

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

NOV 09 2015

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master-in-Equity

Appellate Case No. 2014-001747

Joseph C. Sun,

Appellant,

v.

Marshall L. Horton and
Richard Ulbrich,

Respondents.

SUPPLEMENTAL RECORD ON APPEAL

OTHER COUNSEL
Joseph C. Sun, Pro Se
Post Office Box 151
Bluffton, SC 29910
843-226-8788

Marshall L. Horton, Esquire
Lindsay Y. Goodman, Esquire
49 Boundary Street, 2nd Floor
P.O. Box 3766
Bluffton, SC 29910
(843) 757-6190
(843) 757-6191 (fax)
Attorney for Respondent Ulbrich

Gregory Michael Galvin, Esq.
Galvin Law Group, Inc.
P.O. Box 887 (mailing)
14 Westbury Park Way, Suite 104 (physical)
Bluffton, SC 29910
843-227-2231
888-362-0714 fax
ggalvin@galvinlawgroup.com
Attorney for Respondent Horton

INDEX

Marshall Horton's Affidavit in Support of Motion to Dismiss/Motion for Summary Judgment
and Exhibits 1

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 5, 2015

/s/ Lindsay Y. Goodman
Lindsay Y. Goodman, Esq., SC Bar No. 100273
Post Office Box 3766
Bluffton, South Carolina 29910
(843) 757-6190
Attorney for Respondent Ulbrich

/s/ Gregory M. Galvin
Gregory Michael Galvin, Esq.
Galvin Law Group, Inc.
P.O. Box 887 (mailing)
14 Westbury Park Way, Suite 104 (physical)
Bluffton, SC 29910
843-227-2231
888-362-0714 fax
ggalvin@galvinlawgroup.com
Attorney for Respondent Horton

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT
) CASE NO.: 2014-CP-07-0238
))
JOSEPH C. SUN,))
))
Plaintiff,) MARSHALL HORTON'S AFFIDAVIT IN
) SUPPORT OF MOTION TO
vs.) DISMISS/MOTION FOR SUMMARY
) JUDGMENT
MARSHALL L. HORTON AND))
RICHARD ULBRICH,))
))
Defendants,))
_____))

2014 MAY 20 PM 2:20
LETICIA ANN ROSENBAUM
CLERK OF COURT
BEAUFORT COUNTY, S.C.

The undersigned, being first duly sworn, states as follows:

1. My name is Marshall L. Horton and I have personal knowledge of all facts contained in this affidavit and can testify truthfully to those facts if called upon as a witness under oath.
2. This Affidavit is for the purpose of assisting the Court in ruling on my motion for summary judgment. I am being sued by Mr. Joseph Sun for my role as Guardian *ad Litem* in his family court action based in child custody.
3. I was appointed Guardian *ad Litem* in case number 2011-DR-07-1823 by order dated March 20, 2012 y the Honorable Alvin Johnson. This Order is attached hereto as 'Exhibit A.' This Order was by consent of all the parties, and in fact Mr. Sun signed this Order.
4. From March 20, 2012 until September 3, 2013, I performed my duties as Guardian *ad Litem*. Neither party objected to my performing my duties or voiced any concerns regarding the execution of my duties.

5. After a multi-day trial, the Court issued a final Order on case number 2011-DR-07-1823 signed on September 3, 2013 resolving all issues in this case. The final Order from that trial is attached as "Exhibit B."

6. At the trial, I presented my Guardian *ad Litem*'s report, which was presented to the Court. A copy (unclocked) of the Guardian *ad Litem* Report is attached as "Exhibit C."

6. At trial, I testified regarding my fees. No party objected my Guardian fees, nor has either party sought to have these fees altered or amended.

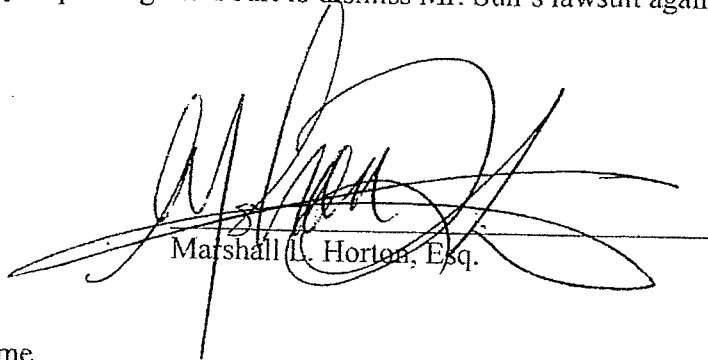
7. Pursuant to the attached Order, both parties were responsible for half of the Guardian *ad Litem* fees within thirty days of the Order. Both parties were presented with the final bill of the Guardian and both parties were to pay half of \$6,507.90 (or \$3,253.95 a party) through their attorneys on September 28, 2013. Mr. Sun was sent additional correspondence through his attorney on October 3, 2013 regarding this fee.

8. Liling Sun paid her share of the Guardian fees. Joseph Sun refused until the Court intervened at a Rule to Show Cause.

9. On February 8, 2014, the Family Court entered an Order on Rule to Show Cause requiring Mr. Sun to pay the remainder of my fees. Mr. Sun has since paid these fees. A copy of the Order on Rule to Show Cause is attached as "Exhibit D."

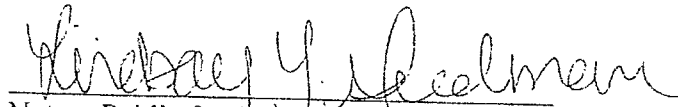
10. Throughout the entire family law case, including the Rule to Show Cause, there has never been an objection to either the execution of my duties as Guardian *ad Litem* or any action contesting my fees. In fact, neither party cross examined me about the reasonableness of my fees at trial nor was I examined about the reasonableness of my fees at the Rule to Show Cause.

11. I am respectfully requesting the Court to dismiss Mr. Sun's lawsuit against me.



Marshall L. Horton, Esq.

Subscribe to and sworn before me
This 10th day of May, 2014



Notary Public for South Carolina
My commission expires: 2/10/22

EXHIBIT A

000072

PAID

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2011-DR-07-1823

12 MAR 21 PM 12:59
BEAUFORT COUNTY
BEAUFORT, S.C.

LILING XIE,

Plaintiff,

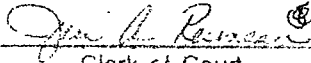
vs.

JOSEPH C. SUN,

Defendant.

