

22374

STATE OF SOUTH CAROLINA

IN THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED

FEB 08 2016

SC Court of Appeals

H. THAD WHITE, ... RESPONDENT,

V.

PETREL INTERNATIONAL, LLC, ... APPELLANT,

APPELLATE CASE NUMBER.: 2014 – 002764

CORRECTED RECORD ON APPEAL

Eleazer R. Carter, Esquire
105 South Brooks Street
Post Office Box 187
Manning, South Carolina 29102
Tel.: 803-435-0550
Attorney for Appellant

Bryan W. Braddock, Esquire
The Braddock Law Firm, LLC
2231 West Palmetto Street, Suite 203
Florence, South Carolina 29501
Tel.: 843-292-8780
Attorney for Respondent

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STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-0366

H. Thad White,)
)
Plaintiff,)

VS)

ORDER OF REFERENCE

Petrel International, LLC,)
)
Defendant.)

IT APPEARING that the above-entitled action for foreclosure of mortgage on real property in Darlington County, South Carolina, is a proper matter to refer to The Honorable Haigh Porter, Special Referee for Darlington County,

AND IT FURTHER APPEARING that Defendant, Petrel International, LLC, has failed to file responsive pleadings to the Summons and Complaint herein, and is now in default, pursuant to the Order of The Honorable Paul M. Burch dated December 9, 2013 and filed on December 17, 2013. Defendant appealed the December 9, 2013 Order to the Court of Appeals and the appeal was dismissed and Defendant's Petition for Rehearing was denied by Order dated September 10, 2014.

NOW THEREFORE, pursuant to Rule 53, SCRCP, and upon motion of the attorney for the Plaintiff,

IT IS HEREBY ORDERED that the above-entitled action be, and the same hereby is, referred to the Honorable Haigh Porter, Special Referee for Darlington County, to: take testimony and to direct entry of final judgment in this action under Rule 53(b), SCRCP, and all matters arising from or reasonably related to such action. The Special Referee shall retain jurisdiction to perform all necessary acts incident to this foreclosure including, but not limited to, the entry of a writ of

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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

assistance; issuance of a rule to show cause; and the hearing of issues involving appraisal proceedings under S.C. Code Ann. §29-3-360 (1976), *et seq.* Further, the Special Referee shall retain jurisdiction to hear any action contesting the validity of the foreclosure action or sale or any motions pursuant to SCRCP including, but not limited to, Rule 60(b).

Any appeal from the final judgment entered by the Special Referee shall be directly to the South Carolina Court of Appeals, pursuant to Rule 203(d)(1) of the SCACR.

AND IT IS SO ORDERED.

11/17, 2014

Scott B. Suggs
Scott B. Suggs
Clerk of Court for Darlington County

FILED
2014 NOV 17 PM 4:53
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

3

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

H. Thad White,

Plaintiff(s),

vs.

Petrel International,

Defendant(s).

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
C/A # 2013-CP16-0366

CERTIFICATE OF MAILING
U.S. MAIL

FILED
2014 DEC -4 AM 10:33
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, SC

I certify that I have caused a copy of the below mentioned document(s) to be served upon the following parties, by depositing same in the United States mail, with postage prepaid and affixed thereto, addressed as follows, this 20th day of November, 2014.

Document(s) Served:

Order of Reference and
Notice of Hearing

Parties Served:

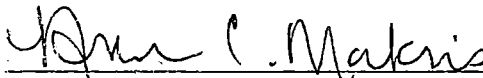
CERTIFIED MAIL, RETURN RECEIPT

#7014 0150 0001 1972 5562

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

THE BRADDOCK LAW FIRM, LLC



Ann C. Makris, Assistant to Bryan W. Braddock

Florence, South Carolina
November 20, 2014

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CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

4

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-0366

H. Thad White,)
Plaintiff,)

VS)

Petrel International, LLC,)
Defendant.)

**SPECIAL REFEREE'S ORDER
AND JUDGMENT OF
FORECLOSURE AND SALE**

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, the above entitled matter was referred to the undersigned to make appropriate Findings of Fact and Conclusions of Law with authority to enter a final judgment in the case.

A hearing in this matter was held on December 1, 2014. Present were Plaintiff and his attorney Bryan W. Braddock. Defendant did not appear for the hearing.

Pursuant to the said Order of Reference a hearing was held, evidence was presented, and from the testimony and evidence I find, conclude and order as follows:

FINDINGS OF FACT:

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2014 DEC -8 PM 12:30
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CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

1. The Lis Pendens was filed on April 29, 2013.
2. The Summons and Complaint were filed on April 29, 2013.
3. Service upon the Defendant Petrel International, LLC was made by personal service of the registered agent, Haiyan Lin on May 17, 2013.

4. The Registered Agent for Defendant Petrel International, LLC filed a *Pro Se* Answer and Counterclaim on June 17, 2013. Plaintiff notified Defendant's Registered Agent by letter on July 9, 2013 that it was improper for Defendant to be represented *Pro Se*. The Plaintiff filed a motion for default which was granted by Judge Paul Burch on December 9, 2013. Defendant

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CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

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appealed the order of default to the South Carolina Court of Appeals which dismissed the appeal by order dated September 10, 2014. The Remittitur was sent from the Court of Appeals on September 30, 2014.

5. For value received, the Defendant Petrel International, LLC made, executed and delivered the Note dated December 22, 2009 promising thereby to pay to the order of H. Thad White, Jr. the sum of Two Hundred Seventy Thousand and no/100ths (\$270,000.00) Dollars with interest at the rate of 5% per annum. The note provides that the Defendant Petrel International, LLC would make monthly payments of principal and interest on a monthly basis beginning February 1, 2010 with a final payment due on January 1, 2020. A copy of the Note was introduced into evidence at the hearing as **Plaintiff's Exhibit 1**.

6. In order to better secure the payment of the Note described above and the indebtedness represented thereby the Defendant Petrel International, LLC executed and delivered to the Plaintiff a certain real estate mortgage wherein and whereby the Defendant Petrel International, LLC conveyed by way of mortgage the following described property:

(Darlington County Tax Parcel 087-00-01-031)

#2
\$P
All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3 on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 7.3 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the East by Tract #3-A; and on the South by right-of-way of Interstate Highway #20.

ALSO: All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3-A on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 5.0 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the Northeast by property of Rev. J.W. Dowling; on the South by right-of-way of Interstate Highway #20; and on the West by tract #3 as shown on said plat.

For a more complete description of the above referenced tract, reference is had to the above referred to plat.

This being the same property conveyed to Petrel International, LLC by deed of H. Thad White dated December 22, 2009 and recorded in the office of the Clerk of Court for Darlington County in Deed Book 1058 at Page 5852.

7. The mortgage set forth hereinabove was duly and properly executed and thereafter filed in the office of the Clerk of Court for Darlington County in Book 1058 at Page 5856-5860 on December 23, 2009. The aforesaid mortgage was placed into evidence at the hearing as **Plaintiff's Exhibit 2**. The aforesaid mortgage constitutes a first lien on the property described hereinabove.

8. Payments due on the Note to the Plaintiff from the Defendant Petrel International, LLC have not been made as provided for in the Note and the Plaintiff, as the holder thereof, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of its attorney for collection.

9. The sum of Three Thousand and 00/100ths (\$3,000.00) Dollars is a reasonable fee to allow as attorney's fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action under the terms of the note and mortgage.

10. The amount due and owing on the note to the Plaintiff from the Defendant Petrel International, LLC, with interest, at the rate provided in the note, and other costs and expenses of collection, including an attorney's fee, secured by the note and mortgages, is as follows:

(a)	Initial Principal and Interest Due through November 1, 2012	\$273,556.00
(b)	Interest (11/1/12 through 12/1/14 – date of hearing) (per diem is \$36.98)	\$28,104.80
(c)	Costs of Collection Prior to Hearing	
	- Clerk of Court (filing fees)	150.00
	- Title Search	50.00
	- Special Referee	250.00
	- Service	54.74
(d)	Attorney's Fee	3,000.00

(e) Estimated Publication

450.00

TOTAL DEBT SECURED BY NOTE AND MORTGAGE INCLUDING
INTEREST TO DATE SHOWN

\$ 305,615.54

11. The Plaintiff is seeking the usual foreclosure of the mortgage and has at the hearing of this matter expressly waived the right to a deficiency judgment.

CONCLUSIONS OF LAW

I, THEREFORE, CONCLUDE AS FOLLOWS:

1. The Plaintiff should have judgment of foreclosure of its mortgage.
2. The mortgaged properties should be ordered sold at Public Auction after due advertisement. The sale shall be subject to taxes and assessments that are due on the date of sale.
3. The proceeds arising from such sale should be applied, first, to the costs, fees, and disbursements of this action, and next, to the payment and discharge of the amount of Plaintiff's debt and interest, or so much thereof as the proceeds will pay, and any surplus should be held pending further Order of this Court.

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\$
NOW, ON MOTION OF PLAINTIFF'S ATTORNEY,

IT IS SO ORDERED, ADJUDGED AND DECREED:

1. That there is due to the Plaintiff on the obligation and Mortgages set forth in the Complaint the sum of Three Hundred and Five Thousand Six Hundred and Fifteen and 54/100ths (\$305,615.54) Dollars representing the total debt due Plaintiff as set out in Paragraph 10, supra, together with interest at the rate provided in said obligation on the balance of principal from the date aforesaid to the date hereof.

