

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
Callista, LLC,)
Plaintiff,)
vs.)
Sonny M. Ninan, Sonny M Ninan as)
Trustee for the SM Ninan Family Trust,)
Moss Mortgage Company, LLC, County)
of Pickens, TD Auto Finance, LLC, and)
The State of South Carolina by and)
through its agency The Department of)
Revenue,)
Defendants.)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2025-CP-39-01064

**MASTER IN EQUITY'S ORDER
AND JUDGMENT REGARDING
FORECLOSURE OF JUDGMENT LIEN
AND SALE**

DEFICIENCY WAIVED

RECEIVED

AUG 26 2026

SC Court of Appeals

Pursuant to Rules 53 and 71, SCRCF, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the cause.

Pursuant to the said reference, a hearing was held on June 22, 2026, and attended by the following persons:

Lawrence M. Hershon – Attorney for Plaintiff

Jame O'Connell – Attorney for Defendants Sonny M. Ninan, Sonny M Ninan as Trustee for the SM Ninan Family Trust, Moss Mortgage Company, LLC

Paul McKee – Attorney for Defendant Moss Mortgage Company, LLC

Destini Pratt – Attorney for the County of Pickens

Richard Dreskin – Member of Plaintiff

Based on the evidence presented at the hearing, I hereby find, conclude, and order as follows:

RULINGS ON PRELIMINARY MATTERS

Richard Dreskin provided testimony concerning the failure of the debtor to make any payments to partially satisfy the Judgment. He also testified that Plaintiff was formed as an entity to own and operate a shopping center; that shopping center has since been sold as an asset, and the Plaintiff does not hold other assets other than the Judgment. Mr. Dreskin testified that dissolution of the Plaintiff had yet to occur, but that he believed he should have already done so. Counsel for Defendant Sonny M. Ninan ("Ninan") questioned whether Plaintiff could maintain the instant lawsuit based on Mr. Dreskin's testimony.

Plaintiff, as a limited liability company, is permitted under the South Carolina Code to continue operations after the dissolution for the purpose of winding up its business. *See* S.C. CODE ANN. § 33-44-803. In addition, the statute grants broad authority to persons winding up the limited liability company's business, including the power to "prosecute and defend actions and proceedings".

Therefore, this Court finds that Plaintiff may properly maintain this lawsuit, even if it has been dissolved. Because a limited liability company may maintain a lawsuit even if it is dissolved, the Court does not need to reach a conclusion on the status of whether it is dissolved or not.

Ninan further argued that the current trustee of the SM Ninan Family Trust (the "Trust") had not been served, as only Ninan, as a previous trustee, had been served. The motion presented by Ninan on this issue is denied. The Court finds that service was effective as set forth in the Order for Summary Judgment.

Lastly, Ninan argued that § 29-3-800 still applied and the proceedings should be stayed until the Plaintiff complied with the statute. The Court found this issue was discussed during Plaintiff's Motion for Summary Judgment but took time to provide additional comments on

Ninan's subsequent attempt to reargue the motion. The Court found that the requirements of § 29-3-800 are to be followed when the property being foreclosed on is within the affected area when the State's border with North Carolina was amended. The Court noted that Ninan's property is well within the boundaries of Pickens County and nowhere near State's border. Therefore, Ninan's renewed request for a stay of the proceedings is denied.

Therefore, all motions raised by Ninan and any other Defendant are hereby denied.

FINDINGS OF FACT

1. The Lis Pendens, Summons, and Complaint were filed on August 12, 2025.
2. Service was made upon the Defendants in this action, as is shown by the proofs of service filed herein.
3. Defendants County of Pickens and TD Auto Finance, LLC did not answer or otherwise respond to the Complaint.
4. Defendants Sonny M. Ninan, Sonny M Ninan as Trustee for the SM Ninan Family Trust, Moss Mortgage Company, LLC, and The State of South Carolina by and through its agency The Department of Revenue filed Answers to the Complaint.
5. The Order of Reference was entered on December 22, 2025.
6. The Order for Summary Judgment was entered on April 21, 2026, whereby the Court granted Plaintiff's claims for foreclosure and dismissed all affirmative defenses of the Defendants.
7. All parties were notified of the date, time and place of the hearing in this matter.
8. On October 20, 2016, Plaintiff obtained a judgment against Ninan in Greenville County, South Carolina in 2014-CP-23-04741, in the amount of \$28,942.08 (the "Greenville

Judgment”). Other terms and conditions are stated in said Greenville Judgment, which is of record herein.