CONSENT ORDER APPOINTING
GUARDIAN *AD LITEM*, PSYCHOLOGICAL
EVALUATIONS AND FOR DISCOVERY

Certified - A True Copy

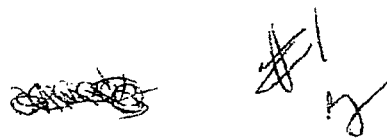

Clerk of Court
Beaufort County SC

THIS MATTER came before me pursuant to an agreement by both parties that prior to a temporary hearing being conducted in this matter, a Guardian *Ad Litem* be appointed in this case and that both parties undergo a full psychological evaluation with Dr. C. Barton Saylor; and

IT APPEARING to the Court that Plaintiff has filed an action seeking modification of child custody, visitation and child support and Defendant has counterclaimed for similar relief in his favor, and that the parties agree that the appointment of a Guardian *Ad Litem* and the conducting of full psychological evaluations would be beneficial; and

IT FURTHER APPEARING to the Court that the parties have agreed upon and consented to the appointment of Marshall L. Horton, Esquire as Guardian *Ad Litem* for the minor child, Abigail Sun. and that the immediate appointment of Marshall L. Horton, Esquire, is required so that he can commence his duties as Guardian *Ad Litem* in this matter in accordance with the provisions of the Guardian *Ad Litem* statute and that such is in the best interests of the minor child; and

IT FURTHER APPEARING to the Court that the parties have agreed to undergo and pre-pay one-half of the costs for full psychological evaluations with Dr. C. Barton Saylor, which



000073

evaluations shall be completed within sixty (60) days of the entry of this Consent Order and have further agreed to share the results of the same with each other, their counsel and the newly appointed Guardian; and

IT FURTHER APPEARING to the Court that the parties have requested the right to engage in all discovery, as permitted under the South Carolina Rules of Civil Procedure and the South Carolina Rules.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED, as follows:

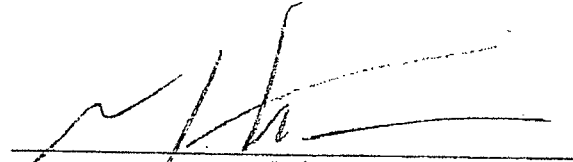
- a) That Marshall L. Horton, Esquire is hereby appointed as Guardian *Ad Litem* for the minor child, Abigail Sun. The Guardian *Ad Litem's* hourly fee is \$125.00 and his initial retainer is \$2,000.00. The parties shall be equally responsible for the Guardian's fees and costs incurred in this matter and they shall each pay one-half ($\frac{1}{2}$) of the Guardian's required retainer within fifteen (15) days of the Guardian *Ad Litem's* appointment;
- b) That the parties shall, within five (5) days of the entry of this Order, deliver the sum of \$1,800.00 each to the offices of Dr. C. Barton Saylor, and shall cooperate fully with Dr. Saylor in completing all interviews, testing and other requirements, promptly, so as to enable Dr. Saylor to complete his evaluation of the parties within sixty (60) days of the entry of this Consent Order. The parties shall cooperate and sign any and all paperwork required by Dr. Saylor to allow full disclosure of his final reports to both parties, their counsel and the Guardian *Ad Litem* in this matter; and
- c) That the parties are authorized to engage in all discovery, as permitted under the South Carolina Rules of Civil Procedure and the South Carolina Rules.
- d) That this matter will be scheduled as soon after the completion of Dr. Saylor's


000074

#2
+

psychological evaluation and the Guardian *Ad Litem's* preliminary report as is practical, but in no event later than April 20, 2012.

AND IT IS SO ORDERED.

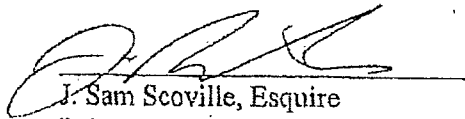


The Honorable *A. Johnson*
Presiding Judge of the Family Court
for the Fourteenth Judicial Circuit

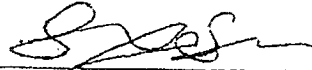
Beaufort, South Carolina
This 20 day of March, 2012.

000075

I SO CONSENT:

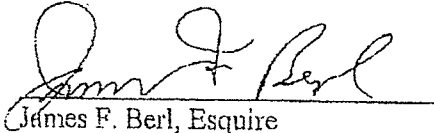


J. Sam Scoville, Esquire
P.O. Box 1107
Beaufort, SC 29901
(843) 524-3109
Attorney for Plaintiff

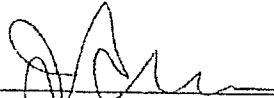


Liling Sun
Plaintiff

I SO CONSENT:

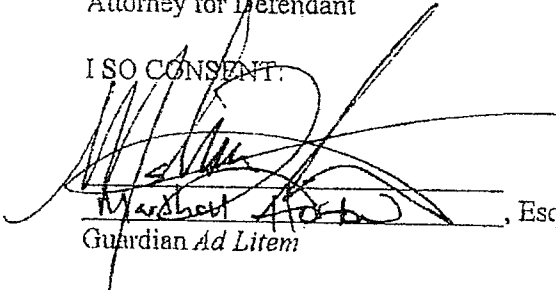


James F. Berl, Esquire
Law Offices of James F. Berl, P.C.
P.O. Box 22626
Hilton Head Island, SC 29938
(843) 689-5771
Attorney for Defendant



Joseph C. Sun
Defendant

I SO CONSENT:



Marshall A. [unclear], Esquire
Guardian Ad Litem

EXHIBIT B

STATE OF SOUTH CAROLINA)

COUNTY OF Beaufort)

Liling Sun)

Plaintiff,)

Joseph Sun vs.)

2013 SEP)
Defendant.)

PM 1:33

Docket No.

IN THE FAMILY COURT
JUDICIAL JUDICIAL CIRCUIT

JUDGMENT IN A
FAMILY COURT CASE

2011-DR-07-1823

Submitted by:	Attorney for <input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Defendant
	<input type="checkbox"/> Self-Represented Litigant	<input type="checkbox"/> GAL

DECISION BY COURT (check all that apply)

- This action came to trial, hearing or was resolved by consent and an order was rendered.
- This action has been dismissed pursuant to
 - Rule 12(b), SCRCP Rule 41(a), SCRCP
 - Rule 43(k), SCRCP Family Court Benchmark
 - Other: _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Additional information for Clerk: _____

ORDER INFORMATION

- This is a Temporary Final order. If Final, does this order end the case? Yes No
- Support is not ordered is ordered, and it is to be paid through the court. directly to the CP.
- Case number under which support is paid if different from this one: _____
- This order involves the immediate issuance dismissal of a bench warrant, or does not apply.
- The following motions are ended by this order (include motion filing date): _____
- This order adds or dismisses the following parties to this case:
 - dismiss add: _____
 - dismiss add: _____

INFORMATION FOR THE JUDGMENT INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))		
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 to enroll, 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)
		\$
		\$
		\$
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 South Carolina 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.

