

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUL 21 2014

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber Jr., Supervising Circuit Court Judge
Case No. 2009-CP-40-05911
Case No. 2010-CP-40-02889

S.C. Supreme Court

Appellate Case No. 2014-000965

1634 Main, LP,

Appellant

Vs.

Shirley Hammer,

Respondent

Vs.

Howard Hammer,

Appellant

and

Howard Hammer

Appellant

Vs.

Shirley Hammer,

Respondent.

MOTION TO EXPEDITE APPEAL

Respondent Shirley Hammer (hereafter "Shirley") moves this Honorable Court for an order expediting this appeal. In support of her reply and renewed request, Shirley would show:

1. This appeal follows this Court's order of September 7, 2012 which expedited then-pending civil cases involving these parties and assigned to the supervision of Circuit Judge James R. Barber.

2. The cases were tried and Shirley Hammer received judgments against Howard Hammer (hereafter "Howard") and 1634 Main LP.
3. Subsequent appeals were heard by this Court on an expedited fashion by order of this court dated October 15, 2013. This Court affirmed those judgments by unpublished opinion number 2013-001634, issued on March 19, 2014.
4. During the pendency of the appeals, Shirley brought supplemental proceedings to collect on her judgments, which resulted in an order from Master-in-Equity Joseph M. Strickland dated January 21, 2014. That order transferred ownership of a commercial office building and Howard's interest in two corporate entities that managed and held an interest in the office building, to Shirley to satisfy her judgments. (Exhibit A and B)
5. Howard and 1634 Main LP appealed Judge Strickland's orders. Their initial briefs are due Monday, July 21, 2014.
6. Shirley proceeded to market the building for sale, as was ordered by Judge Strickland and now has a purchaser who wishes to purchase the building. Shirley is processing the necessary appeal bond, but the purchaser is concerned (as is Shirley) about the uncertainty of her title to the property caused by the pending appeal. The language of the sales contract has been agreed upon. The only sticking point is the pending appeal and Howard's challenges to Shirley's ability to convey clear title.

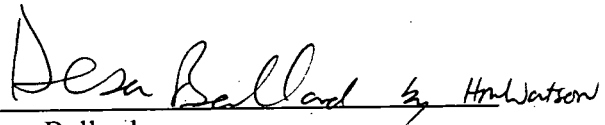
7. The purchaser has requested a 60-day due diligence period, but is reluctant to proceed with expenditures related to due diligence until the issues presented by the pending appeals are decided. Ultimately, the terms of the sale are agreed-upon, but the appeal is preventing the sale from concluding.
8. With appellants' initial briefs due Monday, July 21, 2014, Shirley would propose that her initial brief and designations be due ten (10) days thereafter, and the preparation of the Record on Appeal and final briefs be expedited so that this case can be decided on the merits in an expedited fashion.
9. Shirley is informed and believes that Howard has avoided recent court appearances by claims of illness, but he has multiple legal counsel representing him in these proceedings and related proceedings such that expediting the appeal as requested would not cause prejudice to him.
10. Moreover, Howard is known to be out and about regularly, having recently obtained a new automobile (a Porsche – while being unable to make child support payments). The doctor's report submitted by Howard (attached as Exhibit C), seeks to avoid stress by way of court appearances, which would not prevent or interfere with the expediting of this appellate matter.

Wherefore, Shirley Hammer moves for an Order:

- A. Expediting the appeal by setting a schedule whereby

- a. Shirley Hammer's initial brief and designations are to be due 10 days after the filing of Appellants' initial brief and designations of matter; and
- b. Requiring completion of the Record on Appeal and all additional briefs be scheduled for deadlines on an expedited basis by this Honorable Court; and

B. For such other and further relief as this Court deems appropriate.



Desa Ballard

Ballard & Watson Attorneys at Law
Post Office Box 6338
West Columbia, SC 29171
Telephone 803.796.9299
Facsimile 803.796.1066
Email: desab@desaballard.com
Bar # 000498

ATTORNEY FOR SHIRLEY HAMMER

July 18, 2014

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-40-059-14
 2010-CP-40-2889



Shirley Hammer,

Howard Hammer

Shirley Hammer
 PLAINTIFF(S)

1634 Main, LP,
 DEFENDANT(S)

| | |
|---|--|
| Submitted by: Stéphanie Weissenstein, Esquire | Attorney for: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> 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 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; 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.