2. The amount due in the preceding Paragraph (the "Total Debt" as set forth in Paragraph 10, supra, and later accrued interest on the principal) shall constitute the total Judgment debt due the Plaintiff and shall bear interest hereafter at the legal rate.

3. That the Defendant Petrel International, LLC shall, on or before the date of sale of the property hereinafter described, pay to the Plaintiff, or Plaintiff's attorney, the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

4. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the undersigned Special Referee at Public Auction, at the Darlington County Courthouse, County and State aforesaid, on Tuesday, January 6, 2015 at 12:30 o'clock P.M., on the following terms:

a. FOR CASH: The undersigned Special Referee will require a deposit of five (5%) percent on the amount of the bid (in cash or equivalent), same to be applied on the purchase price only upon compliance with the bid, but in the case of non-compliance, within thirty (30) days, same to be forfeited and applied to the costs and Plaintiff's debt, without further notice.

b. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of 5% percent per annum.

c. The sale shall be subject to taxes and assessments, existing easements, and easements and restrictions of record.

d. Purchaser to pay for the preparation of the Deed, documentary stamps and costs of recording the Deed.

5. If Plaintiff is the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff's in full, Plaintiff may pay to the undersigned Special Referee only the amount of the costs and expenses crediting the balance of the bid on Plaintiff's indebtedness.

6. No personal or deficiency judgment being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately.

7. The undersigned Special Referee will, by advertisement according to law, give notice of the time, date and place of sale and the terms thereof; and will execute to the purchaser, or purchasers, a deed to the premises sold. The Plaintiff, or any other party to this action, may become purchaser at such sale, and that if, upon such sale being made, the purchaser, or purchasers, should fail to comply with the terms thereof within thirty (30) days after date of sale, then the undersigned Special Referee may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured. In the event the Plaintiff is the successful bidder, at his option, or the option of his assignee, the Deed may be taken subject to payment by Grantee of any taxes or assessments constituting a lien against the property sold under the Order and hereinafter more fully described.

8. That the undersigned Special Referee apply the proceeds of the sale as follows:

60
50
FIRST: To the payment of the amount of the costs and expenses of this action;

NEXT: To the payment of the Plaintiff or Plaintiff's attorney the amount of Plaintiff's debt, interest and fees and so much thereof as the purchase money will pay on the same;

NEXT: Any surplus will be held pending further order of the Court.

9. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the successful bidder is other than the Defendant in possession herein, the Sheriff of Darlington County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, and put the successful bidder or its assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or its assigns in such peaceable possession.

10. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each Defendant named herein and all persons whosoever claiming under him, them or it, be forever barred and foreclosed of all right, title, interest, and equity of redemption in the said mortgaged premises so sold, or any part thereof.

11. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Deed of Conveyance made pursuant to said sale shall contain the names of only the first-named Plaintiff and the first-named Defendant, and the Defendant who was the titleholder of the mortgaged property at the time of the filing of the notice of pendency of the within action, and the name of the grantee, and the Clerk of Court/Register of Mesne Conveyances is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said deed.

12. The following is a description of the premises herein ordered to be sold:

(Darlington County Tax Parcel 087-00-01-031)

47
100
All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3 on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 7.3 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the East by Tract #3-A; and on the South by right-of-way of Interstate Highway #20.

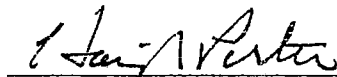
ALSO: All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3-A on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 5.0 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the Northeast by property of Rev. J.W. Dowling; on the South by right-of-way of Interstate Highway #20; and on the West by tract #3 as shown on said plat.

For a more complete description of the above referenced tract, reference is had to the above referred to plat.

This being the same property conveyed to Petrel International, LLC by deed of H. Thad White dated December 22, 2009 and recorded in the office of the Clerk of Court for Darlington County in Deed Book 1058 at Page 5852.

13. The undersigned will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a writ of assistance.

#8



Haigh Porter
Special Referee for Darlington County

Florence, South Carolina

December 5, 2014.

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2014 DEC -8 PM 12:31
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

12

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DARLINGTON COUNTY, SC



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 30, 2014

The Honorable Scott B. Suggs
1 Public Sq Rm B4
Darlington SC 29532-3213

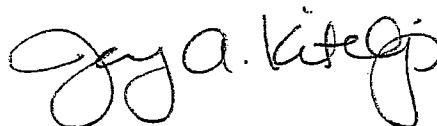
REMITTITUR

Re: H. Thad White v. Petrel International
Lower Court Case No. 2013CP1600366
Appellate Case No. 2014-000147

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Haiyan Lin
William J. Tuck, Esquire
Bryan Wesley Braddock, Esquire

13

The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

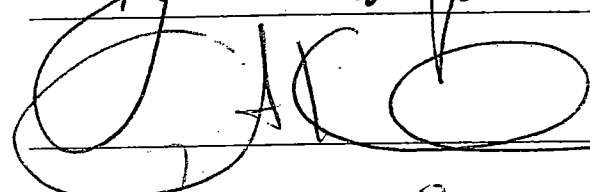
Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

ORDER

This appeal was dismissed due to Appellant's failure to provide the name of the lawyer representing Appellant on appeal. Haiyan Lin, the single member of Appellant, has filed a petition to rehear the dismissal of the appeal, arguing she should be allowed to represent Appellant. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____. C.J.


_____. J.


_____. A.J.

Columbia, South Carolina

cc:

Haiyan Lin

William J. Tuck, Esquire

Bryan Wesley Braddock, Esquire

FILED

9/10/14

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2013CP1600366

H Thad White vs. Petrel International LLC

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.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a),
SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ 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: _____

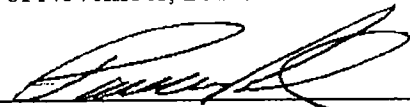
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR
ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

motion for Default u/A

Dated at Darlington, South Carolina, this 21st day of November, 2013.

Court Reporter:


PRESIDING JUDGE - Paul M. Burch

This judgment was entered on the 21st day of November, 2013, and a copy mailed first class this _____ to attorneys of record or to parties (when appearing pro se) as follows:

Bryan Wesley Braddock 2231 W. Palmetto St. Ste
203 Florence, SC 29501-4079

Lin Haiyan Petrel International LLC Pro Se Po
Box 1011 Columbia, SC 29202-1011

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2013 NOV 22 AM 8:44
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

H. Thad White,)

Plaintiff,)

vs.)

Petrel International, LLC.)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NO.: 13-CP-16-0366

ORDER

SCOTT B. SUGGS
CLERK OF COURT/R.O.
DARLINGTON COUNTY, S.C.

2013 DEC 17 AM 10:46

FILED

Date of Hearing:

November 21, 2013

Attorney for Plaintiff:

**William J. Tuck (special appearance for
Bryan W. Braddock)**

Attorney for Defendant:

Pro Se

Court Reporter:

Crystal M. Holmes

This matter came to be heard before me on November 21, 2013 pursuant to Plaintiff's Motion for Order of Default filed with the Clerk of Court of Common Pleas for Darlington County on July 12, 2013. William J. Tuck appeared for Bryan W. Braddock, who represents Plaintiff. Haiyan Lin appeared on behalf of the Defendant, Petrel International, LLC.

This matter arises out of a foreclosure action filed by Plaintiff on April 29, 2013. The property at issue is a twelve acre tract of commercial property located at the intersection of Interstate 20 and US Highway 401 in Darlington County.

Defendant has failed to make payments as set forth in the note and mortgage, specifically by not making any payment since October of 2012. Furthermore, Defendant has failed to pay the taxes on the property, and Plaintiff was forced to pay the property taxes for the last two years to protect the property from being sold at a tax sale.

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B. Suggs
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

Haiyan Lin, who is not an attorney, filed an Answer and Counterclaim on behalf of the Defendant limited liability company on June 17, 2013. Plaintiff's counsel notified Ms. Lin by letter dated July 9, 2013 that an individual cannot represent a corporation and proceeding without an attorney constitutes the unauthorized practice of law. The Defendant has failed to retain an attorney, and Ms. Lin appeared at the motion hearing to represent the Defendant limited liability company.

Ms. Lin filed a return to the Motion and argued in opposition at the hearing, relying on one South Carolina Code Section and one South Carolina Supreme Court Case. However, Ms. Lin's reliance on *South Carolina Code* §12-2-25 and *CFRE, LLC v. Greenville County Assessor* 395 S.C. 67, 716 S.E.2d 877 (S.C. 2011) for the proposition that she can represent a LLC is misplaced. §12-2-25 provides that:

"For South Carolina tax purposes:

- (1) a single-member limited liability company, which is not taxed for South Carolina income tax purposes as a corporation, is not regarded as an entity separate from its owner;
- (2) a "qualified subchapter S subsidiary", as defined in Section 1361 (b)(3)(B) of the Internal Revenue Code, is not regarded as an entity separate from the 'S' corporation that owns the stock of the qualified subchapter 'S' subsidiary."

The present case does not involve taxation issues. It involves issues related to the practice of law, upon which our appellate courts have been clear.

