

STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM GREENVILLE COUNTY **JUL 28 2015**  
Court of Common Pleas **SC Court of Appeals**  
Case No. 2008-CP-23-3665

Edward W. Miller, Circuit Court Judge

APPELLATE CASE NO. 2013-002676

William F. Tomz and Francis W. Tomz, Individually  
and as Class Representatives, ..... Respondents.

v.

Capital Investment Funding, LLC, and Arthur M. Field, Defendants, Of Whom Capital  
Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, is Respondent, and  
Arthur M. Field is the ..... Appellant.

**REPLY TO APPELLANT'S MEMORANDUM IN OPPOSITION TO  
MOTION TO INTERVENE OF CAPITAL INVESTMENT FUNDING, LLC, BY  
AND THROUGH ITS RECEIVER, JERRY T. SAAD, AS RESPONDENT**

On July 27, 2015, the undersigned counsel, George Brandt, III, on behalf of Capital  
Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, made a Motion to  
Intervene and be designated an additional Respondent in this Appeal. The Motion was filed  
primarily, as is stated in the Motion, in order that the Court of Appeals could issue its Order  
correcting the caption and designating Capital Investment Funding, LLC, by and through its  
Receiver, Jerry T. Saad, as a Respondent and directing that the case caption will be as is set  
forth in the Motion. The Motion was filed, as stated, merely to correct the caption in the  
Appeal.

The undersigned counsel was under the impression from the correspondence with the Court that the Court had requested a Motion simply to correct the caption of the Appeal, and that the statements made by the undersigned counsel complied with the requirements of the SCARCP 240(c), and that a simple recitation of the reason for the correcting of the caption would suffice. However, in response to the filing of Appellant's Memorandum in Opposition to the Motion to Intervene, the undersigned submits this response and includes documents that demonstrate that the correction of the caption is appropriate and should be made as requested by the original Motion.

The undersigned counsel initiated the proceeding which resulted in the Order issued by The Honorable Edward W. Miller, which found the Appellant, Arthur M. Field, in contempt of Court.

Attached to this Reply is a copy of the original Order and Rule to Show Cause filed August 19, 2013 in the Court of Common Pleas, which was signed by The Honorable Edward W. Miller. This Order and Rule to Show Cause is attached to this Reply as Exhibit 1. The undersigned counsel, George Brandt, III, requested the Order and Rule to Show Cause as counsel for Jerry T. Saad, Receiver of Capital Investment Funding, LLC, along with attorney Stanley T. Case, who is attorney for the Class Action Plaintiffs (William F. Tomz and Francis W. Tomz, Individually and as Class Representatives).

As a result, the matter came on for a hearing before The Honorable Edward W. Miller on September 17, 2013, and he issued an Order finding the Appellant, Arthur M. Field, in contempt of Court on October 1, 2013. A copy of this Order is attached hereto as Exhibit 2.

The undersigned, George Brandt, III, participated in the hearing on September 17,

2013, and also participated in the hearing which was held on October 27, 2014, pursuant to the Order of the Court of Appeals which remanded the case to the Greenville County Court of Common Pleas for a hearing to address issues concerning Field's Motion to Remand to Reconstruct the Record in the matter. The Order of Judge Miller settling the record is attached as Exhibit 3 to this Reply.

The undersigned counsel participated in all hearings and filings relating to this matter, and this was done without objection by the Appellant.

Judge Miller held the hearings as the part of the proceedings relating to the receivership involving Capital Investment Funding, LLC, and the Orders and hearings were undertaken by The Honorable Edward W. Miller who has jurisdiction over all controversies concerning the assets and liabilities of the debtor in receivership. Under South Carolina Law, The Honorable Edward W. Miller, acting as a court of equity, has jurisdiction over this matter and held the hearings in accordance with his right and authority to hear and determine all claims involving the Receiver, and to completely adjudicate the receivership. *See National Cash Register Company v. Burns*, 217 S.C. 310, 60 S.E.2d 615 (1950); *Hoile v. National Surety Corporation*, 204 S.C. 110, 28 S.E.2d 638 (1944).

In conclusion, the undersigned counsel asserts that the hearings in this matter were specifically related to the appropriate conduct of the receivership and the efforts of the Receiver, Jerry T. Saad, to marshal the assets of Capital Investment Funding, LLC, which efforts were being frustrated by the Appellant, Arthur M. Field. Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, has always been a party in the action, is the primary party in the action, and is a necessary and indispensable party in the action. The undersigned, George Brandt, III, has represented the Receiver for Capital Investment

Funding, LLC in all proceedings which are the subject of this Appeal, and the Motion under consideration was filed in order that Capital Investment Funding, LLC, by and through its duly appointed Receiver, Jerry T. Saad, would be properly designated as a Respondent in this Appeal.

Accordingly, the undersigned counsel, on behalf of Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, does hereby make the Motion to Intervene and requests that the Court issue its Order designating Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, as a Respondent, and directing that the case caption will be as is set forth in the Motion to Intervene and in this Reply.

Respectfully submitted,



George Brandt, III (SC Bar No. 00855)  
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[gbrandt@hbvlaw.com](mailto:gbrandt@hbvlaw.com)  
Attorney for Capital Investment Funding, LLC,  
by and through its Receiver, Jerry T. Saad

July 27, 2015

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE ) IN THE COURT OF COMMON PLEAS  
2013 AUG 19 A 11: 12

William F. Tomz and Francis W. Tomz, )  
Individually and as Class Representatives, )  
Plaintiffs, )

CIVIL ACTION NO. 2008-CP-23-3665

**ORDER AND RULE TO SHOW CAUSE**

vs. )

Capital Investment Funding, LLC, and )  
Arthur M. Field, )  
Defendants. )

This Order is issued based upon asserted violations of Orders of this Court including (i) the Order dated August 24, 2009 ("Global Settlement Order") appointing Jerry T. Saad as receiver (the "Receiver") for Capital Investment Funding, LLC ("CIF") and empowering him to take actions as such, including obtaining records and information; (ii) the Order dated June 29, 2010 ("Production Order") elaborating on the Global Settlement Order by specifying the obligation to produce records, property and information; and (iii) the Order dated October 10, 2011 ("Privilege Order") clarifying the Receiver's authority to waive attorney client privilege on behalf of certain entities.

A Request for Production of Records ("RFP") was served on Arthur M. Field ("Field") by the Receiver by and through his counsel, Curtis Stodghill and counsel for the Class Action Plaintiffs, Stanley T. Case on or about November 28, 2011 (copy attached).

