

# **EXHIBIT D**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

IN THE COURT OF COMMON PLEAS

Albert R. LaFleur and Eileen M. LaFleur, )  
 )  
Plaintiffs, )  
 )  
-v- )  
 )  
Coral Resorts, LLC, )  
 )  
Defendant. )

C/A No.: 2012-CP-07-3746

2013 JUN 14 PM 12:41  
JERRY S. HARRIS, CLERK  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

**AFFIDAVIT OF K. MICHAEL BARFIELD**

**PERSONALLY APPEARED** before me, K. Michael Barfield, who being first duly sworn, testifies that:

1. My name is K. Michael Barfield. I am a resident of the State of South Carolina.
2. I am over 18 years old.
3. I have personal knowledge of the truth of the facts stated herein.
4. I am an attorney licensed to practice law in the State of South Carolina.
5. I am a member in the law firm of Barnwell Whaley Patterson & Helms, LLC in Charleston, South Carolina.
6. Since 2009, I have served as general counsel for Coral Resorts, LLC, (Coral Resorts) which is the Development/Declarant of the Island Links Horizontal Property Regime.
7. In my role as general counsel, I periodically communicate with the Department of Labor, Licensing, and Regulation (LLR) and the Real Estate Commission ("Commission") I provide and update the information mandated by South Carolina Code Ann. § 27-32-10, et seq., Vacation Time Sharing Plans ("he Act").
8. S. C. Code Ann. §27-32-130 tasks LLR with enforcing the Act and promulgating regulations to facilitate its implementation and enforcement.

9. While LLR has never formally promulgated any such regulations, it has from time to time requested Timeshare Plans to submit materials not otherwise required by the Act during the process.
10. Coral Resorts has also provided LLR and the Real Estate Commission with all materials they have requested, whether required by statute as not, in order to foster an open relationship with these entities and assist them in carrying out their oversight of the timesharing industry, which is in many ways different and more complex than other facets of real estate industry that they oversee.
11. However, because much of what timeshare developers are required or otherwise requested to submit to LLR and/or the Real Estate Commission is highly sensitive, private, confidential, and trade secrets. Coral Resorts' submissions to those entities are provided with the understanding and expectation that they will be kept confidential, as allowed by law, and not freely disseminated to the public.
12. If timeshare developers did not enjoy this expectation of privacy, then it would certainly have a chilling effect on the licensing and registration process industry-wide.
13. I am aware that on or about June 3, 2013, the above-captioned Plaintiffs, by and through their counsel, filed with the Beaufort County Clerk of Court a significant amount of documentation relating to Coral Resorts as Exhibit A to a Memorandum in support of the Plaintiffs' Motion to Amend their Complaint.
14. I have reviewed the documentation contained in Exhibit A to the Plaintiffs' Memorandum. The pages in the version I reviewed were marked with a watermark stating, "*Confidential-For In Camera Use Only,*" and were bates stamped **In Camera 00001 – 00755**.
15. The documentation contained in Exhibit A includes material that would have been submitted to the Real Estate Commission as part of the original registration of the Island

Links Horizontal Property Regime with the expectation that confidential, private, proprietary, and trade secret information would not be disclosed.

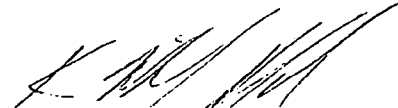
16. The documentation in Exhibit A contains information that Coral Resorts takes reasonable efforts to guard from disclosure to the public. This information is not generally known by or available to the public.
17. This set of documents, as a whole reveals a nearly complete snapshot of Coral Resorts' business model. Knowing this information would make a substantial difference in a competitor's ability and efficiency in developing a timeshare business model and commercial and marketing strategy. In fact, this set of documentation essentially provides a road map for a competitor to develop a timeshare business model in direct competition with Coral Resorts.
18. Although it is, in greatest part, the collective effect of the public release of this information that invades the confidential, private, proprietary, and trade secret nature of this information, the following Bates numbers identify documents that contain information that is particularly confidential, private, proprietary, or trade secret information:

In Camera 00002-00016
In Camera 00026-00039
In Camera 00041-00047
In Camera 00049-00053
In Camera 00081-00084
In Camera 00114-00115
In Camera 00168-00179
In Camera 00181-00182
In Camera 00184-00193
In Camera 00243-00254
In Camera 00256-00273
In Camera 00274
In Camera 00284
In Camera 00286
In Camera 00288
In Camera 00290-00291
In Camera 00293-00295
In Camera 00297-00299
In Camera 00300-00302

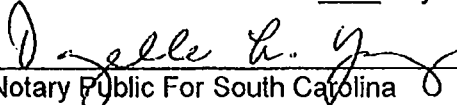
In Camera 00304-00316
In Camera 00321-00324
In Camera 00326
In Camera 00358-00373
In Camera 00375
In Camera 00377-00386
In Camera 00413-00414
In Camera 00416-00419
In Camera 00421
In Camera 00423-00428
In Camera 00430-432
In Camera 00434-00435
In Camera 00441-00453
In Camera 00455-00462
In Camera 00463-00469
In Camera 00471-00486
In Camera 00488-00493
In Camera 00495-527
In Camera 00555-582
In Camera 00583
In Camera 00585-589
In Camera 00590-00593
In Camera 00594-00596
In Camera 00598-00610
In Camera 00612-00634
In Camera 00642-00644
In Camera 00646-00687
In Camera 00689-00690
In Camera 00692
In Camera 00694-00697
In Camera 00699
In Camera 00701-00703
In Camera 00705-00716
In Camera 00718-00719
In Camera 00726-00753

19. Further, while the disclosure of the identities of individual stakeholders in Coral Resorts is an unpalatable violation of those individuals' personal privacy, it also has the potential to impair the ability of Coral Resorts to negotiate business transactions in its own name without the intrusion of local politics or other external influences.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
K. Michael Barfield

SWORN to before me this 13 day of June, 2013.

  
\_\_\_\_\_  
Notary Public For South Carolina

My Commission Expires: 12/13/2022

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**CERTIFICATE OF SERVICE**

2013 JUN 14 PM 12:41  
JEREMY ROSE  
BEAUFORT COUNTY  
CLERK OF COURT

I do hereby certify that I have served a copy of the following as indicated hereinbelow by mailing a copy of same on the date below via Email and by First Class United States Mail, postage prepaid, addressed to the following:

**DOCUMENTS SERVED:** Affidavit of Michael Barfield

**PARTIES SERVED:** Joseph DuBois, Esq.  
NAERT AND DuBOIS, LLC  
22 New Orleans Rd., Ste. 3  
Hilton Head Island, SC 29928  
[Joe@lowcountrylegal.com](mailto:Joe@lowcountrylegal.com)

  
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Kathleen McDaniel

Columbia, South Carolina  
June 13, 2013