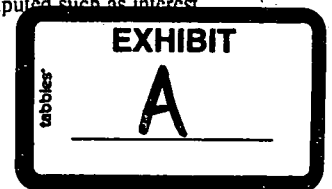
IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

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: TAX Map No: 09014-04-19 | | |

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



STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Shirley Hammer)
)
 Plaintiff,)
)
 vs.)
)
 Howard Hammer)
)
 Defendant,)
 _____)
 STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Shirley Hammer)
)
 Plaintiff,)
)
 vs.)
)
 1634 Main, LP)
)
 Defendant,)
 _____)

IN THE COURT OF COMMON PLEAS
 CA# 2009-CP-40-05911
 CA# 2010-CP-40-2889

RICHLAND COUNTY
 FILED
 2014 JAN 21 AM 9:06
 JEANETTE W. MCGRUDER
 C. C. P. & C. S. JUDGE

**ORDER DIRECTING TRANSFER
 OF REAL PROPERTY
 TO SATISFY JUDGMENTS**

The matter before the court is a hearing in the nature of supplemental proceedings. Present at the hearing on January 9, 2014 were the Plaintiff and her counsel, Stephanie Weissenstein. Also present was Howard Hammer, who appeared *pro se* in the Hammer v. Hammer matter, and as agent for 1634 Main, LP. Art Aiken appeared as counsel for 1634 Main, LP and as counsel for Howard Hammer for the 1634 Main matter.

STATEMENT OF THE CASE

These supplemental proceedings were initiated by verified petitions and Rules to Show Cause issued by Judge Casey Manning on April 22, 2013, based on executions against property issued dated January 29, 2013. On June 25, 2013, execution against property were issued for additional judgments, and returned by the Richland County Sheriff *nulla bona*. Throughout these proceedings, including hearings, Plaintiff has alleged her judgments are in the principle amount of \$317,777.17, as set forth below. The defendants made no objections to Plaintiff's assertion or this Court's consideration of the all judgments in these proceedings until oral arguments at the final merits hearing on January 9, 2014. Defendants' oral objections to this Court's consideration of the entirety of Plaintiff's judgments against Defendant's are untimely, and overruled.

Plaintiff holds judgments against the defendant debtors, as follows:

| <u>Debtor/Date</u> | <u>Principal</u> | <u>Interest¹</u> | <u>Total</u> |
|--------------------------------------|----------------------------|-----------------------------|----------------------------|
| 1634 Main LP (01/29/2013 Judgment) | \$25,000.00 | \$ 1,673.46 | \$ 26,673.46 |
| 1634 Main LP (06/03/2013 Judgment) | \$102,032.87 | \$ 4,397.90 | \$106,430.77 |
| | <u>\$127,032.87</u> | <u>\$ 071.36</u> | <u>\$133,104.23</u> |
| Howard Hammer (01/29/2013 Judgments) | \$130,000.00 | \$ 701.99 | \$138,701.99 |
| Howard Hammer (06/03/2013 Judgments) | \$ 60,744.30 | \$ 2,618.25 | \$ 63,362.55 |
| | <u>\$190,744.30</u> | <u>\$11,320.23</u> | <u>\$202,064.53</u> |
| Total due Shirley Hammer | <u>\$317,777.17</u> | <u>\$17,391.59</u> | <u>\$335,168.76</u> |

These proceedings are conducted under Chapter 39 of Title 15 of the South Carolina Code, for the purpose of executing on property owned by debtor to satisfy judgments against them. The Rules to Show Cause and Order of Reference required defendants, Howard Hammer (Mr. Hammer) and 1634 Main LP (1634 Main), a limited partnership controlled by Mr. Hammer

¹ Post-judgment interest is calculated through January 9, 2014.

(via his ownership of the general partner, SH5, LLC, to appear before the Court on May 30, 2013, pursuant to S.C. Code Ann. Section 15-39-310 and bring records which would establish the existence of real and personal property so that the Master could execute against such discovered property for purposes of satisfying the judgments. Neither Mr. Hammer nor any representative of 1634 Main appeared as ordered by Judge Manning on May 30, 2013. Arthur Aiken appeared as counsel for Mr. Hammer and 1634 Main, but gave no explanation for Mr. Hammer's absence or his failure to appear. This Court continued the matter and ordered both defendants to appear at a hearing on June 4, 2013.

At the June 4, 2013 hearing, Mr. Hammer appeared, but brought no documents as had been ordered by Judge Manning; Mr. Aiken similarly produced no documents in response to the RTSC. Besides motions to dismiss, which were denied, no responsive pleadings were filed then, or since. At the June 4, 2013 hearing, Mr. Hammer was sworn in as a witness, but he was evasive, and did not provide substantive information about his assets. Additionally, he invoked the Fifth Amendment regarding questions related to 1634 Main LP and the real estate located at 1634 Main Street in Columbia.

The Court granted Mrs. Hammer's request to continue the examination by written discovery. By order dated June 10, 2013, this Court ordered both Mr. Hammer and 1634 Main LP to answer questions via written interrogatories and requests to produce to enable the Court to determine what assets exist against which the underlying judgments in these cases can be satisfied.

On or around June 11, 2013, Mrs. Hammer's counsel thereafter served written questions, consisting of interrogatories and requests to produce, on both Mr. Hammer and 1634 Main. The court's order also required Mr. Hammer and 1634 to file copies of their discovery responses with

this Court. This court also granted the Plaintiff's motion to consolidate these matters and all judgments awarded against these defendants in favor of plaintiff.