Furthermore, *CFRE, LLC v. Greenville County* simply held that *CFRE* LLC was entitled to the residential tax ratio on real estate owned by the LLC under the S.C. Tax Code § 12-43-220(C). The *CFRE* case has nothing to do

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CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

with a non-lawyer's ability to represent an LLC. Bringing further irony to the citation, the LLC in *CFRE, LLC v. Greenville County* was represented by an attorney.

The South Carolina Constitution provides the Supreme Court with the duty to regulate the practice of law in the state. See S.C. Const. art. V, § 4; *In re Unauthorized Practice of Law Rules*, *supra*; see also S.C. Code Ann., §40-5-10 (1986). The generally understood definition of the practice of law embraces the preparation of pleadings and other papers indicate the actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts. *Doe v. McMaster*, 355 S.C. 306, 585 SE2d 773 (S.C. 2002). Further, § 40-5-310 of the *South Carolina Code* provides that "No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The type of conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by the Supreme Court of South Carolina prior to any charge being filed. A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both."

While South Carolina law recognizes an individual's ability to appear *pro se* with leave of the court, corporations - which are artificial creatures of state law - do not have a right to appear *pro se* in all instances. See S.C. Code Ann. § 40-

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B. Surge
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

5-80 (Supp.2002) and S.C. Code Ann. § 40-5-320 (1986). Our appellate courts have granted corporations the ability to appear *pro se*, with leave of the court, in civil magistrate's court. See *In re Unauthorized Practice of Law, supra*. However, their ability to appear *pro se* in a state circuit or appellate court has been rejected. *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999). Additionally, the Supreme Court in *Doe v. McMaster* addressed this issue: "Doe argues these cases imply a corporation engages in unauthorized practice of law only where it seeks to act on behalf of others and not solely itself. We disagree. As previously stated, the *pro se* exception for corporation is strictly limited." A Limited Liability Company, just like a corporation, is an artificial creature of state law that is a separate legal entity. A Limited Liability Company has the capacity to contract as well as the capacity to sue and be sued. Therefore, the same analysis applies to that entity.

Haiyan Lin was notified by letter on July 9, 2013 that Petrel International, LLC failed to file a proper Answer and that proceeding without an attorney constituted the unauthorized practice of law. Since that time, Defendant has failed to retain an attorney and, in fact, Ms. Lin appeared before this Court at the motion hearing representing the Defendant in violation of South Carolina law.

Based on the foregoing, Plaintiff's Motion for Default is granted.

IT IS SO ORDERED.

Pageland, South Carolina

December 9th, 2013


The Honorable Paul M. Burch

TRUE & CORRECT COPY,

2013 DEC 17 AM 10:46
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC
19

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

H. Thad White,

Plaintiff,

VS

Petrel International, LLC,

Defendant.

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-

13CP160366

SUMMONS
(Foreclosure of Real Estate)
(Non-Jury)

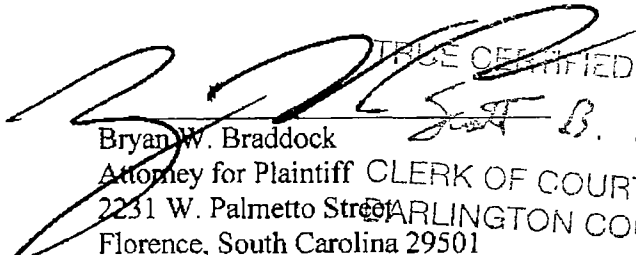
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2013 APR 29 AM 9:35
SCOTT B. SUGGS
CLERK OF COURT/ROD
DARLINGTON COUNTY, SC

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer on the attorney for the Plaintiff, Bryan W. Braddock, 2231 W. Palmetto Street, Florence, South Carolina 29501, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED at Florence, South Carolina this 5 day of April, 2013.

BRADDOCK LAW FIRM, LLC


Bryan W. Braddock

Attorney for Plaintiff

2231 W. Palmetto Street

Florence, South Carolina 29501

(843) 292-8780

(843) 292-8785 FAX

TRUE CERTIFIED COPY,

SCOTT B. SUGGS

CLERK OF COURT/ROD

DARLINGTON COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

H. Thad White,)

Plaintiff,)

VS)

Petrel International, LLC,)

Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-_____

13CP160366

COMPLAINT
(Foreclosure of Real Estate)
(Non-Jury)

2013 APR 29 AM 9:55
SCOTT B. SUGGS
CLERK OF COURT
DARLINGTON COUNTY, SC

FILED

The Plaintiff, complaining of the Defendant above named, respectfully alleges as follows:

1. The Plaintiff is a citizen and resident of the County of Florence, State of South Carolina.
2. Upon information and belief, the Defendant Petrel International, LLC is a corporation duly organized and existing under and by virtue of the laws of the State of South Carolina.
3. This is an action for foreclosure of a mortgage upon certain real estate situate in Darlington County, South Carolina.
4. Heretofore, on the 22nd day of December, 2009 Petrel International, LLC for valuable consideration, made, executed and delivered unto H. Thad White a certain note in the principal sum of Two Hundred Seventy Thousand and 00/100ths Dollars (\$270,000.00) bearing interest from that date at the rate of 5.0% per annum. The aforesaid note further provided that the Defendant Petrel International, LLC would make monthly payments of principal and interest beginning February 1, 2010 in the amount of Two Thousand Eight Hundred Sixty-three and 77/100ths Dollars (\$2,863.72) with final payment due on January 1, 2020. A copy of the aforesaid note is attached hereto as **Exhibit "A"** and made a part hereof by reference.

TRUE CERTIFIED COPY,
CLERK OF COURT/RAIC
DARLINGTON COUNTY, SC

In order to better secure the payment of the aforesaid debt, Petrel International, LLC executed and delivered unto H. Thad White a certain real estate mortgage, wherein and whereby the said Petrel International, LLC conveyed to H. Thad White by way of mortgage the following described property:

(Darlington County Tax Parcel 087-00-01-031)

All of that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3 on a plat of survey made by M. E. Lind, Jr., dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at page 141. Said tract is shown on said plat as containing 7.3 acres, more or less, and is bounded according thereto on the Northwest by property of J. W. Dowling; on the East by Tract #3-A; and on the South by right-of-way of Interstate Highway #20.

ALSO: All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3-A on a plat of survey made by M. E. Lind, Jr. dated October 28, 1968, and amended April 14, 1972, a copy of which is recorded in the office of the Clerk of Court for Darlington County in Plat Book 57 at page 141. Said tract is shown on said plat as containing 5.0 acres, more or less, and is bounded according thereto on the Northwest by property of Rev. J. W. Dowling; on the Northeast by property of Rev. J. W. Dowling; on the South by right-of-way of Interstate Highway #20; and on the West by tract #3 as shown on said plat.

For a more complete description of the above referenced tract, reference is had to the above referred to plat.

This being the same property conveyed to Petrel International, LLC by deed of H. Thad White dated December 22, 2009 and recorded in the office of the Clerk of Court for Darlington County in Book 1058 at page 5852.

5. The aforesaid mortgage was duly signed, witnessed and probated. Thereafter, said mortgage was duly recorded in the office of the Clerk of Court for Darlington County on December 23, 2009 in Mortgage Book 1058 at page 5856, a copy of which is attached hereto as **Exhibit "B"** and made a part hereof by reference. The aforesaid mortgage evidences and secures repayment of the money advanced to Petrel International, LLC by H. Thad White and constitutes a lien on the above described real property.

NOTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

6. In and by the terms of said note and mortgage securing the same, it is provided, among other things, that upon failure to pay any portion when due of either principal or interest or any portion thereof when due, or if any of the conditions or requirements in the mortgage securing the same were not complied with, the whole principal sum and accrued interest shall, at the option of the legal holder thereof, be at once due and payable and collectable by foreclosure.

7. In and by the terms of said note, it is further provided that in the event the debt or any part thereof is not paid at maturity and collection by law is thereby undertaken by the holder that the obligors, Petrel International, LLC promises to pay all expenses of collecting the debt and a reasonable fee.

8. Principal and interest falling due on November 1, 2012 and payments due thereafter have not been paid, although demand for payment thereof has been made and the Plaintiff as holder of the note and mortgage has and does hereby elect to declare the entire balance of said principal and interest due and payable at once and to foreclose the mortgage and security agreement by judicial proceedings, and to demand payment of the Defendant, Petrel International, LLC. There is now due and owing upon the aforesaid note the full and just principal sum of Two Hundred Seventy Three Thousand Five Hundred Fifty Six and 00/100ths Dollars (\$273,556.00) as of November 1, 2012 together with the interest thereon at the current rate of 5.0% per annum or \$36.98 per diem from the 1st day of November, together with a reasonable attorney's fee for the collection thereof and the cost of this action.

9. Any and all necessary notices required by law have been sent to all necessary parties.

10. Plaintiff's right to a personal deficiency judgment is waived.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

11. The Plaintiff may, in order to protect its security, be forced to pay for taxes, upkeep and insurance, and which sums, if paid, according to the terms of the mortgage should be added to the amount of the debt.

