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March 17, 2014

V. Claire Allen, Deputy Clerk
S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

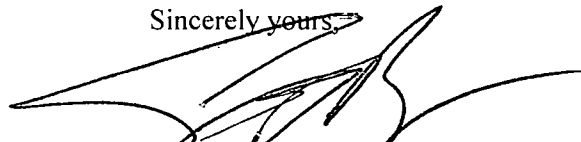
RE: *Enterprise Bank v. Hoy, Gene*
Appellate Case No.: 2012-210887

Dear Ms. Allen:

I am in receipt of your letter of March 12, 2014 requesting a status update on the above referenced case. Please be advised that we have settled this dispute, and I am enclosing a filed copy of an Order from the Colleton County Court of Common Pleas substituting the Personal Representative of the Estate of Gene Raymond Hoy as the party to this action and also incorporating the terms of the settlement and dismissing the underlying action. As soon as the settlement proceeds have been received, Mr. Hoy's South Carolina counsel will then file a Dismissal of the Appeal with the Court of Appeals.

Should you need anything further, please do not hesitate to contact me.

Sincerely yours,



Capers G. Barr, IV

Enclosure (as stated)

cc: H. Wayne Unger, Jr., Esquire (via email)
David Johns, Enterprise Bank (via email)
Brian Dumas, Esquire (via email)

CGBiv:seg

RECEIVED

MAR 20 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF COLLETON)
)
 Enterprise Bank of South Carolina)
) Plaintiff,)
 vs.)
)
 Gene Raymond Hoy, et al.)
) Defendant.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2010-CP-15-509
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: Capers G. Barr, IV, Bar No. 65075 Address: 11 Broad St, Charleston, SC 29401 Phone: 843-577-5083 Fax 843-723-9039 E-mail: cbarr@barrungermcintosh.com Other:	Defendant's Attorney: Brian Dumas, Bar No. _____ Address: 718 Clemson Rd, Columbia, SC 29229 Phone: 803-699-4996 Fax 803-699-4995 E-mail: _____ Other: _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

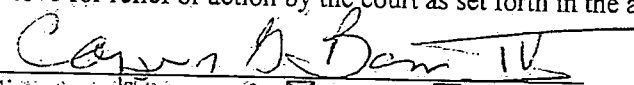
SECTION I: Hearing Information

Nature of Motion: _____
 Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.


 Signature of Attorney for Plaintiff / Defendant

Date submitted: March 3, 2014

2014 MAR -4 PM 3:05
 PATRICIA E. GRANT
 COLLETON COUNTY
 COMMON PLEAS

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRCP)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____
 Date: _____

RECEIVED

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

MAR 20 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF COLLETON)
)
 Enterprise Bank of South)
 Carolina,)
)
 Plaintiff,)
)
 v.)
)
 Gene Raymond Hoy a/k/a Gene R.)
 Hoy, Collins Pavilion Corp, Perrin)
 Souvenir Distributors, Inc., CITI)
 Group/Commercial Services,)
 Durwood Collins, individually)
 And as agent for Henry Collins,)
 Mary Collins and Sandra Collins,)
 Henry Collins, Mary Collins and)
 Sandra Collins, Ocean One of)
 Edisto, LLC, South Carolina)
 Employment Security Commission)
 And the South Carolina Department)
 Of Revenue,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 CASE NO.: 2010-CP-15-509

Consent Order Substituting Parties and
 Incorporating Settlement Agreement
 into Consent Order of Dismissal of Action

PATRICIA C. GRANT
 COLLETON COUNTY
 COMMON PLEAS
 2014 MAR -4 PM 3:05

RECEIVED

MAR 20 2014

SC Court of Appeals

#1
 Pmb

This matter came regularly before me on Motion of Brian Dumas to Substitute Johnny Hoy, Personal Representative of the Estate of Gene Raymond Hoy, as a party Defendant in this action in place of the Defendant Gene Raymond Hoy a/k/a Gene R. Hoy, who is now deceased.

This case involved the foreclosure of Plaintiff's mortgage against the mortgagee, Collins Pavilion Corp. The Defendant Gene R. Hoy was the guarantor of the Promissory Note secured by Plaintiff's mortgage. The remaining Defendants are parties that held liens against the mortgaged properties, and their liens were held to be junior to Plaintiff's mortgage.

CERTIFIED TRUE COPIES OF RECORDS

Patricia C. Grant
 CLERK OF COURT, COMMON PLEAS COURT
 COLLETON COUNTY, SOUTH CAROLINA
 DATE: 3/4/14

An Order of Foreclosure and Sale Decree was filed with this Court on November 11, 2010. The mortgaged properties were sold at foreclosure sale January 10, 2011. Thereafter, a Deficiency Judgment was entered against the Defendants Collins Pavilion Corp and Gene Raymond Hoy a/k/a Gene R. Hoy, which Deficiency Judgment was filed February 17, 2011 with the Colleton County Clerk of Court.