Deedy Allen Turk
Family Court Judge

Judge Code

Date

9/3/13

FOR CLERK OF COURT OFFICE USE ONLY

This judgment was entered on the _____ and a copy mailed first class or placed in the appropriate attorney's box on _____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEYS FOR THE DEFENDANT(S)

Court Reporter: _____

CLERK OF COURT

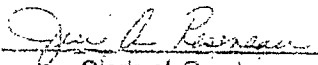
Custodial Parent (if applicable): _____

COUNTY OF BEAUFORT)
)
 STATE OF SOUTH CAROLINA)
)
)
 LILING SUN,)
) Plaintiff,)
)
 v.)
)
)
 JOSEPH C. SUN,)
)
) Defendant.)

IN THE FAMILY COURT
 FOR THE FOURTEENTH JUDICIAL CIRCUIT
 CASE NO. 2011-DR-07-1823

Order Modifying Custody Decree to
 Permit Plaintiff to Move Out of State
 With the Minor Child

SEP 11 PM 1:53

Certified - A True Copy

 Clerk of Court
 Beaufort County SC

Hearing Date: July 29-31, 2013
 Presiding Judge: The Honorable Judy L. McMahon
 Attorney for the Plaintiff: J. Sam Scoville, Esq.
 Attorney for the Defendant: Kenneth Tootle, Esq.
 Guardian ad Litem: Marshall Horton, Esq.
 Court Reporter: Debbie A. Anderson

This matter comes before the Court on Plaintiff's Complaint seeking modification of the parties' Divorce Decree with regard to Child Custody, Visitation, and Child Support. Defendant filed an Answer and Counterclaims for similar relief. By consent of the parties' and order of this Court, Dr. Barton Saylor was appointed to conduct psychological exams on the parties and minor child and Marshall Horton, Esq. was appointed as Guardian ad Litem for the minor child. The crux of the case is that the parties' Divorce Decree provides that Plaintiff (hereinafter referred to as "Mother") "shall not move outside of the state with the child" and Mother seeks to modify that decree to permit her to relocate to Virginia with the minor child to live with her new husband. Defendant (hereinafter referred to as "Father") opposes the move.

Based upon the evidence presented at trial and considering the factors delineated in *Latimer v. Farmer*, 360 S.C. 375, 602 S.E.2d 32 (2004), and other legal authority, the Court makes the following findings of fact and conclusions of law.

Findings of Fact

1. The parties were previously married and had one child together: Abigail Sun, born April 27, 2001.
2. The parties were divorced by order of this court dated October 13, 2010. This order, among other things, approved an agreement of the parties for Joint Custody of the minor child with Mother designated as Primary Caretaker.
3. At the time of the hearing, Mother was living with the child in Fort Mill, South Carolina and Father was living in Bluffton, South Carolina. At the time she filed this action, Mother and the child were living in Beaufort, South Carolina.
4. The divorce decree provides in Paragraph 2.k. on page six (6):

Pickup and return of the minor child: Mrs. Sun is allowed to move within the state of South Carolina with Abigail. She shall not move outside of the state with the child. Unless otherwise specified, Mr. Sun shall pick up and return the child to and from [sic] law enforcement parking lot closest to Mrs. Sun for all periods of visitation so long as Mrs. Sun is a resident of the Beaufort County, South Carolina area. In the event Mrs. Sun relocates outside of the Beaufort County, South Carolina area to some other area within this state, the parties shall designate an area half way between their homes for the purpose of exchanging the child for visitation.

5. Mother, now known as Liling Walsh, married her new husband, Mark Walsh, on November 12, 2011. She began an online friendship with Mr. Walsh and married him eleven months after her divorce from Father. Her emails indicate a long-term, strong, loving, emotional bond to Mr. Walsh, prior to and after the divorce.

6. Mr. Walsh is a fit and proper step-parent and is a committed husband and step-father. He has helped support the family while living apart through years of separation.
7. Both Mother and step-father recognize Father's joint parenting rights under the divorce decree.
8. Mother and step-father will be able to establish a home in Virginia, reducing the costs of maintaining two (2) separate homes. Mr. Walsh has long term employment in Virginia with security clearances from various agencies in the Federal Government. His job provides him good health insurance, and other benefits. His credit report indicates his credit is good. He has long standing connections to the community in Virginia and the Washington, D.C. area. In addition, his mother and extended family live in the area. Mr. Walsh cannot keep his current job and move to South Carolina. Furthermore, it is most likely Mr. Walsh would be unable to find a comparable job in South Carolina.
9. Both Mother and Abigail's quality of life will be enhanced by the move to Virginia. Mother has been Abigail's primary caretaker since the divorce. By moving to Virginia, she will have flexibility with her employment. She will not have to work initially and may devote herself to helping Abigail adjust to her new home and school. Mother will work part-time after Abigail has adjusted. Mother intends to advance her credentials as a nursing assistant in her new location. Abigail's new school is very good and has a good music program, including a concert band, which Abigail is interested in.
10. Mother's decision to remarry and to seek a modification of the divorce decree was not based on a whim.
11. Father opposes the move, but not for any devious or bad motive. Father entered into a final agreement approved by the Court that Mother would not move out of the state with the child and

eleven (11) months later Mother had remarried and filed this action to relocate. Father and child deeply love one another and they have a wonderful relationship. Father is an intelligent, articulate and caring person. He is motivated only by his concern that the quality of his contact with the child will be diminished, not only by the distance, but he is concerned that Mother will try to eliminate him from the child's life. Dr. Saylor expressed similar concerns in his written report for the Court. Father's motive for opposing the move is based on the fact that Abigail is so well adjusted to Fort Mill that another move will disrupt her academics, social life, and every other weekends with Father.

12. There is a risk that Abigail will have difficulty adjusting to the new location, new family (step-father), and new school. Dr. Robert Richardson of Savannah, GA, who testified as an expert in Psychology on behalf of Father, raised valid concerns that Abigail could be at risk of emotional harm with this move and the Court has given significant consideration to the points raised by Dr. Richardson, who has had a very positive effect on the Father-Child relationship. Further, the alternating weekend visitation Father has had with Abigail has gone very well and is a very important part of maintaining the child's relationship with Father.

