RECEIVED
FEB 23 2016
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
John C. Hayes III, Circuit Court Judge

Appellate Case No. 2015-001053

Majorie Cato Burton as Trustee of the Sloan Marvin Burton and Majorie Cato Burton, AB Livir Trust by and through David A Burton as Attorney-in-Fact, Individually and in the right an on behalf of T.E. Cato Estate, LLC,

Appellant,

v.

Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A.,

Respondents.

RECORD ON APPEAL VOLUME 4 OF 5

MBR LAW, LLC
Matthew B. Rosbrugh
Post Office Box 292290
Columbia, South Carolina 29229
Telephone: 803.753.2532
Attorney for Appellant

Samuel Outten
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 10084
Greenville, SC 29603-0084
(864) 250-2300

C. Mitchell Brown
A. Mattison Bogan
Blake T. Williams
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 11070
Columbia SC 29211
(803) 799-2000
Attorneys for Respondents

INDEX

VOLUME 1

Order Granting Motion to Dismiss and Denying Motion for Substitution of Parties, dated August 29, 2011 1

Order Granting Motion to Reconsider and Denying Motion to Dismiss, dated December 14, 2011 12

Order Denying Motion to Amend, dated October 24, 2013 16

Order Denying Reconsideration, dated November 15, 2013 20

Final Order, dated April 3, 2015 23

Order Denying Motion to Reconsider, dated April 30, 2015 51

Summons and Complaint 57

Answer 134

Defendants' Motion to Dismiss, dated January 28, 2011 140

Plaintiff's Motion for Substitution of Parties, dated May 10, 2011 144

Defendants' Memorandum in Opposition to Motion for Substitution of Parties, dated May 16, 2011 148

Defendants' Memorandum in Support of Motion to Dismiss, dated July 8, 2011 189

Plaintiff's Motion to Reconsider Order Granting Motion to Dismiss, dated September 9, 2011 198

Defendant's Memorandum in Opposition to Motion to Reconsider, filed October 26, 2011 271

Plaintiff's Motion to Amend Complaint, dated September 9, 2013 278

Defendants' Memorandum in Opposition to Motion to Amend Complaint, dated October 7, 2013 336

Plaintiff's Amended Brief in Support of Motion to Amend Complaint, dated October 17, 2013 345

Plaintiff's Motion to Reconsider, dated November 7, 2013 353

Plaintiff's Motion to Reconsider, dated April 16, 2014.....357

Defendants'' Motion to Exclude Testimony of Michael J. Virzi, dated July 18, 2014 365

Defendants' Motion in Limine, dated July 18, 2014 379

Plaintiff's Memorandum in Opposition to Motion to Exclude Testimony of Michael J. Virzi, dated November 21, 2014.....397

Plaintiff's Memorandum in Opposition to Motion in Limine, dated November 21, 2014 409

Defendants' Oral Motion for Nonsuit, argued January 26, 2015 (pp.860-885 of Trial Transcript) 424

VOLUME 2

Defendants' Trial Brief – The Plaintiff Cannot Assert this Assigned Claim, dated January 30, 2015.....450

Defendants' Trial Brief - The Plaintiff Cannot Prove it was Damaged by any Act or Omission of RBH, dated January 30, 2015 and February 4, 2015 557

Defendants' Trial Brief - Plaintiff Cannot Assert a Claim on behalf of the T.E. Cato, Estate, LLC, dated February 4, 2015.....651

Defendants' Trial Brief – This Claim was Extinguished by the Settlement Agreement, dated February 4, 2015 733

Defendants' Trial Brief – The Plaintiff's Ratification of the Underlying Transaction Precludes this Claim, dated February 4, 2015 762

Defendants' Trial Brief – The Plaintiff's Recovery in the Underlying Action Acts as a Setoff, dated February 4, 2015.....776

Defendants' Trial Brief – The Actions of the Burton Trust Caused the Partition Action, dated February 4, 2015 802

Defendants' Trial Brief – This Court Previously Ruled that No Attorney-Client Relationship Existed with the Burton Trust, dated February 4, 2015 809

Defendants' Trial Brief – No Attorney-Client Relationship Existed between the Burton Trust and RBH, dated February 4, 2015 832

Plaintiff's Reply Brief, dated March 11, 2015 847

Plaintiff's Motion to Reconsider and Certificate of Service, dated April 16, 2015 871

Notice of Appeal and Certificate of Service, dated May 18, 2015 878

Excerpts from Transcripts:

Transcript of Hearing on Plaintiff's Motion for Substitution of Parties and Defendants' Motion to Dismiss, dated July 20, 2011 884

VOLUME 3

Transcript of Hearing on Plaintiff's Motion to Amend, dated October 9, 2013 919

Trial Transcript Volume I, December 16-18, 2014 964

James Thomas Cato
Direct Examination 970
Cross Examination 1060
Redirect Examination 1070

David Burton
Direct Examination 1083
Cross Examination 1117
Redirect Examination 1135

Caroll Pitts
Direct Examination 1136

John Freeman
Direct Examination 1208
Cross Examination 1212
Redirect Examination 1234

Joshua Vann
Direct Examination 1238
Cross Examination 1247
Redirect Examination 1248

Trial Transcript Volume II, January 26-27, 2015 1251

Matthew Thomasson
Cross Examination 1252

George Knight
Direct Examination 1255

Michael Virzi
Direct Examination 1256

Corbin Haskell
Direct Examination 1260
Cross Examination 1260

William Higgins
Cross Examination 1261

Plaintiff's Exhibits

2 1267
3 1269
4 1273
5 1294
6 1305
7 1309
8 1331
9 1341
11 1342
12 1353
13 1357
14 1367
16-A 1376
16-B 1378
17-A 1382
17-B 1397
18 1404
19 1405
20 1407
21 1409
22 1410
23 1411
24 1416
27 1418

VOLUME 4

29 1419
32 1421
32(d) 1634

34.....1636
38.....1670
38-D.....1673
48.....1684
50.....1687
53.....1688
55.....1691
56.....1692
59.....1693
61.....1694
62.....1702
63.....1771

Defendants' Exhibits

4.....1776
5.....1777
6.....1778
7.....1780
8.....1848
12.....1887

VOLUME 5

14.....1913
17.....1940
18.....1941
19.....1950
20.....1960
21.....1970
24.....1985
25.....1989

Emails dated April 3, 2015 between J. Alferis and R. Jellenik, *et al.* 2083

Certificate of Appellant.....2085

Certificate of Counsel

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

February ___, 2016

MBR LAW, LLC
Matthew B. Rosbrugh
Post Office Box 292290
Columbia, South Carolina 29229
Telephone: 803.753.2532
Facsimile: 803.419.9614
Email: matt@mbrlawllc.com
Attorney for Appellant

Ex 29

Pitts, Carroll

From: CharInsOff@aol.com
Sent: Monday, August 20, 2007 1:29 PM
To: Marjie&Marvin; David; Sara; Albert; JONESCLIPPER@aol.com; Donn; Bob
Subject: Burton questions on "TECato LLC letter of 8/1/07"

Dear Marjie and Marvin,

Sorry its taken a couple of weeks to answer your e-mail. Cookie has recovered well from the loss of her Mother. Thanks for your patience.

I'll try and answer your questions and will follow your paragraph numbering:

1. Because some heirs and children of heirs have expressed interest in owning land. In particular, David Burton and I had a long conversation on 3/19/07 to the effect that he never wanted to sell that land. Tom and Bob offered to sell out our interest in Granddaddy's property to David, but he did not take us up on that offer to be a 20% owner. Others on the family also have the money and may like to be developers of the entire site. That opportunity was made available four months later to everybody. I was trying to be fair. Also, in April of 1985, Jane, Cathy, Sarah, Bob, and Tommy made a written offer to Lib, Marjie, and Helen to buy those five out of their combined 40% ownership. The offer letter and two of the three replies are on file. So, everyone in the family has had a shot at buying parts or the whole.

2. That price is the highest offer I've been able to squeeze from the eight developers I've been working with over the last six months. It's the result of appraisals and competitive offers and counter-offers. I played one off against the other as a strategy that you and Marvin discussed with me at your house on 6/1/07. It wouldn't be fair to allow one of our relatives to buy at less than we've been offered. Please refer to the details of those negotiations in the nine letters and reports I've sent you (so far).

3. Your concerns about fifths is valid. The net effect would be as you suggest. That land is owned by the Corporation. Any buying and selling among the partners would be monitored by an attorney to protect everyone else in the Corporation.

4. See your "#1." . My intentions are to follow the consensus instructions that I received from each heir during surveys, correspondence, e-mails, conferences, telephone calls, and including personal visits like the 10-hour meeting (including the lunch you shared with me) that you and Marvin and I had going over all the documents of the L.L.C. while at your dining room table on 6/1/07. Since no one in our extended families showed any interest in owning the property in part or in total, a Letter of Intent to Purchase was accepted by the Corporation on 8/3/07 at 2:00 P.M. - giving an extra two hours past the 12:00 noon deadline. I really thought your family might want to buy the property and develop it; everyone else wants out and wants to sell and quit paying property taxes.

5. David was the only one to receive two letters. Everyone else got only one. I sent him a duplicate copy of the e-mail through the U.S.Mail as an explanation and apology for leaving his name(but of course not his e-mail name and address that was included with all the others) from the 13-name list of relatives. So, everyone was treated the same but David got one more than anyone else.

6. The same presentation of the L.L.C., deed, and S.C. License Application was given the same way

to each signatory. The percentages of ownership were included in the L.L.C. document and you and I and Marvin reviewed them. There was no questioning of ownership percentages by any heir I met with - I guess it's pretty straight forward. The implementation of a Corporation is what you and Marvin have been working on for 30 years - I kept all those typewritten copies all this time. Bud Burton was ready to implement a L.L.C. per his letter to "Cato Family Members (and heirs)" dated 4/23/98 and 3/25/99 - I kept those, too. The 3/25/99 letter from Bud promised L.L.C. implementation. Everyone signed off and supported that. Dale Dove was to set up the L.L.C. and also was going to buy hte property for a hoped-for $613,000.00. according to Bud's report (I have that). Everyone agreed tp the Dale Dove deal. Now, all the heirs have agreed that Tommy's turn has come to be in charge and that interests in the Corporation are the same as the percentages of ownership. In the Corporation, no one has "veto power" over the majority.

I really appreciate your concern for liability from exposure to developers, but nothing I do is without consultation with the Corporation Attorney and the Corporation C.P.A.. Since I am neither an attorney nor a C.P.A., their oversight and involvement (as I've stated over and over in letters to the heirs to seek their input and to seek their advice) is necessary to protect the partners and to protect the Corporation. Continuing and ongoing consultations take time and money, but those "consults" represent insurance against risk. Anyway, these activities were outlined during all our planning letters, meetings, and phone calls as we all agreed on this present course of action. I'm trying to stay that course. Be assured, no one misunderstands the authority of the Corporation.

7. Yep. I was in the process of getting a copy of everything into a fat 3-ring binder for you (as promised). It will contain a new map, Corps Waterway maps, gulleys, new roadway, etc. . It has so much in it that it weighs about four pounds! It'll be a central place for all the "stuff".

Thanks for writing me,
Tommy

Letter references from:

Bud	11/16/96,4/23/98, 4/28/98,8/10/98, 3/25/99,3/31/99,12/31/04
Marjie & Marvin	6/2/67,7/31/68,2/28/69,5/5/94,11/26/99,3/20/07,3/21/07
Tommy	2/24/07,4/9/07,6/21/07,7/12/07,7/18/07,7/29/07,7/31/07,8/1/07,8/16/07

Get a sneak peek of the all-new AOL.com.

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

buy
atty
Brian S. McCoy

August 13, 2010 Invoice# 245936

RE: **Thommason Apartments**

Previous Balance			**$0.00**
Plus Current Charges:			
Fees	07/12/10-08/06/10	$2,304.00	
Expenses	07/30/10-07/30/10	$25.00	$2,329.00
Adjusted Balance			**$2,329.00**
Payment from Trust Account			-$2,329.00
Payment from Trust Account			-$0.00
Balance Due			**$0.00**

Funds in Trust:
General Trust Deposit **$7,671.00**

Date	Atty	Description	Hours	Amount
07/12/10	BSM	Conference with Tom Cato and counsel at Robinson Bradshaw. Correspondence to/from Mr. Cato.	1.30	312.00
07/13/10	BSM	Conference with Tom Cato.	0.40	96.00
07/14/10	BSM	Telephone conference with counsel for LLC. Review of motions for hearings.	0.80	192.00
07/15/10	BSM	Correspondence to/from client. Correspondence to counsel re hearing.	0.50	120.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

by atty Brian S McCoy

August 13, 2010 Invoice# 245936

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
07/20/10	BSM	Conference with Tom Cato. Review of documents. Telephone conference with counsel.	1.20	288.00
07/22/10	BSM	Review of deposition of Burton. Telephone conference with client. Correspondence to/from counsel for Thomasson.	2.20	528.00
07/26/10	BSM	Telephone conference with counsel for Thomasson. Review of pleadings.	0.60	144.00
07/29/10	BSM	Correspondence to/from client re motion to substitute counsel.	0.40	96.00
07/30/10	BSM	Drafted/edited motion/order to substitute counsel. Correspondence to court. Correspondence to counsel. Telephone conference with counsel for Thomasson.	0.90	216.00
08/03/10	BSM	Review of motion from counsel for Burton. Review of amended documents from counsel for Thomasson Apts.	0.80	192.00
08/06/10	BSM	correspondence to/from Mr. Pitts re Jellenik motion. Review of Jellenik affidavit and docs.	0.50	120.00
TOTAL FEES				**$2,304.00**

Date	Expense Name	Amount
07/30/10	Motion Fee	25.00
TOTAL EXPENSES		**$25.00**

Total fees plus expenses ..... **$ 2,329.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

October 15, 2010 Invoice# 249656

RE: **Thommason Apartments**

Previous Balance			**$2,329.00**
Plus Current Charges:			
Fees	08/09/10-10/08/10	$6,330.00	
Expenses	08/09/10-10/08/10	$0.00	$6,330.00
Adjusted Balance			**$8,659.00**
Less Payments and Credits:			
Payment received 08/31/10			-$2,329.00
Payment from Trust Account			-$6,330.00
Payment from Trust Account			-$0.00
Balance Due			**$0.00**

Funds in Trust:
General Trust Deposit **$1,341.00**

Date	Atty	Description	Hours	Amount
08/09/10	BSM	Review of correspondence and document regarding deposition edits by Burton. Correspondence to/from Carroll Pitts re Jellenik Motion.	0.80	192.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

November 19, 2010 Invoice# 252346

RE: **Thommason Apartments**

Previous Balance			**$6,330.00**
Plus Current Charges:			
Fees	10/11/10-11/04/10	$3,720.00	
Expenses	10/11/10-11/04/10	$0.00	$3,720.00
Adjusted Balance			**$10,050.00**
Less Payments and Credits:			
Payment received 10/29/10			-$6,330.00
Payment from Trust Account			-$1,341.00
Payment from Trust Account			-$0.00
Balance Due			**$2,379.00**

Funds in Trust:
General Trust Deposit **$0.00**

Date	Atty	Description	Hours	Amount
10/11/10	BSM	Correspondence to/from counsel. Telephone conference with counsel for Burton. Review of documents re hearings.	1.20	288.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

November 19, 2010 Invoice# 252346

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
10/12/10	BSM	Telephone conference with counsel for Burton. Review/Research re motion to default re amended third party complaint. Correspondence to counsel.	1.30	312.00
10/13/10	BSM	Correspondence to/from Robinson Bradshaw firm re answer to amended third party complaint. Review of files.	0.60	144.00
10/14/10	BSM	Telephone conference with counsel re motion for default. Correspondence to/from Robinson Bradshaw firm. Review of documents re Amended complaint.	0.70	168.00
10/18/10	BSM	Review of documents from counsel for LLC. Correspondence to/from counsel for Burton and counsel for LLC.	0.80	192.00
10/19/10	BSM	Review of 3 motions and attachments from counsel for Burton. Correspondence to client and Robinson Bradshaw firm.	1.10	264.00
10/20/10	BSM	Correspondence to/from counsel and court re hearings. Telephone conference with counsel. Began draft affidavit for Mr. Pitts.	0.80	192.00
10/21/10	BSM	Telephone conferences with counsel for TAL. Conference with Mr. Cato. Drafted/edited documents for Carroll Pitts and hearings.	2.30	552.00
10/22/10	BSM	Correspondence to/from client and counsel re affidavit and hearings. Review of brief from counsel for Burton. Telephone conferences with Mr. Pitts. Began draft of Memorandum in Opposition.	1.90	456.00
10/25/10	BSM	Drafted/edited memorandum in opposition to motions for sanctions. Telephone conferences with counsel. Correspondence to/from counsel. Preparation for hearings.	1.80	432.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

November 19, 2010 Invoice# 252346

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
10/26/10	BSM	Preparation for hearings. Travel to/from York for hearing. Representation of clients at hearing.	2.30	552.00
11/01/10	BSM	Correspondence to/from counsel and client.	0.40	96.00
11/04/10	BSM	Correspondence to/from counsel re Cato deposition.	0.30	72.00
TOTAL FEES				**$3,720.00**

Total fees plus expenses ..... **$ 3,720.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

December 9, 2010 Invoice# 253483

RE: **Thommason Apartments**

Previous Balance				**$3,720.00**
Plus Current Charges:				
	Fees	11/16/10-11/22/10	$3,792.00	
	Expenses	11/30/10-12/02/10	$92.60	$3,884.60
Adjusted Balance				**$7,604.60**
Less Payments and Credits:				
	Payment received 11/24/10			-$1,341.00
	Payment received 11/29/10			-$2,379.00
	Payment from Trust Account			-$0.00
	Payment from Trust Account			-$0.00
Balance Due				**$3,884.60**

Date	Atty	Description	Hours	Amount
11/16/10	BSM	Correspondence to/from counsel for Burton, and counsel for TAL.	0.50	120.00
11/17/10	BSM	Telephone conference with counsel for TAL re deposition. Telephone conference with counsel for LLC re deposition and preparation. Correspondence to client.	0.60	144.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED · 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

December 9, 2010 Invoice# 253483

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
11/18/10	BSM	Conference with client and Ms. McDow re deposition preparation. Review of documents and discovery responses. Telephone conference with counsel.	2.70	648.00
11/19/10	BSM	Travel to/from York. Representation of client at deposition.	7.80	1872.00
11/22/10	BSM	Travel to/from York. Representation of client in deposition.	4.20	1008.00
TOTAL FEES				**$3,792.00**

Date	Expense Name	Amount
11/30/10	Court Reporter	53.00
12/02/10	Mileage	19.80
12/02/10	Mileage	19.80
TOTAL EXPENSES		**$92.60**

Total fees plus expenses ..... **$ 3,884.60**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

January 24, 2011 Invoice# 255306

RE: **Thommason Apartments**

Fees for Professional Services 12/01/10 through 01/07/11	$648.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$648.00**

SERVICES SUMMARY

BSM	2.70	hours @	240.00	per hour	$648.00

Date	Atty	Description	Hours	Amount
12/01/10	BSM	Review of documents from Mr. Cato. Correspondence to/from Mr. Cato re expense reports.	0.70	168.00
12/06/10	BSM	Review of documents from client re expense reports. Correspondence/supplemental discovery response to counsel for Burton. Correspondence to counsel.	1.10	264.00
12/30/10	BSM	Correspondence to/from counsel. Correspondence to/from client.	0.50	120.00
01/07/11	BSM	Correspondence to/from client. Review of documents.	0.40	96.00
TOTAL FEES				**$648.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED · 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

January 24, 2011

Invoice# 255306

RE: **Thommason Apartments**

Total fees plus expenses ..... **$ 648.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

January 24, 2011 Invoice# 255307

RE: **Partition**

Fees for Professional Services 01/05/11 through 01/06/11	$312.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$312.00**
Balance Forward from Invoice dated 10/15/10	$1,128.00
Please disregard balance forward if recently paid	
Balance Due (Including Balance Forward):	**$1,440.00**

SERVICES SUMMARY

BSM 1.30 hours @ 240.00 per hour $312.00

Date	Atty	Description	Hours	Amount
01/05/11	BSM	Review of Burton trust agreements and deeds re roadbed tract. Correspondence to/from counsel.	0.70	168.00
01/06/11	BSM	Correspondence to/from counsel and client re DOT documents and power of attorney. Review of documents.	0.60	144.00
TOTAL FEES				**$312.00**

Total fees plus expenses ..... **$ 312.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

October 15, 2010

Invoice# 249657

RE: **Partition**

Fees for Professional Services 08/18/10 through 09/01/10	$1,128.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$1,128.00**

SERVICES SUMMARY

BSM	4.70	hours @	240.00	per hour	$1,128.00

Date	Atty	Description	Hours	Amount
08/18/10	BSM	Edited responses of petitioners to Burton discovery. Drafted verification forms. Correspondence to clients. Telephone conference with client. Correspondence to Mr. Pitts.	2.70	648.00
08/24/10	BSM	Telephone conference with Betty Jones re discovery responses. Correspondence to counsel.	0.70	168.00
09/01/10	BSM	Review of deed and chain of title information from Mr. Pitts re title of roadbed tract. Correspondence to/from counsel for title company/Thomasson.	1.30	312.00
TOTAL FEES				**$1,128.00**

Total fees plus expenses ..... **$ 1,128.00**

01432

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

October 15, 2010 Invoice# 249656

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
08/10/10	BSM	Correspondence to/from Carroll Pitts and Ben Johnson re Motions to Compel. Review of court order and motions.	0.80	192.00
8/11/10	BSM	Correspondence to/from counsel for Thomasson re extension of time to answer. Review of discovery requests. Telephone conference with Tom Cato.	1.10	264.00
08/12/10	BSM	Telephone conference with Tom Cato. Drafted responses to interrogatories, requests for documents and requests for admission. Drafted letter to counsel for Burton.	3.60	864.00
08/12/10	MWT	Created documents for interrogatories, request for production, and request for admission	1.20	114.00
08/16/10	BSM	Correspondence with clients re discovery requests.	0.30	72.00
08/17/10	BSM	Telephone conference with counsel for Burton. Telephone conferences with clients. Review of documents for discovery responses.	1.20	288.00
08/19/10	BSM	Conference with Mr. Cato. Conference with Mr. Pitts. Edited supplemental responses to discovery. Correspondence to counsel. Telephone conference with counsel for Burton.	2.60	624.00
08/20/10	BSM	Conference with Mr. Cato. Review of documents/file. Correspondence to/from counsel for LLC.	1.20	288.00
08/23/10	BSM	Correspondence to/from clients and counsel for LLC. Review of documents in preparation for meeting with counsel.	1.30	312.00
8/24/10	BSM	Conference with counsel for LLC. Telephone conference with counsel.	1.50	360.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

October 15, 2010 Invoice# 249656

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
08/26/10	BSM	Correspondence to counsel for Burton re appraisal. Telephone conference with counsel for Burton. Correspondence to/from counsel for Thomasson and LLC.	1.70	408.00
08/27/10	BSM	Conference call with counsel for Thomasson and LLC. Correspondence to/from clerk re hearing. Review of documents from counsel.	1.90	456.00
08/30/10	BSM	Telephone conferences with client and counsel. Review of documents re deposition changes. Review of proposed letter re appraisal. Review of documents and transcript re guardian ad litem.	1.60	384.00
09/01/10	BSM	Correspondence to/from counsel for LLC. Review of documents re title.	0.60	144.00
09/02/10	BSM	Correspondence to/from counsel for Thomasson re appointment of guardian. Correspondence to/from counsel for LLC re changes to deposition. Review of documents from counsel.	0.90	216.00
09/06/10	BSM	Correspondence to/from counsel for LLC. Correspondence to counsel for Burton.	0.60	144.00
09/16/10	BSM	Drafted answer to fourth party complaint. Correspondence to court and counsel.	1.20	288.00
09/17/10	BSM	Correspondence to/from counsel re appraisal. Correspondence to counsel for Burton re documents.	0.60	144.00
09/28/10	BSM	Correspondence to/from client and counsel. Review of documents from counsel.	0.50	120.00
0/05/10	BSM	Correspondence to/from counsel for Burton. Review of correspondence from client and documents.	0.50	120.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW
2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

October 15, 2010 Invoice# 249656

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
10/07/10	BSM	Review of documents for motion re partition. Correspondence to Carroll Pitts. Correspondence to/from client. Correspondence to counsel for Burton.	0.90	216.00
0/08/10	BSM	Review of affidavit and documents from counsel for Thomasson. Correspondence to counsel.	0.50	120.00
TOTAL FEES				**$6,330.00**

Total fees plus expenses ..... **$ 6,330.00**

T E CATO ESTATE LLC
1083 VALLEY FORGE ROAD
LAKE WYLIE, SC 29710
(803) 631-5558

1562
67-776/532
BRANCH 15001

DATE 2-24-11

PAY Two hundred and sixty-four and no/100 DOLLARS $ 264.00

TO THE ORDER OF Horack, Talley, Pharr, and Lowndes

JAMES THOMAS CATO, GENERAL MANAGER

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

FOR Invoice #256951 2/22/11 Brian McCoy [redacted] James Thomas Cato

File - 2011 Taxes

RE: **Thommason Apartments**

Fees for Professional Services 02/01/11 through 02/02/11	$264.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$264.00**

SERVICES SUMMARY

BSM	1.10	hours @	240.00	per hour	$264.00

Date	Atty	Description	Hours	Amount
02/01/11	BSM	Correspondence to counsel re errata. Correspondence to client.	0.40	96.00
02/02/11	BSM	Conference with client. Prepared documents re deposition errata. Correspondence to court reporter.	0.70	168.00
TOTAL FEES				**$264.00**

Total fees plus expenses ..... **$ 264.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

March 17, 2011 Invoice# 258844

RE: **Thommason Apartments**

Fees for Professional Services 02/18/11 through 02/23/11	$1,846.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$1,846.00**

SERVICES SUMMARY

BSM	7.10	hours @	260.00	per hour	$1,846.00

Date	Atty	Description	Hours	Amount
02/18/11	BSM	Review of brief and affidavit of Thomasson. Review of motion for default and documents.	0.80	208.00
02/21/11	BSM	Correspondence to/from counsel re amendment of petition. Review of motions for hearings.	0.60	156.00
02/22/11	BSM	Drafted brief in opposition to motion for default. Legal research for brief.	1.30	338.00
02/23/11	BSM	Drafted/edited brief. Correspondence to court and counsel re brief. Travel to/from York for hearing. Representation at motion hearings.	4.40	1144.00
TOTAL FEES				**$1,846.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

March 17, 2011 Invoice# 258844

RE: **Thommason Apartments**

Total fees plus expenses ..... **$ 1,846.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

March 17, 2011 Invoice# 258846

RE: **Partition**

Fees for Professional Services 02/10/11 through 02/18/11	$390.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$390.00**

SERVICES SUMMARY

BSM 1.50 hours @ 260.00 per hour $390.00

Date	Atty	Description	Hours	Amount
02/10/11	BSM	Drafted Consent Order for Leave to amend Petition. Darfted amended petition. Correspondence to counsel.	1.20	312.00
02/18/11	BSM	Correspondence to/from counsel for Burton re amendment to petition.	0.30	78.00
TOTAL FEES				**$390.00**

Total fees plus expenses **$ 390.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

April 14, 2011

Invoice# 260289
Read 4/26/11

RE: **Thommason Apartments**

Fees for Professional Services 03/24/11 through 04/05/11	$364.00
Expense Advances 03/11/11 through 03/11/11	$19.89
TOTAL THIS INVOICE:	**$383.89**

PAID
4-28-11
w/Ck.# 1567

SERVICES SUMMARY

BSM	1.40	hours @	260.00	per hour	$364.00

Date	Atty	Description	Hours	Amount
03/24/11	BSM	Correspondence to client re Order from court. Telephone conference with counsel.	0.40	104.00
04/04/11	BSM	Correspondence and telephone conferences with counsel re mediation.	0.50	130.00
04/05/11	BSM	Review of Order denying summary judgment. Telephone conference with counsel.	0.50	130.00
TOTAL FEES				**$364.00**

Date	Expense Name	Amount
03/11/11	Travel Expense	19.89
TOTAL EXPENSES		**$19.89**

01440

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON RECEIPT

ESTABLISHED • 1932

HORACK • TALLEY

ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

April 14, 2011

Invoice# 260291
Rec'd 4/26/11

RE: **Partition**

Fees for Professional Services 03/28/11 through 03/28/11	$156.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$156.00**

PAID
4-28-11
w/ CK# 1567

SERVICES SUMMARY

BSM	0.60	hours @	260.00	per hour	$156.00

Date	Atty	Description	Hours	Amount
03/28/11	BSM	Correspondence to/from court. Drafted proposed order to amend Petition.	0.60	156.00

TOTAL FEES **$156.00**

Total fees plus expenses ..... **$ 156.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

May 19, 2011

Invoice# 262390

Paid 5-26-11 w/ LLC check # 1569

RE: **Thommason Apartments**

Fees for Professional Services 04/12/11 through 05/06/11	$1,144.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$1,144.00**

SERVICES SUMMARY

BSM	4.40	hours @	260.00	per hour	$1,144.00

Date	Atty	Description	Hours	Amount
04/12/11	BSM	Correspondence to/from counsel re conference call and mediation.	0.40	104.00
04/15/11	BSM	Conference call with all atttorneys re mediation. Correspondence to client.	1.10	286.00
04/20/11	BSM	Correspondence to/from counsel re mediation. Telephone cofnerence with counsel.	0.50	130.00
04/25/11	BSM	Correspondence to/from counsel and client re mediation. Review of correspondence from court.	0.40	104.00
04/28/11	BSM	Correspondence to/from counsel and client re mediation and meeting.	0.30	78.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

May 19, 2011

Invoice# 262390

RE: **Thommason Apartments**

Date	Atty	Description	Hours	Amount
05/02/11	BSM	Conference with Mr Cato and Ms. McDow. Review of orders. Telephone conference with Sam Outen re Pitts case.	1.30	338.00
05/06/11	BSM	Review of documents and correspondence from counsel for Thomasson. Correspondence to client.	0.40	104.00
TOTAL FEES				$1,144.00

Total fees plus expenses ..... **$ 1,144.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED 1982
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377 2500

FAX
Fax 704/372-3248

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

June 23, 2011

Invoice# 264220

paid 7-12-11 with check #1574

RE: Petition

Fees for Professional Services 05/11/11 through 06/03/11 ★	$442.00
Expense Advances 06/01/11 through 06/01/11	$73.44
TOTAL THIS INVOICE:	$515.44

SERVICES SUMMARY

BSM 1.70 hours @ 260.00 per hour $442.00

Date	By	Description	Hours	Amount
05/11/11	BSM	Edited Petition for Partition drafted summons to DOT Correspondence to counsel and court.	0.70	182.00
05/30/11	BSM	Correspondence to/from counsel for Burton re answer to amended petition. Correspondence to D.O.T. re service.	0.40	104.00
06/03/11	BSM	Correspondence to/from counsel for SCDOT. Drafted document for Acceptance of Service. Correspondence to counsel	0.60	156.00
TOTAL FEES				$442.00

Date	Expense Name	Amount
06/01/11	Travel Expense	73.44

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

02663.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

June 23, 2011

Invoice# 264220

RE: Partition

Date	Expense Name	Amount
TOTAL EXPENSES		$73.44
Total fees plus expenses		$ 515.44

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED - 1932

HORACK • TALLEY

ATTORNEYS AT LAW

2500 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

TAX
Fax 704/372-1357

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

June 23, 2011

Invoice# 264218

PAID 7/12/11
WITH CHECK
#1576

RE: Thommason Apartments

Fees for Professional Services 05/09/11 through 05/27/11	$3,952.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	$3,952.00

SERVICES SUMMARY

BSM	15.20	hours @	260.00	per hour	$3,952.00

Date	Atty	Description	Hours	Amount
05/09/11	BSM	Correspondence to/from client and counsel re mediation.	0.30	78.00
05/12/11	BSM	Correspondence to/from client and counsel.	0.50	130.00
05/13/11	BSM	Correspondence to/from clients re mediation. Review of Order and correspondence from mediator.	0.50	130.00
05/16/11	BSM	Correspondence to/from client and counsel re mediation.	0.30	78.00
05/17/11	BSM	Correspondence to/from counsel re mediation issues.	0.30	78.00
05/[illegible]/11	BSM	Preparation of proposed mediation settlement agreement per instructions from mediator Preparation for mediation	1.20	312.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.0001
TELEPHONE
704/377-2536

FAX
Fax 704/372-6438

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

June 23, 2011

Invoice# 264218

RE: Thommason Apartments

Date	Atty	Description	Hours	Amount
05/19/11	BSM	Travel to/from mediation in Columbia. Representation at mediation.	11.70	3042.00
05/27/11	BSM	Correspondence to/from counsel re extension Correspondence to D O T re service.	0.40	104.00
TOTAL FEES				$3,952.00

Total fees plus expenses ..... $ 3,952.00

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED · 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

July 20, 2011 Invoice# 265898

RE: **Thommason Apartments**

Fees for Professional Services 06/15/11 through 06/16/11	$1,898.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$1,898.00**

SERVICES SUMMARY

BSM	7.30	hours @	260.00	per hour	$1,898.00

Date	Atty	Description	Hours	Amount
06/15/11	BSM	Preparation for deposition of Thomasson.	0.90	234.00
06/16/11	BSM	Travel to/from York for deposition. Representation of client at Thomasson deposition. Correspondence to SCDOT re quitclaim.	6.40	1664.00

TOTAL FEES **$1,898.00**

Total fees plus expenses ..... **$ 1,898.00**

Paid 7-30-11 w/ Check # 157

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

July 20, 2011 Invoice# 265900

RE: **Partition**

Fees for Professional Services 06/13/11 through 06/13/11	$156.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$156.00**

SERVICES SUMMARY

BSM	0.60	hours @	260.00	per hour	$156.00

Date	Atty	Description	Hours	Amount
06/13/11	BSM	Correspondence to/from SCDOT re service and quitclaim.	0.60	156.00

TOTAL FEES **$156.00**

Total fees plus expenses ..... **$ 156.00**

PAID 7-30-11
check #1578

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932

HORACK • TALLEY

ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

August 19, 2011

Invoice# 267364

PAID 8/29/11 w/ T.C. ck # 1580

RE: **Thommason Apartments**

Fees for Professional Services 07/18/11 through 07/18/11	$156.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$156.00**

SERVICES SUMMARY

BSM	0.60	hours @	260.00	per hour	$156.00

Date	Atty	Description	Hours	Amount
07/18/11	BSM	Review of documents/pleadings from counsel for Burton. Research re allegations.	0.60	156.00

TOTAL FEES **$156.00**

Total fees plus expenses ..... **$ 156.00**

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

September 16, 2011

Invoice# 268085

Read Rec 11:30AM
9/20/11

RE: **Partition**

Fees for Professional Services 08/11/11 through 08/18/11	$1,352.00
Expense Advances 08/15/11 through 08/15/11	$25.00
TOTAL THIS INVOICE:	**$1,377.00**

Paid 9/22/11
w/ ck. # 1584

SERVICES SUMMARY

BSM	5.20	hours @	260.00	per hour	$1,352.00

Date	Atty	Description	Hours	Amount
08/11/11	BSM	Telephone conference with counsel for LLC. Review of documents from counsel. Review of counterclaims and allegations in response.	0.90	234.00
08/12/11	BSM	Review of documents and rules. Drafted answer to counterclaims. Review of documents from counsel for Thomasson.	1.70	442.00
08/15/11	BSM	Drafted/edited Answer to Counterclaims. Drafted Motion to Strike. Correspondence to court.	1.40	364.00
08/17/11	BSM	Correspondence to/from court and counsel re hearing. Drafted Notice of Hearing.	0.50	130.00
08/18/11	BSM	Review of documents and correspondence regarding motion to dismiss trust. Correspondence to counsel.	0.70	182.00

cc Brian McMorrow

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00000
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

September 16, 2011

Invoice# 268084

Received 11:30
9/20/11
9/22/11

RE: **Thommason Apartments**

Fees for Professional Services 08/19/11 through 08/22/11	$130.00
Expense Advances	$0.00
TOTAL THIS INVOICE:	**$130.00**

SERVICES SUMMARY

BSM	0.50	hours @	260.00	per hour	$130.00

Date	Atty	Description	Hours	Amount
08/19/11	BSM	Correspondence to/from counsel for parties re notice and hearings.	0.20	52.00
08/22/11	BSM	Corresepondence to/from counsel for Thomasson re extension.	0.30	78.00
TOTAL FEES				**$130.00**

Total fees plus expenses ..... **$ 130.00**

Paid 9/22/11
w/ check # 1583

FEDERAL TAX I.D.
56-1149488

PAYABLE UPON
RECEIPT

ESTABLISHED • 1932
HORACK • TALLEY
ATTORNEYS AT LAW

2600 One Wachovia Center
301 South College Street
Charlotte, NC 28202-6006
www.horacktalley.com

026631.00001
TELEPHONE
704/377-2500

FAX
Fax: 704/372-0448

Cato-Burton
c/o Mr. James Thomas Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

September 16, 2011 Invoice# 268085

RE: **Partition**

Date	Atty	Description	Hours	Amount
TOTAL FEES				**$1,352.00**

Date	Expense Name	Amount
08/15/11	Motion Filing Fee	25.00
TOTAL EXPENSES		**$25.00**
Total fees plus expenses		**$ 1,377.00**

INVOICE

INVOICE NUMBER	102
INVOICE DATE	SEP-16-2011

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	SEP-30-2011

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
AUG-29-11	Burton	Preparation for hearings. Travel to/from York. Representation at hearings.	2.70	$260.00	$702.00
AUG-29-11	Burton	Mileage	38.00	$0.500	$19.00
SEP-01-11	Burton	Correspondence to/from counsel re Pitts opinion and documents. Review of Pitts documents.	0.50	$260.00	$130.00
SEP-13-11	Burton	Correspondence to/from counsel for Thommason re hearing and rulings. Corr. to/from counsel re reply to Jellenik brief.	0.40	$260.00	$104.00
SEP-14-11	Burton	Drafted Answer to Fourth Party Complaint. Correspondence to counsel and court.	0.90	$260.00	$234.00
SEP-15-11	Burton	Telephone conference with counsel.	0.20	$260.00	$52.00
		-- Total amount of this invoice:			$1,241.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$1,241.00
		-- Other account balance:			$0.00
			BALANCE DUE		$1,241.00

Ecross LLC $1,241.00
PAID
9-20-11
w/ check #

INVOICE

INVOICE NUMBER	102
INVOICE DATE	SEP-16-2011

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	SEP-30-2011

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
AUG-29-11	Burton	Preparation for hearings. Travel to/from York. Representation at hearings.	2.70	$260.00	$702.00
AUG-29-11	Burton	Mileage.	38.00	$0.500	$19.00
SEP-01-11	Burton	Correspondence to/from counsel re Pitts opinion and documents. Review of Pitts documents.	0.50	$260.00	$130.00
SEP-13-11	Burton	Correspondence to/from counsel for Thommason re hearing and rulings. Corr. to/from counsel re reply to Jellenik brief.	0.40	$260.00	$104.00
SEP-14-11	Burton	Drafted Answer to Fourth Party Complaint. Correspondence to counsel and court.	0.90	$260.00	$234.00
SEP-15-11	Burton	Telephone conference with counsel.	0.20	$260.00	$52.00
		-- Total amount of this invoice:			$1,241.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$1,241.00
		-- Other account balance:			$0.00
			BALANCE DUE		$1,241.00

TCATO SS LLC $1,241.00
PAID
9-20-11 #1591
w/ check

INVOICE

INVOICE NUMBER	131
INVOICE DATE	NOV-30-2011

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	DEC-16-2011

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SEP-20-11	Burton	Telephone conference with counsel for Burton. Correspondence to counsel.	0.80	$260.00	$208.00
SEP-22-11	Burton	Correspondence to/from counsel for Thommason re order.	0.30	$260.00	$78.00
OCT-05-11	Burton	Correspondence to/from counsel re motions.	0.30	$260.00	$78.00
OCT-14-11	Burton	Correspondence to/from court and client.	0.30	$260.00	$78.00
OCT-17-11	Burton	Telephone conference with Mr. Cato. Telephone conference with client.	0.40	$260.00	$104.00
NOV-09-11	Burton	Correspondence to/from counsel for Thomasson. Correspondence to/from counsel for LLC re order.	0.40	$260.00	$104.00
NOV-11-11	Burton	Telephone conference with Mr. Cato. Telephone conference with counsel for LLC.	0.40	$260.00	$104.00
		-- Total amount of this invoice:			$754.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$754.00
		-- Balance of other account activity:			$0.00
			BALANCE DUE		$754.00

PAID 12/1/11 WITH check # 1590

INVOICE

INVOICE NUMBER	164
INVOICE DATE	DEC-30-2011

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	JAN-10-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
DEC-13-11	Burton	Review of documents from counsel for Burton. Correspondence to counsel.	0.50	$260.00	$130.00
DEC-19-11	Burton	Telephone conference with counsel for Thomasson re pleading from Burton. Review of correspondence.	0.40	$260.00	$104.00
		-- Total amount of this invoice:			$234.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$234.00
		-- Balance of other account activity:			$0.00
			BALANCE DUE		$234.00

Paid 12-31-11 Check # 1591

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 177
INVOICE DATE: FEBRUARY 01, 2012
DUE DATE: FEBRUARY 10, 2012
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JAN-10-12	Burton	Review of order from Court. Correspondence to counsel and client.	0.60	$260.00	$156.00
JAN-11-12	Burton	Telephone conference with counsel for Thomasson re order. Correspondence to counsel.	0.40	$260.00	$104.00
JAN-17-12	Burton	Correspondence to/from Ms. McDow and client re conference re Order.	0.30	$260.00	$78.00
JAN-19-12	Burton	Review of Order and underlying pleadings. Conference with counsel for LLC. Correspondence to/from client.	1.30	$260.00	$338.00
JAN-20-12	Burton	Conference with Mr. Cato and counsel for LLC. Review of deposition and motions.	1.70	$260.00	$442.00
JAN-24-12	Burton	Correspondence to counsel for title insurer re motion to reconsider. Review of correspondence from counsel re Burton and appraisal.	0.30	$260.00	$78.00
JAN-25-12	Burton	Correspondence to/from client and counsel re surveys.	0.30	$260.00	$78.00
JAN-26-12	Burton	Correspondence to/from counsel for LLC. Telephone conference with counsel for Pitts.	0.40	$260.00	$104.00
JAN-30-12	Burton	Correspondence to/from counsel for title insurer re quitclaim deeds.	0.30	$260.00	$78.00
		Total amount of this invoice			$1,456.00

LLC Expenses 2012

INVOICE

(Page 1 of 2)

INVOICE NUMBER	194
INVOICE DATE	MAR-01-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	MAR-15-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

Paid 3/27/12 w/ ck # 1595 ($1300.00)

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
FEB-02-12	Burton	Review of pleadings and correspondence re DOT and denial of tenancy in common. Correspondence to counsel for Burton re DOT deed and answer.	0.70	$260.00	$182.00
FEB-03-12	Burton	Telephone conference with counsel for Thomasson re offers and motion. Correspondence to client.	0.50	$260.00	$130.00
FEB-06-12	Burton	Review of Order from judge re LLC consent. Review of documents from counsel for Thomasson re quitclaim deeds. Correspondence to/from client.	0.60	$260.00	$156.00
FEB-07-12	Burton	Correspondence to/from client and counsel.	0.20	$260.00	$52.00
FEB-08-12	Burton	correspondence to/from counsel.	0.30	$260.00	$78.00
FEB-15-12	Burton	Correspondence to/from counsel.	0.30	$260.00	$78.00
FEB-16-12	Burton	Telephone conference with Jellenik re settlement and D.O.T. Correspondence to counsel re D.O.T email.	0.70	$260.00	$182.00
FEB-20-12	Burton	Correspondence to/from counsel for Burton.	0.40	$260.00	$104.00
FEB-21-12	Burton	Review of correspondence and report re Burton.	0.20	$260.00	$52.00
FEB-22-12	Burton	Correspondence to/from counsel. Correspondence to client.	0.40	$260.00	$104.00
FEB-23-12	Burton	Correspondence to/from counsel.	0.30	$260.00	$78.00
FEB-28-12	Burton	Telephone conference with counsel for Burton. Correspondence to/from counsel for Thomasson.	0.40	$260.00	$104.00

[Continued on Next Page]

INVOICE

INVOICE NUMBER	194
INVOICE DATE	MAR-01-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	MAR-15-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
		-- Total amount of this invoice:			$1,300.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$1,300.00
		-- Balance of other account activity:			$0.00
			BALANCE DUE		$1,300.00

Paid 3/27/12 w/ ck. # 1595

INVOICE

INVOICE NUMBER	216
INVOICE DATE	MAR-31-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	MAR-31-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
MAR-01-12	Burton	Telephone conference and correspondence to counsel for Burton. Telephone calls to D.O.T. Correspondence to/from client.	0.60	$260.00	$156.00
MAR-06-12	Burton	Correspondence to/from counsel for Thomasson re settlement and election of remedies. Telephone conference with counsel.	0.80	$260.00	$208.00
MAR-07-12	Burton	Correspondence to/from D.O.T. attorney re quit claim deed. Correspondence to counsel. Telephone conference with counsel re quitclaim deed from D.O.T.	0.80	$260.00	$208.00
MAR-09-12	Burton	Review of Motion from counsel for Burton. Correspondence to/from court re hearing date. Correspondence to client.	0.80	$260.00	$208.00
MAR-12-12	Burton	Correspondence to/from court re hearing. Correspondence to client.	0.40	$260.00	$104.00
MAR-13-12	Burton	Correspondence to/from counsel and D.O.T.	0.40	$260.00	$104.00
MAR-16-12	Burton	Correspondence to/from DOT and counsel re quitclaim.	0.30	$260.00	$78.00
MAR-21-12	Burton	Review of correspondence and documents re appraisal. Correspondence to counsel.	0.40	$260.00	$104.00
MAR-26-12	Burton	Correspondence to/from counsel and client.	0.30	$260.00	$78.00
MAR-28-12	Burton	Telephone conference with counsel for Burton re settlement. Telephone conference with counsel for LLC - Ms. McDow. Review of Motion by Jellenik. Review of cases cited in brief.	1.50	$260.00	$390.00
			TOTAL		$1,638.00

PAID 4-6-12 with # 1596

INVOICE

(Page 1 of 2)

INVOICE NUMBER	240
INVOICE DATE	MAY 01 2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	MAY-11-2012

FROM:
McCoy Law Firm, LLC
978 F Main Street
Rock Hill, SC 29730

atty: McCoy

Rec'd 5/2/12 w/ck #1599

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
APR-03-12	Burton	Correspondence to/from client	0.20	$260.00	$52.00
APR-04-12	Burton	Telephone conference with Mr. Cato. Correspondence to counsel for LLC. Correspondence to counsel for title insurer.	0.70	$260.00	$182.00
APR-05-12	Burton	Correspondence to/from counsel for title insurer re settlement proposals. Correspondence to/from client and counsel for LLC.	0.40	$260.00	$104.00
APR-06-12	Burton	Drafted affidavits for opposition to motion to dismiss. Correspondence to/from counsel for LLC. Correspondence to client.	0.90	$260.00	$234.00
APR-09-12	Burton	Correspondence to/from counsel for LLC. Correspondence to/from counsel for Burton.	0.50	$260.00	$130.00
APR-10-12	Burton	Correspondence to/from counsel. Telephone conference with counsel for Burton.	0.60	$260.00	$156.00
APR-17-12	Burton	Correspondence to/from counsel. Review of documents from counsel.	0.40	$260.00	$104.00
APR-18-12	Burton	Review of correspondence and documents from counsel for LLC and counsel for Burton.	0.40	$260.00	$104.00
APR-23-12	Burton	Correspondence to/from counsel for Thommason re settlement. Correspondence to/from client.	0.40	$260.00	$104.00
APR-24-12	Burton	correspondence to/from client and counsel re settlement. Review of motion from counsel for Burton.	0.50	$260.00	$130.00
APR-25-12	Burton	Correspondence to/from counsel and client re settlement and lots.	0.40	$260.00	$104.00

[Continued on Next Page]

INVOICE

INVOICE NUMBER	246
INVOICE DATE	MAY-01-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	MAY-11-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
APR-26-12	Burton	Review of correspondence and documents from counsel for Thomasson. Correspondence to/from client re court notice of hearing. Correspondence to/from counsel re lots.	0.40	$260.00	$104.00
APR-30-12	Burton	Review of correspondence from counsel for LLC. Correspondence to/from counsel and client.	0.30	$260.00	$78.00
			TOTAL		$1,586.00

Paid 5/2/12 w/ ck #1599

INVOICE

INVOICE NUMBER	263
INVOICE DATE	MAY-31-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	JUN-08-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

Paid #2,574.00 with
on 6/7/12
FCato Est. LLC.
Check # 1604
JTC

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
MAY-02-12	Burton	Telephone conferences and correspondence to/from counsel re lots and settlement. Correspondence to/from client re affidavits and lots.	0.50	$260.00	$130.00
MAY-03-12	Burton	Correspondence to/from counsel. Review of documents and transcript - preparation for deposition.	1.50	$260.00	$390.00
MAY-04-12	Burton	Review of Thomasson transcript from first deposition - preparation for deposition. Representation at deposition in York.	3.40	$260.00	$884.00
MAY-18-12	Burton	Correspondence to court and counsel re hearing. Review of document re affidavits.	0.40	$260.00	$104.00
MAY-21-12	Burton	Correspondence to/from counsel re settlement.	0.20	$260.00	$52.00
MAY-22-12	Burton	Correspondence to/from counsel re settlement and appraisal.	0.20	$260.00	$52.00
MAY-25-12	Burton	Correspondence to counsel for Burton serving affidavits for hearing. Correspondence to/from counsel for TAL.	0.40	$260.00	$104.00
MAY-29-12	Burton	Telephone conference with counsel for Burton re hearing and D.O.T. Prepared brief and legal research re cases for deed delivery.	1.20	$260.00	$312.00
MAY-30-12	Burton	Travel to/from York for hearing. Representation at hearing. Correspondence to/from client and counsel.	1.80	$260.00	$468.00
MAY-31-12	Burton	Correspondence to/from counsel re settlement, finances, and meeting.	0.30	$260.00	$78.00

[Continued on Next Page]

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

INVOICE NUMBER: 278
INVOICE DATE: JULY 02, 2012
DUE DATE: JULY 02, 2012
PAYMENT TERMS: DUE ON RECEIPT

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JUN-01-12	Burton	Conference with client and attorney McDow. Review of correspondence.	1.20	$260.00	$312.00
JUN-04-12	Burton	Review of correspondence from counsel for LLC. Correspondence to counsel.	0.40	$260.00	$104.00
JUN-11-12	Burton	Conference with Tom Cato. Review of properties.	0.60	$260.00	$156.00
JUN-13-12	Burton	Correspondence to/from counsel and client.	0.30	$260.00	$78.00
JUN-19-12	Burton	Correspondence to/from counsel re Pitts deposition.	0.30	$260.00	$78.00
JUN-20-12	Burton	Telephone conference with attorney for Burton. Correspondence to/from counsel for Pitts. Correspondence to/from counsel re settlement status.	0.80	$260.00	$208.00
JUN-21-12	Burton	Conference with client and Telephone conference with Mr. Jones. Correspondence to/from counsel re settlement.	0.60	$260.00	$156.00
		Total amount of this invoice			$1,092.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 298
INVOICE DATE: JULY 31, 2012
DUE DATE: AUGUST 10, 2012
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JUL-05-12	Burton	Review of correspondence to/from counsel. Review of document from counsel for Burton - discovery requests.	0.60	$260.00	$156.00
JUL-11-12	Burton	Correspondence to/from client and counsel.	0.30	$260.00	$78.00
JUL-13-12	Burton	Review of correspondence from client and documents.	0.30	$260.00	$78.00
JUL-18-12	Burton	Review of all documents relevant to Burton contention and discovery requests regardin Helen Cato Jones. Correspondence to/from client and counsel. Correspondence to/from counsel for Burton.	1.00	$260.00	$260.00
JUL-19-12	Burton	Correspondence to/from client re documents from Helen.	0.30	$260.00	$78.00
JUL-24-12	Burton	Review of documents and correspondence from client. Correspondence to client re Burton discovery to Helen Jones.	0.50	$260.00	$130.00
JUL-25-12	Burton	Correspondence to/from counsel and client. Telephone conference with counsel for Thomasson re settlement.	0.60	$260.00	$156.00
JUL-26-12	Burton	Correspondence to/from client re Helen documents. Correspondence to counsel in Memphis re Helen trust documents. Review of transcript of Pitts deposition.	1.10	$260.00	$286.00
JUL-30-12	Burton	Correspondence to/from counsel re settlement issues. Conference with client. Correspondence re trust issues and questions.	0.60	$260.00	$156.00
		Total amount of this invoice			$1,378.00

01466

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 320
INVOICE DATE: SEPTEMBER 03, 2012
DUE DATE: SEPTEMBER 07, 2012
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
AUG-01-12	Burton	Correspondence to clients re Helen trust and realted documents and issues. Correspondence to counsel re Pitts deposition. Telephone conference with counsel.	0.70	$260.00	$182.00
AUG-02-12	Burton	Correspondence to/from counsel re settlement demands and information from LLC. Correspondence to/from counsel for Carroll Pitts re documents and deposition.	0.40	$260.00	$104.00
AUG-06-12	Burton	Correspondence to/from client Jones re documents and issues re Helen. Correspondence to/from counsel. Conference call with counsel re settlement and demands on LLC.	1.30	$260.00	$338.00
AUG-10-12	Burton	Drafted/edited responses to interrogatories to Helen Cato Jones. Drafted/edited responses to request for documents to Helen Cato Jones. Correspondence to/from counsel for Burton. Telephone conference with counsel for LLC. Review of discovery requests.	2.70	$260.00	$702.00
AUG-13-12	Burton	Telephone conference with counsel for Burton re discovery, Pitts deposition and settlement. Telephone conference with counsel for LLC. Correspondence to client Jones.	1.10	$260.00	$286.00
AUG-17-12	Burton	Correspondence to/from counsel re Pitts deposition. Telephone conference with Albert Jones. Correspondence re trust documents.	0.80	$260.00	$208.00
AUG-20-12	Burton	Telephone conference with Memphis counsel for Helen Jones re trust issues. Review of documents. Correspondence to client.	0.70	$260.00	$182.00

01467

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
AUG-22-12	Burton	Drafted supplemtation of discovery responses re Helen Jones trust documents. Correspondence to counsel.	0.60	$260.00	$156.00
AUG-24-12	Burton	Correspondence to/from counsel for Burton re trust documents. Correspondence to client re Helen trust and LLC interest.	0.40	$260.00	$104.00
AUG-27-12	Burton	Correspondence to/from client and counsel re accounting information.	0.30	$260.00	$78.00
AUG-28-12	Burton	Conference with Mr. Cato. Review of documents from client. Telephone conference with counsel for LLC. Correspondence to counsel in case.	0.80	$260.00	$208.00
AUG-29-12	Burton	Correspondence to/from counsel for LLC and client re information re LLC records.	0.40	$260.00	$104.00
AUG-30-12	Burton	Correspondence to/from client. Review of documents from client. Correspondence to/from counsel for LLC.	0.40	$260.00	$104.00
AUG-31-12	Burton	Correspondence to/from counsel for LLC. Correspondence to/from Counsel for Burton re LLC expenditures/balances.	0.50	$260.00	$130.00
		Total amount of this invoice			$2,886.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

INVOICE

INVOICE NUMBER: 341
INVOICE DATE: OCTOBER 01, 2012
DUE DATE: OCTOBER 12, 2012
PAYMENT TERMS: DUE ON RECEIPT

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
SEP-03-12	Burton	Correspondence to/from counsel for Burton and counsel for LLC re LLC information.	0.30	$260.00	$78.00
SEP-05-12	Burton	Correspondence to/from counsel for LLC. Telephone conference with counsel for Burton re LLC finances and settlement.	0.90	$260.00	$234.00
SEP-11-12	Burton	Telephone conference with counsel for Burton re settlement. Correspondence to client.	0.60	$260.00	$156.00
SEP-12-12	Burton	Telephone conference with Mr. Cato. Correspondence to counsel for LLC. Review of correspondence from counsel for Burton re Pitts deposition.	0.60	$260.00	$156.00
SEP-17-12	Burton	Correspondence/telephone conference with counsel for LLC.	0.20	$260.00	$52.00
SEP-18-12	Burton	Telephone conference with Ms. McDow. Correspondence to counsel.	0.40	$260.00	$104.00
SEP-19-12	Burton	Correspondence to/from client.	0.20	$260.00	$52.00
SEP-24-12	Burton	Correspondence to/from counsel re settlement. Conference call with counsel re settlement.	0.80	$260.00	$208.00
SEP-26-12	Burton	Correspondence to/from client and counsel. Telephone conferences with counsel.	0.50	$260.00	$130.00
SEP-27-12	Burton	Correspondence to/from counsel for LLC and client.	0.30	$260.00	$78.00
		Total amount of this invoice			$1,248.00

01469

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 367
INVOICE DATE: OCTOBER 31, 2012
DUE DATE: NOVEMBER 07, 2012
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
OCT-02-12	Burton	Correspondence to/from counsel for Title Insurer and counsel for LLC re settlement offers and discussions with counsel for Burton.	0.40	$260.00	$104.00
OCT-12-12	Burton	Correspondence to/from counsel for LLC and counsel for title company re settlement offers and discussions with counsel for Burton.	0.40	$260.00	$104.00
OCT-15-12	Burton	Correspondence to/from counsel. Review of correspondence from counsel for Burton re settlement.	0.40	$260.00	$104.00
OCT-16-12	Burton	Correspondence to/from counsel re settlement proposal.	0.20	$260.00	$52.00
OCT-18-12	Burton	Telephone conferences with counsel for Title Insurer and LLC. Correspondence to/from client and counsel re settlement proposals and releases.	0.80	$260.00	$208.00
OCT-23-12	Burton	Correspondence to/from client re taxes. Correspondence to counsel re settlement proposal.	0.30	$260.00	$78.00
		Total amount of this invoice			$650.00

01470

INVOICE

INVOICE NUMBER	392
INVOICE DATE	DEC-01-2012

PAYMENT TERMS	DUE ON RECEIPT
DUE DATE	DEC-07-2012

FROM:
McCoy Law Firm, LLC
378 E. Main Street
Rock Hill, SC 29730

BILL TO:
T. Cato Estate LLC
1083 Valley Forge Road
Lake Wylie, SC 29710

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
NOV-02-12	Burton	Correspondence to/from counsel for title insurer re settlement.	0.30	$260.00	$78.00
NOV-08-12	Burton	Correspondence to/from counsel re DOT answer and settlement.	0.30	$260.00	$78.00
NOV-21-12	Burton	Telephone conferences with counsel re settlement and status of documentation.	0.30	$260.00	$78.00
NOV-26-12	Burton	Correspondence to/from counsel. Review of document re DOT pleadings. Correspondence to/from DOT.	0.70	$260.00	$182.00
NOV-29-12	Burton	Correspondence to/from counsel re settlement. Telephone conference with counsel.	0.40	$260.00	$104.00
		-- Total amount of this invoice:			$520.00
		-- Amount paid on this invoice:			$0.00
		-- Balance due on this invoice:			$520.00
		-- Balance of other account activity:			$0.00
			BALANCE DUE		$520.00

Paid 12-3-12
w/ ck. # 1622

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 414
INVOICE DATE: DECEMBER 31, 2012
DUE DATE: JANUARY 04, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
DEC-03-12	Burton	Ciorrespondence to/from counsel. Review of proposed settlement documents.	0.60	$260.00	$156.00
DEC-04-12	Burton	Correspondence to/from counsel for Thomasson. Review of file re Helen Cato Jones documents. Review of documents from counsel. Correspondence to client.	0.90	$260.00	$234.00
DEC-05-12	Burton	Telephone conference with client. Correspondence to/from counsel re settlement documents and DOT. Telephone conference with counsel. Edited proposed documents.	1.20	$260.00	$312.00
DEC-06-12	Burton	Correspondence to/from counsel re settlement. Correspondence to/from client. Telephone conference with counsel.	0.60	$260.00	$156.00
DEC-07-12	Burton	Correspondence to/from counsel. Correspondence to/from client. Review of proposed documents re settlement.	0.50	$260.00	$130.00
DEC-11-12	Burton	Review and edit of settlement documents and assignment. Conference with Ms. McDow re settlement documents. Correspondence to/from counsel.	1.30	$260.00	$338.00
DEC-12-12	Burton	Correspondence to/from various counsel and clients re settlement issues.	0.80	$260.00	$208.00
DEC-13-12	Burton	Telephone conferences with counsel for various parties re settlement. Correspondence to/from clients and counsel. Review of edits to settlement documents.	1.40	$260.00	$364.00

01472

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
DEC-14-12	Burton	Correspondence to/from clients re settlement and Helen trust issues. Telephone conferences with counsel. Telephone conference with Tennessee counsel. Correspondence to counsel and Tennessee counsel. Review and edit of settlement documents.	1.00	$260.00	$260.00
DEC-17-12	Burton	Conference call with counsel for LLC and Thomasson re settlement status and issues. Correspondence to/from clients re settlement and Helen Trust issues. Telephone conference with counsel for LLC. Correspondence to counsel for Thomasson.	1.30	$260.00	$338.00
DEC-18-12	Burton	Correspondence to/from counsel for LLC and Thomasson re settlement. Correspondence to/from clients re settlement and Helen Trust. Telephone conference and correspondence to/from Bank re trustee of Helen Trust. Correspondence to all counsel re Trust.	0.90	$260.00	$234.00
DEC-19-12	Burton	Telephone conferences with First Tennessee re Helen Trust and settlement issues. Telephone conferences with clients. Correspondence to/from clients and counsel. Telephone conferences with counsel. Review/edit proposed settlement language.	1.40	$260.00	$364.00
DEC-20-12	Burton	Correspondence to/from counsel re settlement issues and status. Correspondence to/from clients re settlement. Review of documents from counsel for Burton.	0.70	$260.00	$182.00
DEC-21-12	Burton	Correspondence to/from client re settlement. Correspondence to/from counsel.	0.40	$260.00	$104.00
DEC-24-12	Burton	Correspondence to/from counsel for LLC re settlement discussions and redacting of invoices. Review of documents from counsel. Correspondence to client.	0.50	$260.00	$130.00
		Total amount of this invoice			$3,510.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 432
INVOICE DATE: JANUARY 31, 2013
DUE DATE: FEBRUARY 07, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JAN-02-13	Burton	Telephone conference with counsel for LLC. Review of emails and correspondence from counsel for Burton. Correspondence to counsel for Burton (McMaster).	0.50	$260.00	$130.00
JAN-04-13	Burton	Telephone conference with counsel for Burton. Correspondence to/from counsel for LLC.	0.50	$260.00	$130.00
JAN-08-13	Burton	Telephone conference with counsel for Burton re settlement. Correspondence to/from court clerk and counsel re status conference. Correspondence to/from counsel for LLC.	1.10	$260.00	$286.00
JAN-09-13	Burton	Correspondence to/from court re status conference.	0.20	$260.00	$52.00
JAN-10-13	Burton	Correspondence to/from counsel and court re hearings. Conference with Ms. McDow.	1.00	$260.00	$260.00
JAN-11-13	Burton	Correspondence to/from counsel for Burton re settlement.	0.50	$260.00	$130.00
JAN-14-13	Burton	Correspondence to/from counsel and court re hearings. Correspondence to counsel re settlement.	0.40	$260.00	$104.00
JAN-17-13	Burton	Telephone conference with counsel for Thomasson. Correspondence to/from clerk.	0.50	$260.00	$130.00
JAN-21-13	Burton	Correspondence to/from counsel for Thommason.	0.30	$260.00	$78.00
JAN-22-13	Burton	Review of correspondence from counsel for Burton re LLC documents. Correspondence to/from counsel for LLC and Mr. Cato re settlement status.	0.40	$260.00	$104.00

01474

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
JAN-30-13	Burton	Review of correspondence to/from clerk re hearing date. Review of correspondence from counsel for Burton. Correspondence to client.	0.40	$260.00	$104.00
JAN-31-13	Burton	Correspondence to/from client. Telephone conference with Mr. Cato. Correspondence to counsel for LLC.	0.60	$260.00	$156.00
		Total amount of this invoice			$1,664.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 456
INVOICE DATE: FEBRUARY 28, 2013
DUE DATE: MARCH 01, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
FEB-05-13	Burton	Correspondence to/from clients re case status.	0.40	$260.00	$104.00
FEB-06-13	Burton	Correspondence to/from clients. Correspondence to/from counsel and court re hearings. Correspondence to counsel for Burton.	0.60	$260.00	$156.00
FEB-11-13	Burton	Correspondence to/from client Albert re case.	0.20	$260.00	$52.00
FEB-13-13	Burton	Review of documents from counsel for LLC. Correspondence to counsel and client.	0.40	$260.00	$104.00
FEB-14-13	Burton	Correspondence to/from counsel and client. Review of documents from client.	0.40	$260.00	$104.00
FEB-19-13	Burton	Correspondence to client (Jones). Review of documents from Mr. Cato.	0.40	$260.00	$104.00
FEB-25-13	Burton	Review of documents from counsel. Correspondence to/from counsel for LLC. Correspondence to/from counsel for Burton.	0.40	$260.00	$104.00
FEB-26-13	Burton	Correspondence to/from Jones and First Tennessee re trust letter. Correspondence to/from counsel and court re hearing.	0.40	$260.00	$104.00
		Total amount of this invoice			$832.00

