

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-0366

H. Thad White,)
Plaintiff,)

TRANSCRIPT OF TESTIMONY

VS

RECEIVED

Petrel International, LLC,)
Defendant.)

74972

FEB 06 2015

SC Court of Appeals

Pursuant to the Order of Reference granted in the above entitled cause, a hearing was held before the Honorable Haigh Porter, Special Referee, on December 1, 2014, attended by Plaintiff, Bryan W. Braddock, attorney for the Plaintiff and H. Thad White, Jr.

BY THE SPECIAL REFEREE: Haigh Porter calls attention to the filing of the original Summons and Complaint by the Plaintiff in the Office of the Clerk of Court for Darlington County on April 29, 2013.

The attorney for H. Thad White also calls attention to the filing of H. Thad White's Notice of *Lis Pendens* filed in the Office of the Clerk of Court for Darlington County on April 29, 2013.

The attorney for Plaintiff also calls attention to service upon the Defendant through its registered agent Haiyan Lin, who was personally served as registered agent on May 17, 2013 evidenced by the Affidavit of Service. Thereafter, the Registered Agent for Defendant Petrel International, LLC filed a *Pro Se* Answer and Counterclaim on June 17, 2013. Plaintiff notified Defendant's Registered Agent by letter on July 9, 2013 that it was improper for Defendant to be represented *Pro Se*. The Plaintiff filed a motion for default which was granted by Judge Paul Burch on December 9, 2013. Defendant appealed the order of default to the South Carolina Court of Appeals, and the appeal was dismissed by order dated September 10, 2014. The Remittitur was sent from the Court of Appeals on September 30, 2014.

FILED
2014 DEC 15 AM 10:59
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

An Order of Reference was then signed by the Clerk of Court in his administrative capacity and filed with the Court on November 17, 2014, referring this matter to be heard before the Honorable Haigh Porter, and transferring to him the authority to do the following: make decisions of law and fact about this case as Special Referee, take testimony and making findings of facts and conclusions of law, and enter a Final Decree of Foreclosure and Sale.

WHEREUPON, H. THAD WHITE, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

H. Thad White was the owner of the property located at 4600 Lamar Highway in Lamar, South Carolina and the Plaintiff in this action. Mr. White testified regarding the note dated December 22, 2009 Petrel International, LLC, acting through its member Haiyan Lin, made, executed and delivered unto Plaintiff in the amount of Two Hundred Seventy Thousand and 00/100ths (\$270,000.00) Dollars with interest thereon from the date thereof at 6.25% thereafter. A copy of the original Note was offered into evidence.

Attention was called to the provisions of the Note with reference to default.

Also, the Court's attention was called to the provisions in the Note with reference to payment of costs of collection and a reasonable attorney's fee. The sum of Three Thousand and 00/100ths (\$3,000.00) Dollars is a reasonable fee to allow as attorney's fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of the Note and Mortgage.

NOTE identified, offered and received in evidence as **Exhibit 1**.

On December 22 2009, Petrel International, LLC made, executed and delivered certain mortgages unto Plaintiff which mortgages contained the same terms and provisions as the Note offered in evidence, and conveyed by way of mortgages the identical properties described in the Complaint in this action, which properties are situated in Darlington County, South Carolina.

Thereafter, on December 23, 2009 the mortgage was recorded in the Office of the Registrar for Darlington County, South Carolina in Mortgage Book 1058 at Pages 5856-5860.

This Mortgage constitutes a First lien covering the property therein described.

Copies of the original Mortgage was offered into evidence.

MORTGAGE identified, offered and received in evidence as **Exhibit 2**.

The Defendant Petrel International, LLC is the record fee simple owner of the mortgaged property.