13. Father's visitation schedule in the Divorce Decree should be modified as follows:

- a. Father will have the child for her entire summer vacation, as determined by her official school calendar;
- b. Father will have the child each Spring Break;
- c. the Parties will exchange the child for Christmas vacation on December 26th, instead of December 25th;
- d. Thanksgiving visitation shall alternate as ordered in the Divorce Decree;

- e. Mother and Father shall meet at the Eastover Fire Department at 3405 Dunn Road, Fayetteville, NC 28312 (250 miles from Mother's home and 255 miles from Father's home) to exchange the child for Summer, Spring Break, Thanksgiving, and Christmas visitation;
- f. Father may have up to two non-consecutive weekend visits each month, except those months when he has holiday visitation for Christmas, Spring Break, or Thanksgiving (for the alternating years that are his) visitation. During those months he has holiday visitation, he shall be limited to visitation during those holidays;
- g. Father must give thirty (30) days' written notice to Mother of his intent to exercise weekend visitation if it includes the Child flying. If he is going to travel to visit the child, he shall give fourteen (14) days' written notice to Mother. On those occasions when Father travels to visit the child on a regular weekend, he shall be responsible for ensuring her attendance at any required band or concert activities;
- h. When Father chooses as one of his weekends a time when the child has early release on a Friday-Sunday period or where there is a holiday on either the Friday or Monday, Father may choose to fly the Child from an airport in Richmond, VA, Washington, D.C. or Baltimore, MD to Savannah, GA or Charleston, SC, utilizing the "travel fund" detailed below. Father may also utilize the "travel fund" if he chooses to fly himself to an airport in Richmond, VA, Washington, D.C. or Baltimore, MD for weekend visitation with the child;

- i. For any weekend visitation, Mother shall be responsible for delivering and picking the child up at the airport in Richmond, VA, Washington, D.C. or Baltimore, MD, or exchanging the child at any law enforcement office within 65 miles of her residence;
- j. Father's child support obligation is modified as follows: Father shall set up a travel fund from the \$200.00 a month child support for travel expenses either for the child to fly to Savannah, GA from Richmond, VA, Washington, D.C., or Baltimore, MD, or for Father to fly to Richmond, VA, Washington, D.C., or Baltimore, MD, for weekend visitation. Father shall keep receipts for all purchases from this account and provide an annual accounting of these funds to Mother, in writing, by March 1st the following year. Any funds remaining in the account shall be paid to Mother as child support when Father sends her the accounting. The parties may agree to use money from the travel fund to pay for the child or Father to travel by air for regularly scheduled holiday visitation, rather than exchanging the child halfway;
- k. Father shall be solely responsible for the costs of travel for weekend visitation, if the cost exceeds the funds in the travel account;
- l. Father shall have the right to daily email and Skype communications with the child, in addition to the telephone visitation in the Divorce Decree;
- m. Father shall not have the right of first refusal when Mother needs a babysitter;
- n. Father shall have the right to visitation with the child for Father's Day weekend and Father shall not schedule visitation with the Child on Mother's Day weekend; and

o. Father and Mother shall communicate by letter or email to facilitate the details concerning travel arrangements.

14. After weighing the foregoing, the Court finds that Abigail's welfare and best interest will be served if the Divorce Decree is modified to permit Mother to relocate with Abigail to live in Virginia. Further, the above visitation schedule will provide Father and the child with such quality time as to permit them to continue to enjoy the types of activities together they have enjoyed in the past.

15. Mother should remain Abigail's primary caretaker and be permitted to relocate with her as of Friday, August 23, 2013, at 6 PM.

16. Father should have visitation with Abigail during the week before she and Mother move. Father should thus have visitation with Abigail from Friday, August 16, 2013, at 6 PM until Friday August 23, 2013, at 6 PM.

17. Abigail should have a counselor available near her new home to assist her with the relocation. The court finds it would be helpful for Dr. Richardson to assist the parties in finding a therapist for Abigail close to her new home.

18. The parties have each incurred reasonable fees for this type of contested relocation case. Each party has limited income. The fees each has incurred will have a significant impact on their standard of living. While Mother has been given permission to relocate, Father was totally justified in opposing this action based on the terms of the divorce decree and the fact that Mother's new action for relocation was eleven (11) months after the agreement not to move out of the state. There are legitimate concerns that if Mother relocates that she will thwart Father's relationship with the child, as raised by Dr. Saylor. This was a difficult case, and the time devoted and fees charged by Mr. Tootle and Mr. Scoville are reasonable. Both parties have

received beneficial results: Mother may relocate and Father is entitled to the travel funds to mitigate the impact of the distance he must now travel to visit the child.

19. South Carolina should have continuing jurisdiction over custody and visitation issues, so long as Mr. Sun resides in South Carolina, pursuant to UCCJEA S.C. Code Ann. §§ 63-15-300 et seq. South Carolina shall remain the child's "home state" pursuant to UCCJEA and shall retain jurisdiction over the parties and the child for any action to enforce this order or modify it.

Conclusions of Law

20. Jurisdiction and venue are in this Court.

21. Mother has shown that the welfare of the child permits the court to modify and set aside the agreement of the parties incorporated in the decree so that she may move outside of the state of South Carolina with the child.

22. Though the Court is aware that remarriage alone is not a sufficient change in circumstances to justify modifying a custody decree, Mother's remarriage in this particular case to Mr. Walsh, constitutes a substantial change in circumstances affecting Abigail's welfare, and modifying the divorce decree to permit Mother to relocate to Virginia with Abigail, is in Abigail's overall best interest.

NOW THEREFORE,

1. All provisions of the divorce decree remain in full force except as modified by this order.
2. This order does not in any way modify any other orders which the parties may be subject to, including any criminal bond orders.
3. Each party shall pay one-half of the Guardian ad Litem's fees within thirty (30) days of the date of this order. Each party shall pay their own attorney's fees and costs.

4. South Carolina shall have continuing jurisdiction over custody and visitation issues, so long as Mr. Sun resides in South Carolina, pursuant to UCCJEA S.C. Code Ann. §§ 63-15-300 et seq. and shall remain the child's "home state." South Carolina shall retain jurisdiction to enforce and modify this order.
5. Divorce Decree is modified to permit Mother to relocate with Abigail to live in Virginia. Mother remains the child's primary caretaker.
6. Mother is permitted to relocate with Abigail as of Friday, August 23, 2013, at 6 PM.
7. Father shall have visitation with Abigail from Friday, August 16, 2013, at 6 PM until Friday August 23, 2013, at 6 PM.
8. Father shall also have visitation with the child from 10:00 AM on Saturday, September 7, 2013 until 6PM on Sunday, September 8, 2013. The parties shall exchange the child for this visitation at the Spotsylvania County Sheriff's Office at 9119 Dean Ridings Lane, Spotsylvania, VA 22553. Father shall provide Mother with the telephone number and address where they will be staying during this time.
9. Father's visitation schedule in the Divorce Decree is modified as follows:
 - a. Father will have the child for her entire summer vacation, as determined by her official school calendar;
 - b. Father will have the child each Spring Break;
 - c. the Parties will exchange the child for Christmas vacation on December 26th, instead of December 25th;
 - d. Thanksgiving visitation shall alternate as ordered in the Divorce Decree;
 - e. Mother and Father shall meet at the Eastover Fire Department at 3405 Dunn Road, Fayetteville, NC 28312 (250 miles from Mother's home and