01476

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730
bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 482
INVOICE DATE: MARCH 30, 2013
DUE DATE: APRIL 05, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
MAR-05-13	Burton	Telephone conference with counsel for Thomasson re mediation. Correspondence to clients.	0.50	$260.00	$130.00
MAR-06-13	Burton	Correspondence to/from client and counsel for LLC re mediation. Review of documents re LLC records.	0.40	$260.00	$104.00
MAR-13-13	Burton	Review of correspondence and documents from client and counsel re bank documents and CPA.	0.20	$260.00	$52.00
MAR-15-13	Burton	Telephone conference with counsel for Thomasson. Correspondence to/from counsel for LLC. Review of documents from client.	0.60	$260.00	$156.00
MAR-19-13	Burton	Travel to/from York for hearings. Representation of clients at hearing. Conference with client and counsel.	2.10	$260.00	$546.00
MAR-19-13	Burton	Travel to/from York for hearings.	32.00	$0.50	$16.00
MAR-20-13	Burton	Telephone conference with counsel for Thomasson re mediation. Correspondence to/from counsel for LLC and client re mediation.	0.40	$260.00	$104.00
MAR-21-13	Burton	Correspondence to/from counsel and client re mediation.	0.30	$260.00	$78.00
MAR-25-13	Burton	Review of documents from client re LLC finances. Correspondence to/from counsel re mediation.	0.40	$260.00	$104.00
MAR-26-13	Burton	Review of emeorandum for mediation. Correspondence to/from counsel and client.	0.40	$260.00	$104.00
MAR-27-13	Burton	Correspondence to/from client re proxies and issues. Correspondence to/from counsel for LLC.	0.50	$260.00	$130.00

01477

DATE	PROJECT	DESCRIPTION	QTY	RATE	AMOUNT
MAR-29-13	Burton	Telephone conference with Mr. Cato. Correspondence to/from counsel for LLC.	0.40	$260.00	$104.00
		Total amount of this invoice			$1,628.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 506
INVOICE DATE: APRIL 30, 2013
DUE DATE: APRIL 30, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
APR-01-13	Burton	Correspondence to/from clients. Correspondence to/from counsel.	0.40	$260.00	$104.00
APR-03-13	Burton	Correspondence to/from counsel for LLC re mediation. Review of settlement documents and assignment documents and correspondence in preparation for mediation.	0.80	$260.00	$208.00
APR-04-13	Burton	Preparation for mediation. Travel to/from Columbia for mediation. Representation at mediation.	11.80	$260.00	$3,068.00
APR-05-13	Burton	Correspondence to/from counsel for LLC and Burton re documents. Review of documents from counsel for Thomasson.	0.50	$260.00	$130.00
APR-08-13	Burton	Correspondence to/from Mr. Cato. Correspondence to/from Mediator. Review of documents from counsel. Correspondence to counsel for LLC.	0.80	$260.00	$208.00
APR-10-13	Burton	Telephone conference with Albert Jones. Telephone conference with Jane West. Correspondence to/from Sara Jones. Correspondence to/from counsel for TAL.	0.90	$260.00	$234.00
APR-11-13	Burton	Conference with Jane West. Correspondence to/from counsel for Burton re attorney file.	0.70	$260.00	$182.00
APR-15-13	Burton	Review of documents from counsel for LLC re invoices and redactions. Compiled invoices. Correspondence to/from counsel.	0.60	$260.00	$156.00
APR-18-13	Burton	Correspondence to/from counsel. Review of invoices for privilege material or redactions. Prepared invoices for production. Prepared certification.	0.90	$260.00	$234.00

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
APR-19-13	Burton	Correspondence to/from counsel for Burton. Correspondence to/from Tom Cato. Telephone conference with Ms. West. Correspondence to Clipper.	0.50	$260.00	$130.00
APR-22-13	Burton	Correspondence to/from counsel for TAL. Correspondence to/from clients re signature pages.	0.40	$260.00	$104.00
APR-23-13	Burton	Correspondence to/from counsel for LLC and counsel for Burton re file and documents. Telephone conference with counsel for LLC.	0.50	$260.00	$130.00
APR-24-13	Burton	Correspondence to/from client and counsel re settlement preparation.	0.40	$260.00	$104.00
APR-25-13	Burton	Correspondence to/from counsel for Burton, LLC and TAL.	0.50	$260.00	$130.00
APR-26-13	Burton	Sorted entire case file for production to counsel for Burton. Correspondence to/from client and counsel. Review of docs re signature pages. Correspondence to clients re signatures.	2.40	$260.00	$624.00
		Total amount of this invoice			$5,746.00

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, SC 29730

bmccoy@mccoylawfirm.com

INVOICE

TO: Cato
1083 Valley Forge Road
Lake Wylie, SC 29710

INVOICE NUMBER: 533
INVOICE DATE: JUNE 02, 2013
DUE DATE: JUNE 03, 2013
PAYMENT TERMS: DUE ON RECEIPT

DATE	PROJECT	DESCRIPTION	HOURS	RATE	AMOUNT
MAY-03-13	Burton	Correspondence to/from counsel re settlement. Telephone conference with counsel for Burton. Correspondence to Albert Jones. Telephone conference with Albert Jones.	0.60	$260.00	$156.00
MAY-07-13	Burton	Correspondence to/from counsel for Thomasson re signature pages on settlement documents. Correspondence to/from client.	0.50	$260.00	$130.00
MAY-09-13	Burton	Telephone conferences and correspondence to/from counsel for Burton re documents from LLC, counsel for LLC and counsel for Petitioners.	0.70	$260.00	$182.00
MAY-10-13	Burton	Correspondence to/from counsel for Burton re documents.	0.30	$260.00	$78.00
MAY-11-13	Burton	Correspondence to counsel for Burton re meet for document pick up. Conference with counsel - document transfer.	0.50	$260.00	$130.00
		Total amount of this invoice			$676.00

FINKEL
LAW FIRM LLC

HARVEY GOLDBERG
FAMILY MEDIATION ASSOCIATOR

REPLY TO CHARLESTON OFFICE

April 5, 2013

Jeffrey McCoy Esquire
McCoy Law Firm, LLC
338 E. Main Street
Rock Hill, South Carolina 29730

Re: James Thomas Cato et al. vs. Majestic Coal Harbor et al.
Case No.: 2008-CP-46-51[illegible]
Our File No.: 68470-43314

STATEMENT

Pre-Mediation telephone conferences and review of pertinent
briefs (1.0), Mediation (4.0)

10.60 Hrs. @ $350.00	$3,710.00
Your 1/4 share	$ [illegible]
Noris lunch	$ [illegible]
Total	$ [illegible]

HEGBS

T E CATO ESTATE LLC
1083 VALLEY FORGE ROAD
LAKE WYLIE, SC 29710
(803) 631-5558

1633
67-776/532
BRANCH 15001

DATE 4-11-13

PAY Nine hundred and thirty-four and 37/100 DOLLARS $ 934.37

TO THE ORDER OF Finkel Law Firm, LLC

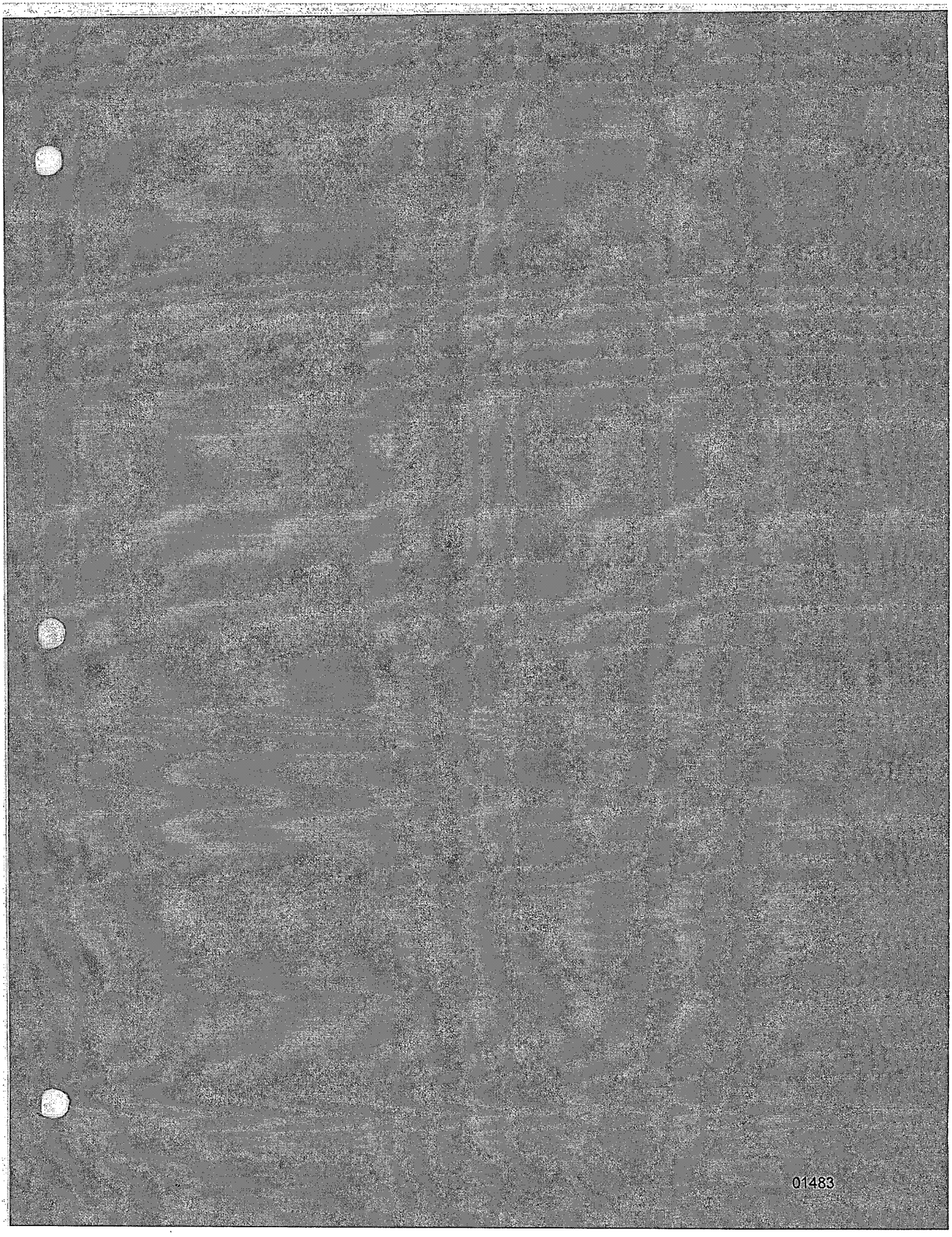
JAMES THOMAS CATO, GENERAL MANAGER

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

FOR MEDIATION 4/4/13 File #68470-43314 HARRY GOLDBERG [redacted]

James Thomas Cato

01482



Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

May 02, 2010

T.E. Cato Estate LLC
C/O James Thomas Cato, Managing
Member

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
2/16/2010	Review of all pleadings, discovery responses, and pending motions. Additional legal research re derivative actions, LLC statutes, representation of entities in derivative actions. Preparation of report for status conference.	3.50 150.00/hr	525.00
2/17/2010	Travel to Moss Justice Center and back. Representation of client at status conference.	2.67 150.00/hr	400.00
2/21/2010	Transcribed notes from status conference. Review of discovery requests from Thomasson Apts. Review of Thomasson response to discovery motion. Re-review of pleadings. E-mail to Thomasson attorney for formatted discovery requests. Preparation of letter to members' attorneys re scope of representation.	3.33 150.00/hr	500.00
3/8/2010	Appearance at motion to compel hearing brought by Burton against plaintiffs (travel time divided with another client). Lengthy meeting with Burton attorney afterwards.	2.58 150.00/hr	387.50
3/15/2010	Telephone call to Carroll Pitts re stay. Telephone call returned to Burtons' attorney.	0.20 150.00/hr	30.00
3/23/2010	Review of interrogatories and request for production from Thomasson attorney. Went through all documents previously produced by Tom Cato. Preparation of draft of answers to interrogatories and responses to request for production. E-mail to Carroll Pitts to have Tom review them and provide additional information.	4.67 150.00/hr	700.00
3/24/2010		150.00/hr	NO CHARGE
	Reviewed and revised discovery responses. E-mail to Thomasson attorney re objection. E-mail from him re 30b6 deposition. Preparation of motion form and letter to Clerk of Court. E-mail to all attorneys with copy. E-mail to Thomasson's attorney re deposition.	1.17 150.00/hr	175.00

		Hrs/Rate	Amount
3/27/2010	Receipt and review of supplemental responses from Thomasson. Receipt and review of proposed orders and attachments from Burton attorney. Preparation of e-mail to other attorneys re problems with orders.	0.75 150.00/hr	112.50
3/28/2010	Review of responses from other attorneys. Preparation of fax to Judge Alford to ask for hearing before orders are signed. E-mail of copy to other attorneys. Review of question about billing Burton for costs. Preparation of response to Carroll Pitts.	0.58 150.00/hr	87.50
3/29/2010	E-mails from and to Carroll Pitts re meeting to finalize discovery responses. E-mail from and to Clerk of Court re motion hearing. E-mail to all counsel with hearing information. Preparation of notice of hearing. Telephone call returned to Thomasson's attorney re depositions. Telephone call attempted to Burton attorney to find out about depositions; left message. Telephone call from Burton attorney. Telephone call to Carroll Pitts. Review of letters from Thomasson attorney to Burton attorney and vice-versa.	0.58 150.00/hr	87.50
3/31/2010	Review of BWB and draft of discovery responses. Review of response issues between Tom Cato and Burton. Preparation of notes and attachments to discuss with Tom and Carroll Pitts. Office conference with Tom and Carroll Pitts to go over draft of LLC responses. Transcribed notes from office conference. Preparation of revised draft of answers to interrogatories and responses to request for production. Preparation of draft of possible responses to outstanding discovery issues between Tom Cato and Burton.	5.42 150.00/hr	812.50
4/1/2010	Completed notes and draft of potential responses for Tom Cato re LLC actions/records. Re-read 2007 BWB correspondence. E-mails to Carroll Pitts with request to discuss.	0.75 150.00/hr	112.50
4/2/2010	Telephone call from Carroll Pitts. Revised and re-sent potential responses. Checked LLC's revised answers to interrogatories and responses to request for production and sent to Carroll Pitts and Tom Cato for final review.	0.58 150.00/hr	87.50
4/5/2010	E-mail from Tom Cato: answers to interrogatories ok. Reviewed again and reviewed and revised responses to request for production. E-mail to him re attestation.	0.33 150.00/hr	50.00
4/8/2010	Receipt and review of response from Judge Alford to the proposed discovery orders.	0.07 150.00/hr	10.00
4/14/2010	Review of motions filed by parties and new hearing notice.	0.33 150.00/hr	50.00

		Hrs/Rate	Amount
4/20/2010	Travel to York and back. Representation of client at motion hearings.	2.17 150.00/hr	325.00
4/22/2010	Review of e-mails re order and examination of documents. E-mail to Burton's attorney re missing document pages. Receipt and review of order denying stay motion.	0.33 150.00/hr	50.00
4/24/2010	Received and read transcript of motion hearing.	0.50 150.00/hr	75.00
4/29/2010	Receipt and review of motion for appointment of a GAL.	0.08 150.00/hr	12.50
	For professional services rendered		$4,590.00
	Additional Charges :		
3/24/2010	Fee paid to York County Clerk of Court to file motion for stay.		25.00
4/16/2010	Fee paid to court reporter for copy of motion hearing transcript.		39.74
	Total additional charges		$64.74
	Total amount of this bill		$4,654.74
	Balance due		$4,654.74

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

May 03, 2011

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
5/3/2010	Letter to client with bill. Telephone call and e-mail to private investigator re report on upcoming deposition witness. Receipt and review of private investigator report. Checked NC corporations. E-mail with copy.	0.42 150.00/hr	62.50
5/10/2010	Preparation for deposition of D. Burton. Representation of client at deposition.	5.50 150.00/hr	825.00
5/21/2010	Receipt and brief review of supplemental discovery responses from Thomasson to Burton.	0.17 150.00/hr	25.00
5/27/2010	Receipt and review of supplemental discovery responses from Burton re Dale Dove.	0.20 150.00/hr	30.00
6/21/2010	Review of proposed amended answer/claim by Thomasson. E-mail with consent.	0.17 150.00/hr	25.00
6/23/2010	Receipt and review of additional supplemental discovery responses from Thomasson to Burton.	0.08 150.00/hr	12.50
7/15/2010	E-mails with counsel and Clerk of Court re motion hearing.	0.08 150.00/hr	12.50
8/1/2010	Review of new sanctions motions filed by Burton. Review of background documents.	0.25 150.00/hr	37.50
8/9/2010	Review of entire file. Receipt and review of errata sheet re Burton deposition. Preparation of e-mail to court reporter to question whether correct. Preparation of answer to amended fourth-party complaint. Preparation of letter to Clerk of Court with answer for filing. Preparation of interrogatories, request for production, and request for admissions to Burton re evidence of value.	6.17 150.00/hr	925.00
8/13/2010	E-mailed earlier documents to Bill Moody. Returned by PO because of street address. E-mail to Bill Moody.	150.00/hr	NO CHARGE

		Hrs/Rate	Amount
8/22/2010	Read the transcript of David Burton's deposition. Reviewed supplemental discovery responses from Brian McCoy. Responded to earlier e-mail from Thomasson attorney re GAL order.	0.92 150.00/hr	137.50
8/24/2010	Office conference with Brian McCoy to review status, discuss appraisal offer, and discuss upcoming hearing.	0.67 150.00/hr	100.00
8/26/2010	Receipt and review of supplemental discovery responses from Burton with tax returns and e-mails re check deposit. Beginning legal research re waiver/ratification	0.92 150.00/hr	137.50
8/27/2010	Conference call with other attorneys re appraisal/conditions. Preparation of draft of letter to Burton's attorney with appraisal offer. E-mail to attorneys to review.	1.42 150.00/hr	212.50
9/2/2010	Receipt and review of answers to amended pleadings from Burton attorney. Preparation of e-mail to client with suggested letter re appraisal offer.	0.42 150.00/hr	62.50
9/6/2010	E-mail reply from Burton attorney re deposition corrections. Reviewed, revised, and sent appraisal offer. E-mail to client and other attorneys.	0.42 150.00/hr	62.50
9/15/2010	Receipt and review of responses to request for admissions from Burton's attorney.	0.17 150.00/hr	25.00
9/24/2010	Review of file and responses to request for admissions. Review of Burton response to appraisal offer. Preparation of draft of response. Telephone call to appraiser Dick Odom. E-mail to him with documents. E-mail to other attorneys and to client. Revised letter rejecting appraisal counteroffer. Beginning legal research and preparation of motion for summary judgment.	3.67 150.00/hr	550.00
9/25/2010	Continued legal research and preparation of motion for summary judgment.	1.67 150.00/hr	250.00
9/26/2010	Completion of draft of motion for summary judgment.	3.83 150.00/hr	575.00
9/27/2010	Reviewed, revised, and filed motion for summary judgment. Preparation of letter to client with copy. Preparation of motionform. Preparation of letter to other attorneys with copy.	1.75 150.00/hr	262.50
9/30/2010	Letter to plaintiff's attorney with	150.00/hr	NO CHARGE
	Served motion without Exhibit A on Burton attorney with letter.	0.20 150.00/hr	NO CHARGE
10/1/2010	Served motion on other attorneys and sent copy to client. Sent Exhibit A to Burton attorney with letter. Revised affidavit of service.	0.25 150.00/hr	NO CHARGE

		Hrs/Rate	Amount
10/8/2010	Review of proposed affidavit for Tom Cato from Thomasson attorney. Preparation of e-mail to him with comments.	0.30 150.00/hr	45.00
10/11/2010	Review of revised affidavit. E-mail to Thomasson attorney with ok. Review of earlier e-mail from Burton attorney re appraisal offer. Sent response.	0.20 150.00/hr	30.00
10/13/2010	Receipt and brief review of three new motions filed by Burton attorney.	0.20 150.00/hr	30.00
10/15/2010	Review of void deed case provided by Thomasson attorney. Telephone call from Burton attorney re possible settlement between Burton and Thomasson. Telephone call returned to Thomasson attorney to discuss case and pending motions.	1.58 150.00/hr	237.50
10/18/2010	Preparation of response to Burton attorney re consent order re refund to Thomasson.	0.25 150.00/hr	37.50
10/19/2010	E-mails to Burton attorney re motion hearing. E-mail from Burton attorney, again about possible consent order re Thomasson. E-mail to him.	0.25 150.00/hr	37.50
10/20/2010	E-mails among counsel and Clerk of Court re motions hearing.	0.08 150.00/hr	12.50
10/26/2010	Review of Burton motions. E-mail to Burton attorney re missing part. Travel to York and back. Representation of client at motions hearing.	3.17 150.00/hr	475.00
	E-mail from defendants' attorney re missing part of motion.	150.00/hr	NO CHARGE
11/4/2010	Review of e-mails from client. E-mail exchange with defendants's attorney re Tom Cato deposition.	0.08 150.00/hr	12.50
11/11/2010	E-mails with Brian McCoy re deposition and deposition preparation.	0.08 150.00/hr	12.50
11/18/2010	Office conference with Brian McCoy and Tom Cato at Brian McCoy's office to prepare for deposition.	2.17 150.00/hr	325.00
11/19/2010	Travel to York and back. Representation of client at Tom Cato deposition. Travel time divided with another client.	7.25 150.00/hr	1,087.50
11/22/2010	Travel to York and back. Representation of LLC at remainder of Tom Cato deposition. Lengthy meeting with defendants' attorney afterwards.	6.08 150.00/hr	912.50
11/23/2010	E-mail to attorney Josh Vann re getting copy of roadbed grant to DOT. Review of notes and preparation of request for production to Burton attorney for trust/deed documents. E-mail to and from client with copy.	0.83 150.00/hr	125.00

		Hrs/Rate	Amount
12/8/2010	Receipt and brief review of supplemental documents from Brian McCoy.	0.08 150.00/hr	12.50
12/24/2010	Receipt and brief review of trust/deed documents from Burton attorney.	0.17 150.00/hr	25.00
1/3/2011	E-mail to other attorneys re bill from court reporter. E-mail to court reporter.	0.33 150.00/hr	NO CHARGE
1/5/2011	Detailed review of trust documents/deeds from Burton attorney. E-mail from Brian McCoy re effect on title to roadbed tract. E-mail to Carroll Pitts' attorney re meeting with Carroll Pitts. E-mail to Brian McCoy.	1.17 150.00/hr	175.00
1/6/2011	Downloaded and reviewed all available deeds/recorded trust documents and compared with Carroll Pitts' title research. E-mail from Carroll Pitts' attorney. Preparation of e-mail to Brian McCoy re meeting and issues. E-mail to client re 2004 POA. Telephone call to SCDOT to get copy of 1965 ROW deed. Compared original and amended pleadings re allegations about DOT deed. Attempted to return telephone call to Carroll Pitts' attorney.	3.08 150.00/hr	462.50
1/5/2011	Review of latest documents produced by Burton. Preparation of e-mail to Carroll Pitts' attorney re implications and request for help. Telephone call from Carroll Pitts's attorney. E-mail to Brian McCoy re possibilities. E-mail to client re POA. Receipt and review of DOT documents re easement. E-mail to Brian McCoy with commentary and copy.	2.17 150.00/hr	325.00
1/10/2011	E-mails from client re latest overtures by Burton.	0.07 150.00/hr	10.00
2/10/2011	Receipt and brief review of LLC tax returns. Review of proposed consent order from Brian McCoy.	0.20 150.00/hr	30.00
2/23/2011	Review of Burton's motion for partial summary judgment, default, etc. Receipt and review of Thomasson response. Review of Brian McCoy' response to default motion. Travel to York and back. Representation of client at motion hearing.	3.75 150.00/hr	562.50
3/25/2011	Review of Judge Hayes' orders.	0.25 150.00/hr	37.50
4/12/2011	Notice from Clerk of Court of upcoming trial term. E-mails re mediation.	0.17 150.00/hr	25.00
	E-mails among attorneys re mediation.	0.20 150.00/hr	30.00
4/15/2011	Receipt and review of Burton's motion to reconsider.	0.33 150.00/hr	50.00

		Hrs/Rate	Amount
4/15/2011	E-mails among attorneys re mediation. Conference call re mediation and issues.	0.83 150.00/hr	125.00
4/20/2011	E-mails re selection of mediator.	0.08 150.00/hr	12.50
	For professional services rendered		$9,592.50
	Additional Charges :		
5/25/2010	Fee paid to Dallas Reporting & Associates (court reporters) for transcript of Burton deposition.		466.05
9/27/2010	Fee paid to York County Clerk of Court to file motion for summary judgment.		25.00
11/26/2010	Fee paid to court reporter Michael Watts for transcript of 10/26/10 hearing.		53.00
1/4/2011	Fee paid to Conarco (court reporting service) for copy of Cato deposition and exhibits.		1,011.73
	Total additional charges		$1,555.78
	Total amount of this bill		$11,148.28
	Previous balance		$4,654.74
	Accounts receivable transactions		
5/5/2010	Payment. Thank you.		($4,654.74)
	Total payments and adjustments		($4,654.74)
	Balance due		$11,148.28

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

May 31, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
5/2/2011	Review of file and status of motions in preparation for meeting with client and Brian McCoy. Office conference with client and Brian McCoy at Brian's office.	1.83 150.00/hr	275.00
5/3/2011	E-mails to other attorneys re client's attendance at mediation and re Thomasson attendance. E-mail to client re attendance at mediation.	0.25 150.00/hr	37.50
5/12/2011	Review of e-mails from client. Review of pleadings and motion in Carroll Pitts' case. E-mail to client. E-mail to other attorneys re mediation and re Pitts' case.	0.58 150.00/hr	87.50
5/19/2011	Preparation of statement for mediation. Travel to Columbia and back. Representation of clients at mediation.	7.50 150.00/hr	1,125.00
6/16/2011	Travel to York and back. Representation of client at Thomasson deposition.	5.17 150.00/hr	775.00
7/20/2011	Travel to York and back, Attended and observed motion hearing in related case. Review of memorandum submitted in that case.	1.50 150.00/hr	NO CHARGE
8/17/2011	Review of all amended pleadings and pending motions in case. Preparation of draft of motion to dismiss. E-mail to others attorneys with draft. Lengthy telephone discussion with Thomasson's attorney.	6.33 150.00/hr	950.00
8/18/2011	Revised and finalized motion. E-mail to and from Brian McCoy. E-mail to Clerk of Court re scheduling. Arrangements made to get motion to York.	1.33 150.00/hr	200.00
8/29/2011	Preparation for motions hearing. Travel to York and back. Representation of client at hearing.	4.67 150.00/hr	700.00

		Hrs/Rate	Amount
9/12/2011	Review of Jellenik's brief from 8/29 hearing. Legal research and preparation of reply brief. Delivery to Judge Hayes. Preparation of letter to Judge Hayes. E-mail of copy to client.	4.17 150.00/hr	625.00
9/15/2011	Preparation of answer to second amended 4th-party complaint. Letter to Clerk of Court with answer for filing.	0.58 150.00/hr	87.50
9/21/2011	E-mails with other attorneys and Judge Hayes re doctor letter re Burton. Located and sent to Judge.	0.20 150.00/hr	30.00
9/22/2011	Review of rebuttal brief from Burton. Review of answer of other 3rd party defendants. Downloaded and reviewed motion to reconsider in Carroll Pitts case. Preparation of e-mail to client with copies of brief/motion.	0.75 150.00/hr	112.50
12/6/2011	Receipt and brief review of amended reply and answer from Burtons' attorney.	0.20 150.00/hr	30.00
1/11/2012	Receipt and review of Judge Hayes' order.	0.33 150.00/hr	50.00
1/19/2012	Meeting with Brian McCoy to go over order and implications for clients.	1.08 150.00/hr	162.50
1/20/2012	Conference with Brian McCoy and client at Brian McCoy's office re Judge Hayes' order.	1.33 150.00/hr	200.00
1/24/2012	Telephone call attempted to Dick Odom: left message.	150.00/hr	NO CHARGE
1/25/2012	Telephone call from Dick Odom to discuss request. Pulled up and forwarded him earlier e-mails about property. Exchanges of e-mails and telephone calls with client re getting information to Odom. Exchanges of e-mails with Odom re retainer, fees, etc.	0.50 150.00/hr	75.00
1/26/2012	Preparation of brief summary of project for Odom.	0.33 150.00/hr	50.00
1/30/2012	Debriefing from client re his meeting with Odom. No charge.	150.00/hr	NO CHARGE
2/1/2012	Preparation of e-mail to Thomasson attorneys re preliminary appraisal and cost.	0.25 150.00/hr	37.50
2/4/2012	Receipt and review of Judge Hayes' order, denying the motion for reconsideration. Re-read prior order. Preparation of e-mail to client with copy. E-mail to Carroll Pitts' attorney with copy.	0.50 150.00/hr	75.00
2/8/2012	Searched and reviewed records through Lexis re D Burton. Telephone call to Fewell and Associates, Inc. Preparation of e-mail to them for more comprehensive report. E-mail to client.	0.58 150.00/hr	87.50

		Hrs/Rate	Amount
	E-mail from and to client re Burton records.		
2/21/2012	Receipt and review of Fewell and Associates, Inc., report on Burton. E-mail to client and Brian McCoy with copy and comments. Review of supplemental interrogatories, request for production, and notice of deposition from Burton. Compared to prior discovery requests/notices. E-mail to client with copies and comments.	0.58 150.00/hr	87.50
2/22/2012	Review of earlier e-mail from Thomasson attorney. Preparation of response to him re depositions, appraisal cost, etc.	0.33 150.00/hr	50.00
3/11/2012	Receipt and review of latest Burton motion (to dismiss re real party in interest). Review of e-mails from Clerk of Court re hearing.	0.25 150.00/hr	37.50
3/21/2012	Review of file in preparation for meeting with appraiser. Meeting with appraiser at his office.	3.75 150.00/hr	562.50
3/22/2012	E-mail to client and Brian McCoy re results. Transcribed notes from office conference with appraiser as memo. E-mail to client and Brian McCoy with copy.	1.17 150.00/hr	175.00
	Began reading Thomasson deposition re information about Thomasson's valuation of property.		
	Telephone call from appraiser re question.		
3/23/2012	Completed Thomasson deposition. Reviewed protective order and earlier notice to reconvene Thomasson deposition.	1.42 150.00/hr	212.50
3/25/2012	Re-read Burton deposition and made notes. Began Tom Cato deposition.	1.33 150.00/hr	200.00
3/26/2012	Completed reading Tom Cato deposition. Made notes re appraisal information.	2.17 150.00/hr	325.00
3/27/2012	Exchange of e-mails with Brian McCoy re getting update on settlement considerations.	0.05 150.00/hr	7.50
3/28/2012	Telephone call returned to Brian McCoy to get update. Telephone call attempted to appraiser.	0.17 150.00/hr	25.00
3/29/2012	Exchange of e-mails with appraiser. E-mail update to client.	0.20 150.00/hr	30.00
4/5/2012	Review of settlement package summary. E-mail to Brian McCoy and to client.	0.25 150.00/hr	37.50
4/17/2012	Review of e-mail and attachments from appraiser re engineer and land use planner. E-mail to him to arrange to discuss. Forwarded e-mail to client and Brian McCoy.	0.25 150.00/hr	37.50

		Hrs/Rate	Amount
4/18/2012	Lengthy telephone discussion with appraiser of engineer's and land planner's estimates. Preparation of e-mail to client with report. Preparation of e-mail to Thomasson's attorneys re sharing cost. Receipt and review of e-mail and letter from Burton attorney re deposition and discovery responses.	0.92 150.00/hr	137.50
4/23/2012	Review of modified proposals from land use planner. Preparation of e-mail to client. E-mail to appraiser re shopping for another planner. E-mail to other attorneys re contribution.	0.42 150.00/hr	62.50
4/24/2012	Receipt and review of new motion to compel by Burton. E-mail to client with copy.	0.17 150.00/hr	25.00
4/26/2012	Receipt and review of e-mails and notice of hearing.	0.08 150.00/hr	12.50
4/28/2012	Review of supplemental discovery responses from Thomasson and earlier amended pleadings. Preparation of e-mail to client with copy and inquiry to Brian McCoy about Thomasson settlement activities. Legal research re testimony on behalf of incompetent witness.	0.50 150.00/hr	75.00
5/4/2012	Exchange of e-mails re deposition.	0.08 150.00/hr	12.50
	Travel to Moss Justice Center and back. Representation of client at deposition.	2.25 150.00/hr	337.50
5/6/2012	Receipt and review of e-mail summary from Thomasson's attorney of settlement offer.	0.08 150.00/hr	12.50
5/15/2012	Telephone call from Clipper Jones re proposed affidavit. E-mail to client to get copy.	0.25 150.00/hr	37.50
5/16/2012	Review and revision of proposed affidavit. E-mails to and from client. Telephone call to Clipper Jones. E-mail to Jones with revised affidavit. E-mail to court reporter to limit copies of transcript.	0.67 150.00/hr	100.00
5/17/2012	Exchange of e-mails with Clerk of Court re scheduling of hearing.	0.08 150.00/hr	12.50
5/18/2012	Preparation of e-mail to Thomasson attorneys to request again a contribution to the appraisal.	0.25 150.00/hr	37.50
5/22/2012	Review of Thomasson's attorney's e-mail re settlement. Preparation of response. E-mail to client.	0.25 150.00/hr	37.50
5/30/2012	Preparation for motion hearing. Travel to Moss Justice Center and back. Meeting afterwards re settlement.	2.58 150.00/hr	387.50
	For professional services rendered		$8,847.50

Additional Charges

		Amount
5/21/2011	Arbitration or mediation expenses: fee paid to mediator Harry Goldberg for 5/19/11 mediation.	1,106.91
7/31/2011	Fee paid to Conarco court reporters for transcript of Thomasson deposition.	475.00
8/19/2011	Fee paid to York County Clerk of Court to file motion to dismiss.	25.00
8/22/2011	Fee paid to Haile Business Services to take motion to York and file in time for 8/29 hearing.	35.00
2/21/2012	Fee paid to Fewell and Associates, Inc., for investigative report on Burton.	40.00
4/28/2012	Fee paid to Lexis computer legal research to get copy of AmJur treatise on testimony on behalf of protected party.	25.00
	Total additional charges	$1,706.91
	Total amount of this bill	$10,554.41
	Previous balance	$11,148.28
	Accounts receivable transactions	
5/6/2011	Payment. Thank you.	($11,148.28)
	Total payments and adjustments	($11,148.28)
	Balance due	$10,554.41

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

July 01, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
5/31/2012	E-mail to Brian McCoy with summary of settlement meeting held after Wednesday hearing.	0.30 150.00/hr	45.00
6/1/2012	Office conference with client and Brian McCoy to discuss settlement.	0.67 150.00/hr	100.00
6/4/2012	Review of notes. Preparation of letter to clients to be distributed to obtain vote on proposed settlement contribution. E-mail to client and Brian McCoy with draft. Preparation of e-mail to Thomasson attorney to confirm last counteroffer. Preparation of e-mail to client and Brian McCoy. Corrected draft. E-mail to client and Brian McCoy with transcript of last deposition.	0.75 150.00/hr	112.50
6/6/2012	E-mails to other attorneys and to client re upcoming depositions in malpractice case.	0.25 150.00/hr	37.50
6/8/2012	Telephone call returned to Thomasson attorney. E-mail to Burton attorney re attendance at depositions.	0.17 150.00/hr	25.00
6/11/2012	OK from Burton attorneys to attend depositions in malpractice case. E-mail to others to advise.	0.08 150.00/hr	12.50
6/13/2012	Exchange of e-mails with other attorneys and client re settlement offer.	0.08 150.00/hr	12.50
6/20/2012	Exchange of e-mails and telephone call re postponement of Burton deposition. Telephone discussion with Pitts attorney re contribution to appraisal.	0.33 150.00/hr	50.00
6/21/2012	Review of notes re appraisal. Telephone call to appraiser re cost/timing/reasons for completion of appraisal. Preparation of lengthy e-mail to Pitts' attorney re cost and need for contribution. E-mail to client with copy. E-mail from Brian McCoy: approvals all in. Review of terms. Preparation of e-mail to Thomasson attorney with settlement contribution. Telephone call from Thomasson attorney re terms of settlement.	1.67 150.00/hr	250.00

		Hrs/Rate	Amount
6/30/2012	Receipt and review of supplemental discovery requests from Burton to heirs.	0.20 150.00/hr	30.00
	For professional services rendered		$675.00
	Previous balance		$10,554.41
	Accounts receivable transactions		
6/8/2012	Payment. Thank you.		($10,554.41)
	Total payments and adjustments		($10,554.41)
	Balance due		$675.00

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

August 02, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
7/5/2012	Telephone call from Burton attorney re status of offer. E-mail to other attorneys.	0.08 150.00/hr	12.50
7/6/2012	E-mail from Thomasson attorney. E-mail to Jellenik.	0.08 150.00/hr	12.50
7/13/2012	Exchange of e-mails with Brian McCoy re status of settlement offer.	0.03 150.00/hr	5.00
7/25/2012	Receipt and review of notice of deposition from Burton. E-mail to client with copy. E-mail to and from Brian McCoy. E-mail to Thomasson attorney re settlement offer.	0.20 150.00/hr	30.00
7/26/2012	Review of earlier e-mails and correspondence re Helen Jones POA/trust. Brief review of POA.	1.08 150.00/hr	162.50
	Preparation of e-mail to Pitts attorney re upcoming deposition and privilege. E-mail to Burton attorney re referenced but omitted discovery.		
	Review of discovery responses in Pitts case. Began reading Pitts deposition.		
7/27/2012	Completed reading Pitts deposition. E-mail to Brian McCoy with summary.	0.83 150.00/hr	125.00
7/28/2012	Review of e-mails from Burton attorney and from Thomasson attorney. Review of amounts left in LLC treasury. Preparation of e-mail to client. Preparation of response to Thomasson attorney. Second e-mail to client and Brian McCoy.	0.58 150.00/hr	87.50
7/29/2012	Review of e-mails from client, Brian McCoy, and Pitts attorney. Preparation of revisions to proposed settlement response e-mail . E-mail to Pitts attorney.	0.30 150.00/hr	45.00

		Hrs/Rate	Amount
7/30/2012	E-mailed response re settlement to Thomasson attorney for re-transmittal. Telephone call from Thomasson attorney. Preparation of e-mail to Brian McCoy to update him.	0.42 150.00/hr	62.50
7/31/2012	Preparation of response to Pitts attorney re parts of his file that we need. Preparation of e-mail to Thomasson attorney re settlement.	0.42 150.00/hr	62.50
	For professional services rendered		$605.00
	Previous balance		$675.00
	Accounts receivable transactions		
7/5/2012	Payment. Thank you.		($675.00)
	Total payments and adjustments		($675.00)
	Balance due		$605.00

History bill
8/6/12

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

Invoice submitted to:
T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

August 06, 2012

In Reference To: RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Rate	Amount
2/16/2010	Review of all pleadings, discovery responses, and pending motions. Additional legal research re derivative actions, LLC statutes, representation of entities in derivative actions. Preparation of report for status conference.	150.00/hr	525.00
2/17/2010	Travel to Moss Justice Center and back. Representation of client at status conference.	150.00/hr	400.00
2/21/2010	Transcribed notes from status conference. Review of discovery requests from Thomasson Apts. Review of Thomasson response to discovery motion. Re-review of pleadings. E-mail to Thomasson attorney for formatted discovery requests. Preparation of letter to members' attorneys re scope of representation.	150.00/hr	500.00
3/8/2010	Appearance at motion to compel hearing brought by Burton against plaintiffs (travel time divided with another client). Lengthy meeting with Burton attorney afterwards.	150.00/hr	387.50
3/15/2010	Telephone call to Carroll Pitts re stay. Telephone call returned to Burtons' attorney.	150.00/hr	30.00
3/23/2010	Review of interrogatories and request for production from Thomasson attorney. Went through all documents previously produced by Tom Cato. Preparation of draft of answers to interrogatories and responses to request for production. E-mail to Carroll Pitts to have Tom review them and provide additional information.	150.00/hr	700.00
3/24/2010	Reviewed and revised discovery responses. E-mail to Thomasson attorney re objection. E-mail from him re 30b6 deposition. Preparation of motion form and letter to Clerk of Court. E-mail to all attorneys with copy. E-mail to Thomasson's attorney re deposition.	150.00/hr	175.00

		Rate	Amount
3/27/2010	Receipt and review of supplemental responses from Thomasson. Receipt and review of proposed orders and attachments from Burton attorney. Preparation of e-mail to other attorneys re problems with orders.	150.00/hr	112.50
3/28/2010	Review of responses from other attorneys. Preparation of fax to Judge Alford to ask for hearing before orders are signed. E-mail of copy to other attorneys. Review of question about billing Burton for costs. Preparation of response to Carroll Pitts.	150.00/hr	87.50
3/29/2010	E-mails from and to Carroll Pitts re meeting to finalize discovery responses. E-mail from and to Clerk of Court re motion hearing. E-mail to all counsel with hearing information. Preparation of notice of hearing. Telephone call returned to Thomasson's attorney re depositions. Telephone call attempted to Burton attorney to find out about depositions: left message. Telephone call from Burton attorney. Telephone call to Carroll Pitts. Review of letters from Thomasson attorney to Burton attorney and vice-versa.	150.00/hr	87.50
3/31/2010	Review of BWB and draft of discovery responses. Review of response issues between Tom Cato and Burton. Preparation of notes and attachments to discuss with Tom and Carroll Pitts. Office conference with Tom and Carroll Pitts to go over draft of LLC responses. Transcribed notes from office conference. Preparation of revised draft of answers to interrogatories and responses to request for production. Preparation of draft of possible responses to outstanding discovery issues between Tom Cato and Burton.	150.00/hr	812.50
4/1/2010	Completed notes and draft of potential responses for Tom Cato re LLC actions/records. Re-read 2007 BWB correspondence. E-mails to Carroll Pitts with request to discuss.	150.00/hr	112.50
4/2/2010	Telephone call from Carroll Pitts. Revised and re-sent potential responses. Checked LLC's revised answers to interrogatories and responses to request for production and sent to Carroll Pitts and Tom Cato for final review.	150.00/hr	87.50
4/5/2010	E-mail from Tom Cato: answers to interrogatories ok. Reviewed again and reviewed and revised responses to request for production. E-mail to him re attestation.	150.00/hr	50.00
4/8/2010	Receipt and review of response from Judge Alford to the proposed discovery orders.	150.00/hr	10.00
4/14/2010	Review of motions filed by parties and new hearing notice.	150.00/hr	50.00
4/20/2010	Travel to York and back. Representation of client at motion hearings.	150.00/hr	325.00
4/22/2010	Review of e-mails re order and examination of documents. E-mail to Burton's attorney re missing document pages. Receipt and review of order denying stay motion.	150.00/hr	50.00

		Rate	Amount
4/24/2010	Received and read transcript of motion hearing.	150.00/hr	75.00
4/29/2010	Receipt and review of motion for appointment of a GAL.	150.00/hr	12.50
5/3/2010	Letter to client with bill. Telephone call and e-mail to private investigator re report on upcoming deposition witness. Receipt and review of private investigator report. Checked NC corporations. E-mail with copy.	150.00/hr	62.50
5/10/2010	Preparation for deposition of D. Burton. Representation of client at deposition.	150.00/hr	825.00
5/21/2010	Receipt and brief review of supplemental discovery responses from Thomasson to Burton.	150.00/hr	25.00
5/27/2010	Receipt and review of supplemental discovery responses from Burton re Dale Dove.	150.00/hr	30.00
6/21/2010	Review of proposed amended answer/claim by Thomasson. E-mail with consent.	150.00/hr	25.00
6/23/2010	Receipt and review of additional supplemental discovery responses from Thomasson to Burton.	150.00/hr	12.50
7/15/2010	E-mails with counsel and Clerk of Court re motion hearing.	150.00/hr	12.50
8/1/2010	Review of new sanctions motions filed by Burton. Review of background documents.	150.00/hr	37.50
8/9/2010	Review of entire file. Receipt and review of errata sheet re Burton deposition. Preparation of e-mail to court reporter to question whether correct. Preparation of answer to amended fourth-party complaint. Preparation of letter to Clerk of Court with answer for filing. Preparation of interrogatories, request for production, and request for admissions to Burton re evidence of value.	150.00/hr	925.00
8/13/2010	E-mailed earlier documents to Bill Moody. Returned by PO because of street address. E-mail to Bill Moody.	150.00/hr	NO CHARGE
8/22/2010	Read the transcript of David Burton's deposition. Reviewed supplemental discovery responses from Brian McCoy. Responded to earlier e-mail from Thomasson attorney re GAL order.	150.00/hr	137.50
8/24/2010	Office conference with Brian McCoy to review status, discuss appraisal offer, and discuss upcoming hearing.	150.00/hr	100.00

		Rate	Amount
8/26/2010	Receipt and review of supplemental discovery responses from Burton with tax returns and e-mails re check deposit. Beginning legal research re waiver/ratification	150.00/hr	137.50
8/27/2010	Conference call with other attorneys re appraisal/conditions. Preparation of draft of letter to Burton's attorney with appraisal offer. E-mail to attorneys to review.	150.00/hr	212.50
9/2/2010	Receipt and review of answers to amended pleadings from Burton attorney. Preparation of e-mail to client with suggested letter re appraisal offer.	150.00/hr	62.50
9/6/2010	E-mail reply from Burton attorney re deposition corrections. Reviewed, revised, and sent appraisal offer. E-mail to client and other attorneys.	150.00/hr	62.50
9/15/2010	Receipt and review of responses to request for admissions from Burton's attorney.	150.00/hr	25.00
9/24/2010	Review of file and responses to request for admissions. Review of Burton response to appraisal offer. Preparation of draft of response. Telephone call to appraiser Dick Odom. E-mail to him with documents. E-mail to other attorneys and to client. Revised letter rejecting appraisal counteroffer. Beginning legal research and preparation of motion for summary judgment.	150.00/hr	550.00
9/25/2010	Continued legal research and preparation of motion for summary judgment.	150.00/hr	250.00
9/26/2010	Completion of draft of motion for summary judgment.	150.00/hr	575.00
9/27/2010	Reviewed, revised, and filed motion for summary judgment. Preparation of letter to client with copy. Preparation of motionform. Preparation of letter to other attorneys with copy.	150.00/hr	262.50
9/30/2010	Letter to plaintiff's attorney with	150.00/hr	NO CHARGE
	Served motion without Exhibit A on Burton attorney with letter.	150.00/hr	NO CHARGE
10/1/2010	Served motion on other attorneys and sent copy to client. Sent Exhibit A to Burton attorney with letter. Revised affidavit of service.	150.00/hr	NO CHARGE
10/8/2010	Review of proposed affidavit for Tom Cato from Thomasson attorney. Preparation of e-mail to him with comments.	150.00/hr	45.00
10/11/2010	Review of revised affidavit. E-mail to Thomasson attorney with ok. Review of earlier e-mail from Burton attorney re appraisal offer. Sent response.	150.00/hr	30.00

		Rate	Amount
10/13/2010	Receipt and brief review of three new motions filed by Burton attorney.	150.00/hr	30.00
10/15/2010	Review of void deed case provided by Thomasson attorney. Telephone call from Burton attorney re possible settlement between Burton and Thomasson. Telephone call returned to Thomasson attorney to discuss case and pending motions.	150.00/hr	237.50
10/18/2010	Preparation of response to Burton attorney re consent order re refund to Thomasson.	150.00/hr	37.50
10/19/2010	E-mails to Burton attorney re motion hearing. E-mail from Burton attorney, again about possible consent order re Thomasson. E-mail to him.	150.00/hr	37.50
10/20/2010	E-mails among counsel and Clerk of Court re motions hearing.	150.00/hr	12.50
10/26/2010	Review of Burton motions. E-mail to Burton attorney re missing part. Travel to York and back. Representation of client at motions hearing.	150.00/hr	475.00
	E-mail from defendants' attorney re missing part of motion.	150.00/hr	NO CHARGE
11/4/2010	Review of e-mails from client. E-mail exchange with defendants's attorney re Tom Cato deposition.	150.00/hr	12.50
11/11/2010	E-mails with Brian McCoy re deposition and deposition preparation.	150.00/hr	12.50
11/18/2010	Office conference with Brian McCoy and Tom Cato at Brian McCoy's office to prepare for deposition.	150.00/hr	325.00
11/19/2010	Travel to York and back. Representation of client at Tom Cato deposition. Travel time divided with another client.	150.00/hr	1,087.50
11/22/2010	Travel to York and back. Representation of LLC at remainder of Tom Cato deposition. Lengthy meeting with defendants' attorney afterwards.	150.00/hr	912.50
11/23/2010	E-mail to attorney Josh Vann re getting copy of roadbed grant to DOT. Review of notes and preparation of request for production to Burton attorney for trust/deed documents. E-mail to and from client with copy.	150.00/hr	125.00
12/8/2010	Receipt and brief review of supplemental documents from Brian McCoy.	150.00/hr	12.50
12/24/2010	Receipt and brief review of trust/deed documents from Burton attorney.	150.00/hr	25.00

		Rate	Amount
1/3/2011	E-mail to other attorneys re bill from court reporter. E-mail to court reporter.	150.00/hr	NO CHARGE
1/5/2011	Detailed review of trust documents/deeds from Burton attorney. E-mail from Brian McCoy re effect on title to roadbed tract. E-mail to Carroll Pitts' attorney re meeting with Carroll Pitts. E-mail to Brian McCoy.	150.00/hr	175.00
	Review of latest documents produced by Burton. Preparation of e-mail to Carroll Pitts' attorney re implications and request for help. Telephone call from Carroll Pitts's attorney. E-mail to Brian McCoy re possibilities. E-mail to client re POA. Receipt and review of DOT documents re easement. E-mail to Brian McCoy with commentary and copy.	150.00/hr	325.00
1/6/2011	Downloaded and reviewed all available deeds/recorded trust documents and compared with Carroll Pitts' title research. E-mail from Carroll Pitts' attorney. Preparation of e-mail to Brian McCoy re meeting and issues. E-mail to client re 2004 POA. Telephone call to SCDOT to get copy of 1965 ROW deed. Compared original and amended pleadings re allegations about DOT deed. Attempted to return telephone call to Carroll Pitts' attorney.	150.00/hr	462.50
1/10/2011	E-mails from client re latest overtures by Burton.	150.00/hr	10.00
2/10/2011	Receipt and brief review of LLC tax returns. Review of proposed consent order from Brian McCoy.	150.00/hr	30.00
2/23/2011	Review of Burton's motion for partial summary judgment, default, etc. Receipt and review of Thomasson response. Review of Brian McCoy' response to default motion. Travel to York and back. Representation of client at motion hearing.	150.00/hr	562.50
3/25/2011	Review of Judge Hayes' orders.	150.00/hr	37.50
4/12/2011	Notice from Clerk of Court of upcoming trial term. E-mails re mediation.	150.00/hr	25.00
	E-mails among attorneys re mediation.	150.00/hr	30.00
4/15/2011	Receipt and review of Burton's motion to reconsider.	150.00/hr	50.00
	E-mails among attorneys re mediation. Conference call re mediation and issues.	150.00/hr	125.00
4/20/2011	E-mails re selection of mediator.	150.00/hr	12.50

		Rate	Amount
5/2/2011	Review of file and status of motions in preparation for meeting with client and Brian McCoy. Office conference with client and Brian McCoy at Brian's office.	150.00/hr	275.00
5/3/2011	E-mails to other attorneys re client's attendance at mediation and re Thomasson attendance. E-mail to client re attendance at mediation.	150.00/hr	37.50
5/12/2011	Review of e-mails from client. Review of pleadings and motion in Carroll Pitts' case. E-mail to client. E-mail to other attorneys re mediation and re Pitts' case.	150.00/hr	87.50
5/19/2011	Preparation of statement for mediation. Travel to Columbia and back. Representation of clients at mediation.	150.00/hr	1,125.00
6/16/2011	Travel to York and back. Representation of client at Thomasson deposition.	150.00/hr	775.00
7/20/2011	Travel to York and back, Attended and observed motion hearing in related case. Review of memorandum submitted in that case.	150.00/hr	NO CHARGE
8/17/2011	Review of all amended pleadings and pending motions in case. Preparation of draft of motion to dismiss. E-mail to others attorneys with draft. Lengthy telephone discussion with Thomasson's attorney.	150.00/hr	950.00
8/18/2011	Revised and finalized motion. E-mail to and from Brian McCoy. E-mail to Clerk of Court re scheduling. Arrangements made to get motion to York.	150.00/hr	200.00
8/29/2011	Preparation for motions hearing. Travel to York and back. Representation of client at hearing.	150.00/hr	700.00
9/12/2011	Review of Jellenik's brief from 8/29 hearing. Legal research and preparation of reply brief. Delivery to Judge Hayes. Preparation of letter to Judge Hayes. E-mail of copy to client.	150.00/hr	625.00
9/15/2011	Preparation of answer to second amended 4th-party complaint. Letter to Clerk of Court with answer for filing.	150.00/hr	87.50
9/21/2011	E-mails with other attorneys and Judge Hayes re doctor letter re Burton. Located and sent to Judge.	150.00/hr	30.00
9/22/2011	Review of rebuttal brief from Burton. Review of answer of other 3rd party defendants. Downloaded and reviewed motion to reconsider in Carroll Pitts case. Preparation of e-mail to client with copies of brief/motion.	150.00/hr	112.50
12/6/2011	Receipt and brief review of amended reply and answer from Burtons' attorney.	150.00/hr	30.00

		Rate	Amount
1/11/2012	Receipt and review of Judge Hayes' order.	150.00/hr	50.00
1/19/2012	Meeting with Brian McCoy to go over order and implications for clients.	150.00/hr	162.50
1/20/2012	Conference with Brian McCoy and client at Brian McCoy's office re Judge Hayes' order.	150.00/hr	200.00
1/24/2012	Telephone call attempted to Dick Odom: left message.	150.00/hr	NO CHARGE
1/25/2012	Telephone call from Dick Odom to discuss request. Pulled up and forwarded him earlier e-mails about property. Exchanges of e-mails and telephone calls with client re getting information to Odom. Exchanges of e-mails with Odom re retainer, fees, etc.	150.00/hr	75.00
1/26/2012	Preparation of brief summary of project for Odom.	150.00/hr	50.00
1/30/2012	Debriefing from client re his meeting with Odom. No charge.	150.00/hr	NO CHARGE
2/1/2012	Preparation of e-mail to Thomasson attorneys re preliminary appraisal and cost.	150.00/hr	37.50
2/4/2012	Receipt and review of Judge Hayes' order, denying the motion for reconsideration. Re-read prior order. Preparation of e-mail to client with copy. E-mail to Carroll Pitts' attorney with copy.	150.00/hr	75.00
2/8/2012	Searched and reviewed records through Lexis re D Burton. Telephone call to Fewell and Associates, Inc. Preparation of e-mail to them for more comprehensive report. E-mail to client. E-mail from and to client re Burton records.	150.00/hr	87.50
2/21/2012	Receipt and review of Fewell and Associates, Inc., report on Burton. E-mail to client and Brian McCoy with copy and comments. Review of supplemental interrogatories, request for production, and notice of deposition from Burton. Compared to prior discovery requests/notices. E-mail to client with copies and comments.	150.00/hr	87.50
2/22/2012	Review of earlier e-mail from Thomasson attorney. Preparation of response to him re depositions, appraisal cost, etc.	150.00/hr	50.00
3/11/2012	Receipt and review of latest Burton motion (to dismiss re real party in interest). Review of e-mails from Clerk of Court re hearing.	150.00/hr	37.50
3/21/2012	Review of file in preparation for meeting with appraiser. Meeting with appraiser at his office.	150.00/hr	562.50

		Rate	Amount
3/22/2012	E-mail to client and Brian McCoy re results. Transcribed notes from office conference with appraiser as memo. E-mail to client and Brian McCoy with copy. Began reading Thomasson deposition re information about Thomasson's valuation of property. Telephone call from appraiser re question.	150.00/hr	175.00
3/23/2012	Completed Thomasson deposition. Reviewed protective order and earlier notice to reconvene Thomasson deposition.	150.00/hr	212.50
3/25/2012	Re-read Burton deposition and made notes. Began Tom Cato deposition.	150.00/hr	200.00
3/26/2012	Completed reading Tom Cato deposition. Made notes re appraisal information.	150.00/hr	325.00
3/27/2012	Exchange of e-mails with Brian McCoy re getting update on settlement considerations.	150.00/hr	7.50
3/28/2012	Telephone call returned to Brian McCoy to get update. Telephone call attempted to appraiser.	150.00/hr	25.00
3/29/2012	Exchange of e-mails with appraiser. E-mail update to client.	150.00/hr	30.00
4/5/2012	Review of settlement package summary. E-mail to Brian McCoy and to client.	150.00/hr	37.50
4/17/2012	Review of e-mail and attachments from appraiser re engineer and land use planner. E-mail to him to arrange to discuss. Forwarded e-mail to client and Brian McCoy.	150.00/hr	37.50
4/18/2012	Lengthy telephone discussion with appraiser of engineer's and land planner's estimates. Preparation of e-mail to client with report. Preparation of e-mail to Thomasson's attorneys re sharing cost. Receipt and review of e-mail and letter from Burton attorney re deposition and discovery responses.	150.00/hr	137.50
4/23/2012	Review of modified proposals from land use planner. Preparation of e-mail to client. E-mail to appraiser re shopping for another planner. E-mail to other attorneys re contribution.	150.00/hr	62.50
4/24/2012	Receipt and review of new motion to compel by Burton. E-mail to client with copy.	150.00/hr	25.00
4/26/2012	Receipt and review of e-mails and notice of hearing.	150.00/hr	12.50

		Rate	Amount
4/28/2012	Review of supplemental discovery responses from Thomasson and earlier amended pleadings. Preparation of e-mail to client with copy and inquiry to Brian McCoy about Thomasson settlement activities. Legal research re testimony on behalf of incompetent witness.	150.00/hr	75.00
5/4/2012	Exchange of e-mails re deposition.	150.00/hr	12.50
	Travel to Moss Justice Center and back. Representation of client at deposition.	150.00/hr	337.50
5/6/2012	Receipt and review of e-mail summary from Thomasson's attorney of settlement offer.	150.00/hr	12.50
5/15/2012	Telephone call from Clipper Jones re proposed affidavit. E-mail to client to get copy.	150.00/hr	37.50
5/16/2012	Review and revision of proposed affidavit. E-mails to and from client. Telephone call to Clipper Jones. E-mail to Jones with revised affidavit. E-mail to court reporter to limit copies of transcript.	150.00/hr	100.00
5/17/2012	Exchange of e-mails with Clerk of Court re scheduling of hearing.	150.00/hr	12.50
5/18/2012	Preparation of e-mail to Thomasson attorneys to request again a contribution to the appraisal.	150.00/hr	37.50
5/22/2012	Review of Thomasson's attorney's e-mail re settlement. Preparation of response. E-mail to client.	150.00/hr	37.50
5/30/2012	Preparation for motion hearing. Travel to Moss Justice Center and back. Meeting afterwards re settlement.	150.00/hr	387.50
5/31/2012	E-mail to Brian McCoy with summary of settlement meeting held after Wednesday hearing.	150.00/hr	45.00
6/1/2012	Office conference with client and Brian McCoy to discuss settlement.	150.00/hr	100.00
6/4/2012	Review of notes. Preparation of letter to clients to be distributed to obtain vote on proposed settlement contribution. E-mail to client and Brian McCoy with draft. Preparation of e-mail to Thomasson attorney to confirm last counteroffer. Preparation of e-mail to client and Brian McCoy. Corrected draft. E-mail to client and Brian McCoy with transcript of last deposition.	150.00/hr	112.50
6/6/2012	E-mails to other attorneys and to client re upcoming depositions in malpractice case.	150.00/hr	37.50
6/8/2012	Telephone call returned to Thomasson attorney. E-mail to Burton attorney re attendance at depositions.	150.00/hr	25.00

		Rate	Amount
6/11/2012	OK from Burton attorneys to attend depositions in malpractice case. E-mail to others to advise.	150.00/hr	12.50
6/13/2012	Exchange of e-mails with other attorneys and client re settlement offer.	150.00/hr	12.50
6/20/2012	Exchange of e-mails and telephone call re postponement of Burton deposition. Telephone discussion with Pitts attorney re contribution to appraisal.	150.00/hr	50.00
6/21/2012	Review of notes re appraisal. Telephone call to appraiser re cost/timing/reasons for completion of appraisal. Preparation of lengthy e-mail to Pitts' attorney re cost and need for contribution. E-mail to client with copy.	150.00/hr	250.00
	E-mail from Brian McCoy: approvals all in. Review of terms. Preparation of e-mail to Thomasson attorney with settlement contribution. Telephone call from Thomasson attorney re terms of settlement.		
6/30/2012	Receipt and review of supplemental discovery requests from Burton to heirs.	150.00/hr	30.00
7/5/2012	Telephone call from Burton attorney re status of offer. E-mail to other attorneys.	150.00/hr	12.50
7/6/2012	E-mail from Thomasson attorney. E-mail to Jellenik.	150.00/hr	12.50
7/13/2012	Exchange of e-mails with Brian McCoy re status of settlement offer.	150.00/hr	5.00
7/25/2012	Receipt and review of notice of deposition from Burton. E-mail to client with copy. E-mail to and from Brian McCoy. E-mail to Thomasson attorney re settlement offer.	150.00/hr	30.00
7/26/2012	Review of earlier e-mails and correspondence re Helen Jones POA/trust. Brief review of POA.	150.00/hr	162.50
	Preparation of e-mail to Pitts attorney re upcoming deposition and privilege. E-mail to Burton attorney re referenced but omitted discovery.		
	Review of discovery responses in Pitts case. Began reading Pitts deposition.		
7/27/2012	Completed reading Pitts deposition. E-mail to Brian McCoy with summary.	150.00/hr	125.00
7/28/2012	Review of e-mails from Burton attorney and from Thomasson attorney. Review of amounts left in LLC treasury. Preparation of e-mail to client. Preparation of response to Thomasson attorney. Second e-mail to client and Brian McCoy.	150.00/hr	87.50

		Rate	Amount
7/29/2012	Review of e-mails from client, Brian McCoy, and Pitts attorney. Preparation of revisions to proposed settlement response e-mail . E-mail to Pitts attorney.	150.00/hr	45.00
7/30/2012	E-mailed response re settlement to Thomasson attorney for re-transmittal. Telephone call from Thomasson attorney. Preparation of e-mail to Brian McCoy to update him.	150.00/hr	62.50
7/31/2012	Preparation of response to Pitts attorney re parts of his file that we need. Preparation of e-mail to Thomasson attorney re settlement.	150.00/hr	62.50
8/3/2012	Review of e-mail from Thomasson attorney re settlement. E-mail to him re conference call re Burton information demands.	150.00/hr	12.50
	For professional services rendered	164.40	$24,322.50
	Additional Charges :		
3/24/2010	Fee paid to York County Clerk of Court to file motion for stay.		25.00
4/16/2010	Fee paid to court reporter for copy of motion hearing transcript.		39.74
5/25/2010	Fee paid to Dallas Reporting & Associates (court reporters) for transcript of Burton deposition.		466.05
9/27/2010	Fee paid to York County Clerk of Court to file motion for summary judgment.		25.00
11/26/2010	Fee paid to court reporter Michael Watts for transcript of 10/26/10 hearing.		53.00
1/4/2011	Fee paid to Conarco (court reporting service) for copy of Cato deposition and exhibits.		1,011.73
5/21/2011	Arbitration or mediation expenses: fee paid to mediator Harry Goldberg for 5/19/11 mediation.		1,106.91
7/31/2011	Fee paid to Conarco court reporters for transcript of Thomasson deposition.		475.00
8/19/2011	Fee paid to York County Clerk of Court to file motion to dismiss.		25.00
8/22/2011	Fee paid to Haile Business Services to take motion to York and file in time for 8/29 hearing.		35.00
2/21/2012	Fee paid to Fewell and Associates, Inc., for investigative report on Burton.		40.00
4/28/2012	Fee paid to Lexis computer legal research to get copy of AmJur treatise on testimony on behalf of protected party.		25.00
	Total additional charges		$3,327.43

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

September 03, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
8/3/2012	Review of e-mail from Thomasson attorney re settlement. E-mail to him re conference call re Burton information demands.	0.08 150.00/hr	12.50
8/6/2012	Conference call with Thomasson attorneys re settlement. Conference call with Thomasson attorney and Burton attorney re settlement. E-mail to Brian McCoy re results.	0.58 150.00/hr	87.50
8/10/2012	Telephone call to Brian McCoy to discuss response re Burton demand for settlement information. Telephone call to Thomasson attorney: we will provide documents. Preparation of lengthy e-mail to client with status and request for numbers. Preparation of interrogatories and request for production to Burton for his attorney fee/expense information. Letter to Jellenik with discovery. Receipt and review of motion from Pitts for cancellation of his deposition. Review of earlier e-mail re Jones Trust discovery.	1.58 150.00/hr	237.50
8/13/2012	Review of discovery responses from Helen Jones. Preparation of e-mail to client with discovery. E-mail to Pitts attorney re his motion and our need to discuss privilege as to Carroll Pitts' file. Telephone call returned to Brian McCoy re Burton's reaction to attorney fee information.	0.58 150.00/hr	87.50
8/28/2012	Review of Jones discovery responses. Review of accounting for LLC. E-mail to Brian McCoy. E-mail to client with questions about accounting. Telephone call to Brian McCoy to discuss. He will let Jellenik know info being refined.	0.58 150.00/hr	87.50
8/29/2012	Review of information requested by Burton's attorney and information and additional e-mails from client. Preparation of draft of response. Preparation of e-mail to client re completing and revising information.	0.50 150.00/hr	75.00
8/30/2012	E-mail from and to client re LLC information. E-mail from client with updated information. Prepared revised calculations and response to information request. E-mails to and from client and Brian McCoy. E-mail to Brian McCoy with final version to send to Burton attorney.	0.58 150.00/hr	87.50