12. The Plaintiff is informed and believes that the Home Affordable Modification Program ("HMP") instituted by the United States Treasury Department does not apply to this foreclosure action in that this is a commercial loan and that the South Carolina Supreme Court's recent Order compelling mediation does not apply

WHEREFORE, the Plaintiff prays that:

1. The Plaintiff recover judgment as to the note of December 22, 2009 to H. Thad White against Petrel International, LLC in the sum of Two Hundred Seventy Three Thousand Five Hundred Fifty Six and 00/100ths Dollars (\$273,556.00), together with per diem interest of \$36.98 per day from November 1, 2012 together with the costs of this action and a reasonable attorney's fee as provided by the note.

2. The Plaintiff's mortgage be declared a priority lien on the encumbered property.

3. The Plaintiff's mortgage be foreclosed, the equity of redemption barred and the mortgaged premises be sold under direction of the Court.

4. The proceeds of the sale be applied as follows:

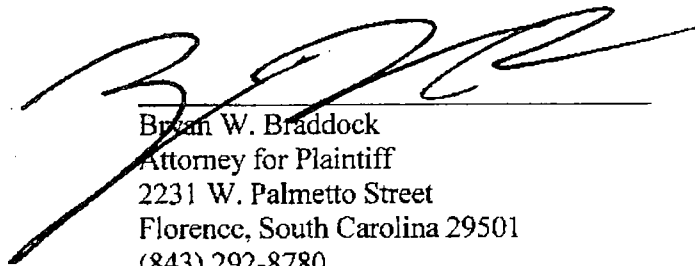
A. First, to the costs, disbursements, and expenses of this action; and

B. Secondly, to the payment and discharge of the liens, including the said mortgage of the Plaintiffs, together with the attorney's fees, if applicable, in the order of their priority; and

C. Thirdly, the surplus, if any, to be subject to the order of this Court.

FILED COPY,
B. Suggs
CLERK OF COURT/EMC
DARLINGTON COUNTY, SC

BRADDOCK LAW FIRM, LLC



Bryan W. Braddock
Attorney for Plaintiff
2231 W. Palmetto Street
Florence, South Carolina 29501
(843) 292-8780
(843) 292-8785 FAX

Florence, South Carolina

April 5, 2013.

FILED
2013 APR 29 AM 9:35
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY,



CLERK OF COURT/RMC -
DARLINGTON COUNTY, SC

April 5, 2013
White vs. Petrel Internet LLC
Complaint, Page 5
2013-CP-16-_____

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

H. Thad White,

Plaintiff,

VS

Petrel International, LLC,

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2013-CP-16-

13CP160366

**CERTIFICATE OF
EXEMPTION / WITHDRAWAL
FROM ARBITRATION / MEDIATION**

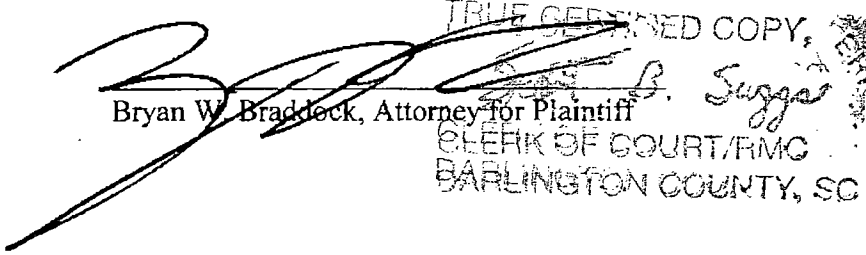
I CERTIFY THAT THIS ACTION IS EXEMPT FROM MEDIATION/ARBITRATION
BECAUSE:

_____ monetary relief requested in this case exceeds \$25,000.00;
_____ this is a class action;
_____ there is a substantial claim for injunction or declaratory relief in this case;
_____ this case involves (check one or more of the following)

_____ title to real estate;
_____ wills, trusts and decedents' estates;
_____ ☒ mortgage foreclosure;
_____ partition;

_____ this is a special proceeding or action seeking extraordinary relief such as mandamus,
habeas, corpus, or prohibition;
_____ monetary relief requested in this case is unspecified but exceeds \$25,000.00;
_____ this case is a companion or related to similar actions pending in other courts with
which the action might be consolidated but for lack of jurisdiction or venue;
_____ this action is appellate in nature;
_____ this is a post-conviction relief matter;
_____ this is a forfeiture proceeding brought by the State; or
_____ this is a contempt of court proceeding.

Date: April 5, 2013


Bryan W. Braddock, Attorney for Plaintiff

TRUE CERTIFIED COPY,
B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FILED
2013 APR 29 AM 9:35
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

VERIFICATION
13CP160366

PERSONALLY appeared before me, H. Thad White, who, first being duly sworn, deposes and says: that he is the Plaintiff in the within action; that he has read the foregoing Complaint and knows the contents thereof; that the same are true of his own knowledge, except those matters that are therein stated on information and belief, and, as to those matters, he believes them to be true.

H. Thad White
H. Thad White, Plaintiff

SWORN to before me this 5th
day of April, 2013.

Debra L. Marlow
Notary Public for South Carolina
My Commission Expires: 8/24/18

FILED
2013 APR 29 AM 9:35
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FAIR DEBT COLLECTION
PRACTICES ACT, (the Act),
15 USC Sections 1601 as Amended

1. The amount of the debt is stated in paragraph Eight (8) of the Complaint attached hereto.

2. The Plaintiff as named in the attached Summons and Complaint is the creditor to whom the debt is owed.

3. The debt as described in the Complaint attached hereto and evidenced by the copy of the Consumer Loan Agreements (notes) attached hereto will be assumed to be valid by the creditor's law firm, unless the debtor(s), within Thirty (30) days after the receipt of this notice, disputes, in writing, the validity of the debt or some portion thereof.

4. If the debtor(s) notify the creditor's law firm in writing within Thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, the creditor's law firm will obtain a verification of the debt and a copy of the verification will be mailed to the debtor(s) by the creditor's law firm.

5. If the creditor named as plaintiff in the attached Summons and Complaint is not the original creditor, and if the debtor(s) make a written request to the creditor's law firm within Thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor(s) by the creditor's law firm.

The Creditor was: H. Thad White

6. Written requests should be addressed to:
Bryan W. Braddock
Braddock Law Firm, LLC
2231 W. Palmetto Street
Florence, South Carolina 29501

FILED
2013 APR 29 AM 9:35
SCOTT B. SUGGS
CLERK OF COURT/R.O.
DARLINGTON COUNTY, S.C.

**THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.**

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT, RMC
DARLINGTON COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

COURT OF COMMON PLEAS

13-CP-16-0366

H. THAD WHITE,
PLAINTIFF

V.

PETREL INTERNATIONAL, LLC
DEFENDANT

ANSWER TO COMPLAINT
AND
COUNTER CLAIM
(Jury Trial Demanded)

The Defendant, Petrel International, LLC, in answering the Plaintiff's complaint, would respectfully show to the court as follows:

FOR A FIRST DEFENSE

1. The Defendant admits the allegations contained in paragraphs 1-5 of the complaint.
2. The Defendant denies each and every allegation not expressly admitted.
3. The Defendant lacks sufficient information to admit or deny the allegations of paragraph 6 and 7 of the complaint and therefore deny the same.
4. The Defendant denies the allegation of paragraph 8 of the complaint and disputes the validity of the debt and demands strict proof thereof.
5. The Defendant denies the allegation of paragraph 9 of the complaint, as to any and all necessary notices required by law have not been sent to the Defendant before the complaint has been filed.
6. The Defendant has no objection to paragraph 10 of the complaint, so waives the deficiency judgment.
7. The Defendant lacks sufficient information to admit or deny the allegations of paragraph 11 of the complaint and therefore denies the same and demands strict proof thereof.
8. The defendant denies the allegations of paragraph 12 of the complaint.
9. The Defendant asserts that the real property in action is also the place of residence, that the Home Affordable Modification Program (HAMP) does apply for compelling mediation.

FILED
2013 JUN 17 PM 5:30
SCOTT B. SUGGER
CLERK OF COURT
DARLINGTON COUNTY, S.C.

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B. SUGGER
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

FOR A SECOND DEFENSE
(Failure To State Facts)

10. That the Defendant reiterates each and every allegation in her paragraphs one (1) through nine (9) as if stated verbatim.
11. The complaint fails to state facts sufficient to state a cause of action.
12. Therefore, the foreclosure action shall be dismissed and an Alternative Dispute Resolution shall be instituted for Arbitration/Meditation.

FOR A THIRD DEFENSE
(Failure to Give Notice)

13. That the Defendant reiterates each and every allegation in her paragraphs one (1) through twelve (12) as if stated verbatim.
14. The Plaintiff has failed to give the Defendant Notice for Cure as contemplated under S.C. Code of Laws, section 37-5-110.
15. Therefore, under S.C. Consumer Protection Code, this foreclosure action shall be null and void.