- 255 miles from Father's home) to exchange the child for Summer, Spring Break, Thanksgiving, and Christmas visitation;
- f. Father may have up to two non-consecutive weekend visits each month, except those months when he has holiday visitation for Christmas, Spring Break, or Thanksgiving (for the alternating years that are his) visitation. During those months he has holiday visitation, he shall be limited to visitation during those holidays;
- g. Father must give thirty (30) days' written notice to Mother of his intent to exercise weekend visitation if it includes the Child flying. If he is going to travel to visit the child, he shall give fourteen (14) days' written notice to Mother. On those occasions when Father travels to visit the child on a regular weekend, he shall be responsible for ensuring her attendance at any required band or concert activities;
- h. When Father chooses as one of his weekends a time when the child has early release on a Friday-Sunday period or where there is a holiday on either the Friday or Monday, Father may choose to fly the Child from an airport in Richmond, VA, Washington, D.C. or Baltimore, MD to Savannah, GA or Charleston, SC, utilizing the "travel fund" detailed below. Father may also utilize the "travel fund" if he chooses to fly himself to an airport in Richmond, VA, Washington, D.C. or Baltimore, MD for weekend visitation with the child;
- i. For any weekend visitation, Mother shall be responsible for delivering and picking the child up at the airport in Richmond, VA, Washington, D.C. or

Baltimore, MD, or exchanging the child at any law enforcement office within 65 miles of her residence;

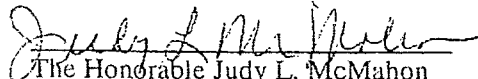
- j. Father's child support obligation is modified as follows: Father shall set up a travel fund from the \$200.00 a month child support for travel expenses either for the child to fly to Savannah, GA from Richmond, VA, Washington, D.C., or Baltimore, MD, or for Father to fly to Richmond, VA, Washington, D.C., or Baltimore, MD, for weekend visitation. Father shall keep receipts for all purchases from this account and provide an annual accounting of these funds to Mother, in writing, by March 1st the following year. Any funds remaining in the account shall be paid to Mother as child support when Father sends her the accounting. The parties may agree to use money from the travel fund to pay for the child or Father to travel by air for regularly scheduled holiday visitation, rather than exchanging the child halfway;
- k. Father shall be solely responsible for the costs of travel for weekend visitation, if the cost exceeds the funds in the travel account;
- l. Father shall have the right to daily email and Skype communications with the child, in addition to the telephone visitation in the Divorce Decree;
- m. Father shall not have the right of first refusal when Mother needs a babysitter;
- n. Father shall have the right to visitation with the child for Father's Day weekend and Father shall not schedule visitation with the Child on Mother's Day weekend; and

o. Father and Mother shall communicate by letter or email to facilitate the details concerning travel arrangements.

9. Dr. Richardson ^{should assist the Court to} find a therapist for Abigail near her new home to assist her with

this move and Mother shall help facilitate this therapy. This therapy is mandatory, and

It is so ordered.


The Honorable Judy L. McMahon
Family Court Judge

Mother, step father & father shall co-operate with the therapist to assist Abigail. JFL

Beaufort, South Carolina

Dated: 9/3 2013

EXHIBIT C

000092

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT FOR THE
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CIVIL ACTION NO.: 2011-DR-07-1823
)	
LILING XIE SUN,)	REPORT OF THE GUARDIAN <i>AD LITEM</i>
)	
Plaintiff,)	
)	
vs.)	
)	
JOSEPH C. SUN,)	
)	
Defendant.)	
)	

Comes now the Guardian *ad Litem*, Marshall L. Horton, Esquire, to file this Report of the Guardian *ad Litem*. The Guardian *ad Litem* in this case has been appointed to represent the interests of the child Abigail Sun, a minor child under the age of eighteen (18).

During the pendency of this case, the Guardian has taken the following actions:

I. SUMMARY OF ACTIVITIES

- A. Reviewed all of the pleadings, affidavits, Orders, and other relevant documents received and/or requested from the parties, the parties' attorneys, law enforcement, and others;
- B. Interviewed various parties and individuals:
 - a. Joe Sun and his attorneys
 - b. Liling Walsh and her attorney
 - c. Mark Walsh (in person and over telephone)
 - d. France Walsh (Mark Walsh's mother) (over telephone only)

- e. Law enforcement, former Guardian *ad Litem*, and other legal professionals
(over the phone and in person)
 - f. Abigail Sun (in person)
- C. Conduct seven (7) home visits as follows:
- a. Liling Sun & Abigail at her home in Bluffton on April 24, 2012 and
December 12, 2012.
 - b. Liling Sun at her home in Fort Mill on July 24, 2013.
 - c. Joe Sun & Abigail at his home in Bluffton on May 3, 2012, December 11,
2012, May 27, 2013, and July 24, 2013
- D. Maintained a complete file, including notes, which I have made concerning my
activities in this case; and
- E. Prepared for and attended a mediation with Douglas Novak on December 17,
2012; and
- F. Prepared to fully participate at the final hearing dated July 29.– August 1, 2013.

II. BACKGROUND

This child custody case is a case based on a claim of changed circumstances. The parties to this action were married and as a result of this marriage, one child was born: Abigail Sun, born April 27, 2001.

The child currently resides with Ms. Walsh in Fort Mill, South Carolina and has resided there for a few months. Prior to moving to Fort Mill, Ms. Walsh and Abigail lived in Beaufort for multiple years. Mr. Sun resides in Bluffton, South Carolina and has been a resident of Bluffton since well before this action.

The parties were divorced by Decree of Divorce dated October 13, 2010. Ms. Walsh filed her pleadings for a change of circumstances on November 28, 2011.

The change of circumstances in this case appears to be Liling's marriage to Mark Walsh, a gentleman who lives in Spotsylvania, Virginia. There are some allegations that Liling and Mr. Walsh's relationship pre-dated the actual divorce. Although Liling used the surname of Sun on her initial pleadings, she now appears to use the name of Walsh.

The custodial arrangement set by the October 12, 2010 Decree of Divorce is: "Liling Sun and Joseph Sun shall jointly share the custody of their daughter, Abigail Sun, born April 27, 2001. Liling Sun is designated the child's primary care taker." Mr. Sun was granted a liberal visitation schedule. However, of interest, Liling's ability to relocate was restricted by the Decree, with the Decree stating: "Mrs. Sun is allowed to move within the state of South Carolina with Abigail. She shall not move outside the state with the child."

The change of custody that Liling is seeking is to alter the October 13, 2010 Decree to delete the section forbidding her to move out of state so that she can live with her husband in Virginia with Abigail. She also seeks that the legal custody arrangement be changed from "joint" to "sole" in her favor. This is Mrs. Walsh's position as The Guardian understands it.