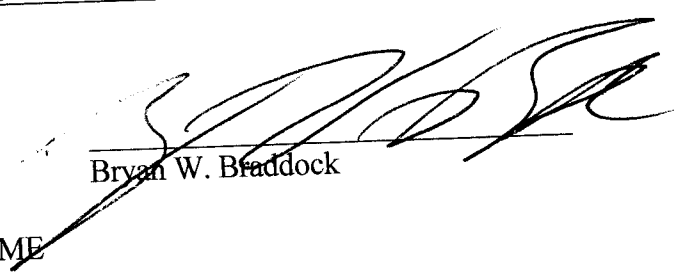
The payments as provided for in said Note and Mortgage were not paid in accordance with the terms and conditions thereof, and therefore, the Note and Mortgage are in default; and, as a result thereof, Plaintiff has elected to declare the entire unpaid amount immediately due and payable. The Plaintiff submitted costs necessarily incurred in this case as set forth below:

Costs of Collection Prior to Hearing	150.00
- Clerk of Court (filing fees)	50.00
- Title Search	250.00
- Special Referee	54.74
- Service	450.00
Estimated Publication	
	TOTAL \$954.74.

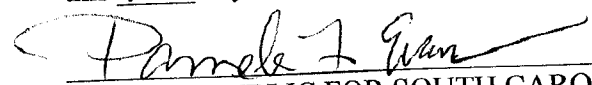
There is due and owing on Plaintiff's Note and Mortgage the sum of Three Hundred One Thousand Six Hundred Sixty and 80/100ths (\$301,660.80) Dollars, together with interest thereon as of December 1, 2014 at 5.00% per annum for a per diem of \$36.98 as well as attorney's fees of \$3,000.00 and costs of \$954.74.

That, Your Honor, completes Plaintiff's case and Plaintiff rests.

REFERENCE ADJOURNED


Bryan W. Braddock

SWORN TO AND SUBSCRIBED BEFORE ME
this 15th day of December, 2014.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3-28-16

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, APPELLANT.

APPELATE CASE NUMBER .: 2014-002764

CERTIFICATE OF MAILING U. S. MAILING

I certify that I have caused the a copy of the below mentioned document(s) to be served upon the following parties, by depositing the same in the United States mail, with proper postage prepaid and affixed thereto, addresses as follows, the 3rd day of February 2015.

Document(s) Served:

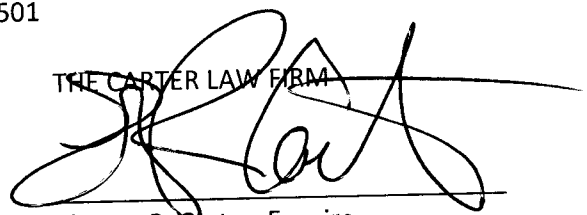
Transcript of Testimony

Notice of Motion to File Transcript of Testimony Outside Deadline

Parties Served:

Bryan W. Braddock, Esquire
The Braddock Law Firm, LLC
2231 West Palmetto Street, Suite 203
Florence, South Carolina 29501

THE CARTER LAW FIRM



Eleazer R. Carter, Esquire
105 South Brookes Street
Post Office Box 187
Manning, South Carolina 29102

Manning, South Carolina
February 3, 2015

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FEB 06 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, APPELLANT.

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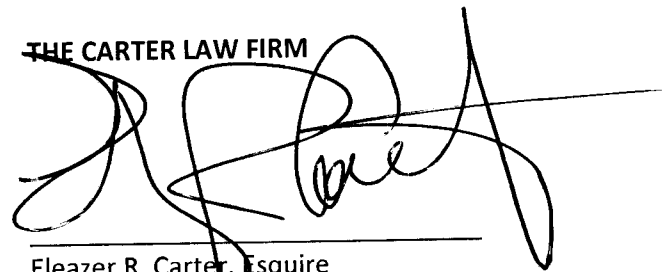
NOTICE TO FILE TRIAL TRANSCRIPT

OUTSIDE OF THE DEADLINE

YOU WILL PLEASE TAKE NOTICE that the Appellant will move the Court in a motion to file the trial Transcript of Testimony outside the filing deadline. The motion will be based on the fact that the attorney for the Appellant has made inquiries about the trial transcript and learned that no Court reporter was used during the Special Referee's proceedings and instead a Transcript of Testimony was prepared on behalf of the parties. A copy of the same is being provided or has been provided to all parties in this matter.

I SO MOVE ON BEHALF OF THE APPELLANT.