		Hrs/Rate	Amount
8/31/2012	E-mails from and to Brian McCoy re re-wording of information.	0.20 150.00/hr	30.00
	For professional services rendered		$705.00
	Previous balance		$605.00
	Accounts receivable transactions		
8/6/2012	Payment. Thank you.		($605.00)
	Total payments and adjustments		($605.00)
	Balance due		$705.00

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

October 01, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
9/3/2012	Review of e-mails from Brian McCoy, forwarding Jellenik follow-up questions. Review of client documents. Preparation of e-mail to Brian McCoy with proposed breakdown of management fees and other responses. Receipt and review of proposed response by Brian McCoy. Checked documents. E-mail to him in response.	0.58 150.00/hr	87.50
9/4/2012	Exchange of e-mails with client and Brian McCoy re additional response to Burton's attorney.	0.17 150.00/hr	25.00
9/12/2012	E-mails from Burton's attorney and to and from client re canceled deposition. E-mail from Brian McCoy with Burton counteroffer. Review of amounts from client.	0.20 150.00/hr	30.00
9/14/2012	Review of pleadings and preparation of notes on terms to be included in any settlement agreement.	0.58 150.00/hr	87.50
9/18/2012	Telephone call to Brian McCoy. Preparation of draft and revision of e-mail to Thomasson attorney re response to counteroffer. Revision of terms that have to be part of any release. Preparation of draft of letter to LLC members re LLC aspects of proposed release.	1.08 150.00/hr	162.50
9/25/2012	Exchange of e-mails re setting conference call 9/21	0.05 150.00/hr	7.50
9/24/2012	Conference call with other attorneys re settlement and brief follow-up call with Brian McCoy.	0.33 150.00/hr	50.00
9/25/2012	Review of earlier settlement terms. Preparation of e-mail to client re raising LLC contribution.	0.42 150.00/hr	62.50
9/27/2012	E-mail exchange with client and Brian McCoy. Preparation of e-mail to Thomasson attorney re amount to add to settlement offer.	0.20 150.00/hr	30.00
	For professional services rendered		$542.50

		Amount
	Previous balance	$705.00
	Accounts receivable transactions	
9/8/2012	Payment. Thank you.	($705.00)
	Total payments and adjustments	($705.00)
	Balance due	$542.50

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

November 01, 2012

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
10/2/2012	Receipt and review of response from Thomasson attorney to settlement counteroffer. Review of offer terms and preparation of response.	0.25 150.00/hr	37.50
10/12/2012	Receipt and review of Burton's "final demand." E-mail to Thomasson attorney with questions about claims Burton is reserving.	0.25 150.00/hr	37.50
10/15/2012	Review of explanation from Burton's attorney. Preparation of response to defense attorneys re difficulty of crafting any settlement that truly ends the case for our clients.	0.33 150.00/hr	50.00
10/18/2012	E-mail from Brian McCoy re change in settlement terms. Telephone call to Brian McCoy to discuss. Telephone call to client. Preparation of e-mail to Thomasson attorney re modified settlement terms. Exchange of e-mails with him re need for client indemnification/protection.	0.42 150.00/hr	62.50
10/19/2012	Telephone call from Thomasson attorney re counteroffer and response.	0.17 150.00/hr	25.00
10/24/2012	E-mail to client and Brian McCoy re telephone call with Koutrakos.	0.08 150.00/hr	12.50
	For professional services rendered		$225.00
	Previous balance		$542.50
	Accounts receivable transactions		
10/3/2012	Payment. Thank you.		($542.50)
	Total payments and adjustments		($542.50)
	Balance due		$225.00

01517

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

Invoice submitted to:
T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

December 22, 2012

In Reference To: RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Rate	Amount
2/16/2010	Review of all pleadings, discovery responses, and pending motions. Additional legal research re derivative actions, LLC statutes, representation of entities in derivative actions. Preparation of report for status conference.	150.00/hr	525.00
2/17/2010	Travel to Moss Justice Center and back. Representation of client at status conference.	150.00/hr	400.00
2/21/2010	Transcribed notes from status conference. Review of discovery requests from Thomasson Apts. Review of Thomasson response to discovery motion. Re-review of pleadings. E-mail to Thomasson attorney for formatted discovery requests. Preparation of letter to members' attorneys re scope of representation.	150.00/hr	500.00
3/8/2010	Appearance at motion to compel hearing brought by Burton against plaintiffs (travel time divided with another client). Lengthy meeting with Burton attorney afterwards.	150.00/hr	387.50
3/15/2010	Telephone call to Carroll Pitts re stay. Telephone call returned to Burtons' attorney.	150.00/hr	30.00
3/23/2010	Review of interrogatories and request for production from Thomasson attorney. Went through all documents previously produced by Tom Cato. Preparation of draft of answers to interrogatories and responses to request for production. E-mail to Carroll Pitts to have Tom review them and provide additional information.	150.00/hr	700.00
3/24/2010	Reviewed and revised discovery responses. E-mail to Thomasson attorney re objection. E-mail from him re 30b6 deposition. Preparation of motion form and letter to Clerk of Court. E-mail to all attorneys with copy. E-mail to Thomasson's attorney re deposition.	150.00/hr	175.00

		Rate	Amount
3/27/2010	Receipt and review of supplemental responses from Thomasson. Receipt and review of proposed orders and attachments from Burton attorney. Preparation of e-mail to other attorneys re problems with orders.	150.00/hr	112.50
3/28/2010	Review of responses from other attorneys. Preparation of fax to Judge Alford to ask for hearing before orders are signed. E-mail of copy to other attorneys. Review of question about billing Burton for costs. Preparation of response to Carroll Pitts.	150.00/hr	87.50
3/29/2010	E-mails from and to Carroll Pitts re meeting to finalize discovery responses. E-mail from and to Clerk of Court re motion hearing. E-mail to all counsel with hearing information. Preparation of notice of hearing. Telephone call returned to Thomasson's attorney re depositions. Telephone call attempted to Burton attorney to find out about depositions; left message. Telephone call from Burton attorney. Telephone call to Carroll Pitts. Review of letters from Thomasson attorney to Burton attorney and vice-versa.	150.00/hr	87.50
3/31/2010	Review of BWB and draft of discovery responses. Review of response issues between Tom Cato and Burton. Preparation of notes and attachments to discuss with Tom and Carroll Pitts. Office conference with Tom and Carroll Pitts to go over draft of LLC responses. Transcribed notes from office conference. Preparation of revised draft of answers to interrogatories and responses to request for production. Preparation of draft of possible responses to outstanding discovery issues between Tom Cato and Burton.	150.00/hr	812.50
4/1/2010	Completed notes and draft of potential responses for Tom Cato re LLC actions/records. Re-read 2007 BWB correspondence. E-mails to Carroll Pitts with request to discuss.	150.00/hr	112.50
4/2/2010	Telephone call from Carroll Pitts. Revised and re-sent potential responses. Checked LLC's revised answers to interrogatories and responses to request for production and sent to Carroll Pitts and Tom Cato for final review.	150.00/hr	87.50
4/5/2010	E-mail from Tom Cato: answers to interrogatories ok. Reviewed again and reviewed and revised responses to request for production. E-mail to him re attestation.	150.00/hr	50.00
4/8/2010	Receipt and review of response from Judge Alford to the proposed discovery orders.	150.00/hr	10.00
4/14/2010	Review of motions filed by parties and new hearing notice.	150.00/hr	50.00
4/20/2010	Travel to York and back. Representation of client at motion hearings.	150.00/hr	325.00
4/22/2010	Review of e-mails re order and examination of documents. E-mail to Burton's attorney re missing document pages. Receipt and review of order denying stay motion.	150.00/hr	50.00

		Rate	Amount
4/24/2010	Received and read transcript of motion hearing.	150.00/hr	75.00
4/29/2010	Receipt and review of motion for appointment of a GAL.	150.00/hr	12.50
5/3/2010	Letter to client with bill. Telephone call and e-mail to private investigator re report on upcoming deposition witness. Receipt and review of private investigator report. Checked NC corporations. E-mail with copy.	150.00/hr	62.50
5/10/2010	Preparation for deposition of D. Burton. Representation of client at deposition.	150.00/hr	825.00
5/21/2010	Receipt and brief review of supplemental discovery responses from Thomasson to Burton.	150.00/hr	25.00
5/27/2010	Receipt and review of supplemental discovery responses from Burton re Dale Dove.	150.00/hr	30.00
6/21/2010	Review of proposed amended answer/claim by Thomasson. E-mail with consent.	150.00/hr	25.00
6/23/2010	Receipt and review of additional supplemental discovery responses from Thomasson to Burton.	150.00/hr	12.50
7/15/2010	E-mails with counsel and Clerk of Court re motion hearing.	150.00/hr	12.50
8/1/2010	Review of new sanctions motions filed by Burton. Review of background documents.	150.00/hr	37.50
8/9/2010	Review of entire file. Receipt and review of errata sheet re Burton deposition. Preparation of e-mail to court reporter to question whether correct. Preparation of answer to amended fourth-party complaint. Preparation of letter to Clerk of Court with answer for filing. Preparation of interrogatories, request for production, and request for admissions to Burton re evidence of value.	150.00/hr	925.00
8/13/2010	E-mailed earlier documents to Bill Moody. Returned by PO because of street address. E-mail to Bill Moody.	150.00/hr	NO CHARGE
8/22/2010	Read the transcript of David Burton's deposition. Reviewed supplemental discovery responses from Brian McCoy. Responded to earlier e-mail from Thomasson attorney re GAL order.	150.00/hr	137.50
8/24/2010	Office conference with Brian McCoy to review status, discuss appraisal offer, and discuss upcoming hearing.	150.00/hr	100.00

		Rate	Amount
8/26/2010	Receipt and review of supplemental discovery responses from Burton with tax returns and e-mails re check deposit. Beginning legal research re waiver/ratification	150.00/hr	137.50
8/27/2010	Conference call with other attorneys re appraisal/conditions. Preparation of draft of letter to Burton's attorney with appraisal offer. E-mail to attorneys to review.	150.00/hr	212.50
9/2/2010	Receipt and review of answers to amended pleadings from Burton attorney. Preparation of e-mail to client with suggested letter re appraisal offer.	150.00/hr	62.50
9/6/2010	E-mail reply from Burton attorney re deposition corrections. Reviewed, revised, and sent appraisal offer. E-mail to client and other attorneys.	150.00/hr	62.50
9/15/2010	Receipt and review of responses to request for admissions from Burton's attorney.	150.00/hr	25.00
9/24/2010	Review of file and responses to request for admissions. Review of Burton response to appraisal offer. Preparation of draft of response. Telephone call to appraiser Dick Odom. E-mail to him with documents. E-mail to other attorneys and to client. Revised letter rejecting appraisal counteroffer. Beginning legal research and preparation of motion for summary judgment.	150.00/hr	550.00
9/25/2010	Continued legal research and preparation of motion for summary judgment.	150.00/hr	250.00
9/26/2010	Completion of draft of motion for summary judgment.	150.00/hr	575.00
9/27/2010	Reviewed, revised, and filed motion for summary judgment. Preparation of letter to client with copy. Preparation of motionform. Preparation of letter to other attorneys with copy.	150.00/hr	262.50
9/30/2010	Letter to plaintiff's attorney with	150.00/hr	NO CHARGE
	Served motion without Exhibit A on Burton attorney with letter.	150.00/hr	NO CHARGE
10/1/2010	Served motion on other attorneys and sent copy to client. Sent Exhibit A to Burton attorney with letter. Revised affidavit of service.	150.00/hr	NO CHARGE
10/8/2010	Review of proposed affidavit for Tom Cato from Thomasson attorney. Preparation of e-mail to him with comments.	150.00/hr	45.00
10/11/2010	Review of revised affidavit. E-mail to Thomasson attorney with ok. Review of earlier e-mail from Burton attorney re appraisal offer. Sent response.	150.00/hr	30.00

		Rate	Amount
10/13/2010	Receipt and brief review of three new motions filed by Burton attorney.	150.00/hr	30.00
10/15/2010	Review of void deed case provided by Thomasson attorney. Telephone call from Burton attorney re possible settlement between Burton and Thomasson. Telephone call returned to Thomasson attorney to discuss case and pending motions.	150.00/hr	237.50
10/18/2010	Preparation of response to Burton attorney re consent order re refund to Thomasson.	150.00/hr	37.50
10/19/2010	E-mails to Burton attorney re motion hearing. E-mail from Burton attorney, again about possible consent order re Thomasson. E-mail to him.	150.00/hr	37.50
10/20/2010	E-mails among counsel and Clerk of Court re motions hearing.	150.00/hr	12.50
10/26/2010	Review of Burton motions. E-mail to Burton attorney re missing part. Travel to York and back. Representation of client at motions hearing.	150.00/hr	475.00
	E-mail from defendants' attorney re missing part of motion.	150.00/hr	NO CHARGE
11/4/2010	Review of e-mails from client. E-mail exchange with defendants's attorney re Tom Cato deposition.	150.00/hr	12.50
11/11/2010	E-mails with Brian McCoy re deposition and deposition preparation.	150.00/hr	12.50
11/18/2010	Office conference with Brian McCoy and Tom Cato at Brian McCoy's office to prepare for deposition.	150.00/hr	325.00
11/19/2010	Travel to York and back. Representation of client at Tom Cato deposition. Travel time divided with another client.	150.00/hr	1,087.50
11/22/2010	Travel to York and back. Representation of LLC at remainder of Tom Cato deposition. Lengthy meeting with defendants' attorney afterwards.	150.00/hr	912.50
11/23/2010	E-mail to attorney Josh Vann re getting copy of roadbed grant to DOT. Review of notes and preparation of request for production to Burton attorney for trust/deed documents. E-mail to and from client with copy.	150.00/hr	125.00
12/8/2010	Receipt and brief review of supplemental documents from Brian McCoy.	150.00/hr	12.50
12/24/2010	Receipt and brief review of trust/deed documents from Burton attorney.	150.00/hr	25.00

		Rate	Amount
1/3/2011	E-mail to other attorneys re bill from court reporter. E-mail to court reporter.	150.00/hr	NO CHARGE
1/5/2011	Detailed review of trust documents/deeds from Burton attorney. E-mail from Brian McCoy re effect on title to roadbed tract. E-mail to Carroll Pitts' attorney re meeting with Carroll Pitts. E-mail to Brian McCoy.	150.00/hr	175.00
	Review of latest documents produced by Burton. Preparation of e-mail to Carroll Pitts' attorney re implications and request for help. Telephone call from Carroll Pitts's attorney. E-mail to Brian McCoy re possibilities. E-mail to client re POA. Receipt and review of DOT documents re easement. E-mail to Brian McCoy with commentary and copy.	150.00/hr	325.00
1/6/2011	Downloaded and reviewed all available deeds/recorded trust documents and compared with Carroll Pitts' title research. E-mail from Carroll Pitts' attorney. Preparation of e-mail to Brian McCoy re meeting and issues. E-mail to client re 2004 POA. Telephone call to SCDOT to get copy of 1965 ROW deed. Compared original and amended pleadings re allegations about DOT deed. Attempted to return telephone call to Carroll Pitts' attorney.	150.00/hr	462.50
1/10/2011	E-mails from client re latest overtures by Burton.	150.00/hr	10.00
2/10/2011	Receipt and brief review of LLC tax returns. Review of proposed consent order from Brian McCoy.	150.00/hr	30.00
2/23/2011	Review of Burton's motion for partial summary judgment, default, etc. Receipt and review of Thomasson response. Review of Brian McCoy' response to default motion. Travel to York and back. Representation of client at motion hearing.	150.00/hr	562.50
3/25/2011	Review of Judge Hayes' orders.	150.00/hr	37.50
4/12/2011	Notice from Clerk of Court of upcoming trial term. E-mails re mediation.	150.00/hr	25.00
	E-mails among attorneys re mediation.	150.00/hr	30.00
4/15/2011	Receipt and review of Burton's motion to reconsider.	150.00/hr	50.00
	E-mails among attorneys re mediation. Conference call re mediation and issues.	150.00/hr	125.00
4/20/2011	E-mails re selection of mediator.	150.00/hr	12.50

		Rate	Amount
5/2/2011	Review of file and status of motions in preparation for meeting with client and Brian McCoy. Office conference with client and Brian McCoy at Brian's office.	150.00/hr	275.00
5/3/2011	E-mails to other attorneys re client's attendance at mediation and re Thomasson attendance. E-mail to client re attendance at mediation.	150.00/hr	37.50
5/12/2011	Review of e-mails from client. Review of pleadings and motion in Carroll Pitts' case. E-mail to client. E-mail to other attorneys re mediation and re Pitts' case.	150.00/hr	87.50
5/19/2011	Preparation of statement for mediation. Travel to Columbia and back. Representation of clients at mediation.	150.00/hr	1,125.00
6/16/2011	Travel to York and back. Representation of client at Thomasson deposition.	150.00/hr	775.00
7/20/2011	Travel to York and back, Attended and observed motion hearing in related case. Review of memorandum submitted in that case.	150.00/hr	NO CHARGE
8/17/2011	Review of all amended pleadings and pending motions in case. Preparation of draft of motion to dismiss. E-mail to others attorneys with draft. Lengthy telephone discussion with Thomasson's attorney.	150.00/hr	950.00
8/18/2011	Revised and finalized motion. E-mail to and from Brian McCoy. E-mail to Clerk of Court re scheduling. Arrangements made to get motion to York.	150.00/hr	200.00
8/29/2011	Preparation for motions hearing. Travel to York and back. Representation of client at hearing.	150.00/hr	700.00
9/12/2011	Review of Jellenik's brief from 8/29 hearing. Legal research and preparation of reply brief. Delivery to Judge Hayes. Preparation of letter to Judge Hayes. E-mail of copy to client.	150.00/hr	625.00
9/15/2011	Preparation of answer to second amended 4th-party complaint. Letter to Clerk of Court with answer for filing.	150.00/hr	87.50
9/21/2011	E-mails with other attorneys and Judge Hayes re doctor letter re Burton. Located and sent to Judge.	150.00/hr	30.00
9/22/2011	Review of rebuttal brief from Burton. Review of answer of other 3rd party defendants. Downloaded and reviewed motion to reconsider in Carroll Pitts case. Preparation of e-mail to client with copies of brief/motion.	150.00/hr	112.50
12/6/2011	Receipt and brief review of amended reply and answer from Burtons' attorney.	150.00/hr	30.00

		Rate	Amount
1/11/2012	Receipt and review of Judge Hayes' order.	150.00/hr	50.00
1/19/2012	Meeting with Brian McCoy to go over order and implications for clients.	150.00/hr	162.50
1/20/2012	Conference with Brian McCoy and client at Brian McCoy's office re Judge Hayes' order.	150.00/hr	200.00
1/24/2012	Telephone call attempted to Dick Odom: left message.	150.00/hr	NO CHARGE
1/25/2012	Telephone call from Dick Odom to discuss request. Pulled up and forwarded him earlier e-mails about property. Exchanges of e-mails and telephone calls with client re getting information to Odom. Exchanges of e-mails with Odom re retainer, fees, etc.	150.00/hr	75.00
1/26/2012	Preparation of brief summary of project for Odom.	150.00/hr	50.00
1/30/2012	Debriefing from client re his meeting with Odom. No charge.	150.00/hr	NO CHARGE
2/1/2012	Preparation of e-mail to Thomasson attorneys re preliminary appraisal and cost.	150.00/hr	37.50
2/4/2012	Receipt and review of Judge Hayes' order, denying the motion for reconsideration. Re-read prior order. Preparation of e-mail to client with copy. E-mail to Carroll Pitts' attorney with copy.	150.00/hr	75.00
2/8/2012	Searched and reviewed records through Lexis re D Burton. Telephone call to Fewell and Associates, Inc. Preparation of e-mail to them for more comprehensive report. E-mail to client. E-mail from and to client re Burton records.	150.00/hr	87.50
2/21/2012	Receipt and review of Fewell and Associates, Inc., report on Burton. E-mail to client and Brian McCoy with copy and comments. Review of supplemental interrogatories, request for production, and notice of deposition from Burton. Compared to prior discovery requests/notices. E-mail to client with copies and comments.	150.00/hr	87.50
2/22/2012	Review of earlier e-mail from Thomasson attorney. Preparation of response to him re depositions, appraisal cost, etc.	150.00/hr	50.00
3/11/2012	Receipt and review of latest Burton motion (to dismiss re real party in interest). Review of e-mails from Clerk of Court re hearing.	150.00/hr	37.50
3/21/2012	Review of file in preparation for meeting with appraiser. Meeting with appraiser at his office.	150.00/hr	562.50

		Rate	Amount
3/22/2012	E-mail to client and Brian McCoy re results. Transcribed notes from office conference with appraiser as memo. E-mail to client and Brian McCoy with copy. Began reading Thomasson deposition re information about Thomasson's valuation of property. Telephone call from appraiser re question.	150.00/hr	175.00
3/23/2012	Completed Thomasson deposition. Reviewed protective order and earlier notice to reconvene Thomasson deposition.	150.00/hr	212.50
3/25/2012	Re-read Burton deposition and made notes. Began Tom Cato deposition.	150.00/hr	200.00
3/26/2012	Completed reading Tom Cato deposition. Made notes re appraisal information.	150.00/hr	325.00
3/27/2012	Exchange of e-mails with Brian McCoy re getting update on settlement considerations.	150.00/hr	7.50
3/28/2012	Telephone call returned to Brian McCoy to get update. Telephone call attempted to appraiser.	150.00/hr	25.00
3/29/2012	Exchange of e-mails with appraiser. E-mail update to client.	150.00/hr	30.00
4/5/2012	Review of settlement package summary. E-mail to Brian McCoy and to client.	150.00/hr	37.50
4/17/2012	Review of e-mail and attachments from appraiser re engineer and land use planner. E-mail to him to arrange to discuss. Forwarded e-mail to client and Brian McCoy.	150.00/hr	37.50
4/18/2012	Lengthy telephone discussion with appraiser of engineer's and land planner's estimates. Preparation of e-mail to client with report. Preparation of e-mail to Thomasson's attorneys re sharing cost. Receipt and review of e-mail and letter from Burton attorney re deposition and discovery responses.	150.00/hr	137.50
4/23/2012	Review of modified proposals from land use planner. Preparation of e-mail to client. E-mail to appraiser re shopping for another planner. E-mail to other attorneys re contribution.	150.00/hr	62.50
4/24/2012	Receipt and review of new motion to compel by Burton. E-mail to client with copy.	150.00/hr	25.00
4/26/2012	Receipt and review of e-mails and notice of hearing.	150.00/hr	12.50

		Rate	Amount
4/28/2012	Review of supplemental discovery responses from Thomasson and earlier amended pleadings. Preparation of e-mail to client with copy and inquiry to Brian McCoy about Thomasson settlement activities. Legal research re testimony on behalf of incompetent witness.	150.00/hr	75.00
5/4/2012	Exchange of e-mails re deposition.	150.00/hr	12.50
	Travel to Moss Justice Center and back. Representation of client at deposition.	150.00/hr	337.50
5/6/2012	Receipt and review of e-mail summary from Thomasson's attorney of settlement offer.	150.00/hr	12.50
5/15/2012	Telephone call from Clipper Jones re proposed affidavit. E-mail to client to get copy.	150.00/hr	37.50
5/16/2012	Review and revision of proposed affidavit. E-mails to and from client. Telephone call to Clipper Jones. E-mail to Jones with revised affidavit. E-mail to court reporter to limit copies of transcript.	150.00/hr	100.00
5/17/2012	Exchange of e-mails with Clerk of Court re scheduling of hearing.	150.00/hr	12.50
5/18/2012	Preparation of e-mail to Thomasson attorneys to request again a contribution to the appraisal.	150.00/hr	37.50
5/22/2012	Review of Thomasson's attorney's e-mail re settlement. Preparation of response. E-mail to client.	150.00/hr	37.50
5/30/2012	Preparation for motion hearing. Travel to Moss Justice Center and back. Meeting afterwards re settlement.	150.00/hr	387.50
5/31/2012	E-mail to Brian McCoy with summary of settlement meeting held after Wednesday hearing.	150.00/hr	45.00
6/1/2012	Office conference with client and Brian McCoy to discuss settlement.	150.00/hr	100.00
6/4/2012	Review of notes. Preparation of letter to clients to be distributed to obtain vote on proposed settlement contribution. E-mail to client and Brian McCoy with draft. Preparation of e-mail to Thomasson attorney to confirm last counteroffer. Preparation of e-mail to client and Brian McCoy. Corrected draft. E-mail to client and Brian McCoy with transcript of last deposition.	150.00/hr	112.50
6/6/2012	E-mails to other attorneys and to client re upcoming depositions in malpractice case.	150.00/hr	37.50
6/8/2012	Telephone call returned to Thomasson attorney. E-mail to Burton attorney re attendance at depositions.	150.00/hr	25.00

		Rate	Amount
6/11/2012	OK from Burton attorneys to attend depositions in malpractice case. E-mail to others to advise.	150.00/hr	12.50
6/13/2012	Exchange of e-mails with other attorneys and client re settlement offer.	150.00/hr	12.50
6/20/2012	Exchange of e-mails and telephone call re postponement of Burton deposition. Telephone discussion with Pitts attorney re contribution to appraisal.	150.00/hr	50.00
6/21/2012	Review of notes re appraisal. Telephone call to appraiser re cost/timing/reasons for completion of appraisal. Preparation of lengthy e-mail to Pitts' attorney re cost and need for contribution. E-mail to client with copy. E-mail from Brian McCoy: approvals all in. Review of terms. Preparation of e-mail to Thomasson attorney with settlement contribution. Telephone call from Thomasson attorney re terms of settlement.	150.00/hr	250.00
6/30/2012	Receipt and review of supplemental discovery requests from Burton to heirs.	150.00/hr	30.00
7/5/2012	Telephone call from Burton attorney re status of offer. E-mail to other attorneys.	150.00/hr	12.50
7/6/2012	E-mail from Thomasson attorney. E-mail to Jellenik.	150.00/hr	12.50
7/13/2012	Exchange of e-mails with Brian McCoy re status of settlement offer.	150.00/hr	5.00
7/25/2012	Receipt and review of notice of deposition from Burton. E-mail to client with copy. E-mail to and from Brian McCoy. E-mail to Thomasson attorney re settlement offer.	150.00/hr	30.00
7/26/2012	Review of earlier e-mails and correspondence re Helen Jones POA/trust. Brief review of POA. Preparation of e-mail to Pitts attorney re upcoming deposition and privilege. E-mail to Burton attorney re referenced but omitted discovery. Review of discovery responses in Pitts case. Began reading Pitts deposition.	150.00/hr	162.50
7/27/2012	Completed reading Pitts deposition. E-mail to Brian McCoy with summary.	150.00/hr	125.00
7/28/2012	Review of e-mails from Burton attorney and from Thomasson attorney. Review of amounts left in LLC treasury. Preparation of e-mail to client. Preparation of response to Thomasson attorney. Second e-mail to client and Brian McCoy.	150.00/hr	87.50

		Rate	Amount
7/29/2012	Review of e-mails from client, Brian McCoy, and Pitts attorney. Preparation of revisions to proposed settlement response e-mail. E-mail to Pitts attorney.	150.00/hr	45.00
7/30/2012	E-mailed response re settlement to Thomasson attorney for re-transmittal. Telephone call from Thomasson attorney. Preparation of e-mail to Brian McCoy to update him.	150.00/hr	62.50
7/31/2012	Preparation of response to Pitts attorney re parts of his file that we need. Preparation of e-mail to Thomasson attorney re settlement.	150.00/hr	62.50
8/3/2012	Review of e-mail from Thomasson attorney re settlement. E-mail to him re conference call re Burton information demands.	150.00/hr	12.50
8/6/2012	Conference call with Thomasson attorneys re settlement. Conference call with Thomasson attorney and Burton attorney re settlement. E-mail to Brian McCoy re results.	150.00/hr	87.50
8/10/2012	Telephone call to Brian McCoy to discuss response re Burton demand for settlement information. Telephone call to Thomasson attorney: we will provide documents. Preparation of lengthy e-mail to client with status and request for numbers. Preparation of interrogatories and request for production to Burton for his attorney fee/expense information. Letter to Jellenik with discovery. Receipt and review of motion from Pitts for cancellation of his deposition. Review of earlier e-mail re Jones Trust discovery.	150.00/hr	237.50
8/13/2012	Review of discovery responses from Helen Jones. Preparation of e-mail to client with discovery. E-mail to Pitts attorney re his motion and our need to discuss privilege as to Carroll Pitts' file. Telephone call returned to Brian McCoy re Burton's reaction to attorney fee information.	150.00/hr	87.50
8/28/2012	Review of Jones discovery responses. Review of accounting for LLC. E-mail to Brian McCoy. E-mail to client with questions about accounting. Telephone call to Brian McCoy to discuss. He will let Jellenik know info being refined.	150.00/hr	87.50
8/29/2012	Review of information requested by Burton's attorney and information and additional e-mails from client. Preparation of draft of response. Preparation of e-mail to client re completing and revising information.	150.00/hr	75.00
8/30/2012	E-mail from and to client re LLC information. E-mail from client with updated information. Prepared revised calculations and response to information request. E-mails to and from client and Brian McCoy. E-mail to Brian McCoy with final version to send to Burton attorney.	150.00/hr	87.50
8/31/2012	E-mails from and to Brian McCoy re re-wording of information.	150.00/hr	30.00
9/3/2012	Review of e-mails from Brian McCoy, forwarding Jellenik follow-up questions. Review of client documents. Preparation of e-mail to Brian McCoy with proposed breakdown of management fees and other responses.	150.00/hr	87.50

		Rate	Amount
	Receipt and review of proposed response by Brian McCoy. Checked documents. E-mail to him in response.		
9/4/2012	Exchange of e-mails with client and Brian McCoy re additional response to Burton's attorney.	150.00/hr	25.00
9/12/2012	E-mails from Burton's attorney and to and from client re canceled deposition. E-mail from Brian McCoy with Burton counteroffer. Review of amounts from client.	150.00/hr	30.00
9/14/2012	Review of pleadings and preparation of notes on terms to be included in any settlement agreement.	150.00/hr	87.50
9/18/2012	Telephone call to Brian McCoy. Preparation of draft and revision of e-mail to Thomasson attorney re response to counteroffer. Revision of terms that have to be part of any release. Preparation of draft of letter to LLC members re LLC aspects of proposed release.	150.00/hr	162.50
9/24/2012	Conference call with other attorneys re settlement and brief follow-up call with Brian McCoy.	150.00/hr	50.00
9/25/2012	Exchange of e-mails re setting conference call 9/21	150.00/hr	7.50
	Review of earlier settlement terms. Preparation of e-mail to client re raising LLC contribution.	150.00/hr	62.50
9/27/2012	E-mail exchange with client and Brian McCoy. Preparation of e-mail to Thomasson attorney re amount to add to settlement offer.	150.00/hr	30.00
10/2/2012	Receipt and review of response from Thomasson attorney to settlement counteroffer. Review of offer terms and preparation of response.	150.00/hr	37.50
10/12/2012	Receipt and review of Burton's "final demand." E-mail to Thomasson attorney with questions about claims Burton is reserving.	150.00/hr	37.50
10/15/2012	Review of explanation from Burton's attorney. Preparation of response to defense attorneys re difficulty of crafting any settlement that truly ends the case for our clients.	150.00/hr	50.00
10/18/2012	E-mail from Brian McCoy re change in settlement terms. Telephone call to Brian McCoy to discuss. Telephone call to client. Preparation of e-mail to Thomasson attorney re modified settlement terms. Exchange of e-mails with him re need for client indemnification/protection.	150.00/hr	62.50
10/19/2012	Telephone call from Thomasson attorney re counteroffer and response.	150.00/hr	25.00
10/24/2012	E-mail to client and Brian McCoy re telephone call with Koutrakos.	150.00/hr	12.50

		Rate	Amount
12/6/2012	Review of prior e-mails among counsel re settlement. Review of drafts of settlement agreement, consent order, quitclaim deed, & assignment. Noted changes. E-mail to property lawyer re terms of quitclaim deed. Preparation of e-mail to other attorneys re need to limit use of LLC assets. Preparation of revisions to earlier prepared letter to Cato family members re intrafamily release. Preparation of e-mail to Brian McCoy with proposed letter. E-mails from and to Brian McCoy. E-mail to client re addresses for LLC members. Revised proposed letter again.	150.00/hr	550.00
12/7/2012	Revised and sent e-mail to LLC members re intra-family release. E-mail to Tom Cato. Telephone call from Tom. Review of e-mailed changes to settlement agreement and other documents. Review of e-mailed addition to assignment from Burton attorney. E-mail exchange with Brian McCoy.	150.00/hr	87.50
12/11/2012	Review of e-mails among attorneys and e-mails from LLC members re intra-family release. Reviewed and slightly modified settlement agreement. Reviewed consent orders. Reviewed and re-wrote assignment agreement. Exchange of e-mails with Brian McCoy. Office conference with Brian McCoy at his office to go over changes in assignment agreement. Revised assignment agreement again. Preparation of e-mail to Thomasson attorney with revisions to share with Burton attorney.	150.00/hr	712.50
12/12/2012	Work on preparing attachment to assignment and retrieving documents. E-mail to client re rest of information. Follow-up e-mail to family members re intra-family release. E-mail forwarded from another LLC member. Receipt and review of irate response from Burton attorney to changes in assignment. Quick e-mail to him. Preparation of detailed comments on his draft to convey problems with language. E-mail to him with comments. Review of his earlier e-mail . Review of other responses. Preparation of e-mail to client about settlement payment and timing.	150.00/hr	575.00
12/13/2012	E-mails from and to client re urgency and deadlines re payment, etc.	150.00/hr	25.00
12/14/2012	E-mail from and to client re settlement payment. E-mails to and from Brian McCoy re settlement details. Receipt and review of revised Settlement Agreement. Lengthy e-mails and telephone calls with Burton attorney re numerous objections to settlement provisions. E-mail from additional LLC member re intra-family release. E-mail to Brian McCoy.	150.00/hr	562.50
12/15/2012	Review of revisions by Burton attorney. Lengthy telephone calls and e-mails with him to continue discussing and trying to resolve issues. Preparation of proposed language for LLC release of members. E-mail to other attorneys re status.	150.00/hr	412.50
12/16/2012	Review of new drafts e-mailed by Burton attorney. Preparation of lengthy e-mail to him with comments. Lengthy telephone call from him to discuss. Preparation of e-mail report to other attorneys re impasse. Review of e-mail	150.00/hr	425.00

		Rate	Amount
	from client re intra-family release. Preparation of lengthy e-mail to client re status and impasse.		
12/17/2012	Telephone calls and e-mails with other attorneys re settlement status. Conference call. Telephone message from defendant's attorney. Preparation of transcription and forwarded to other attorneys. Preparation of e-mail to defendant's attorney re status. Telephone call returned to Brian McCoy to discuss. Review of e-mail sent by Brian McCoy to Thomasson attorney.	150.00/hr	262.50
12/18/2012	E-mails to and from other attorneys. E-mail to client - status unchanged. Preparation of letter and overnight delivery for settlement check. Review of e-mail from Thomasson attorney. Preparation of excerpt of redacted invoice and e-mail to Burton attorney to see if a resolution can be had.	150.00/hr	125.00
12/19/2012	Exchange of e-mails with Burton attorney. Preparation of revised disclosure agreement. E-mail to him with copy. Reviewed quickly and reorganized McCoy invoices from client. Preparation of e-mail to Brian McCoy with invoices. E-mail to client: no change.	150.00/hr	162.50
12/20/2012	E-mail to and from Brian McCoy re status. Telephone call to Jim Koutrakos. Telephone call to Brian McCoy. E-mail to client. Review of e-mail and attachment from Burton attorney.	150.00/hr	50.00
	For professional services rendered	200.43	$29,732.50
	Additional Charges :		
3/24/2010	Fee paid to York County Clerk of Court to file motion for stay.		25.00
4/16/2010	Fee paid to court reporter for copy of motion hearing transcript.		39.74
5/25/2010	Fee paid to Dallas Reporting & Associates (court reporters) for transcript of Burton deposition.		466.05
9/27/2010	Fee paid to York County Clerk of Court to file motion for summary judgment.		25.00
11/26/2010	Fee paid to court reporter Michael Watts for transcript of 10/26/10 hearing.		53.00
1/4/2011	Fee paid to Conarco (court reporting service) for copy of Cato deposition and exhibits.		1,011.73
5/21/2011	Arbitration or mediation expenses: fee paid to mediator Harry Goldberg for 5/19/11 mediation.		1,106.91
7/31/2011	Fee paid to Conarco court reporters for transcript of Thomasson deposition.		475.00
8/19/2011	Fee paid to York County Clerk of Court to file motion to dismiss.		25.00
8/22/2011	Fee paid to Haile Business Services to take motion to York and file in time for 8/29 hearing.		35.00

		Amount
2/21/2012	Fee paid to Fewell and Associates, Inc., for investigative report on Burton.	40.00
4/28/2012	Fee paid to Lexis computer legal research to get copy of AmJur treatise on testimony on behalf of protected party.	25.00
12/18/2012	Fee paid to FedEx to overnight settlement check to Thomasson attorney.	20.77
	Total additional charges	$3,348.20

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

March 01, 2013

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
12/6/2012	Review of prior e-mails among counsel re settlement. Review of drafts of settlement agreement, consent order, quitclaim deed, & assignment. Noted changes. E-mail to property lawyer re terms of quitclaim deed. Preparation of e-mail to other attorneys re need to limit use of LLC assets. Preparation of revisions to earlier prepared letter to Cato family members re intrafamily release. Preparation of e-mail to Brian McCoy with proposed letter. E-mails from and to Brian McCoy. E-mail to client re addresses for LLC members. Revised proposed letter again.	3.67 150.00/hr	550.00
12/7/2012	Revised and sent e-mail to LLC members re intra-family release. E-mail to Tom Cato. Telephone call from Tom. Review of e-mailed changes to settlement agreement and other documents. Review of e-mailed addition to assignment from Burton attorney. E-mail exchange with Brian McCoy.	0.58 150.00/hr	87.50
12/11/2012	Review of e-mails among attorneys and e-mails from LLC members re intra-family release. Reviewed and slightly modified settlement agreement. Reviewed consent orders. Reviewed and re-wrote assignment agreement. Exchange of e-mails with Brian McCoy. Office conference with Brian McCoy at his office to go over changes in assignment agreement. Revised assignment agreement again. Preparation of e-mail to Thomasson attorney with revisions to share with Burton attorney.	4.75 150.00/hr	712.50
12/12/2012	Work on preparing attachment to assignment and retrieving documents. E-mail to client re rest of information. Follow-up e-mail to family members re intra-family release. E-mail forwarded from another LLC member. Receipt and review of irate response from Burton attorney to changes in assignment. Quick e-mail to him. Preparation of detailed comments on his draft to convey problems with language. E-mail to him with comments. Review of his earlier e-mail. Review of other responses. Preparation of e-mail to client about settlement payment and timing.	3.83 150.00/hr	575.00
12/13/2012	E-mails from and to client re urgency and deadlines re payment, etc.	0.17 150.00/hr	25.00

		Hrs/Rate	Amount
12/14/2012	E-mail from and to client re settlement payment. E-mails to and from Brian McCoy re settlement details. Receipt and review of revised Settlement Agreement. Lengthy e-mails and telephone calls with Burton attorney re numerous objections to settlement provisions. E-mail from additional LLC member re intra-family release. E-mail to Brian McCoy.	3.75 150.00/hr	562.50
12/15/2012	Review of revisions by Burton attorney. Lengthy telephone calls and e-mails with him to continue discussing and trying to resolve issues. Preparation of proposed language for LLC release of members. E-mail to other attorneys re status.	2.75 150.00/hr	412.50
12/16/2012	Review of new drafts e-mailed by Burton attorney. Preparation of lengthy e-mail to him with comments. Lengthy telephone call from him to discuss. Preparation of e-mail report to other attorneys re impasse. Review of e-mail from client re intra-family release. Preparation of lengthy e-mail to client re status and impasse.	2.83 150.00/hr	425.00
12/17/2012	Telephone calls and e-mails with other attorneys re settlement status. Conference call. Telephone message from defendant's attorney. Preparation of transcription and forwarded to other attorneys. Preparation of e-mail to defendant's attorney re status. Telephone call returned to Brian McCoy to discuss. Review of e-mail sent by Brian McCoy to Thomasson attorney.	1.75 150.00/hr	262.50
12/18/2012	E-mails to and from other attorneys. E-mail to client - status unchanged. Preparation of letter and overnight delivery for settlement check. Review of e-mail from Thomasson attorney. Preparation of excerpt of redacted invoice and e-mail to Burton attorney to see if a resolution can be had.	0.83 150.00/hr	125.00
12/19/2012	Exchange of e-mails with Burton attorney. Preparation of revised disclosure agreement. E-mail to him with copy. Reviewed quickly and reorganized McCoy invoices from client. Preparation of e-mail to Brian McCoy with invoices. E-mail to client: no change.	1.08 150.00/hr	162.50
12/20/2012	E-mail to and from Brian McCoy re status. Telephone call to Jim Koutrakos. Telephone call to Brian McCoy. E-mail to client. Review of e-mail and attachment from Burton attorney.	0.33 150.00/hr	50.00
12/21/2012	E-mail and memo from George McMaster. E-mail to him re concerns and their demands.	0.25 150.00/hr	37.50
12/22/2012	Review of extensive e-mail from Burton attorney.	0.13 150.00/hr	20.00
12/23/2012	Telephone call to George McMaster and discussion of settlement obstructions. E-mail to Brian McCoy re redacting billings. Printed and reviewed all McDow invoices and prepared list of categories of redactions. E-mail to McMaster with list.	1.33 150.00/hr	200.00

		Hrs/Rate	Amount
12/24/2012	E-mail to Brian McCoy re status.	0.05 150.00/hr	7.50
12/31/2012	Re-reviewed e-mails with disclosure deletions from McMaster. Preparation of e-mail to him re meaning. Preparation of e-mail to client re status.	0.25 150.00/hr	37.50
1/2/2013	E-mail from Brian McCoy. Telephone call to him. Telephone call returned to Thomasson attorney.	0.33 150.00/hr	50.00
1/4/2013	Preparation of e-mail to Brian McCoy re separate settlement proposal. E-mail to Thomasson's attorney. E-mail from and to Brian McCoy re settlement "disclosures."	0.25 150.00/hr	37.50
1/10/2013	Office conference with Brian McCoy at his office to discuss settlement obstructions. E-mail to Brian with billings/earlier correspondence. E-mails back and forth with Clerk of Court re hearing/status conference.	1.33 150.00/hr	200.00
1/14/2013	Review of e-mail forwarded by client. E-mail to him re response and status. Preparation of short letter to Burton's attorney.	0.20 150.00/hr	30.00
1/17/2013	Receipt of hearing notice. Downloaded information and diaried. E-mail to client re hearing.	0.08 150.00/hr	12.50
1/30/2013	Telephone call from Pitts' attorney re scheduling. Receipt and review of e-mail from him to Judge. E-mail from Burton attorney re increased settlement demand.	0.20 150.00/hr	30.00
2/8/2013	E-mail from Clerk of Court: hearing continued. E-mail to client to advise.	0.05 150.00/hr	7.50
1/19/2013	Receipt and review of response from Burton attorney re communications about LLC.	0.17 150.00/hr	25.00
2/12/2013	Review of letter from Burton attorney re LLC records. Preparation of e-mail to client to determine what exists.	0.33 150.00/hr	50.00
2/13/2013	Review of responses from client. Brief review of tax returns e-mailed by CPA. E-mail exchange with Brian McCoy. Preparation of response to Burton's attorney. Forwarded returns.	0.50 150.00/hr	75.00
2/14/2013	E-mail exchange with client re material to be copied.	0.07 150.00/hr	10.00
2/21/2013	Beginning review of documents from client.	0.33 150.00/hr	50.00
2/25/2013	Notice of 3/19 hearing. Exchange of e-mails re hearing, documents. Telephone call to Brian McCoy: left message. Telephone call to Jim Koutrakos. Review of earlier correspondence. Reviewed and scanned financial documents from client. Preparation of e-mail to Brian McCoy re	1.08 150.00/hr	162.50

		Hrs/Rate	Amount
	bank documents. Preparation of e-mail to CPA. Preparation of e-mail to Burton attorney with partial bank statements. Response from Brian McCoy.		
2/27/2013	Exchanges of e-mails with Clerk of Court, Judge, and other attorneys re motion scheduling.	0.08 150.00/hr	12.50
2/28/2013	Reviewed telephone and e-mail message responses from CPA re state returns. E-mail to Burton's attorney re need for them. E-mail to CPA. E-mail from and to client re additional records. Reviewed what client provided and BWB for other financial statements. Compiled and e-mailed to Burton attorney. Review of LLC savings account statements. Scanned and e-mailed to Burton attorney. Copy to client and Brian McCoy with note. E-mail to and from Thomasson attorney re return of settlement check. Review of checking acount records. Preparation of e-mail to client with comments and questions.	1.67 150.00/hr	250.00
	For professional services rendered		$5,255.00
	Additional Charges :		
12/18/2012	Fee paid to FedEx to overnight settlement check to Thomasson attorney.		20.77
	Total additional charges		$20.77
	Total amount of this bill		$5,275.77
	Previous balance		$225.00
	Accounts receivable transactions		
11/9/2012	Payment. Thank you.		($225.00)
3/1/2013	Credit for time involved in extensive attempts to agree on settlement language and to complete settlement.		($2,000.00)
	Total payments and adjustments		($2,225.00)
	Balance due		$3,275.77

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

April 02, 2013

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
3/1/2013	E-mail from client. Checked statements again. Preparation of e-mail to client about needed copies.	0.25 150.00/hr	37.50
3/3/2013	Received and sorted additional bank statements from client. Added them to existing and reviewed. Preparation of e-mail to Burton's attorney with copy. E-mail to client with comments and request for missing statement.	0.50 150.00/hr	75.00
3/6/2013	Review of earlier e-mail from Burton attorney re canceled checks. Preparation of response to him. Telephone call from Burton's attorney. E-mail from him. Preparation of response. E-mails from and to Brian McCoy re mediation. E-mails from client. Preparation of e-mail to Thomasson attorney re limited mediation.	1.08 150.00/hr	162.50
3/7/2013	E-mail from and to Burton attorney. E-mail to client re returning settlement check. Sent check back to client.	0.20 150.00/hr	30.00
3/19/2013	Review of the canceled LLC checks from client. Withheld two, scanned and sent remainder to Burton attorney. Preparation of brief motion for protective order and motion form. E-mail to other attorneys with motion. E-mail from and to client re hearing. E-mail to Thomasson attorney re mediation.	0.67 150.00/hr	100.00
	Travel to York and back (travel time divided with another client). Representation of client at hearing.	1.00 150.00/hr	150.00
3/20/2013	Exchanges of e-mails re possible re-convening of mediation. Preparation of proposed order re withheld checks. E-mail to Burton attorney with order to review.	0.67 150.00/hr	100.00
3/21/2013	E-mails re mediation.	0.08 150.00/hr	12.50
3/23/2013	Receipt of mediation letter. E-mail to client. E-mail to Brian McCoy and client re providing the mediator with a summary beforehand. Attempted to return telephone call to Burton's attorney: left message.	0.33 150.00/hr	50.00

		Hrs/Rate	Amount
3/24/2013	Began work on mediation summary.	0.50 150.00/hr	75.00
3/25/2013	Continued work on mediation summary. Telephone call from Burton attorney re proposed order.	0.83 150.00/hr	125.00
3/26/2013	Completion of draft of mediation summary. E-mail of copy to Brian McCoy to review and revise. E-mail to and from Judge's law clerk re proposed order. Response from Brian McCoy re draft. E-mail to him re mediation approach.	1.58 150.00/hr	237.50
3/27/2013	Revised and sent mediation summary to mediator. E-mail from and to client re objecting member.	0.25 150.00/hr	37.50
	For professional services rendered		$1,192.50
	Additional Charges :		
3/17/2013	Fee paid to York County Clerk of Court to file motion for protective order (withheld checks).		25.00
	Total additional charges		$25.00
	Total amount of this bill		$1,217.50
	Previous balance		$3,275.77
	Accounts receivable transactions		
3/4/2013	Payment. Thank you.		($3,275.77)
	Total payments and adjustments		($3,275.77)
	Balance due		$1,217.50

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

Invoice submitted to:
T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

April 12, 2013

In Reference To: RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Rate	Amount
2/16/2010	Review of all pleadings, discovery responses, and pending motions. Additional legal research re derivative actions, LLC statutes, representation of entities in derivative actions. Preparation of report for status conference.	150.00/hr	525.00
2/17/2010	Travel to Moss Justice Center and back. Representation of client at status conference.	150.00/hr	400.00
2/21/2010	Transcribed notes from status conference. Review of discovery requests from Thomasson Apts. Review of Thomasson response to discovery motion. Re-review of pleadings. E-mail to Thomasson attorney for formatted discovery requests. Preparation of letter to members' attorneys re scope of representation.	150.00/hr	500.00
3/8/2010	Appearance at motion to compel hearing brought by Burton against plaintiffs (travel time divided with another client). Lengthy meeting with Burton attorney afterwards.	150.00/hr	387.50
3/15/2010	Telephone call to Carroll Pitts re stay. Telephone call returned to Burtons' attorney.	150.00/hr	30.00
3/23/2010	Review of interrogatories and request for production from Thomasson attorney. Went through all documents previously produced by Tom Cato. Preparation of draft of answers to interrogatories and responses to request for production. E-mail to Carroll Pitts to have Tom review them and provide additional information.	150.00/hr	700.00
3/24/2010	Reviewed and revised discovery responses. E-mail to Thomasson attorney re objection. E-mail from him re 30b6 deposition. Preparation of motion form and letter to Clerk of Court. E-mail to all attorneys with copy. E-mail to Thomasson's attorney re deposition.	150.00/hr	175.00

		Rate	Amount
4/24/2010	Received and read transcript of motion hearing.	150.00/hr	75.00
4/29/2010	Receipt and review of motion for appointment of a GAL.	150.00/hr	12.50
5/3/2010	Letter to client with bill. Telephone call and e-mail to [redacted] report on [redacted]. Receipt and review of [redacted] report. Checked NC corporations. E-mail with copy.	150.00/hr	62.50
5/10/2010	Preparation for deposition of D. Burton. Representation of client at deposition.	150.00/hr	825.00
5/21/2010	Receipt and brief review of supplemental discovery responses from Thomasson to Burton.	150.00/hr	25.00
5/27/2010	Receipt and review of supplemental discovery responses from Burton re Dale Dove.	150.00/hr	30.00
6/21/2010	Review of proposed amended answer/claim by Thomasson. E-mail with consent.	150.00/hr	25.00
6/23/2010	Receipt and review of additional supplemental discovery responses from Thomasson to Burton.	150.00/hr	12.50
7/15/2010	E-mails with counsel and Clerk of Court re motion hearing.	150.00/hr	12.50
8/1/2010	Review of new sanctions motions filed by Burton. Review of background documents.	150.00/hr	37.50
8/9/2010	Review of entire file. Receipt and review of errata sheet re Burton deposition. Preparation of e-mail to court reporter to question whether correct. Preparation of answer to amended fourth-party complaint. Preparation of letter to Clerk of Court with answer for filing. Preparation of interrogatories, request for production, and request for admissions to Burton re evidence of value.	150.00/hr	925.00
8/13/2010	E-mailed earlier documents to Bill Moody. Returned by PO because of street address. E-mail to Bill Moody.	150.00/hr	NO CHARGE
8/22/2010	Read the transcript of David Burton's deposition. Reviewed supplemental discovery responses from Brian McCoy. Responded to earlier e-mail from Thomasson attorney re GAL order.	150.00/hr	137.50
8/24/2010	Office conference with Brian McCoy to review status, discuss appraisal offer, and discuss upcoming hearing.	150.00/hr	100.00

		Rate	Amount
8/26/2010	Receipt and review of supplemental discovery responses from Burton with tax returns and e-mails re check deposit. Beginning legal research re waiver/ratification	150.00/hr	137.50
8/27/2010	Conference call with other attorneys re [redacted] Preparation of draft of letter to Burton's attorney with appraisal offer. E-mail to attorneys to review.	150.00/hr	212.50
9/2/2010	Receipt and review of answers to amended pleadings from Burton attorney. Preparation of e-mail to client with suggested letter re appraisal offer.	150.00/hr	62.50
9/6/2010	E-mail reply from Burton attorney re deposition corrections. Reviewed, revised, and sent appraisal offer. E-mail to client and other attorneys.	150.00/hr	62.50
9/15/2010	Receipt and review of responses to request for admissions from Burton's attorney.	150.00/hr	25.00
9/24/2010	Review of file and responses to request for admissions. Review of Burton response to appraisal offer. Preparation of draft of response. Telephone call to [redacted] E-mail to [redacted] with documents. E-mail to other attorneys and to client. Revised letter rejecting appraisal counteroffer. Beginning legal research and preparation of motion for summary judgment.	150.00/hr	550.00
9/25/2010	Continued legal research and preparation of motion for summary judgment.	150.00/hr	250.00
9/26/2010	Completion of draft of motion for summary judgment.	150.00/hr	575.00
9/27/2010	Reviewed, revised, and filed motion for summary judgment. Preparation of letter to client with copy. Preparation of motionform. Preparation of letter to other attorneys with copy.	150.00/hr	262.50
9/30/2010	Letter to plaintiff's attorney with	150.00/hr	NO CHARGE
	Served motion without Exhibit A on Burton attorney with letter.	150.00/hr	NO CHARGE
10/1/2010	Served motion on other attorneys and sent copy to client. Sent Exhibit A to Burton attorney with letter. Revised affidavit of service.	150.00/hr	NO CHARGE
10/8/2010	Review of proposed affidavit for Tom Cato from Thomasson attorney. Preparation of e-mail to him with comments.	150.00/hr	45.00
10/11/2010	Review of revised affidavit. E-mail to Thomasson attorney with ok. Review of earlier e-mail from Burton attorney re appraisal offer. Sent response.	150.00/hr	30.00

		Rate	Amount
10/13/2010	Receipt and brief review of three new motions filed by Burton attorney.	150.00/hr	30.00
10/15/2010	Review of void deed case provided by Thomasson attorney. Telephone call from Burton attorney re possible settlement between Burton and Thomasson. Telephone call returned to Thomasson attorney to discuss case and pending motions.	150.00/hr	237.50
10/18/2010	Preparation of response to Burton attorney re consent order re refund to Thomasson.	150.00/hr	37.50
10/19/2010	E-mails to Burton attorney re motion hearing. E-mail from Burton attorney, again about possible consent order re Thomasson. E-mail to him.	150.00/hr	37.50
10/20/2010	E-mails among counsel and Clerk of Court re motions hearing.	150.00/hr	12.50
10/26/2010	Review of Burton motions. E-mail to Burton attorney re missing part. Travel to York and back. Representation of client at motions hearing.	150.00/hr	475.00
	E-mail from defendants' attorney re missing part of motion.	150.00/hr	NO CHARGE
11/4/2010	Review of e-mails from client. E-mail exchange with defendants's attorney re Tom Cato deposition.	150.00/hr	12.50
11/11/2010	E-mails with Brian McCoy re deposition and deposition preparation.	150.00/hr	12.50
11/18/2010	Office conference with Brian McCoy and Tom Cato at Brian McCoy's office to prepare for deposition.	150.00/hr	325.00
11/19/2010	Travel to York and back. Representation of client at Tom Cato deposition. Travel time divided with another client.	150.00/hr	1,087.50
11/22/2010	Travel to York and back. Representation of LLC at remainder of Tom Cato deposition. Lengthy meeting with defendants' attorney afterwards.	150.00/hr	912.50
11/23/2010	E-mail to attorney Josh Vann re getting copy of roadbed grant to DOT. Review of notes and preparation of request for production to Burton attorney for trust/deed documents. E-mail to and from client with copy.	150.00/hr	125.00
12/8/2010	Receipt and brief review of supplemental documents from Brian McCoy.	150.00/hr	12.50
12/24/2010	Receipt and brief review of trust/deed documents from Burton attorney.	150.00/hr	25.00

		Rate	Amount
1/3/2011	E-mail to other attorneys re bill from court reporter. E-mail to court reporter.	150.00/hr	NO CHARGE
1/5/2011	Detailed review of trust documents/deeds from Burton attorney. E-mail from Brian McCoy re effect [redacted]. E-mail to Carroll Pitts' attorney re meeting with Carroll Pitts. E-mail to Brian McCoy.	150.00/hr	175.00
	Review of latest documents produced by Burton. Preparation of e-mail to Carroll Pitts' attorney re implications and request for help. Telephone call from Carroll Pitts's attorney. E-mail to Brian McCoy re possibilities. E-mail to client re POA. Receipt and review of DOT documents re easement. E-mail to Brian McCoy with commentary and copy.	150.00/hr	325.00
1/6/2011	Downloaded and reviewed all available deeds/recorded trust documents and compared with Carroll Pitts' title research. E-mail from Carroll Pitts' attorney. Preparation of e-mail to Brian McCoy re meeting and issues. E-mail to client re 2004 POA. Telephone call to SCDOT to get copy of 1965 ROW deed. Compared original and amended pleadings re allegations about DOT deed. Attempted to return telephone call to Carroll Pitts' attorney.	150.00/hr	462.50
1/10/2011	E-mails from client re latest overtures by Burton.	150.00/hr	10.00
2/10/2011	Receipt and brief review of LLC tax returns. Review of proposed consent order from Brian McCoy.	150.00/hr	30.00
2/23/2011	Review of Burton's motion for partial summary judgment, default, etc. Receipt and review of Thomasson response. Review of Brian McCoy' response to default motion. Travel to York and back. Representation of client at motion hearing.	150.00/hr	562.50
3/25/2011	Review of Judge Hayes' orders.	150.00/hr	37.50
4/12/2011	Notice from Clerk of Court of upcoming trial term. E-mails re mediation.	150.00/hr	25.00
	E-mails among attorneys re mediation.	150.00/hr	30.00
4/15/2011	Receipt and review of Burton's motion to reconsider.	150.00/hr	50.00
	E-mails among attorneys re mediation. Conference call re mediation and issues.	150.00/hr	125.00
4/20/2011	E-mails re selection of mediator.	150.00/hr	12.50

		Rate	Amount
5/2/2011	Review of file and status of motions in preparation for meeting with client and Brian McCoy. Office conference with client and Brian McCoy at Brian's office.	150.00/hr	275.00
5/3/2011	E-mails to other attorneys re client's attendance at mediation and re Thomasson attendance. E-mail to client re attendance at mediation.	150.00/hr	37.50
5/12/2011	Review of e-mails from client. Review of pleadings and motion in Carroll Pitts' case. E-mail to client. E-mail to other attorneys re mediation and re Pitts' case.	150.00/hr	87.50
5/19/2011	Preparation of statement for mediation. Travel to Columbia and back. Representation of clients at mediation.	150.00/hr	1,125.00
6/16/2011	Travel to York and back. Representation of client at Thomasson deposition.	150.00/hr	775.00
7/20/2011	Travel to York and back, Attended and observed motion hearing in related case. Review of memorandum submitted in that case.	150.00/hr	NO CHARGE
8/17/2011	Review of all amended pleadings and pending motions in case. Preparation of draft of motion to dismiss. E-mail to others attorneys with draft. Lengthy telephone discussion with Thomasson's attorney.	150.00/hr	950.00
8/18/2011	Revised and finalized motion. E-mail to and from Brian McCoy. E-mail to Clerk of Court re scheduling. Arrangements made to get motion to York.	150.00/hr	200.00
8/29/2011	Preparation for motions hearing. Travel to York and back. Representation of client at hearing.	150.00/hr	700.00
9/12/2011	Review of Jellenik's brief from 8/29 hearing. Legal research and preparation of reply brief. Delivery to Judge Hayes. Preparation of letter to Judge Hayes. E-mail of copy to client.	150.00/hr	625.00
9/15/2011	Preparation of answer to second amended 4th-party complaint. Letter to Clerk of Court with answer for filing.	150.00/hr	87.50
9/21/2011	E-mails with other attorneys and Judge Hayes re doctor letter re Burton. Located and sent to Judge.	150.00/hr	30.00
9/22/2011	Review of rebuttal brief from Burton. Review of answer of other 3rd party defendants. Downloaded and reviewed motion to reconsider in Carroll Pitts case. Preparation of e-mail to client with copies of brief/motion.	150.00/hr	112.50
12/6/2011	Receipt and brief review of amended reply and answer from Burtons' attorney.	150.00/hr	30.00

		Rate	Amount
1/11/2012	Receipt and review of Judge Hayes' order.	150.00/hr	50.00
1/19/2012	Meeting with Brian McCoy to go over order and implications for clients.	150.00/hr	162.50
1/20/2012	Conference with Brian McCoy and client at Brian McCoy's office re Judge Hayes' order.	150.00/hr	200.00
1/24/2012	Telephone call attempted [redacted] left message.	150.00/hr	NO CHARGE
1/25/2012	Telephone call from [redacted] to discuss [redacted] Pulled up and forwarded [redacted] Exchanges of e-mails and telephone calls with client re [redacted] Exchanges of e-mails [redacted] re [redacted]	150.00/hr	75.00
1/26/2012	Preparation of brief summary [redacted]	150.00/hr	50.00
1/30/2012	Debriefing from client re [redacted] No charge.	150.00/hr	NO CHARGE
2/1/2012	Preparation of e-mail to Thomasson attorneys re [redacted]	150.00/hr	37.50
2/4/2012	Receipt and review of Judge Hayes' order, denying the motion for reconsideration. Re-read prior order. Preparation of e-mail to client with copy. E-mail to Carroll Pitts' attorney with copy.	150.00/hr	75.00
2/8/2012	Searched and reviewed records through Lexis re [redacted] Telephone call to [redacted] Preparation of e-mail to them for [redacted] E-mail to client.	150.00/hr	87.50
	E-mail from and to client re [redacted]		
2/21/2012	Receipt and review of [redacted]. E-mail to client and Brian McCoy with copy and comments. Review of supplemental interrogatories, request for production, and notice of deposition from Burton. Compared to prior discovery requests/notices. E-mail to client with copies and comments.	150.00/hr	87.50
2/22/2012	Review of earlier e-mail from Thomasson attorney. Preparation of response to him re depositions, [redacted]	150.00/hr	50.00
3/11/2012	Receipt and review of latest Burton motion (to dismiss re real party in interest). Review of e-mails from Clerk of Court re hearing.	150.00/hr	37.50
3/21/2012	Review of file in preparation for meeting [redacted]. Meeting with [redacted]	150.00/hr	562.50

		Rate	Amount
3/22/2012	E-mail to client and Brian McCoy re results. Transcribed notes from office conference [redacted] E-mail to client and Brian McCoy with copy. Began reading Thomasson deposition re information about Thomasson's valuation of property. Telephone call from [redacted]	150.00/hr	175.00
3/23/2012	Completed Thomasson deposition. Reviewed protective order and earlier notice to reconvene Thomasson deposition.	150.00/hr	212.50
3/25/2012	Re-read Burton deposition and made notes. Began Tom Cato deposition.	150.00/hr	200.00
3/26/2012	Completed reading Tom Cato deposition. Made notes re appraisal information.	150.00/hr	325.00
3/27/2012	Exchange of e-mails with Brian McCoy re getting update on settlement considerations.	150.00/hr	7.50
3/28/2012	Telephone call returned to Brian McCoy to get update. Telephone call attempted [redacted]	150.00/hr	25.00
3/29/2012	Exchange of e-mails [redacted] E-mail update to client.	150.00/hr	30.00
4/5/2012	Review of settlement package summary. E-mail to Brian McCoy and to client.	150.00/hr	37.50
4/17/2012	Review of e-mail and attachments from [redacted] E-mail [redacted] Forwarded e-mail to client and Brian McCoy.	150.00/hr	37.50
4/18/2012	Lengthy telephone discussion with [redacted] Preparation of e-mail to client with report. Preparation of e-mail to Thomasson's attorneys re [redacted] Receipt and review of e-mail and letter from Burton attorney re deposition and discovery responses.	150.00/hr	137.50
4/23/2012	Review of [redacted]. Preparation of e-mail to client. E-mail to [redacted] E-mail to other attorneys re [redacted]	150.00/hr	62.50
4/24/2012	Receipt and review of new motion to compel by Burton. E-mail to client with copy.	150.00/hr	25.00
4/26/2012	Receipt and review of e-mails and notice of hearing.	150.00/hr	12.50

