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JAN 19 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

FILED  
GWEN T. HYATT

2011 SEP -8 AM 9:25

IN THE COURT OF COMMON PLEAS

COUNTY OF DILLON

GUESS FARM EQUIPMENT COMPANY, INC. d/b/a GUESS IRRIGATION COMPANY,

CLERK OF COURT  
DILLON COUNTY

Plaintiff/Lien Claimant,

NOTICE AND CERTIFICATE  
OF MECHANIC'S LIEN

vs.

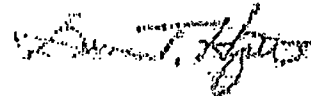
Filed at

Book \_\_\_\_\_, Page \_\_\_\_\_

JUSTICE FAMILY FARMS, LLC and  
CATFISH BAY, LLC,

Defendants.

CERTIFIED  
TRUE COPY



CLERK OF COURT  
DILLON COUNTY

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF MARLBORO

GUESS FARM EQUIPMENT COMPANY, INC. d/b/a GUESS IRRIGATION COMPANY,

Plaintiff/Lien Claimant,

NOTICE AND CERTIFICATE  
OF MECHANIC'S LIEN

vs.

Filed at

Book \_\_\_\_\_, Page \_\_\_\_\_

JUSTICE FAMILY FARMS, LLC and  
CATFISH BAY, LLC,

Defendants.

TO: THE DEFENDANTS NAMED ABOVE AND ALL OTHER CONCERNED PARTIES:

80575  
P.1  
RB

716 002

EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

GUESS FARM EQUIPMENT COMPANY,  
INC. d/b/a GUESS IRRIGATION  
COMPANY,

Plaintiff/Lien Claimant,

vs.

JUSTICE FAMILY FARMS, LLC and  
CATFISH BAY, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

**NOTICE AND CERTIFICATE  
OF MECHANIC'S LIEN**

Filed at  
Book 3, Page 69 - 79

STATE OF SOUTH CAROLINA

COUNTY OF MARLBORO

GUESS FARM EQUIPMENT COMPANY,  
INC. d/b/a GUESS IRRIGATION  
COMPANY,

Plaintiff/Lien Claimant,

vs.

JUSTICE FAMILY FARMS, LLC and  
CATFISH BAY, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

**NOTICE AND CERTIFICATE  
OF MECHANIC'S LIEN**

Filed at  
Book 3, Page 69 - 79

2011 SEP 8 PM 11 45  
WILLIAM B. SUNDENBAND  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

FILED

TO: THE DEFENDANTS NAMED ABOVE AND ALL OTHER CONCERNED  
PARTIES:

BASIS  
P.1  
RB3

A CERTIFIED  
TRUE COPY  
William B. Sundenband  
CLERK OF COURT  
MARLBORO COUNTY

**YOU ARE HEREBY GIVEN NOTICE** that the Plaintiff, Guess Farm Equipment Company, Inc. d/b/a Guess Irrigation Company (hereinafter referred to as "Guess Irrigation"), by virtue of the attached Affidavit of Mechanic's Lien (Exhibit "A") and Verified Statement of Account (Exhibit "B"), is entitled to and hereby claims a Mechanic's Lien against the real property located at 409 Bay Catfish Road, Latta, South Carolina 29565, which is more fully described in the attached Exhibit "C" (the "Property"). The Mechanic's Lien is claimed pursuant to S. C. Code Ann. § 29-5-10 *et. seq.* (1976, as amended) and is being filed in the Office of the Clerk of Court for Dillon County, South Carolina, and the Office of the Clerk of Court for Marlboro County, South Carolina.

This lien is in the principal amount of One Hundred Forty-four Thousand, Sixteen and no/100 (\$144,016.00) Dollars, the sum Guess Irrigation is due for labor performed or furnished and for materials, equipment, and/or services furnished and actually used in the erection, alteration, or repair of a building or other structures on the Property, or in the making of other improvements to the Property. This labor and materials, equipment, and/or services were furnished by Guess Irrigation under an agreement with Justice Family Farms, LLC, by and with the consent of the owner of the Property, Catfish Bay, LLC (*see Exhibits "A" and "C"*), or by an entity or person having authority from, or rightfully acting for, the owner(s) of the Property in procuring or furnishing the labor, materials, equipment, and/or services.

Guess Irrigation is also entitled to interest and attorneys' fees as allowed by law.

Guess Irrigation would further show that this Notice and Certificate of Mechanic's Lien is being filed and served within ninety (90) days from the date labor was last performed on, and materials, equipment, and/or services were last furnished to, the Property.

BA 7/85  
8.2  
RTB

Exhibit "A" (Affidavit of Mechanic's Lien), Exhibit "B" (Verified Statement of Account), and Exhibit "C" (Property Description) are attached to this Notice and Certificate of Mechanic's Lien and incorporated by reference.