Neither Mr. Hammer nor 1634 Main LP served or filed any responses to the written discovery.

At a third hearing on August 12, 2013, Mr. Hammer again failed to appear. Mr. Aiken stated he was representing both Mr. Hammer and 1634, and reported that Mr. Hammer had gone to the Bahamas on a vacation with his children. At the hearing, Mr. Aiken presented to Mrs. Hammer's counsel answers to the interrogatories, but he did not provide any response to the requests to produce that were also due by that date. The court record reflects no responses to the written questions.

The written responses handed to Mrs. Hammer's counsel on August 12, 2013 were untimely and contained objections. The information was provided was non-substantive and provided no information useful to the Court in these proceedings. Neither Mr. Aiken on behalf of his client nor Howard Hammer, *pro se*, supplemented the responses prior to the hearing on January 9, 2014.

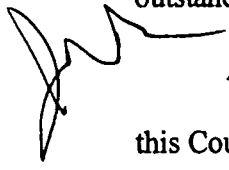
Neither Mr. Hammer nor 1634 Main LP has filed any responses to the written discovery served upon them, as they were required to do by this court's order dated June 10, 2013.

Mrs. Hammer's counsel subpoenaed documents from several witnesses with no response. She also subpoenaed several of those witnesses to appear at the August 12, 2013 hearing to give testimony and provide documentation about the assets of defendants Howard Hammer and 1634 Main, LP., only Alvin Hammer and Debra Covington appeared at the August 12, 2013 hearing. Ms. Covington provided the Court and Mrs. Hammer's counsel with documents responsive to the subpoena.

Alvin Hammer stated he had provided loans to Howard Hammer, but indicated he had no documentation responsive to the subpoenas that were served upon him. Alvin Hammer also volunteered he would be willing to discuss settlement options on behalf of Howard Hammer. Witness Bernard Ackerman did not appear and did not provide documents which were required to be provided.

The hearing on August 12, 2013 was concluded without resolution of the remaining motions, to give the parties time to try to work out a settlement. On September 9, 2013, the court was informed no settlement could be reached, and counsel for Plaintiff submitted a proposed order to the court for the transfer of certain real property located at 1634 Main Street to Plaintiff.

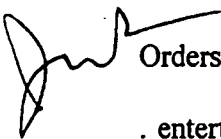
On September 9, 2013, the defendant debtors filed a motion for summary judgment alleging that transfer of the real property is beyond the power of this court, under S.C. Code §15-31-310, *et. seq.* A hearing was scheduled for January 9, 2014 for purposes of addressing all outstanding issues, and notice of the hearing was sent to all counsel of record October 14, 2013.



At the hearing on January 9, 2014, Counsel for Plaintiff renewed Plaintiff's request that this Court execute against property owned by Howard Hammer and 1634 Main, LP to satisfy the judgments. Mr. Hammer made an oral motion to dismiss Plaintiff's claim for execution against property on the basis that a separate action seeking foreclosure of judgments filed by Plaintiff on November 4, 2013 (Case No. 2013-CP-40-06898) divested this court of its jurisdiction over the supplemental proceedings. Counsel for 1634 Main, LP joined in the motion, and argued that only a foreclosure proceeding could divest his client of property for purposes of satisfying a judgment. Counsel for Plaintiff noted that the foreclosure matter would be rendered moot if these supplementary proceedings resulted in an execution against property owned by the judgment debtors, and that the foreclosure matter was filed in order to attach other property to the

judgment if it became necessary to do so. Both the oral Motion to Dismiss and Motion for Summary Judgment are denied.

The powers of the Master in Equity are defined by State law and by an Order of Reference, and the South Carolina Rules of Civil Procedure. In this case, Judge Manning issued Orders of Reference after the Executions Against Property owned by the judgment debtors were returned by the sheriff *nulla bona* under S.C. Code Ann. 15-39-130. In South Carolina, upon proof to the satisfaction of the court is received that the judgment debtor has property which he unjustly refuses to apply towards the satisfaction of the judgment, then “such . . . *proceedings may thereupon be had for the application of the property of the judgment debtor towards the satisfaction of the judgment as are provided upon the return of an execution.*” S.C. Code §15-39-310.



It was for this purpose the Orders of Reference were executed by Judge Manning. The Orders of Reference also specifically gave this court the “authority to enter into final judgment. . . entertain and *rule upon all motions necessary to dispose of this matter, to include but not be limited to: motions to dismiss, motions to appoint a receiver, motions to continue the matter, and motions to sell all or certain property of judgment debtor in satisfaction of Plaintiff’s debt.*” (emphasis added).

The judgment debtors own property which may be attributed to satisfy Plaintiff’s debt. S.C. Code §15-39-10 (c) specifically states one manner of execution includes “the delivery of the possession of real or personal property or such delivery with damages for withholding the property”. Such executions “may issue upon final judgments or decrees.” S.C. Code §15-39-30. Separate foreclosure proceedings and judicial sale are not required.