Mr. Sun has counterclaimed for legal and physical custody. His reasons have to do with his inability to be a part of his child's life should she move to Virginia and concerns about Mr. Walsh. This is Mr. Sun's position as The Guardian understands it.

There was an attempted mediation with Douglas L. Novak, Esq. that occurred in December of 2012. Both parties and the Guardian attended this mediation, but no settlement was reached.

Mrs. Walsh is represented by Sam Scoville, Esq. and Mr. Sun is represented by Kenneth Tootle, Esq.

III. SUMMARY OF INVESTIGATION

This is a case based upon a substantial change of circumstances. In general, "the court should not transfer custody unless the person asking the court to transfer custody establishes that (1) the circumstances have substantially change; (2) the changes occurred after the initial award of custody, and, ordinarily, prior to the filing the request to change custody; and (3) the changes substantially affect the interests and welfare of the child or children in questions. *Moss v. Moss*, 274 S.C. 120, 262 S.E.2d 11 (1980).

The question of changed circumstances is a question of law that the Guardian feels is not his place to make a recommendation on. It is anticipated that, reviewing the discovery and depositions in this case, that both parties are prepared to argue the existence of substantially changed circumstance at length. However, there is only a thirteen (13) month window between the Final Decree of Divorce and this current action.

This investigation, in accordance with the above stated considerations, has been focused upon factors related to the best interests of the child. Specifically, this investigation has focused upon the ability and resources of the parties to care and raise this young child as well as the parties' respective character traits.

This case is peculiar in that the change of circumstances case was filed a mere thirteen (13) months after the initial court order setting custody. As such, much of what

the parties have taken issue with are events that occurred prior to the initial order setting custody. This report will take efforts to focus on facts that have occurred since October 13, 2010; however, it is virtually impossible to not consider prior activities and actions when evaluating the parties' respective character and ability to care for children.

1. Mother's ability to properly care for the child.

Liling Walsh is a good mother who cares for her daughter's well-being. She has enjoyed physical custody of Abigail since the divorce. The below represents a summary of information that appears to be relevant to this matter:

- Mrs. Walsh's home. Mrs. Walsh currently lives in Fort Mill, SC in a one bedroom apartment with a sun room converted as a second bedroom for Abigail. While it was messy when visited (as was her Beaufort apartment), it did not seem inappropriate for children. It is a gated community, which is important to Mrs. Walsh as she states that she is extremely concerned for her safety on account of Mr. Sun's stalking her. While it certainly appears that Mr. Sun acted in poor judgment during the divorce aspect of this case (with the criminal cases to show for it), it is not clear to the Guardian that anything criminal or stalking in nature has occurred since October of 2010. Mrs. Walsh has informed the Guardian that she believes that Mr. Sun received a traffic citation recently near her home, and that the only reason he would have been near her would have been to stalk her, but the Guardian could not find record of it on any of the county clerk of court public indexes. In any regard, Mrs. Walsh's home in Fort Mill is safe and appears to be appropriate for a single mother.

It should be noted that, if successful in this lawsuit, Mrs. Walsh intends to relocate to Spotsylvania, VA to be with her husband Mark.

- The Virginia home/ relocation. Mr. Walsh is closing on a home in Spotsylvania next week.¹ The Guardian has spoken with Mr. Walsh about this home and viewed pictures. The Guardian has also reviewed the real estate contract and other documents evidencing that he is in fact closing on this home.

The Virginia home is very nice and is child appropriate. It is far superior to what Mrs. Walsh and Abigail currently reside. Mr. Walsh works in some regard for (upon information and belief) for a defense contractor outside of Washington, D.C. Mr. Walsh's income is such that Mrs. Walsh and Abigail's lifestyle will be greatly improved by their move with Mr. Walsh, and this home is but one of the ways that they will benefit from the proposed move to Virginia. However, it should be noted that Mr. Walsh does not own this home as of today, and that as such the Guardian has not physically visited this home.

The school district in Spotsylvania has a good reputation and the parties have taken steps to enroll Abigail in Post Oak Middle School. Considering that Abigail just changed schools a few months ago, the Guardian is not concerned that Abigail will have a difficult time adjusting.

Mr. Walsh has family in the area, and Mr. Walsh's family is eager to be a part of Abigail's life. Mr. Walsh's mother, France Walsh, has reported in conversation that she looks forward to having Abigail as a granddaughter and looks forward to being a part of her life. Abigail has reported that she likes her grandmother.

¹ Mr. Walsh had lived at his family home with his mother during the pendency of this action.

Finally, and most importantly, Mr. Walsh appears to the Guardian to be an upstanding individual who has Liling and Abigail's best interests at heart. The Guardian has been a part of this case for over a year and has had the opportunity to speak with Mr. Walsh on numerous of occasions. The Guardian has conducted an investigation on Mr. Walsh as possible and has even reviewed Mr. Walsh's credit report. The Guardian has spoke with Mr. Walsh's family. In the Guardian's opinion, Mr. Walsh appears a decent man who will be a good stepfather for Abigail.

Mr. Walsh has been involved with Abigail, as he has visited at least once a month for some time. Abigail has reported that they go fishing together, and that they have been to Carowinds together. Abigail appears to like Mr. Walsh (who she calls "Tony.") Mr. Walsh has reported that he likes Abigail and looks forward to being more of a part of her life.

The Guardian is aware that Mr. Sun has concerns about Mr. Walsh, and the Guardian is sensitive to the sources of these concerns. Mr. Walsh apparently was the "other man" during Mr. Sun and Liling's divorce. Furthermore, Mr. Sun has alleged that Mr. Walsh and Liling were "sexting"² while Mr. Sun and Liling were still married, and Mr. Sun is disgusted that Mr. Walsh would conduct himself in this manner. The Guardian shares Mr. Sun's concerns that Mr. Walsh needs to conduct himself in a manner befitting of a gentlemen. However, Mr. Walsh has married Liling, and Mr. Walsh has shown nothing but an intention to want to be with Liling. Furthermore, if it is the case that Mr. Walsh was the "other man" in the divorce, that leads to the conclusion that Mr. Walsh has been in Liling's life and has romantically pursued her for at least three (3) years. This courtship and long relationship (and, frankly, sexual interest) does not seem to the

² Sending explicit self-taken pictures of each other via cell phone.

Guardian to necessarily a bad thing in terms of Liling and Mark having a steady and healthy relationship moving forward.

- Mrs. Walsh and Mr. Walsh's employment. Mrs. Walsh makes her living working in hospitals and medical offices (although it does not appear that she is a RN). She has a job in Fort Mill, but reports that it is not a very good job. She does not have a job in Virginia yet, but was optimistic that she would be able to find decent employment at a higher pay rate relatively quickly.

