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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Jennifer L. Hamrick and James C. Hamrick,	)	
	)	C.A. NO.: 2023-CP-23-00052
Plaintiffs,	)	
	)	
vs.	)	**FINAL ORDER**
	)	
Jack D. Curlee and AgFirst Farm Credit Bank,	)	
	)	
Defendants	)	

RECEIVED
Jul 21 2026
SC Court of Appeals

Date of Hearing: June 26, 2026

Presiding Trial Judge: Charles B. Simmons, Jr.

Attorney for Plaintiffs: James D. Calmes, III

Attorney for Jack D. Curlee: O.W. Bannister

Attorney for AgFirst Farm Credit Bank: NOT APPLICABLE

This case has again been referenced to this Court by virtue of a Supplemental Order of Reference filed on June 02, 2026 by Circuit Judge Thomas W. McGee to determine questions of law or equity concerning the disbursement of proceeds held by the Clerk of Court for Greenville County arising out of the public sale of real property.

Under this Order, this Court is granted the authority to review and to refer to the prior Orders of Judge McGee filed on November 18, 2025 and May 04, 2026 in making the proper divisions of those funds held in escrow.

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HISTORY OF THE CASE

The Plaintiffs commenced a Summons and Complaint against the Defendant Jack D. Curlee [Curlee] on January 06, 2023 seeking a partition of the jointly owned property of the Plaintiffs and Defendant Curlee located at 159 Mountain Creek Road, Honea Path, Greenville County, South Carolina.

Defendant Curlee filed an Answer and Counterclaim seeking a division from the sale of the subject property but also claimed an accounting of the bonding business and further alleged conversion of personal property taken by the Plaintiffs, and seeking damages thereof.

On July 28, 2023 the Plaintiffs filed an Amended Summons and Complaint seeking additional causes of action against Defendant Curlee requesting damages from a construction settlement paid by a building contractor, a refinance of the mortgage on the subject property and repayment and restitution of an SBA loan, that Plaintiffs alleged solely benefited Defendant Curlee.

On August 18, 2023, Defendant Curlee filed an Amended Answer and Counterclaim, adding further causes of action for damages against the Plaintiffs.

A four-day bifurcated trial was held on July 29, 30, 31, and August 1, 2024 before Circuit Judges G.D. Morgan Jr., and Thomas McGee.

Judge Morgan conducted a jury trial and Judge McGee heard the non-jury aspect of the trial.

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The jury trial was concluded, leaving non-jury trial issues for further disposition by the Trial Court. After the non-jury trial was completed, the parties agreed to seek a private sale and hold the court's decision in abeyance. After a year's effort to sell the property on the private market did not come to fruition, Judge McGee filed an Order of Reference with this Court of September 09, 2025 to order the judicial sale of 159 Mountain Creek Road.

The Order of Reference further directed this Court to satisfy all mortgage liens, other encumbrances, its administrative costs, and then hold any remaining funds payable to the parties and notify Judge McGee of the amount to be disbursed.

Once this Court determined the amount received from the public sale, then the Circuit Court would issue a global order apportioning all assets, interests, and claims subject to this case, including the amount of proceeds received from the public sale by this Court.

On November 18, 2025, Judge McGee filed his Order making his findings on all remaining issues presented at the four-day trial mentioned herein.

The Trial Court determined and found that the Plaintiffs were two thirds (2/3) and Defendant Curlee was one third (1/3) owner of 159 Mountain Creek Road.

The Trial Court granted judgment in favor of Plaintiffs against Defendant Curlee for **Twenty-seven Thousand Four Hundred and 00/100 Dollars ($27,400.00)** arising out of the construction claim.

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The Trial Court further granted judgment in favor of the Plaintiffs against the Defendant Curlee for **Thirteen Thousand Three Hundred Thirty-two and 00/100 Dollars ($13,332.00)** emanating from their claim of the refinance of the construction mortgage, benefiting Defendant Curlee.

The Trial Court furthermore awarded judgment in favor of Plaintiff Jennifer L. Hamrick that related to the Small Business loan. Defendant Curlee was directed to reimburse Jennifer for all monthly payments she had made toward the loan and immediately satisfy the balance owed the lender.

The Trial Court denied and dismissed all causes of action for damages alleged by the Defendant Curlee in his Counterclaim.

On February 02, 2026, the property was sold by this Court for **Three Hundred Fifty Thousand and 00/100 Dollars ($350,000.00)**.

On March 18, 2026, this Court filed its Order that all Court costs and priority liens had been paid in full, leaving **Two Hundred Sixty-one Thousand Five Hundred Twenty-three and 29/100 Dollars ($261,523.29)** in net sales proceeds. The proceeds were deposited with the Clerk of Court for Greenville County for further disbursement by the Circuit Court.

Upon receipt of full payment to Defendant AgFirst Farm Credit Bank, it was dismissed as a party to this action and not applicable to the findings of this Court.

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Concurrent with the disbursement of the funds, this Court had fully performed its obligations pursuant to the Order of Reference filed September 09, 2025.

On May 04, 2026, Judge McGee filed a Supplemental Order with the Court that amplified the procedure and terms of his Order of Reference of September 09, 2025 and his findings in his Order of November 18, 2025.

Without any finding from this Court that the Order of Reference needed clarification from the Trial Court, Judge McGee made clear in the May 04, 2026 Order that the claims and assets divisions were to be paid out of funds held by this Court and which were specifically identified and addressed in his Final Order entered November 18, 2025.