BARNES, ALFORD, STORK & JOHNSON, LLP

By:



Robert T. Strickland  
1613 Main Street  
Post Office Box 8448  
Columbia, South Carolina 29202-8448  
(803) 799-1111

Attorneys for the Plaintiff/Lien Claimant,  
Guess Farm Equipment Company, Inc.,  
d/b/a Guess Irrigation Company

September 7, 2011

Columbia, South Carolina

EXHIBIT "A"

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF RICHLAND                )     AFFIDAVIT OF MECHANIC'S LIEN

PERSONALLY APPEARED BEFORE ME, David G. Hane, who, after being duly sworn, deposes and states the following:

1. I am an officer of Guess Farm Equipment Company, Inc. d/b/a Guess Irrigation Company ("Guess Irrigation") and I am authorized to make this Affidavit on its behalf. As an officer of Guess Irrigation, I was personally involved with the Project that is the subject of this mechanic's lien and am thus familiar with the facts set forth in this Affidavit.

2. Certain labor was performed and materials, equipment, and/or services were furnished and actually used in the improvement of the Property described in the attached Notice and Certificate of Mechanic's Lien. The labor, materials, equipment, and/or services were furnished by Guess Irrigation at the special instance and request of Justice Family Farms, LLC, by and with the consent of the owner(s) of the Property, or by an entity or persons authorized by, or rightfully acting for, the owner(s) of the Property.

3. The representations in the attached Notice and Certificate of Mechanic's Lien and the attached Verified Statement of Account (Exhibit "B") are just, true, and correct to the best of my knowledge, information, or belief.

4. Guess Irrigation last performed labor and/or services on the Property or furnished materials and/or equipment for the improvement of the Property on August 30, 2011. Accordingly, the attached Notice and Certificate of Mechanic's Lien is being filed and served

*DGH*

within ninety (90) days from the date labor was last performed on, and materials, equipment, and/or services were last furnished to, the Property.

5. Exhibit "B", attached hereto, is a just and true account of the amount due Guess Irrigation after all just and lawful offsets, discounts, payments, and credits have been allowed.

6. Guess Irrigation is now due the principal amount of One Hundred Forty-four Thousand, Sixteen and no/100 (\$144,016.00) Dollars.

7. Some of the labor, materials, equipment, and/or services furnished by Guess Irrigation in the improvement of the Property involved electrical work which requires a license issued by the Contractor's Licensing Board of the South Carolina Department of Labor, Licensing and Regulation. Guess Irrigation is properly licensed to perform and provide electrical work through its qualifying party, Gregory S. Carroll. A copy of Mr. Carroll's Mechanical Contractor's Certificate from the Contractor's Licensing Board of the South Carolina Department of Labor, Licensing and Regulation is attached (License Number M111005).

**FURTHER THE AFFIANT SAYETH NOT.**

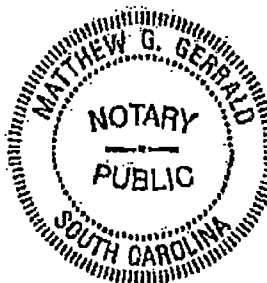


\_\_\_\_\_  
David G. Hane

SWORN TO AND SUBSCRIBED BEFORE ME  
this 7<sup>th</sup> day of September, 2011.

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

My Commission Expires: 7-25-2011



\*\*\*PLEASE CHECK YOUR CARD & CERTIFICATE'S ADDRESS, CLASSIFICATION(S), AND CONTRACT LIMIT FOR ACCURACY\*\*\*

\*\*\*See New License Information for MECHANICAL Contractors on our website at [www.lsr.state.sc.us/601/contractors](http://www.lsr.state.sc.us/601/contractors)\*\*\*

State of South Carolina  
Department of Labor, Licensing and Regulation  
Contractors' Licensing Board

GREGORY S. CARROLL  
152 CLYDE DRIVE  
NORWAY SC 29113

MECHANICAL CONTRACTOR

License Number: M111005  
Effective Date: 11/05/2009  
Expiration Date: 10/31/2011  
First Issuance Date: 11/05/2009

*Doyle*  
David Doyle, III  
Assistant Deputy Director  
Office of License and Compliance

State of South Carolina  
Department of Labor, Licensing and Regulation  
Contractors' Licensing Board

License # (in classification(s) of



(See back of card for Classification Abbreviations and Dollar Limit Per Contract)

~~DO NOT PEEL OFF FROM A CORNER~~

- remove card from backing
- peel card back from the plastic seal
- lift card off backing

South Carolina Labor, Licensing and Regulation  
Contractors' Licensing Board  
**CERTIFICATE**

This certifies that: **GREGORY S. CARROLL**  
**152 CLYDE DRIVE**  
**NORWAY SC 29113**

Has given satisfactory evidence of the necessary qualifications required by the laws of the State of South Carolina and is duly qualified and entitled to practice as a:

**MECHANICAL CONTRACTOR**

For the classification(s) and limitation(s) shown below as listed on the license card:

**EL2**

*Michael S. ...*  
Michael S. ...

