

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

SEBRINA LEIGH-JONES,
Plaintiff,

vs.

EVE F. OLASOV,
Defendant.

LUXURY LAND AND HOMES, INC., and
EVE F. OLASOV,

Plaintiffs,

vs.

SEBRINA LEIGH-JONES; CHRIS LEIGH-
JONES; LUXURY SIMPLIFIED, LLC;
BRIDGE CHARLESTON INVESTMENTS,
LLC; and LUXURY SIMPLIFIED REAL
ESTATE, INC.,

Defendants.

IN THE COURT OF COMMON PLEAS

Case No. 2013-CP-10-04798

RECEIVED

AUG 21 2014

SC Court of Appeals

**ORDER APPOINTING INTERIM BROKER-
IN-CHARGE**

Case No. 2013-CP-10-06162

BY _____

JUDITH L. HARRIS
CLERK OF COURT

2014 JUN 23 AM 9:14

The first of these related cases, filed in August 2013 by Sebrina Leigh-Jones (“Leigh-Jones”), seeks dissolution of Luxury Land & Homes, Inc. (“LLH” or “company”), a real estate brokerage in which Leigh-Jones and Eve F. Olasov (“Olasov”) each owns a half interest. Leigh-Jones purchased fifty percent of the shares of LLH in October 2012. Olasov is the designated BIC for LLH.

Beginning in the spring of 2013, serious disagreements developed between Leigh-Jones and Olasov (the “parties”) as to the management of the company and their respective obligations to each other and the company. In response to Leigh-Jones’ dissolution filing, Olasov responded with counter-claims and the filing of a second action with claims against Leigh-Jones and other persons and entities as listed in the caption for this matter.

On January 9, 2014, Leigh-Jones filed a Motion to Appoint a Custodian pursuant to section 33-14-320 of the South Carolina Code of Laws. The Court presided over a hearing on the appointment motion and Olasov's motion for a temporary injunction on June 10 and 11, 2014. The hearing has not concluded and is scheduled to resume on August 18, 2014. At the end of the second day of the hearings, Leigh-Jones's attorneys argued that the Court should appoint an interim broker-in-charge¹ ("BIC") for the supervision of Leigh-Jones and in the interest of the public. The motion was based on evidence at the hearing of (i) the disintegration of the professional relationship between the parties to the point that they are adversarial and (ii) Leigh-Jones' need for professional support and supervision per state statute. Leigh-Jones asserts that she has sales contracts under current listings and anticipates additional listings with sales contracts that will need to close in the near future prior to the disposition of this litigation. It is clear to the Court from the two days of hearings that Leigh-Jones and Olasov have irreconcilable differences as to management issues and an irreparable working relationship. As such, the Court believes appointment of an interim broker-in-charge is necessary for the statutory supervision of Leigh-Jones as a real estate agent and for the protection of the public.

Section 33-14-320 of the South Carolina Code authorizes "a court in a judicial proceeding brought to dissolve a corporation [to] appoint . . . custodians to manage, the business and affairs of the corporation." S.C. Code (Ann.) §33-14-320 (2013). Leigh-Jones seeks a custodian in the person of an interim BIC who will: (1) adequately supervise her to ensure her compliance with Title 40, Chapter 57 of the Code entitled "Real Estate Brokers, Salesmen and Property Mangers"; (2) review and approve all forms of listing agreements, agency agreements, offers, sale contracts, purchase contracts, leases, options, contract addenda, or other routinely used contractual documents; (3) maintain adequate, reasonable, and regular contact with her while she is actively engaged in real estate transactions, so as

¹ In her *Memorandum in Opposition* Olasov's attorneys state that the only appropriate "appointee would have to be a licensed real estate broker in order to comply with S.C. real estate licensing law found in Title 40 of the S.C. Code." (Olasov Memo. in Opp. p. 3) However, at the hearing Olasov's attorneys argued that appointment of a BIC is not justified under §40-57-135(C)(3) based on the facts developed in the record.

to prevent or curtail practices by her that could violate any provision of applicable South Carolina real estate law; (4) instruct her on the proper handling of trust funds; (5) be available to the public during normal business hours in order to discuss or resolve complaints and disputes which arise during the course of real estate transactions in which Leigh-Jones is involved; and (6) ensure that accurate and complete records, as required by applicable South Carolina real estate law, are maintained for real estate trust accounts. The six items listed above are statutory duties required of a broker-in-charge per S.C. Code (Ann.) §40-57-135 (2013).

The Court finds that Olasov does not require additional BIC supervision. Leigh-Jones, however, is not a BIC and must be provided BIC supervision per state law. At the hearing, counsel for Leigh-Jones provided the curriculum vitae of Charles F. Middleton, a licensed real estate broker, who the Court finds has the requisite experience to serve as the interim BIC for Leigh-Jones. For the reasons set forth above and the apparent likelihood that closings will need to occur in the near future, the Court finds that the appointment of an interim BIC is necessary.