Counsel for Plaintiffs and Defendant Curlee stipulated that under Judge McGee's order, funds held by the Clerk of Court the Plaintiffs are entitled to **One Hundred Seventy-four Thousand Three Hundred Forty-eight and 86/100 Dollars ($174,348.86)** and the sum of **Ten Thousand and 00/100 Dollars ($10,000.00)** as attorney's fees payable to their counsel and debited from the share of Defendant Curlee.

The ultimate issue centers around the distribution of remaining funds, being **Seventy-seven Thousand One Hundred Seventy-four and 43/100 Dollars ($77,174.43)**.

Henceforth, the Supplemental Order of Reference referred herein has granted and conferred jurisdiction to this Court to resolve the division and distribution of this balance.

Prior to this hearing, this Court requested and received documents from the respective parties to aid its understanding as to the issues that would require the appropriate findings and further divisions, if any.

Plaintiffs filed a trial brief with the three exhibits. Exhibit A was the judgment of **Twenty-seven Thousand Four Hundred and 00/100 Dollars ($27,400.00)** with post judgment interest from November 18, 2025 to June 26, 2026, totaling **Twenty-eight Thousand One Hundred Ninety-nine and 25/100 Dollars ($28,199.25)**.

Exhibit B was the judgment of **Thirteen Thousand Three Hundred Thirty-two and 00/100 Dollars ($13,332.00)** with post judgment interest from November 18, 2025 to June 26, 2026, totaling **Fourteen Thousand One Hundred Ninety-three and 48/100 Dollars ($14,193.48)**.

Exhibit C was the balance owed the Small Business Administration and in addition the out-of-pocket payments made by Jennifer L. Hamrick. The combined amount came to **Fifteen Thousand Nine Hundred Ninety-three and 80/100 Dollars ($15,993.80)**.

Defendant Curlee filed his brief entitled **DISBURSEMENT OF FUNDS**.

FINDINGS AND CONCLUSIONS

This Court, after review and examination of the record and its authority under the Supplemental Order of Reference, finds and concludes that its decision is based upon the interpretation of prior orders of the Court and its effect upon further divisions of the

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remaining proceeds. Therefore, no testimony from the parties is needed since it would not have a bearing on this Order.

Also, Defendant Curlee does not dispute the amounts owed in the three (3) exhibits filed with the Court by the Plaintiffs.

The Plaintiffs contend they are entitled to additional **Fifty-eight Thousand Three Hundred Eighty-six and 53/100 Dollars ($58,386.53)** from the **Seventy-seven Thousand One Hundred Seventy-four and 43/100 Dollars ($77,174.43)** balance. Its argument is premised upon the interpretation and clear meaning of the three (3) Orders.

Defendant Curlee argues that the three (3) Judgments granted the Plaintiffs had to be enforced and collected through separate and independent actions known as a writ of execution, filed by the Sheriff for Greenville County and, if necessary, through Supplemental Proceedings. Therefore, he is entitled to the full amount of **Seventy-seven Thousand One Hundred Seventy-four and 43/100 Dollars ($77,174.43)**.

Finally, after listening carefully to the oral arguments of competent counsel, this Court makes the following **FINDINGS OF FACT AND CONCLUSIONS OF LAW**:

I. This Court does have jurisdiction to determine questions of law and equity concerning disbursement of the remaining proceeds from the judicial sale.

II. In making its decision, the Court does base its Findings upon the prior Orders of the Trial Court.

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III. The three (3) Judgments granted to the Plaintiffs arose out of this same case and are clearly meant from the findings and meaning of the prior orders to be satisfied from the proceeds held by the Clerk of Court and to be subsequently transferred to this Court for distribution to the parties.

IV. The three (3) Judgments are not considered independent that would warrant separate procedures of enforcement and collection through supplemental proceedings.

V. Rule 69 SCRCP does not apply in this case and is superseded by the substance and clear understanding of the prior orders of the Trial Court with specific reference to the Order of September 09, 2025 that provided for a global order to apportion all interests and claims subject to this case.

Therefore it is **ORDERED**:

I. Plaintiffs shall receive the aggregate distribution of **Two Hundred Thirty-two Thousand Seven Hundred Thirty-five and 39/100 Dollars ($232,735.39)** from the proceeds of sale. This amount shall be paid by the Clerk of Court to James D. Calmes, III, Trust Account.

II. Since the Plaintiffs shall receive the amount distributed above, Plaintiff Jennifer Hamrick shall be responsible for satisfaction of the outstanding SBA loan obligation from the distribution awarded herein, with the same to be done within 30 days of the funds being transmitted to Mr. Calmes.

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III. James D. Calmes, III, attorney for Plaintiffs shall be paid the sum of **Ten Thousand and 00/100 Dollars ($10,000.00)** as attorney's fees, with the Clerk of Court to pay the same.

IV. Defendant Curlee shall receive the remaining balance of **Eighteen Thousand Seven Hundred Eighty-seven and 90/100 Dollars ($18,787.90)**. The proceeds shall be paid by the Clerk of Court and made payable to attorney O.W. Bannister Trust Account.

IT IS SO ORDERED!

ELECTRONIC SIGNATURE PAGE OF THE JUDGE TO FOLLOW

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Greenville Common Pleas

Case Caption: Jennifer L Hamrick , plaintiff, et al vs. Jack D Curlee , defendant, et al

Case Number: 2023CP2300052

Type: Master/Order/Other

And It Is So Ordered!

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