9. On January 9, 2018, Plaintiff filed a Transcript of the Greenville Judgment in Pickens County, South Carolina in Case No. 2018-CP-39-00035 (the “Judgment”), which continues to accrue interest at the judgment rate thereafter. Other terms and conditions are stated in said Judgment, which is of record herein.

10. As previously determined by this Court in the Order for Summary Judgment:

a. Plaintiff’s Judgment constitutes a lien on all real property owned by Ninan in Pickens County at the time of filing.

b. The Trust is a revocable trust organized and existing under the laws of the State of South Carolina.

c. Sonny M. Ninan is the settlor of the Trust.

d. The Trust is the owner of the Properties, as further defined below, identified as TMS Nos. 5131-02-69-1761 & 5131-02-69-1833, which The Trust owned at the time of the filing of the Judgments in Pickens County. Pursuant S.C. CODE ANN. § 62-7-505(a)(1), “During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor’s creditors.” Therefore, the lien of the Judgment applies to each of the Properties.

11. The Trust still owns the Properties.

12. Plaintiff filed a Lis Pendens on the Properties in conjunction with its filing of this lawsuit.

13. The indebtedness evidenced by the Judgment and secured by a valid lien on the Properties has not been paid and remains due and owing in full.

14. As a result of the aforesaid Judgment held by Plaintiff, Plaintiff is entitled to foreclosure of its Judgment lien.

15. The underlying documents that are the basis for the Judgment provide for an award of reasonable attorneys' fees and court costs incurred in collection of the amounts owed by Ninan. I find and conclude that the sum of \$5,440.00 is a reasonable amount to award as Plaintiff's unreimbursed attorneys' fees for services performed and anticipated to be performed until final adjudication of the within action, and that the sum of \$1,418.30 is a reasonable amount to award as legal costs. In reaching this conclusion, I have carefully considered the nature, extent and difficulty of the legal services provided by Plaintiff's counsel in this foreclosure action, the time and labor necessarily devoted by Plaintiff's counsel to the case, the professional standing of Plaintiff's counsel and his firm, the fees customarily charged in Pickens County for similar legal services, and the beneficial results obtained by Plaintiff's counsel in this matter.

16. The Plaintiff's Judgment constitutes valid first priority lien on the Properties.

17. The amount due and owing on the Judgment as of June 22, 2026, is as follows:

(1)	Judgment Amount	\$28,942.08
(2)	Post-Judgment Interest: 10/20/16 – 01/14/17 @ 7.50%	<u>\$ 518.55*</u>
	Subtotal:	\$29,460.63
(3)	Post-Judgment Interest: 01/15/17– 01/14/18 @ 7.75%	<u>\$ 2,283.20*</u>
	Subtotal:	\$31,743.82
(3)	Post-Judgment Interest: 01/15/18 – 01/14/19 @ 8.50%	<u>\$ 2,698.23*</u>
	Subtotal:	\$34,442.05
(4)	Post-Judgment Interest: 01/15/19 – 01/14/20 @ 9.50%	<u>\$ 3,271.99*</u>
	Subtotal:	\$37,714.04

(5)	Post-Judgment Interest: 01/15/20 – 01/14/21 @ 8.75%	<u>\$ 3,299.98*</u>
	Subtotal:	\$41,014.02
(6)	Post-Judgment Interest: 01/15/21 – 01/14/22 @ 7.25%	<u>\$ 2,973.52*</u>
	Subtotal:	\$43,987.54
(7)	Post-Judgment Interest: 01/15/22 – 01/14/23 @ 7.25%	<u>\$ 3,189.10*</u>
	Subtotal:	\$47,176.64
(8)	Post-Judgment Interest: 01/15/23 – 01/14/24 @ 11.50%	<u>\$ 5,425.31*</u>
	Subtotal:	\$52,601.95
(9)	Post-Judgment Interest: 01/15/24 – 01/14/25 @ 12.50%	<u>\$ 6,575.24*</u>
	Subtotal:	\$59,177.19
(10)	Post-Judgment Interest: 01/15/25 – 01/14/26 @ 11.50%	<u>\$ 6,805.38*</u>
	Subtotal:	\$65,982.57
(11)	Post-Judgment Interest: 01/15/26 – 06/22/26 @ 10.75%	<u>\$ 3,113.09*</u>
	SUBTOTAL AS OF 06/22/2026:	\$69,095.66
	Attorneys' fees	\$ 5,440.00
	Costs	<u>\$ 1,418.30</u>
	TOTAL DEBT SECURED BY JUDGMENT	\$75,953.96

* Per S.C. CODE ANN. § 34-31-20(B), post-judgment interest is compounded annually.

