

FILED
2013 NOV 13 P 4:19
IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

Magnolia Key Homeowners
Association, Inc.
Plaintiff,

BETH A. CARROLL
CLERK OF COURT
LEXINGTON
CONSENT ORDER OF DISMISSAL
COMPLAINT AND COUNTERCLAIM
(DOES NOT END ACTION)

vs.

Philip A. Coghlan, Leanne Marie
Coghlan and Joseph Bindert,
Defendants.

Presiding Judge
Attorney for the Plaintiff
Attorney for the Defendant
Philip A. Coghlan
Date of hearing
Reporter

James O. Spence
Robert W. Dibble, Jr.
Spencer Andrew Syrett

This matter came before the Court on the joint motion by the Plaintiff and Defendant Philip A. Coghlan for a partial dismissal of the action. The defendants, Leann Marie Coghlan and Joseph Bindert, made no appearance in the action and are in default.

This action was commenced by the filing of a Summons and Complaint on August 24, 2012. The Defendant, Philip A. Coghlan, filed his Answer on September 19, 2012. The Plaintiff filed its Reply on September 27, 2012. The Plaintiff filed an amended Complaint on October 5, 2012. The Defendant Philip A. Coghlan filed his Amended Answer and Counterclaim on October 16, 2012. The Plaintiff filed its Reply on October 24, 2012.

On April 3, 2013, at 3:51 P.M., Plaintiff filed a Lis Pendens on the property. On April 17, 2013, Defendant Philip A. Coghlan filed his Motion to dissolve the Lis Pendens. That motion was heard on May 8, 2013.

On June 3, 2013, the case was referred to the Master in Equity.

By Order dated July 3, 2013, the Honorable Eugene C. Griffith, Jr. issued his Order dissolving the Lis Pendens and granted the Defendant Philip A. Coghlan leave to file a Supplemental Answer and Counterclaim alleging Causes of Action for Abuse of Process, Malicious Prosecution and Tortious Interference with Contract.

RECEIVED

DEC 02 2013

SC Court of Appeals

After Plaintiff's Motions to Reconsider this Order were denied, the Plaintiff served and filed an Appeal of Judge Griffith's Orders.

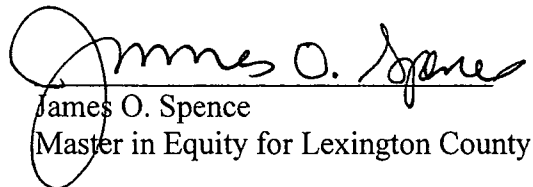
On October 11, 2013, the parties reached a settlement as to the matters raised in the Complaint, as amended, and the Answer and Counterclaim, as amended. As part of the agreement, the Plaintiff dismissed the appeal and the matter has been remitted by the Court of Appeals.

The case is now before the Court for the issuance of a Partial Order of Dismissal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

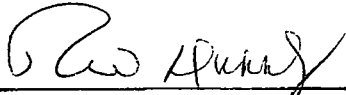
1. The Complaint, as amended, and all matters which were raised or could have been raised in the Complaint, as amended, are hereby dismissed with prejudice.
2. The Answer and Counterclaim, as amended, and all matters which were raised or could have been raised in the Answer and Counterclaim, as amended, are hereby dismissed with prejudice.
3. The matters for which Judge Griffith granted leave to file a Supplemental Answer and Counterclaim are not dismissed.
4. Each party to the action, including those parties in default, shall bear their own costs and expenses, including attorney fees, incurred in the prosecution and defense of the Complaint, as amended, and the Answer and Counterclaim, as amended.

AND IT IS SO ORDERED.

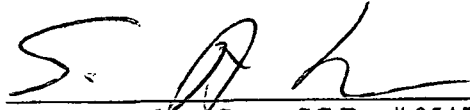

James O. Spence
Master in Equity for Lexington County

Nov. 6, 2013

WE SO MOVE AND CONSENT:



Robert W. Dibble, Jr.- SC Bar #1675
Harrell & Martin, P.A.
Attorney for the Plaintiff
Post Office Box 1000
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Facsimile: (803) 345-9171
ndibble@aol.com



Spencer Andrew Syrett SC Bar # 05459
Attorney for the Defendant
Philip A. Coghlan
712 Richland Street, Suite E
Columbia, SC 29202
Telephone: 803-765-2110
Fax Only: 803-765-9950
syrettlaw@sc.rr.com

HARRELL & MARTIN, P.A.

135 Columbia Avenue
Post Office Box 1000
Chapin, South Carolina 29036

ATTORNEYS AT LAW

L.K. "Trey" Harrell, III
Jeremy C. Martin
Jennifer Dowd Nichols
Robert W. Dibble, Jr., Of Counsel

Telephone: (803) 345-3353
Facsimile: (803) 345-9171
Website: www.lkharrelllaw.com

VIA REGULAR MAIL – U.S. POSTAL SERVICE

November 26, 2013

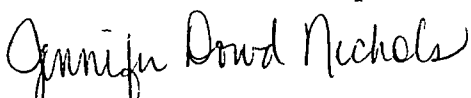
The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Magnolia Key Homeowners Association v. Philip Coghlan, et al.
Case no. 2013-001934
Our file # 2012-170

Dear Ms. Kitchings:

Please find enclosed a copy of the filed Order of Dismissal from Judge Spence, the Lexington County Master-in-Equity for the above related matter.

Sincerely,


Jennifer Dowd Nichols

Enclosures

cc: Spencer Andrew Syrett (w/ enclosure)

RECEIVED
DEC 02 2013
SC COURT OF APPEALS