		Rate	Amount
4/28/2012	Review of supplemental discovery responses from Thomasson and earlier amended pleadings. Preparation of e-mail to client with copy and inquiry to Brian McCoy about Thomasson settlement activities. Legal research re testimony on behalf of incompetent witness.	150.00/hr	75.00
5/4/2012	Exchange of e-mails re deposition.	150.00/hr	12.50
	Travel to Moss Justice Center and back. Representation of client at deposition.	150.00/hr	337.50
5/6/2012	Receipt and review of e-mail summary from Thomasson's attorney of settlement offer.	150.00/hr	12.50
5/15/2012	Telephone call from Clipper Jones re proposed affidavit. E-mail to client to get copy.	150.00/hr	37.50
5/16/2012	Review and revision of proposed affidavit. E-mails to and from client. Telephone call to Clipper Jones. E-mail to Jones with revised affidavit. E-mail to court reporter to limit copies of transcript.	150.00/hr	100.00
5/17/2012	Exchange of e-mails with Clerk of Court re scheduling of hearing.	150.00/hr	12.50
5/18/2012	Preparation of e-mail to Thomasson attorneys to request [redacted].	150.00/hr	37.50
5/22/2012	Review of Thomasson's attorney's e-mail re settlement. Preparation of response. E-mail to client.	150.00/hr	37.50
5/30/2012	Preparation for motion hearing. Travel to Moss Justice Center and back. Meeting afterwards re settlement.	150.00/hr	387.50
5/31/2012	E-mail to Brian McCoy with summary of settlement meeting held after Wednesday hearing.	150.00/hr	45.00
6/1/2012	Office conference with client and Brian McCoy to discuss settlement.	150.00/hr	100.00
6/4/2012	Review of notes. Preparation of letter to clients to be distributed to obtain vote on proposed settlement contribution. E-mail to client and Brian McCoy with draft. Preparation of e-mail to Thomasson attorney to confirm last counteroffer. Preparation of e-mail to client and Brian McCoy. Corrected draft. E-mail to client and Brian McCoy with transcript of last deposition.	150.00/hr	112.50
6/6/2012	E-mails to other attorneys and to client re upcoming depositions in malpractice case.	150.00/hr	37.50
6/8/2012	Telephone call returned to Thomasson attorney. E-mail to Burton attorney re attendance at depositions.	150.00/hr	25.00

		Rate	Amount
6/11/2012	OK from Burton attorneys to attend depositions in malpractice case. E-mail to others to advise.	150.00/hr	12.50
6/13/2012	Exchange of e-mails with other attorneys and client re settlement offer.	150.00/hr	12.50
6/20/2012	Exchange of e-mails and telephone call re postponement of Burton deposition. Telephone discussion with Pitts attorney re [redacted]	150.00/hr	50.00
6/21/2012	Review of notes [redacted] Telephone call to [redacted] [redacted] Preparation of lengthy e-mail to Pitts' attorney [redacted] E-mail to client with copy. E-mail from Brian McCoy: approvals all in. Review of terms. Preparation of e-mail to Thomasson attorney with settlement contribution. Telephone call from Thomasson attorney re terms of settlement.	150.00/hr	250.00
6/30/2012	Receipt and review of supplemental discovery requests from Burton to heirs.	150.00/hr	30.00
7/5/2012	Telephone call from Burton attorney re status of offer. E-mail to other attorneys.	150.00/hr	12.50
7/6/2012	E-mail from Thomasson attorney. E-mail to Jellenik.	150.00/hr	12.50
7/13/2012	Exchange of e-mails with Brian McCoy re status of settlement offer.	150.00/hr	5.00
7/25/2012	Receipt and review of notice of deposition from Burton. E-mail to client with copy. E-mail to and from Brian McCoy. E-mail to Thomasson attorney re settlement offer.	150.00/hr	30.00
7/26/2012	Review of earlier e-mails and correspondence re Helen Jones POA/trust. Brief review of POA. Preparation of e-mail to Pitts attorney re upcoming deposition and privilege. E-mail to Burton attorney re referenced but omitted discovery. Review of discovery responses in Pitts case. Began reading Pitts deposition.	150.00/hr	162.50
7/27/2012	Completed reading Pitts deposition. E-mail to Brian McCoy with summary.	150.00/hr	125.00
7/28/2012	Review of e-mails from Burton attorney and from Thomasson attorney. Review of amounts left in LLC treasury. Preparation of e-mail to client. Preparation of response to Thomasson attorney. Second e-mail to client and Brian McCoy.	150.00/hr	87.50

		Rate	Amount
7/29/2012	Review of e-mails from client, Brian McCoy, and Pitts attorney. Preparation of revisions to proposed settlement response e-mail . E-mail to Pitts attorney.	150.00/hr	45.00
7/30/2012	E-mailed response re settlement to Thomasson attorney for re-transmittal. Telephone call from Thomasson attorney. Preparation of e-mail to Brian McCoy to update him.	150.00/hr	62.50
7/31/2012	Preparation of response to Pitts attorney re parts of his file that we need. Preparation of e-mail to Thomasson attorney re settlement.	150.00/hr	62.50
8/3/2012	Review of e-mail from Thomasson attorney re settlement. E-mail to him re conference call re Burton information demands.	150.00/hr	12.50
8/6/2012	Conference call with Thomasson attorneys re settlement. Conference call with Thomasson attorney and Burton attorney re settlement. E-mail to Brian McCoy re results.	150.00/hr	87.50
8/10/2012	Telephone call to Brian McCoy to discuss response re Burton demand for settlement information. Telephone call to Thomasson attorney: we will provide documents. Preparation of lengthy e-mail to client with status and request for numbers. Preparation of interrogatories and request for production to Burton for his attorney fee/expense information. Letter to Jellenik with discovery. Receipt and review of motion from Pitts for cancellation of his deposition. Review of earlier e-mail re Jones Trust discovery.	150.00/hr	237.50
8/13/2012	Review of discovery responses from Helen Jones. Preparation of e-mail to client with discovery. E-mail to Pitts attorney re his motion and our need to discuss privilege as to Carroll Pitts' file. Telephone call returned to Brian McCoy re Burton's reaction to attorney fee information.	150.00/hr	87.50
8/28/2012	Review of Jones discovery responses. Review of accounting for LLC. E-mail to Brian McCoy. E-mail to client with questions about accounting. Telephone call to Brian McCoy to discuss. He will let Jellenik know info being refined.	150.00/hr	87.50
8/29/2012	Review of information requested by Burton's attorney and information and additional e-mails from client. Preparation of draft of response. Preparation of e-mail to client re completing and revising information.	150.00/hr	75.00
8/30/2012	E-mail from and to client re LLC information. E-mail from client with updated information. Prepared revised calculations and response to information request. E-mails to and from client and Brian McCoy. E-mail to Brian McCoy with final version to send to Burton attorney.	150.00/hr	87.50
8/31/2012	E-mails from and to Brian McCoy re re-wording of information.	150.00/hr	30.00
9/3/2012	Review of e-mails from Brian McCoy, forwarding Jellenik follow-up questions. Review of client documents. Preparation of e-mail to Brian McCoy with proposed breakdown of management fees and other responses.	150.00/hr	87.50

		Rate	Amount
	Receipt and review of proposed response by Brian McCoy. Checked documents. E-mail to him in response.		
9/4/2012	Exchange of e-mails with client and Brian McCoy re additional response to Burton's attorney.	150.00/hr	25.00
9/12/2012	E-mails from Burton's attorney and to and from client re canceled deposition. E-mail from Brian McCoy with Burton counteroffer. Review of amounts from client.	150.00/hr	30.00
9/14/2012	Review of pleadings and preparation of notes on terms to be included in any settlement agreement.	150.00/hr	87.50
9/18/2012	Telephone call to Brian McCoy. Preparation of draft and revision of e-mail to Thomasson attorney re response to counteroffer. Revision of terms that have to be part of any release. Preparation of draft of letter to LLC members re LLC aspects of proposed release.	150.00/hr	162.50
9/24/2012	Conference call with other attorneys re settlement and brief follow-up call with Brian McCoy.	150.00/hr	50.00
9/25/2012	Exchange of e-mails re setting conference call.9/21	150.00/hr	7.50
	Review of earlier settlement terms. Preparation of e-mail to client re raising LLC contribution.	150.00/hr	62.50
9/27/2012	E-mail exchange with client and Brian McCoy. Preparation of e-mail to Thomasson attorney re amount to add to settlement offer.	150.00/hr	30.00
10/2/2012	Receipt and review of response from Thomasson attorney to settlement counteroffer. Review of offer terms and preparation of response.	150.00/hr	37.50
10/12/2012	Receipt and review of Burton's "final demand." E-mail to Thomasson attorney with questions about claims Burton is reserving.	150.00/hr	37.50
10/15/2012	Review of explanation from Burton's attorney. Preparation of response to defense attorneys re difficulty of crafting any settlement that truly ends the case for our clients.	150.00/hr	50.00
10/18/2012	E-mail from Brian McCoy re change in settlement terms. Telephone call to Brian McCoy to discuss. Telephone call to client. Preparation of e-mail to Thomasson attorney re modified settlement terms. Exchange of e-mails with him re need for client indemnification/protection.	150.00/hr	62.50
10/19/2012	Telephone call from Thomasson attorney re counteroffer and response.	150.00/hr	25.00
10/24/2012	E-mail to client and Brian McCoy re telephone call with Koutrakos.	150.00/hr	12.50

		Rate	Amount
12/6/2012	Review of prior e-mails among counsel re settlement. Review of drafts of settlement agreement, consent order, quitclaim deed, & assignment. Noted changes. E-mail to property lawyer re terms of quitclaim deed. Preparation of e-mail to other attorneys re need to limit use of LLC assets. Preparation of revisions to earlier prepared letter to Cato family members re intrafamily release. Preparation of e-mail to Brian McCoy with proposed letter. E-mails from and to Brian McCoy. E-mail to client re addresses for LLC members. Revised proposed letter again.	150.00/hr	550.00
12/7/2012	Revised and sent e-mail to LLC members re intra-family release. E-mail to Tom Cato. Telephone call from Tom. Review of e-mailed changes to settlement agreement and other documents. Review of e-mailed addition to assignment from Burton attorney. E-mail exchange with Brian McCoy.	150.00/hr	87.50
12/11/2012	Review of e-mails among attorneys and e-mails from LLC members re intra-family release. Reviewed and slightly modified settlement agreement. Reviewed consent orders. Reviewed and re-wrote assignment agreement. Exchange of e-mails with Brian McCoy. Office conference with Brian McCoy at his office to go over changes in assignment agreement. Revised assignment agreement again. Preparation of e-mail to Thomasson attorney with revisions to share with Burton attorney.	150.00/hr	712.50
12/12/2012	Work on preparing attachment to assignment and retrieving documents. E-mail to client re rest of information. Follow-up e-mail to family members re intra-family release. E-mail forwarded from another LLC member. Receipt and review of irate response from Burton attorney to changes in assignment. Quick e-mail to him. Preparation of detailed comments on his draft to convey problems with language. E-mail to him with comments. Review of his earlier e-mail. Review of other responses. Preparation of e-mail to client about settlement payment and timing.	150.00/hr	575.00
12/13/2012	E-mails from and to client re urgency and deadlines re payment, etc.	150.00/hr	25.00
12/14/2012	E-mail from and to client re settlement payment. E-mails to and from Brian McCoy re settlement details. Receipt and review of revised Settlement Agreement. Lengthy e-mails and telephone calls with Burton attorney re numerous objections to settlement provisions. E-mail from additional LLC member re intra-family release. E-mail to Brian McCoy.	150.00/hr	562.50
12/15/2012	Review of revisions by Burton attorney. Lengthy telephone calls and e-mails with him to continue discussing and trying to resolve issues. Preparation of proposed language for LLC release of members. E-mail to other attorneys re status.	150.00/hr	412.50
12/16/2012	Review of new drafts e-mailed by Burton attorney. Preparation of lengthy e-mail to him with comments. Lengthy telephone call from him to discuss. Preparation of e-mail report to other attorneys re impasse. Review of e-mail	150.00/hr	425.00

		Rate	Amount
	from client re intra-family release. Preparation of lengthy e-mail to client re status and impasse.		
12/17/2012	Telephone calls and e-mails with other attorneys re settlement status. Conference call. Telephone message from defendant's attorney. Preparation of transcription and forwarded to other attorneys. Preparation of e-mail to defendant's attorney re status. Telephone call returned to Brian McCoy to discuss. Review of e-mail sent by Brian McCoy to Thomasson attorney.	150.00/hr	262.50
12/18/2012	E-mails to and from other attorneys. E-mail to client - status unchanged. Preparation of letter and overnight delivery for settlement check. Review of e-mail from Thomasson attorney. Preparation of excerpt of redacted invoice and e-mail to Burton attorney to see if a resolution can be had.	150.00/hr	125.00
12/19/2012	Exchange of e-mails with Burton attorney. Preparation of revised disclosure agreement. E-mail to him with copy. Reviewed quickly and reorganized McCoy invoices from client. Preparation of e-mail to Brian McCoy with invoices. E-mail to client: no change.	150.00/hr	162.50
12/20/2012	E-mail to and from Brian McCoy re status. Telephone call to Jim Koutrakos. Telephone call to Brian McCoy. E-mail to client. Review of e-mail and attachment from Burton attorney.	150.00/hr	50.00
12/21/2012	E-mail and memo from George McMaster. E-mail to him re concerns and their demands.	150.00/hr	37.50
12/22/2012	Review of extensive e-mail from Burton attorney.	150.00/hr	20.00
12/23/2012	Telephone call to George McMaster and discussion of settlement obstructions. E-mail to Brian McCoy re redacting billings. Printed and reviewed all McDow invoices and prepared list of categories of redactions. E-mail to McMaster with list.	150.00/hr	200.00
12/24/2012	E-mail to Brian McCoy re status.	150.00/hr	7.50
12/31/2012	Re-reviewed e-mails with disclosure deletions from McMaster. Preparation of e-mail to him re meaning. Preparation of e-mail to client re status.	150.00/hr	37.50
1/2/2013	E-mail from Brian McCoy. Telephone call to him. Telephone call returned to Thomasson attorney.	150.00/hr	50.00
1/4/2013	Preparation of e-mail to Brian McCoy re separate settlement proposal. E-mail to Thomasson's attorney. E-mail from and to Brian McCoy re settlement "disclosures."	150.00/hr	37.50

		Rate	Amount
1/10/2013	Office conference with Brian McCoy at his office to discuss settlement obstructions. E-mail to Brian with billings/earlier correspondence. E-mails back and forth with Clerk of Court re hearing/status conference.	150.00/hr	200.00
1/14/2013	Review of e-mail forwarded by client. E-mail to him re response and status. Preparation of short letter to Burton's attorney.	150.00/hr	30.00
1/17/2013	Receipt of hearing notice. Downloaded information and diaried. E-mail to client re hearing.	150.00/hr	12.50
1/19/2013	Receipt and review of response from Burton attorney re communications about LLC.	150.00/hr	25.00
1/30/2013	Telephone call from Pitts' attorney re scheduling. Receipt and review of e-mail from him to Judge. E-mail from Burton attorney re increased settlement demand.	150.00/hr	30.00
2/8/2013	E-mail from Clerk of Court: hearing continued. E-mail to client to advise.	150.00/hr	7.50
2/12/2013	Review of letter from Burton attorney re LLC records. Preparation of e-mail to client to determine what exists.	150.00/hr	50.00
2/13/2013	Review of responses from client. Brief review of tax returns e-mailed by CPA. E-mail exchange with Brian McCoy. Preparation of response to Burton's attorney. Forwarded returns.	150.00/hr	75.00
2/14/2013	E-mail exchange with client re material to be copied.	150.00/hr	10.00
2/21/2013	Beginning review of documents from client.	150.00/hr	50.00
2/25/2013	Notice of 3/19 hearing. Exchange of e-mails re hearing, documents. Telephone call to Brian McCoy: left message. Telephone call to Jim Koutrakos. Review of earlier correspondence. Reviewed and scanned financial documents from client. Preparation of e-mail to Brian McCoy re bank documents. Preparation of e-mail to CPA. Preparation of e-mail to Burton attorney with partial bank statements. Response from Brian McCoy.	150.00/hr	162.50
2/27/2013	Exchanges of e-mails with Clerk of Court, Judge, and other attorneys re motion scheduling.	150.00/hr	12.50
2/28/2013	Reviewed telephone and e-mail message responses from CPA re state returns. E-mail to Burton's attorney re need for them. E-mail to CPA. E-mail from and to client re additional records. Reviewed what client provided and BWB for other financial statements. Compiled and e-mailed to Burton attorney. Review of LLC savings account statements. Scanned and e-mailed to Burton attorney. Copy to client and Brian McCoy with note. E-mail to and from Thomasson attorney re return of settlement check.	150.00/hr	250.00

		Rate	Amount
	Review of checking acount records. Preparation of e-mail to client with comments and questions.		
3/1/2013	E-mail from client. Checked statements again. Preparation of e-mail to client about needed copies.	150.00/hr	37.50
3/3/2013	Received and sorted additional bank statements from client. Added them to existing and reviewed. Preparation of e-mail to Burton's attorney with copy. E-mail to client with comments and request for missing statement.	150.00/hr	75.00
3/6/2013	Review of earlier e-mail from Burton attorney re canceled checks. Preparation of response to him. Telephone call from Burton's attorney. E-mail from him. Preparation of response. E-mails from and to Brian McCoy re mediation. E-mails from client. Preparation of e-mail to Thomasson attorney re limited mediation.	150.00/hr	162.50
3/7/2013	E-mail from and to Burton attorney. E-mail to client re returning settlement check. Sent check back to client.	150.00/hr	30.00
3/19/2013	Review of the canceled LLC checks from client. Withheld two, scanned and sent remainder to Burton attorney. Preparation of brief motion for protective order and motion form. E-mail to other attorneys with motion. E-mail from and to client re hearing. E-mail to Thomasson attorney re mediation.	150.00/hr	100.00
	Travel to York and back (travel time divided with another client). Representation of client at hearing.	150.00/hr	150.00
3/20/2013	Exchanges of e-mails re possible re-convening of mediation. Preparation of proposed order re withheld checks. E-mail to Burton attorney with order to review.	150.00/hr	100.00
3/21/2013	E-mails re mediation.	150.00/hr	12.50
3/23/2013	Receipt of mediation letter. E-mail to client. E-mail to Brian McCoy and client re providing the mediator with a summary beforehand. Attempted to return telephone call to Burton's attorney: left message.	150.00/hr	50.00
3/24/2013	Began work on mediation summary.	150.00/hr	75.00
3/25/2013	Continued work on mediation summary. Telephone call from Burton attorney re proposed order.	150.00/hr	125.00
3/26/2013	Completion of draft of mediation summary. E-mail of copy to Brian McCoy to review and revise. E-mail to and from Judge's law clerk re proposed order. Response from Brian McCoy re draft. E-mail to him re mediation approach.	150.00/hr	237.50
3/27/2013	Revised and sent mediation summary to mediator. E-mail from and to client re objecting member.	150.00/hr	37.50

		Rate	Amount
4/2/2013	Review of earlier e-mails re hold-out member. E-mail to client to find out status.	150.00/hr	25.00
4/3/2013	E-mails re status of member proxies. Exchanges with Brian McCoy re mediation.	150.00/hr	NO CHARGE
4/4/2013	Travel to mediation in Columbia and back. Representation of client at mediation.	150.00/hr	1,725.00
4/6/2013	Review of e-mails and documents/question from Thomasson attorney.	150.00/hr	37.50
4/9/2013	E-mail from Brian McCoy re signatures.	150.00/hr	NO CHARGE
4/10/2013	Telephone call from Brian McCoy. Reviewed $$ amounts and e-mailed confirmation of settlement amount to Thomasson attorney.	150.00/hr	30.00
4/11/2013	E-mail from Brian McCoy. E-mail to Burton attorney re files. E-mail to Thomasson attorney re payment method.	150.00/hr	30.00
4/12/2013	Briefly reviewed file. Organized and began scanning parts to go to Burton. Sent signature pages for DOT dismissal and case dismissal to Thomasson attorney.	150.00/hr	475.00
4/13/2013	Completed scanning of file. Review of assignment terms. Downloaded and redacted bill history. Preparation of certification of bills. Letter and e-mail to Burton attorney with documents.	150.00/hr	312.50
	For professional services rendered	234.62	$34,865.00
	Additional Charges :		
3/24/2010	Fee paid to York County Clerk of Court to file motion for stay.		25.00
4/16/2010	Fee paid to court reporter for copy of motion hearing transcript.		39.74
5/25/2010	Fee paid to Dallas Reporting & Associates (court reporters) for transcript of Burton deposition.		466.05
9/27/2010	Fee paid to York County Clerk of Court to file motion for summary judgment.		25.00
11/26/2010	Fee paid to court reporter Michael Watts for transcript of 10/26/10 hearing.		53.00
1/4/2011	Fee paid to Conarco (court reporting service) for copy of Cato deposition and exhibits.		1,011.73
5/21/2011	Arbitration or mediation expenses: fee paid to mediator Harry Goldberg for 5/19/11 mediation.		1,106.91
7/31/2011	Fee paid to Conarco court reporters for transcript of Thomasson deposition.		475.00

		Amount
8/19/2011	Fee paid to York County Clerk of Court to file motion to dismiss.	25.00
8/22/2011	Fee paid to Haile Business Services to take motion to York and file in time for 8/29 hearing.	35.00
2/21/2012	Fee paid to [redacted]	40.00
4/28/2012	Fee paid to Lexis computer legal research to get copy of AmJur treatise on testimony on behalf of protected party.	25.00
12/18/2012	Fee paid to FedEx to overnight settlement check to Thomasson attorney.	20.77
3/17/2013	Fee paid to York County Clerk of Court to file motion for protective order (withheld checks).	25.00
4/2/2013	Fee paid to court reporter for copy of transcript of 3/19 hearing.	40.02
4/8/2013	Fee paid to Finkel Law Firm for re-convened mediation.	941.24
	Total additional charges	$4,354.46

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767
(803) 327-1700

May 02, 2013

T.E. Cato Estate LLC
James Thomas Cato, Managing Member
1083 Valley Forge Road
Lake Wylie SC 29710

RE: James Thomas Cato et al. vs. Marjorie Cato Burton etc. vs. James Thomas Cato and Thomasson Apts. LLC vs. TE Cato Estate, LLC

Professional Services

		Hrs/Rate	Amount
4/2/2013	Review of earlier e-mails re hold-out member. E-mail to client to find out status.	0.17 150.00/hr	25.00
4/3/2013	E-mails re status of member proxies. Exchanges with Brian McCoy re mediation.	150.00/hr	NO CHARGE
4/4/2013	Travel to mediation in Columbia and back. Representation of client at mediation.	11.50 150.00/hr	1,725.00
4/6/2013	Review of e-mails and documents/question from Thomasson attorney.	0.25 150.00/hr	37.50
4/9/2013	E-mail from Brian McCoy re signatures.	150.00/hr	NO CHARGE
4/10/2013	Telephone call from Brian McCoy. Reviewed $$ amounts and e-mailed confirmation of settlement amount to Thomasson attorney.	0.20 150.00/hr	30.00
4/11/2013	E-mail from Brian McCoy. E-mail to Burton attorney re files. E-mail to Thomasson attorney re payment method.	0.20 150.00/hr	30.00
4/12/2013	Briefly reviewed file. Organized and began scanning parts to go to Burton. Sent signature pages for DOT dismissal and case dismissal to Thomasson attorney.	3.17 150.00/hr	475.00
4/13/2013	Completed scanning of file. Review of assignment terms. Downloaded and redacted bill history. Preparation of certification of bills. Letter and e-mail to Burton attorney with documents.	2.08 150.00/hr	312.50
	Pulled up deed into LLC and prepared quitclaim deed. Preparation of e-mail to Burton attorney with deed and with list of duplicative files. Preparation of e-mail to client re records and dissolution, etc. Reviewed surveys and other miscellaneous documents.	1.17 150.00/hr	175.00

		Hrs/Rate	Amount
4/18/2013	Revised quitclaim deed. Review and response to of e-mails re other records, etc. Checked assignment terms. Preparation of e-mail to client re deed, final nos., etc.	0.42 150.00/hr	62.50
4/23/2013	Telephone call from Burton attorney re intended settlement completion. Telephone call to Brian McCoy. Preparation of e-mail to confirm details. E-mails to and from client.	0.50 150.00/hr	75.00
4/24/2013	E-mail from and to client re logistics.	0.08 150.00/hr	12.50
4/25/2013	Review of details. Preparation of overnight mailings and letters to Thomasson attorney to send with settlement check and to mediator to send with signature pages. Office conference with client at Brian McCoy's office. Reviewed, organized, and scanned all signature pages. Overnighted documents. Reviewed and scanned selected LLC records for Tom Cato. Review of status between Burton attorney and Thomasson attorney. Exchange of e-mails with Burton attorney and client re other LLC records.	3.75 150.00/hr	562.50
4/26/2013	Organized records for return to client and turnover to Burton attorney. Exchange of e-mails with client.	150.00/hr	NO CHARGE
	For professional services rendered		$3,522.50
	Additional Charges :		
4/2/2013	Fee paid to court reporter for copy of transcript of 3/19 hearing.		40.02
4/8/2013	Fee paid to Finkel Law Firm for re-convened mediation.		941.24
4/22/2013	Fee paid to The UPS Store to copy oversize documents for settlement compliance.		2.95
4/25/2013	Fees paid to FedEx for two overnights of settlement check and signature pages.		42.68
	Total additional charges		$1,026.89
	Total amount of this bill		$4,549.39
	Previous balance		$1,217.50
	Accounts receivable transactions		
4/10/2013	Payment. Thank you.		($1,217.50)
	Total payments and adjustments		($1,217.50)

	Amount
Balance due	$4,549.39

Conarco, Inc. d/b/a Columbia Reporting Service

P.O. Box 50776
Columbia, SC
29250-0776

Invoice

Date	Invoice #
12/31/2010	110910.3

Bill To

LUCY LONDON McDOW, ESQUIRE
P.O. Box 767
Rock Hill, SC
29731

Project	Rep	Tax ID Number	Terms
Cato v. Burton	JS	57-1007724	Due on receipt

Item	Description	Qty	Rate	Amount
Certified Trans...	Deposition of JAMES THOMAS CATO	406	2.30	933.80
Exhibits (B&W)	appended to transcript	140	0.30	42.00
Tabs	numbered (copy)	30	0.27	8.10
Condensed	4-panel, horizontal	406	0.15	60.90
Index	exclusions enabled	403	0.09	36.27
E-Tran	e-mailed		10.00	10.00
PDF	e-mailed		10.00	10.00
Shipping/Handli...	via Priority Mail		35.00	35.00
Admin Fee	PLEASE DEDUCT FROM INVOICE TOTAL IF PAYMENT REMITTED WITHIN 14 DAYS OF INVOICE DATE		110.00	110.00
Discount	charges for condensed, index, E-Tran, PDF waived for Ms. McDow		-117.17	-117.17

Thank you for your business!

Total $1,128.90

Phone #	Fax #	E-mail
(803) 771-4183	(803) 695-9652	conarco@aol.com

P. 1 of 2

RICHARD ODOM & ASSOCIATES, INC.

803-329-3111
Rock Hill, South Carolina

1-800-435-1345
Toll Free

803-329-3113
Facsimile

2424 India Hook Road, Suite210
Rock Hill, South Carolina 29732

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767

Paid 5-6-12 w/ TEC,LLC ck # 1600

April 30, 2012

For Professional Services Rendered
Cato, Four Tracts, Litigation Support

Date	Description of Services Performed by Richard Odom	Time x.x hours	Hourly Rate $225.00
	Preliminary meetings, phone conversations, inspect properties	3.00	
		(3.00)	n/c
1-27-12	Data gathering (zoning, topo, sales)	1.50	
1-30-12	Meet with Tom Cato	2.00	
1-30-12	Research GIS	1.00	
1-31-12	Research GIS, research RFO files '08 and before	2.50	
2-08-12	Research sales in similar neighborhoods, GIS and RFO files	2.00	
2-09-12	Sales search, BD	1.00	
2-10-12	Sales search, MF and BD	1.50	
2-27-12	Research and analysis of sales	1.50	
2-28-12	Analysis of sales	3.00	
3-5-12	Analysis of sales and development cost research	3.25	
3-06-12	Subdivision analysis	6.50	
3-07-12	Subdivision analysis	3.00	
3-08-12	BD analysis	4.50	
3-09-12	SFR analysis	2.00	
3-14-12	MF analysis	1.00	
3-15-12	MF and SFR development analysis	2.00	
3-16-12	MF and SFR development analysis	4.00	

Federal Tax I. D. #57-0801945

01562

P. 2 of 2

RICHARD ODOM & ASSOCIATES, INC.

803-329-3111
Rock Hill, South Carolina

1-800-435-1345
Toll Free

803-329-3113
Facsimile

2424 India Hook Road, Suite210
Rock Hill, South Carolina 29732

Lucy L. McDow, Attorney
P.O. Box 767
514 Oakland Avenue, 2nd Floor
Rock Hill, SC 29731-6767

April 30, 2012

For Professional Services Rendered

Date	Description of Services Performed by Richard Odom	Time x.x hours	Hourly Rate $225.00
3-20-12	Review and organize for presentation	1.50	
3-21-12	Meeting w/Lucy McDow	2.50	
3-29-12	Meet w/Duane Christopher	1.00	
4-02-12	Meet w/Joel and Andy Wood	1.75	
4-18-12	Review proposals, make notes, phone conversation with L. McDow, meet w/D. Christopher	1.75	
	Total	50.75	$11,418.75
	Received on Retainer		-$ 9,000.00
	Balance due upon receipt of invoice		**$2,418.75**

Invoice
043012-2
RFO

Federal Tax I. D. #57-0801945

Paid 5/6/12 w/ check #1600

5W0

WORKING COPY

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Mar 02, 2009 Burton, DA.1 Invoice # 152	$ 5,846.48 by Mar 02, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Review client inputs Feb 18, 2009	01:27	$ 250.00		$ 375.00
Review client inputs Feb 16, 2009	01:14	$ 250.00		$ 325.00
Call oa Pitts Feb 19, 2009	00:26	$ 250.00		$ 125.00
Call client to review file status Feb 20, 2009	00:37	$ 250.00		$ 175.00
Call ac Dove Feb 20, 2009	00:40	$ 250.00		$ 175.00
Call client re outstanding issues Feb 25, 2009	00:38	$ 250.00		$ 175.00
Research pleading issues Feb 25, 2009	02:10	$ 250.00		$ 550.00
Call Chicago Title for background Feb 26, 2009	00:17	$ 250.00		$ 75.00
Call York County re service date Feb 26, 2009	00:20	$ 250.00		$ 100.00
Call Douglas Gay, Esq., for background Feb 26, 2009	00:20	$ 250.00		$ 100.00
Call oa Vann Feb 27, 2009	00:20	$ 250.00		$ 100.00

01564

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call Melissa Weaver, Esq., re NC law Feb 27, 2009	00:26	$ 250.00		$ 125.00
Call Doug Gay, Esq., re operating agreement and SC Code 33-44-404 Feb 27, 2009	00:17	$ 250.00		$ 75.00
Draft responsive pleading Feb 27, 2009	01:15	$ 250.00		$ 325.00
Call client to review pleading status and related issues Feb 28, 2009	01:25	$ 250.00		$ 375.00
Draft answer Feb 28, 2009	04:06	$ 250.00		$ 1,025.00
Prepare e-mail letter to oa Pitts Feb 28, 2009	00:19	$ 250.00		$ 100.00
Research pleading issues Mar 01, 2009	00:30	$ 250.00		$ 125.00
Prepare answer Mar 01, 2009	03:52	$ 250.00		$ 975.00
Call client re file status and review plan Mar 01, 2009	00:37	$ 250.00		$ 175.00
Prepare proof of service Mar 02, 2009	00:18	$ 250.00		$ 75.00
Prepare letters to oa, client and Judge Hayes Mar 02, 2009	00:38	$ 250.00		$ 175.00
Expense Mar 02, 2009		$ 21.48		$ 21.48

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Subtotal	$ 5,846.48
Total due by Mar 02, 2009	$ 5,846.48

01566

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Apr 06, 2009 Burton, DA.1 Invoice # 159	$ 3,075.00 by Apr 06, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare third party complaint Mar 03, 2009	02:19	$ 250.00		$ 600.00
Call Carroll M. Pitts re file direction Mar 05, 2009	00:56	$ 250.00		$ 250.00
Prepare proposed consent motion and order Mar 05, 2009	00:30	$ 250.00		$ 125.00
Call client re file status and direction Mar 05, 2009	00:18	$ 250.00		$ 75.00
Research LLC Act of 1996 Mar 05, 2009	02:00	$ 250.00		$ 500.00
Call client re oa default posture Mar 06, 2009	00:18	$ 250.00		$ 75.00
Exchange e-mail(s) with oa Mar 09, 2009	00:12	$ 250.00		$ 50.00
Prepare and transmit filings to Court, oa, and client Mar 09, 2009	00:59	$ 250.00		$ 250.00
Exchange e-mails with oa and fax signed consent order to Court and oa Mar 10, 2009	00:12	$ 250.00		$ 50.00
Call Court and client Mar 10, 2009	00:08	$ 250.00		$ 50.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call client re negotiation status Mar 16, 2009	00:16	$ 250.00		$ 75.00
Negotiation w/Carroll Pitts Mar 16, 2009	01:45	$ 250.00		$ 450.00
Prepare and send revised consent motion to oa Mar 08, 2009	00:15	$ 250.00		$ 75.00
Set up meeting with oa Mar 12, 2009	00:18	$ 250.00		$ 75.00
Check status with oa Pitts Mar 20, 2009	00:08	$ 250.00		$ 50.00
Call client Mar 23, 2009	00:16	$ 250.00		$ 75.00
Research case law Mar 27, 2009	00:30	$ 250.00		$ 125.00
Review client e-mail and respond Mar 30, 2009	00:30	$ 250.00		$ 125.00
			Subtotal	$ 3,075.00
			Total due by Apr 06, 2009	$ 3,075.00

01568

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	May 04, 2009 Burton, DA.1 Invoice # 166	$ 7,106.33 by May 04, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail to oa Mar 09, 2009		$ 5.32		$ 5.32
Title search Mar 23, 2009		$ 160.00		$ 160.00
Westlaw charges for March 2009 Apr 02, 2009		$ 312.07		$ 312.07
Review file and enter objects Apr 05, 2009	01:18	$ 250.00		$ 325.00
Call Chicago Title for background Apr 06, 2009	00:38	$ 250.00		$ 175.00
Call Michael Virzi to schedule conference Apr 06, 2009	00:06	$ 250.00		$ 25.00
Analyze e-mail facts and enter into database Apr 12, 2009	04:57	$ 250.00		$ 1,250.00
Review e-mails Apr 11, 2009	02:30	$ 250.00		$ 625.00
Michael Virzi Apr 13, 2009	02:30	$ 250.00		$ 625.00
Burton Family client conference Apr 06, 2009	03:00	$ 250.00		$ 750.00
Prepare demand ltr to oa Pitts Apr 14, 2009	00:59	$ 250.00		$ 250.00

01569

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Take return call from client to review proposed ltr to oa Pitts Apr 15, 2009	00:13	$ 250.00		$ 75.00
Reply to e-mail from op Tommy Cato Apr 20, 2009	00:24	$ 250.00		$ 100.00
Take call from Michael Virzi Apr 20, 2009	00:29	$ 250.00		$ 125.00
Call Carroll Pitts Apr 24, 2009	00:26	$ 250.00		$ 125.00
Call Michael Virzi Apr 24, 2009	00:23	$ 250.00		$ 100.00
Call client David Burton re status and direction Apr 24, 2009	00:59	$ 250.00		$ 250.00
Prepare revised motion to disqualify Apr 26, 2009	00:18	$ 250.00		$ 75.00
Prepare client verification and proofs of service Apr 26, 2009	00:46	$ 250.00		$ 200.00
Prepare dft third party complaint Apr 26, 2009	03:51	$ 250.00		$ 975.00
Call client Apr 28, 2009	00:16	$ 250.00		$ 75.00
Assemble third party complaint exhibits Apr 28, 2009	02:11	$ 100.00		$ 220.00
Prepare Verification and e-mails Apr 29, 2009	00:12	$ 250.00		$ 50.00
Finalize complaint Apr 29, 2009	00:50	$ 250.00		$ 225.00
Expense Apr 27, 2009		$ 8.94		$ 8.94

01570

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Subtotal	$ 7,106.33
Total due by May 04, 2009	$ 7,106.33

01571

Invoice

Roger B. Jallenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jun 01, 2009 Burton, DA.1 Invoice # 168	$ 3,425.58 by Jun 01, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Send engagement letter Feb 22, 2009	00:00	$ 250.00		$ 0.00
Westlaw - April 2009 May 04, 2009		$ 110.68		$ 110.68
Postage for Third Party Complaint Apr 20, 2009		$ 34.50		$ 34.50
Expert witness fee May 04, 2009		$ 750.00		$ 750.00
Automobile Mileage Apr 30, 2009	164 mi	$ 0.55		$ 90.20
File third party complaint Apr 20, 2009	03:00	$ 100.00		$ 300.00
Take return call from oa Vann May 13, 2009	00:14	$ 250.00		$ 75.00
Call op Pitts May 20, 2009	00:27	$ 250.00		$ 125.00
Call Lynn Strait, YCCCP May 20, 2009	00:04	$ 250.00		$ 25.00
Call Scott Forster May 20, 2009	00:11	$ 250.00		$ 50.00
Call client re oa Vann's extension May 21, 2009	00:04	$ 250.00		$ 25.00

01572

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Take call from Scott Forster May 21, 2009	00:04	$ 250.00		$ 25.00
Call Scott Forster May 21, 2009	00:06	$ 250.00		$ 25.00
Research motion to disqualify May 27, 2009	01:02	$ 250.00		$ 275.00
Research motion to disqualify May 28, 2009	01:20	$ 250.00		$ 350.00
Prepare motion hearing script May 31, 2009	01:11	$ 250.00		$ 300.00
York County CCP Motion Hearing Jun 01, 2009	01:20	$ 250.00		$ 350.00
Automobile Mileage Jun 01, 2009	164 mi	$ 0.55		$ 90.20
Travel to York for motion hearing Jun 01, 2009	01:40	$ 250.00		$ 425.00

Subtotal	$ 3,425.58
Total due by Jun 01, 2009	$ 3,425.58

01573

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Aug 03, 2009 Burton, DA.1 Invoice # 174	$ 3,992.99 by Aug 03, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Order transcript Jun 08, 2009	00:10	$ 250.00		$ 50.00
Call Judge Alford's chambers Jun 08, 2009	00:05	$ 250.00		$ 25.00
Call oa Koutrakos Jun 29, 2009	00:21	$ 250.00		$ 100.00
Westlaw charge Jun 01, 2009		$ 214.45		$ 214.45
Call Lynn Strait re roster Jul 21, 2009	00:04	$ 250.00		$ 25.00
Exchange e-mails with client Jul 21, 2009	00:21	$ 250.00		$ 100.00
Call client re client discovery response inputs Jul 23, 2009	01:10	$ 250.00		$ 300.00
Review and exchange e-mails with client Jul 23, 2009	00:56	$ 250.00		$ 250.00
Draft discovery responses to op Thomasson Jul 23, 2009	02:43	$ 250.00		$ 700.00
Call ac Gay Jul 27, 2009	00:42	$ 250.00		$ 175.00

01574

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call ac Dove Jul 27, 2009	01:47	$ 250.00		$ 450.00
Call oa Koutrakos Jul 27, 2009	00:09	$ 250.00		$ 50.00
Call client Jul 28, 2009	00:19	$ 250.00		$ 100.00
Draft discovery responses Jul 28, 2009	03:03	$ 250.00		$ 775.00
Prepare doc trans to oa Jul 30, 2009	00:10	$ 250.00		$ 50.00
Call client to review final discovery responses Jul 31, 2009	00:38	$ 250.00		$ 175.00
Finalize discovery responses to oa Koutrakos Jul 31, 2009	01:48	$ 250.00		$ 450.00
Westlaw charge Jul 31, 2009		$ 3.54		$ 3.54

Subtotal	$ 3,992.99
Total due by Aug 03, 2009	$ 3,992.99

01575

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Oct 14, 2009 Burton, DA.1 Invoice # 181	$ 10,566.52 by Oct 14, 2009

This invoice combines all entries to date and consolidates invoicing and payment records on one computer. Minor variations may exist on invoicing, and you are encouraged to ask questions if you have them.

Please note that your $5,000.00 retainer has not been applied to this balance.

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Jul 31, 2009		$ 8.22		$ 8.22
Collect, collate, and assemble filings Aug 04, 2009	02:00	$ 100.00		$ 200.00
Call oa Koutrakos Aug 17, 2009	00:02	$ 250.00		$ 25.00
Review and prepare e-mails Aug 17, 2009	00:30	$ 250.00		$ 125.00
Call ac Gay Aug 17, 2009	00:12	$ 250.00		$ 50.00
Take call from oa Koutrakos Aug 26, 2009	00:07	$ 250.00		$ 50.00
Call client re 4th party pleading Aug 26, 2009	00:18	$ 250.00		$ 75.00
Prepare plaintiff's discovery requests Aug 29, 2009	03:40	$ 250.00		$ 925.00
Prepare respondent's discovery requests Aug 29, 2009	01:59	$ 250.00		$ 500.00

01576

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Review file documents Sep 02, 2009	00:51	$ 250.00		$ 225.00
Prepare plaintiff's draft discovery requests v. TAL Sep 02, 2009	01:40	$ 250.00		$ 425.00
Prepare Respondent's draft discovery requests Sep 03, 2009	00:41	$ 250.00		$ 175.00
Draft 2d discovery request responses to TAL Sep 07, 2009	00:31	$ 250.00		$ 150.00
Draft discovery requests Sep 08, 2009	01:27	$ 250.00		$ 375.00
Michael Virzi Sep 14, 2009	03:30	$ 250.00		$ 875.00
Return call from Michael Virzi Sep 16, 2009	00:17	$ 250.00		$ 75.00
Finalize first of discovery requests to Petitioners Sep 20, 2009	01:30	$ 250.00		$ 375.00
Finalize first set of discovery requests to JT Cato Sep 20, 2009	01:30	$ 250.00		$ 375.00
Prepare transmittal letters for discovery requests Sep 21, 2009	00:15	$ 250.00		$ 75.00
Call from M. Virzi, Esq. Sep 21, 2009	00:57	$ 250.00		$ 250.00
Call from M. Virzi, Esq. Sep 21, 2009	00:43	$ 250.00		$ 200.00
Prepare discovery requests to TAL Sep 22, 2009	02:11	$ 250.00		$ 550.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Sep 22, 2009		$ 16.27		$ 16.27
Revise first set of discovery requests v. TAL Sep 24, 2009	01:39	$ 250.00		$ 425.00
Call oa Lucy McDow Sep 29, 2009	00:24	$ 250.00		$ 100.00
Prepare reply to op TAL counterclaims Sep 29, 2009	03:48	$ 250.00		$ 950.00
Prepare client responses to TAL 2d set of discovery requests Sep 29, 2009	00:31	$ 250.00		$ 150.00
Certified mail Sep 29, 2009		$ 12.03		$ 12.03
Doug Gay re affidavit Sep 30, 2009	01:00	$ 250.00		$ 250.00
Expert Witness services Oct 02, 2009		$ 2,580.00		$ 2,580.00

Subtotal	$ 10,566.52
Total due by Oct 14, 2009	$ 10,566.52

01578

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Dec 04, 2009 Burton, DA.1 Invoice # 191	$ 4,122.37 by Dec 04, 2009

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Oct 01, 2009		$ 22.90		$ 22.90
Finalize discovery responses to TAL Oct 01, 2009	02:02	$ 100.00		$ 210.00
Certified mail Aug 04, 2009		$ 50.10		$ 50.10
Certified mail Sep 25, 2009		$ 14.37		$ 14.37
Finalize discovery responses to TAL Oct 30, 2009	00:00	$ 250.00		$ 0.00
Review case background materials Oct 30, 2009	01:34	$ 250.00		$ 400.00
Perform initial review of v. Cato handwritten discovery responses Oct 30, 2009	00:22	$ 250.00		$ 100.00
Call from client Oct 30, 2009	00:40	$ 250.00		$ 175.00
Doug Gay re affidavit Oct 30, 2009	00:00	$ 250.00		$ 0.00
Call oa Koutrakos Oct 30, 2009	00:16	$ 250.00		$ 75.00
Call to oa Pitts Nov 18, 2009	00:24	$ 250.00		$ 100.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Analyze discovery Nov 29, 2009	03:07	$ 250.00		$ 800.00
Analyze discovery Nov 27, 2009	01:48	$ 250.00		$ 450.00
Analyze discovery Nov 30, 2009	02:09	$ 250.00		$ 550.00
Call to client Nov 30, 2009	01:00	$ 0.00		$ 0.00
Call from Dale Dove Nov 30, 2009	01:00	$ 250.00		$ 250.00
Call from Dale Dove Dec 01, 2009	02:51	$ 250.00		$ 725.00
Return call to Dale Dove Dec 03, 2009	00:47	$ 250.00		$ 200.00

Subtotal	$ 4,122.37
Total due by Dec 04, 2009	$ 4,122.37

01580

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jan 05, 2010 Burton, DA.1 Invoice # 194	$ 2,664.60 by Jan 05, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Research deed validity	00:22	$ 250.00		$ 100.00
Call to oa Koutrakos	00:38	$ 250.00		$ 175.00
Prepare correspondence to oa Pitts	01:11	$ 250.00		$ 300.00
Reproduction		$ 14.60		$ 14.60
Call to YC Clerk of Court	00:16	$ 250.00		$ 75.00
Call from oa Pitts	00:39	$ 250.00		$ 175.00
Review and analyze TAL discovery responses	01:52	$ 250.00		$ 475.00
Prepare correspondence to oa Koutrakos	01:56	$ 250.00		$ 500.00
Prepare request for continuance	00:21	$ 250.00		$ 100.00
Analyze discovery responses	01:34	$ 250.00		$ 400.00
Prepare correspondence	01:22	$ 250.00		$ 350.00

01581

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Subtotal	$ 2,664.60
Total due by Jan 05, 2010	$ 2,664.60

01582

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Feb 04, 2010 Burton, DA.1 Invoice # 195	$ 3,718.31 by Feb 04, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Westlaw legal research Jan 01, 2010		$ 19.66		$ 19.66
Michael Virzi Jan 06, 2010	02:00	$ 250.00		$ 500.00
Prepare motions Jan 14, 2010	02:11	$ 250.00		$ 550.00
Michael J. Virzi, Esq. Jan 04, 2010		$ 1,140.00		$ 1,140.00
Copy, collate, and assemble documents Jan 20, 2010	03:03	$ 100.00		$ 310.00
Call from oa Koutrakos Jan 21, 2010	00:57	$ 250.00		$ 250.00
Automobile Mileage Jan 22, 2010	160 mi	$ 0.55		$ 88.00
Certified mail Jan 22, 2010		$ 35.65		$ 35.65
Prepare proofs of service Jan 22, 2010	00:14	$ 250.00		$ 75.00
Prepare correspondence Jan 22, 2010	00:23	$ 250.00		$ 100.00
Motion filing fees Jan 22, 2010		$ 50.00		$ 50.00

01583

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
M. Virzi fees Feb 01, 2010		$ 600.00		$ 600.00

Subtotal	$ 3,718.31
Total due by Feb 04, 2010	$ 3,718.31

01584

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton 412 Kaywoody Court Raleigh NC 27615 USA	Mar 07, 2010 Burton, DA.1 Invoice # 199	$ 3,967.40 by Mar 07, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Westlaw Feb 05, 2010		$ 65.83		$ 65.83
Burton, DA.1 status conference Feb 14, 2010	00:10	$ 250.00		$ 50.00
Prepare correspondence Feb 14, 2010	01:47	$ 250.00		$ 450.00
Travel Feb 17, 2010	01:30	$ 250.00		$ 375.00
Call to client Feb 17, 2010	00:30	$ 250.00		$ 125.00
Expense Feb 19, 2010		$ 11.08		$ 11.08
Return call from Melissa Weaver, Esq. Feb 19, 2010	00:34	$ 250.00		$ 150.00
Prepare correspondence Feb 19, 2010	01:16	$ 250.00		$ 325.00
Prepare correspondence Feb 19, 2010	00:57	$ 250.00		$ 250.00
Automobile Mileage Feb 17, 2010	80 mi	$ 0.55		$ 44.00
Call ac Dove Feb 24, 2010	01:08	$ 250.00		$ 300.00

01585

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call M. Virzi, Esq. Feb 24, 2010	01:02	$ 250.00		$ 275.00
Call Absolute Title Feb 25, 2010	00:56	$ 250.00		$ 250.00
Call client Feb 25, 2010	01:00	$ 250.00		$ 250.00
Prepare correspondence Mar 01, 2010	02:22	$ 250.00		$ 600.00
Call client Mar 01, 2010	01:00	$ 250.00		$ 250.00
Legal research Mar 01, 2010	00:30	$ 250.00		$ 125.00
Westlaw Mar 02, 2010		$ 71.49		$ 71.49

Subtotal	$ 3,967.40
Total due by Mar 07, 2010	$ 3,967.40

01586

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Apr 13, 2010 Burton, DA.1 Invoice # 204	$ 6,320.44 by Apr 13, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Automobile Mileage Mar 08, 2010	80 mi	$ 0.50		$ 40.00
Willis Ballard Areas Tour Mar 04, 2010	03:00	$ 250.00		$ 750.00
Motion Hearing Mar 08, 2010	01:00	$ 250.00		$ 250.00
Milledge Pitts meeting Mar 05, 2010	01:00	$ 250.00		$ 250.00
Review discovery responses Mar 16, 2010	01:56	$ 250.00		$ 500.00
Call client Mar 16, 2010	00:00	$ 250.00		$ 0.00
Call from ac Weaver Mar 16, 2010	00:51	$ 250.00		$ 225.00
Call from M. Virzi, Esq. Mar 16, 2010	01:20	$ 250.00		$ 350.00
Prepare order granting mtc Mar 16, 2010	01:21	$ 250.00		$ 350.00
Call client Mar 16, 2010	00:58	$ 250.00		$ 250.00
Prepare mtc Mar 16, 2010	00:30	$ 250.00		$ 125.00

01587

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Travel from York Mar 16, 2010	01:30	$ 250.00		$ 375.00
Expense Mar 16, 2010		$ 402.00		$ 402.00
Return call from oa Pitts Mar 17, 2010	00:29	$ 250.00		$ 125.00
Dove & Barton Mar 09, 2010		$ 277.50		$ 277.50
Michael Virzi, Esq. Mar 09, 2010		$ 300.00		$ 300.00
Call York County Clerk of Court Mar 24, 2010	00:08	$ 250.00		$ 50.00
Call oa Pitts Mar 24, 2010	01:04	$ 250.00		$ 275.00
Call oa Pitts Mar 24, 2010	00:20	$ 250.00		$ 100.00
Return call from Daniel Harshaw, Esq. Mar 24, 2010	00:08	$ 250.00		$ 50.00
Prepare correspondence Mar 25, 2010	00:15	$ 250.00		$ 75.00
Call from oa Koutrakos Mar 26, 2010	00:34	$ 250.00		$ 150.00
Call client Mar 26, 2010	00:36	$ 250.00		$ 150.00
Return call to Dr. Shohreh Taavoni Mar 26, 2010	00:20	$ 0.00		$ 0.00
Prepare motion Mar 26, 2010	00:25	$ 250.00		$ 125.00
Prepare motion Mar 28, 2010	00:48	$ 250.00		$ 200.00

01588

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call from M. Virzi, Esq. Mar 29, 2010	00:24	$ 250.00		$ 100.00
Call from Milledge Pitts Mar 29, 2010	00:41	$ 250.00		$ 175.00
Call from client Mar 29, 2010	00:30	$ 0.00		$ 0.00
Westlaw Apr 05, 2010		$ 65.98		$ 65.98
Certified mail Mar 25, 2010		$ 19.98		$ 19.98
Priority mail - mtc, msp, mpo Apr 06, 2010		$ 39.98		$ 39.98
Michael R. Watts, Court Reporter Apr 10, 2010		$ 175.00		$ 175.00

Subtotal	$ 6,320.44
Total due by Apr 13, 2010	$ 6,320.44

01589

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Apr 16, 2010 Burton, DA.1 Invoice # 206	$ 1,440.00 by Apr 16, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Michael Virzi, Esq. Apr 16, 2010		$ 1,440.00		$ 1,440.00

Subtotal	$ 1,440.00
Total due by Apr 16, 2010	$ 1,440.00

01590

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	May 02, 2010 Burton, DA.1 Invoice # 207	$6,077.46 by May 02, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Automobile Mileage Apr 20, 2010	80 mi	$0.50		$40.00
Electronic transcript Apr 20, 2010		$35.00		$35.00
Certified mail Apr 23, 2010		$11.08		$11.08
Burton, D.1 motion hearings Apr 20, 2010	01:20	$250.00		$350.00
David Burton Apr 30, 2010	04:00	$250.00		$1,000.00
Eric Wessinger Apr 27, 2010	01:00	$250.00		$250.00
Dale Dove Apr 21, 2010	02:30	$250.00		$625.00
Call Eric Wessinger, SCDOT Mar 31, 2010	00:20	$250.00		$100.00
Prepare motion Apr 01, 2010	00:57	$250.00		$250.00
Prepare motion Apr 01, 2010	01:00	$250.00		$250.00
Call from client Mar 27, 2010	00:58	$250.00		$250.00

01591

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare motion Mar 31, 2010	01:23	$250.00		$350.00
Prepare correspondence Apr 17, 2010	01:42	$250.00		$425.00
Travel Apr 20, 2010	01:45	$250.00		$450.00
Prepare draft application Apr 20, 2010	01:00	$250.00		$250.00
Review document Apr 26, 2010	00:44	$250.00		$200.00
Travel Apr 27, 2010	00:48	$250.00		$200.00
v. TAL Document inspection Apr 27, 2010	02:55	$250.00		$750.00
Settlement negotiation w/oa Koutrakos Apr 27, 2010	00:20	$250.00		$100.00
Legal research May 01, 2010		$191.38		$191.38
			Subtotal	$6,077.46
			Total due by May 02, 2010	$6,077.46

01592

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jun 02, 2010 Burton, DA.1 Invoice # 218	$2,863.02 by Jun 02, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Apr 28, 2010		$32.14		$32.14
Certified mail May 27, 2010		$5.88		$5.88
Jeff Tzerman, Esq. Jun 01, 2010	01:00	$250.00		$250.00
Chip Hicks Jun 02, 2010	01:00	$0.00		$0.00
Jim Koutrakos re document inspection Apr 27, 2010	02:55	$250.00		$750.00
Cal Watson May 14, 2010	00:30	$0.00		$0.00
Eric Bland Jun 02, 2010	02:00	$0.00		$0.00
Call T.B. Harris Appraisers May 06, 2010	00:15	$250.00		$75.00
Return call to oa Moody May 07, 2010	00:27	$250.00		$125.00
Call client May 07, 2010	00:34	$250.00		$150.00
Call Doug Gay May 20, 2010	00:30	$250.00		$125.00

01593

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Scan and e-mail documents May 21, 2010	02:25	$250.00		$625.00
Call Lynn Strait, YCCC May 27, 2010	00:04	$250.00		$25.00
Call client May 25, 2010	00:40	$250.00		$175.00
Call appraiser May 28, 2010	00:24	$250.00		$100.00
Call from oa Koutrakos Jun 01, 2010	00:45	$250.00		$200.00
Call client Jun 01, 2010	00:50	$250.00		$225.00

Subtotal	$2,863.02
Total due by Jun 02, 2010	$2,863.02

01594

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jul 14, 2010 Burton, DA.1 Invoice # 223	$912.74 by Jul 14, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Legal Research Jun 03, 2010		$138.69		$138.69
Dallas Reporting Jun 18, 2010		$474.05		$474.05
Jeff Tzerman, Esq. Jun 21, 2010	00:46	$250.00		$200.00
Call from client Jun 23, 2010	00:23	$250.00		$100.00

Subtotal	$912.74
Total due by Jul 14, 2010	$912.74

01595

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Aug 04, 2010 Burton, DA.1 Invoice # 227	$2,774.57 by Aug 04, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call Jeff Tzerman, Esq. Jul 08, 2010	00:18	$250.00		$75.00
Call Melissa Weaver Jul 14, 2010	01:04	$250.00		$275.00
Call client Jul 15, 2010	01:39	$0.00		$0.00
Edgefield County Clerk of Court Jul 23, 2010		$10.00		$10.00
Jeffrey Tzerman, Esq. Jul 28, 2010		$500.00		$500.00
Legal research Aug 04, 2010		$139.57		$139.57
Call from oa's Moody & Kourakos Jul 21, 2010	00:40	$250.00		$175.00
Prepare mfs v. petitioners Jul 24, 2010	01:07	$250.00		$300.00
Review documents Jul 24, 2010	01:51	$250.00		$475.00
Review documents Jul 25, 2010	00:30	$250.00		$125.00
Prepare mfs v. Cato Jul 28, 2010	00:42	$250.00		$175.00

01596

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare filing Jul 28, 2010	00:35	$250.00		$150.00
Prepare filing Jul 29, 2010	01:00	$250.00		$250.00
Prepare correspondence & filings Jul 29, 2010	00:25	$250.00		$125.00

Subtotal	$2,774.57
Total due by Aug 04, 2010	$2,774.57

01597

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Dec 22, 2010 Burton, DA.1 Invoice # 250	$11,210.02 by Dec 22, 2010

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Nov 06, 2010		$22.84		$22.84
Hearing Transcript Nov 29, 2010		$35.00		$35.00
Hearing Transcript Nov 19, 2010		$220.50		$220.50
Westlaw Dec 01, 2020		$312.42		$312.42
Certified mail, etc. Dec 22, 2010		$19.26		$19.26
Deposition of James Thomas Cato Nov 22, 2010	04:45	$250.00		$1,200.00
York County CCP Term of Court Oct 26, 2010	01:30	$250.00		$375.00
Deposition of James Thomas Cato Nov 15, 2010	09:30	$250.00		$2,375.00
Prepare discovery requests Nov 02, 2010	02:54	$250.00		$725.00
Call oa Moody Nov 04, 2010	00:18	$250.00		$75.00
Call oa Koutrakos Nov 04, 2010	00:06	$250.00		$25.00

01598

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare depo script Nov 03, 2010	02:02	$250.00		$525.00
Call client Nov 04, 2010	00:30	$250.00		$125.00
Call Lynn Strait Nov 05, 2010	00:18	$250.00		$75.00
Call client Nov 05, 2010	00:39	$250.00		$175.00
Call oa Koutrakos Nov 09, 2010	00:20	$250.00		$100.00
Prepare depo script Nov 08, 2010	01:10	$250.00		$300.00
Prepare depo script Nov 11, 2010	02:10	$250.00		$550.00
Prepare depo script Nov 16, 2010	01:28	$250.00		$375.00
Prepare for deposition Nov 17, 2010	06:10	$250.00		$1,550.00
Prepare for deposition Nov 17, 2010	06:04	$250.00		$1,525.00
Call John Shiflet Dec 09, 2010	00:05	$250.00		$25.00
Prepare discovery responses Dec 22, 2010	00:57	$250.00		$250.00
Prepare discovery responses Dec 22, 2010	00:59	$250.00		$250.00

01599

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Subtotal	$11,210.02
Total due by Dec 22, 2010	$11,210.02

01600

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Sep 13, 2010 Burton, DA.1 Invoice # 234	$2,835.38 by Sep 13, 2010

Thank you for the opportunity to serve your legal services needs.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Certified mail Jul 30, 2010		$17.35		$17.35
Westlaw legal research Sep 01, 2010		$252.28		$252.28
Call Michael Virzi, Esq. Aug 13, 2010	00:52	$250.00		$225.00
Prepare correspondence Aug 17, 2010	00:45	$250.00		$200.00
Call client David Aug 17, 2010	01:16	$250.00		$325.00
Call oa Moody Aug 17, 2010	00:14	$250.00		$75.00
Call Brian McCoy, Esq. Aug 17, 2010	00:18	$250.00		$75.00
Prepare correspondence Aug 18, 2010	00:18	$250.00		$75.00
Call Lynn Strait Aug 19, 2010	00:17	$250.00		$75.00
Call oa McCoy Aug 19, 2010	00:12	$250.00		$50.00
Call from client Aug 20, 2010	00:23	$250.00		$100.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call client Aug 23, 2010	00:18	$250.00		$75.00
Call from Austin Sheheen Aug 24, 2010	00:05	$250.00		$25.00
Call oa Moody Aug 25, 2010	00:23	$250.00		$100.00
Call oa McCoy Aug 26, 2010	00:47	$250.00		$200.00
Call client Aug 27, 2010	00:23	$250.00		$100.00
Prepare pleading Aug 27, 2010	01:35	$250.00		$400.00
Prepare filing Aug 27, 2010	00:32	$250.00		$150.00
Call oa Moody Aug 31, 2010	00:22	$250.00		$100.00
Review documents Sep 06, 2010	00:46	$250.00		$200.00
Expense Sep 13, 2010	00:00	$15.75		$15.75

Subtotal	$2,835.38
Total due by Sep 13, 2010	$2,835.38

01602

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Oct 04, 2010 Burton, DA.1 Invoice # 242	$5,329.89 by Oct 04, 2010

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Legal research		$254.89		$254.89
Prepare discovery requests	00:48	$250.00		$200.00
Prepare e-mail	00:15	$250.00		$75.00
Prepare document	00:59	$250.00		$250.00
Research legal issues	01:23	$250.00		$350.00
Research legal issues	02:06	$250.00		$525.00
Research	02:54	$250.00		$725.00
Prepare document	00:44	$250.00		$200.00
Prepare document	03:30	$250.00		$875.00
Prepare document	02:52	$250.00		$725.00
Prepare document	01:18	$250.00		$325.00

01603

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare correspondence	00:57	$250.00		$250.00
Prepare filing	01:59	$250.00		$500.00
Review filing	00:18	$250.00		$75.00

Subtotal	$5,329.89
Total due by Oct 04, 2010	$5,329.89

01604

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Nov 07, 2010 Burton, DA.1 Invoice # 243	$10,221.92 by Nov 07, 2010

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
USPS Oct 13, 2010		$34.43		$34.43
USPS Oct 21, 2010		$89.65		$89.65
Westlaw Legal Research Nov 01, 2010		$272.84		$272.84
Attend motion hearing Oct 26, 2010	02:00	$250.00		$500.00
Travel Oct 26, 2010	01:45	$250.00		$450.00
Prepare for motion hearings Oct 25, 2010	03:01	$250.00		$775.00
Finalize filings Oct 21, 2010	04:46	$250.00		$1,200.00
Prepare filing Oct 20, 2010	01:40	$250.00		$425.00
Prepare filing Oct 20, 2010	02:06	$250.00		$525.00
Prepare filing Oct 20, 2010	01:57	$250.00		$500.00
Prepare final affidavit Oct 20, 2010	02:00	$250.00		$500.00

01605

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare correspondence Oct 19, 2010	00:18	$250.00		$75.00
Philip Urso Oct 15, 2010	05:00	$250.00		$1,250.00
Finalize filings Oct 12, 2010	03:21	$250.00		$850.00
Prepare filing Oct 11, 2010	02:12	$250.00		$550.00
Prepare filing Oct 10, 2010	00:40	$250.00		$175.00
Prepare draft motion Oct 10, 2010	00:36	$250.00		$150.00
Prepare filing Oct 10, 2010	01:22	$250.00		$350.00
Prepare filing Oct 07, 2010	01:31	$250.00		$400.00
Prepare affidavit Oct 07, 2010	01:02	$250.00		$275.00
Prepare filing Oct 06, 2010	02:20	$250.00		$600.00
Call D.K. Koutrakos, Esq. Oct 05, 2010	01:01	$250.00		$275.00

Subtotal	$10,221.92
Total due by Nov 07, 2010	$10,221.92

01606

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Feb 04, 2011 Burton, DA.1 Invoice # 254	$4,038.09 by Feb 04, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Conarco Jan 27, 2011		$2,063.09		$2,063.09
Review transcript Jan 07, 2011	04:10	$250.00		$1,050.00
Review transcript Jan 09, 2011	03:41	$250.00		$925.00

Subtotal	$4,038.09
Total due by Feb 04, 2011	$4,038.09

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Mar 06, 2011 Burton, DA.1 Invoice # 262	$2,013.00 by Mar 06, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Automobile Mileage Feb 23, 2011	160 mi	$0.55		$88.00
Motion hearing Feb 25, 2011	02:00	$250.00		$500.00
Prepare for motion hearings Feb 28, 2011	01:19	$250.00		$350.00
Prepare for motion hearings Feb 21, 2011	01:56	$250.00		$500.00
Call Lynn Strait Mar 06, 2011	00:10	$250.00		$50.00
Call Jeff Wilkes Feb 15, 2011	00:13	$250.00		$75.00
Travel to York, SC, for motion hearings Feb 28, 2011	01:45	$250.00		$450.00

Subtotal	$2,013.00
Total due by Mar 06, 2011	$2,013.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	May 02, 2011 Burton, DA.1 Invoice # 270	$3,173.79 by May 02, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Westlaw legal research Mar 01, 2011		$39.08		$39.08
Westlaw legal research May 02, 2011		$184.71		$184.71
File documents Apr 14, 2011	00:15	$250.00		$75.00
Burton, DA.1 conference call Apr 15, 2011	00:57	$250.00		$250.00
Call from oa Koutrakos Mar 07, 2011	00:07	$250.00		$50.00
Call Lynn Strait Mar 16, 2011	00:08	$250.00		$50.00
Call oa Koutrakos Mar 17, 2011	00:15	$250.00		$75.00
Call oa Koutrakos Mar 23, 2011	00:22	$250.00		$100.00
Prepare motion Apr 05, 2011	00:30	$250.00		$125.00
Review order Apr 06, 2011	00:10	$250.00		$50.00
Call oa Koutrakos Apr 08, 2011	00:19	$250.00		$100.00
Call Michael Virzi	00:43	$250.00		$200.00

01609

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Apr 12, 2011				
Conduct research Apr 12, 2011	01:06	$250.00		$275.00
Prepare motion Apr 12, 2011	03:01	$250.00		$775.00
Assemble motion documents Apr 13, 2011	00:27	$250.00		$125.00
Prepare correspondence Apr 13, 2011	00:21	$250.00		$100.00
Prepare proof of service Apr 13, 2011	00:22	$250.00		$100.00
Travel to file motion Apr 14, 2011	01:45	$250.00		$450.00
Call oa Koutrakos Apr 15, 2011	00:10	$250.00		$50.00

