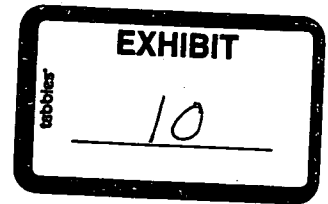


# **EXHIBIT 10**



# SMITH MOORE LEATHERWOOD



January 28, 2014

Honorable Charles B. Simmons, Jr.  
Greenville County Master-in-Equity  
305 East North Street, Room 313  
Greenville, SC 29601

Re: *Sherman Financial Group, LLC* ("Tenant") v. *FM FRI Greenville, LLC*  
("Landlord"), C.A. No. 2013-CP-23-03075

Dear Judge Simmons:

Per your request, this letter is to summarize in-Chambers discussions with counsel in the above-referenced matter. We understand that you are presently inclined toward ruling that Sherman's Notice of Appeal deprives the Court of jurisdiction over the pending Motions for Contempt, Sanctions and any further award of pre-trial money damages. Of course, the Notice of Appeal is only recently filed; therefore, the Court is holding in abeyance any formal ruling to ensure that the Court of Appeals does not refuse the appeal or otherwise remand. In thirty (30) days this Court will revisit the matter, including Landlord's Motion to Cancel Lis Pendens. Should the Court of Appeals refuse the appeal or otherwise remand, within thirty (30) days or at any time thereafter, we understand that, absent some change in circumstances, you are also presently inclined to find Sherman in contempt (for failure to abide by a pre-trial, rent-payment decree).

On a related note, we advised the Court at Chambers that we had not heard anything from the Supreme Court. In this morning's mail we received an acknowledgement letter from the Court of Appeals acknowledging assignment of the case.

We further understand the Court's strong suggestions that the parties use the next thirty (30) days to explore settlement prospects.

I hope I have accurately memorialized our discussions in Chambers, but if not please let me know so that I can clarify it for the record. If you have any other questions or comments, please let me know, and we will schedule a time for all of us to conference with you.

Steven E. Farrar | Direct 864.751.7633 | Fax 864.751.7805 | [steve.farrar@smithmoorelaw.com](mailto:steve.farrar@smithmoorelaw.com)  
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Atlanta, GA • Charleston, SC • Charlotte, NC • Greensboro, NC • Greenville, SC • Raleigh, NC • Wilmington, NC

January 28, 2014  
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With kind regards, I am

Yours very truly,

A handwritten signature in black ink, appearing to read 'SEF', with a long horizontal flourish extending to the right.

Steven E. Farrar

SEF/sps

cc: Ms. Cynthia Brown (via email: [cbrown@hlblegal.com](mailto:cbrown@hlblegal.com))  
Mr. R. Patrick Smith (via email: [psmith@hlblegal.com](mailto:psmith@hlblegal.com))