Mrs. Hammer has introduced into evidence exhibits that reflect the real property owned in part by Mr. Hammer personally and in part by 1634 Main LP, located at 1634 and 1632 Main Street in Columbia, South Carolina, has a fair market value of \$900,000.00. At the hearing on January 9, 2014, Mr. Hammer stipulated to the estimated value, and testified there is a tax lien against the property. The real property is more fully identified as:

Those certain parcels of land, with improvements thereon, situate in Richland County, South Carolina, being shown and designated as Parcel A and Parcel B, collectively containing 0.50 acre on plat prepared for Downtown Associates by Cox and Dinkins, Inc. dated February 5, 1996, recorded in the office of the RMC for Richland County in Plat book ___ at page ___ (the failure of record to said plat or to insert the recording data herein shall not affect the validity hereof) said plat being incorporated herein by reference, said parcels being collectively described as follows:

BEGINNING at a Bldg. Corner at the westernmost corner of Parcel B whereat said property corners with property now or formerly of Martha W. Fowler, et al, along the eastern margin of the right-of-way of Main Street a distance of 107.4 feet, more or less, from its intersection with Blanding Street, and running along property now or formerly Martha W. Fowler, et al N70°16'01"E - 209.01 feet to a ½" rod; thence turning and running along property now or formerly of Lexington State Bank, as follows: S19°27'00"E -17.80 feet to a point; N71°09'40"E -211.75 feet to an "X" on concrete; thence turning and running along the western margin of the right-of-way of Sumter Street S19°25'59"E -42.33 feet to an "X" on concrete; thence turning and running along property now or formerly of James L. Tapp Co., Inc., as follows: S71°06'28"W -211.73 feet to an "X" on concrete: S19°27'00"E -0.77 feet to an "X" on concrete thence turning and running along property now or formerly of Kimbrell's Investment, Co. S70°17'08"W -208.84 feet to an "X" on concrete; thence turning and running along the eastern margin of the right-of-way of Main Street N19°36'31"W -61.03 feet to the POINT OF BEGINNING.

This being a portion of the same property conveyed to Shirley Hammer by deed of 1634 Main, L.P., a South Carolina limited partnership dated February 11, 2002, and recorded in the office of the Register of Deeds for Richland County, South Carolina, in Deed Book 00627, at page 1909.

This being a portion of the same property conveyed to Howard Hammer by deed of Shirley Hammer dated February 27, 2013, which was not recorded. The deed was properly delivered to Howard Hammer via letter from Timothy E. Madden to Thomas H. Pope dated February 27, 2013, effecting delivery transfer of title.

Tax Map #09014-04-19

This conveyance is made subject to all easements, conditions, covenants, restrictions and rights-of-way which are a matter of public record and/or actually existing upon the grounds affecting the abovedescribed property.

Together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs or successors and assigns, forever.

According to evidence of record in these proceedings and the public records, Mr.

Hammer owns, among other assets:

- 52.75 % undivided interest in real property located at 1634 Main Street in Columbia, which was transferred to him as a result of a settlement of the family court action involving Mr. and Mrs. Hammer. The quit claim deed executed by Mrs. Hammer deeding the 52.75% interest in the real property to Mr. Hammer was executed on February 27, 2013 and delivered to Mr. Hammer via letter from Mrs. Hammer's attorney Timothy E. Madden dated February 27, 2013. That deed has not been recorded in Richland County.
- An unknown percentage of ownership in a limited partnership identified as 1634 Main LP. Some portion of this interest was transferred from Mrs. Hammer to Mr. Hammer by instrument dated February 27, 2013, and delivered to Mr. Hammer via letter from Mrs. Hammer's attorney Timothy E. Madden dated February 27, 2013. Mr. Hammer also owns some percentage interest in 1634 Main LP independent of and in addition to that which was transferred to him by Mrs. Hammer.

- Some portion or all of a limited liability corporation named SH5, LLC, a South Carolina limited partnership, which is the general partner of defendant 1634 Main, LP.

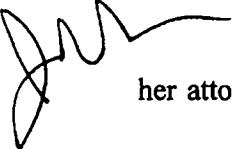
According to the evidence and documents of record, 1634 Main LP owns an unknown percentage of the real estate located at 1634 and 1632 Main Street, Columbia, SC, as described above.

As set forth below, all right, title and interest in these assets is transferred to Shirley Hammer. Transfers of real property are fee simple absolute. The transfer Mr. Hammer's interest in the identified entities is unconditional and permanent. These transfers are for the purpose of being applied to the unsatisfied judgments, the attorney's fees and costs awarded herein, and all costs related to the sale or transfer of these assets, as set forth below. Mrs. Hammer, as transferee, has no obligations of any kind to the transferors (Howard Hammer and 1634 Main LP) to account for the income or assets or the proceeds of sale, other than the accounting that is required as set forth below. Specifically, Mrs. Hammer is not a fiduciary to either Mr. Hammer or 1634 Main LP.