BY WAY OF COUNTER CLAIM

FOR A FIRST CAUSE OF ACTION
(Breach Of Trust)

16. That the Defendant reiterates each and every allegation in her paragraphs one (1) through fifteen (15) as if stated verbatim.
 17. The Plaintiff has breached the Defendant's trust of a good faith to resolve the extraordinary situation.
 18. The Plaintiff has taken advantage of the situation to create a prejudice against the Defendant.
 19. The Plaintiff has infringed on the Defendant's constitutional and due process rights under the equal protection of the law with the intention to deprive the Defendant of her equity in the subject property.
 20. The Defendant is informed and believes that she is entitled to equity in the subject property.
- FILED COPY,
Just B. Suggs
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

FOR A SECOND CAUSE OF ACTION
(Fraud On Sale of Real Property)

21. That the Defendant reiterates each and every allegation in her paragraphs one (1) through twenty (20) as if stated verbatim.
22. The Plaintiff deliberately with malice and forethought omitted to disclose material facts as a form of fraud on sale of real property.
23. Under common law, a seller has a duty to disclose material facts to purchaser if known which would have greatly affected the value of the property.
24. The Plaintiff has fraudulently concealed material information about the major defect on the property in action and he is guilty of fraud. Mosely v. All Things Possible, Inc. 694 S.E. 2d. 43. 45 (S.C. Ct. App. 2010).
25. The Seller's common law duty to disclose requires that "when there exist in the property which is the subject of a sale latent defects or hidden conditions not discoverable on a reasonable examination of the property, the seller, if he has knowledge thereof, is bound to disclose such defects or conditions to the buyer, and his failure to do so may be basis of a charge of fraud." Lawson v. Citizens & S. Nat'l Bank of S.C. (193 S.E. 2d 123, 127 S.C. 1972).
26. Defendant is informed and believes that she is entitled for a judgment of actual and punitive damages of fraud.

FOR A THIRD CAUSE OF ACTION
(Failure To Disclose Defects)

27. That the Defendant reiterates each and every allegation in her paragraphs one (1) through twenty six (26) as if stated verbatim.
28. The Plaintiff has failed to disclose the known physical defects or other problems that would materially affect the value of the property.
29. S.C. seller disclosure statute (S.C. Code Ann. 27-50-10-270) imposes a duty of disclosure on a seller. The seller must disclose a defect that is (1) known to the seller, (2) not observable to the prospective buyer and (3) "material". In most jurisdictions, these elements are common law to a seller's duty to disclose (Lynda J. Oswald. 30 Real Est. L.J. 155, 157 (2001)).

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

30. The Defendant is informed and believes that the Plaintiff is liable for actual and punitive damages due to the Defendant, plus court cost and reasonable attorney's fees as defined by S.C. Code 27-10-100 and 27-50-65, as well as defended by Federal Real Estate Settlement Procedure Act for Mortgage Transaction (12 U.S. Code. Section 3802 (1)).

FOR A FOURTH CAUSE OF ACTION
(Failure To Disclose Environmental Contamination)

31. That the Defendant reiterates each and every allegation in her paragraphs one (1) through thirty (30) as if stated verbatim.
32. The Plaintiff has failed to disclose a known environmental contamination on the sale of the real property in action.
33. It is the seller's common law duty to disclose Environmental Contamination that might affect the value of the property, taking into account market conditions and legal and regulatory requirements (Lynda J. Oswald. 30 Real Est. L.J. 155, 157 (2001)).
34. Under the Natural Resources and Environmental Protection Act (NREPA), a person who has knowledge his real property is a facility, a site of environmental contamination, shall not transfer an interest in the property unless he provides written notice to the transferee that the property is a facility and discloses the general nature and the extent of the contamination.
35. The risk of Superfund liability on environmental property has had the greatest impact on the value of property. (42 U.S.C. 9601 et. seq. 35 (c), and 9607 (b)(3); CERCLA 35(c) and 107 (b) (3); MCL 324. 22011 6(1)).
36. That the Defendant is informed and believes that she is entitled to a judgment against the Plaintiff for the failure to disclose environmental contamination of the property as a set off against the debt.

The Defendant reserves the right to amend these allegations and to assert any additional defenses which may arise as discovery progresses or otherwise in the course of the litigation.

TRUE CLERKED COPY,
Scott B. Suggs
CLERK OF COURT/CMC
DARLINGTON COUNTY, SC

THEREOF, the Defendant prays for the court to dismiss the foreclosure action and to entertain the counter claims of the Defendant to obtain judgment for actual and punitive damages against the Plaintiff in an amount to be determined by the jury at the trial of this action, for the costs and disbursements of this action, and for such other and further relief as this Court may deem just and proper.

June 14, 2013

Darlington, South Carolina

Haiyan Lin

Haiyan Lin for Petrel International, LLC

P. O. Box 1011

Columbia, SC 29202-1011

(803) 404-7163

Myrtle G. Givney
State of South Carolina Notary
January 14, 2023
6/17/13

FILED
2013 JUN 17 PM 5:30
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

H. Thad White,)

Plaintiff,)

vs.)

Petrel International, LLC,)

Defendant.)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CASE NO.: 2013-CP-16-0366

REPLY TO COUNTERCLAIM

FILED
2013 DEC 27 PM 1:29
SCOTT B. SUGGS
CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

The Plaintiff H. Thad White, replying to the Counterclaim of Defendant Petrel International, LLC, states as follows:

FOR A FIRST DEFENSE

1. The Plaintiff realleges each and every allegation contained in his Complaint as fully as if set forth verbatim herein and denies all allegations in the Counterclaim inconsistent with matters contained in the Complaint.

FOR A SECOND DEFENSE

2. The Plaintiff denies all allegations of the Counterclaim not hereinafter specifically admitted, qualified, or explained and demands strict proof thereof.
3. As to Paragraphs Sixteen (16), Twenty-One (21), Twenty-Seven (27), and Thirty-One (31) of the Defendant's Counterclaim, Plaintiff is informed and believes that he is neither required to admit or deny these Paragraphs. To the extent that a response is required, he denies the allegations contained within these paragraphs and demands strict proof thereof.
4. The Plaintiff denies the allegations of Paragraphs Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-Two (22), Twenty-Three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Eight (28), Twenty-Nine (29), Thirty (30), Thirty-

TRUE CERTIFIED COPY,
SCOTT B. SUGGS
CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, SC

Two (32), Thirty-Three (33), Thirty-Four (34), Thirty-Five (35), and Thirty-Six (36) of Defendant's Counterclaim.

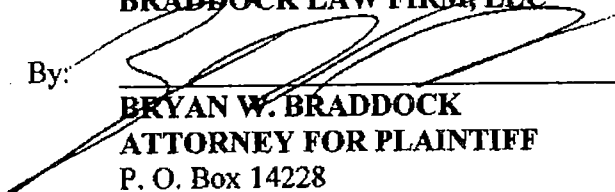
FOR A THIRD DEFENSE

5. The Plaintiff denies all allegations of the Counterclaim not hereinafter specifically admitted, qualified, or explained and demands strict proof thereof.
6. The Plaintiff would allege that the Counterclaim of the Defendant fails to allege facts sufficient to constitute a cause of action, and the counterclaims of the Defendant should be dismissed.

WHEREFORE, Plaintiff prays that the matters and things herein alleged be inquired into by this Honorable Court and this Court issue its Order:

- A. Dismissing the Counterclaim of the Defendant;
- B. Granting the Plaintiff all other relief sought in his Complaint; and
- C. Granting the Plaintiff such other and further relief as this Court may deem just and proper.

BRADDOCK LAW FIRM, LLC

By: 

BRYAN W. BRADDOCK
ATTORNEY FOR PLAINTIFF
P. O. Box 14228
2213 W. Palmetto St., Suite 203
Florence, SC 29504
(843) 292-8780

Florence, South Carolina

November 12, 2013

2013 DEC 27 PM 1:28
FILED
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC
35

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

H. Thad White,)

Plaintiff,)

VS)

Petrel International, LLC,)

Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2013-CP-16-0366

NOTICE OF HEARING

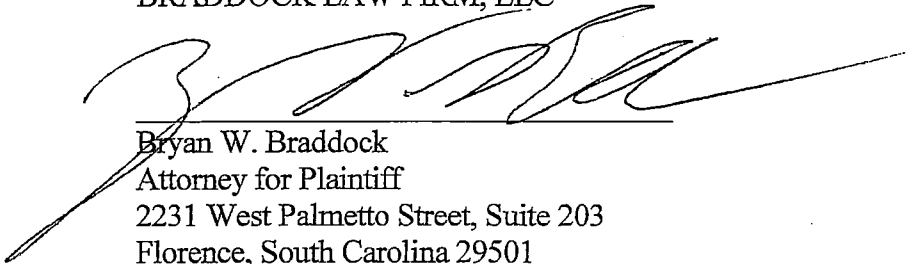
2014 NOV 18 PM 2:14
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

TO THE DEFENDANT ABOVE NAMED:

PLEASE TAKE NOTICE that a hearing on the merits in the above matter will be held on Monday, December 1, 2014 at 2:00 P.M., before the Honorable Haigh Porter, Special Referee, at 152 S. McQueen Street, Florence, South Carolina 29501.

BRADDOCK LAW FIRM, LLC


Bryan W. Braddock

Attorney for Plaintiff

2231 West Palmetto Street, Suite 203

Florence, South Carolina 29501

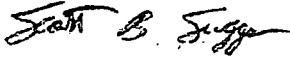
(843) 292-8780

(843) 292-8785 FAX

Florence, South Carolina

November 17, 2014

TRUE CERTIFIED COPY,


CLERK OF COURT/RMC
DARLINGTON COUNTY, SC
DARLINGTON COUNTY, SC

36

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

H. Thad White,

Plaintiff(s),

vs.

Petrel International,

Defendant(s).

