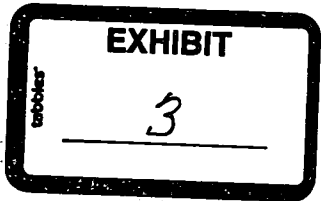


# **EXHIBIT 3**



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

Sherman Financial Group, LLC, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
FM FRI Greenville, LLC, )  
 )  
Defendant. )

**MOTION FOR LEAVE TO  
DEPOSIT FUNDS WITH COURT**

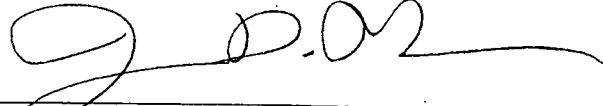
C.A. No. 2013-CP-23-03075

**TO: DEFENDANT NAMED ABOVE:**

Pursuant to Rule 67 of the South Carolina Rules of Civil Procedure, Plaintiff Sherman Financial Group, LLC ("Plaintiff" or "Tenant") seeks leave to deposit with the Court a sum of money in the amount of Tenant's monthly rent obligation under a lease it has with Defendant FM FRI Greenville, LLC ("Defendant" or "Landlord"). As more fully set forth in Tenant's Verified Complaint and Motion for Temporary Restraining Order and Temporary Injunction, Landlord has wrongfully and unlawfully declared Tenant in default of the Lease, alleging Tenant "abandoned" the Premises. In fact, Tenant is not in default and has not "abandoned" the Premises, but rather continues to use and is in possession of the Premises for its legitimate business purposes. Because Landlord has declared that Tenant is in default, while Tenant believes otherwise, there is a dispute as to whether Tenant is obligated to pay the rent amount to Landlord. Accordingly, Tenant seeks leave to deposit with the Court the amount of Tenant's monthly rent obligation until this dispute can be resolved.

Further, Tenant is seeking to recover from Landlord over one million dollars in an unpaid allowance due to Tenant under the Lease. Landlord has refused to pay the unpaid allowance and

at this stage it is unclear whether Landlord has the ability to pay the unpaid allowance. Continuing to pay Landlord rent at the same time Landlord owes Tenant over one million dollars, and may be unable to pay Tenant the amounts owed, would prejudice Tenant and is not in the interest of justice. Therefore, Tenant also requests leave to deposit with the Court for this reason as well.



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Attorneys for Plaintiff

June 11, 2013

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

Sherman Financial Group, LLC, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
FM FRI Greenville, LLC, )  
 )  
Defendant. )

**CERTIFICATE OF SERVICE**

C.A. No. 2013-CP-23-03075

The undersigned certifies that on the 11th day of June, 2013, she caused to be served the **Motion for Leave to Deposit Funds with Court** upon the attorney for Defendant, via email and by depositing in the United States mail, with due and proper postage affixed thereto, copies of the same addressed to:

cbrown@hblegal.com  
Ms. Cynthia Buck Brown  
Harper, Lambert & Brown, P.A.  
Post Office Box 908  
Greenville, SC 29602

  
Legal Assistant to:  
Steven E. Farrar (#1960)  
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