The Plaintiff moved that Howard Hammer be found in criminal contempt of court for his and 1634 Main, LP's failure to obey the orders of this court in numerous respects by not providing truthful or complete responses to the Plaintiff's questions and/or interrogatories and by not providing the documentation they were ordered to produce by the RTSC and this Court's order dated June 10, 2013. That motion is denied.

At the conclusion of these proceedings, plaintiff moved she be awarded attorney's fees and costs for these proceedings as sanctions against Howard Hammer and 1634 Main LP under the terms of the Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. Section 15-36-10 *et*

seq. and Rule 11, SCRC. Plaintiff alleges that because of the defendant's actions in these proceedings, including interfering with her ability to obtain discovery, refusing to answer questions as required by statute and as ordered by this Court, she incurred unnecessary and extraordinary legal expense for the prosecution of these supplemental proceedings. These proceedings have been extraordinary and multiplied in complexity as a direct result of Howard Hammer's intentional actions to thwart these proceedings as well as the actions of 1634 Main LP, acting through Howard Hammer. The willful failure to cooperate in these proceedings unnecessarily complicated and delayed these proceedings, some positions advanced by the judgment debtors were frivolous and were intended to delay these proceedings. I find that the fees and costs incurred by Mrs. Hammer in prosecuting this action, in the amount of \$55,385.70, are reasonable and were necessarily incurred to conclude this matter.

 Therefore, pursuant to S.C. Code Ann. Section 15-36-10 *et seq.* plaintiff's request that her attorney's fees and cost in the amount of \$55,385.70 be assessed against judgment debtor Howard Hammer as sanctions is hereby GRANTED. Additionally, the fees shall be paid on or before February 28, 2014 at 5:00 p.m.

When the Court orally announced its intent to grant Plaintiff's request for execution against property, Defendant Howard Hammer orally moved for the undersigned's recusal. Mr. Hammer's Motion for Recusal is denied.

ORDERS

All subpoenas issued in this matter are hereby quashed, rule 45, SCRC.

Howard Hammer's Motion to Dismiss, made at the January 9, 2014 hearing, is DENIED.

Defendants' Motion for Summary Judgment is DENIED.

Howard Hammer's Motion for Recusal is DENIED.

Plaintiff's Motion for Attorney's Fees and Costs pursuant to S.C. Code Ann. Section 15-39-10 is GRANTED and judgment is entered against the judgment debtors for an additional \$55,385.70.

Plaintiff's Motion to Hold Howard Hammer in Criminal Contempt is denied.

IT IS FURTHER ORDERED:

1. Any and all interest of Howard Hammer and 1634 Main, LP in real property located at 1634 Main Street in Columbia, SC, and as more fully identified hereinabove, shall be transferred to Shirley Hammer, her heirs, successors and assigns, in fee simple absolute, pursuant to a Master's Deed.
2. Any and all legal and equitable ownership interest of Howard Hammer in 1634 Main LP, a limited partnership under South Carolina law, including any and all income, bank accounts, and other assets, is transferred by this order to Shirley Hammer.
3. Any and all legal and equitable ownership interest of Howard Hammer in SH5, LLC, a limited liability corporation under South Carolina law, including any and all income, bank accounts, and other assets, is transferred by this order to Shirley Hammer.
4. Mrs. Hammer, as transferee, has no obligations of any kind to the transferors (Howard Hammer and 1634 Main LP) to account for the income or assets or the proceeds of sale, other than the accounting that is required as set forth in Paragraph 7 below. Specifically, Mrs. Hammer is not a fiduciary to either Mr. Hammer or 1634 Main LP.

5. Mrs. Hammer shall immediately take such action as she deems necessary or appropriate to market and sell the assets transferred to her in this order in a commercially-reasonable manner (including such treatment as is necessary of the limited partnership and corporate entity for purposes of selling the assets. Mrs. Hammer may use any income from the building for regular maintenance and operating expenses of the real property.

6. Mrs. Hammer shall pay to herself from the sales proceeds:

a. Any and all costs incurred in connection with the marketing and sale of the property;

b. The total amount of the judgments held by her against Howard Hammer and 1634 Main LP as set forth above. Post-judgment interest on the judgments shall stop on the judgments upon execution of this order.


c. The attorney fees and costs awarded herein plus post-judgment interest at the rate established by Order of the Supreme Court dated January 3, 2014.

7. Mrs. Hammer shall escrow any additional funds that remain after the above disbursements, until an accounting can be performed and distributions ordered by this Court.

8. Mrs. Hammer is and has all powers as an owner of the real and personal property conveyed to her in this order, and she may collect rents or other income and take such other actions as may be appropriate to manage, market and sell the real property located at 1634 and 1632 Main Street, Columbia, South Carolina.