Mr. Walsh makes a living working for a defense contractor (in some regard) in Northern Virginia. He has some degree of security clearance pursuant to this position. Upon information and belief, Mr. Walsh earns more than \$60,000.00 per year. However, it is important that Mr. Walsh's job will not allow him to relocate to South Carolina (hence one of the main disputes in this case – Mrs. Walsh needs to relocate to Virginia to be with her husband). Also important, Mr. Walsh is very concerned that Mr. Sun will attempt to contact his employer or bring a lawsuit against him, both of which could result in his losing his security clearance and his job.

- Abigail's school situation. Abigail is currently attending Springfield Middle School in Fort Mill. She is doing reasonably well and her last report card shows that she is a A/B student. Of interest, her grades appeared to have slightly improved since her move from Beaufort.

- Mrs. Walsh's ability to work with Mr. Sun regarding visitation. Although the parties have a checked past and there have been serious allegations of stalking and other criminal behavior against Mr. Sun, the parties have coordinated visitation well. They currently meet in Orangeburg to exchange the child and there has not been any negative

incidents reported to the Guardian. The Guardian believes that both parties will be able to coordinate drop off/ pick up issues in the immediate future regardless of the custody living situation ordered by the Court.

It is also noteworthy that there has noteworthy that, since the Guardian has been appointed, there have not been any visitation "flare ups" where one party is not abiding by the visitation order. Visitation has been orderly and uneventful for the entirety of the case.

- Ability to financially provide for the children. Mrs. Walsh has been able to provide for Abigail's needs to date. With Mrs. Walsh's marriage to Mr. Walsh, the Guardian has no concerns that Abigail's needs will not be met.

II. Father's ability to property care for the children.

Joseph Sun is a devoted father who loves Abigail very much. The Guardian believes that Mr. Sun is genuinely interested in Abigail's safety and well-being, and the Guardian does not question Mr. Sun's interest in providing for Abigail's best interests. The below represents a summary of information that appears to be relevant to this matter:

- Mr. Sun's home. Mr. Sun lives in a (upon information and belief) three bedroom home in the Bluffton Park subdivision in Bluffton. The home, while it has been messy for every home visit, is not inappropriate for raising a child. Abigail has her own room and appears comfortable at this home.

- Mr. Sun's home life. At the onset of this litigation, Mr. Sun has remarried to a woman from Costa Rica. That woman has since left, and the Guardian has been given information that this marriage may have been entered in an effort to improve Mr. Sun's

chances in this litigation. However, this evidence that was provided is suspect: a recording that is probably double-hearsay (*i.e.* recording of a daughter relaying what her mother said) between two individuals of which English was neither party's first language. However, it appears the case that Mr. Sun knew this woman for less than two weeks prior to marrying her, and it appears that Mr. Sun was introduced to this woman by neighbors who were also from Costa Rica. Despite the intentions, Mr. Sun married this woman basically sight-unseen and she has subsequently left, this leaves the Guardian concerned about Mr. Sun's judgment regarding his romantic endeavors.

Despite that Mr. Sun is now separated, the Guardian does not have any question that Mr. Sun can care for Abigail for extended periods of time.

- Mr. Sun's job. Mr. Sun does not work. It is not clear where Mr. Sun gets money, although it appears that his home does not have a mortgage on it. The Guardian is under the impression that Mr. Sun has substantial financial means at his disposal; however, the Guardian is also aware that Mr. Sun has filed numerous lawsuits with petitions to proceed *in forma pauperis*, although all of these lawsuits were filed prior to the October 13, 2010 order. At this point, the Guardian cannot say what Mr. Sun's financial condition is.

- Mr. Sun's relationship with Abigail. Mr. Sun has a good relationship with Abigail. He is very concerned for her well-being and is very interested in exercising as much visitation with her as possible. Mr. Sun appears to genuinely love Abigail. For her part, Abigail seems to love her father.

Mr. Sun recently took Abigail on a cruise through the Bahamas, and Abigail reported that she had a great time with him. The Guardian is of the opinion that Abigail's relationship with her father is an important part of her life.

- Mr. Sun's temperament & past actions. Mr. Sun's has, in the past, acted highly erratically. Mr. Sun has frequently filed civil actions as a *pro se* plaintiff, and he has had criminal trouble. Some of these criminal charges give the Guardian pause; *i.e.* possession of burglary tools, violations of court orders, etc. He is well known throughout the Beaufort County legal community due to his erratic behavior. Apparently there is family court restraining order forbidding Mr. Sun from contacting the Beaufort CODA attorney (Mrs. Walsh's former counsel). When the Town of Bluffton Solicitor was interviewed regarding Mr. Sun, the Solicitor reported that Mr. Sun's behavior in court was extremely erratic.

However, nothing that the Guardian has found appears to have occurred since October 13, 2010. Since this date, it appears that Mr. Sun has kept out of trouble.

However, it should be noted that Mr. Sun is still facing criminal charges of some sort in the Town of Bluffton.

III. Interview with Abigail Sun.

The Guardian has had the pleasure to meet Abigail on multiple occasions, but refrained from interviewing her regarding the facts of this case until just a few days ago. Abigail Sun is a quiet and shy girl who is not overly talkative. Despite meeting with Abigail on at least six (6) different occasions in the presence of both her mother and her father, the Guardian was unable to establish any real rapport with her.

When asked, Abigail did not voice any preference towards staying with her Mother or staying with her Father. The Guardian got the impression that the only thing that Abigail wanted was to stay uninvolved in her parent's dispute.

When asked what she thought about moving to Virginia, she expressed that she would be fine with that. When asked about staying Fort Mill, she expressed that staying in Fort Mill would be fine. When asked about moving back with her father, Abigail reported that would be fine as well.

Based upon this, the Guardian does not believe that the minor child has a reasonable preference towards an outcome for this case. If she did, the Guardian would express great concerns about her maturity and wherewithal to make such a stated preference.

However, it should be noted that Abigail loves both her parents, and she has a good relationship with both of them. She also has a good relationship with Mr. Walsh and his family.

IV. CONCLUSION

As the Court and counsel for the Petitioner are well aware, the South Carolina Private Guardian *ad Litem* Reform Act specifically prohibits the Guardian from making a recommendation “concerning which party should be awarded custody” in this report. South Carolina Code §63-3-830(A)(6).

Please note that the Guardian hereby reserve the right to amend or supplement this report based on any new information. In addition, if the Court wishes the Guardian *ad Litem* to make additional recommendations on any subject related to this matter, the Guardian *ad Litem* is prepared to do so.