It has been asserted that Field has failed to comply with the RFP and the Orders of this Court. A copy of the following Affidavit, which relates to Field's asserted failure to comply with the RFP and Orders of this Court, is attached to this Order and Rule to Show Cause:

- 1. Affidavit of the Receiver, Jerry T. Saad

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Counsel for the Receiver and for the Class Action Plaintiffs have requested the Court to issue this Order and Rule to Show Cause. The Receiver is entitled, pursuant to S.C. Code Ann. § 15-65-10, et seq., Rule 37 of the south Carolina Rules of Civil Procedure, the Global Settlement Order, the Production Order, and the Privilege Order to a hearing requiring Field to show cause why he has not produced the records requested pursuant to Rule 34 of the *South Carolina Rules of Civil Procedure* and the aforementioned Global Settlement Order, Production Order, and Privilege Order, and why Field should not be held in contempt of the aforementioned Court Orders; and further, for an Order compelling production of the requested documents and an Order requiring continued adherence to the previous Orders of this Court, thereby restraining the Defendant Arthur Field from violating the spirit and rule of said Orders.

IT IS, THEREFORE, ORDERED that Arthur M. Field, TO APPEAR before the Honorable EDWARD W. MILLER of Greenville County at the Greenville County Courthouse, 305 East North Street, Greenville, South Carolina, in Courtroom 4, on the 17 day of SEPTEMBER, 2013, at 2:00 a.m. / p.m. TO SHOW CAUSE why he has not performed pursuant to Rule 34 of the *South Carolina Rules of Civil Procedure* and the aforementioned Orders of this Court.

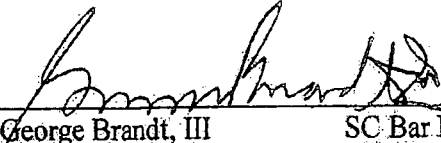
IF YOU DO NOT APPEAR AS ORDERED, YOU MAY BE HELD IN CONTEMPT OF COURT, WHICH COULD RESULT IN A FINE and/or JAIL SENTENCE.

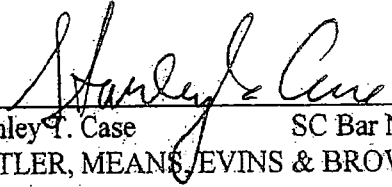
Edward W. Miller  
Circuit Court Judge, Thirteenth Judicial Circuit

Greenville, South Carolina  
8-19, 2013

A Certified Copy  
Paul B. Wilkerson  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Dated 8/19/13

Respectfully submitted,

  
George Brandt, III SC Bar No. 00855  
HENDERSON, BRANDT & VIETH, P.A.  
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Phone: (864) 583-5144  
Fax: (864) 582-2927  
Attorney for Jerry T. Saad, Receiver  
Date: August 19, 2013

  
Stanley T. Case SC Bar No. 001158  
BUTLER, MEANS, EVINS & BROWNE, P.A.  
P.O. Box 451  
Spartanburg, SC 29304  
Phone: (864) 582-5630  
Fax: (864) 585-2034  
Attorney for the Class Action Plaintiffs  
(William F. Tomz and Francis W. Tomz,  
Individually and as Class Representatives)  
Date: August 19, 2013

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
PAUL B. WICKENHOLM

COUNTY OF GREENVILLE ) CIVIL ACTION NO. 2008-CP-23-3665  
AUG 19 11:12

William F. Tomz and Francis W. )  
Tomz, Individually and as Class )  
Representatives, )  
Plaintiff, )

**AFFIDAVIT OF JERRY T. SAAD  
RECEIVER FOR CAPITAL  
INVESTMENT FUNDING, LLC**

v. )

Capital Investment Funding, )  
LLC and Arthur M. Field )  
Defendants. )

I, Jerry Saad, being first duly sworn, say:

1. On or about August 24, 2009, I was appointed as receiver of Capital Investment Funding, LLC ("CIF") by order of Judge Edward W. Miller in Tomz v. Capital Investment Funding, LLC, et al., Case No 2008-CP-23-5514 in the South Carolina Court of Common Pleas Thirteenth Judicial Circuit ("Global Settlement Order").

2. Among other things, the Global Settlement Order specifically provides for the following:

- a. Arthur Field ("Field") was ordered to turn over to the Receiver all CIF and related company records within ten (10) days of the date of the Order;
- b. Field's state and federal statutory and constitutional privileges with regards to the documents delivered to me were to be preserved;
- c. Field was ordered to offer truthful testimony and to cooperate in any court proceedings in state or federal court; and
- d. Judge Miller retains jurisdiction over this matter to ensure compliance with his Order.

3. In August and September 2009, pursuant to the Global Settlement Order, Arthur Field ("Field") provided me with several storage boxes of paper business records and a digital copy of what he stated included all documents of CIF ("Initial Production"). At the time of the Initial Production and on several occasions thereafter, Field informed me that he had in his possession or control substantially more records of CIF, which had not been provided to me – upwards of 90 storage boxes, including original paper documents that had previously been scanned and given to me in electronic format with the Initial Production.

4. On June 29, 2010, Judge Miller issued an order ("Production Order") elaborating on the Global Settlement Order by specifying the obligation to produce records, property, and information. The Production Order was not appealed.

5. On October 10, 2011, after Scott Pfeiffer ("Pfeiffer") asserted attorney client privilege in a deposition related to SD Trust, LLC, Judge Miller issued an order ("Privilege Order") clarifying my authority as receiver of CIF to waive attorney client privilege on behalf of CIF and certain other affiliated entities. The Privilege Order was not appealed.

6. After the Initial Production, on several occasions I needed CIF information which I could not find in the records included in the Initial Production. In 2009, 2010, and the first three quarters of 2011 where appropriate I called Field, and he generally was responsive to my requests and provided me emails or other information.

7. On November 28, 2011 at a meeting in my offices, Curtis Stodghill served a Request for Production of Records on Field to obtain all records related to CIF in Field's possession and control.

8. On the morning of November 29, 2011, by email Field forwarded to me approximately 74 emails related to CIF, including copies of emails sent or received by Field in 2006, 2007 and 2008. In the afternoon of November 29, 2011, Field called me and told me his computer caught on fire and became inoperative. Field subsequently produced selected computerized documents which were applicable to periods before November 29, 2011.

9. Field did not and has not produced the paper records he previously informed me were in his possession or control.

10. As of this date Field has not produced all of the records in his possession or control, despite my repeated requests and my formal demand in the Request for Production of Records.

