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FORM 4

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

FILED

CASE NO. 2014 CP-10-4946

Wells Fargo Bank

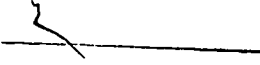
2015 MAR 5 PM 2:32

Penny Creek Associates

PLAINTIFF(S)

JULIE J. ARMSTRONG
CLERK OF COURT

DEFENDANT(S)

Submitted by:	BY 	Attorney for : <input 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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; 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: Plaintiff's Motion to Refer, filed on 11/14/2014, is GRANTED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

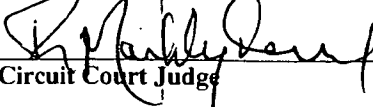
INFORMATION FOR THE JUDGMENT INDEX

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)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

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 or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


Circuit Court Judge

2060
Judge Code

3/3/15
Date

RECEIVED
 JUL 07 2015
 SC Court of Appeals

Wells Fargo Bank, N.A.

Penny Creek Associates, LLC, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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 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: Defendant's Motion to Alter or Amend, filed on 3/23/15, is DENIED; Formal order to follow.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Case should already be technically ended, due to the fact that it has been referred to the Master in Equity.

2015 JUL 29 3:07 PM
 JUDICIAL ASSISTANT
 CLERK OF COURT
FILED

INFORMATION FOR THE JUDGMENT INDEX

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Circuit Court Judge	2060 Judge Code	5/27/15 Date
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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE CIRCUIT COURT

Case No. 2014-CP-10-4946

Wells Fargo Bank, N.A., as Successor by
Merger to Wachovia Bank, National
Association, as Successor by Merger to First
Union National Bank,

Plaintiff,

vs.

Penny Creek Associates, L.L.C. a/k/a Penny
Creek Associates, LLC, et al.,

Defendants.

ORDER DENYING DEFENDANT
LAPLANTE'S MOTION TO ALTER OR
AMEND

Michel Laplante,

Third-Party Plaintiff

vs.

The Eugene J. Zurlo Living Trust, Dated
December 11, 1997 and Paul Zurlo,

Third-Party Defendants.

[Handwritten signature]

2015 JUN -3 PM 1:31
JULIE J. ARMSTRONG
CLERK OF COURT

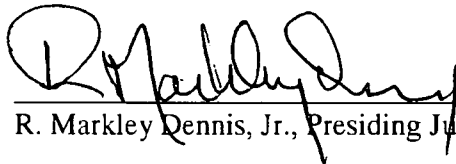
FILED

This matter came before the Court on May 27, 2015, for hearing on defendant Michel Laplante's Motion to Alter or Amend the Court's prior Order referring the case, in its entirety, to the Master-in-Equity for Charleston County. The plaintiff was represented at the hearing by Robert C. Byrd and A. Smith Podris, and defendant Laplante was represented by Jason S. Luck. Having considered the arguments of counsel, the pleadings, and the memoranda of law submitted in connection with the plaintiff's Motion to Strike Jury Demand and to Refer, the Court finds and concludes that reference to the Master-in-Equity is appropriate and that defendant Laplante's Motion should be denied.

[Handwritten initials]

Foreclosures and other non-jury matters are routinely referred to the Master-in-Equity pursuant to Rule 53, SCRPC. The procedural rules recognize that references to the Master-in-Equity "are absolutely necessary in State Courts, particularly to handle a large volume of State litigation such as foreclosures, partitions, and other equity matters." See Comments to Rule 53, SCRPC. Rule 71(a) further states that foreclosure actions "shall ordinarily be referred to a master pursuant to Rule 53". The Court believes that reference to the Master-in-Equity is appropriate in this action, and denies defendant Laplante's Motion to Alter or Amend.¹

AND IT IS SO ORDERED.


R. Markley Dennis, Jr., Presiding Judge

June 2, 2015

Charleston, South Carolina

RMD/2

¹ Plaintiff argues that defendant Laplante's demand for a jury trial should be stricken because: (1) while Laplante has asserted cross-claims and third-party claims, he has not asserted any counterclaims against the plaintiff; and (2) Laplante waived any right to a jury trial in the loan documents. The Court does not need to decide the motion to strike, but instead leaves that matter to the Master-in-Equity to determine.