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
C/A # 2013-CP16-0366

**CERTIFICATE OF MAILING
U.S. MAIL**

I certify that I have caused a copy of the below mentioned document(s) to be served upon the following parties, by depositing same in the United States mail, with postage prepaid and affixed thereto, addressed as follows, this 20th day of November, 2014.

Document(s) Served:

Order of Reference and
Notice of Hearing

Parties Served:

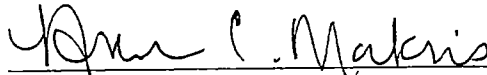
CERTIFIED MAIL, RETURN RECEIPT

#7014 0150 0001 1972 5562

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

THE BRADDOCK LAW FIRM, LLC



Ann C. Makris, Assistant to Bryan W. Braddock

Florence, South Carolina
November 20, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2013-CP-16-0366

H. Thad White,)
Plaintiff,)

TRANSCRIPT OF TESTIMONY

VS)

Petrel International, LLC,)
Defendant.)

Pursuant to the Order of Reference granted in the above entitled cause, a hearing was held before the Honorable Haigh Porter, Special Referee, on December 1, 2014, attended by Plaintiff, Bryan W. Braddock, attorney for the Plaintiff and H. Thad White, Jr.

BY THE SPECIAL REFEREE: Haigh Porter calls attention to the filing of the original Summons and Complaint by the Plaintiff in the Office of the Clerk of Court for Darlington County on April 29, 2013.

The attorney for H. Thad White also calls attention to the filing of H. Thad White's Notice of *Lis Pendens* filed in the Office of the Clerk of Court for Darlington County on April 29, 2013.

The attorney for Plaintiff also calls attention to service upon the Defendant through its registered agent Haiyan Lin, who was personally served as registered agent on May 17, 2013 evidenced by the Affidavit of Service. Thereafter, the Registered Agent for Defendant Petrel International, LLC filed a *Pro Se* Answer and Counterclaim on June 17, 2013. Plaintiff notified Defendant's Registered Agent by letter on July 9, 2013 that it was improper for Defendant to be represented *Pro Se*. The Plaintiff filed a motion for default which was granted by Judge Paul Burch on December 9, 2013. Defendant appealed the order of default to the South Carolina Court of Appeals, and the appeal was dismissed by order dated September 10, 2014. The Remittitur was sent from the Court of Appeals on September 30, 2014.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FILED

2014 DEC 16 AM 10:59

An Order of Reference was then signed by the Clerk of Court in his administrative capacity and filed with the Court on November 17, 2014, referring this matter to be heard before the Honorable Haigh Porter, and transferring to him the authority to do the following: make decisions of law and fact about this case as Special Referee, take testimony and making findings of facts and conclusions of law, and enter a Final Decree of Foreclosure and Sale.

WHEREUPON, H. THAD WHITE, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

H. Thad White was the owner of the property located at 4600 Lamar Highway in Lamar, South Carolina and the Plaintiff in this action. Mr. White testified regarding the note dated December 22, 2009 Petrel International, LLC, acting through its member Haiyan Lin, made, executed and delivered unto Plaintiff in the amount of Two Hundred Seventy Thousand and 00/100ths (\$270,000.00) Dollars with interest thereon from the date thereof at 6.25% thereafter. A copy of the original Note was offered into evidence.

Attention was called to the provisions of the Note with reference to default.

Also, the Court's attention was called to the provisions in the Note with reference to payment of costs of collection and a reasonable attorney's fee. The sum of Three Thousand and 00/100ths (\$3,000.00) Dollars is a reasonable fee to allow as attorney's fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of the Note and Mortgage.

NOTE identified, offered and received in evidence as **Exhibit 1**.

On December 22 2009, Petrel International, LLC made, executed and delivered certain mortgages unto Plaintiff which mortgages contained the same terms and provisions as the Note offered in evidence, and conveyed by way of mortgages the identical properties described in the Complaint in this action, which properties are situated in Darlington County, South Carolina.

Thereafter, on December 23, 2009 the mortgage was recorded in the Office of the Registrar for Darlington County, South Carolina in Mortgage Book 1058 at Pages 5856-5860.

This Mortgage constitutes a First lien covering the property therein described.

Copies of the original Mortgage was offered into evidence.

MORTGAGE identified, offered and received in evidence as **Exhibit 2**.

The Defendant Petrel International, LLC is the record fee simple owner of the mortgaged property.

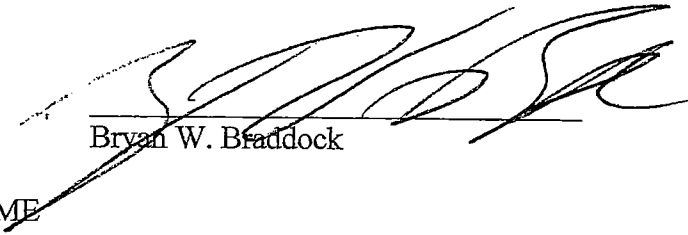
The payments as provided for in said Note and Mortgage were not paid in accordance with the terms and conditions thereof, and therefore, the Note and Mortgage are in default; and, as a result thereof, Plaintiff has elected to declare the entire unpaid amount immediately due and payable. The Plaintiff submitted costs necessarily incurred in this case as set forth below:

Costs of Collection Prior to Hearing	
- Clerk of Court (filing fees)	150.00
- Title Search	50.00
- Special Referee	250.00
- Service	54.74
Estimated Publication	450.00
TOTAL	\$954.74.

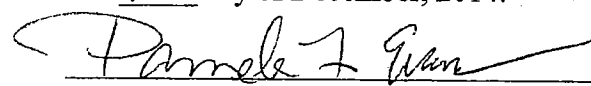
There is due and owing on Plaintiff's Note and Mortgage the sum of Three Hundred One Thousand Six Hundred Sixty and 80/100ths (\$301,660.80) Dollars, together with interest thereon as of December 1, 2014 at 5.00% per annum for a per diem of \$36.98 as well as attorney's fees of \$3,000.00 and costs of \$954.74.

That, Your Honor, completes Plaintiff's case and Plaintiff rests.

REFERENCE ADJOURNED


Bryan W. Braddock

SWORN TO AND SUBSCRIBED BEFORE ME
this 15th day of December, 2014.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3-28-16

40

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

H. Thad White,

Plaintiff(s),

vs.

Petrel International,

Defendant(s).

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
C/A # 2013-CP16-0366

CERTIFICATE OF MAILING
U.S. MAIL

I certify that I have caused a copy of the below mentioned document(s) to be served upon the following parties, by depositing same in the United States mail, with postage prepaid and affixed thereto, addressed as follows, this 19th day of December, 2014.

Document(s) Served:

Transcript of Testimony

Parties Served:

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

CERTIFIED MAIL, RETURN RECEIPT
#7014 0150 0001 1972 5517

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

THE BRADDOCK LAW FIRM, LLC

Ann C. Makris

Ann C. Makris, Assistant to Bryan W. Braddock

Florence, South Carolina
December 19, 2014

NOTICE OF PUBLIC SALE

PLEASE TAKE NOTICE that, pursuant to a Judgment granted in the case of H. Thad White vs. Petrel International, LLC, 2013-CP-16-0366, I will sell at public auction at the front of the Darlington County Courthouse in Darlington, South Carolina, on Tuesday, January 6, 2015 at 12:30 O'CLOCK P.M. to the highest bidder for cash the following described property:

(Darlington County Tax Parcel 087-00-01-031)

All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3 on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 7.3 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the East by Tract #3-A; and on the South by right-of-way of Interstate Highway #20.

ALSO: All that certain piece, parcel or tract of land with the improvements thereon, situate, lying and being located in the County of Darlington, State of South Carolina, designated as Tract #3-A on a plat of survey made by M.E. Lind, Jr. dated October 28, 1968 and amended April 14, 1972, a copy of which is recorded on the office of the Clerk of Court for Darlington County in Plat Book 57 at Page 141. Said tract is shown on said plat as containing 5.0 acres, more or less, and is bounded according thereto on the Northwest by property of J.W. Dowling; on the Northeast by property of Rev. J.W. Dowling; on the South by right-of-way of Interstate Highway #20; and on the West by tract #3 as shown on said plat.

For a more complete description of the above referenced tract, reference is had to the above referred to plat.

This being the same property conveyed to Petrel International, LLC by deed of H. Thad White dated December 22, 2009 and recorded in the office of the Clerk of Court for Darlington County in Deed Book 1058 at Page 5852.

NOTICE is further given that the successful bidder, other than the Plaintiff, said sale will be required to deposit immediately with the Special Referee an amount equal to five (5%) percent of his bid in cash, and if such deposit is not made, the Special Referee will resell said property on the sales day or some subsequent sales day as may appear advantageous. In case the

TRUE CERTIFIED COPY,

Sam B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

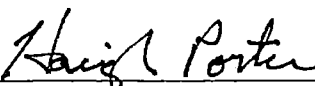
FILED

2014 DEC - 8 PM 12:30
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

42

successful bidder should fail to comply with his bid by payment of the balance of the purchase price within thirty (30) days after acceptance of his bid, his deposit shall be forfeited and the property resold on some subsequent sales day without further Order of the Court, at the risk of the purchaser. The purchaser will be required to pay for the deed, documentary stamps on the deed, recording of the deed, and interest on the amount of the bid from date of sale through date of compliance with the bid at the rate of 5%.