11. In 2011, in a malpractice lawsuit CIF filed against Pfeiffer and his associates who provided services to CIF prior to the Global Settlement Order, counsel for the defendants responded to discovery requests with statements that files held by the law firm related to CIF/Cosimo, a subsidiary of CIF, were previously tendered to Field. As of this date Field has not produced all of these records.

12. Field's failure to produce the requested documents has delayed and obstructed my ability to perform my directives as receiver. The following are two examples:

- a. Records related to the loan outstanding from Trazom, LLC ("Trazom"), an affiliate of Field, have not been delivered to me by Field. There is presently a dispute over Trazom, LLC's failure to comply with payment terms under its loan obligations to CIF. In January 2012, after determining that I did not have CIF's file or original documents related to the Trazom loan, I requested Field provide me with the Trazom files and documents. After an exchange of emails between me and Field and between Field and my counsel, Curtis Stodghill, in January 2012, Field delivered to me copies

of several Trazom documents, which he noted in his emails as being in his possession. However, Field has never provided me with either an original file or an electronic computer file of CIF's Trazom loan file. Furthermore, on April 6, 2012, Field's son, Davyd Field, delivered to me a copy of a purported "Modification Agreement" dated June 2009 which was not mentioned in any of the more than 350 Trazom related emails or other documents I received since 2009. The purported Modification Agreement, if valid and enforceable, would materially and adversely affect CIF. Field has never mentioned to me the existence or consideration of the purported Modification Agreement.

- b. Records, including a check made payable to CIF in the amount of \$305,778.63 dated October 2008, related to the 457 Carlton Road Property, were not delivered to me by Field until November and December 2011, twenty three (23) months after the property was sold to an unrelated third party without notice to me and without my knowledge or consent. There is presently a matter pending in New Jersey state court regarding the sale of the property and related matters.
- c. Records related to over \$20 million of delinquent and defaulted loans due from Lancaster Resources, Inc., Bradford Financial Group, LLC, Lancaster Mortgage Bankers, LLC, Lion Financial, LLC, Monmouth Financial Group, LLC, York Funding, LLC, and others have not been delivered to me by Field.

13. Field has taken actions which have delayed and obstructed my ability to perform my directives as receiver. Field's actions, which I am informed and believe are in conflict and are contrary to the GSO, Production Order, and Privilege Order include but are not limited to the following:

- a. Upon information and belief, Field has prepared and filed or assisting in the preparation and filing of spurious complaints against me with the South Carolina Department of Labor and against Curtis Stodghill, Rodney Pillsbury, Jack Read, and Craig Allen, who are lawyers assisting me in my duties as receiver, with the Office of Disciplinary Counsel of the South Carolina Supreme Court, for actions taken in pursuit of my duties as receiver. All of their actions have been dismissed.
- b. Upon information and belief, Field has submitted false assertions of fact and/or misrepresentations through testimony and filings in an action before the Superior Court of New Jersey, Law Division, Bergen County, which include but are not limited to the following:
  - i. Field submitted affirmative statements to the New Jersey court that all matters of controversy between Field and CIF were fully litigated in the cases governed by the GSO, thereby misleading the court to believe that the doctrines of *Res Judicata* and Collateral Estoppel bar CIF from suing Field in New Jersey over an allegedly fraudulent real estate transaction involving a property in Wyckoff, New Jersey. (Field Brief in Support of Motion to Dismiss CIF's Claims and to Disqualify CIF's Counsel). Upon

information and belief, the New Jersey court dismissed CIF's claims against Field and disqualified CIF's chosen New Jersey counsel, based specifically upon the false assertions made by Field concerning the GSO, as detailed further below. (February 15, 2013 Order and Rider).

ii. Field submitted affirmative statements to the New Jersey court that the GSO (which he calls the "GMSA") adjudicated all claims against Field with prejudice. For example:

1. "Said GMSA disposed of all claims between or among all parties, raised or which might have been raised by them. Field was dismissed from all actions." (Field Affidavit in Support of Motion to Dismiss and Disqualify CIF's Counsel, ¶ 113).
2. "Any claim CIF might have had against Field was disposed of by the GMSA." (Field Affidavit in Support of Motion to Dismiss and Disqualify CIF's Counsel, ¶ 114).

iii. In his testimony before the New Jersey court, Field testified under oath regarding the scope, meaning and intent of the GSO, as follows:

*The Court: When you state in your original certification that there are multiple, I'm paraphrasing, there were adjudications by Judge Miller.*

*Mr. Field: Multiple.*

*The Court: Which then flows through to the global settlement agreement.*

*Mr. Field: It certainly did, because it was all considered and everybody was dismissed with prejudice by everyone across issues, everything, everybody resolved it and there were payments made across, external of the settlement. Everybody go[sic] paid and the only thing I agreed to do was leave myself open, dismiss without prejudice as to the class itself. Everybody else dismissed everyone with prejudice . . . .*

(Transcript of oral argument before Superior Court of New Jersey, May 28, 2013, p. 56, lines 16-25.)

iv. Field submitted affirmative statements to the New Jersey court that the GSO encompassed the specific property in Wyckoff, New Jersey, which is the subject of pending litigation, and that such claims were "merged into" the GSO:

1. "All parties to the GMSA were aware of the acquisition of the choses-in-action[sic] from Trazom, LLC and the acquisition and sale of the [Wyckoff] property by CIF in or about October, 2008 and had ample opportunity to object thereto or raise any issues related to such sale prior to mediation and/or execution and/or ratification of GMSA." (Field Affidavit in Support of Motion to Dismiss and Disqualify CIF's Counsel, ¶ 115).
2. Field submitted a brief to the New Jersey court which stated: "On August 24, 2009, the MGSA was ratified without any objection or new issue being raised by CIF or any other party. All issues raised or which might have been raised were merged in the MGSA under South Carolina law." (Field Reply Brief dated May 23, 2013).
- v. In his testimony before the New Jersey court, Field testified under oath that pursuant to the GSO that "Judge Miller retained jurisdiction over everything", meaning any and all potential claims between CIF and Field (Transcript of oral argument before Superior Court of New Jersey, May 28, 2013, p. 59, lines 10-11); Upon information and belief, Field specifically misled the New Jersey court to believe that if CIF ever had or has any other claim against him, regardless of the subject matter or nature of the claim, it must be brought before Judge Miller. (February 15, 2013 Order and Rider).
- vi. Field has attempted to file legal claims that can only belong to CIF and/or its noteholders, such as malpractice claims against CIF's attorneys. (Field Proposed Third Party Complaint, Counts XIII, IX, X, XIV, XV);
- vii. Field has attempted to file derivative legal claims on behalf of "CIF and its members" (Field Proposed Third Party Complaint, ¶¶ 2 and 267);
- viii. Field has specifically misrepresented to the New Jersey court the scope of my authority under the GSO (Field Proposed Third Party Complaint, ¶ 27);
- ix. Field has attempted to assert authority as Manager of CIF to "repudiate, rescind, revoke . . . and withdraw" the legal action filed by CIF against Field and others in New Jersey (Field Proposed Third Party Complaint, ¶¶ 34, 38, 44);
- x. Field has represented to the New Jersey court that my activities, conducted pursuant to the GSO, were wrongful, conspiratorial and/or somehow illegal (Field Proposed Third Party Complaint, ¶¶ 96-102, 109-122);
- xi. Suggesting the suit by CIF against him in New Jersey is invalid, Field stated in a sworn Affidavit to the New Jersey court: "Field as a principal