9. While they may seek whatever legal remedies may be available to them by way of appeal, Howard Hammer and 1634 Main LP shall not interfere with the management or sale by Shirley Hammer of the assets transferred herein.

IT IS SO ORDERED.



Joseph Strickland,
Master In Equity
For Richland County

January 21, 2014

MASTER'S DEED)
State of South Carolina)
COUNTY OF Richland)

Book 1922-1520
2014004073 01/22/2014 14:52:50:093 Master's Deed-Foreclosure
Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00



2014004073 John T. Hopkins II

Richland County R.O.D.

TO ALL WHOM THESE PRESENT SHALL CONCERN:

I, Joseph M. Strickland, as Master in Equity for Richland County, in said State, send greetings:

WHEREAS, in an action in the Court of Common Pleas in Richland County between **Shirley Hammer, as Plaintiff, vs. Howard Hammer as Defendants, Case Number 2009-CP-40-5911 and Shirley Hammer, as Plaintiff, vs. 1634 Main, LP, Case Number 2010-CP-40-2889** by an Order dated **January 17, 2014**, it was decreed that the property hereinafter described should be transferred by the Master in Equity for Richland County on the terms and for the purposes mentioned in the Order(s) granted in the case; and

WHEREAS, Shirley Hammer, as Plaintiff, on or about the 18th day of August, 2009, did file Summons and Complaint in the Court of Common Pleas at Columbia, in the County of Richland, and State aforesaid against Howard Hammer and 1634 Main, LP, as Defendant/s:

And after full hearing of the issues, the Honorable **JOSEPH M. STRICKLAND**, Judge of said Court, on January 17, 2014 did Order, Adjudge, and Decree that the property more particularly hereinafter set forth and described, should be transferred on the terms and for the purposes mentioned in the order and/ or orders in the case made;

And pursuant to said order, I, **JOSEPH M. STRICKLAND**, as Master in Equity for Richland County, do hereby convey 1634 and 1632 Main Street in Columbia South Carolina to Shirley Hammer.

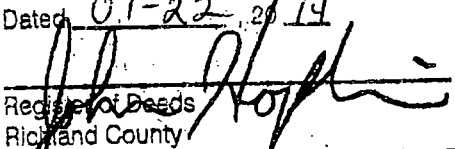
NOW, KNOW ALL MEN, That I, the undersigned, as Master in Equity for Richland County, releases the following described property unto the grantee,

Grantee's Name :

Shirley Hammer

421 River Club Drive

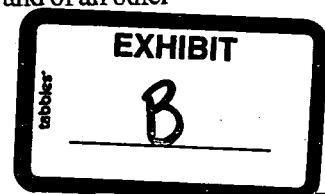
Lexington, South Carolina 29072

| |
|---|
| State of South Carolina I certify that this is a true and correct copy Dated <u>01-22-2014</u>  Register of Deeds Richland County |
|---|

See attached property description.

Subject to assessments, Richland County taxes, existing easements, easements and restrictions of record, and other senior encumbrances.

TOGETHER, with all and singular the hereditaments, rights, members and appurtenances whatsoever to the said property belonging or in any wise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof, and also any estate, right, title, interest, dower, possession, benefit, claim or demand therein whatsoever of all parties to the said suit and of all other



persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD the said property, with its hereditaments, privileges, and appurtenances, unto the said grantee, their successors and assigns for their own use and benefit forever.

IN WITNESS WHEREOF, I, the undersigned, as Master in Equity for Richland County, under and by virtue of the said Order(s), have hereunto set my Hand and Seal the 21st day of January, in the year of our Lord Two Thousand and Fourteen, and in the Two Hundred and Thirty-seventh year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED)

In the Presence of:)

Fristella Cornelius
Austin M. Strickland

(Seal)
Master in Equity, Richland County

State of South Carolina)
COUNTY OF RICHLAND)

PERSONALLY APPEARED the above named witness and made oath that (s)he saw the within named Joseph M. Strickland, as Master for Richland County, sign, seal and as his act and deed, deliver the within Deed; and that (s)he with the other above named witnessed the execution thereof.

Fristella Cornelius

SWORN TO AND SUBSCRIBED before me on this 21st day of Jan, 2014.

Austin M. Strickland

NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: August 27, 2023

Those certain parcels of land, with improvements thereon, situate in Richland County, South Carolina, being shown and designated as Parcel A and Parcel B, collectively containing 0.50 acre on plat prepared for Downtown Associates by Cox and Dinkins, Inc. dated February 5, 1996, recorded in the office of the RMC for Richland County in Plat book ___ at page ____ (the failure of record to said plat or to insert the recording data herein shall not affect the validity hereof) said plat being incorporated herein by reference, said parcels being collectively described as follows:

BEGINNING at a Bldg. Corner at the westernmost corner of Parcel B whereat said property corners with property now or formerly of Martha W. Fowler, et al, along the eastern margin of the right-of-way of Main Street a distance of 107.4 feet, more or less, from its intersection with Blanding Street, and running along property now or formerly

