



LINDSEY W. COOPER JR.

LWC@LWCOOPER.COM

April 30, 2015

VIA FEDERAL EXPRESS

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1205 Pendleton Street
Columbia, SC 29201

Re: *JMT Cap. Hldgs, LLC v. VDM/T Land Co., et al., LLC*,
Appellate Case No. 2014-002290.

Dear Ms. Kitchings:

Enclosed please find fourteen copies of the Record on Appeal and fourteen copies of the Proof of Service of the Record on counsel for Respondent Raymond Travaglione. Please also find originals of pages 001-002 and 175-178 to replace pages 001-002 and 175-176 of the original Record previously sent, which were required to be corrected upon review with opposing counsel. If you have questions, please contact me at 843.375.6622.

Many thanks.

Sincerely,

Margarete L. Allio

RECEIVED

MAY 04 2015

SC Court of Appeals

Enclosures: As stated.

- 1 -

cc (via electronic mail):
Tara E. Nauful
Dawn M. Hardesty
Adams and Reese LLP
211 King Street, #330
Charleston, SC 29401
Direct: 843.410.1102
tara.nauful@arlaw.com
dawn.hardesty@arlaw.com



Linsay Allio <mla@lwcooper.com>

FW: Promisory Note Incorporated into the Guaranty referenced in Call

1 message

Tara Nauful <Tara.Nauful@arlaw.com>

Tue, Apr 28, 2015 at 12:12 PM

To: Linsay Allio <mla@lwcooper.com>

Cc: Dawn Hardesty <Dawn.Hardesty@arlaw.com>

—Original Message—

From: Tara Nauful

Sent: Friday, September 05, 2014 5:10 PM

To: Heyward Grimball

Cc: mdukes@bcgov.net; Lindsey W. Cooper Jr.

Subject: Re: Promisory Note Incorporated into the Guaranty referenced in Call

Dear Judge Dukes:

I object to the submission of these documents. They are not part of the record, and were not attached to the Answer.

Thank you for your consideration.

Tara Nauful

Sent from my iPhone

> On Sep 5, 2014, at 4:12 PM, "Heyward Grimball" <heyward@lwcooper.com> wrote:

>

> Dear Judge Dukes,

>

> I hope you are well. Attached please find the Contingent Promissory notes Mr. Cooper referenced in the conference call this afternoon. These notes are incorporated in the guaranty "by reference as if more fully set out herein" in the 6th WHEREAS clause because the guaranty was intended to run with the note.

>

> Please feel free to call our office if there is any question we may answer or if your computer cannot open these files.

>

> Best regards,

>

> *****

> Heyward Grimball

> The Law Offices of L.W. Cooper Jr.

> 36 Broad Street

> Charleston, SC 29401

> Telephone: 843.375.6622

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> *****

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property acquired by Borrower from Daufuskie Island Properties, LLC simultaneously herewith for a period of Five (5) consecutive years from the date of completion of construction of said School as more particularly described in said Agreement except as otherwise tolled as therein provided.

THIS NOTE IS NOT NEGOTIABLE AND PAYMENT IS SUBJECT TO THE CONTINGENCIES CONTAINED IN THAT CERTAIN AGREEMENT FOR LAND HOUSING PARCEL & AMENTIEIS PARCEL SITE OF AUGUST 19, 2004.

WITNESS the hand and seal of the signer hereof this 2 day of June, 2006.

VDM/T LAND COMPANY, LLC
A South Carolina limited liability company

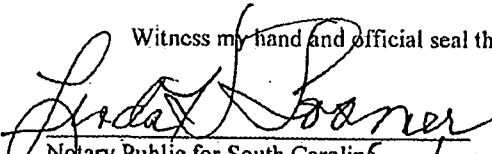
By: 
RAYMOND M. TRAVAGLIONE
Its: Manager


STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary, do hereby certify Raymond Travaglione as Manager of VDM/T Land Company, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 2 day of June, 2006.


Notary Public for South Carolina
My commission Expires: 12/21/14

McNair/Box #13 00125 

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STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

JMT Capitol Holdings, LLC,

Plaintiff,

vs.

VDM/T Land Company, LLC and
Daufuskie Island Properties, LLC,

Defendants.

Daufuskie Island Properties, LLC and its
successor in interest, Ace Basin Investments,
LLC,

Third-Party Plaintiff,

vs.

Raymond Travaglione,

Third-Party Defendant.

IN THE COURT OF COMMON PLEAS

Case No. 2014-CP-07-0380

**ORDER GRANTING THIRD-PARTY
DEFENDANT RAYMOND
TRAVAGLIONE'S MOTION TO
DISMISS THIRD-PARTY COMPLAINT**

2014 SEP 25 AM 11:58

This matter is before the Court on the motion of third-party defendant Raymond Travaglione ("Travaglione") to dismiss the third-party complaint filed by defendant and third-party plaintiff Daufuskie Island Properties, LLC ("Daufuskie") on April 16, 2014 (the "Third-Party Complaint"). Based on the arguments of counsel and pleadings properly before the Court, and for the reasons set forth below, Travaglione's Motion is granted.

PROCEDURAL HISTORY

Travaglione's Motion was filed on July 8, 2014. A hearing was scheduled for August 11, 2014. Prior to the hearing, Daufuskie filed a memorandum in opposition to the Motion, and Travaglione filed a memorandum in support of the Motion. At the conclusion of the hearing, the Motion was taken under advisement, and a telephonic status conference was scheduled for

10/7/14

[Handwritten mark]