

STATE OF SOUTH CAROLINA
 COUNTY OF Horry
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-26701868

Michael R. Ray

RECEIVED

FEB 08 2016

SC Court of Appeals

Roger W. Kirschner, Jr., individually, and 605 Partners, LLC, a South Carolina Limited Liability Company

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: CLERK OF COURT

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Roger W. Kirshcner, Jr., 605 Partners, LLC	Michael R. Ray	\$252,977.02 \$263,165.15
		\$
		\$

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge

SCRPC Form 4C (03/2013)

129
 Judge Code

1/26/16
 Date

FILED
 Horry County
 6 JAN 27 PM 3:22
 CLERK OF COURT
 JAMES H. HARRIS, JR.
 CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Roger W. Kirschner, Jr., individually, and
605 PARTNERS, LLC, a South Carolina
Limited Liability Company,

Plaintiffs,

v.

Michael R. Ray,

Defendant.

) IN THE COURT OF COMMON PLEAS
)
) FIFTEENTH JUDICIAL CIRCUIT
)

Case No.: 2015-CP-20-4868

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FEB 08 2016

SC Court of Appeals

ORDER AND AWARD OF DAMAGES

FILED
JUDICIAL COUNTY
15 JAN 27 PM 3:22
DELANE JUDGONS-WARD
CLERK OF COURT

This matter came before the Court on January 6th, 2016, upon motion by Roger W. Kirschner, Jr. and 605 Partners, LLC, (hereinafter "Plaintiffs") asking the Court to determine an award of damages subsequent to an entry of default. Plaintiffs were represented by their counsel, A. Preston Brittain of the Brittain Law Firm, PA. At the hearing to establish damages, the Court considered the Plaintiffs' filings, heard the testimony of Plaintiff Roger W. Kirschner, Jr., and received additional documentary evidence which supported an amount of damages. Upon reviewing the record, statements of counsel, and documentation provided at the time of the hearing, the Court determined that the Defendant, Michael Ray, was duly served with the Summons and Complaint in this action, and that more than thirty (30) days passed with no Answer, Motion, or other responsive pleading being served by said Defendant. These findings are also reflected in the Entry of Default that was signed and filed by the Clerk of Court on August 31, 2015. Furthermore, the Defendant was properly notified of this hearing by mailing notice to the Defendant via

1 of 2
[Signature]

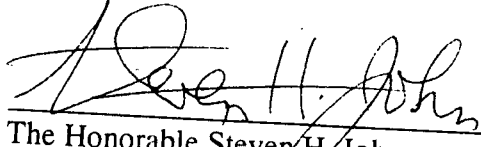
Certified Mail, Return Receipt Requested pursuant to Rule 5 of the South Carolina Rule of Civil Procedure and by notice from the Clerk of Court's office through publication of the roster online. This Court therefore has jurisdiction over this matter. Prior to the commencement of the hearing, I directed the bailiff to inquire as to the presence of the Defendant outside of the courtroom. Her response indicated the absence of the Defendant.

The court makes the following findings: (1) Defendant Michael Ray received proper notice and failed to appear at the roster and subsequent hearing; (2) Defendant Michael Ray breached the duty of loyalty and care which he owed to 605 Partners, LLC as codified in S.C. Code Ann. §33-44-409(b); (3) that in accordance with S.C. Code Ann. §33-44-601(6) it is proper to dissociate Michael Ray from 605 Partners, LLC; (4) that Plaintiffs are entitled to an award of damages in the amount of Two-Hundred Fifty-two Thousand Nine Hundred Seventy-seven and 07/100 (\$252,977.07) Dollars; (5) that Plaintiffs are entitled to an award of pre-judgment interest in the amount of Ten Thousand One Hundred Eighty-eight and 08/100 (\$10,188.08) Dollars.

Therefore, based upon plaintiffs' undisputed filings, and evidence presented at the hearing, it is

Ordered that Michael Ray be dissociated from 605 Partners, LLC. It is further

Ordered that the Plaintiffs be granted judgment against the Defendant Michael R. Ray, in the amount of Two Hundred Sixty-three Thousand One Hundred Sixty-five and 15/100 (\$263,165.15) Dollars.


The Honorable Steven H. John,
Resident Judge
Fifteenth Judicial Circuit

January 26, 2016
Conway, South Carolina

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