Martha W. Fowler, et al N70°16'01"E - 209.01 feet to a ½" rod; thence turning and running along property now or formerly of Lexington State Bank, as follows: S19°27'00" E -17.80 feet to a point; N71°09'40"E -211.75 feet to an "X" on concrete; thence turning and running along the western margin of the right-of-way of Sumter Street S19°25'59"E -42.33 feet to an "X" on concrete; thence turning and running along property now or formerly of James L. Tapp Co., Inc., as follows: S71°06'28"W -211.73 feet to an "X" on concrete; S19°27'00"E -0.77 feet to an "X" on concrete thence turning and running along property now or formerly of Kimbrell's Investment, Co. S70°17'08"W -208.84 feet to an "X" on concrete; thence turning and running along the eastern margin of the right-of-way of Main Street N19°36'31"W -61.03 feet to the POINT OF BEGINNING.

This being a portion of the same property conveyed to Shirley Hammer by deed of 1634 Main, L.P., a South Carolina limited partnership dated February 11, 2002, and recorded in the office of the Register of Deeds for Richland County, South Carolina, in Deed Book 00627, at page 1909.

This being a portion of the same property conveyed to Howard Hammer by deed of Shirley Hammer dated February 27, 2013, which was not recorded. The deed was properly delivered to Howard Hammer via letter from Timothy E. Madden to Thomas H. Pope dated February 27, 2013, effecting delivery transfer of title.

Tax Map #09014-04-19

State of South Carolina)
County of Richland)

SHIRLEY HAMMER) Petitioner,)
))
- vs -))
))
HOWARD HAMMER) Respondent.)
XXX-XX-0847)

In The Family Court Of The
Fifth Judicial Circuit

NOTICE

Docket Number: 2005-DR-40-287100

TO: SHIRLEY HAMMER

A hearing on a RULE TO SHOW CAUSE for Contempt has been set in the above matter for the 15th day of July, 2014 at 09:30 o'clock AM, in the Fifth Judicial Circuit, located in the Richland County Family Court, 1701 Main Street, Columbia, SC at the aforesaid time.

You are encouraged to attend the hearing. No information will be given over the phone concerning the service or results of the hearing.

We are attempting to serve the respondent but cannot verify service was made prior to the court date.

Family Court

Dated at Columbia, SC
This 5th day of June, 2014

SHIRLEY HAMMER
421 RIVER CLUB ROAD
LEXINGTON, SC 29072



STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
Shirley Hammer)
Plaintiff,)
Howard Hammer)
vs.)
Defendant.)

IN THE FAMILY COURT
5th JUDICIAL CIRCUIT

CIVIL CONTEMPT ORDER
(Non-Support)

Docket No. 05-2871

Plaintiff Attorney: _____
Defendant Attorney: F. LESTER
Guardian ad Litem: _____

Hearing Date: July 15, 2014
Judge: ARMSTRONG
Court Reporter: _____

Pursuant to a Rule to Show Cause/~~Search Warrant~~, this matter was heard on the date shown above: Plaintiff did/ did not appear. Defendant did/ did not appear. The Court finds that the Defendant owes a support arrearage of \$ 5053.90 as of the hearing date. The Defendant's failure to pay support was/ was not willful, and that Defendant had/ did not have the ability to pay support. The conclusions are based on the following facts: PAST DUE ARRS; DEF.'S ATTY PROVIDED A DOCTOR'S STATEMENT ON HIS MEDICAL OPINION.

Therefore, the Court finds:

- Defendant is not in civil contempt of this court.
 Defendant is in civil contempt of court, and orders the Defendant be confined to the County Detention Center for a period of _____ Defendant may purge himself/herself of contempt and be released from confinement by:
- Payment of expenses related to this proceeding of \$ _____ to the _____ County Clerk of Court.
 - Payment of \$ _____ to the _____ County Clerk of Court to apply against arrearages.
 - THIS HIG SHALL BE CONTINUED FOR (30) DAYS
 - Confinement shall commence immediately.
 - Confinement shall commence at _____ a.m./p.m. on (/ /) when _____ unless she/he has earlier purged himself/herself of contempt.

IT IS FURTHER ORDERED that

- Defendant pay the sum of \$ _____ (+5% collection costs) per _____ to apply against arrearages commencing (/ /), in addition to any previously ordered payments.
- Enforcement of the support shall be held in abeyance until further order of this Court.
- The Clerk of Court implement wage withholding immediately.
CC SHALL RE-SCHEDULE FOR 8/12/14 @ 9:30 AM

IT IS FURTHER ORDERED that the parties shall advise the Clerk of Court of their current address at all times.

Date: July 15, 2014
Columbia, S.C.

[Signature]
Family Court Judge

Custodial Parent (if applicable): THIS ORDER SHALL SERVE AS NOTICE TO APPEAR.