Subtotal	$3,173.79
Total due by May 02, 2011	$3,173.79

01610

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jun 08, 2011 Burton, DA.1 Invoice # 273	$5,357.82 by Jun 08, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Harry S. Goldberg, Esq. May 27, 2011		$1,113.51		$1,113.51
U.S.P.S. - Certified Mail May 27, 2011		$18.36		$18.36
Westlaw legal research Jun 01, 2011		$165.95		$165.95
Burton, DA.1 mediation May 19, 2011	08:00	$250.00		$2,000.00
Call Mediator May 13, 2011	01:06	$250.00		$275.00
Call Harry Goldberg, Esq. May 17, 2011	00:20	$250.00		$100.00
Assemble and fax pleadings to mediator May 16, 2011	03:04	$100.00		$310.00
Call Philip Urso, MAI May 27, 2011	00:14	$250.00		$75.00
Call oa Moody May 27, 2011	00:18	$250.00		$75.00
Prepare Notice of TAL Deposition May 27, 2011	00:59	$250.00		$250.00
Prepare e-mail to oa McCoy May 27, 2011	00:04	$250.00		$25.00
Call Phil Urso, MAI	00:36	$250.00		$150.00

01611

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Jun 02, 2011				
Prepare for TAL deposition Jun 08, 2011	03:11	$250.00		$800.00
			Subtotal	$5,357.82
			Total due by Jun 08, 2011	$5,357.82

01612

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jul 05, 2011 Burton, DA.1 Invoice # 276	$2,175.00 by Jul 05, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Prepare for deposition Jun 12, 2011	02:20	$250.00		$600.00
Prepare for deposition Jun 13, 2011	04:04	$250.00		$1,025.00
Prepare for deposition Jun 14, 2011	02:27	$250.00		$625.00
Prepare for deposition Jun 14, 2011	00:55	$250.00		$250.00
Call Michael Virzi Jun 24, 2011	-10:00	$250.00		($2,500.00)
Prepare motion to substitute Jul 05, 2011	00:34	$250.00		$150.00
Prepare draft pleadings Jul 04, 2011	02:05	$250.00		$525.00
TAL Deposition(s) Jul 05, 2011	06:00	$250.00		$1,500.00

Subtotal	$2,175.00
Total due by Jul 05, 2011	$2,175.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Aug 08, 2011 Burton, DA.1 Invoice # 281	$3,393.43 by Aug 08, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
York County Clerk of Court Jul 11, 2011		$25.00		$25.00
Priority mail Jul 11, 2011		$44.40		$44.40
Legal research Aug 01, 2011		$312.43		$312.43
Prepare draft pleadings Jul 05, 2011	01:48	$250.00		$450.00
Prepare draft pleadings Jul 06, 2011	02:00	$250.00		$500.00
Prepare draft pleadings Jul 07, 2011	03:33	$250.00		$900.00
Automobile Mileage Jul 11, 2011	160 mi	$0.51		$81.60
Copy, collate, and assemble amended pleadings Jul 09, 2011	10:46	$100.00		$1,080.00

Subtotal	$3,393.43
Total due by Aug 08, 2011	$3,393.43

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Sep 06, 2011 Burton, DA.1 Invoice # 286	$9,229.66 by Sep 06, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Conarco Jul 30, 2020		$845.49		$845.49
Prepare motion briefs Aug 17, 2011	03:17	$250.00		$825.00
Prepare motion briefs Aug 27, 2011	04:26	$250.00		$1,125.00
Prepare motion briefs Aug 19, 2011	03:04	$250.00		$775.00
Attend motion hearings Aug 29, 2011	02:30	$250.00		$625.00
Prepare motion briefs Aug 28, 2011	06:46	$100.00		$680.00
Prepare motion briefs Aug 26, 2011	03:14	$250.00		$825.00
Prepare motion briefs Aug 23, 2011	01:27	$250.00		$375.00
Prepare motion briefs Aug 22, 2011	04:48	$250.00		$1,200.00
Prepare motion briefs Aug 21, 2011	04:11	$250.00		$1,050.00
Prepare motion briefs Aug 23, 2011	02:38	$250.00		$675.00
Legal research		$229.17		$229.17

01615

Invoice

Roger S. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Sep 01, 2011				

Subtotal	$9,229.66
Total due by Sep 06, 2011	$9,229.66

01616

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Dec 23, 2011 Burton, DA.1 Invoice # 298	$2,645.73 by Dec 23, 2011

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Westlaw research Oct 01, 2011		$109.22		$109.22
Review reply brief Sep 13, 2011	00:26	$250.00		$125.00
Call oa Koutrakos Sep 06, 2011	00:43	$250.00		$200.00
Call Tommy Wingard Sep 07, 2011	00:43	$250.00		$200.00
Prepare draft brief Sep 14, 2011	02:39	$250.00		$675.00
Call oa Koutrakos Sep 27, 2011	00:12	$250.00		$50.00
Check No. 3634 Wanda Nelson Nov 01, 2011		$324.25		$324.25
Prepare pleading Nov 02, 2011	02:00	$250.00		$500.00
Prepare pleading Nov 10, 2011	01:39	$250.00		$425.00
Certified mail Dec 05, 2011		$31.67		$31.67
Certified mail Dec 05, 2011		$5.59		$5.59

01617

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Subtotal	$2,645.73
Total due by Dec 23, 2011	$2,645.73

01618

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Apr 19, 2012 Burton, DA.1 Invoice # 304	$8,253.43 by Apr 19, 2012

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Express mail Mar 08, 2012		$37.80		$37.80
Charles Hedgepath Mar 09, 2012	01:30	$250.00		$375.00
Call oa Koutrakos Jan 18, 2012	00:16	$250.00		$75.00
Prepare discovery requests for TAL Feb 08, 2012	02:04	$250.00		$525.00
Prepare Notice of Deposition to TAL Feb 10, 2012	00:08	$250.00		$50.00
Call oa McCoy Feb 16, 2012	00:32	$250.00		$150.00
Call DOT Mar 09, 2012	00:03	$250.00		$25.00
Prepare motion Mar 07, 2012	01:34	$250.00		$400.00
Prepare motion Mar 09, 2012	01:21	$250.00		$350.00
York County Clerk of Court Mar 08, 2012		$25.00		$25.00
Westlaw Apr 02, 2012		$190.63		$190.63

01619

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Charles E. Hedgepath, Esq. Apr 03, 2012		$5,800.00		$5,800.00
Call oa Koutrakos Mar 23, 2012	00:10	$250.00		$50.00
Call oa McCoy Mar 28, 2012	00:31	$250.00		$150.00
Call oa Moody Apr 10, 2012	00:12	$250.00		$50.00

Subtotal	$8,253.43
Total due by Apr 19, 2012	$8,253.43

01620

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jun 21, 2012 Burton, DA.1 Invoice # 307	$4,990.48 by Jun 21, 2012

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
First class mail Apr 23, 2012		$14.60		$14.60
Motion to Compel Apr 25, 2012		$25.00		$25.00
Call oa Koutrakos Apr 26, 2012	00:12	$250.00		$50.00
Review initial TAL deposition transcript Apr 29, 2012	02:24	$250.00		$600.00
Call Beacham Brooker, Esq., SC DOT Apr 30, 2012	00:04	$250.00		$25.00
Call oa Koutrakos May 01, 2012	00:24	$250.00		$100.00
Prepare TAL deposition script May 01, 2012	02:54	$250.00		$725.00
Prepare TAL deposition script May 02, 2012	03:20	$250.00		$850.00
Call Doug Timmons, SC DOT May 08, 2012	00:40	$250.00		$175.00
Prepare correspondence May 24, 2012	00:23	$250.00		$100.00
Call Doug Timmons, SC DOT May 24, 2012	00:15	$250.00		$75.00

01621

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Conarco Jun 08, 2012		$469.66		$469.66
Burton, DA.1 msj/mtd hearing Jun 12, 2012	00:45	$250.00		$200.00
Prepare motion hearing script May 29, 2012	01:59	$250.00		$500.00
Travel May 30, 2012	01:40	$250.00		$425.00
Westlaw Jun 01, 2012		$256.22		$256.22
Call oa Koutrakos May 18, 2012	00:12	$250.00		$50.00
Call Client May 18, 2012	00:37	$250.00		$175.00
Review documents Jun 15, 2012	00:41	$250.00		$175.00

Subtotal	$4,990.48
Total due by Jun 21, 2012	$4,990.48

01622

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Sep 28, 2012 Burton, DA.1 Invoice # 312	$6,615.21 by Sep 28, 2012

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Charles Hedgepath, Esq. Jul 25, 2012		$825.00		$825.00
Michael Virzi, Esq. Jul 05, 2012		$1,680.00		$1,680.00
UPS Jun 28, 2012		$65.06		$65.06
GHM & Mickey Dawson Jul 27, 2012	01:30	$250.00		$375.00
Draft filing Jun 26, 2012	01:02	$250.00		$275.00
Draft discovery requests Jun 26, 2012	01:18	$250.00		$325.00
Call GHM Jun 26, 2012	00:30	$250.00		$125.00
Finalize discovery requests Jun 27, 2012	00:50	$250.00		$225.00
Prepare document Jul 20, 2012	01:24	$250.00		$350.00
Prepare correspondence Jul 23, 2012	00:14	$250.00		$75.00
Call oa Koutrakos Jul 27, 2012	00:17	$250.00		$75.00

01623

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call Michael Virzi, Esq. Jul 27, 2012	00:18	$250.00		$75.00
Call Client Jul 27, 2012	00:19	$250.00		$100.00
Call GHM Jul 27, 2012	00:20	$250.00		$100.00
Shirley G. Broom Aug 07, 2012		$70.15		$70.15
Call oa Koutrakos Aug 01, 2012	00:48	$250.00		$200.00
Call Court Reporter Aug 03, 2012	00:07	$250.00		$50.00
Call oa Koutrakos Aug 06, 2012	00:08	$250.00		$50.00
Call oa Koutrakos and oa McDow Aug 06, 2012	00:29	$250.00		$125.00
Call Client Aug 07, 2012	00:43	$250.00		$200.00
Call oa Koutrakos Aug 08, 2012	00:28	$250.00		$125.00
Call oa Koutrakos Aug 10, 2012	00:16	$250.00		$75.00
Call oa McCoy Aug 13, 2012	00:27	$250.00		$125.00
Review discovery documents Aug 13, 2012	00:10	$250.00		$50.00
Review discovery documents Aug 13, 2012	00:10	$250.00		$50.00
Call oa Outten Aug 14, 2012	00:04	$250.00		$25.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call Mickey Dawson Aug 31, 2012	00:34	$250.00		$150.00
Call oa Koutrakos Aug 27, 2012	00:18	$250.00		$75.00
Call oa Outten Aug 27, 2012	00:01	$250.00		$25.00
Call oa Koutrakos Sep 04, 2012	00:12	$250.00		$50.00
Call Client Sep 04, 2012	00:27	$250.00		$125.00
Call oa McCoy Sep 05, 2012	00:30	$250.00		$125.00
Call oa McCoy Sep 11, 2012	00:12	$250.00		$50.00
Call Mickey Dawson Sep 18, 2012	00:24	$250.00		$100.00
Call oa Koutrakos Sep 27, 2012	00:24	$250.00		$100.00

Subtotal	$6,615.21
Total due by Sep 28, 2012	$6,615.21

01625

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Jan 12, 2013 Burton, DA.1 Invoice # 328	$9,801.54 by Jan 12, 2013

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Westlaw Nov 01, 2012		$27.05		$27.05
Westlaw Dec 01, 2012		$27.05		$27.05
Westlaw Jan 02, 2013		$312.44		$312.44
Oa Koutrakos Oct 12, 2012	00:20	$250.00		$100.00
Call oa Koutrakos Oct 01, 2012	00:17	$250.00		$75.00
Conference Call w/GHM and Mickey Dawson Oct 02, 2012	01:30	$250.00		$375.00
Call oa Koutrakos Oct 08, 2012	00:20	$250.00		$100.00
Call oa Koutrakos Oct 09, 2012	00:17	$250.00		$75.00
Prepare dft demand ltr Oct 14, 2012	01:19	$250.00		$350.00
Prepare e-mail Oct 15, 2012	00:16	$250.00		$75.00
Call oa Koutrakos Oct 18, 2012	00:20	$250.00		$100.00

01626

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call Jeff Smith, CPA Oct 19, 2012	00:35	$250.00		$150.00
Call oa Koutrakos Oct 19, 2012	00:12	$250.00		$50.00
Call oa Koutrakos Oct 19, 2012	00:03	$250.00		$25.00
Call oa Koutrakos Oct 19, 2012	00:20	$250.00		$100.00
Call oa Koutrakos Oct 19, 2012	00:06	$250.00		$25.00
Prepare document Nov 02, 2012	01:44	$250.00		$450.00
Call oa Koutrakos Nov 05, 2012	00:06	$250.00		$25.00
Call oa McDonald (DOT) Nov 26, 2012	00:31	$250.00		$150.00
Call ac McMaster Nov 29, 2012	00:45	$250.00		$200.00
Prepare e-mails Nov 29, 2012	01:43	$250.00		$450.00
Call oa Koutrakos Nov 30, 2012	00:18	$250.00		$75.00
Review and revise documents Nov 30, 2012	01:30	$250.00		$375.00
Review revised settlement agreement Dec 03, 2012	00:45	$250.00		$200.00
Review DOT settlement documents Dec 03, 2012	00:29	$250.00		$125.00
Prepare and send e-mail Dec 03, 2012	00:30	$250.00		$125.00

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call oa Koutrakos Dec 06, 2012	00:41	$250.00		$175.00
Call oa Koutrakos Dec 06, 2012	00:15	$250.00		$75.00
Call oa McDow Dec 14, 2012	00:19	$250.00		$100.00
Call oa Koutrakos & oa Moody & oa McCoy Dec 14, 2012	00:31	$250.00		$150.00
Call oa Koutrakos Dec 14, 2012	00:32	$250.00		$150.00
Call oa Koutrakos Dec 14, 2012	00:31	$250.00		$150.00
Review documents Dec 14, 2012	00:50	$250.00		$225.00
Revise document Dec 13, 2012	01:11	$250.00		$300.00
Call oa Koutrakos Dec 12, 2012	00:23	$250.00		$100.00
Call oa Koutrakos Nov 21, 2012	01:16	$250.00		$325.00
Call oa Koutrakos Dec 13, 2012	01:01	$250.00		$275.00
Call Michael Virzi, Esq. Dec 15, 2012	00:15	$250.00		$75.00
Call oa McDow Dec 15, 2012	01:18	$250.00		$325.00
Call oa McDow Dec 14, 2012	01:38	$250.00		$425.00
Call oa Koutrakos & oa McDow Dec 16, 2012	00:37	$250.00		$175.00

01628

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call oa Koutrakos Dec 16, 2012	00:12	$250.00		$50.00
Call oa Koutrakos Dec 17, 2012	00:29	$250.00		$125.00
Prepare correspondence Dec 21, 2012	01:12	$250.00		$300.00
Call oa Koutrtakos Dec 18, 2012	00:28	$250.00		$125.00
Call ac GHM and oa McDow Dec 28, 2012	01:00	$250.00		$250.00
Draft discovery documents Dec 31, 2012	00:49	$250.00		$225.00
Call oa Moody Jan 07, 2013	00:46	$250.00		$200.00
Call oa McCoy Jan 08, 2013	00:45	$250.00		$200.00
Call Lynn Strait and oa Koutrakos Jan 12, 2013	00:29	$250.00		$125.00
Prepare correspondence Jan 13, 2013	00:51	$250.00		$225.00
Michael Virzi, Esq. Jan 01, 2013		$810.00		$810.00
			Subtotal	$9,801.54
			Total due by Jan 12, 2013	$9,801.54

01629

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	Apr 11, 2013 Burton, DA.1 Invoice # 333	$2,857.61 by Apr 11, 2013

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Automobile Mileage Mar 19, 2013	160 mi	$0.55		$88.00
Michael Watts, Court Reporter Apr 09, 2013		$35.00		$35.00
Michael Watts, Court Reporter Apr 01, 2013		$165.02		$165.02
Harry L. Goldberg, Esq. Apr 09, 2013		$948.11		$948.11
Attend mediation Apr 04, 2013	08:00	$250.00		$2,000.00
Prepare for mediation Apr 01, 2013	02:47	$250.00		$700.00
Appear at Motion Hearings Mar 19, 2013	01:00	$250.00		$250.00
Travel to York, SC, and return Mar 19, 2013	01:45	$250.00		$450.00
Call oa Koutrakos Mar 18, 2013	00:24	$250.00		$100.00
Prepare for motion hearing Mar 18, 2013	01:23	$250.00		$350.00
Call oa Koutrakos Mar 08, 2013	00:13	$250.00		$75.00

01630

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Call os Koutrakos Mar 06, 2013	01:04	$250.00		$275.00

Subtotal	$5,436.13
Retainer applied	($2,578.52)
Total due by Apr 11, 2013	$2,857.61

01631

Invoice

Roger B. Jollenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

BILLED TO	DETAILS	TOTAL DUE
David Burton Dentist 412 Kaywoody Court Raleigh NC 27615 USA	May 16, 2013 Burton, DA.1 Invoice # 336	$3,709.00 by May 16, 2013

Thank you.

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Automobile Mileage May 14, 2013	190 mi	$0.55		$104.50
Automobile Mileage May 15, 2013	190 mi	$0.55		$104.50
Harry Goldberg & oa Koutrakos May 14, 2013	01:00	$250.00		$250.00
Judge Alford May 14, 2013	01:35	$250.00		$400.00
York County Clerk of Court May 14, 2013	01:00	$250.00		$250.00
York County Register of Deeds May 15, 2013	01:00	$250.00		$250.00
Expediting May 07, 2013	04:00	$250.00		$1,000.00
Correspondence May 10, 2013	00:10	$250.00		$50.00
Calls - oa Koutrakos, Ruth Cunnup, & Harry Goldberg May 13, 2013	01:06	$250.00		$275.00
Travel from Camden to Columbia May 14, 2013	00:45	$250.00		$200.00
Travel from Columbia to Rock Hill May 14, 2013	00:45	$250.00		$200.00

01632

Invoice

Roger B. Jellenik, Attorney at Law
1111 Broad Street, Box J
Camden SC 29020-3611
803-424-1919

Item	Hrs / Qty	Rate / Price	Taxes	Subtotal
Travel from Rock Hill to York, SC May 14, 2013	00:26	$250.00		$125.00
Travel from York to Rock Hill to Camden, SC May 15, 2013	02:00	$250.00		$500.00

Subtotal	$3,709.00
Total due by May 16, 2013	$3,709.00

01633

ROBINSON, BRADSHAW & HINSON, P.A.

140 EAST MAIN STREET, SUITE 420
POST OFFICE DRAWER 12070
ROCK HILL, SOUTH CAROLINA 29731
TELEPHONE (803) 325-2900
FAX (803) 325-2929

ATTORNEYS AT LAW

July 20, 2007

T. E. Cato Estate, LLC.
c/o James Thomas Cato

Draft, revise and complete Operating Agreement and Application for Articles; file with Secretry of State; research ownership with GIS, records of the Clerk of Court and Probate Court; prepare Deed receive and record; retrieve, draft and forward EIN Application; meeting and conversation with Tom Cato; forward documents to Tom Cato

ATTORNEY FEE.....		$2,112.50
COSTS ADVANCED:		
Clerk of Court and Probate Copies 102 @ $0.40	40.80	
Recording Fees for Deed	16.00	
Filing Fee $110.00, Paid direct by Thomas Cato	____	56.80
TOTAL		$2,169.30

PLEASE FORWARD CHECK TO THE ATTENTION OF DENISE C. WESTMORELAND AT THE ADDRESS SHOWN ABOVE

5/12/07	Draft Operating Agreement and Articles	1.9
5/13/07	Complete Operating Agreement and Articles GIS Research (Nations Bank NA, Trustee) Open File	1.4
5/20/07	revise Agreement and Articles, draft deed to LLC	1.3
5/21/07	research probate records and titles	.7
5/29/07	call Tom Cato	-0-
5/30/07	meet with Tom Cato	0.2
7-09-07	send deed for recording	0.2
	CLERK'S COSTS $16.00 COPIES, CLERK & OFFICE 102 = $40.80	
7-19-07	retrieve, draft and forward EIN Application to Tom	0.3
7-20-07	organize documents and forward to Tom Cato	0.5

WOMBLE CARLYLE SANDRIDGE & RICE
A PROFESSIONAL LIMITED LIABILITY COMPANY

550 South Main Street, Suite 400
Greenville, SC 29601

Mailing Address:
Post Office Box 10208
Greenville, SC 29603-0208
Telephone: (864) 255-5400
Fax: (864) 255-5440
www.wcsr.com

Samuel W. Outten
Direct Dial: (864) 255-5421
Direct Fax: (864) 239-5852
E-mail: SOutten@wcsr.com

January 25, 2011

Roger B. Jellenik
Attorney at Law
1111 Broad Street, Box J
Camden, SC 29020

Re: *Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A.*
C.A. No. 2010-CP-46-2267

Dear Roger:

Enclosed please find the following documents:

1. Responses to Plaintiff's First Set of Requests for Production (including Bates Nos. RBH 00001-00002)

2. Responses to Plaintiff's First Set of Interrogatories

3. Responses to Plaintiff's First Set of Requests for Admission

Please do not hesitate to contact me should you have any questions.

Sincerely,

Samuel W. Outten

SWO:jac
Enclosures

Received 1-26-11

STATE OF SOUTH CAROLINA COUNTY OF YORK Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC, Plaintiff, v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A., Defendants.	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT C.A. No. 2010-CP-46-2267 **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSION**

TO: ROGER B. JELLENIK, ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A. (collectively "RBH") hereby respond to the Plaintiff's First Set of Requests for Admission as follows:

Requests for Admission

1. Please admit that you prepared the RBH Deed.

Response:

Admitted.

2. Please admit that you prepared any exhibit or attachment appended to the RBH Deed.

Response:

Admitted.

Received 1-26-11

3. Please admit that you never furnished any legal advice to the Plaintiff regarding any aspect of the RBH Deed either prior to or after its execution.

Response:

RBH objects to this request to the extent that it assumes that RBH had a duty to provide legal advice to the Plaintiff regarding the RBH Deed. The Plaintiff was fully informed of the nature of the transaction and how it was to be accomplished. Further, Plaintiff never raised any questions regarding the Deed to RBH.

4. Please admit that CatoLLC did not exist as of the date of execution of the RBH Deed.

Response:

RBH admits that the Articles of Organization had not been filed as of the date the RBH Deed was prepared.

5. Please admit that the RBH Deed did not convey title to the Roadbed Tract.

Response:

Admitted.

6. Please admit that the RBH Deed did not convey title to the Areas.

Response:

Denied.

Dated this the 25 day of January, 2011.

Samuel W. Outten

Samuel W. Outten (SC Bar No. 4295)
Catherine R. Atwood (SC Bar No. 77367)
WOMBLE CARLYLE SANDRIDGE & RICE
a Professional Limited Liability Company
550 S. Main Street, Suite 400
P.O. Box 10208
Greenville, SC 29603
(864) 255-5400
Attorney for Defendants Carroll M. Pitts, Jr. and Robinson Bradshaw & Hinson, P.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 25th day of January, 2011, she mailed a copy of the attached **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSION** by first-class mail, proper postage affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

Roger B. Jellenik
Attorney at Law
1111 Broad Street, Box J
Camden, SC 29020

Myra Culbertson (by)
Myra Culbertson
Paralegal Assistant to Samuel W. Outten

STATE OF SOUTH CAROLINA COUNTY OF YORK Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC, Plaintiff, v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A., Defendants.	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT C.A. No. 2010-CP-46-2267 **RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

TO: ROGER B. JELLENIK, ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A. (collectively "RBH") hereby respond to the Plaintiff's First Set of Interrogatories as follows:

Interrogatories

1. Please give the name of and last known address and telephone number for each and every person known to you to be a witness concerning the facts of the case and, for each such person, state:

a. A summary of the facts about which the person has knowledge;

b. Whether you anticipate calling or intend to call that person in support of your case at trial;

c. For each person identified, whether or not written or recorded statements have been taken and, if so, for each such written or recorded statement, a

Received 1-26-11

summary of its content(s), the medium (e.g., paper, floppy disk, hard disk, magnetic audio or video tape, etc.) upon which it exists or has been stored or recorded, the name(s) of the person(s) having a copy of the statement, and the location(s) of each such copy.

Response:

Carroll M. Pitts, Jr.

a. **Mr. Pitts is a defendant in this action, and he was the attorney for T.E. Cato Estate, LLC. He has knowledge of the preparation of the LLC, the deed of the properties to the LLC, and his involvement in the underlying transaction and partition action.**

b. **RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.**

c. **No written or recorded statements exist.**

David A. Burton

a. **Mr. Burton is the Plaintiff in this action. He presumably has knowledge of the Burtons' involvement and communications with and among the LLC members, of Marjorie Burton's role in the formation and deeding of the properties to the LLC, of checks written to Marjorie Burton, of Marjorie Burton's ownership interest in the properties, and of the basis for Plaintiffs' position in this lawsuit.**

b. **RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.**

c. **No written or recorded statements exist.**

Joshua B. Vann
P.O. Box 707
Rock Hill, SC 29731

a. **Mr. Vann was the attorney for Thomasson Apts, LLC ("Thomasson") and the closing attorney in the underlying transaction. He has knowledge of the preparation of the deed for the transfer of the properties from the LLC to Thomasson, the closing of the transaction, the quitclaim deed for the Roadbed**

Tract, and the Contract and the Amendment to the Contract between Thomasson and the LLC.

b. RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

c. No written or recorded statements exist.

James Thomas Cato

a. Mr. Cato is the general manager of the T.E. Cato Estate, LLC. He has knowledge of the formation of the LLC, his communications with and among the LLC members concerning the properties and the sale, the discovery that the Roadbed Tract had not been deeded to the LLC, the negotiations and agreements that followed that discovery, and the history of the underlying transaction and partition action in general.

b. RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

c. No written or recorded statements exist.

Helen Cato Jones
Donn S. Johnson
Jane Cato West
Robert Lee Cato
Cathy Cato Evans

a. These individuals are the remaining members of the LLC. They have knowledge of the purpose and intent behind forming the LLC, the underlying transaction which was agreed upon by all parties, and the underlying partition action.

b. RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

c. No written or recorded statements exist.

Broadus and Matt Thomasson
P.O. Box 36968
Rock Hill, SC 29732

a. The Thomassons are principals in Thomasson Apts., LLC. They presumably have knowledge of the underlying transactions and communications between

them and T.E. Cato Estate, LLC, as well as with other LLC members concerning the properties and the LLC.

b. RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

c. No written or recorded statements exist.

2. Please identify every person other than your attorneys with whom you have had discussions concerning the claims or defenses asserted, respectively, by the Complaint or your Answer, and repeat in detail the substance of those discussions, and, for each such discussion, identify the attendees, time, and place.

Response:

None.

3. Please set forth a list of photographs, plats, sketches, charts, diagrams, tables, and other prepared documents in your possession or control upon which you intend to rely in the trial of this case.

Response:

RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

4. Please state the names and addresses of all expert witnesses that you plan to use and/or call at the time of trial and set forth a summary of the substance of the testimony expected to be given by each such expert witness.

Response:

RBH has not yet retained an expert in this case.

5. Please set forth the names and addresses of all insurance companies providing insurance coverage to you and set forth the applicable policy number or member number. For

each insurer identified in your response, please state whether the insurer's coverage or defense in this case is qualified or being withheld or conditioned upon any reservation of the insurer's rights.

Response:

Westport Insurance Corporation

Policy # WLL301009244401

Coverage is being provided pursuant to the terms of the policy.

6. Please describe all facts, identify all persons having knowledge of such facts, and identify all documents concerning such facts which you contend support your defenses.

Response:

RBH objects to this interrogatory on the ground that it seeks information which is protected by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving this objection, RBH is making the RBH "file" for the underlying transaction and partition action available for inspection and copying at the office of counsel for RBH at a mutually convenient time.

7. Please state whether and when, from and after January 1, 2002,

a. You acted as an attorney for Thomasson, and, if so, specifically for what client and for what purpose;

b. You held any investment or other interest in any real estate or other venture owned in whole or in part by Thomasson and, if so, the address of the real estate or the full name of the other venture, as applicable; and

c. If the answer to either of the above subparts is, in whole or in part, "Yes", you disclosed any such relationship interest to CatoLLC or James Thomas Cato in any capacity.

Response:

RBH objects to this interrogatory on the grounds that it is irrelevant and requests information protected by the attorney client privilege.

8. Please identify the attorney who prepared the RBH Deed, the client for whom it was prepared, and the purpose for which it was prepared.

Response:

Carroll Pitts prepared the RBH Deed for T.E. Cato Estate, LLC. The purpose of the Deed was to convey property owned by the Cato heirs into the LLC so that at a subsequent time the property could be conveyed to a buyer.

9. Please state whether and to what extent you explained the legal effect and legal risks related to the RBH Deed to each Person who was to execute it.

Response:

RBH objects to this interrogatory to the extent that it assumes a duty existed to provide legal advice regarding the effect of the deed. All members of the LLC had been advised on numerous occasions of the plan to convey the property to the LLC so that at a subsequent time the property could be conveyed to a buyer.

10. For any legal representative of CatoLLC or James Thomas Cato in any capacity during calendar 2007, please state the full name and the nature of the capacity of your client, the scope of services to be performed, the scope of services actually performed, the name of the attorney responsible for such performance, the name of any supervising attorney, any written or

verbal instructions or information received from your client regarding your services, the period of performance of your services, and any compensation invoiced or received therefor.

Response:

The purpose of the Deed was to convey property owned by the Cato heirs into T.E. Cato Estate, LLC so that at a subsequent time the property could be conveyed to a buyer. Carroll Pitts was retained by Tommy Cato to represent him in his capacity as manager of the LLC. The scope of Mr. Pitts' services included formation of the LLC and creation of the documents necessary to deed the property to the LLC.

11. Please identify your client and describe the nature and extent of your role for or in connection with the following transactions or documents:

a. The purported sale in May and June 2007 of the Areas and the Roadbed Tract to CatoLLC;

b. The Letter of Intent issued August 25, 2007, and signed by James Thomas Cato on August 3, 2007;

c. The quitclaim deed to the Areas and the Roadbed Tract prepared in October 2007 for execution by the members of CatoLLC attached as Exhibit "D"'

d. The "Contract Amendment" attached as Exhibit "E";

e. The preparation, review, or execution of any documents associated with the closing on December 12, 2007, of the purported sale of the Areas by CatoLLC to TAL; and

f. The filing of the action (Case No. 2008-CP-46-3171) for partition of the Roadbed Tract.

Response:

a. **RBH's client was T.E. Cato Estate, LLC through Tommy Cato as manager of the LLC.**

b. **None.**

c. **None.**

d. **None.**

e. **None.**

f. **Carroll Pitts filed a partition suit in an effort to close the transaction contemplated by, and agreed upon by, all members of the LLC, including Marjorie Cato Burton.**

12. Please state whether and to what extent, prior to December 12, 2007, you advised your client(s) to order a title examination or whether you ever performed any title examination with respect to any of the real property identified by the legal description in the RBH Deed.

Response:

The title examination was performed by the buyer, Thomasson.

13. With respect to the purported sale of the Areas on December 12, 2007, and the closing appurtenant to that purported sale, please state whether you attended the closing, represented any of the parties thereto, furnished any legal advice to any of the parties thereto, received or reviewed beforehand any of the closing documents, or received any compensation for legal services at or outside of the closing.

Response:

Carroll Pitts did not attend the closing and did not furnish any legal advice to any of the parties at the closing.

14. Please state your present understanding as to whether the RBH Deed should have any legal effect whatsoever and why.

Response:

The RBH Deed has legal effect because it was executed and delivered in compliance with South Carolina law.

15. These interrogatories are served together with Plaintiff's First Set of Requests for Production of Documents and Things of even date. For each document sought therein and withheld by Defendant from production on the ground of attorney-client privilege, work product doctrine, or any other privilege:

a. Please describe the nature of the privilege; and

b. Please describe the document by author, addressee or recipient, date, type (memorandum, letter, invoice, notes, etc.) and general subject matter.

Response:

No documents are being withheld.

16. These interrogatories are served together with Plaintiff's First Set of Requests for Production of Documents and Things of even date. For each proposed trial exhibit listed in responses to Plaintiff's document requests, state the following:

a. The date of the exhibit;

b. The complete title of the exhibit;

c. The name and Address of the person from whom the exhibit was obtained; and

d. The name and address of the author of the exhibit.

Response:

RBH objects to this interrogatory on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

17. These interrogatories are served together with Plaintiff's First Set of Requests for Admissions of even date. For each and every request for admission which you deny, in whole or in part, describe each and every fact and identify each and every document known to you which concerns your denial.

Response:

RBH objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and exceeds the requirements of Rule 36 of the South Carolina Rules of Civil Procedure.

Dated this the 25 day of January, 2011.

Samuel W. Outten

Samuel W. Outten (SC Bar No. 4295)
Catherine R. Atwood (SC Bar No. 77367)
WOMBLE CARLYLE SANDRIDGE & RICE
a Professional Limited Liability Company
550 S. Main Street, Suite 400
P.O. Box 10208
Greenville, SC 29603
(864) 255-5400
Attorney for Defendants Carroll M. Pitts, Jr. and Robinson Bradshaw & Hinson, P.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 25th day of January, 2011, she mailed a copy of the attached **RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** by first-class mail, proper postage affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

Roger B. Jellenik
Attorney at Law
1111 Broad Street, Box J
Camden, SC 29020

Myra Culbertson (pc)
Myra Culbertson
Paralegal Assistant to Samuel W. Outten

STATE OF SOUTH CAROLINA COUNTY OF YORK Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC, Plaintiff, v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A., Defendants.	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT C.A. No. 2010-CP-46-2267 **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION**

TO: ROGER B. JELLENIK, ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A. (collectively "RBH") hereby respond to the Plaintiff's First Set of Requests for Production as follows:

Requests for Production of Documents and Things

1. All documents referred to in or used in preparation of your responses to the Plaintiffs' First Set of Interrogatories of even date served together with these Requests for Production including without limitation copies of each policy of insurance identified in your response to Interrogatory No. 5

Response:

Responsive documents are contained in the RBH "file" for the underlying transaction and partition action. The file is available for inspection and copying at the office of counsel for RBH at a mutually convenient time.

Received 1-26-11

WCSR 4522438v1

2. All documents that you intend to introduce at trial or otherwise rely upon in the assertion of each defense in your Answer to this action specifically including without limitation all documentary evidence upon which you base any claim of validity of the RBH Deed as a device for passing title to the Areas or the Roadbed Tract.

Response:

RBH objects to this request on the grounds that it seeks information protected by the work product doctrine, and it is premature because discovery is ongoing in this case.

3. All legal opinions, title reports, or other documents in your possession or control associated with any title examination or search showing or produced to support a showing of marketable title to the Areas or the Roadbed Tract in the name of Cato LLC.

Response:

Responsive documents are contained in the RBH "file" for the underlying transaction and partition action. The file is available for inspection and copying at the office of counsel for RBH at a mutually convenient time.

4. All fee or other agreements by and between RBH or Carroll Pitts and CatoLLC or James Thomas Cato in any capacity.

Response:

There are no documents responsive to this request.

4. All invoice and payment records for or on account of CatoLLC or James Thomas Cato in any capacity.

Response:

This document has previously been provided.

5. Copies of any documents sent to you for information, review, comment, or approval in connection with the purported sale of the Areas; the attempted sale of the Roadbed; the quitclaim deed prepared in October 2007 for execution by CatoLLC's members attached as Exhibit "D"; the "Contract Amendment" attached as Exhibit "E"; or the closing on December 12, 2007, of the purported sale of the Areas by CatoLLC to TAL.

Response:

Responsive documents are contained in the RBH "file" for the underlying transaction and partition action. The file is available for inspection and copying at the office of counsel for RBH at a mutually convenient time.

Dated this the 25 day of January, 2011.

Samuel W. Outten

Samuel W. Outten (SC Bar No. 4295)
Catherine R. Atwood (SC Bar No. 77367)
WOMBLE CARLYLE SANDRIDGE & RICE
a Professional Limited Liability Company
550 S. Main Street, Suite 400
P.O. Box 10208
Greenville, SC 29603
(864) 255-5400
Attorney for Defendants Carroll M. Pitts, Jr. and Robinson Bradshaw & Hinson, P.A.

WESTPORT INSURANCE CORPORATION

LAWYERS PROFESSIONAL LIABILITY INSURANCE

Westport Insurance Corporation
(A Stock Insurance Company, hereinafter called the "Company")

Policy Number: WLL301009244401
Renewal of Policy : WLL301009244400

DECLARATIONS

NOTICE: THIS IS A CLAIMS-MADE POLICY. EXCEPT AS MAY BE OTHERWISE PROVIDED HEREIN, THIS COVERAGE IS LIMITED TO LIABILITY FOR ONLY THOSE CLAIMS WHICH ARE FIRST MADE AGAINST AN INSURED WHILE THE POLICY IS IN FORCE.

A. Named Insured: ROBINSON, BRADSHAW & HINSON, P.A.

Mailing Address: 101 N. TRYON ST
SUITE 1900
CHARLOTTE, NC 28246

B. Policy Period: From 12:01 A.M. 09-30-2009 To 12:01 A.M. 09-30-2010
Local time at the address stated herein

C. Limits of Liability: $ 10,000,000 Per Claim
$ 10,000,000 Aggregate for the Policy Period

D. Deductible: $ 250,000 Per Claim

E. Premium: $ 229,875.00

F. Retroactive Date: None

The Declarations and the forms listed below and attached hereto, together with the completed and signed application and supplements, shall constitute the contract between the Named Insured(s) and the Company.

Forms and endorsements made a part of this policy are listed on the attached Schedule 1A.

Date: 09-28-09

Insured Copy

WESTPORT INSURANCE CORPORATION

Schedule 1A

Schedule of Form(s) / Endorsement(s)

Insured: ROBINSON, BRADSHAW & HINSON, P.A.

Policy Number: WLL301009244401
Renewal of Policy # WLL301009244400

FORMS AND ENDORSEMENTS

SP 2 383	09-02	RIGHT TO CLAIMS INFORMATION
SP 1 892	08-07	NOTICE TO POLICYHOLDERS
SP 1 866	02-02	DECLARATIONS
SP 1 866	02-02	PREMIER COV DEC/FORMS/END
SP 2 277D	09-06	SIGNATURE PAGE - POLICY
SP 1 859	02-02	AGG DED-CL EXP W/IN LIAB LIM-LE DED
SP 1 863	03-08	CHOICE OF DEFENSE COUNSEL
SP 2 384	09-02	EXTENDED REPORTING PERIOD AMEND ENDT
SP 2 385	09-02	NORTH CAROLINA AMENDATORY ENDORSEMENT
SP 2 386	09-02	POLICYHOLDER NOTICE
SP 1 855	08-07	CLAIMS-MADE & REPORTED POLICY W/ DEFENSE

In witness whereof, the Company issuing this POLICY has caused this POLICY to be signed by its authorized officers, but it shall not be valid unless also signed by the duly authorized representative of the Company.

WESTPORT INSURANCE CORPORATION

Countersignature Date Authorized Representative

Insured Copy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 25th day of January, 2011, she mailed a copy of the attached **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION** by first-class mail, proper postage affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

Roger B. Jellenik
Attorney at Law
1111 Broad Street, Box J
Camden, SC 29020

Myra Culbertson

Myra Culbertson
Paralegal Assistant to Samuel W. Outten

TOMPKINS AND MCMASTER, LLP

ATTORNEYS AND COUNSELORS AT LAW
1530 RICHLAND STREET (29201)
POST OFFICE BOX 7337
COLUMBIA, SOUTH CAROLINA 29202
TELEPHONE: (803) 799-4499
TELEFAX: (803) 252-2240
WWW.TMMLAW.COM

ESTABLISHED 1898

JOHN GREGG MCMASTER
GEORGE HUNTER MCMASTER **
FRANK BARNWELL MCMASTER

**ALSO ADMITTED IN TEXAS

FRANK G. TOMPKINS
1874-1956
FRANK G. TOMPKINS, JR.
1906-1978
ELIZABETH ELDRIDGE
1894-1975

March 15, 2012

Samuel W. Outten, Esq.
Womble, Carlyle
550 South Main Street
Suite 400
Greenville, SC 29601

RE: Majorie Cato Burton as Trustee v. Carroll M. Pitts, Jr. and RBH
Case No. 2010-CP-46-2267

Dear Mr. Outten:

Enclosed are the following documents in regard to the above-referenced matter:

1. Plaintiff's Responses to Defendant's Requests for Production and
2. Certificate of Service.

Sincerely,

Beverly A. Poston

Beverly A. Poston
Assistant to George Hunter McMaster

Enclosures
cc: Dr. David Burton
Roger Jellenik, Esquire

RECEIVED
MAR 20 2012
Roger B. Jellenik, Esq.

George Hunter McMaster
Tompkins & McMaster, LLP

STATE OF SOUTH CAROLINA COUNTY OF YORK	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT
Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the Right and on Behalf of T.E. Cato Estate, LLC, Plaintiff v. Carroll M. Pitts, Jr., Esq., and Robinson Bradshaw & Hinson, P.A., Defendants	Case No. 2010-CP-46-2267

RECEIVED
MAR 20 2012
Roger B. Jellenik, Esq.

PLAINTIFF'S RESPONSES TO

DEFENDANT'S REQUESTS FOR PRODUCTION

GENERAL RESPONSE: Unless otherwise specified in an Answer to the specific request, all documents requested, to the extent they exist, are available for inspection and copying at the offices of Tompkins & McMaster, 1530 Richland Street, and will be produced for such inspection in the manner in which they are kept in the usual course of business.

#1

Copies of all documents may be made by making arrangements for same with a copy shop near the offices of the Attorneys for the Plaintiff.

Reasonable notice must be given and the Defendant must bear all costs of such copies.

The production of such documents is not intended to, and does not, waive the the protection of the attorney-client privilege, attorney work-product immunity and any

other privilege or immunity and the production of any document subject to such protection is **INADVERTENT.**

GENERAL OBJECTIONS: THE PLAINTIFF OBJECTS TO:

[1] Any request which that is not relevant to the subject matter in the pending action, and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

[2] Any request which invades the Attorney's Work Product or the Attorney-client Privilege.

[3] Any request that is so broad on its face that it clearly requires the production of irrelevant documents.

[4] Any request which violates the investigation privilege in that information requested was obtained after there was good cause to believe suit would be filed.

[5] Any request to the extent that it calls for documentation not in tangible form.

[6] Any request of Documents which are not in actual or constructive possession, custody or control of the Plaintiff.

[7] An request for information that is readily available to both parties and the requesting party can obtain the requested documents without resort to discovery.

[8] Any request that is unduly burdensome and oppressive that any probative value of the information sought is so slight compared to the burden of production.

[9] Any request that is overly broad and is not sufficiently particular in description to enable with reasonable certainty, what is being called upon to be produced.

REQUESTS

#2 TO

1. All documents identified in Plaintiff's Answers to Defendants' First Set of Interrogatories.

Response: See General Response.

2. All records, memoranda, notations, written or recorded statements, and any other documents relating to any claim or defense on this matter.

Response: See General Response.

3. Any and all documents, correspondence, e-mails and internal memoranda, either generated by or received by you, relating to a claim or defense in this matter.

Response: As to emails, documents, correspondence or internal memoranda generated by the Plaintiff, see objections 2 and 4 above. As to those documents not subject to an objection, see General Response.

4. All documents relating to any claim or defense received by you from any third party, regardless of whether or not a subpoena was utilized to procure this information.

Response: No subpoenas have been issued. See General Response.

5. Any and all documents or correspondence shown to reviewed by or produced by an expert witness retained by you to testify in this matter.

Response: See objections 2 and 4 above. As to those documents not subject to an objection, see General Response.

6. Any and all statements or affidavits obtained from any person relating to any claim or defense in this case.

Response: See General Response.

7. All correspondence and/or e-mails to and from any party in this action.

Response: See objections 2, 3 and 4 above. As to those documents not subject to an objection, see General Response.

8. Copies of any calendars, date planners, to-do lists or time sheets containing information relating to this matter.

Response: See objection 2 above. As to those documents not subject to a privilege, see General Response.

9. Copies of all research and/or memoranda done or created by you in connection with the land transfer that is partially the subject matter of this lawsuit.

Response: See objections 2, 4, 5 and 6 above. As to documents not subject to objections, see General Response.

10. Any and all documents relating to the alleged market value of the property at issue in this case at the time of its sale to Thomasson Apartments, LLC.

Response: See General Response.

10. Any and all documents relating to the alleged market value of the Roadbed Tract at issue in this case at the time of its sale to Thomasson Apartments, LLC.

Response: See General Response.

11. Any and all documents relating to damages alleged by Plaintiff in this lawsuit.

Response: See General Response.

George Hunter McMaster, Esquire
Tompkins & McMaster, LLP
P.O. Box 7337
Columbia, South Carolina 29202
(803) 799-4499
Fax: (803) 252-2240
e-mail: ghm@tmmlaw.com
Attorney for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 14 day of ~~December~~ March, 2011, he mailed a copy of the PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST REQUESTS FOR PRODUCETION TO THE DEFENDANTS by first-class mail, proper postage affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

Samuel W. Outten, Esq.
Post Office Box 10208
Greenville, South Carolina 29603

George Hunter McMaster

WOMBLE CARLYLE SANDRIDGE & RICE
A PROFESSIONAL LIMITED LIABILITY COMPANY

550 South Main Street, Suite 400
Greenville, SC 29601

Mailing Address:
Post Office Box 10208
Greenville, SC 29603-0208
Telephone: (864) 255-5400
Fax: (864) 255-5440
www.wcsr.com

Connie Fuelling
Direct Dial: (864) 239-5976
E-mail: cfuelling@wcsr.com

June 1, 2012

George H. McMaster, Esq.
PO Box 7337
Columbia, SC 29202

Re: *Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A.*
C.A. No. 2010-CP-46-2267

Dear Mr. McMaster:

Enclosed please find our Responses to Plaintiff's First Requests to Admit and Interrogatory.

Sincerely,

Connie Fuelling
Legal Assistant to Samuel W. Outten

/cjf

cc: Roger Jellenik, Esq.

RECEIVED
JUN - 7 2012
Roger B. Jellenik, Esq.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on Behalf of T.E. Cato Estate, LLC,

Plaintiff,

v.

Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A.,

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE SIXTEENTH JUDICIAL CIRCUIT

C.A. No. 2010-CP-46-2267

RESPONSES TO PLAINTIFF'S FIRST REQUESTS TO ADMIT AND INTERROGATORY

TO: GEORGE H. MCMASTER, ATTORNEY FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A. (collectively "RBH") hereby respond to the Plaintiff's First Requests for Admissions of Fact and Genuineness of Documents and Interrogatory as follows:

Requests for Admission

1. That the Defendants has (sic) not composed, nor sent, any e-mails to any third party or person identified by the Defendants as a witness in this case discussing the facts of this case.

Response:

Admitted.

RECEIVED
JUN -7 2012
Roger B. Jellenik, Esq.

2. That the Defendants has (sic) not received any e-mails from any party having knowledge of the facts of this case or any person identified as a witness in this case which discuss any facts relevant to this case.

Response:

Admitted.

3. That a Certificate of existence of T. E. Cato Estate, LLC [copy attached as exhibit "B"] was issued on June 28th, 2007.

Response:

Admitted.

4. That the Defendant, Carroll M. Pitts, Jr., Esquire, was a partner in RBH in June of 2007.

Response:

Denied as stated. Carroll M. Pitts, Jr. was a shareholder RBH in June of 2007.

5. That Carroll M. Pitt, (sic) Jr., Esquire was engaged by T. Cato Estate, LLC to draft a deed to convey property owned individually by members of the T. E. Cato Estate, LLC into the T. E. Cato Estate, LLC.

Response:

Denied as stated. Carroll M. Pitts, Jr. was engaged by T.E. Cato Estate, LLC to draft a deed to convey specific property identified to him by Tommy Cato, which was owned individually by members of the T.E. Cato Estate, LLC into the T.E. Cato Estate, LLC.

6. That the purpose of the transfer of real property into the T. E. Cato Estate, LLC by its members was so that the property could then be sold.

Response:

Denied as stated. One of the purposes of the transfer of real property into the T.E. Cato Estate, LLC by its members was likely so that the property could then be sold in some way.

7. That between May 30 and June 16, the members of the T. E. Cato Estate, LLC executed a deed into the T. E. Cato Estate LLC purporting to convey real property owned by the members into the T. E. Cato Estate, LLC

Response:

Admitted.

8. That the deed executed by the members of the T. E. Cato, LLC was to contain the "Old Roadbed."

Response:

Denied. The deed contained the property identified to Carroll M. Pitts, Jr. by Tommy Cato.

9. That the legal description contained in the deed executed by the members of the T. E. Cato Estates, (sic) LLC did not contain the "Old Roadbed."

Response:

Admitted.

10. That the failure to contain a description of the "Old Roadbed" in the deed into the T. E. Cato Estate, LLC was in error as the deed into the T. E. Cato Estate, LLC was to contain the "Old Roadbed."

Response:

Denied. See response to No. 8.

Interrogatory

Interrogatory No. 1: If any of the Answers to the above Requests for Admission is other than admitted, please provide a complete factual basis for the Defendant's failure to admit such Request or Requests, including identification of persons having knowledge of the facts, and identify documents which relate to, discuss or embody facts pertinent to such failure to admit.

Response: See responses to Requests for Admission above.

Dated this the 1st day of June, 2012.

Catherine R. Atwood

Samuel W. Outten (SC Bar No. 4295)
Catherine R. Atwood (SC Bar No. 77367)
WOMBLE CARLYLE SANDRIDGE & RICE
a Limited Liability Partnership
550 S. Main Street, Suite 400
P.O. Box 10208
Greenville, SC 29603
(864) 255-5400
Attorney for Defendants Carroll M. Pitts, Jr. and Robinson Bradshaw & Hinson, P.A.

attached **RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS [illegible]** **AND INTERROGATORY** by first-class mail, proper postage affixed, addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es):

George H. McMaster
P.O. Box 7337
Columbia, SC 29202

Roger B. Jellenik
Attorney at Law
1111 Broad Street, Box J
Camden, SC 29020

Connie Fuelling
Legal Assistant

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2008CP4603171

James Thomas Cato	Helen Cato Jones	Marjorie Cato Burton	Sloan Marvin Burton And Marjorie Cato Burton AB Living Trust
Donn S Johnson	Jane Cato West	Department Of Transportation South Carolina	Marjorie Cato Burton Revocable Trust
Robert Lee Cato	Cathy Cato Evans	David Alan Burton	
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by: Roger B. Jellenik

Attorney for: ☐ Plaintiff ☐ Defendant ☐ 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.

☐ **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; (formal order to follow) ☐ Statement of Judgment by the Court:

Consent Order (Dismissal With Prejudice as to SCDOT

ORDER INFORMATION

This order ☐ ends X does not end the case.

Additional Information for the Clerk:

_____

_____

CPFORM4M
SCCA SCRCP Form 4C (Revised 12/2011)

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)**
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.**

S/Lee S. Alford	2113	5/14/2013
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on **May 14, 2013**, and a copy mailed first class or placed in the appropriate attorney's box on **May 14, 2013**, to attorneys of record or to parties (when appearing pro se) as follows:

Brian Scott McCoy 378 E. Main St. Rock Hill, SC 29730

ATTORNEY(S) FOR THE PLAINTIFF(S)

Roger B. Jellenik 1111 Broad St., Box J Camden, SC 290203611
Demetri K. Koutrakos PO Box 1390 Columbia, SC 292021390
William Thomas Moody PO Box 478 Georgetown, SC 29442
Lucy L. McDow PO Box 767 Rock Hill, SC 297316767
George Hunter McMaster PO Box 7337 Columbia, SC 29202
Beacham O. Brooker Jr. PO Box 191 Columbia, SC 29202

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

David Hamilton - Clerk of Court

Court Reporter

STATE OF SOUTH CAROLINA) COUNTY OF YORK CIRCUIT	IN THE COURT OF COMMON PLEAS) FOR THE SIXTEENTH JUDICIAL
James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Lee Cato, and Cathy Cato Evans, Petitioners, v. David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC; Marjorie Cato Burton Living Trust; and The South Carolina Department of Transportation, Respondents.	Case No. 2008-CP-46-3171
David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC, Third-Party Plaintiff, v. Thomasson Apts., LLC, Third-Party Defendant.	ASSIGNMENT AGREEMENT
Thomasson Apts., LLC, Fourth-Party Plaintiff, v. T.E. Cato Estate, LLC, James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Robert Lee Cato, and Cathy Cato Evans, Fourth-Party Defendants.	

ASSIGNMENT AGREEMENT

THIS ASSIGNMENT AGREEMENT BY AND BETWEEN

A. The T.E. Cato Estate, L.L.C. ("CatoLLC"), a South Carolina limited liability company; James Thomas Cato, as General Manager of CatoLLC and as an individual; Helen Cato Jones, an individual; Donn S. Johnson, an individual; Jane Cato West, an individual; Robert Lee Cato, an individual; and Cathy Cato Evans, an individual (hereafter collectively referred to as "Assignors");

B. The Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust ("Assignee"), a North Carolina revocable trust; and

WHEREAS, the parties ("Parties") to this Assignment Agreement have been engaged in various proceedings under the captioned case number concerning, among other things, rights to certain pieces of real property in York County, South Carolina known respectively as the "Areas" and the "Roadbed Tract" more fully described in the Settlement Agreement to which this Assignment Agreement is attached and into which it is incorporated;

WHEREAS, the captioned litigation ("Litigation") has involved CatoLLC whose members are the Assignors and Assignee;

WHEREAS, the Parties now wish to settle the Litigation, and the Parties have agreed that the contents of this document are an integral part of their settlement;

NOW, THEREFORE, the Parties, in consideration of the mutual covenants set forth herein below, the sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, do agree as follows:

1) The Assignors hereby assign to the Assignee the following assets of CatoLLC:
   a) The four lots --- Lot Nos. 13, 14, 42, and 175 --- titled to CatoLLC;
   b) All the records of CatoLLC including but not limited to attorney fee bills and litigation expense records arising out of this Litigation;
   c) Excluding claims released pursuant to the Settlement Agreement to which this Assignment Agreement is attached, any and all causes of action that CatoLLC has or may have against third parties, including but not limited to causes of action against Carroll M. Pitts, Jr., Esq.; the law firm of Robinson Bradshaw and Hinson, LLC; Joshua B. Vann, Esq.; and the law firm of Morton & Gettys; and
   d) Any and all other assets of CatoLLC with the exception of its cash.
2) The members of CatoLLC represent that this list comprises all of the assets of CatoLLC to the best of their knowledge and belief.

3) Regarding bills from CatoLLC's attorney and the individual members' attorney, the Assignors agree to provide the Assignee copies of all said attorney fee bills and litigation expense records arising out of this Litigation within ten (10) days, provided that Assignors may redact from such bills references to legal strategy. Such redactions shall be accompanied by a certification by legal counsel, as applicable, that redactions pertain only to matters of legal strategy.
4) Within ten (10) days after filing of the Consent Order dismissing all claims with prejudice, CatoLLC counsel and counsel for the individual members shall provide un-redacted bills and expense records to Assignee, complete files of Assignors' counsel related to this Litigation, and up-to-date final attorney fee bills and litigation expense records arising out of this Litigation.
5) Real property being assigned pursuant to paragraph 1)a) above shall be conveyed by standard quitclaim deed from the CatoLLC to the Assignee within ten (10) days after filing of the Consent Order dismissing all claims with prejudice.
6) With the exception of outstanding attorney fees and expenses, CPA fees for preparation of CatoLLC's 2012 tax return, and fees owed to CatoLLC's manager, for his remaining work, Assignors represent that they know of no other liabilities or outstanding debts of CatoLLC. Assignee shall have no liability or responsibility for the known liabilities and debts listed above.
7) Upon filing of the Consent Order dismissing all claims with prejudice and compliance with the terms of this Assignment Agreement and the Settlement Agreement to which it is attached, CatoLLC shall be dissolved, and its manager is hereby authorized and directed to take all such steps necessary to accomplish such dissolution.
8) This Assignment Agreement is effective as of April 4, 2013.
9) The following additional provisions apply to this Assignment Agreement:
    a. *No Third Party Rights.* Nothing contained in this Assignment Agreement shall be construed or interpreted in any manner whatsoever as conferring any rights of any nature upon any person or entity not a party to this Assignment Agreement.
    b. *No Other Assignment.* Assignors warrant that none of them has previously assigned or transferred any assets, titles, claims, interests, or rights listed in this Assignment Agreement.
    c. *Applicable Law.* The validity, interpretation, and performance of this Assignment Agreement and of each and every provision herein, as well as all questions related to the sufficiency or other aspects of performance hereunder, shall be governed by the laws of the State of South Carolina except as to choice of law provisions, and no other.
    d. *Entire Contract.* This Assignment Agreement contains the entire agreement among the parties with respect to its subject matter, and there are no oral or written representations, understandings, or agreements that are not included herein. No waiver, alteration, amendment, or modification of any of the provisions hereof shall be binding on any party hereto unless approved in writing by such party.

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

Case No: 2008-CP-3171

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

Case # 2008-CP-46-3171
assignment agreement

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

by Sara L Jones, her attorney-in-fact

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, Individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

by Albert N Jones, her attorney-in-fact.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

JENNIFER C. TURNER
Notary Public
Commonwealth of Virginia
7137506
My Commission Expires May 31, 2015

State of Virginia
County of Chesterfield

e. *Counterparts.* To facilitate execution, this Assignment may be executed in as many counterparts as may be required; each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment Agreement as of the day and year shown herein below.

David Alan Burton, Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust for the Trust itself and for the Trust as Member of T.E. Cato, L.L.C.

James Thomas Cato, individually and as General Manager and Member of T.E. Cato Estate, L.L.C.

Robert Lee Cato, individually and as Member of T.E. Cato, L.L.C.

Cathy Cato Evans, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones by Douglas E. Jones, her attorney-in-fact

Donn S. Johnson, individually and as Member of T.E. Cato, L.L.C.

Helen Cato Jones, individually and as Member of T.E. Cato, L.L.C.

Jane Cato West, individually and as Member of T.E. Cato, L.L.C.

EXHIBIT 94

Subj: **Fw: Extrapolated Appraisal of Cato Estates**
Date: 11/24/07 1:28:41 P.M. Eastern Standard Time
From: SloanMBurton@hotmail.com
To: teamjohnson@charterinternet.com, JONESCLIPPER@aol.com, CharInsOff@aol.com, dburton4@nc.rr.com, treblard@comcast.net

Tommy, we did not send this email to Bob, Cathy, or Jane because we do not have their emails. If you would forward this to them, it would be appreciated.

Dear Tommy,

We recently heard from Clipper Jones concerning the following information about the possible sell of the land involved in the T.E.Cato Estates LLC business. We understand that you have already signed this past summer an intent-to-sell contract that was signed by both you and Mr. Thomasson. Clipper stated the following (in blue text) in an email to us: "Also, I asked Tommy re grounds for Thomasson's suit against us. Yes, an intent-to-sell/buy contract was signed by both of them last summer." Your email dated August 20, 2007 also makes mention of the letter of intent to Purchase that was signed by the Corporation on August 03, 2007 at 2:00 P.M.

Tommy, you will need to read the email below this explanation to understand why we feel an appraisal at this point is absolutely necessary, and we as limited partners are demanding that as the general partner, you acquire an immediate independent appraisal of Areas A, B, C and D, so that all limited partners are satisfied that the proper steps and procedures are taken to assure a reasonable price is being acquired and paid on the land.

We are also requesting that you immediately send to us a copy of this intent-to-sell/buy contract that you have signed with Mr. Thomasson. We would like to know as limited partners exactly what the specifics are of this agreement that you have signed with Mr. Thomasson, since we are in the dark about this, and you have not informed us of any details.

Given the current knowledge and fact that not all of the property in Area B had been legally obtained by T.E. Cato Estates LLC prior to you signing the intent to sell/buy contract with Mr. Thomasson as the general partner of T.E. Cato Estates LLC, we now are questioning whether or not T.E. Cato Estates LLC has the legal right to act in our behalf in this matter. Without my signature on the most recent quitclaim deed allowing T.E.Cato Estates LLC to represent my interest in that portion of Area B that had been quitclaimed to me personally by the South Carolina Department of Transportation, T.E. Cato Estates does not have the proper authorization or legal right to negotiate, contract, or proceed with final negotiations with Mr. Thomasson for Area B of Cato Estates without the LLC having full and legal rights to ownership of all of the land within Area B.

As you are aware, you asked me to sign the first quitclaim deed turning over my rights to have T. E. Cato Estates LLC negotiate on my behalf, without me being able to read any of the legal document that I signed before you, due to my blindness and impaired vision from Macular Degeneration. I told you at the time that the reason I was signing that quitclaim deed was because I felt that "you were so good to your mother, and that I trusted you would never take any action to harm your aunt". I now regret signing this document because I feel proper procedures have not been followed.

Tommy, as the general partner of T.E. Cato Estates LLC, if you wish to discuss this in person, we are open to having a meeting with you at our home here in Raleigh. You may respond either by email or phone call ASAP.

email: SloanMBurton@hotmail.com

Saturday, November 24, 2007 America Online: CharInsOff

home phone: 919-787-1179

Regards,

Aunt Marjorie

BELOW IS THE REASON WHY WE ARE REQUESTING AN APPRAISAL ON THE PROPERTY! THESE NUMBERS ARE ONLY AN ESTIMATE DERIVED FROM AN EXTRAPOLATION:

To the T.E.Cato Estates LLC members;

I recently ran across some data that brings to mine why Marvin and I feel it is so important to acquire an updated appraisal of the land currently being discussed for sale by the T.E. Cato Estates LLC.

I have included as attachments to this email several jpegs including an appraisal of Area B of Cato Estates that was obtained back on November 18th, 1994 for Tommy Cato, by a Mr. C. Floyd Hailey Junior, a South Carolina certified Appraiser.

You will notice that in the attached jpeg image entitled **"CatoEstatesAreaBAppraisal-d.jpg"** the document shows that "Area B" of Cato Estates in1994, was appraised for the sum of: $542,400.00 (five hundred forty-two thousand, four hundred dollars).

I am also providing a jpeg image showing the exact amount of taxes paid on Area B of that same year 1994, and this information is provided in the attached jpeg image entitled: "CatoEstatesAreaBAppraisal-e.jpg"

As you can clearly see, the tax paid on the Area B land of Cato Estates back in 1994 equaled: **$1,184.76** (One thousand, one hundred, eighty four dollars and seventy-six cents).

If you divide the appraised amount of $542,400 by the then taxable amount of $1,184.76 you get a number representing the ratio of the appraised value to the actual tax value which equals the following number → 457.81 (542,400 divided by 1184.76 = 457.81)

Now let's apply this mathemtical ratio in reverse. We multiply the same ratio 457.81 by the current year (2007) tax amount owed on Area B, ($3,106.08), and we should be able to extrapolate an approximate appraisal value for Area B for the current year 2007. The current year taxes owed on Area B are represented in the attached jpeg image entitled "CatoEstatesAreaBAppraisal-f.jpg".

($3,106.08 multiplied by 457.81 = $1,421,994.48)
($3,106.08 x 457.81 = $1,421,994.48)

As you can clearly see from the above figures, Area B alone, based on this extrapolation method, could very well be appraised today in 2007 at an amount of money close to **$1.5 million dollars**. The fact that this is just one of four properties from Cato Estates leads us to believe that the idea of selling Areas A, B, C and D for a grand total of 1-million dollars seems to be too small an amount of money based on the data provided and our mathematical formula. This is why we are steadfast in our request that a current Appraisal of the Areas A, B, C and D be performed in order to provide a more accurate assessment of the value of my father's property as Tommy Cato himself suggested in his email dated 04/09/2007.

Signed:

Marjorie C. Burton

Ex. 50

Pitts, Carroll

From: Joshua Vann [Joshua.Vann@mortongettys.com]
Sent: Wednesday, December 12, 2007 9:58 AM
To: Pitts, Carroll
Cc: CharlnsOff@aol.com; matt@thomassonrealty.com
Subject: Cato Estates Closing
Importance: High
Attachments: General Warranty Deed, 12-11-07.DOC

Carroll,
My client will be closing on the largest portion of the Cato Estates properly this afternoon. There is a new ethics option making it clear that by preparing a deed a closing attorney is providing representation to the seller. The opinion involved residential closings, but I like to play it safe. I have prepared a deed for today's closing. In your capacity as counsel for TE Cato Estate, LLC, please review and approve. Also, please e-mail me a copy of the operating agreement and articles of organization of TE Cato Estate, LLC for my file so that I can be sure that Tom is the general manager and has authority to consummate this transaction for the LLC. Thank you.

Joshua B. Vann
MORTON & GETTYS
334 Oakland Avenue
Post Office Box 707
Rock Hill, South Carolina 29731
Tel.: (803) 366-3388
Fax: (803) 366-4044

A LIMITED LIABILITY COMPANY

The information contained in this e-mail is intended solely for the addressee. Information contained in this message may be privileged, and should not be relied on by parties other than the addressee. If you receive this message in error, disregard its content, delete it, and then please notify the sender via e-mail or the phone number referenced above. ***INTERCEPTING ELECTRONIC MESSAGES MAY BE AGAINST SOUTH CAROLINA AND FEDERAL LAW.***

CIRCULAR 230 DISCLOSURE: *TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, UNLESS SPECIFICALLY INDICATED OTHERWISE, ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING TAX RELATED PENALTIES OR PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TAX RELATED MATTER ADDRESSED HEREIN.*

Ex 53

Pitts, Carroll

From: Marvin Burton [SloanMBurton@hotmail.com]
Sent: Saturday, August 04, 2007 1:42 PM
To: Tommy Cato
Subject: Questions about TE Cato LLC letter?

