

Att: Amelia 734-1496
 From: Drew Radeker

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

FV-I, Inc., in trust for Morgan Stanley
 Mortgage Capital Holdings LLC,

Plaintiff,

vs.

Bryon J. Dolan; Lisa S. Dolan; First
 Citizens Bank and Trust Company, Inc.;
 Wells Fargo Bank, N.A.; Branch Banking
 and Trust Company;

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2012-CP-32-2816

ORDER ON PLAINTIFF'S MOTION
 TO STRIKE JURY DEMAND AND
 REFER CASE

This matter came before me at a hearing on July 16, 2013, of the Plaintiff's motion to strike the jury demand of Defendants Bryon J. Dolan and Lisa S. Dolan (hereinafter "the Defendants") and to refer this case to the Lexington County Master-in-Equity. Charles S. Gwynne, Jr., Esquire, argued the motion for the Plaintiff, and Andrew S. Radeker, Esquire, did so for the Defendants. After due consideration, the Court denies the motion to refer the case to the Master-in-Equity and denies in part and grants in part the motion to strike the Defendants' jury demand.

This is a mortgage foreclosure action which the Defendants have asserted defenses and counterclaims. The Defendants pled three counterclaims: 1) for an accounting, 2) for violation of the South Carolina Unfair Trade Practices Act, and 3) for breach of contract. The Plaintiff and the Defendants agree that the claims for foreclosure and for an accounting sound in equity and, thus, that neither party has the right to a jury trial on those claims. The Plaintiff's motion thus concerns the at-law counterclaims, which are those for breach of contract and violation of the Unfair Trade Practices Act.

1/6 