Plaintiff engaged counsel in the State of Michigan to pursue the collection of its Deficiency Judgment against assets of Gene R. Hoy located in Michigan. As a result of those proceedings, funds of Hoy's totaling approximately \$194,625.30 were garnished in Michigan (the "garnished funds").

On July 11, 2011 the Defendant Hoy filed a Motion with this Court, pro se, to "vacate the Order of Foreclosure Judgment" pursuant to Rule 60 South Carolina Rules of Civil Procedure.

#2
PMB
Hoy's Motion to seek relief from the foreclosure judgment was ultimately denied by Order of the Honorable Carmen T. Mullin filed February 27, 2012. Hoy appealed that Order to the South Carolina Court of Appeals. The garnishment proceedings in Michigan were stayed pending the appeal here in South Carolina.

While the appeal was pending Hoy died. The Court of Appeals remanded the case to the Colleton County Court of Common Pleas to determine the proper parties to the appeal. Thereafter, a Motion was filed, which is now before this Court, to substitute Johnny Hoy as Personal Representative of the Estate of Gene R. Hoy in place of the Defendant Gene R. Hoy.

The parties have reached an Agreement to settle and resolve the entire case, and wish their Agreement to be incorporated into a Consent Order dismissing the entire action pursuant to SCRCPC 43(k), on the following terms:

1. That the garnished funds (approximately \$194,625.30) be paid over, in their entirety, to the Plaintiff;
2. Within five (5) business days of receipt of the garnished funds, the Plaintiff will:
 - (i) pay to Johnny Hoy, Personal Representative of the Estate of Gene R. Hoy, and Brian Dumas, Attorney (jointly), a sum equal to ten (10%) percent of the garnished funds (approximately \$19,462.53); and
 - (ii) provide to Brian Dumas five (5) certified copies of the satisfaction of judgment filed with the Colleton County Clerk of Court showing that the Plaintiff's judgment against Gene R. Hoy and Collins Pavilion Corp. has been satisfied in full;
3. Within five (5) business days of receipt of the ten (10%) percent of the garnished funds and the certified copies of the satisfaction of judgment described in the preceding paragraph, Johnny Hoy, Personal Representative of the Estate of Gene Raymond Hoy, will dismiss the appeal presently pending before the South Carolina Court of Appeals.

The parties now wish to enter into this Consent Order to substitute parties, as herein indicated, to have this Court incorporate the settlement between the parties in order to facilitate the resolution of the garnishment proceedings in the State of Michigan, and to dismiss this case here in South Carolina.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that Johnny Hoy, Personal Representative of the Estate of Gene Raymond Hoy, is hereby

#3
PMB

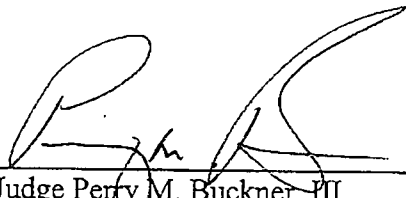
substituted as a party Defendant in the within action in place of Gene R. Hoy a/k/a Gene Raymond Hoy; and

It is further ORDERED, ADJUDGED AND DECREED that the herein stated settlement agreement of the parties to this action, as set forth herein above, and as evidenced by the signatures of the parties and their counsel as required by SCRCP 43(k), is incorporated into this Court's Order; and

It is further ORDERED, ADJUDGED AND DECREED that this action be and the same is hereby dismissed with prejudice.

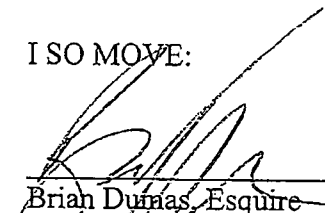
AND IT IS SO ORDERED.

February 28, 2014
Walterboro, SC

 #4


Judge Perry M. Buckner, III
Presiding Judge Fourteenth Judicial Circuit

I SO MOVE:



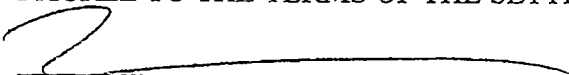
Brian Dumas, Esquire
Attorney for Johnny Hoy,
Personal Representative of the
Estate of Gene R. Hoy

I CONSENT:



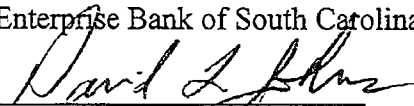
Capers G. Barr, IV, Esquire
Attorney for Enterprise Bank of
South Carolina

I AGREE TO THE TERMS OF THE SETTLEMENT SET FORTH HEREIN:



Johnny Hoy, Personal Representative
Of the Estate of Gene Raymond Hoy

Enterprise Bank of South Carolina



BY: David L. Johns

ITS: Executive Vice President



UNITED STATES POSTAGE
PITNEY BOWES
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