Interest for the period from June 22, 2026 through the date of this judgment at the rate of 10.75% per annum shall be added to the above stated Total Debt Secured by Judgment to comprise the amount of the judgment debt entered herein, and said interest rate of 10.75% per annum shall be added to such judgment debt to comprise the amount of the debt through the date to which such interest is computed.

CONCLUSIONS OF LAW

1. The Plaintiff should have judgment of foreclosure of its Judgment lien.
2. The subject Properties should be ordered sold at public auction after due advertisement.
3. The Plaintiff expressly waives the right to have a deficiency judgment following the sale. Therefore, the Judgment shall be deemed satisfied following the completion of the sale hereunder.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That there is due to the Plaintiff on the Judgment set forth in the Complaint the sum of Seventy-Five Thousand Nine Hundred Fifty-Three and 96/100 Dollars (\$75,953.96), representing the "Total Debt Secured By Judgment" due the Plaintiff as set out in Paragraph 17 hereinabove, together with interest after the aforesaid date at a rate of 10.75% per annum.
2. That the party or parties liable for the aforesaid debt, shall, on or before the date of sale of the subject Properties hereinafter described, pay to the Plaintiff or its attorneys the amount of the debt owed as aforesaid, together with the costs and disbursements of this action.
3. That on default of payment at or before the time herein indicated, the Properties be sold by the undersigned Master in Equity or his designee, at public auction, at the Pickens County Courthouse, 214 E Main Street, Pickens, South Carolina 29671, on some convenient Sales Day hereafter as set by the Court, on the following terms, that is to say:
 - a. **FOR CASH:** The Master In Equity will require a deposit of five (5%) percent on the amount of the bid, in cash or its equivalence, same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within thirty (30) days same to be forfeited and applied to the costs and Plaintiff's debt.

b. Interest on the balance of the bid shall be paid through the day of compliance at the interest rate of 10.75% per annum.

c. The sale shall be subject to taxes, assessments, existing easements, and easements and restrictions of record.

d. Purchaser to pay for deed stamps and cost of recording the deed.

e. That if the Plaintiff is the successful bidder at said sale for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff in full, the Plaintiff may pay to the Master in Equity only the amount of the costs and expenses, crediting the balance of the bid on its indebtedness, in addition to the homestead exemption as set forth herein.

4. As a personal or deficiency judgment is specifically waived, bidding will conclude at the fall of the gavel on the date of the sale.

5. That the undersigned Master in Equity will, by advertisement according to law, give notice of the time and place of such sale, and the terms thereof; and will execute to the purchaser or purchasers a deed to the Properties sold. The Plaintiff or any other party to this action may become a purchaser at such sale, and if, upon such sale being made, the purchaser or purchasers should fail to comply with the terms thereof within thirty (30) days after date of sale, then the Master In Equity may advertise the said Properties for sale on the next or some other subsequent Sales Day, as set by the Court, at the risk of the former highest bidder, and so from time to time thereafter until a full compliance shall be secured.

6. That the undersigned Master in Equity shall apply the proceeds of the sale of the Properties as follows:

FIRST: To payment of the amount of costs and expenses of this action;

NEXT: To the payment to Plaintiff or its attorney of the amount of debt owed to Plaintiff and interest, so much thereof as the purchase money will pay on the same; and

NEXT: Any surplus should be held pending further Order of this Court.

7. That the Defendants named herein and all persons whosoever claiming under the Defendants be forever barred and foreclosed of all right, title, interest and equity of redemption in the subject Properties, or any part thereof.

8. That the deed of conveyance made pursuant to said sale shall contain the names of only the Plaintiff, the Defendant who was the titleholder of the Properties at the time of the filing of the Lis Pendens, and the grantee; and the ROD is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said deed.