member holding a 90% ownership interest, has not authorized any suit by CIF against any person, entity or party." (Field Affidavit in Support of Motion to Dismiss and Disqualify CIF's Counsel, ¶ 118).

- xii. Field submitted affirmative statements that I have paid more than \$40,000 of CIF assets to my "paramour" (Field Proposed Third Party Complaint, ¶ 24);
  - xiii. Field has made spurious allegations of illegal and conspiratorial activity against me (Field Proposed Third Party Complaint, ¶ 13);
  - xiv. Field has attempted to circumvent the GSO by seeking to reassert his previously dismissed claims for severance pay before the New Jersey Court (Field Proposed Third Party Complaint, ¶¶ 45-52 and Count IX (¶¶ 215-224));
  - xv. Field specifically misrepresented to the New Jersey Court the conditions under which the GSO permitted him to revive his claims for severance pay against CIF (Field Proposed Third Party Complaint, ¶ 61);
- c. Field has asserted that he has the authority to act as the Manager of CIF and with such assumed authority he has asserted that I have no authority to pursue certain legal actions on behalf of CIF;
- i. Field wrote to CIF's New Jersey counsel purporting to exercise control over CIF, to discharge New Jersey counsel, **and to discharge Jerry Saad as "acting manager"** as follows:

Be advised, as principal member of Capital Investment Funding, LLC, I am notifying you the members hereby discharge your firm. Further, Jerry Saad is discharged as acting manager under the terms of the Operating Agreement. TAKE NO FURTHER ACTION purporting to represent Capital Investment Funding, LLC. (correspondence from Field to Christopher Westrick, Esq. dated January 17, 2013).

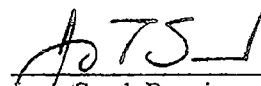
- d. Field filed a Third Party Claim in U.S. District Court in Greenville, South Carolina on May 3, 2013 alleging claims I believe to be meritless and frivolous, asserting attacks against me as receiver and against various attorneys representing CIF and class co-counsel, and naming as defendants individuals and an entity that have no connections with or dealings with CIF. This Third Party Complaint submitted by Field included many of the same false assertions of fact and/or misrepresentations that he submitted to the New Jersey Court discussed in section "b" above.

- e. Field has engaged in the unauthorized practice of law by filing on May 3, 2013 a Third Party Claim in U.S. District Court in Greenville, South Carolina attempting to act as representative of the Noteholders of CIF and the following members of CIF: T. Bart Kelley, T. Brad Kelley, Calvin Williams, and Log Cabin Financial, LLC. This attempted claim was likewise dismissed summarily by the U.S. District Court as Field had no authority to make a claim on behalf of a potential class of plaintiffs as a matter of law. (Order).

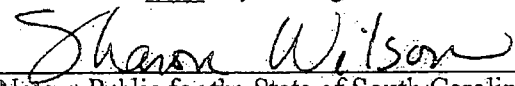
Affiant reserves the right to supplement this Affidavit as is appropriate in connection with the hearing to be scheduled in this matter.

Further, affiant sayeth not.

Dated this 19 day of August, 2013.

  
\_\_\_\_\_  
Jerry Saad, Receiver for  
Capital Investment Funding, LLC

SUBSCRIBED AND SWORN to before me this 19 day of August, 2012.

  
\_\_\_\_\_  
Notary Public for the State of South Carolina

My commission expires on: 9/9/2021



Sharon R. Wilson  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
September 9, 2021

STATE OF SOUTH CAROLINA )  
GREENVILLE CO. S.C. )  
PAUL B. WICKENSIMER )  
COUNTY OF GREENVILLE ) IN THE COURT OF COMMON PLEAS  
2013 OCT -1 P 4:16

William F. Tomz and Francis W. Tomz, )  
Individually and as Class Representatives, )

Plaintiffs, )

vs, )

Capital Investment Funding, LLC, and )  
Arthur M. Field, )

Defendants. )

CIVIL ACTION NO. 2008-CP-23-3665

ORDER

The above referenced matter came before me on September 17, 2013 based upon an Order and Rule to Show Cause which was issued by the Court on August 19, 2013.

The Order and Rule to Show Cause was based upon asserted violations of Orders of this Court by Arthur M. Field. The Order made reference to the Order dated August 24, 2009 ("Global Settlement Order") which appointed Jerry T. Saad as Receiver ("The Receiver") for Capital Investment Funding, LLC ("CIF"), and empowered him to take actions as Receiver, including the obtainment of records and information. The Court had also issued an Order dated June 29, 2010 ("Production Order") which elaborated on the Global Settlement Order by specifying the obligation to produce records, property and information; and had issued an Order dated October 10, 2011 entitled The Privilege Order ("Privilege Order") which clarified the Receiver's authority to waive the attorney/client privilege on behalf of certain entities.

It was noted in the Order and Rule to Show Cause that a Request for Production of Records was served on Arthur M. Field by the Receiver, by and through his counsel, Curtis

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*EW*

Stodghill, and counsel for the Class Action Plaintiffs, Stanley T. Case, on or about November 28, 2011.

Based upon an Affidavit of the Receiver, Jerry T. Saad, it was asserted to the Court that Arthur M. Field had failed to comply with the Request for Production of Records and the Orders of the Court. The Affidavit of the Receiver, Jerry T. Saad, was attached to the Order and Rule to Show Cause and is a part of the record.