FILED
2014 JUL 15 AM 9:56
JEF
FAMILY COURT



Palmetto Heart

J. Kevin Baugh, MD, FACC
 Myron Bell, MD, FACC
 Meghan L. Businaro, DO
 Matthew G. Cantrell, MD, FACC
 Richard A. Edelson, MD, PhD, FACC
 Barry J. Feldman, MD, FACC, FACP, FSCAI
 Jennifer A. Feldman, MD, FRACP
 Terry A. Grainger, MD, FACC, DABSM
 Rodney V. Harrison, MD, FACC, DABSM
 J. Kyle Hewitt, MD, FSCAI
 Ryan J. MacNevin, MD
 Guillermo E. Pineda, MD, FACC, FSCAI
 Sultan M. Siddique, MD, FACC, FHRS
 Mark A. Stellingworth, MD, FACC
 Vince M. Vismara, MD, FSCAI

Micheal W. Bunker, ACNP
 Teresa B. Dürden, ACNP
 Patricia W. Felmy, FNP
 Carol J. Ferrence, FNP
 Jamez M. Fletcher, ACNP
 Jeannette Forest, ACNP
 L. Grace Kludo, ACNP
 Lisa D. Murphy, FNP
 Michele L. O'Hara, ACNP
 Tonya L. Sellers, ACNP
 Eric E. Shoup, PA-C, CLS
 Yorlkanne Sylvester, ACNP
 Sandi P. VanHoosier, PA-C
 Linda Van Duys, ACNP
 Phyllis H. Williamson, ACNP, CLS
 Steven A. Wood, PA-C

Columbia
 8 Richland Medical Park Dr.
 Suite 100
 Columbia, SC 29203
 803-434-3800 phone
 803-744-2759 fax

Irmo
 300 Palmetto Health Pkwy.
 4th Floor
 Columbia, SC 29212
 803-434-3800 phone
 803-744-2759 fax

Hartsville
 701 Medical Park Dr.
 Suite 301
 Hartsville, SC 29550
 843-383-5978 phone
 843-383-5977 fax

PalmettoHealth.org/PalmettoHeart

05 June 2014

To Whom It May Concern:

Re: Howard Hammer 97974

Mr. Howard Hammer is my patient who I have followed for several years. Mr. Hammer recently suffered a pulmonary embolus and was hospitalized for several days this past March. The etiology of his pulmonary emboli could not be clearly identified. He had a large pulmonary embolus which at the time was life threatening. He now requires constant anticoagulation with chronic monitoring of his blood.

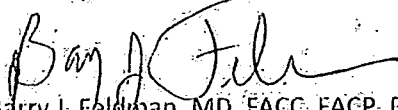
This was an extremely stressful event which was emotionally draining on Mr. Hammer. He is currently under a great deal of emotional distress due to this recent serious medical event. I would recommend that he avoid intense emotionally stressful situations which include court appearances for the next four months while he is on anticoagulant therapy.

He also has a history of supraventricular tachycardia which is exacerbated by emotional stress. He is currently on anxiolytic medications to help mitigate this problem.

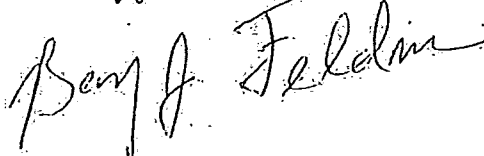
He is currently restricted from physical contact activities and heavy lifting.

I recommend he be further evaluated by hematology to help better discern the etiology of his pulmonary emboli.

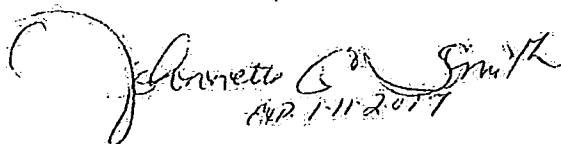
Sincerely,


 Barry J. Feldman, MD, FACC, FACP, FSCAI

/tph Reaffirmed 10 July 2014



7/10/2014


 APR 11 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber Jr., Supervising Circuit Court Judge
Case No. 2009-CP-40-05911
Case No. 2010-CP-40-02889

Appellate Case No. 2014-000965

1634 Main, LP, Appellant

Vs.

Shirley Hammer, Respondent

Vs.

Howard Hammer, Appellant

and

Howard Hammer Appellant

Vs.


Shirley Hammer, Respondent.

CERTIFICATE OF SERVICE

I, Beth Cogan, an employee of Ballard & Watson Attorneys at Law, do hereby certify that on July 18, 2014, I served a copy of the **Motion to Expedite** in the above-captioned case on the following individuals by electronic mail and by regular United States Mail, with sufficient first class postage affixed, addressed as follows:

**Arthur K. Aiken, Esquire
Aiken & Hightower
2231 Devine Street, Suite 201
Columbia, South Carolina 29205**

**Tommy Bunch, Esquire
Robinson McFadden
Post Office Box 944
Columbia, South Carolina 29202**


Beth Cogan, Paralegal

July 18, 2014
West Columbia, South Carolina