License Number: M111005  
Date of Issue: 11/05/2009  
Expiration Date: 10/31/2011  
First Issuance Date: 11/05/2009



3. This amount is exclusive of interest, attorney's fees and costs, which are also sought as allowed by law.

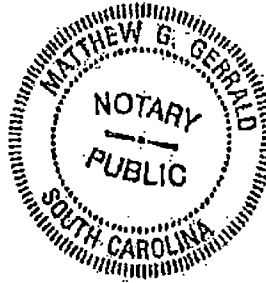


\_\_\_\_\_  
David G. Hane

WITNESSED TO AND SUBSCRIBED BEFORE ME  
this 7<sup>th</sup> day of September, 2011.

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

My Commission Expires: 7-25-2021



**EXHIBIT C - DESCRIPTION OF PROPERTY**

All that certain piece, parcel, or tract of land lying, being, and situate in Kirby Township in the Counties of Dillon and Marlboro, State of South Carolina, containing 2,884 acres, according to a plat made by Johnson and Roberts, CE's, recorded in the Office of the Clerk of Court for Dillon County in Plat Book 9 at Page 6. Said plat shall be incorporated herein by reference pursuant to S.C. Code § 30-5-250.

This is the same property conveyed to Catfish Bay, LLC by deed of Bluestone Industries, Inc. dated October 16, 2003, recorded in the Office of the Clerk of Court for Dillon County on October 22, 2003, in Deed Book 379 at Page 338, and recorded in the Office of the Clerk of Court for Marlboro County on October 22, 2003, in Deed Book 463 at Page 188.

Upon information and belief, all of the property described above is located at 409 Bay Catfish Road, Latta, South Carolina 29565 and comprises the parcels of land assigned Dillon County Tax Map No. 064-00-00-007 and Marlboro County Tax Map No. 073-01-01-061.

FILED  
GWEN T. HYATT  
2011 OCT 26 AM 10:38  
CLERK OF COURT  
DILLON COUNTY

A CERTIFIED  
TRUE COPY  
*Gwen T. Hyatt*  
CLERK OF COURT  
DILLON COUNTY

**CERTIFICATE OF SERVICE**

I, Greta M. Bettinger, an employee of Barnes, Alford, Stork & Johnson, LLP, state that on September 7, 2011, I served a copy of the document captioned **NOTICE AND CERTIFICATE OF MECHANIC'S LIEN** on the following parties, by depositing copies in the United States Mail, both first class, sufficient postage prepaid, and also certified mail, return receipt requested, restricted delivery, with the return address clearly noted, addressed as follows:

Tom Floyd  
Registered Agent for Justice Family Farms, LLC  
10988 Highway 301  
Gable, SC 29051

Jared M. Tully, Esquire (*via first class mail only*)  
PROST BROWN TODD LLC  
Laidley Tower, Suite 401  
500 Lee Street East  
Charleston, WV 25301-3207  
*Attorney for Justice Family Farms, LLC*

Attn: Member, Catfish Bay, LLC  
Registered Agent for Catfish Bay, LLC  
818 North Eisenhower Drive  
Post Office Box 1085  
Beckley, WV 25802

Attn: Member, Catfish Bay, LLC  
Registered Agent for Catfish Bay, LLC  
106 Lockheed Drive  
Beaver, WV 25813

Catfish Bay, LLC  
818 North Eisenhower Drive  
Post Office Box 1085  
Beckley, WV 25802

Catfish Bay, LLC  
106 Lockheed Drive  
Beaver, WV 25813

FILED  
GWEN T. HYATT  
2011 OCT 26 AM 10:44  
CLERK OF COURT  
DILLON COUNTY


CERTIFIED  
TRUE COPY  
*Greta M. Bettinger*  
CLERK OF COURT  
DILLON COUNTY

Carter Bank & Trust  
Successor in interest to Blue Ridge Bank, N.A.  
4 East Commonwealth Boulevard  
Martinsville, VA 24112

Carter Bank & Trust  
Successor in interest to Blue Ridge Bank, N.A.  
1300 Kings Mountain Road  
Martinsville, VA 24112

ArborOne, ACA  
Successor in interest to Pee Dee Farm Credit  
800 Woody Jones Boulevard  
Post Office Box 3699  
Florence, SC 29502

**ATTN: Service of Process Division** *(via certified mail only)*  
The Honorable Mark Hammond  
South Carolina Secretary of State  
Edgar Brown Building  
1205 Pendleton Street, Suite 525  
Columbia, SC 29201

  
Gretta M. Bettinger  
Legal Secretary  
Barnes, Alford, Stork & Johnson, L.L.P.  
Post Office Box 8448  
Columbia, SC 29202-8448