THE CARTER LAW FIRM



Eleazer R. Carter, Esquire
South Carolina Bar No.: 012032
105 South Brooks Street
Post Office Box 187
Manning, South Carolina 29102
Tel. No.: 803-433-0550
Fax No.: 803-435-0551
e-mail: eleazercarter@aol.com

Manning, South Carolina
February 3, 2015

THE CARTER LAW FIRM

105 South Brooks Street
P.O. Box 187
Manning, South Carolina 29102
Tel. (803) 435-0550
Fax (803) 435-0551

**Reply To:
Manning Office**

Eleazer R. Carter

February 3, 2015

V. Claire Allen, Deputy
South Carolina Court Of Appeal
Post Office Box 11629
Columbia, South Carolina 29211

74972

Re: H. Thad White v. Petrel International, LLC
Appellate Case No.: 2014-002764

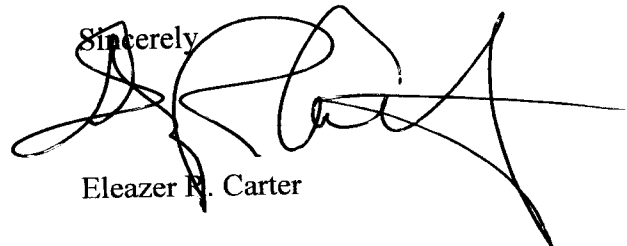
Dear Ms. Allen:

Please find another copy of the Transcript of Testimony that was previously filed with the Notice of Appeal and Amended Notice of Appeal. I have spoken with Special Referee Haigh Porter and he has indicated that there was no court reporter present during the presentation of this claim. The County Clerk of Court's Office does not reflect an assigned court reporter to this matter.

Secondly, you should find our motion to file this Transcript of Testimony outside of the filing deadline.

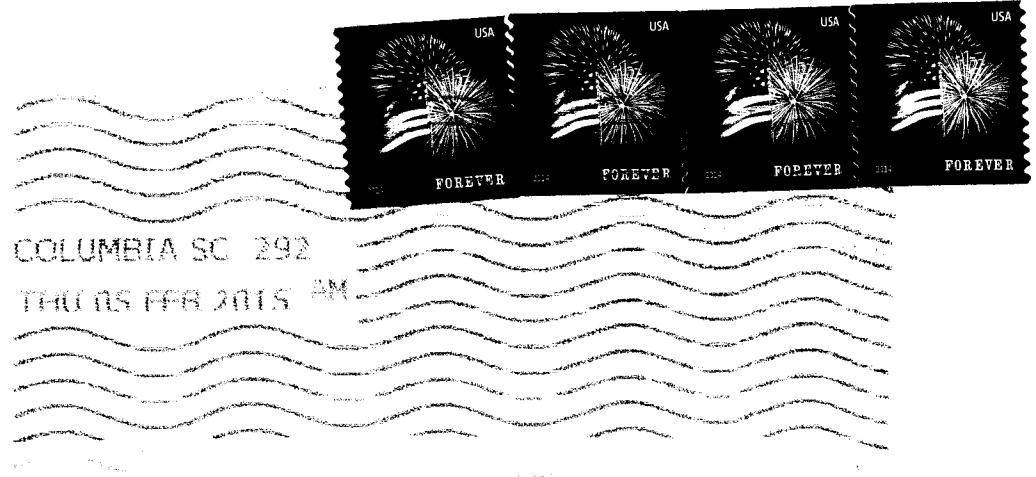
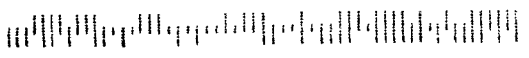
Thank for your attention to this matter and if you have any questions you should not hesitate to contact this office.

Sincerely



Eleazer R. Carter

ERC/
Cc: Bryan Wesley Braddock, Esquire
Enclosure(s)



THE CARTER LAW FIRM
105 South Brooks Street
Post Office Box 187
Manning, South Carolina 29102

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FEB 06 2016
SC Court of Appeal

V. Claire Allen, Deputy
South Carolina Court Of Appeal
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