The Order of the Court dated August 19, 2013 required Arthur M. Field to appear and show cause why he had not produced the records requested, pursuant to Rule 34 of the South Carolina Rules of Civil Procedure and the aforementioned Global Settlement Order and the other Orders of the Court, and required him to show cause why he should not be held in contempt of the aforementioned Court Orders. An Order was further requested by the Receiver compelling production of the requested documents and materials, and requiring continued adherence to the previous Orders of the Court, and an Order was requested restraining Defendant Arthur M. Field from violating the spirit and rule of said Orders.

The matter came on for hearing in Greenville County, South Carolina, on September 17, 2013, and Defendant Arthur M. Field appeared with his attorney, Bradford N. Martin.

Based upon filings of Bradford M. Martin on behalf of Arthur M. Field, which included a Motion to Quash the Rule to Show Cause and a Motion for Continuance of the matter, the Court dealt with several preliminary matters at the commencement of the hearing.

The Motion for Continuance was filed on or about September 12, 2013 and sought a continuance of the hearing scheduled for September 17, 2013. An Affidavit was filed with the Court at the hearing which indicated that Arthur M. Field was served with the Order and Rule to

Show Cause on August 22, 2013. Also, the record in the case indicates that a prior Order and Rule to Show Cause was served upon Arthur M. Field and a Rule to Show Cause hearing, which was previously scheduled at approximately the time that Arthur M. Field pled guilty to criminal charges, was cancelled by the Court. The issue of Arthur M. Field's compliance with the Court's Orders for cooperation and production of documents has been an issue for an extended period of time and the parties were properly before the Court with counsel. Accordingly, based upon the record, the Motion for Continuance was denied by the Court at the hearing on September 17, 2013.

The Court received testimony at the hearing related to the Motion to Quash the Rule to Show Cause based upon the asserted lack of personal service. The Process Server, Michelle Murphy, testified in Court that she knew Mr. Field, having served him previously, and she observed him on August 22, 2013 at his residence at which time he would not accept the papers. Michelle Murphy advised him, "Mr. Field, you have been duly served" and put the papers inside his garage. She later affixed the papers to the door.

There is no evidence in the record which would give rise to an inference that Mr. Field was not properly served. He was present in Court on the day of the hearing and did not personally dispute the testimony of the Process Server. Accordingly, the Court determined at the hearing that the service of process on Arthur M. Field was effective and complete under South Carolina Law.

Additionally, there were arguments made in connection with the Motion to Quash relating to an alleged lack of subject matter jurisdiction. Based upon arguments of counsel at the hearing and the record in this matter, specifically including the clear terms of the Global

Settlement Order issued in this case, the Court determined that it has personal jurisdiction and subject matter jurisdiction of the issues pertaining to the Order and Rule to Show Cause under the specific terms of the Court's prior Orders. Additionally, under South Carolina Law, the Court has jurisdiction over the matter. The law in South Carolina is clear that a Court which creates a Receivership draws to itself jurisdiction over all controversies concerning the assets and liabilities of the Debtor in Receivership. See National Cash Register Company v. Burns, 217 SC 310, 60 S.E.2d 615. Also, it is clear under South Carolina Law that a Court of Equity, by taking jurisdiction over a matter and appointing a Receiver, draws to it the right to hear and determine all claims involving the Receiver and to completely adjudicate the Receivership. Based on the foregoing and the record, the Court denied the Motion to Quash the Rule to Show Cause made by Arthur M. Field at the hearing held on September 17, 2013 insofar as it related to all issues of jurisdiction.

A Motion for Recusal was also made at the hearing on the Rule to Show Cause by the attorney for Arthur M. Field. The Court carefully considered all arguments of counsel and determined, based upon the record in the case, that an Order of Recusal was not appropriate and the Court denied the Motion.

At the hearing, testimony was received from Jerry T. Saad, the Receiver, attorney Christopher Westrick, who represented the Receiver in actions in the State of New Jersey, and Arthur M. Field, who testified in response to the Order and Rule to Show Cause.

Based upon the record, the Court finds that Arthur M. Field has not produced all of the records of Capital Investment Funding, LLC in his possession to the Receiver. I find that Arthur M. Field has not produced certain paper records that he informed the Receiver were in his

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possession and control. I also find that Arthur M. Field has not produced all of the records in his possession or control, despite the Receiver's repeated requests and the Receiver's formal demand, which was made in the form of a Request for Production of Records. These include, but are not limited to, records relating to a malpractice lawsuit of Capital Investment Funding, LLC against attorney F. Scott Pfeiffer and his law firm, and also include records relating to a loan outstanding from Trazom, LLC, which is an affiliate of Arthur M. Field. Additionally, records have not been produced which relate to over \$20,000,000 of delinquent and defaulted loans due from Lancaster Resources, Inc. and others, which are involved with loan transactions in the State of New Jersey.

The Court also finds that Arthur M. Field has taken actions which have delayed and obstructed the Receiver's ability to perform his directives as Receiver. I find that Defendant Field's actions are in conflict with and are contrary to the duties of Arthur M. Field under the Court's prior Orders, including the Global Settlement Order.

Based upon the testimony of Jerry T. Saad, the Receiver, and attorney Christopher Westrick, The Court makes the following additional Findings of Fact:

1. Arthur M. Field has misrepresented the terms of the Global Settlement Order in the following respects:
  - a. Arthur Field has misrepresented to other Courts that the Global Settlement Order disposed of all claims that were or could be brought by Capital Investment Funding, LLC against Arthur M. Field.
  - b. Arthur M. Field has misrepresented to other Courts that the Global Settlement Order specifically included any dispute regarding a certain piece of real property in Wyckoff, New Jersey.
  - c. Arthur M. Field has misrepresented to other Courts that this Court

retained jurisdiction over any and all claims Capital Investment Funding, LLC could have against Arthur M. Field at any time, and that any future claim by Capital Investment Funding, LLC against Arthur M. Field must be brought before this Court.