Tommy,

Marvin and I received your email letter dated 8/1/2007 concerning the offer to the heirs of TE Cato as it relates to the property currently owned in joint by the heirs of my father TE Cato (see copy of your email below in blue text).

----- Original Message -----
From: CharlnsOff@aol.com
To: smburton@intrex.net ; dburton4@nc.rr.com ; teamjohnson@charterinternet.com ; JONESCLIPPER@aol.com ; treblard@comcast.net ; bcato03@earthlink.net
Sent: Wednesday, August 01, 2007 10:26 AM
Subject: Cato Estate Area A, Area B, Area C, and Area D available as a package

Marjie	Donn	Helen	Bob	Cathy
Marvin		Clipper	Tom	Jane
Bud		Albert		
Phil		Sara		

The LLC is offering to sell you Areas A, B, C, and D for $1,000,000.00 or more.
Terms are cash at closing to be within 60 days.

You may be able to develop those pieces or list them for sale or just hold them for an investment. I want to give each in the family a chance to bid on these properties.

Any bids must be in to me before noon on 8/3/07.

J.T.Cato
General Manager
T.E.Cato L.L.C.

I have a few questions concerning the intent of the letter if you don't mind clarifying several points?

Would you please address the following questions with a response:

1. The LLC is offering to sell each heir all of the lots addressed as area A,B,C and D in the estate. What is your purpose for offering the heirs, the opportunity to purchase areas A,B,C and D at this point in time?

2. Where, and how did you obtain a price of $1,000,000 dollars or more, as the purchase price for the land in areas A,B,C and D? Is this dollar amount based on some sort of formula you obtained or

created, or is it from an appraised value for that property that you have obtained from an appraiser?

3. Since all of us already own 1/5 of this property, have you taken into account the fact that this $1,000,000 amount may be requiring an heir to purchase this land as a whole which that heir could already own 1/5 of, which could mean that any specific heir might be paying for some of the land that they already own?

4. I noticed that you make the statement that you "want to give each in the family a chance to bid on these properties". What are your intentions for offering each heir this opportunity; in other words, what is your next step after the heirs offer or don't offer a bid on the land?

5. We also noticed that the email letter states that "Any bids must be in to me before noon on 8/3/2007"? I know for a fact that David didn't even get the letter until Friday 8/3/2007, although he did receive the email two days before.

6. When you came to visit us on Friday June 1st, 2007, you asked me to sign a letter that allowed you to be a spokesperson for TE Cato LLC as the general manager. As I understood from your explanation of the purpose of that letter at that time, the letter allows you to act as a spokesperson for all of the heirs so that we present a unified front with any developers that may be interested in purchasing or developing the specified land. I personally thought this was a good idea, and I just want to clarify that as general manager, all of the heirs have granted you the ability to only negotiate and record any offers for the land on all of the heirs behalf; however, any final decision to sell or not sell the areas A,B,C, and D or any of the property jointly held by the heirs of TE Cato still rests with all of the heirs coming to a unanimous decision as to what should or should not be done with the property, and obviously doesn't rests solely with any one heir or individual. I'm not trying to be pain or ruffle any feathers, I just want to make sure that all of us are on the same page. The email letter seems to leave open an unresolved answer as to what may or may not be done with the land if any of the heirs do not offer any bids. Without specifying the reason for the offer to the heirs, I wanted to make sure that by accident you don't mistakenly proceed to far in the negotiating process without the proper authorization from all of the heirs. I for one have no desire nor do I cherish, any legal problems or lawsuits from any attorneys representing any developers thinking that somehow your speaking as the TE Cato LLC general manager somehow, represents a legitimate offer on all of the heirs behalves as it relates to the property. The last thing we all need, is a lawsuit from a developer's attorney that misunderstands your authority.

7. Finally, could you please mail me a copy of the letter that I signed on June 1st, when you came to our house. I have not yet received a copy of that letter.

Finally, I would also like to make you aware just for your knowledge, that after talking to our accountant, the fact that any sell of the land would have a significant impact on me in regards to capital gains tax, since the cost basis of the sell of the land would date back to 1957 when I inherited my portion of the land from my dad. Upon my demise, my children would have a stepped-up **cost basis** and the amount of taxes would be minimized tremendously for our family. Any current sell of the land will

have to be significant to offset this huge capital gains tax that I would incur.

Regards,
Your Aunt,

Marjorie C. Burton

RBH 001076

8/15/2007

re/ T.E. Cato Estate LLC

* from/ Tom Cato 5/10/07 AM

20%

Marjorie Cato Burton ~~(Husband S.M. Burton)~~

4300 Boxwood Road

Raleigh NC 27612-3612

919/787-1179

20%

Helen Cato Jones Trust

Dr. Albert M. Jones

8910 Tolman Road

Richmond, VA., 23229

20%

Donn S. Johnson

400 Red Fern Trail

Simpsonville S.C. 29681-4959

864/288-2895

10%

* James Thomas Cato

1083 Valley Forge Road

Lake Wylie, S.C. 29710

803/631-5558

10%

Robert Lee Cato 252/527-7305

2105 Sparre Drive

Kinston, NC 28504

10%

Jane Cato West 803/324.1429

2311 Ablewood Road

Rock Hill, SC 29730

10%

Cathy Cato Evans 803/324.5563

2310 Ablewood Road

Rock Hill, SC 29730

RBH 000969

PX055-001
01691

2/8/2007

"T. E. CATO ESTATE" 1957

BY WILL WITH 5-YEAR PROVISION

ELIZABETH CATO JOHNSON	EDGAR LOUIS CATO	JAMES CARSON CATO	MARJORIE CATO BURTON	HELEN CATO JONES
d. 1981	d. 1972	d. 1966	A88	A84
DONN JOHNSON (SIMPSONVILLE)	JANE CATO WEST (ROCK HILL)	CANTY CATO EVANS (ROCK HILL)	JAMES THOMAS CATO (CAMDEN)	ROBERT LEE CATO (KINSTON NC)
			+ Husband MARVIN BURTON (RALEIGH)	TRUSTEES ALBERT JONES (RICHMOND) 1ST + TENN. BANK (MEMPHIS)

PLAN ?

I

SCHEDULED

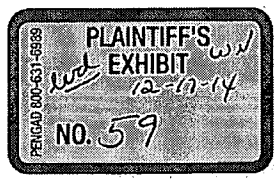
1. CONFIRM W/ ALL HEIRS AGREEMENT TO SELL ALL
2. CONFIRM W ALL HEIRS THAT TOM CATO WILL "HANDLE".
3. PROPOSE APPRAISE & SURVEY ALL PARCELS.
4. NEGOTIATE TOM'S REIMBURSEMENT for TIME & EXPENSES.
5. LOOK for BUYER(S)
   - A. TOM to MARKET?
     - (1) REFERRAL?
     - (2) BROKER BY SELF?
   - B. TURN ALL OVER TO A REALTOR?

RBH 001123

PX056-001
01692

$$\begin{array}{r} 124,200 \\ +\ 249,000 \\ \hline 373,200 \end{array}$$

$$\frac{373,200}{.2} = \$1,866,000$$



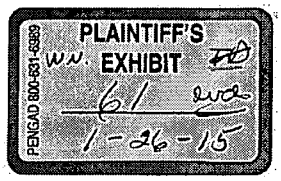
MARING &MOODY
ATTORNEYS AT LAW

Robert W. Maring
William T. Moody

Laura M. Mayer*
Kelly K. Hayes **
Jeff M. Martin

* Certified Family Court Mediator
** Also a Member of Pennsylvania Bar, Virginia Bar and The District of Columbia Bar

April 23, 2012



Roger B. Jellenik, Esquire
1111 Broad Street Box J
Camden, SC 29020

Re: James Thomas Cato, et al vs. Marjorie Cato Burton
Case No.: 2008-CP-46-03171

Dear Mr. Jellenik:

Enclosed please find and I hereby serve upon you the responses of Thomasson Apartments, Ltd., LLC ("Thomasson") to the Fourth Party Defendant's Supplemental Interrogatories and Request for Production of Documents in the above referenced matter.

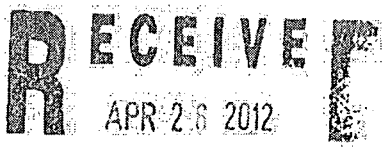
The 30(b)(6) deposition of Thomasson is set to resume on Friday, May 4, 2012. At the time this deposition was suspended on June 16, 2011, you indicated that you did not believe that the deponent was properly prepared to testify to the matters within the 30(b)(6) notice. While I do not agree, it may be helpful to us if you could specify those matters that the deponent needs to refresh his memory or otherwise familiarize himself with prior to next Friday.

Kindest Regards,

William T. Moody
Attorney at Law

Enclosures

Cc: Lucy L. McDow, Esquire
Brian S. McCoy., Esquire
George Hunter McMaster, Esquire
Demetri (Jim) Koutrakos, Esquire



Roger B. Jellenik, Esq.

Georgetown Office:
1130 Highmarket Street
P.O. Box 478
Georgetown, SC 29442
Phone: 843-545-9544
Facsimile: 843-545-9735

Murrells Inlet Office:
11019 Tournament Boulevard
Suite 203
Murrells Inlet, SC 29576
Phone: 843-357-0007
Facsimile: 843-545-9735

Website: www.mmattorneysatlaw.com

STATE OF SOUTH CAROLINA COUNTY OF YORK	N THE COURT OF COMMON PLEAS SIXTEENTH JUDICIAL CIRCUIT
James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Robert Lee Cato and Cathy Cato Evans, Petitioners, vs. David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC; Marjorie Cato Burton Living Trust; and The SC Department of Transportation, Respondents.	Case No. 2008-CP-46-3171
David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC; Third-Party Plaintiff, vs. Thomasson Apts., LLC, Third-Party Defendant.	**THIRD-PARTY DEFENDANTAND FOURTH PARTY PLAINTIFF THOMASSON APTS., LTD., LLC'S RESPONSES TO THIRD PARTY PLAINTIFF'S AND FOURTH PARTY DEFENDANTS' SUPPLEMENTAL REQUESTS FOR PRODUCTION**
Thomasson Apts., LLC, Fourth-Party Plaintiff, vs. T.E. Cato Estate, LLC, James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Robert Lee Cato, Cathy Cato Evans, and David Alan Burton, Fourth-Party Defendants.	

Third Party Defendant and Fourth Party Plaintiff Thomasson Apts., Ltd., L.L.C. (hereinafter referred to as "Thomasson"), respond to Third Party Plaintiff's and Fourth Party Defendant's Supplemental Requests for Production as follows:

GENERAL RESPONSES AND OBJECTIONS

1. Thomasson objects to each Request for Production to the extent that it seeks information and documents that are protected from disclosure by the attorney-client privilege, the work product rule, and any other applicable privilege law or rule.

2. Thomasson will produce all documents in response to the Requests for Production to Plaintiff for review and copying at a mutually convenient time.

3. It is possible that Thomasson will inadvertently produce a document that is privileged. Such an inadvertent production is not intended to waive, alter or otherwise impact Plaintiff's/Defendant's privilege with respect to the particular document, with respect to the subject matter reflected in the document, and/or otherwise.

4. Thomasson objects to each Request to the extent that it seeks information for an unspecified time period. Such Requests are overly broad in time and scope and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and would be unduly burdensome to respond to such request.

5. Thomasson objects to each Request to the extent it seeks to require answers, information, identification of documents or persons or things, or to impose any obligations beyond what is permitted by the applicable South Carolina Rules of Civil Procedure.

6. Thomasson objects to each Request to the extent that it seeks disclosure of information, documents, things, facts, opinions or any other matter prepared in anticipation of litigation or for trial which is outside the scope of discovery permitted by Rule 26(b)(3) of the South Carolina Rules of Civil Procedure.

7. Thomasson incorporates her General Objections by reference as though fully set forth into its specific response to each and every request served by Plaintiff/Defendant.

8. Thomasson reserves the right to supplement its responses to Plaintiff's/Defendant's discovery requests as additional information or documents become known.

RESPONSES TO SUPPLEMENTAL REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

SUPPLEMENTAL REQUEST NO. 1: All documents referred to in, used in preparation of, or otherwise concerning your responses to the Third Party Plaintiff's Supplemental Interrogatories of even date served together with these Supplemental Requests for Production including without limitation copies of each policy of insurance identified in your response to Supplemental Interrogatory No. 5.

RESPONSE:

Subject to the previous General Objections, as well as the objections made herein, Thomasson has made and continues to make available for inspection and copying all of the requested documents and items requested herein. In addition, Thomasson produces herewith the pro-forma statement of damages cited in Thomasson's interrogatory responses.

SUPPLEMENTAL REQUEST NO. 2: A copy of all documents that you intend to introduce at trial or otherwise rely upon in the assertion of your defenses to and counterclaims in the Second Amended Third Party Complaint or your claims in the Second Amended Fourth Party Complaint.

RESPONSE:

Subject to the previous General Objections, as well as the objections made herein, Thomasson has not determined what if any documents upon which it will introduce at trial or otherwise rely upon.

SUPPLEMENTAL REQUEST NO. 3: A copy of all documents relevant to any injury, loss, or damage claimed to have been suffered by Third Party Defendant with respect to its counterclaims as set forth in its answer to Third Party Plaintiff's Second Amended Third Party Complaint or by Fourth Party Plaintiff with respect to its Second Amended Fourth Party Complaint.

RESPONSE:

Subject to the previous General Objections, as well as the objections made herein, Thomasson has made and continues to make available for inspection and copying all of the requested documents and items requested herein. In addition, Thomasson produces herewith the pro-forma statement of damages cited in Thomasson's interrogatory responses.

SUPPLEMENTAL REQUEST NO. 4: A copy of all documents in its possession evidencing

unanimous consent of the members of Cato, LLC to any transaction related to this case to which TAL was or is a party.

RESPONSE:

Subject to the previous General Objections, as well as the objections made herein, Thomasson has made and continues to make available for inspection and copying all of the requested documents and items requested herein.

MARING & MOODY, LLC

William T. Moody
1130 Highmarket Street
P.O. Box 478
Georgetown, SC 29442-0478
Telephone: (843) 545-9544
Facsimile: (843) 545-9735
Attorney for Thomasson Apts., Ltd., LLC

Shopping Center Site - Pro Forma
Celanese & Twin Lakes - 17+ Acres

Development Overview

Land - 17+ Acres		$1,500,000.00
Development & Building Cost		
Site Preparation (per Ralph Norman)	$1,300,000.00	
Supermarket (30,000 SF x $110/sf)	$3,300,000.00	
Shops (42,400 SF x $120/sf)	$5,088,000.00	
Out Parcels (5) x $1,000,000	$5,000,000.00	
Est. Total Cost to Develop Property		$14,688,000.00
LAND & IMPROVMENTS		$16,188,000.00

Impact To Thomasson Business's

Thomasson Development Corp *. (contracted for job at 10% profit & 10% overhead)*

Devlopment Cost x 10% Profit	$1,468,800.00	
Devlopment Cost x 10% Overhead	$1,468,800.00	
Total Loss On Celanese Job		$2,937,600.00
Business Interuption ($500,000 x 4 yrs)		$2,000,000.00
Total TDC Loss		$4,937,600.00

Thomasson Commercial Realty LLC

Lost Leasing Fees = 8% of the value of each lease

Shops = 42,400 SF	***Lease Rate / SF***	***Lease Term in Years***	***Lease Value***
42,400	$12.00	5	$2,544,000.00
	$16.00	5	$3,392,000.00
Average Lease Value is	$2,968,000.00		
8% Leasing Fee for Shops is	$237,440.00		

Grocery Store = 30,000 SF	***Lease Rate / SF***	***Lease Term in Years***	***Lease Value***
30,000	$8.00	20	$4,800,000.00
8% Leasing Fee for Grocery Store is	$384,000.00		
Total Loss to TCR			$621,440.00

Thomasson Management Corp. *(10% Management Fee)*

Annual Income from Shops	$593,600.00		
Annual Income from Grocery Store	$240,000.00		
Total		$833,600.00	
10% Management Fee Lost		$83,360.00	
4 years of loss			$333,440.00

General Losses to Property Owner

Thomasson Apartments LLC - 10% return on Investment		
$900,000 x 10% x 4 yrs	$360,000.00	$360,000.00

Damages to 1031 exchange. By not being able to aquire the debt to do the development, we had to pay taxes on the protion of the sale that went to paying off the loan on Carriage Hills Apartments. ($4,800,000)

Tax Damage =	$350,000.00
TOTAL DAMAGES DUE TO LAW SUIT	$6,602,480.00

APPRAISAL REPORT OF
AREA A CONTAINING 2.896 ACRES; AREA B CONTAINING 7.796 ACRES,
AREA C CONTAINING 10.337 ACRES; AND AREA D CONTAINING 7.255ACRES
ROCK HILL, YORK COUNTY, SOUTH CAROLINA



AS OF
DECEMBER 12, 2007

FOR

ROGER B. JELLENIK, ESQUIRE
1006 LITTLE STREET
CAMDEN, SOUTH CAROLINA 29020

BY

GEORGE E. KNIGHT, JR., MAI
SOUTH CAROLINA STATE CERTIFIED GENERAL
REAL ESTATE APPRAISER NO. CG 1531

Real Estate Appraisers and Consultants, LLC
R·E·A·C
"We're on point with value"

January 9, 2015

Roger B. Jellenik, Esquire
1006 Little Street
Camden, South Carolina 29020

Re: The appraisal of approximately 2.896 acres (Area A); 7.796 acres (Area B); 10.337 acres (Area C); and 7.255 acres (Area D), Rock Hill, York County, South Carolina. Properties now or formerly of Thomasson Apts., LLC. Identified as 592-02-01-063 (Area A); 592-02-01-064 (Area B), 592-02-01-164 (Area C), and 592-02-01-110 (Area D).
My File No. 14-049

Dear Mr. Jellenik:

At your request, I have inspected and appraised the above-referenced properties located in Rock Hill, York County, South Carolina. The properties are further identified in the York County Tax Map System as 592-02-01-063 (Area A); 592-02-01-064 (Area B), 592-02-01-164 (Area C), and 592-02-01-110 (Area D). The properties contain various acreages based upon information provided by the client, as well as the deeds of record and are subject to a current survey. These acreages are discussed in detail within the report. Should a current survey indicate a substantial size difference, a new appraisal may be required.

The purpose of the appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. The function of this report is to provide a defined estimate of market value as of December 12, 2007. The client is Roger B. Jellenik, Esquire.

The results of my inspection and analyses are combined in this letter along with the attached appraisal report which are intended to comply with the minimum requirements, as set forth in Standards Rule 2-2(a) of the *Uniform Standards of Professional Practice* (USPAP), 2014-2015 Edition, published by The Appraisal Foundation.

The value estimates reported in this letter are based upon the facts and conclusions contained in the appraisal report that is attached and should be considered an integral part of this transmittal and incorporated herein by reference. Special attention is brought to the assumptions and limiting conditions contained in the report. The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014. No special assumptions have been made in arriving at the market value estimates. This appraisal assignment was not made, nor was the appraisal rendered on the basis of requested minimum valuations or specific valuations.

The interest appraised is that of the fee simple interest. The property has been appraised as if free and clear from all liens and encroachments which may render the title to the subject property unmarketable.

This letter and the attached appraisal report have been prepared in accordance with the Code of Professional Ethics and Uniform Standards of Professional Appraisal Practice, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation and the Appraisal Institute. The use of this letter and the attached report are subject to the requirements of the Appraisal Institute relating to their review by its duly authorized representatives.

After applying the methods and techniques recommended by the Appraisal Institute, and after analyzing the data presented in the attached appraisal report, it is my opinion that the retrospective market value of the fee simple interest of the subject property, as of December 12, 2007, is:

AREA A

ONE HUNDRED FORTY FIVE THOUSAND DOLLARS
($145,000)

AREA B

SIX HUNDRED SIXTY THREE THOUSAND DOLLARS
($663,000)

AREA C

ONE HUNDRED THREE THOUSAND DOLLARS
($103,000)

AREA D

FOUR HUNDRED THOUSAND DOLLARS
($400,000)

The final value estimates are based upon the various considerations outlined in the definition of market value. The value estimates outlined within this report are based upon an estimated marketing time and exposure time of 6 months to 12 months. It should be noted that exposure time occurs prior to the value estimate and the marketing time occurs after the value estimate.

My valuation of the subject property considered the best information that was available at the time of my analysis. Due to on-going volatility in the marketplace, users of this appraisal should consider the current market uncertainty. Reliance on an appraisal may be affected by the scope of work. Users are reminded that the appraisal conclusions in this report are effective as of the stated date(s) of valuation.

Respectfully submitted,



George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531

GEKjr/kdw
Attachments:
52-Page Appraisal Report
Addenda

Certification 1

Summary of Major Conclusions 2

Assignment Elements 4

Scope of Work 7

Assignment Conditions 8

Neighborhood Data 12

Description of Site 14

Subject Photographs and Exhibits 24

Highest and Best Use 29

Land Value Estimate 32

Reconciliation and Final Value Estimate 52

Addenda 53

Subject Deed(s) 54

Current Demographics 60

Qualifications of George E. Knight, Jr., MAI 64

Certification

I, the undersigned appraisers, do hereby certify to the best of my knowledge and belief that:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report and I have no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined result, value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

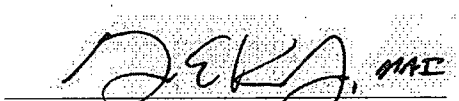
I have made a personal inspection of the property that is the subject of this report unless otherwise noted below.

No one provided significant real property appraisal assistance to the persons signing this report.

I have provided services, as an appraiser, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

That as of the date of this report, George E. Knight, Jr., MAI, have completed the requirements of the continuing education program of the Appraisal Institute.

SIGNED:



George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531
Inspecting Appraiser

Summary of Major Conclusions

Property Description:	Approximately 2.896 acres (Area A); 7.796 acres (Area B); 10.337 acres (Area C); and 7.255 acres (Area D), Rock Hill, York County, South Carolina
Tax Map Identification:	592-02-01-063 (Area A); 592-02-01-064 (Area B); 592-02-01-164 (Area C), and 592-02-01-110 (Area D)
Site Description:	**Area A** This site, located along the south side of Twin Lakes Road, is comprised of one (1) parcel, containing approximately 2.896 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area B** This site, located at the corner of Ebenezer Road and Twin Lakes Road, s comprised of one (1) parcel, containing approximately 7.796 acres of land, mostly rectangular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area C** This site, located along the east side of Lynnhaven Road and the south side of Hilldale Road, is comprised of one (1) parcel, containing approximately 10.337 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area D** This site, located at the corner of Twin Lakes Road and Celanese Road, is comprised of one (1) parcel, containing approximately 7.255 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report.
Property Rights Appraised:	Fee Simple
Date of Value Opinion:	December 12, 2007
Highest and Best Use as Vacant:	Area A — Holding/Residential/Office Area B — Multi-Family Residential Development Area C — Single User Residential Development Area D — Holding/Assemblage
Zoning (York County):	Area A — RC-1, Residential Conservation I District Area B — BD-II, Business Development II District: Office and Institutional Area C — RC-1, Residential Conservation I District Area D — RD-1, Residential Development District

Point of Sale: The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in higher real estate taxes. Should the subject properties be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability. This is further discussed in detail within the **Tax Assessment Data** section of this report.

Marketing Time / Exposure Time: 6 months to 12 months

Market Value Opinion: Land Value:

Area A	$145,000
Area B	$663,000
Area C	$103,000
Area D	$400,000

Hypothetical Condition: The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Assignment Elements

Client and Intended User

The client is Roger B. Jellenik, Esquire. The intended user is Roger B. Jellenik, Esquire. There are no other intended users. Possession of this report does not constitute an intended user.

Purpose and Intended Use

The purpose of the appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. The intended use of this report is to provide a defined estimate of market value as of December 12, 2007, for use in litigation.

Appraisal Reporting

Based upon the client's intended use of the appraisal, I have prepared an appraisal report of the property. This appraisal report is intended to comply with the minimum requirements of Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an appraisal report.

Property Rights Appraised

The interest appraised is that of fee simple ownership, subject to the existing easements and encroachments of record. The property has been appraised as if free and clear of all liens and encumbrances which may render the title to the subject property unmarketable.

Type and Definition of Value

Market value is defined in *The Dictionary of Real Estate Appraisal*, Fourth Edition, published by the Appraisal Institute, as *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby: 1) buyer and seller are typically motivated; 2) both parties are well informed or well advised, and each acting in what they consider their best interest; 3) a reasonable time is allowed for exposure in the open market; 4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."* (FIRREA 12 C.F.R. Part 34.42(f))

Effective Date

The effective date of the appraisal is December 12, 2007. The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Subject of the Assignment and its Relevant Characteristics

The subject of the assignment is to appraise the market value "as-is" of the fee simple interest of the subject properties which consist of the following:

Area A

This site, located along the south side of Twin Lakes Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 2.896 acres of land, irregular in shape.

Area B

This site, located at the corner of Ebenezer Road and Twin Lakes Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 7.796 acres of land, mostly rectangular in shape.

Area C

This site, located along the east side of Lynnhaven Road and the south side of Hilldale Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 10.337 acres of land, mostly rectangular in shape.

Area D

This site, located at the corner of Twin Lakes Road and Celanese Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 7.255 acres of land, irregular in shape.

Ownership History

The subject property was conveyed to T.E. Cato Estates, LLC by Deed of Marjorie Cato Burton, as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust; Helen Cato Jones; Donn S. Johnson; James Thomas Cato; Jane Cato West; Robert Lee Cato and Cathy Cato Evans, in consideration of the sum of $1.00, dated May 30, 2007, May 31, 2007, June 1, 2007, June 4, 2007, and June 16, 2007, and recorded on July 10, 2007, in the Office of the ROD for York County in Deed Book 9248 at Page 138. The property conveyed being described as follows:

> *All those certain pieces, parcels or lots of land, lying, being and situate in Ebenezer Township, York County, South Carolina and being described as Lots 42, 14, 13, 98, 175, and Areas A, B, C, and D as shown on that certain plat of property entitled "Composite Plat Showing Subdivision of T. E. Cato Est." drawn by R. H. Marett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33 at Page 192 in the Office of the Clerk of Court for York County, South Carolina. (TMS#s 592-02-01-001, 069, 070, 093, 112, 063, 064, 164, and 110)*

Thereafter, by Deed dated December 12, 2007, T.E. Cato Estate, LLC, a limited liability company, conveyed to Thomasson Apts., L.L.C., a limited liability company, in consideration of the sum of $900,000, recorded on December 17, 2007, in Deed Book 9673 at Page 150, the following property being described as follows:

> *ALL that certain piece parcel or tract of land located in the State of South Carolina, County of York, Township of Ebenezer, shown as Tracts or Areas A, B, C, and D on that certain plat of survey entitled "Composite Plat Showing Subdivision of T.E. Cato Est.," drawn by R.H. Marrett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33, Page 192 in the Office of the Clerk of Court for York County, South Carolina, to which plat reference is made for a more complete and accurate description as to the courses and distances of the property described herein (being TMS #s 592-02-01-063, 064, 164, and 110).*
>
> *LESS AND EXCEPTING the following Deeds conveyed from the South Carolina Department of Transportation: Deed Book 6242, Page 124, Deed Book 6242, Page 128, Deed Book 3070, Page 254, Deed Book 3070, page 257, Deed Book 3070, Page 260, Deed Book 3070, Page 266, Deed Book 3070, Page 263, Deed Book 3144, Page 267, Deed Book 3070, Page 269, Deed Book.*

The "less and excepting" listed above is a portion of Area B known as the "old road bed" and this area is included in Area B within the appraisal which totals 7.796 acres.

Listing and Contracts of Sale

The subject property is not currently listed for sale or under contract of sale.

Exposure Time/Marketing Period

The estimated exposure time and marketing period for the subject properties, at the estimated market value shown in this report, is 6 months to 12 months. Should economic conditions change, these times could be extended or shortened.

Scope of Work

As a part of this appraisal, I made a number of independent investigations and analyses. I relied upon data retained in my office files which I update regularly. The investigations undertaken and the major data sources used are outlined as follows. I obtained copies of county census data and spoke with county officials. I reviewed the local economic and demographic trends for York County. I studied the available market data and economic trends of the subject area and neighborhood. I inspected the subject neighborhood and the subject properties. I reviewed the zoning ordinance and the available public utilities in the area. I examined the records of the York County Assessor's Office and reviewed the method of taxation and the specific tax data for the subject properties, including assessment percentages and millage rates applicable to the subject. I examined the public records for deeds and plats relating to the subject properties. I obtained information concerning vacant property transfers occurring in the immediate area of the subject and in locations considered being comparable to the location of the subject properties. These vacant property transfers included that of sites similar in acreage and location to the subject properties. I obtained competitive listing information for similar properties within South Carolina. I have the competency to complete the assignment based upon my experience and training including the completion of previous assignments involving similar properties. Sources utilized to verify the sales analyzed include a portion or all of the following: public records, aerial photographs, brokers, owners, third parties, real estate appraisal files and inspections.

The purpose of this appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. Conventional appraisal theory dictates that market value of the fee simple may be determined by the use of one of more of the three accepted approaches to value. These approaches to value are the cost approach, the sales comparison approach and the income capitalization approach.

The cost approach is a set of procedures by which an indication of the value of the subject is obtained by estimating the depreciated value of the subject improvements, to which is added the value of the subject site, valued at its highest and best use.

The sales comparison approach is a set of procedures by which an indication of the value of the subject property is estimated by comparing it to similar properties which have sold recently. Appropriate units of comparison are used and adjustments, based upon various elements of comparison, are made to the sales.

The income capitalization approach is a set of procedures by which an indication of the value of the subject is estimated based upon converting anticipated income into value. The conversion of income into value is accomplished by capitalizing (discounting) a single year's income or several year's income into value.

The subject properties are vacant tracts of land. Therefore, the land value estimate for the subject properties, as if vacant and available for development, will be determined by using the sales comparison approach to value. The information upon which this approach to value is based is from the market and is the best information available for the application of the approach to value and will lead to a credible value conclusion.

Assignment Conditions

Assumptions and Limiting Conditions

The legal description, or other property identification furnished by others, is assumed to be correct, and no responsibility is assumed for matters legal in nature. No opinion is rendered as to title, which is assumed to be marketable. Any existing liens or encumbrances have been disregarded, and the property is appraised as if free and clear, unless otherwise noted in the body of the report.

No current survey of the property was made, and the improvements are assumed to be within the lot lines, in accordance with local building codes. Drawings, sketches, or maps are included in this report for the sole purpose of assisting the reader in visualizing the property. Unless otherwise indicated, they are not engineering drawings.

There is a full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in this appraisal report.

All applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.

All required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

In cases of proposed projects, all permits and governmental regulations are assumed to be secured and/or complied with.

All major improvements on the property being appraised appear to be structurally sound, unless otherwise noted within the body of the appraisal. However, the appraiser is not an engineer and has not been instructed to secure a qualified engineer's certification of the structural soundness of the said improvements or functional utility of major appliances or mechanical failures which would not be reasonably obvious in the scope of an appraiser's normal inspection of the specified improvements, or to a prudent purchaser.

Certain information used in this report has been furnished by others. The sources and the information are considered to be reliable, but cannot be guaranteed.

The subject property is assumed to be under responsible ownership and reasonable and competent management.

No responsibility is assumed for service or operating inspections of equipment in the buildings covered by the appraisal report.

No responsibility is assumed for an inspection of weather tightness of the exterior or interior surfaces of this building.

No tests of material or equipment were made.

Acceptance of, and/or use of, this appraisal report by client or any third party constitutes acceptance of the above conditions. Appraiser liability extends only to stated client, not subsequent parties or users of any type, and the total liability of appraiser and firm is limited to the amount of the fee received by appraiser. This appraisal report is an economic study for value; it is not an engineering, structural, mechanical, feasibility or architectural study.

The appraiser is not required to give testimony or to appear in court with reference to this property by reason of this report unless prior arrangements have been made.

Distribution of the value reported between land and buildings applies only under the existing program of utilization, and separate valuations for land and improvements must not be used in conjunction with any report and are invalid if so used.

Possession of this report, or a copy thereof, does not carry with it the right of publication, either in whole or in part, nor may it be used for any purpose by any except the party for whom it was prepared without the consent of the appraiser, and then only with proper qualifications.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news media, sales, or other media without written consent and approval of the author, particularly as to value conclusions, the identity of the appraiser or firm with which he is connected, or by reference to any professional societies or designations conferred upon the appraiser.

Users of this appraisal report are directed to obtain the services of a professional engineer to determine the presence and/or absence of hazardous materials including, but not limited to: asbestos and/or radon gas and/or urea formaldehyde foam insulation, as well as the structural integrity of the building and the present condition of its mechanical systems, since the appraiser(s) has made no such inspection expressly or implied and accept no responsibility. The presence of such substances or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there are no such materials on or in the property that would cause a loss in value.

This appraisal is specifically contingent upon, and the appraiser's understanding that, there has been, or will be, a removal of any underground storage tanks which exist or which may have existed on the subject site; also, that there has been no contamination of soils. If contamination has occurred, the contaminated soils and the source of contamination will be removed and the contamination remedied on the subject site in accordance with all federal and state regulations.

The Americans with Disabilities Act (ADA) became effective January 26, 1992. Noncompliance with this Act may have a negative effect upon the property. Since a compliance survey is outside the realm of expertise of a real estate appraiser, a possible noncompliance with the requirement of ADA was not considered in this report. An expert in this field should be consulted.

Extraordinary Assumptions - An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. (USPAP, 2014-2015 ed.)

There are no extraordinary assumptions for this appraisal.

Hypothetical Conditions – A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. (USPAP, 2014-2015 ed.)

The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Jurisdictional Exceptions – An assignment condition established by applicable law or regulation, which precludes an appraiser from complying with a part of USPAP. (USPAP, 2014-2015 ed.)

No jurisdictional exceptions have been taken in the appraisal of the subject.

Other Conditions that Affect the Scope of Work

There are no specific conditions that affect the scope of work that have not been outlined within the body of this report.

Signature(s) / Electronic Signature(s)

The signature(s) contained within this report are personalized evidence indicating authentication of the work performed by the appraiser(s) and the acceptance of the responsibility for content, analyses, and the conclusions in the report. The signature(s) were applied by the original appraiser and represent the facts, opinions and conclusions found in the report. The appraiser applied signature(s) electronically using a password encrypted method. Hence, the signature(s) have more safeguards and carry the same validity as the individual's hand applied signature.

Glossary of Appraisal Terms

Appraisal[1]: (noun) the act or process of developing an opinion of value; an opinion of value. (adjective) of or pertaining to appraising and related functions – e.g., appraisal practice appraisal services.

Appraiser's Peers: Other appraisers who have expertise and competency in a similar type assignment.

Assignment: (1) an agreement between an appraiser and client to provide a valuation service; (2) the valuation service that is provided as a consequence of such an agreement.

Client: the party or parties who engage, by employment or contract, an appraiser in a specific assignment.

Cost Approach: A set of procedures through which a value indication is derived for the fee simple interest in a property by estimating the current cost to construct a reproduction of (or replacement for) the existing structure; including an entrepreneurial incentive, deducting depreciation from the total cost, and adding the estimated land value. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.

Credible: Worthy of belief.

Discounted Cash Flow (DCF) Analysis: The procedure in which a discount rate is applied to a set of projected income streams and a reversion. The analyst specifies the quantity, variability, timing, and duration of the income streams as well as the quantity and timing of the reversion and discounts each to its present value at a specified yield rate. DCF analysis can be applied with any yield capitalization technique and may be performed on either a lease-by-ease or aggregate basis.

Easement: An interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right-of-way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.

Exposure Time: Estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Fee Simple Title: A title that signifies ownership of all the rights in a parcel or real property, subject only to limitations of the four powers of government.

Highest and Best Use: That reasonably probably and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

Highest and Best Use of Land or a Site as Though Vacant: Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption the parcel of land is vacant or can be made vacant by demolishing any improvements.

[1] Uniform Standards of Professional Appraisal Practice, 2014-2015 Edition

Highest and Best Use of Property as Improved: The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.

Income Approach (income capitalization approach): A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into property value. This conversion can be accomplished in two ways. One year's income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment. Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.

Leased Fee (leased fee interest): An ownership interest held by a landlord with the rights of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the lessee are specified by contract terms contained within the lease.

Leasehold Interest: The interest held by the lessee (the tenant or renter) through a lease transferring the rights of use and occupancy for a state term under certain conditions.

Report[2]**:** Any communication, written or oral, of an appraisal, or appraisal review that is transmitted to the client upon completion of an assignment. (USPAP, 2014-2015 ed.)

Appraisal Report: a written reported prepared under Standards Rule 2-2(a) or 8-2(a).

Restricted Appraisal Report: a written report prepared under Standards Rule 2-2(b), 8-2(b), or 10-2(b).

Sales Comparison Approach: A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.

Scope of Work: The type and extent of research and analyses in an appraisal or appraisal assignment.

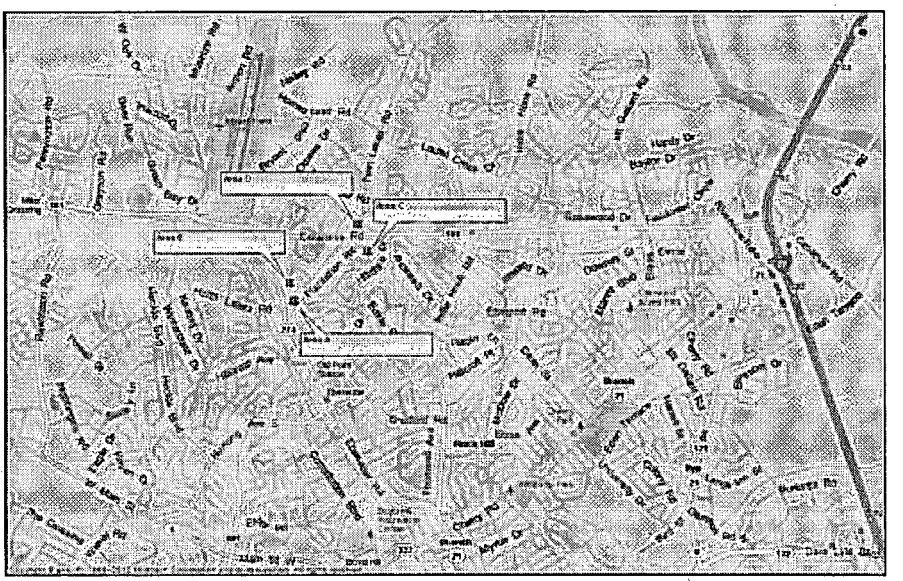
SOURCE: The Dictionary of Real Estate Appraisal, Fourth Edition, published by The Appraisal Institute, 2002

[2] Uniform Standards of Professional Appraisal Practice, 2014-2015 Edition

Neighborhood Data

Location

The subject properties are located on the north side of the central business district of Rock Hill, within York County. The neighborhood is anchored by the Piedmont Medical Center on S. Herlong Avenue, west of Ebenezer Road. Winthrop University, a public, coeducational, liberal arts university which was founded in 1886 is located to the south along Oakland Avenue. Winthrop offers undergraduate and graduate degrees and has an enrollment of approximately 6,000 students The City of Rock Hill and the 100 acre main academic campus of Winthrop are located approximately 25 miles southwest of the City of Charlotte, NC and 70 miles north of the City of Columbia, SC. Overall, the neighborhood has good interstate access and good access from secondary highways and roads.



Uses

The land use patterns within the neighborhood consist of a wide diversity of residential uses, retail, service oriented businesses, office buildings, and institutional uses that benefit from the Rock Hill's location between two major cities (Charlotte and Columbia) and Winthrop University being located within the central business district of Rock Hill. Very little vacant land exists within the Rock Hill central business district and its nearby surrounding area. Due to the limited amount of vacant land available, the resale market for existing properties in the neighborhood is very stable. The subject properties are located within an area considered to be in an oriented to commercial and high density residential uses oriented along the main travel corridors of Ebenezer Road and Celanese Road. The surrounding residential communities are older established residential areas with limited vacant land including Cato Estates which surrounds the subject properties.

Utilities

Public water, telephone service, electricity, and natural gas are available to the general subject neighborhood. Sewer service is available in most of the neighborhood. All available public utilities appear to be in adequate supply for development within the area.

Government

Governmental considerations generally include zoning and building codes, real estate tax burdens, any special assessments for fire and police protection, schools, and other governmental services. The properties located within the neighborhood are within the City of Rock Hill and York County and are subject to the City of Rock Hill Zoning Ordinance and the York County Zoning Ordinance. The majority of land within the neighborhood along the man travel corridors is zoned for commercial and multifamily uses with residential uses along the developed collector streets.

York County is the taxing authority for real estate within the subject neighborhood. Assessments and millage rates are comparable to other similar neighborhoods in both the city and the county. It is expected that millage rates will continue to increase based on historical figures with no additional special assessments anticipated. The millage rates should not create an adverse effect on the market value of properties in the neighborhood due to real estate tax burden.

Social and Economic Considerations

The City of Rock Hill and York County has a well-educated population base and has a stable population base. The available education within the area provides for a well-educated work force. The available workforce is one of the primary considerations for new development. Winthrop University contributes to the population and has a positive economic impact in this area. The subject is located is an area surrounded by retail commercial, industrial and high density residential uses.

Historical trends for the 2000-2010 census data is shown below. The current demographic and income profile is included in the **Addenda** of the report. The overall York County population grew by 37.34% between 2000 and 2010 from 164,614 to 226,073.

York County, South Carolina - Overview	2010 Census		2000 Census		2000-2010 Change	
	Counts	Percentages	Counts	Percentages	Change	Percentages
Total Population	226,073	100.00%	164,614	100.00%	61,459	37.34%
Population by Race						
American Indian and Alaska native alone	1,934	0.86%	1,403	0.85%	531	37.85%
Asian alone	3,413	1.51%	1,459	0.89%	1,954	133.93%
Black or African American alone	43,003	19.02%	31,532	19.16%	11,471	36.38%
Native Hawaiian and Other Pacific native alone	126	0.06%	39	0.02%	87	223.08%
Some other race alone	4,259	1.88%	1,527	0.93%	2,731	178.85%
Two or more races	4,181	1.85%	1,492	0.91%	2,689	180.23%
White alone	169,158	74.82%	127,162	77.26%	41,996	33.03%
Population by Hispanic or Latino Origin (of any race)						
Persons Not of Hispanic or Latino Origin	216,008	95.54%	161,394	98.04%	54,614	33.83%
Persons of Hispanic or Latino Origin	10,075	4.46%	3,220	1.96%	6,855	212.89%
Population by Gender						
Female	116,981	51.74%	84,863	51.55%	32,118	37.85%
Male	109,092	48.26%	79,751	48.45%	29,341	36.79%
Population by Age						
Persons 0 to 4 years	15,534	6.87%	11,144	6.77%	4,390	39.39%
Persons 5 to 17 years	42,210	18.67%	32,140	19.52%	10,070	31.33%
Persons 18 to 64 years	142,703	63.12%	104,259	63.33%	38,445	36.87%
Persons 65 years and over	25,626	11.34%	17,072	10.37%	8,554	50.11%

Conclusion

The neighborhood has good travel corridors with a wide diversity of residential, commercial, service oriented businesses and institutional uses located along these corridors. The present development codes are not an undue burden to development within the area. The growing population base indicates a positive social environment and increasing market trends for this period. The traffic corridors will allow for continued diversity of residential, commercial and service development and use.

Description of Site

An individual site description will be made for each of the properties that is part of this report. However, the following site information is considered for each of the properties described herein.

Location

Each property is located around Cato Estates with Areas A & B located at Twin Lakes Road and Ebenezer Road, Area C located within the interior of the residential development, and Area D located at Twin Lakes Road and Celanese Road within Rock Hill, York County, South Carolina.

Size and Shape

A GIS Map of each property is shown within each individual description to provide a better understanding of the size, shape, and location of the property.

Easements/Encroachments

Typical utility easements were located on the properties as noted from inspection. All underground and overhead utilities do not appear have a negative impact on the use of the properties.

Deed Restrictions

No recorded deed restrictions on the use of the properties were located.

Flood Insurance Rate Map (FIRM)

The subject properties are located on York County FIRM Map 45091C0306E and 450961308E, dated September 26, 2008. **Unless noted within the individual description**, the properties are located within Zone X, which is not in an area of the 100-year floodplain.

Potential Environmental Hazards

An environmental site assessment has not been performed on the subject properties. This appraisal assumes the properties contain no environmental hazards which would have a negative impact on the marketability of the subject properties. I am not an expert on environmental conditions; however, I recommend that any potential purchaser of the site have an environmental site assessment performed. If an environmental site assessment is performed and negative environmental conditions are present, a re-appraisal may be required.

Wetlands

A wetlands delineation has not been provided. The plats of the subject properties do not indicate wetlands on the properties. I have assumed the properties have no significant jurisdictional wetlands which would have a negative impact on the sites.

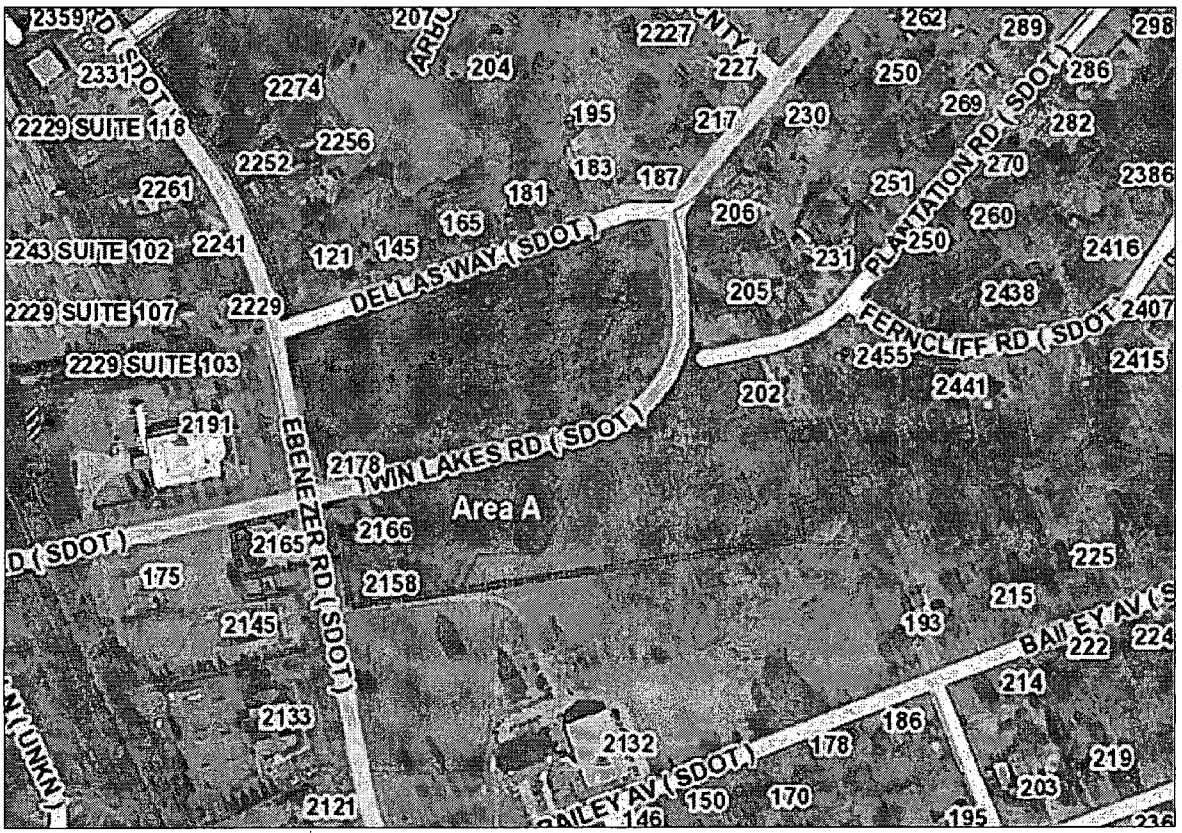
Area A

Location/Description

The subject property is an interior site located along the south side of Twin Lakes Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 2.896 acres of land (126,150 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 766.37 linear feet of road frontage and access along Twin Lakes Road and approximately 56.31 linear feet of road frontage and access along Plantation Road.

Topography, Drainage and Soils

The topography of the land is sloping down at grade with Twin Lakes Road and Plantation Road. The drainage appears to be adequate. The western portion of the site has the most development potential with the irregular shape and topography having an impact on the site.

Zoning

The subject property is zoned RC-1, Residential Conservation I District, by York County. This district is intended "to preserve and protect the character of existing neighborhoods and subdivisions and to prohibit any use which would compromise or alter existing conditions and uses. Also, this district is intended to encourage residential in-filling and expansion of existing neighborhoods and subdivisions. Development standards and densities regulating development of the districts and permitted land uses are designed to reflect existing conditions and enhance the prospects of "like development.""

Tax Assessment Data - 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 2.90 acres) is $120,000. The 2007 taxes in the amount of $1,553.04 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-063	Area A, Plantation Rd.	2.90	$120,000	$0	$0	$120,000	$1,553.04	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $120,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0308E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension but is available. All utilities available are available in adequate supply at reasonable rates.

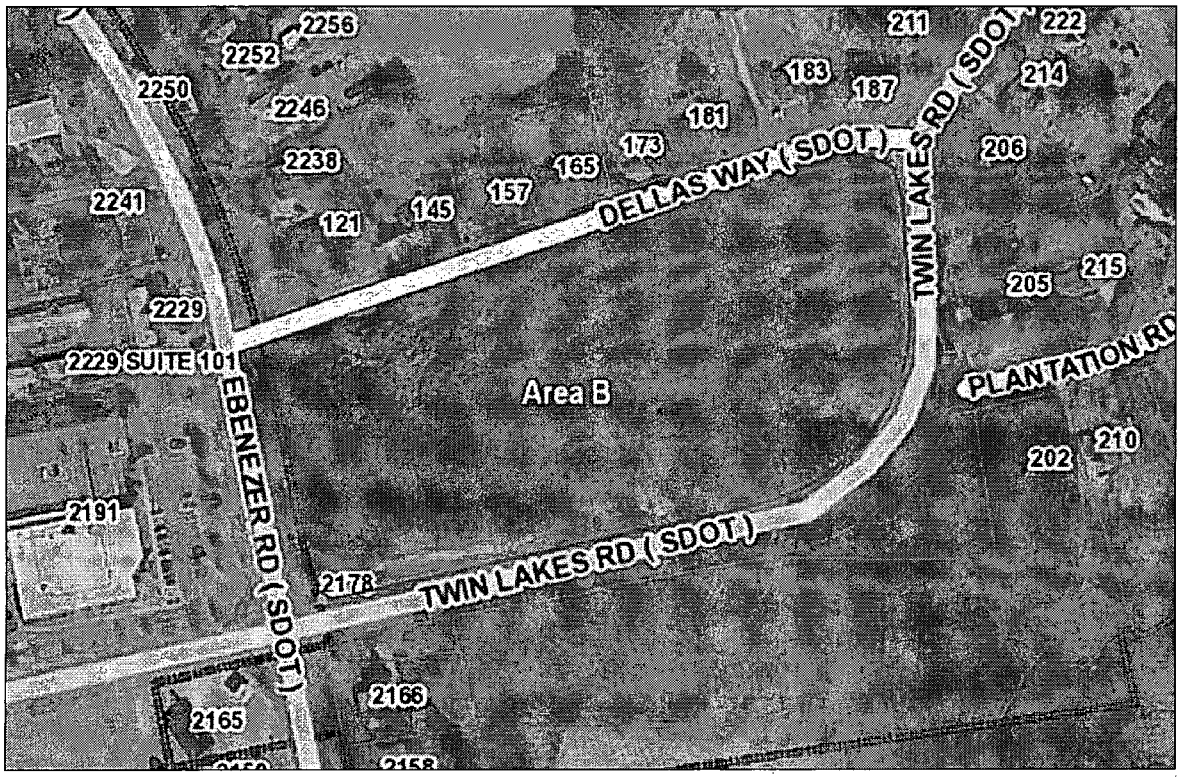
Area B

Location/Description

The subject property is an interior site located at the corner of Ebenezer Road and Twin Lakes Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 7.796 acres of land (339,594 SF) and is mostly rectangular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 243.55 linear feet of road frontage and access along Ebenezer Road, approximately 1,041.84 linear feet of road frontage and access along Twin Lakes Road, and approximately 891.91 linear feet of road frontage and access along Della's Way (Old Twin Lakes Road).

Topography, Drainage and Soils

The topography of the land is gently rolling being at grade with Ebenezer Road, Twin Lakes Road, and Della's Way (Old Twin Lakes Road). The drainage appears to be adequate. The soils on the site are suitable for development as indicated by the improvements which have been developed on nearby properties. Overall, the soil and site conditions do appear adequate for development

Zoning

The subject property is zoned BD-II, Business Development II District: Office and Institutional, by York County. This district is intended "encourage the development of office and institutional parks in areas relatively free of general commercial activity. This district is considered compatible with multi-family and condominium housing, which is also permitted herein."

Tax Assessment Data – 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 7.80 acres) is $180,000. The 2007 taxes in the amount of $3,106.08 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-064	Area B., Ebenezer Road	7.80	$180,000	$0	$0	$180,000	$3,106.08	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $180,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0308E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension but is available. All utilities available are available in adequate supply at reasonable rates.

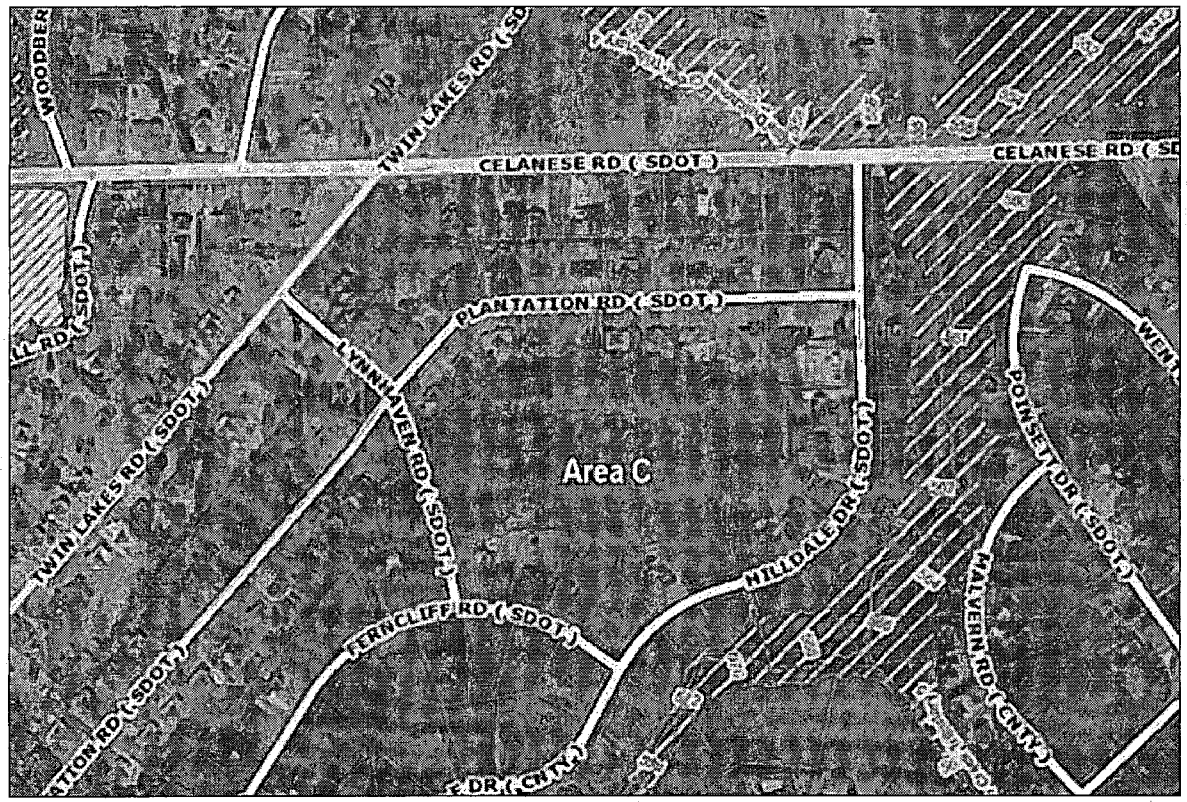
Area C

Location/Description

The subject property is an interior site located along the east side of Lynnhaven Road and the south side of Hilldale Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 10.337 acres of land (450,280 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 66.01 linear feet of road frontage and access along Lynnhaven Road, approximately 65.92 linear feet of road frontage and access along Hilldale Road, and approximately 20.00 linear feet of road frontage and access along Plantation Road.

Topography, Drainage and Soils

The topography of the land is sloping to a stream in the middle of the tract but at grade with Lynnhaven Road, Hilldale Road and Plantation Road. The drainage appears to be adequate. The perimeter of the site has been developed with single family homes. The overall topography appears to limit the use of the site to single user development.

Zoning

The subject property is zoned RC-1, Residential Conservation I District, by York County. This district is intended "to preserve and protect the character of existing neighborhoods and subdivisions and to prohibit any use which would compromise or alter existing conditions and uses. Also, this district is intended to encourage residential in-filling and expansion of existing neighborhoods and subdivisions. Development standards and densities regulating development of the districts and permitted land uses are designed to reflect existing conditions and enhance the prospects of "like development."

Tax Assessment Data - 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 10.34 acres) is $90,000. The 2007 taxes in the amount of $1,553.04 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessors Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-164	Area C, Catoe Estates	10.34	$90,000	$0	$0	$90,000	$1,553.04	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $90,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0306E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension. All utilities available are available in adequate supply at reasonable rates.

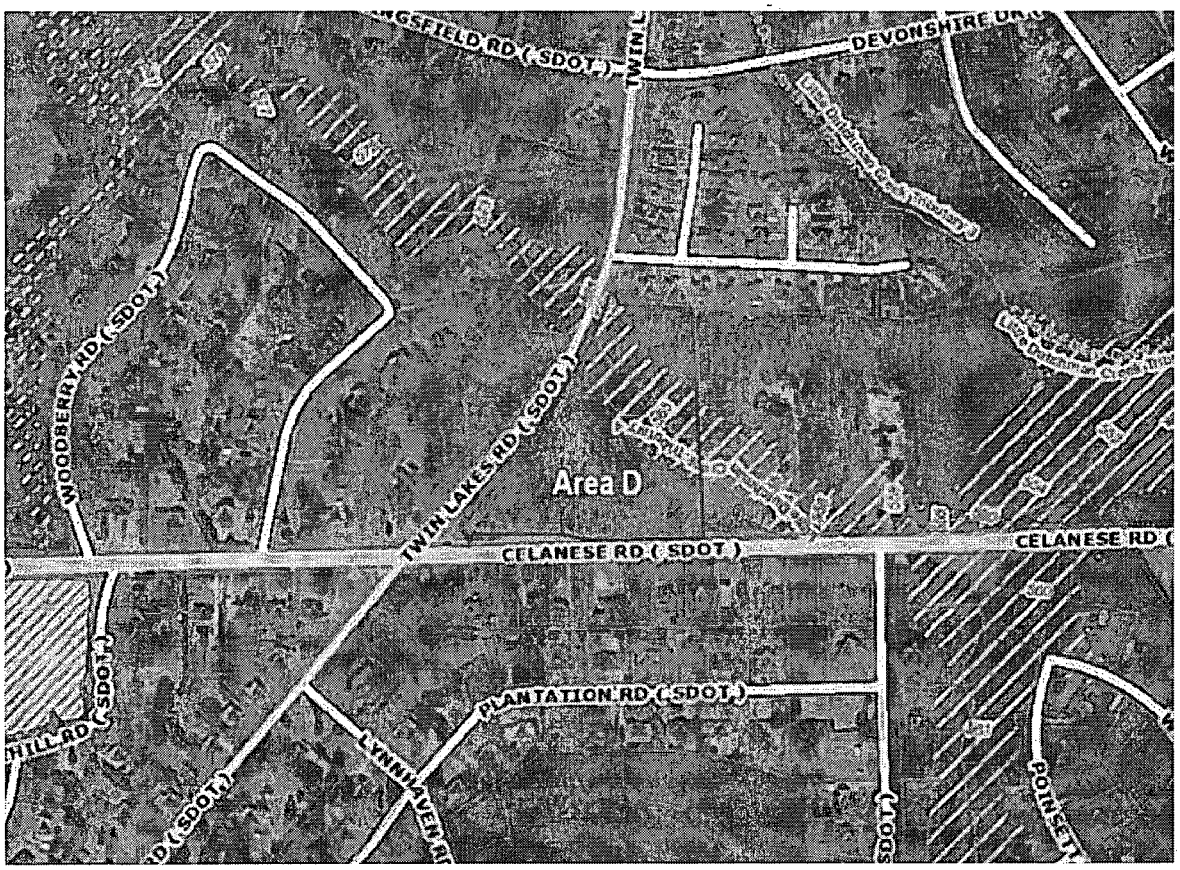
Area D

Location/Description

The subject property is an interior site located at the corner of Twin Lakes Road and Celanese Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 7.255 acres of land (316,028 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 816.00 linear feet of road frontage and access along Twin Lakes Road and approximately 718.79 linear feet of road frontage and access along Celanese Road.

Topography, Drainage and Soils

The topography of the land is sloping down to the creek and flood plain along the northeastern portion of the site. The site is at grade with Twin Lakes Road and varying grades along Celanese Road. The drainage appears to be adequate. The site will require site work for development due to topography and flood plain.

Zoning

The subject property is zoned RD-1, Residential Development I District by York County. This district is intended "to permit a variety of residential uses and variable densities, based on the characteristics of the uses. Areas so designated are deemed suited to and with market potential for the uses. This designation is applied principally to undeveloped areas where unit and density flexibility will not adversely impact existing residential subdivisions, and where the housing market can be sufficiently broad and flexible to meet the various demands for housing." The future land use for the site is commercial.

Tax Assessment Data 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 7.26 acres) is $261,900. The 2007 taxes in the amount of $4,519.35 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

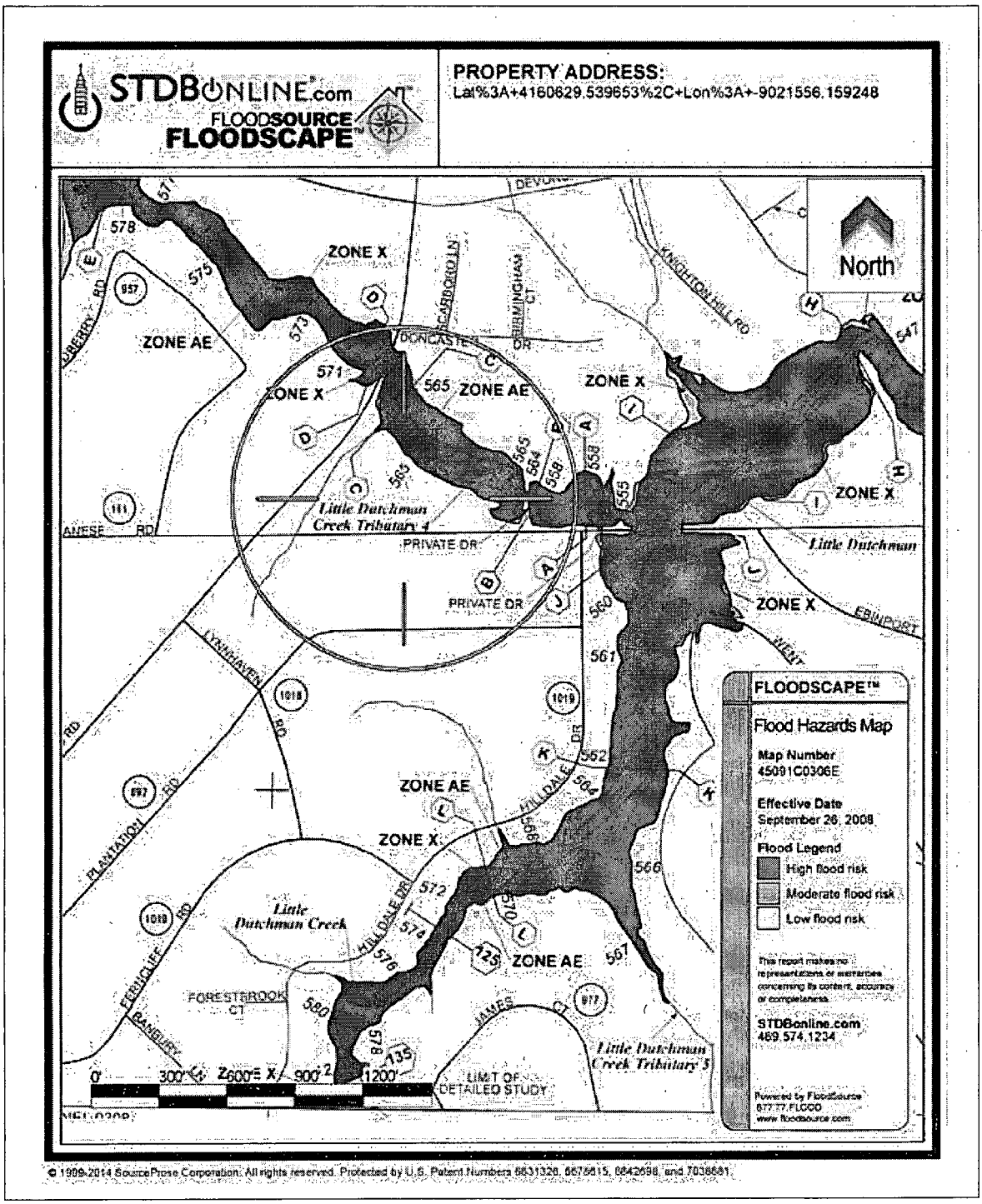
2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-110	Area D, Twin Lakes & Celanese	7.26	$261,900	$0	$0	$261,900	$4,519.35	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $261,900 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0306E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain and A portion of the subject property is located within Zone AE, which is in a flood hazard area. A copy of the FEMA Firm Map is shown on the following page to provide the reader a better understanding as to the location of this flood hazard area.