9. A description of the Properties encumbered by the Judgment and herein ordered to be sold is as follows:

Property-1

All that certain piece, parcel or lot of situate, lying and being in the State of South Carolina, County of Pickens, on the Northern side of State Road, No. 250 (Old Farris Bridge Road) in School District 16, near Mount Carmel Baptist Church, shown and designated as Lot 36 on plat of property of B&C of Greenville, Inc. known as Beverly Hills Subdivision, prepared by Charles K. Dunn, and T. Craig Keith, Associates, dated February 16, 1979, recorded in Plat Book 21, at page 944, reference to which is hereby craved for a more complete and accurate description.

This being the same property conveyed to Sonny M. Ninan as Trustee for the SM SM Ninan Family Trust by deed of Luthi Mortgage Co., Inc., dated February 18, 2010 and recorded in the RMC Office for Pickens County in Deed Book 1304 at Page 201 on February 25, 2010.

TMS No: 5131-02-69-1761

Property-2

All that certain piece, parcel or lot of land with all improvements thereon, situate, lying and being in State of South Carolina, County of Pickens, on the east side of Cannon Lane and being shown and designated as Lot 35"A", Beverly Hills on a plat entitled "Survey for Gary L. Benjamin & Sonny Ninan" and recorded in the

Office of the Clerk of Court for Pickens County, South Carolina in Plat Book 26, Page 711 and having, according to the plat, the following metes and bounds to-wit:

BEGINNING at an iron pin on the east side of Cannon Lane, said pin being 1182.9 feet, more or less, from the intersection of Cannon Lane and road No. S39-250 and running thence with Cannon Lane N. 23-55 W. 74.85 feet to an iron pin, thence N. 67-49 E. 342.54 feet to an iron pin, thence S. 14-51 E. 100.04 feet to an iron pin, thence S. 72-05 W. 328.42 feet to an iron pin, the point of beginning.

This being the same property conveyed to Sonny M. Ninan as Trustee for the SM Inan Family Trust by deed of General Funding Inc. dated February 18, 2010 and recorded in the RMC Office for Pickens County in Deed Book 1304 at Page 203 on February 25, 2010.

TMS No: 5131-02-69-1833

10. That the undersigned Master in Equity will retain jurisdiction to do all necessary acts incident to this foreclosure and to hear any post-judgment matters including, but not limited to, the issuance of a Writ of Assistance.

AND IT IS SO ORDERED.

JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2025-CP-39-01064

Callista, LLC

Sonny M. Ninan, Sonny M Ninan as Trustee for
the SM Ninan Family Trust, Moss Mortgage
Company, LLC, County of Pickens, TD Auto
Finance, LLC, and The State of South Carolina by
and through its agency the Department of
Revenue

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ 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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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:

This matter is before the court pursuant to Defendant's Motion to Reconsider filed July 17, 2026. The Court has reviewed the record. The Court denies the motion for the reasons set forth in the order filed July 9, 2026.

And It Is So Ordered.

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)
		\$

AUG 26 2026

SC Court of Appeals

		\$
		\$
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.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Judge's Electronic Signature Page to Follow

3089

July 29, 2026

Master-in-Equity

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.



Pickens Common Pleas

Case Caption: Callista Llc VS Sonny M Ninan , defendant, et al
Case Number: 2025CP3901064
Type: Master/Order/Form 4

And It Is So Ordered!

s/ Judge Adam B. Lambert, Master in Equity, No. 3089

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2025-CP-39-01064

Callista, LLC,

Sonny M. Ninan, Sonny M Ninan as Trustee for the SM
Ninan Family Trust, Moss Mortgage Company,
LLC, County of Pickens, TD Auto Finance, LLC,
and The State of South Carolina by and through
its agency The Department of Revenue.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Lawrence M. Hershon

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ 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.
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- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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: Master In Equity's Order and Judgment Regarding Foreclosure of Judgment Lien and Sale

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	\$
		\$
		\$

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

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

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: _____

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Pickens Common Pleas

Case Caption: Callista Llc VS Sonny M Ninan , defendant, et al
Case Number: 2025CP3901064
Type: Master/Order/Foreclosure & Sale and Form 4

And It Is So Ordered!

s/ Judge Adam B. Lambert, Master in Equity, No.
3089