2. By misrepresenting the terms of the Global Settlement Order, Arthur M. Field has violated his duty to cooperate under the Global Settlement Order.
3. Arthur M. Field has asserted authority over Capital Investment Funding, LLC and attempted to make decisions on its behalf in the following respects:
  - a. Arthur M. Field wrote to Capital Investment Funding, LLC's New Jersey counsel purporting to exercise control over Capital Investment Funding, LLC, to discharge New Jersey counsel, and to discharge Jerry Saad as "acting manager".
  - b. Arthur M. Field has attempted to file legal claims that can only belong to Capital Investment Funding, LLC and/or its noteholders.
  - c. Arthur M. Field has specifically misrepresented to the New Jersey Court the scope of Jerry Saad's authority as Receiver under the Global Settlement Order.
4. Arthur M. Field's assertions of authority over Capital Investment Funding, LLC and efforts to make decisions on its behalf having directly interfered with the ability of Capital Investment Funding, LLC's Receiver to execute his responsibilities.
5. Arthur M. Field has taken other actions specifically designed to interfere with Jerry Saad's ability to perform his duties as Receiver, including participating in attempts to file frivolous legal claims against Mr. Saad and numerous attorneys retained by Capital Investment Funding, LLC, accusing these individuals of illegal and conspiratorial conduct associated with the execution of their professional responsibilities.
6. Arthur M. Field's interference with the Receiver's execution of his responsibilities has caused Capital Investment Funding, LLC to expend substantial sums of money unnecessarily.
7. Arthur M. Field made misrepresentations of fact to a New Jersey Court designed to disqualify Capital Investment Funding, LLC's New Jersey counsel and, therefore, frustrate the purposes of Capital Investment

Funding, LLC's Receiver, including:

- a. ~~Misrepresenting that counsel for Capital Investment Funding, LLC also represented Arthur M. Field personally.~~
  - b. ~~Misrepresenting that counsel for Capital Investment Funding, LLC performed services that he did not perform.~~
8. Arthur M. Field's misrepresentations concerning Capital Investment Funding, LLC's New Jersey counsel have caused Capital Investment Funding, LLC to expend substantial sums of money unnecessarily.

At the hearing on September 17, 2013, the Court received into evidence Plaintiff's Exhibit No. 1, which included documentation relating to a case entitled Capital Investment Funding, LLC, Plaintiff, vs. Calvary Asset Management, LLC, et al, Defendants. That case was filed in the Superior Court of New Jersey, Law Division: Bergen County, Docket No. L-3790-12.

The Court also received testimony of attorney Christopher Westrick who represented Capital Investment Funding, LLC, and the Findings of Fact referred to above, which deal with the New Jersey litigation are based, in part, upon the proceeding involving Calvary Asset Management, LLC, et al.

The Court finds that Arthur M. Field's testimony at the hearing generally misconstrued and misstated facts to benefit his position. The Court also finds that Arthur M. Field is not credible and that his testimony cannot be relied upon.

Additionally, the Court takes judicial notice of the criminal proceedings involving Arthur M. Field and his plea of guilty to the charges set forth in Indictment No. 2012-GS-47-08, which relate to Securities Fraud Crimes and State Crimes relating to Securities that Arthur M. Field committed through the offer or sale of Securities while a manager or member of Capital Investment Funding, LLC.

Based on the foregoing and the entire record in this matter, the Court found on September 17, 2013 that Arthur M. Field was in contempt of the prior Orders issued by the Court.


At the conclusion of the hearing, an oral Order was issued requiring Arthur M. Field to deliver all records in his possession and/or control which had been requested by the Receiver which include, but are not limited to, paper records, computer records, back-up tapes, video tapes, photographs, written documents, and other documents related to Capital Investment Funding, LLC and all related companies. The Order included all electronic media in his possession and/or control, and Arthur M. Field was ordered to deliver the material to the office of the Receiver, Jerry T. Saad, by 5:00 p.m. on Friday, September 20, 2013.

The Receiver requested leave to submit an Affidavit relating to the costs and attorneys' fees associated with the preparation of the Order and Rule to Show Cause, and the preparation for the Rule to Show Cause hearing and participation in the hearing. The Court will allow the Receiver to submit an Affidavit relating to the attorneys' fees and costs incurred by the Receiver in connection with the Order and Rule to Show Cause and Hearing for future consideration. Also, testimony was received at the hearing concerning attorney's fees incurred by the Receiver due to improper interference by Arthur Field in actions filed in New Jersey, which were handled by attorney Christopher Westrick. While the Court finds Christopher Westrick's testimony credible on the issue of fees unnecessarily incurred in New Jersey as a result of Arthur Field's actions, the Court believes the issue of the assessment of fees against Arthur Field involved with the New Jersey actions should be resolved by the Courts in New Jersey.

At the hearing, the Receiver requested the Court to leave the hearing open in order that appropriate Orders might be issued which will enforce the provisions of this Order and the prior

Orders of the Court. Accordingly, the Hearing and the record is left open in order that the Receiver may submit a report to the Court following his examination of the records produced by Arthur M. Field and the Court will make such further Orders as are deemed just and proper.

IT IS, SO, ORDERED on this 1 day of October, 2013.



Edward M. Miller  
Judge, 13<sup>th</sup> Judicial Circuit of South Carolina

A Certified Copy  
Paul B. Wiseman  
Clerk of Court C.P. & G.S.  
Greenville County, SC  
Dated 10/1/13

Comp  
Miller

FILED-CLERK OF COURT  
STATE OF SOUTH CAROLINA GREENVILLE CO. S.C.  
COUNTY OF GREENVILLE PAUL D. WICKENS, CLERK COURT OF COMMON PLEAS  
2015 FEB 3 PM 3 35 13<sup>TH</sup> JUDICIAL CIRCUIT

William F. Tomz and Francis W. Tomz, )  
Individually and as Class Representatives, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
Capital Investment Funding, LLC, and )  
Arthur M. Field, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

Civil Action No. 2008-CP-23-3665

On September 17, 2013, this Court held a hearing regarding a Rule to Show Cause requiring the Defendant, Arthur M. Field, to show why he should not be held in contempt. In an Order entered on October 1, 2013, this Court found Arthur M. Field in contempt.

The Defendant Field appealed the Order of October 1, 2013 to the South Carolina Court of Appeals.

Subsequently, Field filed with the Court of Appeals a Motion which the Court of Appeals construed as a Motion to Remand to reconstruct the record because Appellant Field contended the current transcript had rendered his appeal unreviewable.

By Order dated and filed July 19, 2014, the Court of Appeals remanded the case to the Greenville County Court of Common Pleas for a hearing to address the issues concerning Field's Motion to Remand to reconstruct the record.