HORTON LAW FIRM, LLC

Marshall L. Horton, Esq.
Lindsay Y. Goodman, Esq.
49 Boundary Street, 2nd Floor
Post Office Box 3766
Bluffton, South Carolina 29910
(843) 757-6190
(843) 757-6191 – fax
*GUARDIAN AD LITEM FOR ABIGAIL
SUN*

Bluffton, South Carolina
This ___ day of July, 2013

EXHIBIT D

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT FOR THE
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT.
CIVIL ACTION NO.: 2011-DR-07-1823

LILING XIE SUN,)
Plaintiff,) ORDER ON RULE TO SHOW CAUSE
vs.)
JOSEPH C. SUN,)
Defendant.)

14 FEB 14 AM 10:47
BEAUFORT COUNTY
SOUTH CAROLINA

HEARING DATE: January 28, 2014
PRESIDING JUDGE: The Hon. Timothy H. Pogue
ATTORNEY FOR PLAINTIFF: Not Present
ATTORNEY FOR DEFENDANT: Kenneth L. Tootle, Esq.
GUARDIAN AD LITEM: Marshall L. Horton, Esq.
COURT REPORTER: Donna Hartley

Certified - A True Copy
John A. Pearson
Clerk of Court
Beaufort County SC

THIS MATTER CAME before me on account of Marshall L. Horton, Esq.'s Rule to Show Cause against Defendant Joseph Sun for non-payment of his Guardian *ad Litem* fees. This action began by way of the *Ex Parte* Rule to Show Cause signed by the Hon. Judy L. McMahon on November 8, 2013. Mr. Sun was personally served with this action on January 10, 2014.

Prior to this hearing moving forward, Mr. Sun, through his attorney Kenneth L. Tootle, Esq., made a motion for a continuance based upon the fact that Mr. Tootle had just recently been retained to defend Mr. Sun in this action. Upon hearing from both parties, this motion for a continuance was denied.

Also prior to this hearing moving forward, Mr. Sun made a motion for this hearing to be continued for lack of personal service of Mr. Sun. Mr. Horton had

previously filed with this Court the Affidavit of Service by Hand by Richard Ulbrich stating that Mr. Ulbrich served Mr. Sun personally on January 10th. At the hearing, Mr. Horton presented to this Court photographs taken by Mr. Ulbrich of this serving Mr. Sun with this current Rule to Show Cause (with these pictures being made part of the record as "Exhibit 1.") Based upon arguments of counsel and the evidence presented, the motion for continuance for lack of service was denied.

The hearing on the Guardian's Rule to Show Cause proceeded to be heard as scheduled on January 28, 2014 at 11:00 a.m. in the Beaufort County Family Court located at 100 Ribaut Road, Beaufort, South Carolina. Present was the Guardian *ad Litem*, Marshall L. Horton, Esquire. Mr. Sun did not attend this hearing; however, his attorney, Kenneth L. Tootle, Esquire, attended and participated. The Plaintiff, Liling Sun, was not present nor was her presence (nor the presence of her counsel) required.

Therefore, based upon the evidence presented and arguments of counsel, I now make the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Mr. Sun was properly served with the following documents via personal service on January 10, 2014: Motion and Order Information Form and Coversheet, Rule to Show Cause dated November 8, 2013 signed by the Hon. Judy L. McMahon, and Affidavit in Support of Rule to Show Cause for non-payment of Guardian ad Litem fees (with exhibits).
2. This Court has jurisdiction over the parties to this action, jurisdiction over the subject matter herein, and venue is proper.

000108

3. This Rule to Show Cause concerns the alleged violations of the *Order Modifying Custody Decree to Permit Plaintiff to Move out of State With Minor Child* signed by the Hon. Judy L. McMahon on September 3, 2013 ("The Final Order"), case no. 2011-DR-07-1823.
4. The Final Order was the result of a three day trial that occurred from July 29, 2013 to July 31, 2013. The Plaintiff, Liling Sun, was represented by J. Sam Scoville, Esq. and the Defendant, Joseph Sun, was represented by Kenneth L. Tootle, Esq. Marshall L. Horton, Esq. served as Guardian *ad Litem* for the minor child in this case.
5. The Final Order states: "Each party shall pay one-half of the Guardian ad Litem's fees within thirty (30) days of the date of this order. Each party shall pay their own attorney's fees and costs. (Page 8, Paragraph 3 of The Final Order). No specific amount is stated in The Final Order for the fees; however, there was evidence presented that the amount was discussed at during the trial that occurred in July. The Final Order was signed on September 3, 2013.
6. On September 28, 2013, Mr. Horton sent correspondence and an itemized statement to Mr. Sun and Mrs. Sun through their counsel indicating that the total fees in this case were \$8,507.90. After the initial retainer of \$2,000.00 (paid equally by both parties) was expended, the total balance was \$6,507.90. Each party was asked to pay \$3,253.95.
7. On October 3, 2013, Liling Sun paid \$3,253.93.
8. For the sake of efficiency, Mr. Horton voluntarily reduced the Guardian fees by 4 cents (\$.04) to account for the miniscule underpayment of Liling Sun.
9. Mr. Sun has made two payments for a total of \$600.00 towards his fees.

10. As of the date of the current hearing, Mr. Sun still owes \$2,653.96 to Mr. Horton in outstanding Guardian *ad Litem* fees.

DISPOSITION

NOW, WHEREFORE, having made its Findings of Fact and Conclusions of Law, the Court hereby orders:

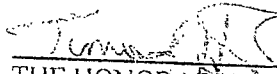
- A. Any ruling concerning Mr. Sun's alleged wilful noncompliance with The Final Order, and any ruling concerning contempt, is hereby held in abeyance.
- B. Mr. Sun will make the following payments to Mr. Horton on the following dates:
 - a. \$1,353.93 to be received on or before February 15, 2014, and
 - b. \$1,300.00 to be received on or before March 15, 2014.
- C. Should Mr. Sun fail to make these payments, Mr. Horton may file an affidavit stating so to the Beaufort County Family Clerk of Court. Upon receiving such an affidavit from Mr. Horton, the Clerk will cause to have issued a bench warrant for Mr. Sun's immediate arrest and for Mr. Sun to be held in the Beaufort County Detention Center until such time as a hearing can be scheduled to determine the appropriate sanction. It shall be the Clerk's responsibility to schedule this hearing to determine sanctions.
- D. Mr. Horton shall serve this current Order to Mr. Sun's last known address, which is:

18 6th Avenue
Bluffton, SC 29910

Mr. Horton shall also serve Mr. Sun's attorney, Kenneth Tootle, Esq., with this current Order. Upon service by mail at these two locations, Mr. Sun shall be deemed to be served with this current Order.

E. Mr. Horton's motion for fees and costs for this current motion is denied.

IT IS SO ORDERED.



THE HONORABLE TIMOTHY H. POGUE
Presiding Family Court Judge
Fourteenth Judicial Circuit

Plusion
Beaufort, South Carolina
This ~~28~~ *29* day of January, 2014
February