Since deficiency judgment is waived, the bidding shall be closed upon the date of sale. This property is sold subject to taxes and assessments, existing easements and restrictions of record.



Haigh Porter, Special Referee

December 5, 2014

Florence, South Carolina

FILED
2014 DEC -8 PM 12:30
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

43

The State of South Carolina
County of Darlington
In the Court of Common Pleas
Case No. 2013-CP-16-0366

RECEIVED

DEC 19 2014

SC Court of Appeals

H. Thad White - - - - - Plaintiff

Petrel International, LLC Vs.

Haiyan Lin and - - - - - Defendants

Motion To Vacate

The defendants, Petrel International, LLC and Haiyan Lin, hereby move to Vacate the Special Referee's Order and Judgment of Foreclosure and Sale, dated Dec. 5, 2014, filed on Dec. 8, 2014, and Received on Dec. 15, 2014.

The defendant object that the Order of Reference was filed and served untimely; that it was given with less than 30 days to respond, and that the Notice of hearing was served less than the ten days before the hearing and during thanksgiving holidays. These are violations of South Carolina Rules of Civil Procedure.

The defendants were out of town from Nov. 26, 2014 through Dec. 6, 2014 for a conference in MA. On Dec. 1, 2014, the

Special Referee proceeded the foreclosure hearing without the defendant and without even a court reporter. As the results, the defendant's rights of due process and the equal protection under the law were violated.

Therefore, to protect the due process rights of the defendants and to guarantee the equal protection under the law, the defendants request the court to vacate the Special Referee's Order and Judgement of Foreclosure and Sale. The defendants pray that this court will restore the integrity of the judicial system.

Dec. 18, 2014

Haiyan Lin
Petrel International
and Haiyan Lin
P.O. Box 873
Columbia, SC 29202
803-404-7163

2014 DEC 18 PM 4:14
CLERK OF COURT / R.O.
DARLINGTON COUNTY, S.C.
B. Sugg
CLERK OF COURT / R.O.
DARLINGTON COUNTY

The State of South Carolina
County of Darlington
In the Court of Common Pleas
Case No. 2013-CP-16-0366

RECEIVED

DEC 19 2014

SC Court of Appeals

H. Thad White ----- Plaintiff

Petrel International, LLC Vs.

Haiyan Lin and ----- Defendants

Certificate of Service

I, Haiyan Lin, certify that I have
served the plaintiff by US mail for
the Motion to Vacate ~~and~~ the Notice of App
to: The Braddock Law Firm
2231 W. Palmetto St. #203
Florence, SC 29501

on Dec. 18, 2014.

RECEIVED

JAN 05 2015

SC Court of Appeals

Haiyan Lin

P.O. Box 8776

Columbia, SC 29204
CLERK OF COURT
DARLINGTON COUNTY, S.C.

803-404-7163

2014 DEC 31 PM 4:18
SCOTT B. SHERMAN
CLERK OF COURT
DARLINGTON COUNTY, S.C.

The State of South Carolina
County of Darlington
In the Court of Common Pleas
Case No. 2013-CP-16-0366

H. Thad White - - - - - Plaintiff

Petrel International, LLC Vs,

Haiyan Lin and - - - - - Defendants

Motion For Reconsideration and
Motion For Vacate.

The defendants, Haiyan Lin and Petrel International, LLC hereby object the Order of Reference filed on Nov. 17, 2014.

First, the defendants have filed the responsive pleadings to the Summons and Complaint, as well as filed the Counter claim. Therefore, the defendants are not in default, as evidenced by the plaintiff's Reply on the Defendant's Counter Claims, dated Dec. 19, 2013.

Second, pursuant to Rule 59, SC RCP, the defendants entitled a motion hearing to vacate the order of default by Judge Paul M. Burch dated December 9, 2013.

Third, the defendants are ready for the motion hearing scheduled for Dec. 18, 2014, to dispose the Motion to vacate the Order of Default.

Fourth, the defendants have motion served.
47

TRUE CERTIFIED COPY.
Scott B. Suggs
CLERK OF COURT
DARLINGTON COUNTY, SC

2014 DEC 17 5 AM 11:26
SCOTT B. SUGGS
CLERK OF COURT
DARLINGTON COUNTY, SC

nor filed for an order of reference. As the result, the Order of Reference is a violation of Rule 53, SC RCP.

Therefore, the order of Reference violates the Rules of Civil procedure and the due process rights of the defendants. To restore the integrity of the judicial system, and to guarantee the equal protection under the law, the defendants move to vacate the Order of Reference.

Dec. 16, 2014

Haiyan Lin
and
Petrel International, LLC.
P.O. Box 8776
Columbia, SC 29202
803-404-7163

The State of South Carolina
County of Darlington
In the Court of Common Pleas
Case No. 2013-CP-16-0366

RECEIVED

JAN 05 2015

SC Court of Appeals

H. Thad White - - - - - Plaintiff

Petrel International, LLC Vs.

Haiyan Lin and - - - - - Defendants

Certificate of Service

I, Haiyan Lin, certify that I
have served the Notice of Appearance
and the Motion for Reconsideration and
Motion to Vacate to the plaintiff by
US mail to

The Braddock Law Firm
2231 W. Palmetto St #203
Florence, SC 29505

Dec. 16, 2014

Haiyan Lin

P.O. Box 8776

Columbia, SC 29202

803-404-7163 49

TRUE CERTIFIED COPY.

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

SCOTT B. SUGGS
CLERK OF COURT/R.O.B.
DARLINGTON COUNTY, S.C.

2014 DEC 17 AM 11:29

FILED

State of South Carolina

In The Court of Appeal

Appeal From Darlington County

Court of Common Pleas

Judge Paul M. Burch

The Appellate Case No. 2014-600147

7120
RECEIVED
FEB 06 2014
SC Court of Appeals

IVED

6 2014

of Appeals

1. Thad White ----- Respondent

v.

Petrel International, LLC ----- Appellant

The Notice of Appeal

The appellant has received the written notice of entry of order of Judge Paul M. Burch on Dec. 22, 2013. The appellant hereby gives the Notice of Appeal in the above case, in order to protect the appellant's equal protection and due process rights. It is hereby amended to the original Notice of Appeal on Jan. 20, 2014.

50

Feb. 5, 2014

Petrel International, LLC
by Haiyan Lin

The State of South Carolina
County of Darlington
In the Court of Common Pleas
Case No. 2013-CP-16-0366

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DEC 19 2014

SC Court of Appeals

H. Thad White ----- Plaintiff

Petrel International, LLC Vs.

Haiyan Lin ----- Defendants

The Notice of Appeal

Please take notice that the defendants Petrel International, LLC and Haiyan Lin, intend to appeal the Order of Reference in the court of Appeal. The Order of Reference was received on Nov. 26, 2014 and is hereby attached to the Notice of Appeal.

Dec. 18, 2014

FILED
2014 DEC 31 PM 4:16
SCOTT B. SUGGS
CLERK OF COURT/RO.D.
DARLINGTON COUNTY, S.C.

Haiyan Lin
Petrel International, LLC
Haiyan and Lin

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JAN 05 2015

SC Court of Appeals

P.O. Box 8776
Columbia, SC 29202
803-404-7163

State of South Carolina
In The Court of Appeal
Appeal From Darlington County
Court of Common Pleas
Case No. 2013-CP-16-0366

H. Thad White ----- Respondent

Petrel International, LLC Vs.

Haiyan and Lin ----- Appellant

Amended Notice of Appeal

The Notice is hereby given that the appellant Petrel International, LLC and its assigned Haiyan Lin also intend to appeal the Special Referee's Order and Judgment of Foreclosure and Sale, and the Notice of Public Sale in the Court of Appeal. The special Referee's Order and the Notice of Public Sale were filed on Dec. 8, 2014 and were served on Dec. 15, 2014. They are hereby attached to amend the Notice of the Appeal, dated Dec. 18, 2014.

Dec. 29, 2014

RECEIVED

DEC 30 2014

SC Court of Appeals

RECEIVED

JAN 05 2015

SC Court of Appeals

Haiyan Lin
and
Petrel International, LLC

P.O. Box 8776
Columbia, SC 29202
803-404-7163 52

SCOTT B. SUGGS
CLERK OF COURT/EMO
DARLINGTON COUNTY, SC

2014 DEC 31 PM 1:16

FILED

State of South Carolina
In The Court of Appeal
Appeal From Darlington County
Court of Common Pleas
Case No. 2013-CP-16-0366

H. Thad White ----- Respondent
Petrol International, LLC Vs.
Haiyan and Lin ----- Appellant

Certificate of Service

I, Haiyan Lin, certify that I have
served the respondent by US mail for the
Amended Notice of Appeal to:

The Braddock Law Firm
2231 W. Palmetto St. #203
Florence, SC 29501

on Dec. 29, 2014

Haiyan Lin

P.O. Box 8776
Columbia, SC 29202
803-404-7163

RECEIVED

DEC 30 2014

SC Court of Appeals

RECEIVED

JAN 05 2015

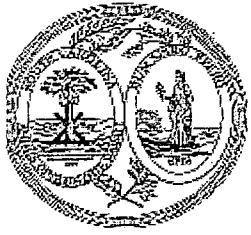
SC Court of Appeals

53

2014 DEC 30 PM 4:11
CLERK OF COURT/EMC
DARLINGTON COUNTY, SC
SUGGS
ED

NOTICE OF MOTION SCHEDULING

November 13, 2014



**Motion "MVACAT - Motion/Vacate & Cert of Svc" for Case:
2013CP1600366 - H Thad White VS Petrel International LLC has been
added to the following Motions Roster:**

35 - Common Pleas Motion Roster December 18, 2014

**This hearing of this motion has been scheduled for 12/18/2014 at 2:00
PM.**

The case referenced in this email is scheduled on the Docket. The Docket is available at
<http://publicindex.sccourts.org/darlington/courtrosters/>. Please notify Jennifer Sanders,
Deputy Clerk, as to any cases that have a matter that will remove them from the Roster. Please
send it in writing, via fax or e-mail at the following address: jsanders@darcosc.com.