NOW, THEREFORE, PURSUANT TO S.C. CODE §33-14-320, IT IS HEREBY ORDERED:

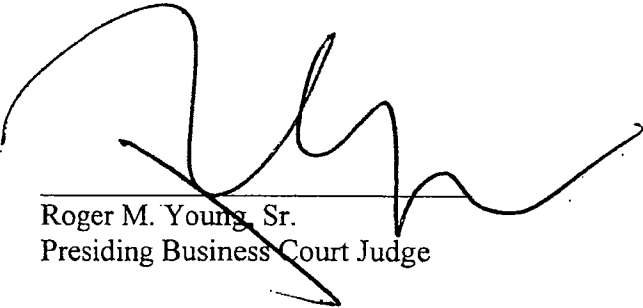
- that Charles F. Middleton shall commence service as the interim broker-in-charge for Leigh-Jones as of the date this Order is filed until relieved by further order of the Court;
- that Middleton shall fulfill the duties of BIC for Leigh-Jones as set forth at S.C. Code (Ann.) §40-57-135 (2013);
- that Middleton shall supervise Leigh-Jones in compliance with Title 40, Chapter 57, entitled “Real Estate Brokers, Salesmen and Property Mangers” and that Olasov is hereby relieved of her supervisory authority and responsibility over Leigh-Jones for such time as Middleton remains appointed as interim BIC;
- that Middleton’s responsibilities as interim BIC shall not extend to Olasov;
- that Middleton shall open a new operating account in the name of “LLH, Inc./Leigh-Jones” with himself as co-signatory with Leigh-Jones for the handling and disposition of all revenues generated from Leigh-Jones’s listings/closings, and that Middleton shall make all decisions on disbursement of all funds from that operating account and shall provide copies of the statements for that operating account to Olasov;

A handwritten signature or set of initials, possibly 'B3', written in black ink.

- that Leigh-Jones shall continue to utilize the existing trust account for LLH for which she is a co-signatory with Olasov;
- that no company revenues generated from Leigh-Jones's listings shall be used by Olasov or Leigh-Jones to pay any fees, costs or expenses associated with this litigation; and
- that Middleton shall be compensated for his services by Leigh-Jones at the time of disbursement from her clients' closings in the amount of 10% of the net commission due to Leigh-Jones, with 80% for Leigh-Jones, and 10% to the LLH Trust Account, in accordance with Leigh-Jones' current commission split arrangement with LLH.

IT IS SO ORDERED.

June 13, 2014.



Roger M. Young, Sr.
Presiding Business Court Judge

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2013-CP-10-04798

SEBRINA LEIGH-JONES,
Plaintiff,

vs.

EVE F. OLASOV,
Defendant.

**AMENDED ORDER APPOINTING INTERIM
BROKER-IN-CHARGE**

LUXURY LAND AND HOMES, INC., and
EVE F. OLASOV,


Plaintiffs,

vs.

SEBRINA LEIGH-JONES; CHRIS LEIGH-
JONES; LUXURY SIMPLIFIED, LLC;
BRIDGE CHARLESTON INVESTMENTS,
LLC; and LUXURY SIMPLIFIED REAL
ESTATE, INC.,

Defendants.

Case No. 2013-CP-10-06162

BY 
JULIE J. ARMSTRONG
CLERK OF COURT
2014 JUL -1 PM 2:56

FILED

The first of these related cases, filed in August 2013 by Sebrina Leigh-Jones (“Leigh-Jones”), seeks dissolution of Luxury Land & Homes, Inc. (“LLH” or “company”), a real estate brokerage in which Leigh-Jones and Eve F. Olasov (“Olasov”) each owns a half interest. Leigh-Jones purchased fifty percent of the shares of LLH in October 2012. Olasov is the designated BIC for LLH.

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to prevent or curtail practices by her that could violate any provision of applicable South Carolina real estate law; (4) instruct her on the proper handling of trust funds; (5) be available to the public during normal business hours in order to discuss or resolve complaints and disputes which arise during the course of real estate transactions in which Leigh-Jones is involved; and (6) ensure that accurate and complete records, as required by applicable South Carolina real estate law, are maintained for real estate trust accounts. The six items listed above are statutory duties required of a broker-in-charge per S.C. Code (Ann.) §40-57-135 (2013).

The Court finds that Olasov does not require additional BIC supervision. Leigh-Jones, however, is not a BIC and must be provided BIC supervision per state law. At the hearing, counsel for Leigh-Jones provided the curriculum vitae of Charles F. Middleton, a licensed real estate broker, who the Court finds has the requisite experience to serve as the interim BIC for Leigh-Jones. For the reasons set forth above and the apparent likelihood that closings will need to occur in the near future, the Court finds that the appointment of an interim BIC is necessary.