Utilities

Utilities available to the properties include water, sewer, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. All utilities are available in adequate supply at reasonable rates.

Subject Photographs and Exhibits

Date of Subject Photos: August 12, 2014



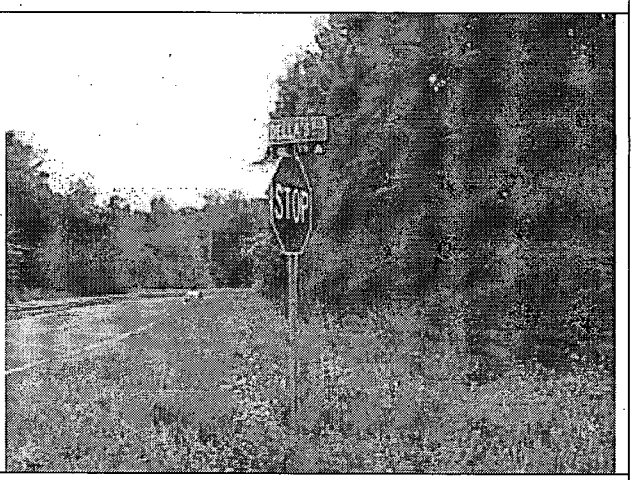
AREAS A & B – TWIN LAKES ROAD LOOKING EAST



AREAS A & B – TWIN LAKES ROAD LOOKING WEST



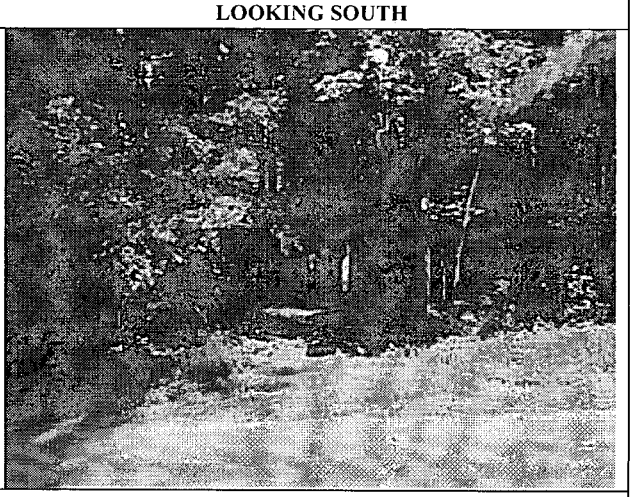
AREA B – EBENEZER ROAD LOOKING SOUTH



AREA B – TWIN LAKES ROAD AND DELLA'S WAY LOOKING SOUTH



AREA C – LYNNHAVEN DRIVE LOOKING SOUTH

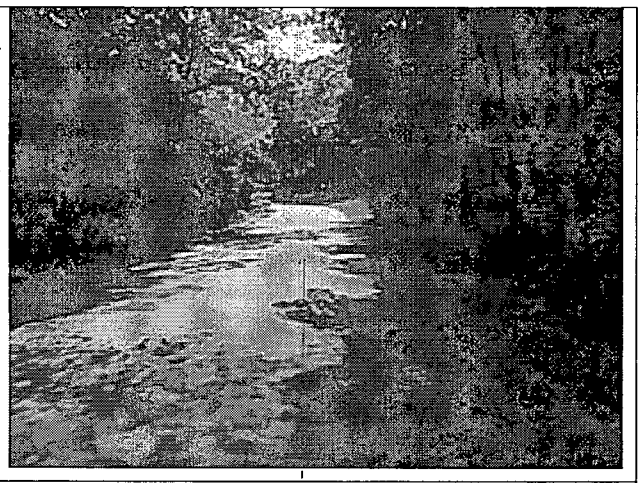


AREA C – LYNNHAVEN DRIVE ACCESS LOOKING EAST

Date of Subject Photos: August 12, 2014



AREA C – HILLDALE DRIVE ACCESS LOOKING NORTH



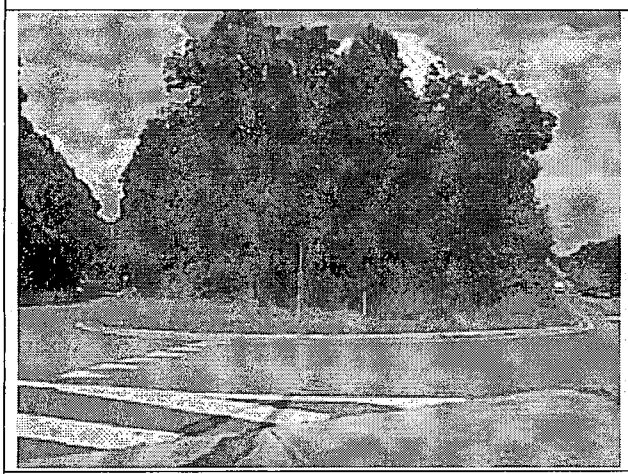
AREA C – HILLDALE DRIVE LOOKING EAST



AREA D – CELANESE ROAD LOOKING WEST



AREA D – CELANESE ROAD LOOKING EAST

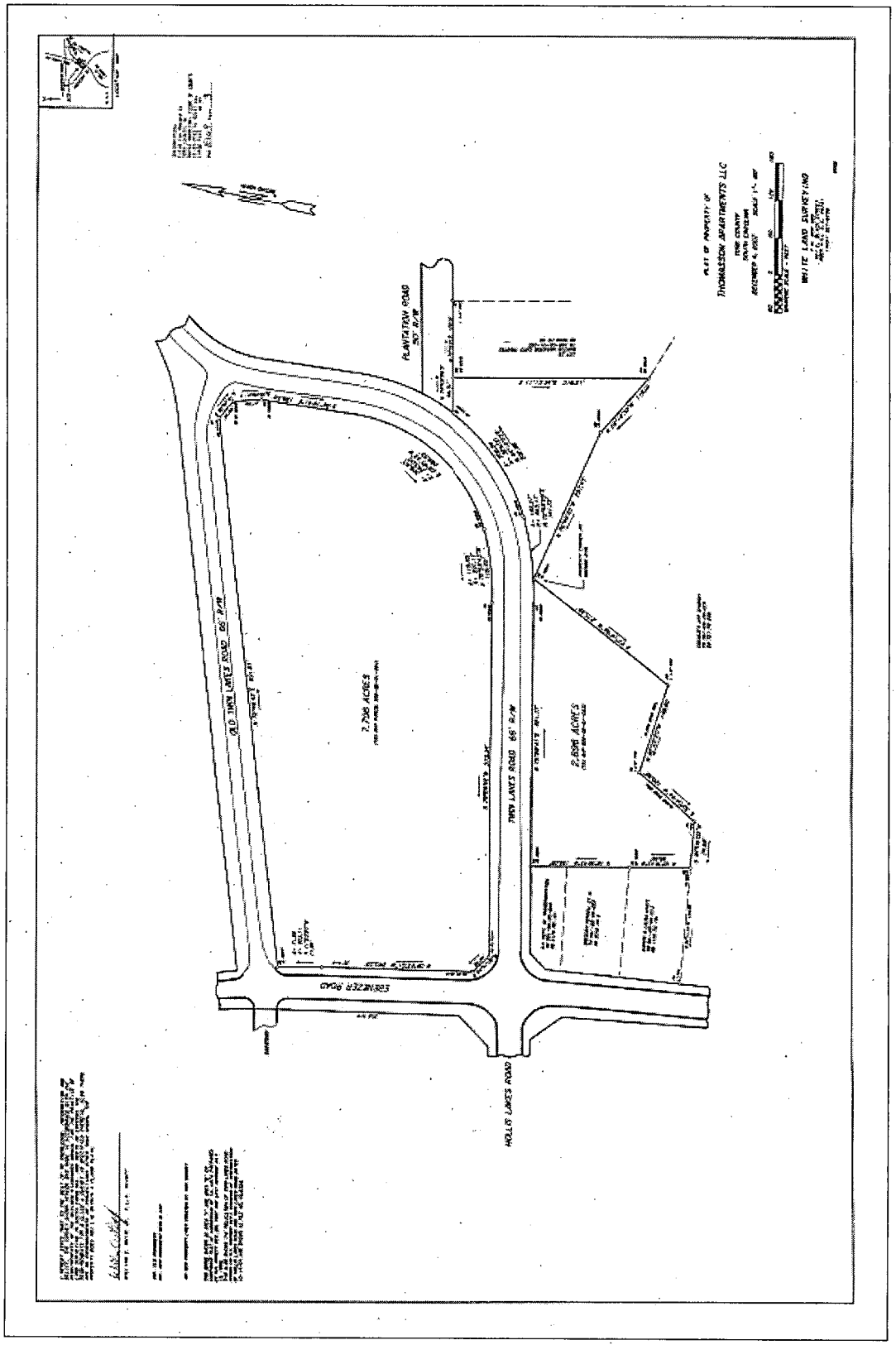


AREA D – LOOKING EAST AT CELANESE ROAD AND TWIN LAKES ROAD

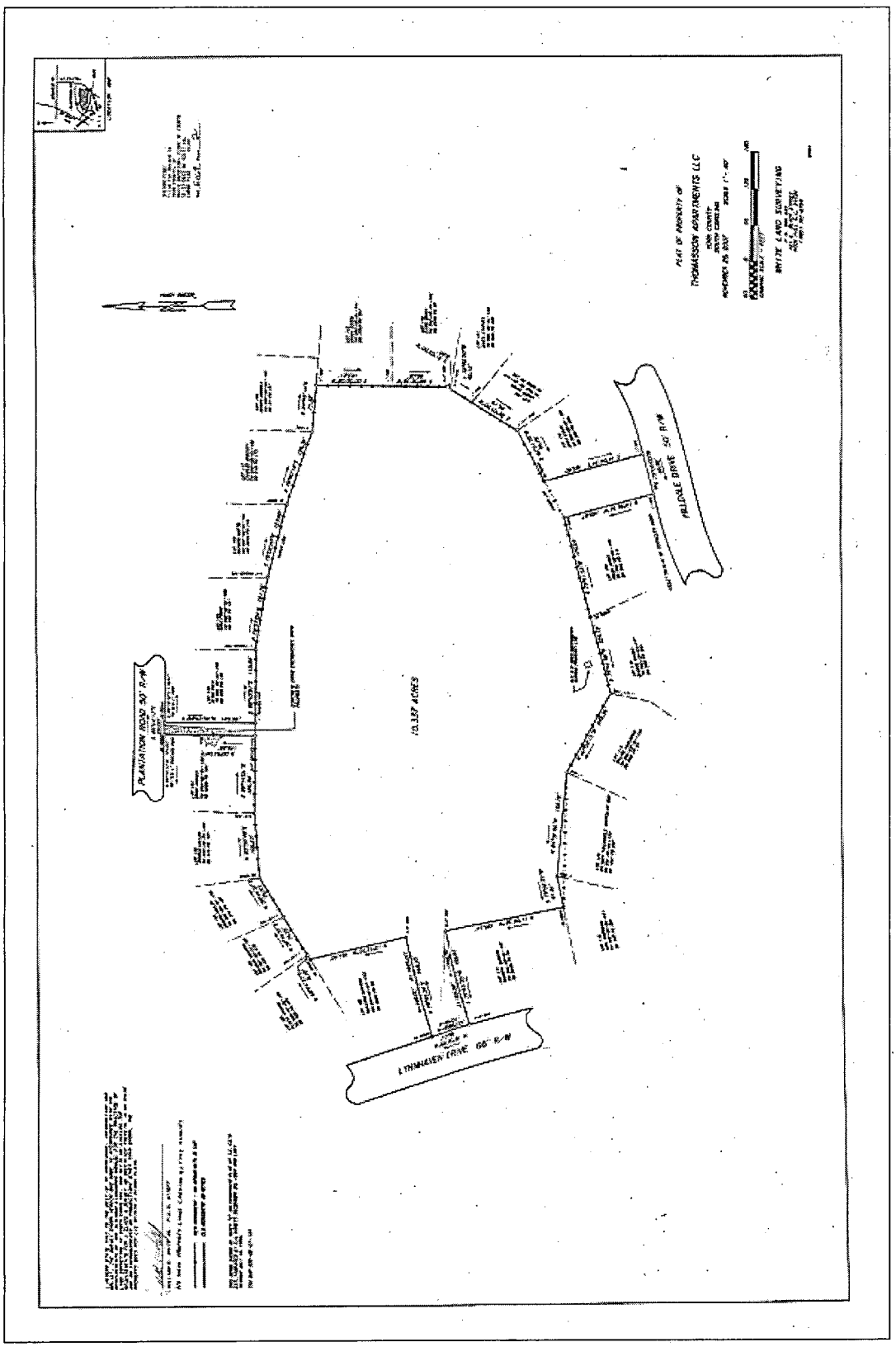


AREA D – TWIN LAKES ROAD LOOKING SOUTH

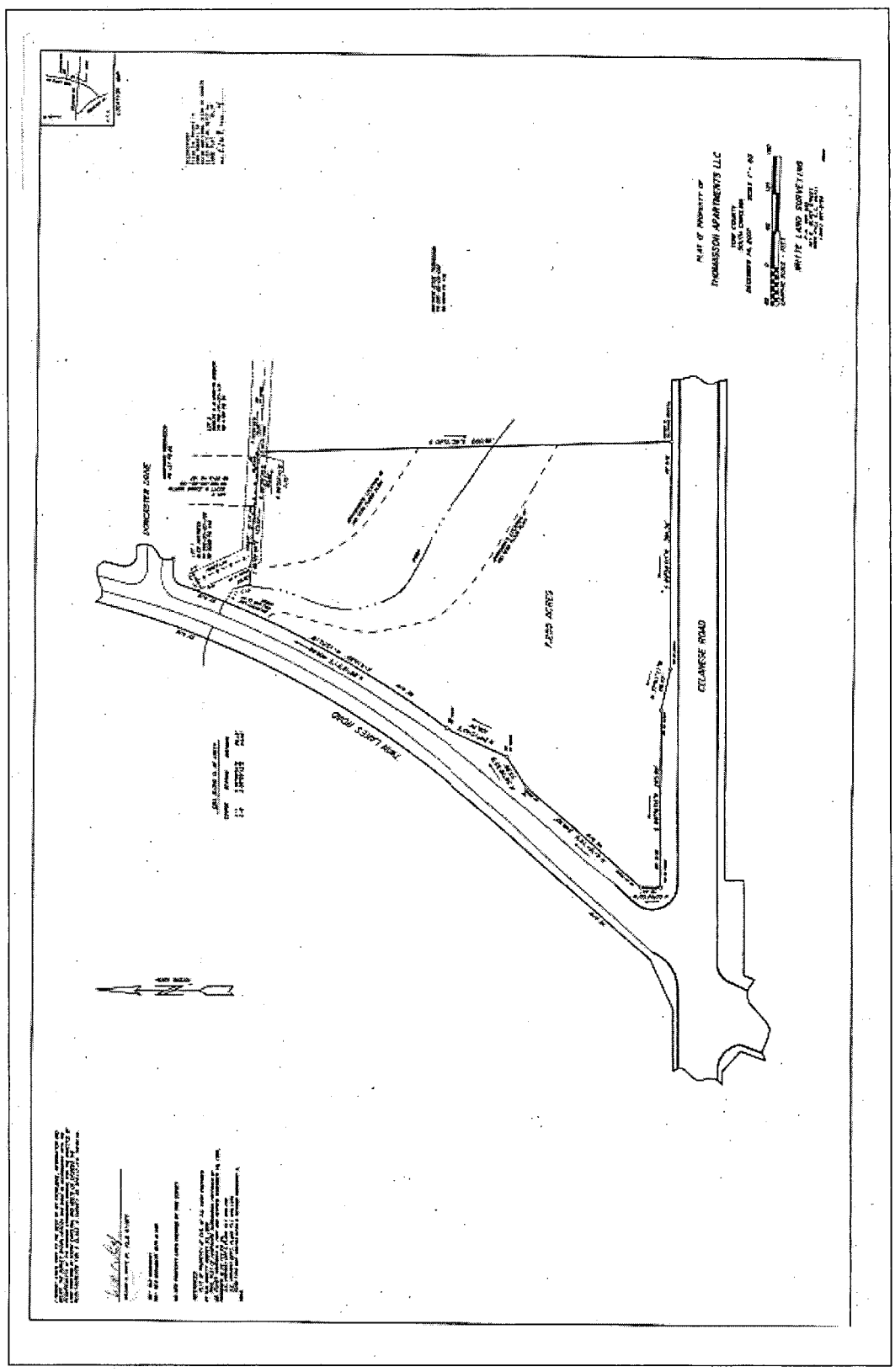
SUBJECT PLAT – AREAS A & B



SUBJECT PLAT – AREA C



SUBJECT PLAT – AREA D



Highest and Best Use

Introduction

The highest and best use is defined in The Dictionary of Real Estate Appraisal, fourth edition, published by the Appraisal Institute as "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are physical possibility, legal permissibility, financial feasibility, and maximum productivity."

As outlined, the subject properties are vacant land. Therefore, the only determination of highest and best use of the property will be as if vacant and available for development. In order to determine the highest and best use of the property, the tests of legal permissibility, physical possibilities, financial feasibility, and maximum profitability must be used to determine the highest and best use of the property as vacant.

Highest and Best Use as if Vacant

The first constraint on the use of the subject properties that must be considered is their physical characteristics. The size, location and shape of a site are the most important physical determinants of value. As outlined in detail in the Site Data section of the report, the physical characteristics of the subject properties are suitable for residential development.

Area A

The subject site is an interior location containing 2.896 acres, irregular in shape, with frontage along road frontage Twin Lakes Road and Plantation Road. The topography of the site is sloping down at grade with Twin Lakes Road. All utilities are available to the site except public sewer which would require extension but is available. The sloping topography and irregular shape will be limitations on the possible development of the site.

The primary legal limitation on the site is the RC-1, Residential Conservation I District, zoning classification by York County. Since the site is within a RC-1 district, the site is suitable for some type of residential development which complies with the RC-1 zoning that is in place for the neighborhood. Adjacent lands are zoned Urban Development and Business District II. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is holding for future development. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for residential, office and institutional purposes. Based upon this information, the most financially feasible use of the subject property is holding for some type of residential or office/institutional use.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for speculative holding.

Area B

The subject site is an interior location containing 7.796 acres, mostly rectangular in shape, with frontage along Ebenezer Road, Twin Lakes Road, and Della's Way (Old Twin Lakes Road). The topography of the site is gently rolling. All utilities are available to the site except public sewer which would require an off-site extension but is available. The physical attributes are not considered limitations on the possible development of the site.

The primary legal limitation on the site is the BD-II, Business Development II District: Office and Institutional zoning classification by York County. Since the site is within a BD-II district, the site is suitable for some type of office/institutional use or multi-family development which complies with the BD-II zoning that is in place for the neighborhood. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is for residential home sites. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for multi-family development or office use. Based upon this information, the most financially feasible use of the subject property is for some type of multi-family residential development.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for multi-family residential development.

Area C

The subject site is an interior location containing 10.337 acres, mostly rectangular in shape, with frontage along Lynnhaven Road, Hilldale Road, and Plantation Road. The topography of the site is sloping to a stream in the middle of the site. All utilities are available to the site except public sewer which would require an off-site extension. The overall topography is a limitation on the possible development of the site which will most likely limit the site to a single user residential site.

The primary legal limitation on the site is the RC-1, Residential Conservation I District, by York County. Since the site is within a RC-1 district, the site is suitable for some type of residential development which complies with RC-1 zoning that is in place for the neighborhood. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is for residential home sites. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for residential purposes. Based upon this information, the most financially feasible use of the subject properties is for single user residential development.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for single user residential development.

Area D

The subject site is a lighted corner location containing 7.255 acres, irregular in shape, with frontage along Twin Lakes Road and Celanese Road. The topography of the site is sloping down to the

creek and flood plain along the northern portion of the site. All utilities are available to the site. The topography and flood plain will be limitations on the possible development of the site. Assemblage would maximize the entire site but the corner location at a light provides development potential.

The primary legal limitation on the site is the RD-1, Residential Development I District, by York County. Since the site is within a RD-1 district, the site is suitable for some type of residential development which complies with the RD-1 zoning that is in place for the neighborhood. The future land use for the site is commercial use with multi-family use projected on the sites to the east. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property long Celanese Road is transitional from residential to more intense uses including commercial and multi-family uses. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for multi-family residential or commercial purposes. Based upon this information, the most financially feasible use of the subject properties is for holding/assemblage for some type of multi-family residential or commercial use.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for holding/assemblage.

Land Value Estimate

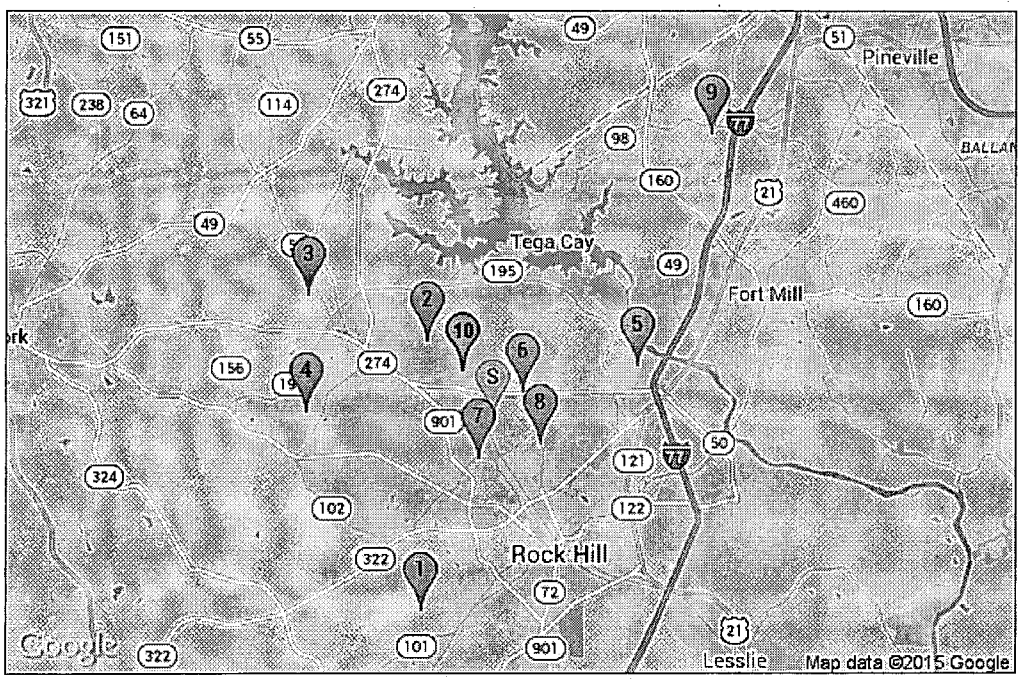
The market value of the vacant land will be determined using the sales comparison approach to value. This is an appraisal procedure in which the market value estimate for the subject property is predicated upon prices in actual real estate transactions and considering current offerings, if any, with the former fixing the lower limit of value in a static or advancing market (pricewise) and fixing the higher limit of value in a declining market; and the latter fixing the higher limit of value in any market. It is a process of analyzing the sales of similar properties recently sold in order to derive an indication of the most probable sales price of the property being appraised. The reliability of this technique is dependent upon the availability of comparable sales data, the verification of the sales data, the degree of comparability or extent of adjustment necessary for factors such as time of sale, size, physical characteristics and motivation of the purchaser, and the presence or absence of any non-typical conditions affecting the sales price.

This approach is based upon the principles of supply and demand, substitution, balance and external conditions. The application of these principles in this approach to value will lead to a reasonable and supported conclusion for the value of the property being appraised.

A search of the neighborhood was made in order to determine what sales of similar sites had occurred in the recent past to compare to the subject properties. After a search of the market, 10 comparable land sales have been included in the report. The unit of comparison used in this approach is the price per acres and this is the accepted unit of comparison/measure in the market for properties similar to the subject. Detailed information about each sale follows. Following the sales information will be a Comparable Land Sales Chart, Explanation of Adjustments, and Final Market Value Estimate – Vacant Land for each of the subject properties.

COMPARABLE LAND SALES SUMMARY TABLE

ID Proposed Use	Address City	Date Price	Shape Price per Acre	Tax ID Acres
526 Single User Residential	755 Falls Road Rock Hill	10/8/07 $100,000	Irregular $12,330	534-00-00-026 8.11
527 Single User Residential	Pennington Road Rock Hill	8/22/06 $190,000	Irregular $15,966	546-00-00-073 11.9
528 Single User Residential	Garden Ridge Rock Hill	5/30/07 $90,000	Irregular $6,860	494-02-01-007 13.12
529 Single User Residential	Newcastle Drive Rock Hill	11/7/05 $145,495	Irregular $6,592	500-00-00-105 22.07
530 Multi-Family Development	1971 Lexington Commons Drive Rock Hill	7/30/07 $679,500	Irregular $50,899	662-05-01-245 & 246 13.35
531 Commercial Development	3076 Celanese Road Rock Hill	5/18/06 $275,000	Rectangular $51,985	592-00-00-008 5.29
533 Residential Development	S. Herlong Avenue Rock Hill	5/19/05 $1,474,999	Irregular $75,064	593-08-01-002 19.65
534 Townhouse Development	India Hook Road Rock Hill	4/7/06 $975,000	Irregular $69,993	594-05-03-036 & 037 (originally 594-004 & 594-022) 13.93
537 Apartment Development	Pleasant Road Fort Mill	3/8/07 1,311,021	Irregular $87,251	651-00-00-014 15.0258
535 Commercial Development	274 Museum Road Rock Hill	5/29/07 140,000	Triangular $77,778	544-00-00-006 1.80



Land Comparable 1



Transaction

ID	526	**Date**	10/8/2007
Address	755 Falls Road	**Price**	$100,000
City	Rock Hill	**Price per Acre**	$12,330
State	South Carolina	**Financing**	Cash to Seller
Tax ID	534-00-00-026	**Property Rights**	Fee Simple
Grantor	Charles Franklin Wilson, as Trustee	**Days on Market**	Unknown
Grantee	Benjamin P. Mixon and Elizabeth B. Mixon	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 9511 @ 322; PB D272 @ 7		

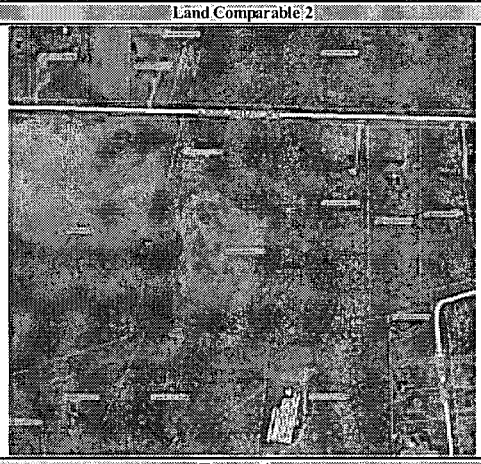
Site

Acres	8.11	**Topography**	Gently Rolling
Land SF	353,272	**Zoning**	AGC-1
Road Frontage	Falls Road; Bridgewater Road	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Well / Septic	**Environmental Issues**	None Noted

Comments

This property is located along the west side of Falls Road. This site was assembled with a single family residential tract containing 8.947 acres (purchased in 1991 in Deed Book 333 @ 75 for $41,000 and shown on Plat Book 100 @ 415). Combined this tract now contains 17.057 acres and now located at the corner of Falls Road and Bridgewater Road.

Land Comparable 2



Transaction

ID	527	**Date**	8/22/2006
Address	Pennington Road	**Price**	$190,000
City	Rock Hill	**Price per Acre**	$15,966
State	South Carolina	**Financing**	Cash to Seller
Tax ID	546-00-00-073	**Property Rights**	Fee Simple
Grantor	James Donald Horst and Linda Taylor Horst	**Days on Market**	Unknown
Grantee	Charles B. Hood, Trustee of the Baxter M. Hood Trust	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 8329 @ 101; PB 48 @ 209		

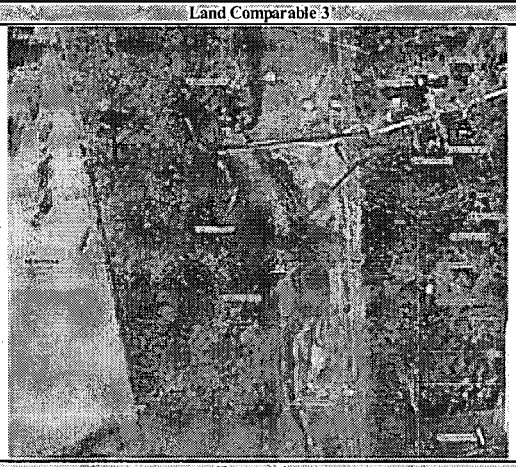
Site

Acres	11.90	**Topography**	Sloping
Land SF	518,364	**Zoning**	RC-1
Road Frontage	Pennington Road	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This site is on the south side of Pennington Road with sloping topography.

Land Comparable 3



Transaction

ID	528	**Date**	5/30/2007
Address	Garden Ridge	**Price**	$90,000
City	Rock Hill	**Price per Acre**	$6,860
State	South Carolina	**Financing**	Cash to Seller
Tax ID	494-02-01-007	**Property Rights**	Fee Simple
Grantor	LBBR Development, LLC	**Days on Market**	Unknown
Grantee	Marshall A. Hill and Brenda B. Hill	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 9137 @ 273; PB B342 @ 7		

Site

Acres	13.12	**Topography**	Sloping
Land SF	571,507	**Zoning**	AGC
Road Frontage	Garden Ridge	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	Duke Power R/W
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This site is a single user lot, sloping topography divided by a Duke powerline right of way. This property has minimal frontage along Garden Ridge.

Land Comparable 4



Transaction

ID	529	**Date**	11/7/2005
Address	Newcastle Drive	**Price**	$145,495
City	Rock Hill	**Price per Acre**	$6,592
State	South Carolina	**Financing**	Cash to Seller
Tax ID	500-00-00-105	**Property Rights**	Fee Simple
Grantor	Paul D. Poston and John H. Poston	**Days on Market**	Unknown
Grantee	Jonathan W. Hibbard and Susan B. Hibbard	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 7552 @ 31; PB D43 @ 6		

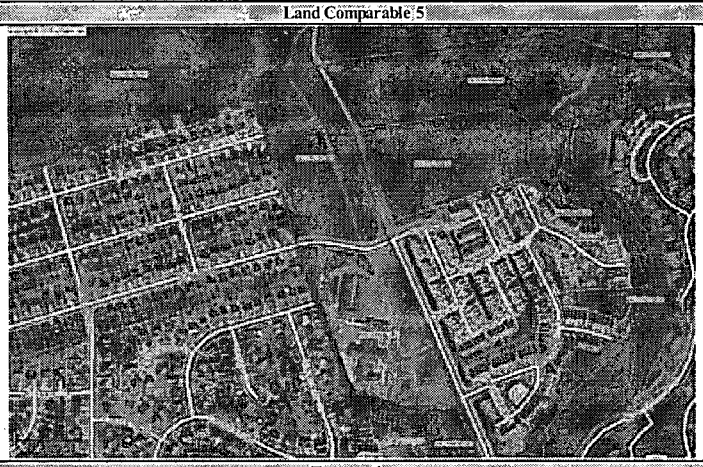
Site

Acres	22.07	**Topography**	Sloping
Land SF	961,369	**Zoning**	RUD-I
Road Frontage	Newcastle Drive	**Flood Zone**	Zone AE
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This property is located on the south side of Newcastle Drive. This site is a single user lot, with minimal frontage along Newcastle Drive and sloping topography. The rear portion of the property is located within a flood zone.

Land Comparable 5



Transaction

ID	530	**Date**	7/30/2007
Address	1971 Lexington Commons Drive	**Price**	$679,500
City	Rock Hill	**Price per Acre**	$50,899
State	South Carolina	**Financing**	Cash to Seller
Tax ID	662-05-01-245 & 246	**Property Rights**	Fee Simple
Grantor	Cornerstone Development of the Carolinas, Inc., a South Carolina corporation, and Bristol East, LLC, a South Carolina limited liability company	**Days on Market**	Unknown
Grantee	GSM Properties of Rock Hill, LLC, a South Carolina limited liability company	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 9335 @ 134; PB D239 @ 10		

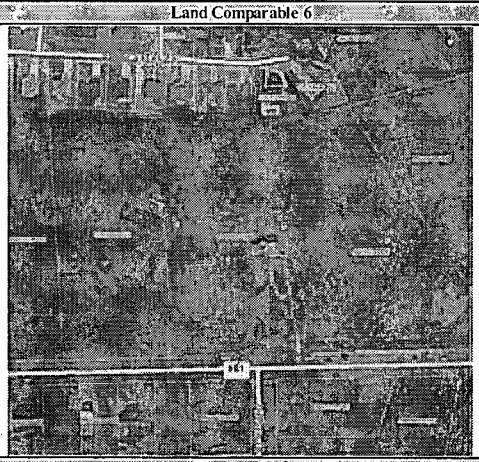
Site

Acres	13.35	**Topography**	Gently Rolling
Land SF	581,526	**Zoning**	MF-15
Road Frontage	Lexington Commons Drive, Baylor Drive	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	Duke P/L, Water Line
Utilities	Water/Sewer	**Environmental Issues**	None Noted

Comments

This site has been developed with Agape Seinor Housing within an area of new subdivisions. A powerline crosses the entrance. The property consisted of Tract A containing 8.96 acres and Tract B containing 10.62 acres for a total of 19.58 acres. A powerline crosses both tracts and encumbers approximatley 6.0 acres with 13.35 acres usable.

Land Comparable 6



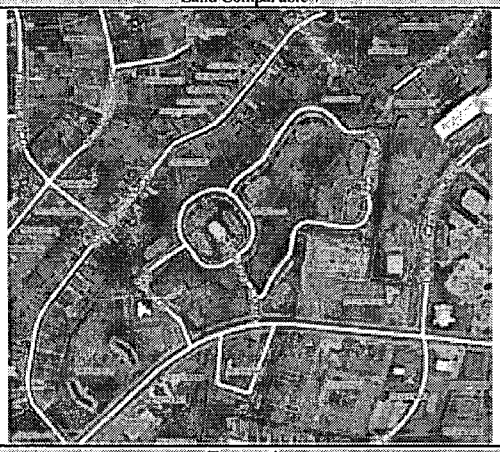
Transaction			
ID	531	**Date**	5/18/2006
Address	3076 Celanese Road	**Price**	$275,000
City	Rock Hill	**Price per Acre**	$51,985
State	South Carolina	**Financing**	Cash to Seller
Tax ID	592-00-00-008	**Property Rights**	Fee Simple
Grantor	SYN Systems, LLC	**Days on Market**	Unknown
Grantee	B. Lee Thomasson, Jr.	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 8049 @ 153		
#REF!			

Site			
Acres	5.29	**Topography**	Sloping
Land SF	230,432	**Zoning**	RD-1
Road Frontage	Celanese Road	**Flood Zone**	Zone X
Shape	Rectangular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This site is an interior tract located on the north side of Celanese Road. The site has slopiong topography and has some flood plain crossing the front of the tract.

Land Comparable 7



Transaction

ID	533	**Date**	5/19/2005
Address	S. Herlong Avenue	**Price**	$1,474,999
City	Rock Hill	**Price per Acre**	$75,064
State	South Carolina	**Financing**	Cash to Seller
Tax ID	593-08-01-002	**Property Rights**	Fee Simple
Grantor	Thomas G. Fleischer and William L.	**Days on Market**	Unknown
Grantee	Nathan S. Sanders, Judia B. Sanders, and	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 7101 @ 84; PB 108 @ 171 & C390 @ 8		

Site

Acres	19.65	**Topography**	Rolling; Stream bisects tract
Land SF	855,954	**Zoning**	OI
Road Frontage	S. Herlong Avenue	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

Nathan S. Sanders was conveyed a 37.81215% interest in the property; Judia B. Sanders was conveyed a 41.49575% interest in the property and S.F. Holdings of Wilmington, LLC was conveyed a 20.6921% interest in the property. Tract was purchased for an apartment development (300 units at $4,916/unit). Approximately 3.038 acres is located within stream and sewer easement buffer bisecting the tract excluded from 19.65 acres, gross tract is 22.688 acres or $65,013 per acre gross.

Land Comparable 8



Transaction

ID	534	**Date**	4/7/2006
Address	India Hook Road	**Price**	$975,000
City	Rock Hill	**Price per Acre**	$69,993
State	South Carolina	**Financing**	Cash to Seller
Tax ID	594-05-03-036 & 037 (originally 594-004 &	**Property Rights**	Fee Simple
Grantor	Ralph C. May, Jr. and Gary Davis May	**Days on Market**	Unknown
Grantee	The Village at India Hook, LLC	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 7928 @ 277 & 282; PB C @ 37		

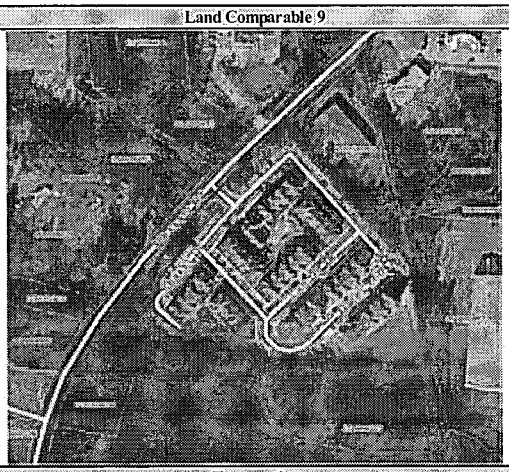
Site

Acres	13.93	**Topography**	Gently Rolling
Land SF	606,791	**Zoning**	PUD
Road Frontage	India Hook Road	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This property is located on the west side of India Hook Road and developed with an age-restricted townhouse development. Project has 58 total townhouse units or $16,810 per unit.

Land Comparable 9



Transaction

ID	537	**Date**	3/8/2007
Address	Pleasant Road	**Price**	$1,311,021
City	Fort Mill	**Price per Acre**	$87,251
State	South Carolina	**Financing**	Cash to Seller
Tax ID	651-00-00-014	**Property Rights**	Fee Simple
Grantor	James R. Masters	**Days on Market**	Unknown
Grantee	Fort Mill Apartments, LLC, a South	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 8892 @ 69 & 73; PB D194 @ 4		

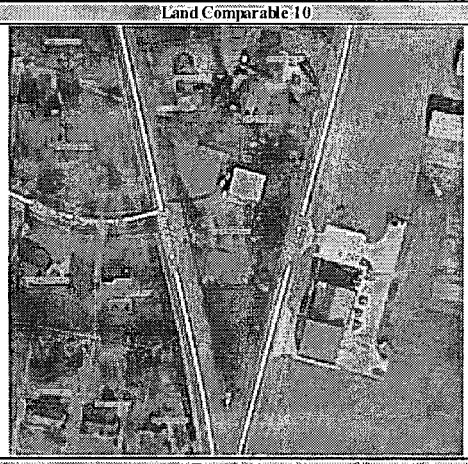
Site

Acres	15.03	**Topography**	Level
Land SF	654,524	**Zoning**	RD-I
Road Frontage	Pleasant Road	**Flood Zone**	Zone X
Shape	Irregular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This property is located along the east side of Pleasant Road. The property was purchased for the development of Fort Mill Legacy Apartment development, a 252 unit complex or $5,202 per unit. The transfer was in 2 two deeds but the buyer indicated the price was negotiated based on both tracts and allocated by the seller.

Land Comparable 10



Transaction

ID	535	**Date**	5/29/2007
Address	274 Museum Road	**Price**	$140,000
City	Rock Hill	**Price per Acre**	$77,778
State	South Carolina	**Financing**	Cash to Seller
Tax ID	544-00-00-006	**Property Rights**	Fee Simple
Grantor	Charles R. Parsons, as Trustee	**Days on Market**	Unknown
Grantee	EL Mills Properties, LLC	**Verification Source**	Public Records, Alt. RE Data Sources:
Legal Description	DB 9141 @ 1		

Site

Acres	1.8	**Topography**	Level
Land SF	78,408	**Zoning**	BD-III
Road Frontage	Museum Road	**Flood Zone**	Zone X
Shape	Triangular	**Encumbrance or**	No Adverse
Utilities	Water / Sewer	**Environmental Issues**	None Noted

Comments

This property is located on the east side of Museum Road and the west side of Airport Road in close proximity to both the Rock Hill Fire Department and the Rock Hill / York County Airport. The property is development with an office building.

Land Analysis Grid		Comp 1		Comp 2		Comp 3	
ID	A	530		535		531	
Address	Area A, B, C & D	1971 Lexington Commons Drive		274 Museum Road		3076 Celanese Road	
City	Rock Hill	Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina	
Date	12/12/2007	7/30/2007		5/29/2007		5/18/2006	
Price	--	$679,500		$140,000		$275,000	
Acres	2.896	13.35		1.80		5.29	
Acre Unit Price	$0	$50,899		$77,778		$51,985	
Transaction Adjustments							
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price		$50,899		$77,778		$51,985	
Market Trends Through	12/12/2007 3.0%	1.1%		1.6%		4.7%	
Adjusted Acre Unit Price		$51,458		$79,029		$54,454	
Location	Twin Lakes Road	Lexington Commons		Museum Road		Celanese Road	
% Adjustment		10%		0%		-10%	
$ Adjustment		$5,146		$0		-$5,445	
Acres	2.896	13.35		1.80		5.29	
% Adjustment		10%		-10%		10%	
$ Adjustment		$5,146		-$7,903		$5,445	
Topography	Sloping	Gently Rolling		Level		Sloping	
% Adjustment		-40%		-40%		0%	
$ Adjustment		-$20,583		-$31,611		$0	
Shape	Irregular	Irregular		Triangular		Rectangular	
% Adjustment		0%		0%		0%	
$ Adjustment		$0		$0		$0	
Utilities	Electricity, Water, Sewer (has to be extended),	Water/Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%	
$ Adjustment		$0		$0		$0	
Zoning	RC-1	MF-15		BD-III		RD-1	
% Adjustment		0%		0%		0%	
$ Adjustment		$0		$0		$0	
Encumbrance or Easement	None	Duke P/L, Water Line		No Adverse		No Adverse	
% Adjustment		20%		0%		0%	
$ Adjustment		$10,292		$0		$0	
Road Frontage	Twin Lakes Road	Lexington Commons Drive, Baylor Drive		Museum Road		Celanese Road	
% Adjustment		0%		0%		0%	
$ Adjustment		$0		$0		$0	
Adjusted Acre Unit Price		$51,458		$39,514		$54,454	
Net Adjustments		0.0%		-50.0%		0.0%	
Gross Adjustments		80.0%		50.0%		20.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparable 2 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 3 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1 and 3 adjusted a positive 10% for larger size and Comparable 2 adjusted a negative 10% for smaller size. Comparable 3 has sloping topography similar to the subject. Comparables 1 and 2 have superior topography and each is adjusted a negative 40% for superior topography. Comparable 1 is adjusted a positive 20% for inferior easements. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $39,514 to $54,454 per acre with a median price per acre of $51,458 and an average price per acre of $48,476. Based upon this analysis a value of $50,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area A**, as if vacant.

Land Size (Acres)		$/Ac		Estimated Value
2.896	x	$50,000	=	$144,800
		Rounded to:		**$145,000**

Land Analysis Grid		Comp 1		Comp 2		Comp 3		Comp 4		Comp 5	
ID	B	530		537		531		534		533	
Address	Area A, B, C & D	1971 Lexington Commons Drive		Pleasant Road		3076 Celanese Road		India Hook Road		S. Herlong Avenue	
City	Rock Hill	Rock Hill		Fort Mill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007	7/30/2007		3/8/2007		5/18/2006		4/7/2006		5/19/2005	
Price	--	$679,500		$1,311,021		$275,000		$975,000		$1,474,999	
Acres	7.796	13.35		15.03		5.29		13.93		19.65	
Acre Unit Price	$0	$50,899		$87,251		$51,985		$69,993		$75,064	
Transaction Adjustments											
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Market Trends Through 12/12/2007	3.0%	1.1%		2.3%		4.7%		5.1%		7.9%	
Adjusted Acre Unit Price		$51,458		$89,245		$54,454		$73,561		$80,981	
Location	Twin Lakes Road	Lexington Commons		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		10%		-10%		0%		0%		0%	
$ Adjustment		$5,146		-$8,925		$0		$0		$0	
Acres	7.796	13.35		15.03		5.29		13.93		19.65	
% Adjustment		10%		10%		0%		10%		10%	
$ Adjustment		$5,146		$8,925		$0		$7,356		$8,098	
Topography	Generally Level	Gently Rolling		Level		Sloping		Gently Rolling		Rolling; Stream bisects	
% Adjustment		0%		0%		40%		0%		0%	
$ Adjustment		$0		$0		$21,782		$0		$0	
Shape	Mostly Rectangular	Irregular		Irregular		Rectangular		Irregular		Irregular	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer (has to be extended),	Water/Sewer		Water / Sewer		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Zoning	BD-II	MF-15		RD-I		RD-1		PUD		OI	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Encumbrance or Easement	None	Duke P/L, Water Line		No Adverse		No Adverse		No Adverse		No Adverse	
% Adjustment		20%		0%		0%		0%		0%	
$ Adjustment		$10,292		$0		$0		$0		$0	
Road Frontage	Ebenezer Rd., Twin Lakes Rd., Della's Way	Lexington Commons Drive, Baylor Drive		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		0%		5%		5%		5%		5%	
$ Adjustment		$0		$4,462		$2,723		$3,678		$4,049	
Adjusted Acre Unit Price		**$72,042**		**$93,707**		**$78,958**		**$84,595**		**$93,128**	
Net Adjustments		40.0%		5.0%		45.0%		15.0%		15.0%	
Gross Adjustments		40.0%		25.0%		45.0%		15.0%		15.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparables 3, 4 and 5 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 2 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1, 2 4 and 5 adjusted a positive 10% for larger size. The topography of Comparables 1, 2, 4 and 5 is similar to the subject. Comparable 3 has sloping topography inferior to the subject. Based on comparison with the remaining sales, Comparable 3 is adjusted a positive 40% for inferior topography. Comparable 1 is adjusted a positive 20% for inferior Duke Powerline easement. The subject has extensive road frontage. Comparable 1 has similar road frontage. Comparables 2, 3, 4 and 5 are adjusted a positive 5% for inferior road frontage compared to the subject. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $72,042 to $93,707 per acre with a median price per acre of $84,595 and an average price per acre of $84,486. Based upon this analysis a value of $85,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area B**, as if vacant.

Land Size (Acres)		$/Ac		Estimated Value
7.796	x	$85,000	=	$662,660
		Rounded to:		**$663,000**

Land Analysis Grid		Comp 1		Comp 2		Comp 3		Comp 4	
ID	C	526		528		527		529	
Address	Lynnhaven Drive	755 Falls Road		Garden Ridge		Pennington Road		Newcastle Drive	
City	Rock Hill	Rock Hill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007	10/8/2007		5/30/2007		8/22/2006		11/7/2005	
Price	–	$100,000		$90,000		$190,000		$145,495	
Acres	10.337	8.11		13.12		11.90		22.07	
Acre Unit Price	$0	$12,330		$6,860		$15,966		$6,592	
Transaction Adjustments									
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price		**$12,330**		**$6,860**		**$15,966**		**$6,592**	
Market Trends Through	12/12/2007	3.0%	0.5%		1.6%		3.9%		6.4%
Adjusted Acre Unit Price		$12,396		$6,970		$16,595		$7,014	
Location	Lynnhaven Drive	Falls Road		Garden Ridge		Pennington Road		Newcastle Drive	
% Adjustment		0%		10%		-20%		10%	
$ Adjustment		$0		$697		-$3,319		$701	
Acres	10.337	8.11		13.12		11.90		22.07	
% Adjustment		0%		0%		0%		20%	
$ Adjustment		$0		$0		$0		$1,403	
Topography	Generally Level	Gently Rolling		Sloping		Sloping		Sloping	
% Adjustment		-10%		0%		0%		0%	
$ Adjustment		-$1,240		$0		$0		$0	
Shape	Irregular	Irregular		Irregular		Irregular		Irregular	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer,	Well / Septic		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Zoning	RC-I	AGC-I		AGC		RC-1		RUD-I	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Encumbrance or Easement	None	No Adverse		Duke Power R/W		No Adverse		No Adverse	
% Adjustment		0%		25%		0%		0%	
$ Adjustment		$0		$1,742		$0		$0	
Road Frontage	Lynhaven Rd., Hilldale Rd., Plantation Rd.	Falls Road; Bridgewater Road		Garden Ridge		Pennington Road		Newcastle Drive	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Adjusted Acre Unit Price		**$11,156**		**$9,409**		**$13,276**		**$9,118**	
Net Adjustments		-10.0%		35.0%		-20.0%		30.0%	
Gross Adjustments		10.0%		35.0%		20.0%		30.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparable 1 is considered similar to the subject. Comparables 2 and 4 are located in an area that is considered inferior to the subject and each is adjusted a positive 10% for location. Comparable 3 is located in an area that is considered superior to the subject and is adjusted a negative 20% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparable 4 adjusted a positive 20% for larger size. Comparable 1 has gently rolling topography superior to the subject and has been adjusted a negative 10%. Comparable 2 is adjusted a positive 25% for inferior Duke Powerline easement. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $9,118 to $13,276 per acre with a median price per acre of $10,282 and an average price per acre of $10,740. Based upon this analysis a value of $10,000 per acre is indicated and supported by the market information analyzed. Each of the Comparables is considered in determining a value from the data analyzed with most weight placed on Comparables 1, 3, and 4. The following calculation shows the estimated market value of the **Area C**, as if vacant.

Land Size (Acres)		$/Ac		Estimated Value
10.337	x	$10,000	=	$103,370
		Rounded to:		**$103,000**

Land Analysis Grid		Comp 1		Comp 2		Comp 3		Comp 4		Comp 5	
ID	D	530		537		531		534		533	
Address	Area A, B, C & D	1971 Lexington Commons Drive		Pleasant Road		3076 Celanese Road		India Hook Road		S. Herlong Avenue	
City	Rock Hill	Rock Hill		Fort Mill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007	7/30/2007		3/8/2007		5/18/2006		4/7/2006		5/19/2005	
Price	–	$679,500		$1,311,021		$275,000		$975,000		$1,474,999	
Acres	7.255	13.35		15.03		5.29		13.93		19.65	
Acre Unit Price	$0	$50,899		$87,251		$51,985		$69,993		$75,064	
Transaction Adjustments											
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price		$50,899		$87,251		$51,985		$69,993		$75,064	
Market Trends Through	12/12/2007	3.0%	1.1%		2.3%		4.7%		5.1%		7.9%
Adjusted Acre Unit Price		$51,458		$89,245		$54,454		$73,561		$80,981	
Location	Twin Lakes Road and	Lexington Commons		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		10%		-10%		0%		0%		0%	
$ Adjustment		$5,146		-$8,925		$0		$0		$0	
Acres	7.255	13.35		15.03		5.29		13.93		19.65	
% Adjustment		10%		10%		0%		10%		10%	
$ Adjustment		$5,146		$8,925		$0		$7,356		$8,098	
Topography	Sloping towards creek	Gently Rolling		Level		Sloping		Gently Rolling		Rolling; Stream bisects tract	
% Adjustment		-40%		-40%		0%		-40%		-40%	
$ Adjustment		-$20,583		-$35,698		$0		-$29,424		-$32,392	
Shape	Irregular	Irregular		Irregular		Rectangular		Irregular		Irregular	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer,	Water/Sewer		Water / Sewer		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Zoning	RD-I	MF-15		RD-I		RD-1		PUD		OI	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Encumbrance or Easement	Powerline	Duke P/L, Water Line		No Adverse		No Adverse		No Adverse		No Adverse	
% Adjustment		20%		0%		0%		0%		0%	
$ Adjustment		$10,292		$0		$0		$0		$0	
Road Frontage	Celanese Road, Twin Lakes Road	Lexington Commons Drive, Baylor Drive		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		0%		5%		5%		5%		5%	
$ Adjustment		$0		$4,462		$2,723		$3,678		$4,049	
Adjusted Acre Unit Price		$51,458		$58,009		$57,177		$55,171		$60,736	
Net Adjustments		0.0%		-35.0%		5.0%		-25.0%		-25.0%	
Gross Adjustments		80.0%		65.0%		5.0%		55.0%		55.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparables 3, 4 and 5 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 2 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1, 2, 4 and 5 adjusted a positive 10% for larger size. The topography of Comparable 3 is most similar to the subject with no adjustment. Based on comparison with the remaining sales, Comparables 1, 2, 4 and 5 are adjusted a negative 40% for superior topography. Comparable 1 is adjusted a positive 20% for inferior Duke Powerline easement. Comparables 2, 3, 4 and 5 are adjusted a positive 5% for inferior road frontage compared to the subject. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $51,458 to $60,736 per acre with a median price per acre of $57,177 and an average price per acre of $56,510. Based upon this analysis a value of $55,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area D**, as if vacant.

Land Size (Acres)		S/Ac		Estimated Value
7.255	x	$55,000	=	$399,025
		Rounded to:		**$400,000**

Reconciliation and Final Value Estimate

The only approach to value used is the Sales Comparison Approach to Value. The Land Value estimate is based upon land sales in the immediate market area of the subject which are considered comparable to the subject property. The available data is current and is considered to provide a good indication of land value. The subject properties are located within an area of the county with good access, exposure and visibility.

After applying the methods and techniques recommended by the Appraisal Institute, and after analyzing the data presented in the attached report, it is my opinion that the retrospective market value of the fee simple interest of the subject properties, as of December 12, 2007, is:

AREA A

ONE HUNDRED FORTY FIVE THOUSAND DOLLARS
($145,000)

AREA B

SIX HUNDRED SIXTY THREE THOUSAND DOLLARS
($663,000)

AREA C

ONE HUNDRED THREE THOUSAND DOLLARS
($103,000)

AREA D

FOUR HUNDRED THOUSAND DOLLARS
($400,000)

As outlined in the report, the subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the date of inspection, August 12, 2014. The final value estimates are based upon the various considerations outlined in the definition of market value shown earlier. The value estimates outlined within this report are based upon an estimated marketing time and exposure time of 6 months to 12 months. It should be noted that exposure time occurs prior to the value estimate and the marketing time occurs after the value estimate.

My valuation of the subject property considered the best information that was available at the time of my analysis. Due to on-going volatility in the marketplace, users of this appraisal should consider the current market uncertainty. Reliance on an appraisal may be affected by the scope of work. Users are reminded that the appraisal conclusions in this report are effective as of the stated date(s) of valuation.

Respectfully submitted,

George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531

GEKjr/kdw

Addenda

Subject Deed(s)

(COPIES OF THE PLATS ARE CONTAINED IN THE SUBJECT PHOTOGRAPHS AND EXHIBITS SECTION OF THE REPORT)

2340.00
990.00
10.00

200700386556
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON
12-17-2007 At 10:08 am.
DEED 10.00
State Tax 2340.00
County Tax 990.00
OR Vol 9673 Page 150 - 154

Prepared by and return to:

Joshua B. Vann, Esq.
MORTON & GETTYS, LLC
334 Oakland Avenue
Post Office Box 707
Rock Hill, South Carolina 29731

RECORDED
YORK COUNTY
TAX ASSESSOR'S OFFICE
DATE 12-17-07
TAX MAP NO. 592-2-1-63, 64, 164, 110
INITIALS TS / AN

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED is made as of the 14th day of December, 2007, by and between **T.E. CATO ESTATE, LLC**, a limited liability company organized and existing under the laws of the State of South Carolina, as party of the first part, hereinafter referred to as "Grantor," and **THOMASSON APTS., L.L.C.**, a limited liability company organized and existing under the laws of the State of South Carolina having a principal mailing address of 1612 Ebenezer Road, Suite 203, Rock Hill, South Carolina, 29732, as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the successors and assigns of each of the parties hereto.

WITNESSETH:

WHEREAS, Grantor and Grantee are each a party to that certain real estate purchase contract ("Contract") dated as of August 3, 2007, as subsequently amended, providing, in part, for the sale and conveyance by Grantor to Grantee of the real property ("Property") hereafter described, which such Contract, as amended, shall survive the execution and recordation hereof; and,

WHEREAS, Grantor and Grantee each agree that Grantor is now obligated to convey the Property to Grantee.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee, all of Grantor's right, title,

and interest in and to the Property (being described in Exhibit "A," which is attached hereto and incorporated herein by this reference) and all improvements affixed thereto and lying thereupon (with such improvements being considered as a part of the Property), subject, however, to the terms and provisions of this General Warranty Deed.

The Property is hereby conveyed to the Grantee subject to easements, conditions, restrictions, exceptions, and other matters of record in the chain of title to the Property, other than and excepting monetary liens (including rollback taxes, if applicable), including, but not being limited to, those matters which are listed below, these and all such matters as may arise out them being matters to which the warranty of Grantor as contained herein shall not apply:

1.0 Taxes for the year 2008 and subsequent years, which constitute a lien but are not yet due and payable;

2.0 Matters of zoning and other ordinances governing the use and enjoyment of the Property;

3.0 Matters which would be revealed by a current survey or physical inspection of the Property.

TO HAVE AND TO HOLD the Property, subject to the above easements, restrictions, and exceptions, together with any and all of the rights, members and appurtenances thereof, the same being, belonging or in anywise appertaining to, the only proper use, benefit and behoof of the Grantee forever IN FEE SIMPLE, on the terms and conditions contained herein.

GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee against the claims of all persons whomsoever claiming by, through or under Grantor, or Grantor's successors and assigns, and against all others, subject to the limitations contained herein.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Grantor has signed and sealed this deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

(W-1)

(W-2)

GRANTOR:
T.E. CATO ESTATE, LLC

By: James Thomas Cato
James Thomas Cato

Its: General Manager

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF YORK)

PERSONALLY APPEARED before me the below signed witness and made oath that s/he saw James Thomas Cato, as the General Manager of the Grantor herein named, sign, seal, and as said Grantor's act and deed, deliver the within written General Warranty Deed for the uses and purposes therein mentioned, and that s/he, with the other witness signing above, witnessed the execution thereof.

Witness 1

SWORN to before me this 12 th day of December, 2007

Notary Public for South Carolina: Witness 2
My Commission Expires: 1/17/2014
[SEAL HERE]

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

ALL that certain piece parcel or tract of land located in the State of South Carolina, County of York, Township of Ebenezer, shown as Tracts or Areas A, B, C, and D on that certain plat of survey entitled "Composite Plat Showing Subdivision of T.E. Cato Est.," drawn by R.H. Marrett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33, Page 192 in the Office of the Clerk of Court for York County, South Carolina, to which plat reference is made for a more complete and accurate description as to the courses and distances of the property described herein (being TMS #s 592-02-01-063, 064, 164, and 110).

LESS AND EXCEPTING the following Deeds conveyed from the South Carolina Department of Transportation: Deed Book 6242, Page 124, Deed Book 6242, Page 128, Deed Book 3070, Page 254, Deed Book 3070, page 257, Deed Book 3070, Page 260, Deed Book 3070, Page 266, Deed Book 3070, Page 263, Deed Book 3144, Page 267, Deed Book 3070, Page 269, Deed Book

DERIVATION: BEING the same property conveyed to the within Grantor by the following deed, recorded in the York County, South Carolina Clerk of Court's Office: Book 9246, Page 148.

BK09673 PG0153

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT**
COUNTY OF YORK)

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is known as Tracts or Areas A, B, C and D of Plat for "Composite Plat Showing Subdivision of T.E. Cato Est", York County, and bearing the following tax map numbers 592-02-01-063, 064, 164 and 110, was transferred by T.E. Cato Estate, LLC to Thomasson Apts., LLC on December 12, 2007.

3. The transaction was (check one):

(a) X_____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money's worth.
(b) _____subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _____The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.* because the deed is: _____.

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.:

(a) X_____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $900,000.00.
(b) _____ The fee is computed on the fair market value of this realty which is _____.
(c) _____ The fee is computed based on the fair market value of the realty as established for property tax purposes which is _____.

5. Check: YES ___ or No __X__ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes" the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a)	Place the amount listed in item 4 above here:	$ 900,000.00
(b)	Place the amount listed in item 5 above here:	0.00
(c)	Subtract line 6(b) from line 6(a) and place result here:	$ 900,000.00

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: $ 3,330.00.

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Attorney. I further understand that a person required to furnish this affidavit who willfully furnishers a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Joshua B. Vann, Attorney

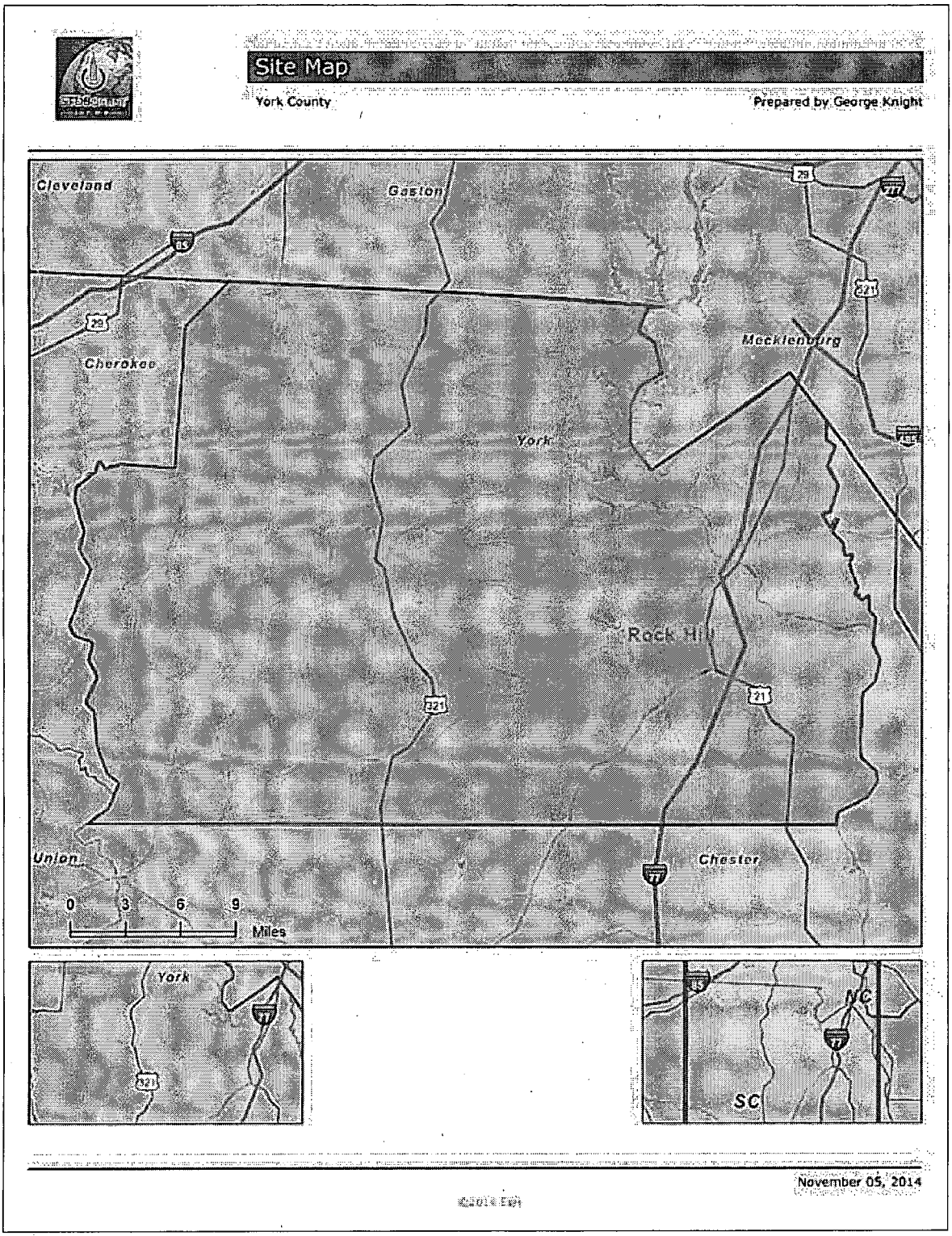
SWORN to before me this 12th day of December, 2007.

