

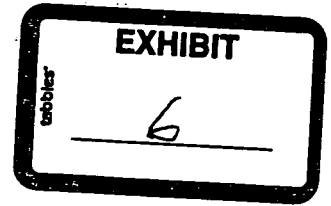
EXHIBIT 6

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

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

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



**NOTICE OF EMERGENCY MOTION AND
EMERGENCY MOTION FOR CONTEMPT
AND SANCTIONS**

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSHER
2013 SEP 14 P 3:55

TO: PLAINTIFF SHERMAN FINANCIAL GROUP, LLC AND ITS COUNSEL:

Steven E. Farrar, Esq.
Jason D. Maertens, Esq.
SMITH MOORE LEATHERWOOD LLP
300 East McBee Avenue, Suite 500
Greenville, SC 29601

NOW COMES the Defendant, FM FRI Greenville, LLC ("FM FRI"), at such time as the Court may set but in no event sooner than ten (10) days from the date of filing, by and through its undersigned counsel, which moves the Court pursuant to, *inter alia*, S.C. Code Ann. § 14-5-320, §15-35-180, and SCRCP 70 for an Order holding the Plaintiff, Sherman Financial Group, LLC ("Sherman"), in civil contempt due to its failure to comply with the Court's Order of July 31, 2013 in which Sherman was ordered to "bring the rent current by making the full payment of both June and July rent to the Defendant in accordance with the terms of the lease." Said Order is attached hereto as Exhibit A. As of the date of this filing, Sherman has failed to make payment of June rent, July rent, August rent, and September rent, all of which are past due, while retaining possession of the premises. Sherman was ordered by the Court to "bring the rent current," and has acted and continues to act in contravention of said Order. FM FRI seeks all

remedies available to it under the Court's inherent contempt power, including, without limitation, dismissal of Plaintiff's claims and reply defenses with prejudice, a *per diem* fine for Sherman's non-compliance, and reasonable attorneys' fees and costs.

This motion is supported by the attached Order and state law, whether common or statutory, and any such memorandum and affidavits as may be submitted prior to hearing. Pursuant to Rule 11, SCRPC, counsel for movant certifies that he and/or a member of his firm has consulted with opposing counsel in a good faith attempt to resolve the matters addressed by this motion but was unable to resolve them.

Respectfully submitted,



Cynthia Buck Brown, SC Bar No. 66172
Calvin T. Vick, Jr., SC Bar No. 68187
R. Patrick Smith, SC Bar No. 68270
HARPER, LAMBERT & BROWN, P.A.
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Attorneys for Defendant, FM FRI Greenville, LLC

September 4, 2013
Greenville, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
THE COURT OF COMMON PLEAS

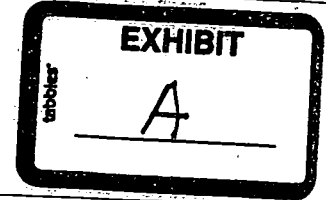
FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKINSIMER

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2013CP2303075

Sherman Financial Group
LLC

FM FRI Greenville LLC

2013 JUL 31 A 8:24



PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 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 43(k), SCRPC (Settled);
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - 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.

ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This matter came before the Court pursuant to the Plaintiff's Motion to Deposit Rental Payments into the Court during the pendency of the instant action. Also before the Court were the Defendant's Motions for Ejectment and Modification of the Previously-Issued Restraining Order. The Honorable Gary Hill previously issued a Temporary Restraining Order on May 31, 2013, and subsequently entered a Preliminary Injunction Order on June 24, 2013.

The Plaintiff's Motion to Deposit the Proceeds into the Court is hereby DENIED. This Court recognizes that it is within its discretion to order that funds be deposited into the Court pursuant to Rule 67 of the South Carolina Rules of Civil Procedure and Section 27-37-155 of the South Carolina Code of Laws, 1976, as amended. However, that authority is discretionary, and this Court finds no evidence that either party is insolvent or that there is a likelihood that the monies will be hidden, absconded with or secreted away. The specific terms of the lease require payment, and these parties are obliged to operate under the same until its termination later this year. Having said that, the Plaintiff shall bring the rent current by making the full payment of both June and July rent to the Defendant in accordance with the terms of the lease. The \$152,137.76 shall remain on deposit with the Court as a bond incident to the Temporary Restraining Order.

The Defendant's Motions for Ejectment and Modification of the Court's Previous Order are also DENIED, with the specific qualification as to bond enumerated above. The issue of whether there has been a material breach under the contract is outstanding. That question is appropriately left to a trial on the merits, allowing for a full inspection by the triers of fact.

This order ends does not end the case.

Additional Information for the Clerk: _____

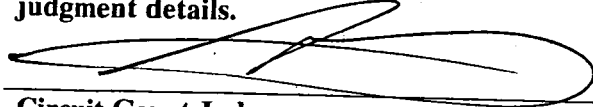
INFORMATION FOR THE JUDGMENT INDEX

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)

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.**



Circuit Court Judge

2158

Judge Code

30 JULY 13

Date

For Clerk of Court Office Use Only

This judgment was entered on *7.31.13*, and a copy mailed first class or placed in the appropriate attorney's box on *7.31.13*, to attorneys of record or to parties (when appearing pro se) as follows:

Steven E. Farrar Smith Moore Leatherwood LLP P.O. Box 87 Greenville, SC 29602

Cynthia Buck Brown Harper, Lambert & Brown, P.A. P.O. Box 908 Greenville, SC 29602
 Calvin Theodore Vick Jr. Harper, Lambert & Brown, P.A. P.O. Box 908 Greenville, SC 29602
 Raymond Patrick Smith Harper, Lambert & Brown, P.A. P.O. Box 908 Greenville, SC 29602

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

Court Reporter

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.

STATE OF SOUTH CAROLINA)

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IN THE COURT OF COMMON PLEAS)

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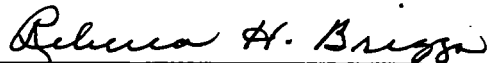
C.A. NO.: 2013-CP-23-00075

CERTIFICATE OF SERVICE

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
SEP 13 4 3:55

I hereby certify that a copy of Defendant's *Notice of Emergency Motion and Emergency Motion for Contempt and Sanctions with Exhibit A* was served on counsel of record via electronic mail and U.S. mail this 4th day of September, 2013 addressed as follows:

Steven E. Farrar, Esq.
steve.farrar@smithmoorelaw.com
Jason D. Maertens, Esq.
Jason.maertens@smithmoorelaw.com
SMITH MOORE LEATHERWOOD LLP
300 East McBee Avenue, Suite 500
Greenville, SC 29601


Rebecca H. Briggs, Legal Assistant

Greenville, South Carolina