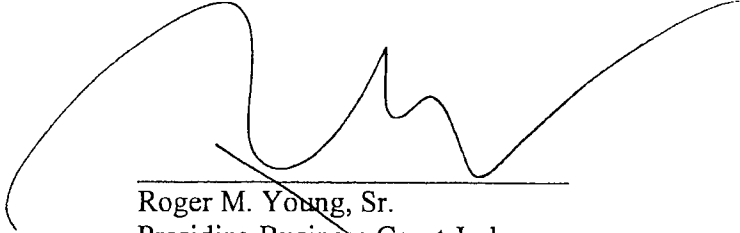
NOW, THEREFORE, PURSUANT TO S.C. CODE §33-14-320, IT IS HEREBY ORDERED:

- that Charles F. Middleton shall commence service as the interim broker-in-charge for Leigh-Jones as of the date this Order is filed until relieved by further order of the Court;
- that Middleton shall fulfill the duties of BIC for Leigh-Jones as set forth at S.C. Code (Ann.) §40-57-135 (2013);
- that Middleton shall supervise Leigh-Jones in compliance with Title 40, Chapter 57, entitled “Real Estate Brokers, Salesmen and Property Mangers” and that Olasov is hereby relieved of her supervisory authority and responsibility over Leigh-Jones for such time as Middleton remains appointed as interim BIC;
- that Middleton’s responsibilities as interim BIC shall not extend to Olasov;
- that Middleton shall open a new operating account in the name of “LLH, Inc./Leigh-Jones” with himself as co-signatory with Leigh-Jones for the handling and disposition of all revenues generated from Leigh-Jones’s listings/closings, and that Middleton shall make all decisions on disbursement of all funds from that operating account and shall provide copies of the statements for that operating account to Olasov;

- that Leigh-Jones shall continue to utilize the existing trust account for LLH for which she is a co-signatory with Olasov;
- that no company revenues generated from Leigh-Jones's listings shall be used by Olasov or Leigh-Jones to pay any fees, costs or expenses associated with this litigation; and
- that Middleton shall be compensated for his services by Leigh-Jones at the time of disbursement from her clients' closings in the amount of 10% of the net commission due to Leigh-Jones, with 80% for Leigh-Jones, and 10% to the LLH Operating Account, in accordance with Leigh-Jones' current commission split arrangement with LLH.

IT IS SO ORDERED.

June 26 2014.



Roger M. Young, Sr.
Presiding Business Court Judge

**JUDGE ROGER YOUNG
CIRCUIT COURT
OF SC #2134**

6/162

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS)
NINTH JUDICIAL CIRCUIT)
Civil Action No.: 2013-CP-10-4798)

Sebrina Leigh-Jones,)
Plaintiff,)

**ORDER DENYING MOTION TO)
RECONSIDER AMENDED ORDER)
APPOINTING BROKER-IN-CHARGE .)**

vs.)

Eve F. Olasov,)
Defendant.)

Civil Action No.: 2013-CP-10-6162

Luxury Land and Homes, Inc. and Eve F.)
Olasov,)

Plaintiffs,)
vs.)

Sebrina Leigh- Jones, Chris Leigh-Jones,)
Luxury Simplified, LLC, and Bridge)
Charleston Investments, LLC)
Defendant.)

FILED
2014 JUL 15 PM 2:20
JULIE L. ARMSTRONG
CLERK OF COURT
BY _____

This Court issued an Amended Order dated July 1, 2014 appointing Charles F. Middleton as the interim Broker-in-Charge for Sebrina Leigh-Jones. Now comes the Defendant Eve F. Olasov's Motion to Reconsider, Alter, or Amend the Order.

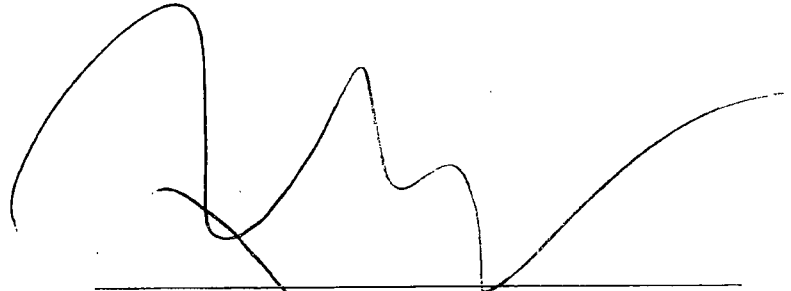
I have thoroughly considered Defendant's motion, supporting material, evidence produced at trial, and arguments and based on the same deny Defendant's Motion to Reconsider.

IT IS THEREFORE ORDERED that Defendant's Motion to Reconsider this Court's July 1, 2014 Amended Order is appointing Charles F. Middleton as interim Broker-in-Charge for

Sebrina Leigh-Jones is DENIED.

IT IS SO ORDERED!

July 10, 2014
Charleston, South Carolina



Roger M. Young, Circuit Judge