Mail Notice To:

Petrel International LLC Pro Se
P.O. Box 8776

Columbia, SC 292028776

Court Info:

Common Pleas
1 Public Square, Rm B-4

Darlington, SC 29532-9532

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)398-4330

Respectfully,

Scott B. Suggs
Clerk of Court

54

THE BRADDOCK LAW FIRM, LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

November 20, 2014

CERTIFIED MAIL, RETURN RECEIPT

#7014 0150 0001 1972 5562

Haiyan Lin

Petrel International, LLC

Post Office Box 1011

Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC

Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed herein a true, certified copy of the Order of Reference and the Notice of Hearing, along with a Certificate of Mailing. Please note that the hearing has been scheduled for Monday, December 1, 2014 beginning at 2:00 o'clock p.m. in the office of the Honorable Haigh Porter, Special Referee, located at 152 South McQueen Street, Florence, South Carolina.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$ 70
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.70

Postmark
Here

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery if desired. name and address on the reverse. You can return the card to you. If you do, attach this card to the back of the mailpiece, front if space permits.

Addressed to:

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, SC 29202

TRUE CERTIFIED COPY

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

Label
(For service label)

11 July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature
☒ Agent
☐ Address
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express
☐ Registered ☒ Return Receipt
☐ Insured Mail ☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee)

7014 0150 0001 1972 5562

Domestic Return Receipt

2014 DEC -4 AM 10:33
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

FILED

Sent To
Haiyan Lin
Street, Apt. No.,
or PO Box No. DO BOX 1011
City, State, ZIP+4
Columbia, SC 29202

COPY

THE BRADDOCK LAW FIRM, LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

November 20, 2014

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC
Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed herein a true, certified copy of the Order of Reference and the Notice of Hearing, along with a Certificate of Mailing. Please note that the hearing has been scheduled for Monday, December 1, 2014 beginning at 2:00 o'clock p.m. in the office of the Honorable Haigh Porter, Special Referee, located at 152 South McQueen Street, Florence, South Carolina.

Sincerely,

Bryan W. Braddock
BRYAN W. BRADDOCK

BWB/acm
Enclosures

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

2014 DEC -4 AM 10:34
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

56

THE BRADDOCK LAW FIRM,LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

December 10, 2014

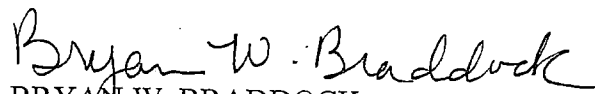
Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC
Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed a certified copy of the Decision by the Court, Special Referee's Order and Judgment of Foreclosure and sale and Notice of Public sale, along with a Certificate of Mailing in the above-referenced matter, which I hereby serve upon you.

Sincerely,


BRYAN W. BRADDOCK

BWB/acm
Enclosures

THE BRADDOCK LAW FIRM, LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

December 5, 2014

CERTIFIED MAIL, RETURN RECEIPT

#7014 0150 0001 1972 5487

Haiyan Lin

Petrel International, LLC

Post Office Box 1011

Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC

Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed herein a true, certified copy of correspondence of November 20, 2014, mailed to you, along with the certified mail receipts attached hereto for your file.

Sincerely,

Bryan W. Braddock

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY		Postal Service TM CERTIFIED MAIL TM RECEIPT	
1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Write your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mail piece. Do not fold or staple.		A. Signature <i>Haiyan Lin</i>		B. Received by (Printed Name) <i>Haiyan Lin</i>	
2. Write the name and address of the addressee on the front of the mail piece. Do not fold or staple.		C. Date of Delivery <i>DEC 15 2014</i>		D. Delivery address different from address on front of mail piece? (If YES, enter delivery address below)	
3. Service type: ☒ Certified Mail [®] ☐ Registered [®] ☐ Insured Mail [®] ☐ Return Receipt for Merchandise [®] ☐ Collection Delivery		☐ Agent ☐ Addressee ☐ Yes ☐ No		Postage \$ <i>4.49</i>	
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No		5. Service type: ☒ Certified Mail [®] ☐ Registered [®] ☐ Insured Mail [®] ☐ Return Receipt for Merchandise [®] ☐ Collection Delivery		Certified Fee \$ <i>3.30</i>	
6. Tracking Number <i>7014 0150 0001 1972 5487</i>		7. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No		Postage & Fees \$ <i>6.49</i>	
8. Transfer from service (label) <i>7014 0150 0001 1972 5487</i>		9. ZIP+4 [®] <i>29202</i>		Postmark Here	

Official Use

58

Haiyan Lin
PO Box 1011
Columbia, SC 29202

3800, August 2006 See Reverse for Instructions

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

H. Thad White,

Plaintiff(s),

vs.

Petrel International,

Defendant(s).

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
C/A # 2013-CP16-0366

**CERTIFICATE OF MAILING
U.S. MAIL**

I certify that I have caused a copy of the below mentioned document(s) to be served upon the following parties, by depositing same in the United States mail, with postage prepaid and affixed thereto, addressed as follows, this 5th day of December, 2014.

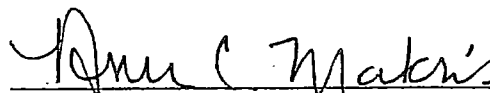
Document(s) Served:

Certified copy of 11/20/14 correspondence
and Certified Mail receipts

Parties Served:

Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

THE BRADDOCK LAW FIRM, LLC


Ann C. Makris, Assistant to Bryan W. Braddock

Florence, South Carolina
December 5, 2014

59

THE BRADDOCK LAW FIRM, LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

December 5, 2014

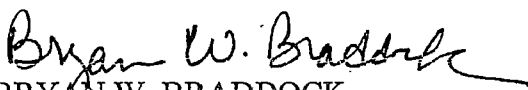
Ms. Haiyan Lin
Petrel International, LLC
Post Office Box 1011
Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC
Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed herein a true, certified copy of correspondence of November 20, 2014, mailed to you, along with the certified mail receipts attached hereto for your file.

Sincerely,


BRYAN W. BRADDOCK

BWB/aem
Enclosures

THE BRADDOCK LAW FIRM,LLC

2231 W. Palmetto Street, Suite 203

Florence, South Carolina 29501

Telephone: 843.292.8780

Facsimile: 843.292.8785

Bryan W. Braddock, Esquire

Attorney at Law

Writer's e-mail address:

Justice_jackson@hotmail.com

December 19, 2014

CERTIFIED MAIL, RETURN RECEIPT

#7014 0150 0001 1972 5517

Haiyan Lin

Petrel International, LLC

Post Office Box 1011

Columbia, South Carolina 29202

Re: H. Thad White vs. Petrel International, LLC

Case No.: 2013-CP-16-0366

Dear Ms. Lin:

Please find enclosed a certified copy of the Transcript of Testimony, along with a Certificate of Mailing in the above-referenced matter, which I hereby serve upon you.

Sincerely,

Bryan W. Braddock
BRYAN W. BRADDOCK

BWB/acm
Enclosures

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 FEB 08 2016
 SC Court of Appeals

STATE OF SOUTH CAROLINA
 IN THE SOUTH CAROLINA COURT OF APPEALS

H. THAD WHITE, ... RESPONDENT,

V.

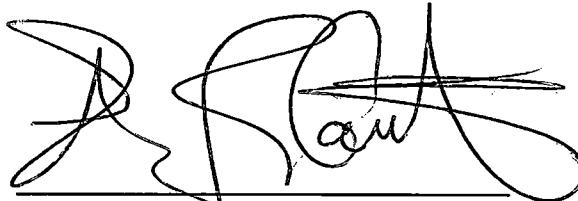
PETREL INTERNATIONAL, LLC, ... APPELLANT,

APPELLATE CASE NUMBER.: 2014 – 002764

CERTIFICATE OF APPELLANT COUNSEL
 IN RE:
 CORRECTED RECORD ON APPEAL

I, Eleazer R. Carter, Counsel for the Appellant, hereby certify that this corrected record on appeal contains all material proposed to be included by any /all parties and does not contain any other material; further I certify that the only changes/corrections were:

1. Correcting the title page to include names and address of Counsels for Record, and
2. Correcting index page to reflect actual page numbers; (No additional documents added nor excluded).



Eleazer R. Carter, Esquire
 105 South Brooks Street
 Post Office Box 187
 Manning, South Carolina 29102
 Tel.: 803-435-0550
 Attorney for Appellant

Manning, South Carolina
 February 8, 2016