The hearing on Field's Motion was held on October 27, 2014. Present at the hearing was Attorney Bradford N. Martin of the Greenville County Bar, who represented Arthur M. Field at the

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hearing on the Rule to Show Cause on September 17, 2013 and is his attorney in connection with the appeal. Also present at the hearing were George Brandt, III of the Spartanburg County Bar, representing Jerry Saad, the Receiver for Capital Investment Funding, LLC, and Stanley T. Case of the Spartanburg County Bar, attorney for the Plaintiffs (the Class).

The Appellant Field contends that the Court made certain comments before the case was called for a hearing and that a description of the comments of the Court is necessary for the purpose of Appellate review. The Appellant has tendered four (4) Affidavits to the Court, which include the Affidavit of Arthur M. Field, the Affidavit of Angie Orfanedes, the Affidavit of Henry Van Dyke and the Affidavit of Richard Lackey. Orfanedes, Van Dyke and Lackey are neighbors of Defendant Field from the Thornblade neighborhood, and testified on behalf of Field at his sentencing hearing.

Prior to the September 17, 2013 hearing, Arthur M. Field had pled guilty to eleven (11) counts of securities fraud, two (2) counts of criminal conspiracy to commit securities fraud, and one (1) count of forgery. Subsequent to the September 17, 2013 hearing, Arthur M. Field was sentenced and ordered to pay the sum of \$2,877,711.72 as restitution.

It appears that the tendered Affidavits make reference to a question that is contained at page 7 of the Transcript of the September 17, 2013 hearing. The transcript indicates that, among other things, the Court asked Mr. Martin a question as follows: "So, let me get this straight, your client stole forty million dollars and now he's the victim?"

It also appears that the tendered Affidavits contain personal commentary about the demeanor of the Court during the hearing. The proposed Affidavits do not claim that the trial transcript is in any way inaccurate or incomplete. The proposed Affidavits do not state that the Affiants have read the transcript. Nor do they state that the transcript does not contain or include any particular

testimony or statements.


It is the finding and determination of the Court that the proposed Affidavits should be disallowed. The Affidavits are self serving and include an attempt to introduce into the record things that were not part of the record. No effort was made by the Appellant to provide testimony in keeping with the proposed Affidavits at the hearing. Accordingly, the proposed Affidavits are disallowed and will not be included as a part of the record.

An exhibit has been submitted to the Court that relates to the correction of certain scrivener's errors. The Court will allow the correction of the scrivener's errors as proposed, but will not allow any other changes to the transcript of the testimony or additions to the record.

Therefore, it is the finding of this Court that the transcripts of the aforementioned hearing held on September 18, 2013 shall be modified only to reflect the correction of the scrivener's errors that are stated in the exhibit attached to this order, and that no other changes or additions to the record shall be made to the record because no other changes are warranted or proper.

AND, IT IS, SO, ORDERED on this \_\_\_\_ day of ~~December~~, 2014.

2/2/15

  
Edward W. Miller  
Judge for the Court of Common Pleas for  
Greenville County

# BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302  
Post Office Box 10410 (29603)  
Greenville, South Carolina 29601

bmartin@bnmlaw.com  
Phone: (864) 552-9990  
FAX: (864) 552-9992

October 18, 2013

Ms. Caroline Hiskell  
32 Duxbury Lane  
Easley, SC 29642

Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665

Dear Ms. Hiskell:

I am writing to respectfully request certain additions and revisions to the transcript of the hearing held on September 17, 2013, before Judge Miller in the above matter.

First, the transcript does not contain the initial comments by Judge Miller when the case was called. Rather, it starts with my comments. Therefore, I would appreciate the entire comments of the Court prior to my speaking.

Additionally, please make the following corrections:

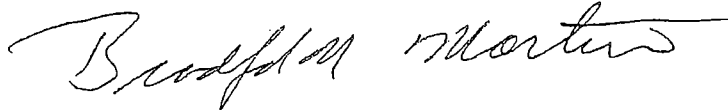
Page 17, line 6 -	The objection made was by Mr. Martin, not Mr. Brandt.
Page 24, line 5 -	"confers" should read "concur"
Page 24, line 7 -	"Author" should read "Arthur"
Page 37, line 5 -	"Pfizer" should read "Pfeiffer"
Page 37, line 6 -	"Pfizer's" should read "Pfeiffer's"
Page 42, line 17 -	"sir" should read "asserted"
Page 49, line 13 -	"Hand" should read "Hold"
Page 57, line 10 -	"towards" should read "storage"
Page 58, line 6 -	"signing" should read "signatory"
Page 59, line 4 -	"about half" should read "on behalf"
Page 62, line 2 -	"filed" should read "followed the"
Page 75, line 4 -	"his" should read "this"
Page 78, line 16 -	"give," should read "given,"
Page 95, line 25 -	"county" should read "accounting"
Page 98, line 14 -	"asses" should read "access"
Page 109, line 7 -	"every" should read "ever"
Page 111, line 17 -	"Poole" should read "Pohl"
Page 112, line 1 -	"propher" should read "proffer"

Page 114, line 25 - "Poole" should read "Pohl"  
 Page 115, line 6 - "Poole" should read "Pohl"  
 Page 115, line 16 - "(inaudible)" should read "Westrick"  
 Page 115, line 17 - "O'Shae" should read "O'Shea"  
 Page 118, line 6 - "appellant" should read "appellate"  
 Page 119, line 4 - "loss" should read "lost"  
 Page 119, line 10 - "it" should read "he"  
 Page 120, line 17 - "around" should read "run"  
 Page 128, line 3 - "Fursella (ph)" should read "Frischia"  
 Page 146, line 7 - "won't" should read "weren't"  
 Page 147, line 1 - "equations" should read "equation"  
 Page 147, line 6 - "loan" should read "long"  
 Page 147, line 6 - "detail" should be excluded  
 Page 147, line 14 - "chosen" should read "chose in"  
 Page 148, line 23 - "rejectment" should read "ejectment"  
 Page 150, line 15 - "me" should read "him"  
 Page 151, line 5 - "bought" should read "brought"  
 Page 151, line 11 - "every" should read "ever"  
 Page 156, line 20 - "non convenience" should read "non conveniens"  
 Page 158, line 11 - "David" should read "Davyd"  
 Page 158, line 11 - "because" should read "became"  
 Page 159, line 11 - "a see" should read "to see"  
 Page 160, line 14 - "You skipped over Cosomo. The Cosomo records were " should  
 read "You skipped over Cosimo. The Cosimo records were"  
 Page 160, line 22 - "Cosomo" should read "Cosimo"  
 Page 160, line 23 - "Cosomo" should read "Cosimo"  
 Page 161, line 24 - "muted" should read "mooted"  
 Page 162, line 7 - "non convenience." should read "non conveniens."  
 Page 162, line 12 - "he not received" should read "he did not receive"  
 Page 163, line 2 - "he could so we" should read "he could so, so we"  
 Page 163, line 7 - "question" should read "questions"  
 Page 163, line 9 - "he" should read "the"  
 Page 163, line 12 - "raise" should read "raised"  
 Page 164, line 5 - "appellant" should read "appellate"  
 Page 164, line 10 - "appellant" should read "appellate"  
 Page 164, line 20 - "obstructionist and" should read "obstructionist behavior and"  
 Page 166, line 5 - "Lobatti" should read "L'Abbate"  
 Page 166, line 14 - "cite" should read "site"  
 Page 168, line 11 - "represented" should read "misrepresented"  
 Page 168, line 18 - "assured" should read "assumed"  
 Page 168, line 19 - "rescended," should read "receiver,"  
 Page 168, line 22 - "I'm not 90 percent" should read "I'm a 90 percent"  
 Page 168, line 23 - "undeclar" should read "declare"  
 Page 170, line 13 - "Ferra" should read "Farrar"  
 Page 174, line 2 - "he" should read "she"  
 Page 176, line 1 - "Cosomo" should read "Cosimo"

Page 178, line 11 - "Appellant" should read "Appellate"  
Page 178, line 12 - "Appellant court and the New Jersey Appellant Court" should read  
"Appellate Court and the New Jersey Appellate Court"  
Page 178, line 19 - "Appellant" should read "Appellate"  
Page 178, line 20 - "Appellant" should read "Appellate"  
Page 178, line 21 - "urgency" should read "emergency"

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bradford N. Martin".

Bradford N. Martin

/pm

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Case No. 2008-CP-23-3665

---

Edward W. Miller, Circuit Court Judge

---

APPELLATE CASE NO. 2013-002676

---

William F. Tomz and Francis W. Tomz, Individually  
and as Class Representatives, Respondents.

v.

Capital Investment Funding, LLC, and Arthur M. Field, Defendants, Of Whom Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, is Respondent, and Arthur M. Field is the Appellant.

---

PROOF OF SERVICE

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I, the undersigned attorney for Respondent Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, do hereby certify that I have served the South Carolina Court of Appeals with one original and 7 copies of the **REPLY TO APPELLANT'S MEMORANDUM IN OPPOSITION TO MOTION TO INTERVENE OF CAPITAL INVESTMENT FUNDING, LLC, BY AND THROUGH ITS RECEIVER, JERRY T. SAAD, AS RESPONDENT**, by UPS overnight service, to her address shown below, and have served a copy of the aforementioned Motion on Bradford N. Martin, Esquire and Laura W. H. Teer, Esquire, attorneys for Appellant Arthur M. Field, and a copy to Stanley T. Case, Esquire, attorney for Respondents William F. Tomz and Francis W. Tomz, Individually and as Class Representatives, by United States First Class Mail to their respective addresses (B. and C.) shown below:

A. The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

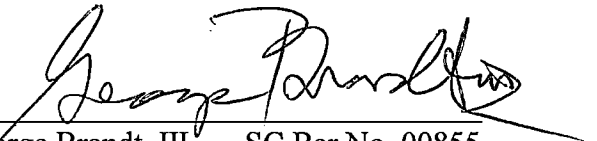
B. Bradford N. Martin, Esquire  
Laura W. H. Teer, Esquire  
Bradford N. Martin & Associates, PA  
P.O. Box 10410  
Greenville, SC 29603

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JUL 28 2015

SC Court of Appeals

C. Stanley T. Case, Esquire  
BUTLER, MEANS, EVINS & BROWN, P.A.  
P.O. Drawer 451  
Spartanburg, SC 29304

By:   
George Brandt, III SC Bar No. 00855  
HENDERSON, BRANDT & VIETH, P.A.  
360 East Henry Street, Suite 101  
Spartanburg, SC 29302  
(864) 583-5144  
Attorney for Respondent

July 27, 2015



Matthew A. Henderson  
George Brandt, III  
Richard W. Vieth  
Joshua M. Henderson\*

360 East Henry Street, Ste. 101  
Spartanburg, SC 29302-2646  
Telephone (864) 582-2962  
FAX (864) 582-2952 Matt  
FAX (864) 582-2927 Buck  
FAX (864) 583-1894 Josh/Rick  
www.hbvlaw.com

\*Also licensed in North Carolina

Attorneys At Law

July 27, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1015 Sumter St.  
Columbia, SC 29201

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JUL 28 2015

SC Court of Appeals

RE: William Tomz et al v. Capital Investment Funding, LLC et al  
Appellate Case No. 2013-002676

Dear Ms. Kitchings:

Enclosed please find the following:

- (a) An original and seven copies of the Reply to Appellant's Memorandum in Opposition to Motion to Intervene of Capital Investment Funding, LLC, by and through its Receiver, Jerry T. Saad, as Respondent;
- (b) An original and two copies of the Proof of Service on all counsel
- (c) A stamped, self-addressed envelope.

Assuming you find the attached to be satisfactory, I would appreciate your filing the above documents and returning to me a clocked copy of the Reply and the Proof of Service for my records. For your convenience, I have enclosed a return envelope for your use. By copy of this letter, as indicated by the attached Proof of Service, I am serving a copy of the attached upon the attorneys for all parties. Please do not hesitate to contact me if you have any questions or need additional information.

Very truly yours,

George Brandt, III  
For: HENDERSON, BRANDT & VIETH, P.A.  
Direct Line: 864-583-5144  
Fax Line: 864-582-2927  
E-Mail: [gbrandt@hbvlaw.com](mailto:gbrandt@hbvlaw.com)

GB,III/msl  
Enclosures

cc: Bradford N. Martin, Esquire  
Laura W. H. Teer, Esquire  
Stanley T. Case, Esquire

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3740 BOLLING SPRINGS RD  
BOLLING SPRINGS, SC 29316

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MELINDA LOXLEY  
864-582-2962  
HENDERSON BRANDT AND VIETH  
360 EAST HENRY ST.  
SPARTANBURG SC 29302

**SHIP TO:**

THE HON. JENNY ABBOTT KITCHEN  
803-734-1890

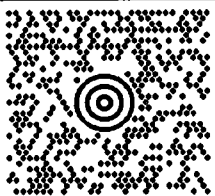
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Reference # 1: Tomz - Field Appeal

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