Notary Public for South Carolina
My commission expires: 11/17/2014

U:\jkimbrell\Jill\FORMS - Master folder\REAL ESTATE FORMS\DEEDS\Deed Affidavit.doc

BK09673 PG0154

Current Demographics


Site Map
York County
Prepared by George Knight
Cleveland
Gaston
Cherokee
York
Mecklenburg
Rock Hill
Union
Chester
0 3 6 9
Miles
York
NC
SC
November 05, 2014

Demographic and Income Profile - Appraisal Version

York County
York County, SC (45091)
Geography: County

Prepared by George Knight

Summary	Census 2010	2013	2018
Population	226,073	238,253	258,627
Households	85,864	90,954	99,099
Families	61,089	64,529	69,860
Average Household Size	2.59	2.58	2.57
Owner Occupied Housing Units	62,119	64,411	70,631
Renter Occupied Housing Units	23,745	26,543	28,468
Median Age	37.1	37.7	38.0

Trends: 2013 - 2018 Annual Rate	Area	State	National
Population	1.65%	1.02%	0.71%
Households	1.73%	1.10%	0.74%
Families	1.60%	0.95%	0.63%
Owner HHs	1.86%	1.17%	0.94%
Median Household Income	2.50%	3.59%	3.03%

	2013		2018	
Households by Income	Number	Percent	Number	Percent
<$15,000	11,801	13.0%	11,684	11.8%
$15,000 - $24,999	11,051	12.2%	8,039	8.1%
$25,000 - $34,999	9,482	10.4%	8,452	8.5%
$35,000 - $49,999	11,362	12.5%	12,124	12.2%
$50,000 - $74,999	17,382	19.1%	20,963	21.2%
$75,000 - $99,999	12,234	13.5%	15,582	15.7%
$100,000 - $149,999	11,288	12.4%	13,923	14.0%
$150,000 - $199,999	3,719	4.1%	4,922	5.0%
$200,000+	2,634	2.9%	3,409	3.4%

	2013	2018
Median Household Income	$51,727	$58,524
Average Household Income	$69,236	$81,879
Per Capita Income	$26,571	$31,502

	Census 2010		2013		2018	
Population by Age	Number	Percent	Number	Percent	Number	Percent
0 - 4	15,534	6.9%	15,807	6.6%	17,043	6.6%
5 - 9	16,228	7.2%	16,522	6.9%	17,300	6.7%
10 - 14	16,341	7.2%	16,922	7.1%	18,136	7.0%
15 - 19	16,106	7.1%	16,465	6.9%	17,508	6.8%
20 - 24	14,251	6.3%	15,989	6.7%	16,366	6.3%
25 - 34	27,727	12.3%	29,256	12.3%	32,898	12.7%
35 - 44	33,683	14.9%	32,989	13.8%	33,072	12.8%
45 - 54	34,029	15.1%	35,169	14.8%	35,836	13.9%
55 - 64	26,546	11.7%	29,559	12.4%	33,392	12.9%
65 - 74	15,250	6.7%	18,097	7.6%	23,133	8.9%
75 - 84	7,604	3.4%	8,411	3.5%	10,366	4.0%
85+	2,772	1.2%	3,066	1.3%	3,577	1.4%

Data Note: Income is expressed in current dollars.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

November 05, 2014

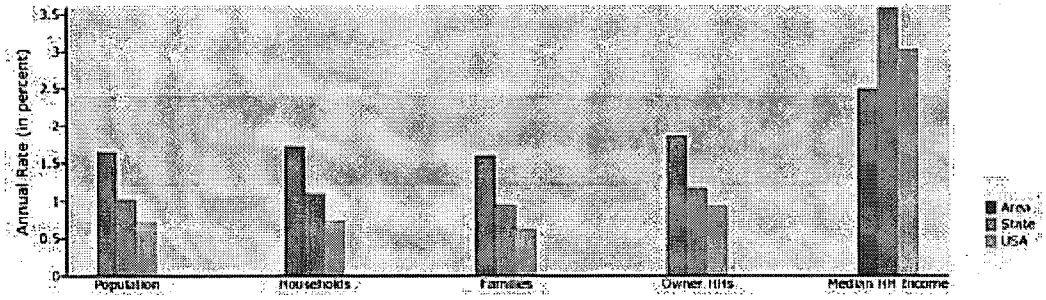
©2014 Esri

Demographic and Income Profile - Appraisal Version

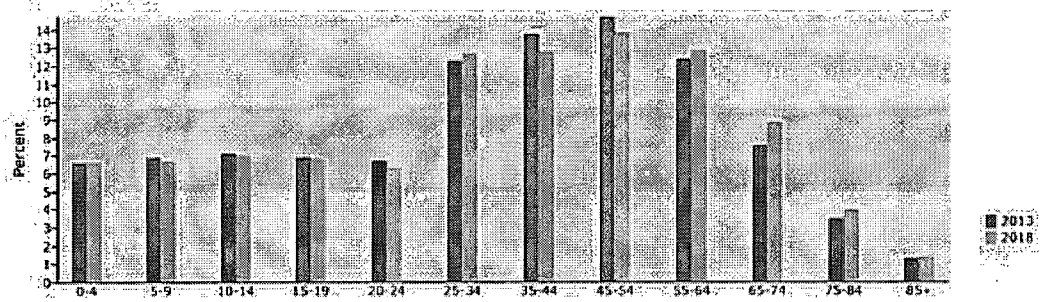
York County
York County, SC (45091)
Geography: County

Prepared by George Knight

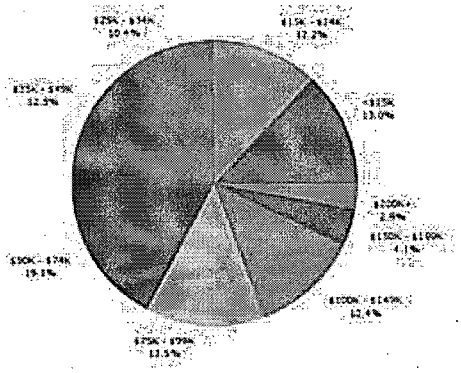
Trends 2013-2018



Population by Age



2013 Household Income



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

November 05, 2014

©2014 Esri

Qualifications of George E. Knight, Jr., MAI

Professional Designation
Member, Appraisal Institute, (MAI) Certificate No. 12092

Education
Bachelor of Science Degree Business Administration, Real Estate and Finance,
University of South Carolina, May 1987

Appraisal Education
Core Courses
Appraisal Institute
Course 1A1, Real Estate Appraisal Principles, February 1991
Course SPP, Standards of Professional Practice, Parts A & B, September 1991
Course 1A2, Basic Valuation Procedures, May 1992
Course 1BA, Capitalization Theory and Techniques, Part A, May 1992
Course 1BB, Capitalization Theory and Techniques, Part B, November 1992
Course 320, General Applications, April 1994
Course 520, Highest & Best Use and Market Analysis, October 1998
Course 550, Advanced Applications, October 2000
Course 530, Advanced Sales Comparison and Cost Approaches, January 2002
Course 540, Report Writing and Valuation Analysis, June 2002
Course 810, Computer-Enhanced Cash Flow Modeling, November 2004
Course 400, 7-Hour Update USPAP, May 2010

Current Seminars
Appraisal Institute
Subdivision Valuation, June 2006
AI Reports -- AI 100 Summary Report Residential July 2006
Forecasting Revenue, March 2007
The Real Estate Economy: What's In Store for 2008? July 2007
The Valuation of Wetlands, July 2007
Analyzing Distressed Real Estate, January 2008
Evaluating Commercial Construction, March 2008
Spotlight on USPAP: Common Errors and Issues, July 2008
Business Practices and Ethics, November 2008
Appraising Distressed Commercial Real Estate: Here We Go Again, November 2008
Property Tax Reform Act of 2006 – Its Effect on Market Value, January 2009
A Lenders Prospective: The Role of the Appraiser in the Lending Process: July 2009
Appraising Distressed Commercial Real Estate: January 2010
Spotlight on USPAP: Appraisal Review: April 2010
What Commercial Clients Would Like Appraisers To Know July 2010
Step Up To Leadership and Stand Out In Your Appraisal Career July 2010
The Lending World in Crisis What Clients Need Their Appraisers to Know Today January 2011
Advance Spreadsheet Modeling for Advanced Applications April 2011
Meet the Challenges of the Changing Real Estate Profession, October 2011
Appraising the Appraisal: Appraisal Review General, January 2012
Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets, March 2012

CLE International
Eminent Domain, The Nuts and Bolts of Public Takings, February-March, 2005

American Society of Farm Management and Rural Appraisers
Timber and Timberland Valuation, Course 05-CE-170, February 1999

Professional Associations
Appraisal Institute
Leadership Development Advisory Council (LDAC), March 2004, March 2005, May 2006
Leadership Development Advisory Council (LDAC), May 2007 Discussion Leader, April 2008 Vice Chair; April 2009 Chair
Appraisal Institute Education Trust, Committee Member, 2009, 2010, 2011
Appraisal Institute Government Relations, Committee Member, 2010, 2011
Appraisal Institute Region IX Chapter Services Representative, 2011-2012

Appraisal Institute - SC Chapter
Chairman, Associates Guidance Committee (2004-2005)
Co-Chairman, Government Relations Committee (2005-2006)
Chairman, Government Relations Committee (2007, 2008, 2009, 2010)
Chapter Secretary (2007), Chapter Treasurer (2008), 2nd Vice President (2009), Vice President (2010), President (2011), Immediate Past President (2012)

International Right of Way Association – North and South Carolina Chapter 31
Valuation Committee Chairman (2006, 2007, 2008, 2009, 2010, 2011, 2012)

Greater Columbia Association of Realtors

Other Associations
Leadership Columbia, Class of 2005
Leadership Columbia Committee (2006, 2007, 2008)
Leadership Columbia Alumni Association Board (2006, 2007, 2008, President – 2009)
Columbia Rotary Club, (2002 to 2010)
Share Our Suzy (SOS), Board of Directors (2006 to present)

S. C. Real Estate Appraisers Board
Board Member, 2012
Internal Review Committee (2006 to 2011)

Professional Experience
Real Estate Broker for Bob Capes Realtors, June 1987 - June 1988
Research Assistant & Associate Appraiser for Jeffery Wyman & Associates, Inc., February 1991 - June 1995
Appraiser and Partner – Real Estate Appraisers and Consultants, LLC (REAC) Real Estate Appraisal Firm, July 1995 to Present
Broker in Charge and Owner – The Knight Company, LLC, Real Estate Brokerage Firm, 1995 to Present
Qualified as an expert witness in Circuit Court for South Carolina and North Carolina

Licenses
South Carolina State Licensed Real Estate Broker
South Carolina State Certified General Real Estate Appraiser, Certificate No. CG 1531
Georgia Certified General Real Property Appraiser No. 214603
North Carolina State Certified General Real Estate Appraiser No. A4485

Ex. 63

MICHAEL J. VIRZI
P.O. Box 50252
mjv@virzilaw.com Columbia, SC 29250 803-404-0429

EDUCATION

University of South Carolina School of Law, Columbia, SC
J.D., *cum laude*, May 2000
Honors:
- Order of the Coif
- Order of Wig & Robe
- Roy Webster Scholar
- Dean's List
- CALI Award, Business Corporations
- Articles Editor, *ABA Real Property, Probate and Trust Journal*

University of South Carolina, Columbia, SC
B.A., Political Science, May 1991

LAW PRACTICE

The Virzi Law Firm Columbia, SC
Solo practitioner (part-time), August 2006 – present
Ethics & Malpractice Consultation
Attorney Grievances

S.C. Supreme Court's Office of the Disciplinary Counsel, Columbia, SC
Assistant Disciplinary Counsel, February 2003 – August 2006
Investigated and prosecuted lawyer misconduct and incapacity, with a concentration in real estate transactions, mortgage fraud, and the unauthorized practice of law
Represented the Disciplinary Counsel in non-disciplinary legal matters

Sowell Gray Stepp & Laffitte, L.L.C., Columbia, SC
Associate Attorney, July 2001 – February 2003
Business, Commercial, and Real Estate Litigation
Bankruptcy & Creditors' Rights
Employment Litigation

Gallivan, White & Boyd, P.A., Greenville, SC
Associate Attorney, August 2000 – July 2001
Business and Real Estate Litigation
Bankruptcy & Creditors' Rights

TEACHING

University of South Carolina School of Law, Columbia, SC
Legal Writing Instructor, August 2006 – Present (adjunct 2005 – 2006)
Legal Research, Analysis & Writing I & II
Professional Responsibility
Fundamentals of Law Practice & Professionalism
Advanced Legal Writing

Midlands Technical College, Columbia, SC
Adjunct Instructor, Paralegal Degree Program, May 2003 – August 2005
Business Law I (contracts, agency)
Business Law II (payment systems, secured transactions, corporations, partnerships, LLCs)

mjv@virzilaw.com Michael J. Virzi 803-404-0429

PUBLICATIONS

- *Quality Control:* In re Wells *and the Regulation of Adverbs and Adjectives in Lawyer Advertising*, S.C. Lawyer, July 2011, at 27.
- REAL ESTATE TRANSACTIONS: CASES AND MATERIALS (2d ed. 2010) (with Stephen A. Spitz).
- *Who Can You Trust? How the TLGP, CDARS, FDIC and NCUSIF Affect the Safekeeping of Client Funds*, S.C. Lawyer, May 2009, at 14.
- *If It Walks Like a Duck...: Ethics Advisory Opinion 06-11 & the Attorney-Client Relationship in Real Estate Transactions*, S.C. Lawyer, March 2007, at 30.

SIGNIFICANT CASES

- *Doe Law Firm v. Richardson*, 371 S.C. 14, 636 S.E.2d 866 (2006).
- *Ex Parte Watson*, 356 S.C. 432, 589 S.E.2d 760 (2003) (brief only).

PROFESSIONAL ASSOCIATIONS

American Bar Association	2006 – present
Center for Professional Responsibility	2006 – present
South Carolina Bar	2000 – present
Professional Responsibility Committee	2011 – present
Ethics Advisory Committee (Chair 2007-2010)	2003 – present
Technology Committee	2001 – 2003
Association of Professional Responsibility Lawyers	2012 – present
National Institute for Teachers of Ethics and Professionalism	2010 – present
South Carolina Association of Ethics Counsel	2008 – present
Richland County Bar	2001 – present
North Carolina Bar (inactive since 2004)	2001 – present
Phi Delta Phi	1999 – present
National White Collar Crime Center	2004 – 2007
F.B.I. Multi-Jurisdictional Lending Fraud Task Force	2004 – 2006
U.S.D.C., District of South Carolina	2001 – present
U.S.D.C., Western, Middle & Eastern Districts of North Carolina	2001 – present
U.S. Court of Appeals, Fourth Circuit	2002 – present

LECTURES & SEMINARS

Ethics 2014: A Year in Review, Richland County Bar, Nov. 7, 2014
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Sept. 2, 2014
Ethics of Lawyer Advertising (guest lecturer), USC School of Law, Mar. 5, 2014
Ethics in Discovery, SC Bar YLD Lunch & Learn, Oct. 28, 2013
To Fee or Not to Fee: Protecting Yourself when Collecting Fees, SCAJ Convention, Aug. 2, 2013
Fifty Ways to Lose Your License (panelist), Richland County Bar CLE, Apr. 9, 2013
Ethics of Lawyer Advertising (guest lecturer), USC School of Law, Feb. 13, 2013
Lawyer Trust Accounting (guest lecturer), USC School of Law, Feb. 13, 2013
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Feb. 13, 2013
Fifty Ways to Lose Your License (panelist), S.C. Bar Convention, Jan. 26, 2013
Got a Secret, Do You Keep It? (panelist), S.C. Association of Ethics Counsel CLE, Jan. 18, 2013
Law Firm Divorces (panelist), S.C. Association of Ethics Counsel CLE, Jan. 18, 2013

LECTURES & SEMINARS (continued)

Practicing Lawyer Ethics & Grievance Defense, (guest lecturer), USC School of Law, Jan. 14, 2013
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Sept. 19, 2012
Ethics & Malpractice in a Real Estate Practice (guest lecturer), Charleston School of Law, Aug. 23, 2012
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Feb. 15, 2012
Law Firm Divorces, S.C. Association of Ethics Counsel CLE, Jan. 13, 2012
Ethics Update 2011, Lexington County Bar CLE, Dec. 7, 2011
Selected Ethical Issues from 2011 (panelist), USC School of Law All-Class Reunion CLE, Nov. 5, 2011
Ethics & Malpractice in a Real Estate Practice (guest lecturer), Charleston School of Law, Sept. 28, 2011
Ethics & Malpractice in a Real Estate Practice (guest lecturer), USC School of Law, Aug. 29, 2011
Ethics in Real Estate Transactions (guest lecturer), Charleston School of Law, May 14, 2011
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Feb. 16, 2011
Advertising School (panelist), S.C. Bar & Supreme Court LEAPP Program, Dec. 17, 2010
Ethics & Malpractice in a Real Estate Practice (guest lecturer), Charleston School of Law, Sept. 15, 2010
Ethics & Malpractice in a Real Estate Practice (guest lecturer), USC School of Law, Aug. 30, 2010
Ethics in Real Estate Transactions (guest lecturer), Charleston School of Law, June 3, 2010
Ethics & Malpractice in a Real Estate Practice (guest lecturer), Charleston School of Law, May 26, 2010
Ethics School (panelist), S.C. Bar & Supreme Court LEAPP Program, May 14, 2010
If I Only Had A Brain: Real Estate Ethics, Fidelity National Annual Seminar, Feb. 26, 2010
(For what it's worth, I did not name this one. - MV)
Ethics School (panelist), S.C. Bar & Supreme Court LEAPP Program, Feb. 19, 2010
Ethics School (panelist), S.C. Bar & Supreme Court LEAPP Program, Oct. 15, 2009
Recent Issues in Trust Accounting and Real Estate, First American Fall Seminar, Oct. 9, 2009
Ethics School (panelist), S.C. Bar & Supreme Court LEAPP Program, June 11, 2009
UPL in Real Estate Transactions (guest lecturer), USC School of Law, Apr. 1, 2009
Ethics School (panelist), S.C. Bar & Supreme Court LEAPP Program, Feb. 12, 2009
Ethics in Real Estate Transactions (guest lecturer), Charleston School of Law, Feb. 11, 2009
Classroom Ethos: The Trophy Case and Beyond, NC/SC Legal Writing Conference, May 21, 2008
Guided Meditation for Getting in Touch with Your Inner Ethics Counsel, S.C. Bar, Apr. 11, 2008
Ethics and Beyond: Hot Topics in Foreclosure, S.C. Masters-in-Equity, Mar. 14, 2008
Ethics in Real Estate Transactions (guest lecturer), USC School of Law, Feb. 27, 2008
The Attorney Grievance Process, Part II (guest lecturer), USC School of Law, Feb. 13 2008
The Attorney Grievance Process, Part I (guest lecturer), USC School of Law, Feb. 6, 2008
Hot Topics in Ethics for Government Lawyers, SCAC Fall Seminar, Dec. 7, 2007
Practical Tips for Solo and Small-Firm Lawyers, Lexington County Bar, Dec. 5, 2007
Ethics Update for Real Estate Lawyers, Stewart Title Fall Seminar, Nov. 2, 2007
Ethics Issues in Housing Law and Beyond, S.C. Appleseed Legal Justice Center, Oct. 19, 2007
Ethics in Real Estate Transactions (guest lecturer), USC School of Law, Oct. 15, 2007
Ethics Impact of The 2006 Property Tax Reform Act, S.C. Bar, Aug. 24, 2007
Real Estate Ethics (guest lecturer), USC School of Law, Apr. 9, 2007

LECTURES & SEMINARS (continued)

Ethics in Real Estate Transactions (guest lecturer), USC School of Law, Mar. 23, 2007
The Attorney Discipline Process (guest lecturer), USC School of Law, Feb. 29, 2007
Legal Ethics of Non-Profit Corporations, S.C. Bar, Feb. 9, 2007
Real Estate Fraud, Charleston County Real Estate Section Meeting, Dec. 8, 2006
ODC's Top Ten List, S.C. Bar Solo & Small Firm Section Conference, Oct. 6, 2006
Avoiding Discipline in a Real Estate Practice, SCALA Ethics Seminar, July 27, 2006
A Closing Lawyer's Ethical Obligations (panelist), S.C. Bar Real Estate Section Update, May 12, 2006
Ethics Rules & Real Estate Practice (panelist), S.C. Bar Convention, Jan. 27, 2006
UPL Issues in Real Estate Closings, Richland County Bar Annual Ethics Seminar, Nov. 4, 2005
Real Estate Fraud & Property Flips, PLTA Fall Seminar, Sept. 13, 2005
Ethics in Real Estate Transactions, PLTA Spring Convention, May 13, 2005
Pitfalls of a Real Estate Practice (panelist), S.C. Bar Convention, Jan. 21, 2005
The Revised Lawyer's Oath (panelist), Office of the Attorney General, Aug. 20, 2004
Professionalism in the Law (panelist), USC School of Law, Aug. 17, 2004
Professionalism in the Law (panelist), USC School of Law, Aug. 19, 2003
Basics of Civil Litigation, Half-Moon Seminars, Apr. 25, 2003
Racial Discrimination & the 14th Amendment (guest lecturer), Columbia College, Apr. 9, 2003

PRESS

Stephanie Francis Ward, *Coupon, You're On: 3 Opinions Say Lawyers May Participate in Daily-Deal Websites*, ABA Journal, May 2012, at 24.

Paul Tharp, *Lawyers: Ruling Muddied Proper Handling of Flat Fees*, S.C. Law. Weekly, Mar. 14, 2011, at 1.

Diana Smith, *E-mail Marketing Presents Opportunities for Firms but Perils if Done Wrong*, S.C. Law. Weekly, Oct. 4, 2010.

Tim Smith, *High Court Puts Lawyers on Notice about Relationships*, Greenville (S.C.) News, Sept. 15, 2010.

Stephanie Francis Ward, *Grade Anxiety*, ABA Journal, Feb. 2010, at 52.

Adam Parker, *Complaint Filed in Diocese Settlement Case*, Post & Courier (Charleston, S.C.), Feb. 26, 2009.

Sandy Hodson, *After Mortgage Fraud Cases, Federal Leaders Urge Caution*, Augusta Chronicle, Dec. 28, 2008.

Bess Battle, *Battle Zone*, S.C. Law. Weekly, Sept. 1, 2008, at 6.

Gregory Froom, *Attorneys May Threaten Criminal Action While Trying to Collect on Bad Checks*, S.C. Law. Weekly, Sept. 24, 2007, at 1.

Kristy Eppley Rupon, *Lawyers Required to Oversee Refinancing*, The State (Columbia, S.C.), Nov. 6, 2006, at H23.

Michael Dayton, *Disbursement of Closing Funds Requires Attorney Supervision*, S.C. Law. Weekly, Oct. 30, 2006, at 1.

Gregory Froom, *Must Lawyers Disburse?*, S.C. Law. Weekly, Oct. 16, 2006, at 1.

EXHIBIT 101

Subj: Fw: Requirements for signing of Cato SCDOT quitclaim deed.
Date: 11/30/07 7:16:24 P.M. Eastern Standard Time;
From: SloanMBurton@hotmail.com
To: CharInsOff@aol.com

FRIDAY NIGHT

FEBRUARY ACCUSATIONS
B. BURTON LETTER
IMPLYING FELONIOUS ACTIONS.
REQUEST FOR PAY OFF.

Tommy,

First let me say that the tone of your last letter/email was much improved. Next let me address the fact that Marvin and I have never been completely opposed to selling the et al property due to the history of our many attempts to either develop it, or sell it in years past.

However, I am opposed to selling it without first addressing the needs of those individuals that are in the most need. I will agree to sign over the last quitclaim deed from the South Carolina State Department of Transportation if we address the following issues:

1. Capital Gains Tax: As you are well aware, Helen and I represent the first generation offspring of my father T.E. Cato. Upon my father's death in November of 1957, the land was transferred to the first generation heirs. From a tax point of view, this date would represent the starting date for the evaluation of capital gains tax by the IRS for both Helen and I as to our original cost basis for the value of the et al property. You, Bob, Don, Cathy and Jane represent the second generation heirs, and all of you have benefited from a stepped-up cost basis as to the original cost of the land for evaluation by the IRS for capital gains tax purposes. I have no problem signing the quitclaim deed if some sort of legal agreement can be reached that equals out the amount of tax all of us pay so that Helen and I are not penalized just because we haven't yet passed away. Unfortunately for everyone, there is no incentive for me to sell land that penalizes Helen and me due to our age.

2. Remuneration: Another sticking issue is the issue of remuneration for your hard work in dealing with the sell of this land. As you are aware, you mentioned in several of your emails that you would like to be reimbursed or paid for handling all of the taxes needed for the et al property as well as the work that you have done in bringing this offer from Mr. Thomasson to the table. My problem is that in the past, I have handled for years, and years, and years the taxes to be paid for the et al property along with my son Bud attempting several years ago to handle the development of Cato Estates, to include but not be limited to developing architectural drawings, contacting, and recruiting various retail companies to become commercial tenants if the land was developed, negotiating with the State of South Carolina, for improvements to the land as well as the new roadbed that was developed by SCDOT to go through areas A and B. We have invested a lot of time and money without ever being reimbursed by anyone for our efforts. I have even gone so far as to pay other heirs taxes for them to avoid any foreclosures by York County and never charged one penny for my time, expense, or trouble. My sticking point is that I feel that if you Tommy are to be reimbursed for your time, then certainly the time that both Bud and I have put in over the many years should receive the same treatment given the fact that I have carried this burden for a much longer period of time. I hope you would agree that this is a fair and equitable treatment for similar services that my immediate family has provided over the many years.

NO SUGGESTED BY OWNERS

DISINTERESTED

3. The third sticking point is that I also want to make sure that there are no other agreements or deals that any of us have on the side with Mr. Thomasson. A hypothetical explanation of this would include the example that perhaps I were to convince everyone to sell their portion of the et al property only to have someone in the family later discover that I had engaged in a side agreement with the purchasing developer to have part ownership of any projects that he developed later on, on that land. I would not have been truthful with my in-laws, and it would look very damaging to me that I had circumvented the real reason for the sell of the land to the other Cato estate heirs. I am not accusing anyone of any misdeeds, all I am saying is that a legal document will have to be signed by all heirs including me stating that they have no current or future business relationship with the developer for any of the et al property that was sold to such developer.

EXHIBIT 18. Burton 5-10-10

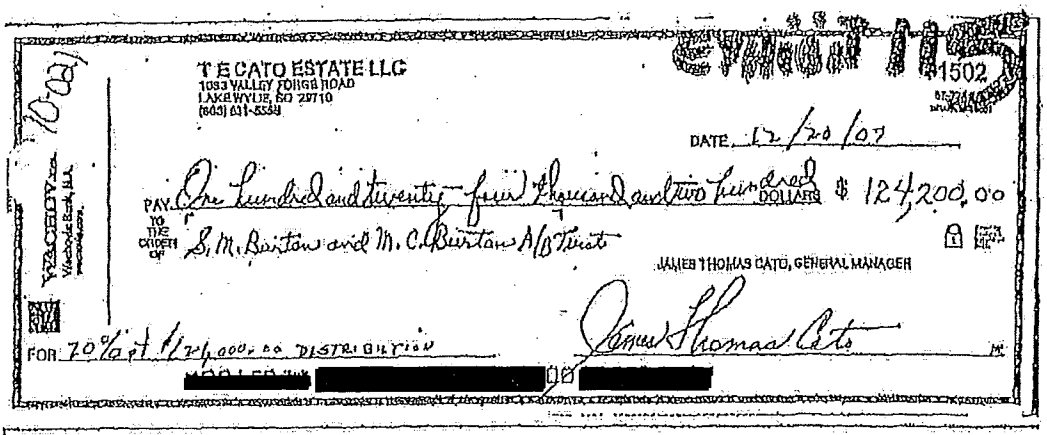
4. Marvin and I are willing to purchase both Areas A and C for the same amount of money that all the heirs are selling their portion of Areas A and C to Mr. Thomasson. By the operating agreement that was signed by all, any heir has first refusal right to purchase other heirs properties should they be willing to sell. Just for the record, Marvin and I have never been offered the chance to buy Areas A and C because those areas of the et al property were thrown into the offer by you to Mr. Thomasson for the added price of $100,000 dollars. Marvin and I would be willing to pay the same amount minus of course my 20% interest (100,000 minus 20,000) which would equal a price of $80,000 dollars for both Areas A and C. Also for the record, the original offer by Mr. Thomasson was for Areas B and D for the price of $900,000 dollars. If this would be pleasing to all of the other Cato heirs, then Mr. Thomasson could purchase Areas B and D for the original $900,000 dollars and Marvin and I would purchase Areas A and C from the other Cato heirs for $80,000 (again the total $100,000 minus my 20% share:). Obviously, Mr. Thomasson should have no problem with this offer since his real interest lies in areas B and D due to the fact that Area D already enhances his other property adjacent to it. The heirs shouldn't mind because it's cash that they want, and I am abiding by the rules set forth in the operating agreement that heirs will have first option to purchase other heirs property should any other heir be willing to sell. Moreover, you and all of the heirs will finally at last not have to pay any more taxes!

The fact that you for some reason feel that this SCDOT quitclaim deed signing needs to be signed immediately isn't necessary. Mr. Thomasson has 180 days (6-months) to reinvest his money in order to acquire his like-kind-exchange status, so he still has plenty of time. Likewise, there is plenty of time yet still available for us to "nail-down" the above 4 issues and still provide Mr. Thomasson his tax-free status. Again, I am willing to sign the last piece of Area B quitclaim deed in order for all the other heirs to finish this deal, but the above issues will have to be ironed-out first before that signing occurs.

Regards,

Your Aunt,
Marjorie C. Burton

RBH 000811



T E CATO ESTATE LLC
1033 VALLEY FORGE ROAD
LAKEWYLIE, SC 29710
(803) 831-8559

1502

DATE 12/20/07

PAY One hundred and twenty-four Thousand and two hundred DOLLARS $ 124,200.00

TO THE ORDER OF S. M. Burton and M. C. Burton A/B Trust

JAMES THOMAS CATO, GENERAL MANAGER

FOR 70% of 177,000.00 DISTRIBUTION

[redacted] 00 [redacted]

PAY TO THE ORDER OF
Wachovia Bank, N.A.

S. M. Burton - Trustee
M. C. Burton
Trustee

FOR DEPOSIT ONLY
STATE EMPLOYEES CREDIT UNION
RALEIGH-DURHAM-CARY - TELLER #2

Account	Date	Amount	Serial Number	Sequence	Status
[redacted]	4/11/2008	$124,200.00	[redacted]		Posted Items

Wachovia Bank, N.A. certifies that the above image is a true and exact copy of the original item issued by the named customer, and was produced from original data stored in the archives of Wachovia Bank, N.A. or its predecessors.

EXHIBIT
Cato 31
11/22/2010 JS
BWB 270

CERTIFIED TO BE A TRUE AND CORRECT COPY AS TAKEN FROM AND COMPARED WITH THE ORIGINAL ON FILE IN THIS OFFICE

NOV 25 2014

SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF TERMINATION
Limited Liability Company – Domestic
Filing Fee - $10.00

TYPE OR PRINT CLEARLY IN BLACK INK

The following limited liability company having dissolved and completed its winding up, terminates its existence by filing these articles of termination in accordance with S.C. Code of Laws §33-44-805:

1. The name of the limited liability company is T. E. CATO ESTATE, LLC
2. The date the articles of organization were filed is JUNE 26, 2007
3. The date of the dissolution of this limited liability company was APRIL 4, 2013
4. Has the company wound up its business and terminated its legal existence? YES
5. Unless otherwise specified, these articles are effective when endorsed for filing by the Secretary of State. Specify the time and date of any delayed effective date _____

James Thomas Cato
Signature (Please see the Filing Checklist below)

JAMES THOMAS CATO
Print or Type Name

Capacity/Position of Person Signing (You must check one box.)

Date 6-11-13

☑ Manager ☑ Member ☐ Organizer

☐ Fiduciary ☐ Attorney-in-Fact

Filing Checklist

- Articles of Termination (filed in duplicate)
- $10.00 made payable to the Secretary of State's Office
- Self-Addressed, Stamped Return Envelope
- Make sure the proper individual has signed the form (Please see S.C. Code of Laws §33-44-205(a))

Limited Liability Company forms filed with the Secretary of State must be signed in the name of the company by a:
(1) manager of a manager-managed company
(2) member of a member-managed company
(3) person organizing the company, if the company has not been formed or
(4) fiduciary, if the company is in the hands of a receiver, trustee or other court-appointed fiduciary

- Return all documents to: South Carolina Secretary of State's Office
  Attn: Corporate Filings
  1205 Pendleton Street, Suite 525
  Columbia, SC 29201

LLC – Domestic – Articles of Termination

130627-0008 FILED: 06/25/2013
T. E. CATO ESTATE, LLC
Filing Fee: $10.00 ORIG
Mark Hammond South Carolina Secretary of State

Form Revised by South Carolina Secretary of State, May 2011

01778

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

NOV 25 2014

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF CORRECTION
LIMITED LIABILITY COMPANY

TYPE OR PRINT CLEARLY IN BLACK INK

The limited liability company in accordance with Section 33-44-207 of the 1976 South Carolina Code, as amended corrects a record filed by the Secretary of State, which record contains a false or erroneous statement or was defectively signed.

1. The name of the Limited Liability Company T. E. CATO ESTATE, LLC

2. Describe the record to be corrected, including its filing date, or attach a copy of the record to be corrected to these articles of correction:

Articles of Termination, filed 6/25/13

3. Specify the incorrect statement and the reason it is incorrect or the manner in which the signing was defective:

Incorrect: 3. The date of the dissolution of this limited liability company was April 4, 2013

Reason incorrect: The date was erroneous.

4. Correct the incorrect statement or defective signing: 3. The date of dissolution of this limited liability company was May 17, 2013.

Date: October 4, 2013

James Thomas Cato
Signature

James Thomas Cato, Mgr./Managing member
Name Capacity

FILING INSTRUCTIONS

1. If management of the limited liability company is vested in managers, a manager shall execute these articles of correction. If management of the limited liability company is reserved to the members, a member shall execute these articles of correction. Specify whether a member or managers is executing these amended articles of organization.

2. File two copies of this form, the original and either a duplicate original or a conformed copy.

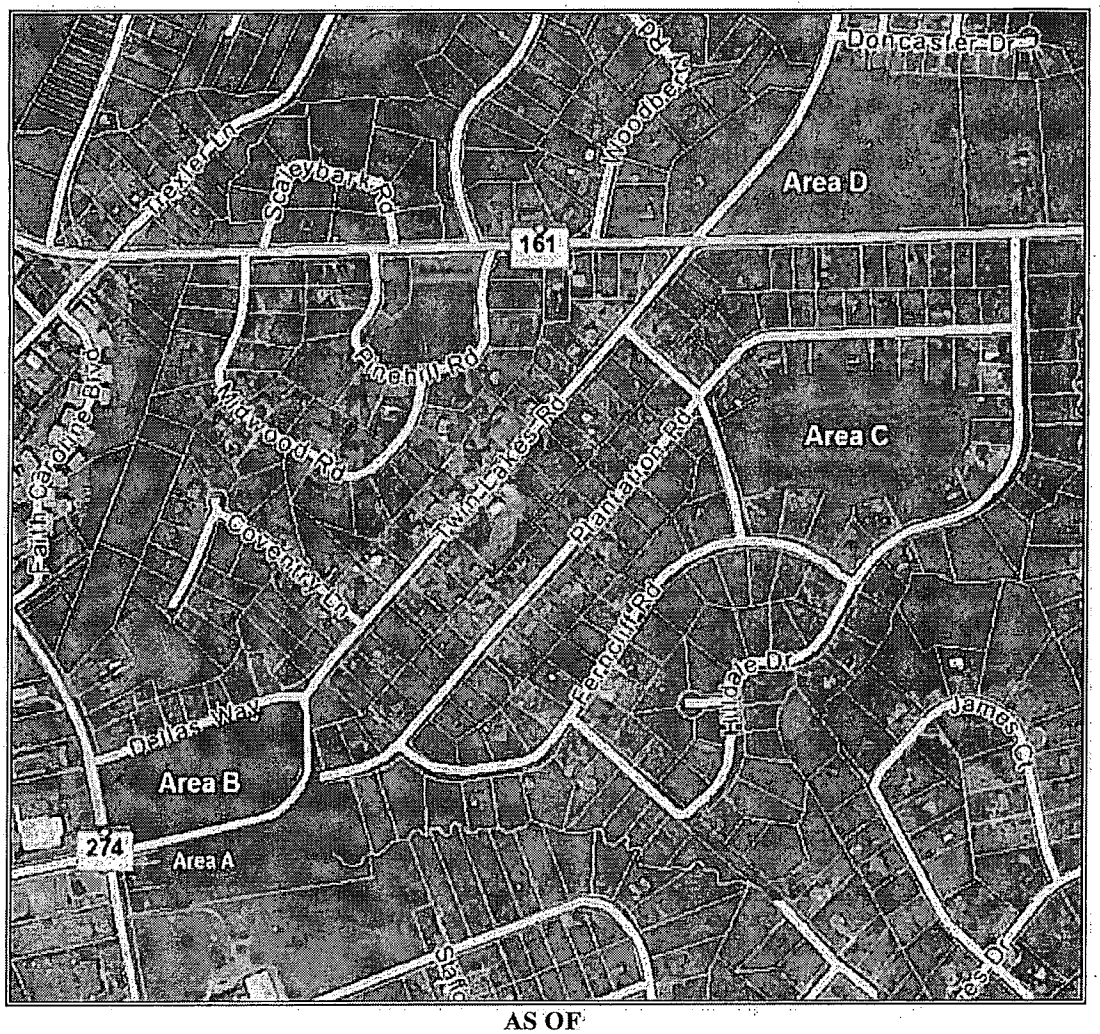
3. This form must be accompanied by the filing fee of $2.00 payable to the Secretary of State.

Return to: Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201

131022-0110 FILED: 10/11/2013
T. E. CATO ESTATE, LLC
Filing Fee: $2.00 ORIG

Mark Hammond South Carolina Secretary of State

APPRAISAL REPORT OF
AREA A CONTAINING 2.896 ACRES; AREA B CONTAINING 7.796 ACRES,
AREA C CONTAINING 10.337 ACRES; AND AREA D CONTAINING 7.255ACRES
ROCK HILL, YORK COUNTY, SOUTH CAROLINA



AS OF
DECEMBER 12, 2007

FOR

ROGER B. JELLENIK, ESQUIRE
1006 LITTLE STREET
CAMDEN, SOUTH CAROLINA 29020

BY

GEORGE E. KNIGHT, JR., MAI
SOUTH CAROLINA STATE CERTIFIED GENERAL
REAL ESTATE APPRAISER NO. CG 1531

Real Estate Appraisers and Consultants, LLC
R·E·A·C
"We're on point with value"

November 18, 2014

Roger B. Jellenik, Esquire
1006 Little Street
Camden, South Carolina 29020

Re: The appraisal of approximately 2.896 acres (Area A); 7.796 acres (Area B); 10.337 acres (Area C); and 7.255 acres (Area D), Rock Hill, York County, South Carolina. Properties now or formerly of Thomasson Apts., LLC. Identified as 592-02-01-063 (Area A); 592-02-01-064 (Area B), 592-02-01-164 (Area C), and 592-02-01-110 (Area D).
My File No. 14-049

Dear Mr. Jellenik:

At your request, I have inspected and appraised the above-referenced properties located in Rock Hill, York County, South Carolina. The properties are further identified in the York County Tax Map System as 592-02-01-063 (Area A); 592-02-01-064 (Area B), 592-02-01-164 (Area C), and 592-02-01-110 (Area D). The properties contain various acreages based upon information provided by the client, as well as the deeds of record and are subject to a current survey. These acreages are discussed in detail within the report. Should a current survey indicate a substantial size difference, a new appraisal may be required.

The purpose of the appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. The function of this report is to provide a defined estimate of market value as of December 12, 2007. The client is Roger B. Jellenik, Esquire.

The results of my inspection and analyses are combined in this letter along with the attached appraisal report which are intended to comply with the minimum requirements, as set forth in Standards Rule 2-2(a) of the *Uniform Standards of Professional Practice* (USPAP), 2014-2015 Edition, published by The Appraisal Foundation.

The value estimates reported in this letter are based upon the facts and conclusions contained in the appraisal report that is attached and should be considered an integral part of this transmittal and incorporated herein by reference. Special attention is brought to the assumptions and limiting conditions contained in the report. The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014. No special assumptions have been made in arriving at the market value estimates. This appraisal assignment was not made, nor was the appraisal rendered on the basis of requested minimum valuations or specific valuations.

The interest appraised is that of the fee simple interest. The property has been appraised as if free and clear from all liens and encroachments which may render the title to the subject property unmarketable.

This letter and the attached appraisal report have been prepared in accordance with the Code of Professional Ethics and Uniform Standards of Professional Appraisal Practice, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation and the Appraisal Institute. The use of this letter and the attached report are subject to the requirements of the Appraisal Institute relating to their review by its duly authorized representatives.

After applying the methods and techniques recommended by the Appraisal Institute, and after analyzing the data presented in the attached appraisal report, it is my opinion that the retrospective market value of the fee simple interest of the subject property, as of December 12, 2007, is:

AREA A

ONE HUNDRED FORTY FIVE THOUSAND DOLLARS
($145,000)

AREA B

SEVEN HUNDRED THOUSAND DOLLARS
($700,000)

AREA C

ONE HUNDRED THREE THOUSAND DOLLARS
($103,000)

AREA D

FOUR HUNDRED THOUSAND DOLLARS
($400,000)

The final value estimates are based upon the various considerations outlined in the definition of market value. The value estimates outlined within this report are based upon an estimated marketing time and exposure time of 6 months to 12 months. It should be noted that exposure time occurs prior to the value estimate and the marketing time occurs after the value estimate.

My valuation of the subject property considered the best information that was available at the time of my analysis. Due to on-going volatility in the marketplace, users of this appraisal should consider the current market uncertainty. Reliance on an appraisal may be affected by the scope of work. Users are reminded that the appraisal conclusions in this report are effective as of the stated date(s) of valuation.

Respectfully submitted,

George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531

GEKjr/kdw
Attachments:
51-Page Appraisal Report
Addenda

Certification 1
Summary of Major Conclusions 2
Assignment Elements 4
Scope of Work 7
Assignment Conditions 8
Neighborhood Data 12
Description of Site 14
Subject Photographs and Exhibits 24
Highest and Best Use 29
Land Value Estimate 32
Reconciliation and Final Value Estimate 51
Addenda 52
Subject Deed(s) 53
Current Demographics 59
Qualifications of George E. Knight, Jr., MAI 63

Certification

I, the undersigned appraisers, do hereby certify to the best of my knowledge and belief that:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report and I have no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined result, value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

I have made a personal inspection of the property that is the subject of this report unless otherwise noted below.

No one provided significant real property appraisal assistance to the persons signing this report.

I have provided services, as an appraiser, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

That as of the date of this report, George E. Knight, Jr., MAI, have completed the requirements of the continuing education program of the Appraisal Institute.

SIGNED:



George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531
Inspecting Appraiser

Summary of Major Conclusions

Property Description:	Approximately 2.896 acres (Area A); 7.796 acres (Area B); 10.337 acres (Area C); and 7.255 acres (Area D), Rock Hill, York County, South Carolina
Tax Map Identification:	592-02-01-063 (Area A); 592-02-01-064 (Area B); 592-02-01-164 (Area C), and 592-02-01-110 (Area D)
Site Description:	**Area A** This site, located along the south side of Twin Lakes Road, is comprised of one (1) parcel, containing approximately 2.896 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area B** This site, located at the corner of Ebenezer Road and Twin Lakes Road, s comprised of one (1) parcel, containing approximately 7.796 acres of land, mostly rectangular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area C** This site, located along the east side of Lynnhaven Road and the south side of Hilldale Road, is comprised of one (1) parcel, containing approximately 10.337 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report. **Area D** This site, located at the corner of Twin Lakes Road and Celanese Road, is comprised of one (1) parcel, containing approximately 7.255 acres of land, irregular in shape. A copy of the Plat is contained in the **Subject Photographs and Exhibits** section of the report.
Property Rights Appraised:	Fee Simple
Date of Value Opinion:	December 12, 2007
Highest and Best Use as Vacant:	Area A — Holding/Residential/Office Area B — Multi-Family Residential Development Area C — Single User Residential Development Area D — Holding/Assemblage
Zoning (York County):	Area A — RC-1, Residential Conservation I District Area B — BD-II, Business Development II District: Office and Institutional Area C — RC-1, Residential Conservation I District Area D — RD-1, Residential Development District

Point of Sale:	The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in higher real estate taxes. Should the subject properties be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability. This is further discussed in detail within the **Tax Assessment Data** section of this report.
Marketing Time / Exposure Time:	6 months to 12 months
Market Value Opinion:	Land Value:

Area A	$145,000
Area B	$700,000
Area C	$103,000
Area D	$400,000

Hypothetical Condition:	The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Assignment Elements

Client and Intended User

The client is Roger B. Jellenik, Esquire. The intended user is Roger B. Jellenik, Esquire. There are no other intended users. Possession of this report does not constitute an intended user.

Purpose and Intended Use

The purpose of the appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. The intended use of this report is to provide a defined estimate of market value as of December 12, 2007, for use in litigation.

Appraisal Reporting

Based upon the client's intended use of the appraisal, I have prepared an appraisal report of the property. This appraisal report is intended to comply with the minimum requirements of Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an appraisal report.

Property Rights Appraised

The interest appraised is that of fee simple ownership, subject to the existing easements and encroachments of record. The property has been appraised as if free and clear of all liens and encumbrances which may render the title to the subject property unmarketable.

Type and Definition of Value

Market value is defined in *The Dictionary of Real Estate Appraisal*, Fourth Edition, published by the Appraisal Institute, as *"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby: 1) buyer and seller are typically motivated; 2) both parties are well informed or well advised, and each acting in what they consider their best interest; 3) a reasonable time is allowed for exposure in the open market; 4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."* (FIRREA 12 C.F.R. Part 34.42(f))

Effective Date

The effective date of the appraisal is December 12, 2007. The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Subject of the Assignment and its Relevant Characteristics

The subject of the assignment is to appraise the market value "as-is" of the fee simple interest of the subject properties which consist of the following:

Area A

This site, located along the south side of Twin Lakes Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 2.896 acres of land, irregular in shape.

Area B

This site, located at the corner of Ebenezer Road and Twin Lakes Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 7.796 acres of land, mostly rectangular in shape.

Area C

This site, located along the east side of Lynnhaven Road and the south side of Hilldale Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 10.337 acres of land, mostly rectangular in shape.

Area D

This site, located at the corner of Twin Lakes Road and Celanese Road, Rock Hill, York County, South Carolina, is comprised of one (1) parcel, containing a total of approximately 7.255 acres of land, irregular in shape.

Ownership History

The subject property was conveyed to T.E. Cato Estates, LLC by Deed of Marjorie Cato Burton, as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust; Helen Cato Jones; Donn S. Johnson; James Thomas Cato; Jane Cato West; Robert Lee Cato and Cathy Cato Evans, in consideration of the sum of $1.00, dated May 30, 2007, May 31, 2007, June 1, 2007, June 4, 2007, and June 16, 2007, and recorded on July 10, 2007, in the Office of the ROD for York County in Deed Book 9248 at Page 138. The property conveyed being described as follows:

> *All those certain pieces, parcels or lots of land, lying, being and situate in Ebenezer Township, York County, South Carolina and being described as Lots 42, 14, 13, 98, 175, and Areas A, B, C, and D as shown on that certain plat of property entitled "Composite Plat Showing Subdivision of T. E. Cato Est." drawn by R. H. Marett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33 at Page 192 in the Office of the Clerk of Court for York County, South Carolina. (TMS#s 592-02-01-001, 069, 070, 093, 112, 063, 064, 164, and 110)*

Thereafter, by Deed dated December 12, 2007, T.E. Cato Estate, LLC, a limited liability company, conveyed to Thomasson Apts., L.L.C., a limited liability company, in consideration of the sum of $900,000, recorded on December 17, 2007, in Deed Book 9673 at Page 150, the following property being described as follows:

> *ALL that certain piece parcel or tract of land located in the State of South Carolina, County of York, Township of Ebenezer, shown as Tracts or Areas A, B, C, and D on that certain plat of survey entitled "Composite Plat Showing Subdivision of T.E. Cato Est.," drawn by R.H. Marrett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33, Page 192 in the Office of the Clerk of Court for York County, South Carolina, to which plat reference is made for a more complete and accurate description as to the courses and distances of the property described herein (being TMS #s 592-02-01-063, 064, 164, and 110).*
>
> *LESS AND EXCEPTING the following Deeds conveyed from the South Carolina Department of Transportation: Deed Book 6242, Page 124, Deed Book 6242, Page 128, Deed Book 3070, Page 254, Deed Book 3070, page 257, Deed Book 3070, Page 260, Deed Book 3070, Page 266, Deed Book 3070, Page 263, Deed Book 3144, Page 267, Deed Book 3070, Page 269, Deed Book.*

The "less and excepting" listed above is a portion of Area B known as the "old road bed" and this area is included in Area B within the appraisal which totals 7.796 acres.

Listing and Contracts of Sale

The subject property is not currently listed for sale or under contract of sale.

Exposure Time/Marketing Period

The estimated exposure time and marketing period for the subject properties, at the estimated market value shown in this report, is 6 months to 12 months. Should economic conditions change, these times could be extended or shortened.

Scope of Work

As a part of this appraisal, I made a number of independent investigations and analyses. I relied upon data retained in my office files which I update regularly. The investigations undertaken and the major data sources used are outlined as follows. I obtained copies of county census data and spoke with county officials. I reviewed the local economic and demographic trends for York County. I studied the available market data and economic trends of the subject area and neighborhood. I inspected the subject neighborhood and the subject properties. I reviewed the zoning ordinance and the available public utilities in the area. I examined the records of the York County Assessor's Office and reviewed the method of taxation and the specific tax data for the subject properties, including assessment percentages and millage rates applicable to the subject. I examined the public records for deeds and plats relating to the subject properties. I obtained information concerning vacant property transfers occurring in the immediate area of the subject and in locations considered being comparable to the location of the subject properties. These vacant property transfers included that of sites similar in acreage and location to the subject properties. I obtained competitive listing information for similar properties within South Carolina. I have the competency to complete the assignment based upon my experience and training including the completion of previous assignments involving similar properties. Sources utilized to verify the sales analyzed include a portion or all of the following: public records, aerial photographs, brokers, owners, third parties, real estate appraisal files and inspections.

The purpose of this appraisal is to estimate the retrospective value of the fee simple interest of the subject properties, as of December 12, 2007. Conventional appraisal theory dictates that market value of the fee simple may be determined by the use of one of more of the three accepted approaches to value. These approaches to value are the cost approach, the sales comparison approach and the income capitalization approach.

The cost approach is a set of procedures by which an indication of the value of the subject is obtained by estimating the depreciated value of the subject improvements, to which is added the value of the subject site, valued at its highest and best use.

The sales comparison approach is a set of procedures by which an indication of the value of the subject property is estimated by comparing it to similar properties which have sold recently. Appropriate units of comparison are used and adjustments, based upon various elements of comparison, are made to the sales.

The income capitalization approach is a set of procedures by which an indication of the value of the subject is estimated based upon converting anticipated income into value. The conversion of income into value is accomplished by capitalizing (discounting) a single year's income or several year's income into value.

The subject properties are vacant tracts of land. Therefore, the land value estimate for the subject properties, as if vacant and available for development, will be determined by using the sales comparison approach to value. The information upon which this approach to value is based is from the market and is the best information available for the application of the approach to value and will lead to a credible value conclusion.

Assignment Conditions

Assumptions and Limiting Conditions

The legal description, or other property identification furnished by others, is assumed to be correct, and no responsibility is assumed for matters legal in nature. No opinion is rendered as to title, which is assumed to be marketable. Any existing liens or encumbrances have been disregarded, and the property is appraised as if free and clear, unless otherwise noted in the body of the report.

No current survey of the property was made, and the improvements are assumed to be within the lot lines, in accordance with local building codes. Drawings, sketches, or maps are included in this report for the sole purpose of assisting the reader in visualizing the property. Unless otherwise indicated, they are not engineering drawings.

There is a full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in this appraisal report.

All applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.

All required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

In cases of proposed projects, all permits and governmental regulations are assumed to be secured and/or complied with.

All major improvements on the property being appraised appear to be structurally sound, unless otherwise noted within the body of the appraisal. However, the appraiser is not an engineer and has not been instructed to secure a qualified engineer's certification of the structural soundness of the said improvements or functional utility of major appliances or mechanical failures which would not be reasonably obvious in the scope of an appraiser's normal inspection of the specified improvements, or to a prudent purchaser.

Certain information used in this report has been furnished by others. The sources and the information are considered to be reliable, but cannot be guaranteed.

The subject property is assumed to be under responsible ownership and reasonable and competent management.

No responsibility is assumed for service or operating inspections of equipment in the buildings covered by the appraisal report.

No responsibility is assumed for an inspection of weather tightness of the exterior or interior surfaces of this building.

No tests of material or equipment were made.

Acceptance of, and/or use of, this appraisal report by client or any third party constitutes acceptance of the above conditions. Appraiser liability extends only to stated client, not subsequent parties or users of any type, and the total liability of appraiser and firm is limited to the amount of the fee received by appraiser. This appraisal report is an economic study for value; it is not an engineering, structural, mechanical, feasibility or architectural study.

The appraiser is not required to give testimony or to appear in court with reference to this property by reason of this report unless prior arrangements have been made.

Distribution of the value reported between land and buildings applies only under the existing program of utilization, and separate valuations for land and improvements must not be used in conjunction with any report and are invalid if so used.

Possession of this report, or a copy thereof, does not carry with it the right of publication, either in whole or in part, nor may it be used for any purpose by any except the party for whom it was prepared without the consent of the appraiser, and then only with proper qualifications.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news media, sales, or other media without written consent and approval of the author, particularly as to value conclusions, the identity of the appraiser or firm with which he is connected, or by reference to any professional societies or designations conferred upon the appraiser.

Users of this appraisal report are directed to obtain the services of a professional engineer to determine the presence and/or absence of hazardous materials including, but not limited to: asbestos and/or radon gas and/or urea formaldehyde foam insulation, as well as the structural integrity of the building and the present condition of its mechanical systems, since the appraiser(s) has made no such inspection expressly or implied and accept no responsibility. The presence of such substances or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there are no such materials on or in the property that would cause a loss in value.

This appraisal is specifically contingent upon, and the appraiser's understanding that, there has been, or will be, a removal of any underground storage tanks which exist or which may have existed on the subject site; also, that there has been no contamination of soils. If contamination has occurred, the contaminated soils and the source of contamination will be removed and the contamination remedied on the subject site in accordance with all federal and state regulations.

The Americans with Disabilities Act (ADA) became effective January 26, 1992. Noncompliance with this Act may have a negative effect upon the property. Since a compliance survey is outside the realm of expertise of a real estate appraiser, a possible noncompliance with the requirement of ADA was not considered in this report. An expert in this field should be consulted.

Extraordinary Assumptions - An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. (USPAP, 2014-2015 ed.)

There are no extraordinary assumptions for this appraisal.

Hypothetical Conditions – A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. (USPAP, 2014-2015 ed.)

The subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the dates of inspection, August 12, 2014 and November 14, 2014.

Jurisdictional Exceptions – An assignment condition established by applicable law or regulation, which precludes an appraiser from complying with a part of USPAP. (USPAP, 2014-2015 ed.)

No jurisdictional exceptions have been taken in the appraisal of the subject.

Other Conditions that Affect the Scope of Work

There are no specific conditions that affect the scope of work that have not been outlined within the body of this report.

Signature(s) / Electronic Signature(s)

The signature(s) contained within this report are personalized evidence indicating authentication of the work performed by the appraiser(s) and the acceptance of the responsibility for content, analyses, and the conclusions in the report. The signature(s) were applied by the original appraiser and represent the facts, opinions and conclusions found in the report. The appraiser applied signature(s) electronically using a password encrypted method. Hence, the signature(s) have more safeguards and carry the same validity as the individual's hand applied signature.

Glossary of Appraisal Terms

Appraisal[1]: (noun) the act or process of developing an opinion of value; an opinion of value. (adjective) of or pertaining to appraising and related functions – e.g., appraisal practice appraisal services.

Appraiser's Peers: Other appraisers who have expertise and competency in a similar type assignment.

Assignment: (1) an agreement between an appraiser and client to provide a valuation service; (2) the valuation service that is provided as a consequence of such an agreement.

Client: the party or parties who engage, by employment or contract, an appraiser in a specific assignment.

Cost Approach: A set of procedures through which a value indication is derived for the fee simple interest in a property by estimating the current cost to construct a reproduction of (or replacement for) the existing structure; including an entrepreneurial incentive, deducting depreciation from the total cost, and adding the estimated land value. Adjustments may then be made to the indicated fee simple value of the subject property to reflect the value of the property interest being appraised.

Credible: Worthy of belief.

Discounted Cash Flow (DCF) Analysis: The procedure in which a discount rate is applied to a set of projected income streams and a reversion. The analyst specifies the quantity, variability, timing, and duration of the income streams as well as the quantity and timing of the reversion and discounts each to its present value at a specified yield rate. DCF analysis can be applied with any yield capitalization technique and may be performed on either a lease-by-ease or aggregate basis.

Easement: An interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right-of-way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.

Exposure Time: Estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Fee Simple Title: A title that signifies ownership of all the rights in a parcel or real property, subject only to limitations of the four powers of government.

Highest and Best Use: That reasonably probably and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

Highest and Best Use of Land or a Site as Though Vacant: Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption the parcel of land is vacant or can be made vacant by demolishing any improvements.

[1] Uniform Standards of Professional Appraisal Practice, 2014-2015 Edition

Highest and Best Use of Property as Improved: The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.

Income Approach (income capitalization approach): A set of procedures through which an appraiser derives a value indication for an income-producing property by converting its anticipated benefits (cash flows and reversion) into property value. This conversion can be accomplished in two ways. One year's income expectancy can be capitalized at a market-derived capitalization rate or at a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment. Alternatively, the annual cash flows for the holding period and the reversion can be discounted at a specified yield rate.

Leased Fee (leased fee interest): An ownership interest held by a landlord with the rights of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the lessee are specified by contract terms contained within the lease.

Leasehold Interest: The interest held by the lessee (the tenant or renter) through a lease transferring the rights of use and occupancy for a state term under certain conditions.

Report[2]: Any communication, written or oral, of an appraisal, or appraisal review that is transmitted to the client upon completion of an assignment. (USPAP, 2014-2015 ed.)

Appraisal Report: a written reported prepared under Standards Rule 2-2(a) or 8-2(a).

Restricted Appraisal Report: a written report prepared under Standards Rule 2-2(b), 8-2(b), or 10-2(b).

Sales Comparison Approach: A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.

Scope of Work: The type and extent of research and analyses in an appraisal or appraisal assignment.

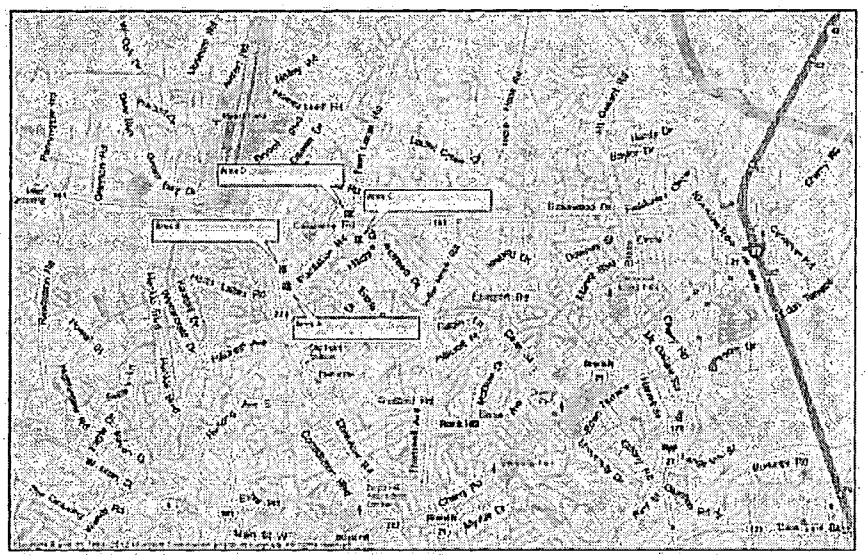
SOURCE: The Dictionary of Real Estate Appraisal, Fourth Edition, published by The Appraisal Institute, 2002

[2] Uniform Standards of Professional Appraisal Practice, 2014-2015 Edition

Neighborhood Data

Location

The subject properties are located on the north side of the central business district of Rock Hill, within York County. The neighborhood is anchored by the Piedmont Medical Center on S. Herlong Avenue, west of Ebenezer Road. Winthrop University, a public, coeducational, liberal arts university which was founded in 1886 is located to the south along Oakland Avenue. Winthrop offers undergraduate and graduate degrees and has an enrollment of approximately 6,000 students The City of Rock Hill and the 100 acre main academic campus of Winthrop are located approximately 25 miles southwest of the City of Charlotte, NC and 70 miles north of the City of Columbia, SC. Overall, the neighborhood has good interstate access and good access from secondary highways and roads.



Uses

The land use patterns within the neighborhood consist of a wide diversity of residential uses, retail, service oriented businesses, office buildings, and institutional uses that benefit from the Rock Hill's location between two major cities (Charlotte and Columbia) and Winthrop University being located within the central business district of Rock Hill. Very little vacant land exists within the Rock Hill central business district and its nearby surrounding area. Due to the limited amount of vacant land available, the resale market for existing properties in the neighborhood is very stable. The subject properties are located within an area considered to be in an oriented to commercial and high density residential uses oriented along the main travel corridors of Ebenezer Road and Celanese Road. The surrounding residential communities are older established residential areas with limited vacant land including Cato Estates which surrounds the subject properties.

Utilities

Public water, telephone service, electricity, and natural gas are available to the general subject neighborhood. Sewer service is available in most of the neighborhood. All available public utilities appear to be in adequate supply for development within the area.

Government

Governmental considerations generally include zoning and building codes, real estate tax burdens, any special assessments for fire and police protection, schools, and other governmental services. The properties located within the neighborhood are within the City of Rock Hill and York County and are subject to the City of Rock Hill Zoning Ordinance and the York County Zoning Ordinance. The majority of land within the neighborhood along the man travel corridors is zoned for commercial and multifamily uses with residential uses along the developed collector streets.

York County is the taxing authority for real estate within the subject neighborhood. Assessments and millage rates are comparable to other similar neighborhoods in both the city and the county. It is expected that millage rates will continue to increase based on historical figures with no additional special assessments anticipated. The millage rates should not create an adverse effect on the market value of properties in the neighborhood due to real estate tax burden.

Social and Economic Considerations

The City of Rock Hill and York County has a well-educated population base and has a stable population base. The available education within the area provides for a well-educated work force. The available workforce is one of the primary considerations for new development. Winthrop University contributes to the population and has a positive economic impact in this area. The subject is located is an area surrounded by retail commercial, industrial and high density residential uses.

Historical trends for the 2000-2010 census data is shown below. The current demographic and income profile is included in the **Addenda** of the report. The overall York County population grew by 37.34% between 2000 and 2010 from 164,614 to 226,073.

York County, South Carolina - Overview	2010 Census		2000 Census		2000-2010 Change	
	Counts	Percentages	Counts	Percentages	Change	Percentages
Total Population	226,073	100.00%	164,614	100.00%	61,459	37.34%
Population by Race						
American Indian and Alaska native alone	1,890	0.85%	1,403	0.85%	531	37.85%
Asian alone	3,413	1.51%	1,459	0.89%	1,954	133.98%
Black or African American alone	43,003	19.02%	31,532	19.16%	11,471	36.38%
Native Hawaiian and Other Pacific native alone	121	0.05%	39	0.02%	82	210.26%
Some other race alone	4,259	1.88%	1,527	0.93%	2,732	178.94%
Two or more races	4,191	1.85%	1,492	0.91%	2,699	180.90%
White alone	169,196	74.82%	127,162	77.25%	41,996	33.03%
Population by Hispanic or Latino Origin (of any race)						
Persons Not of Hispanic or Latino Origin	216,009	95.54%	163,304	99.18%	52,705	32.27%
Persons of Hispanic or Latino Origin	10,075	4.46%	1,310	1.96%	8,765	669.08%
Population by Gender						
Female	116,991	51.74%	84,853	51.55%	32,138	37.88%
Male	109,082	48.26%	79,761	48.45%	29,321	36.76%
Population by Age						
Persons 0 to 4 years	16,531	6.82%	11,111	6.77%	4,420	39.78%
Persons 5 to 17 years	42,210	18.67%	32,140	19.52%	10,070	31.33%
Persons 18 to 64 years	142,700	63.12%	104,300	63.35%	38,445	36.87%
Persons 65 years and over	25,632	11.34%	17,072	10.37%	8,560	50.14%

Conclusion

The neighborhood has good travel corridors with a wide diversity of residential, commercial, service oriented businesses and institutional uses located along these corridors. The present development codes are not an undue burden to development within the area. The growing population base indicates a positive social environment and increasing market trends for this period. The traffic corridors will allow for continued diversity of residential, commercial and service development and use.

Description of Site

An individual site description will be made for each of the properties that is part of this report. However, the following site information is considered for each of the properties described herein.

Location

Each property is located around Cato Estates with Areas A & B located at Twin Lakes Road and Ebenezer Road, Area C located within the interior of the residential development, and Area D located at Twin Lakes Road and Celanese Road within Rock Hill, York County, South Carolina.

Size and Shape

A GIS Map of each property is shown within each individual description to provide a better understanding of the size, shape, and location of the property.

Easements/Encroachments

Typical utility easements were located on the properties as noted from inspection. All underground and overhead utilities do not appear have a negative impact on the use of the properties.

Deed Restrictions

No recorded deed restrictions on the use of the properties were located.

Flood Insurance Rate Map (FIRM)

The subject properties are located on York County FIRM Map 45091C0306E and 450961308E, dated September 26, 2008. **Unless noted within the individual description**, the properties are located within Zone X, which is not in an area of the 100-year floodplain.

Potential Environmental Hazards

An environmental site assessment has not been performed on the subject properties. This appraisal assumes the properties contain no environmental hazards which would have a negative impact on the marketability of the subject properties. I am not an expert on environmental conditions; however, I recommend that any potential purchaser of the site have an environmental site assessment performed. If an environmental site assessment is performed and negative environmental conditions are present, a re-appraisal may be required.

Wetlands

A wetlands delineation has not been provided. The plats of the subject properties do not indicate wetlands on the properties. I have assumed the properties have no significant jurisdictional wetlands which would have a negative impact on the sites.

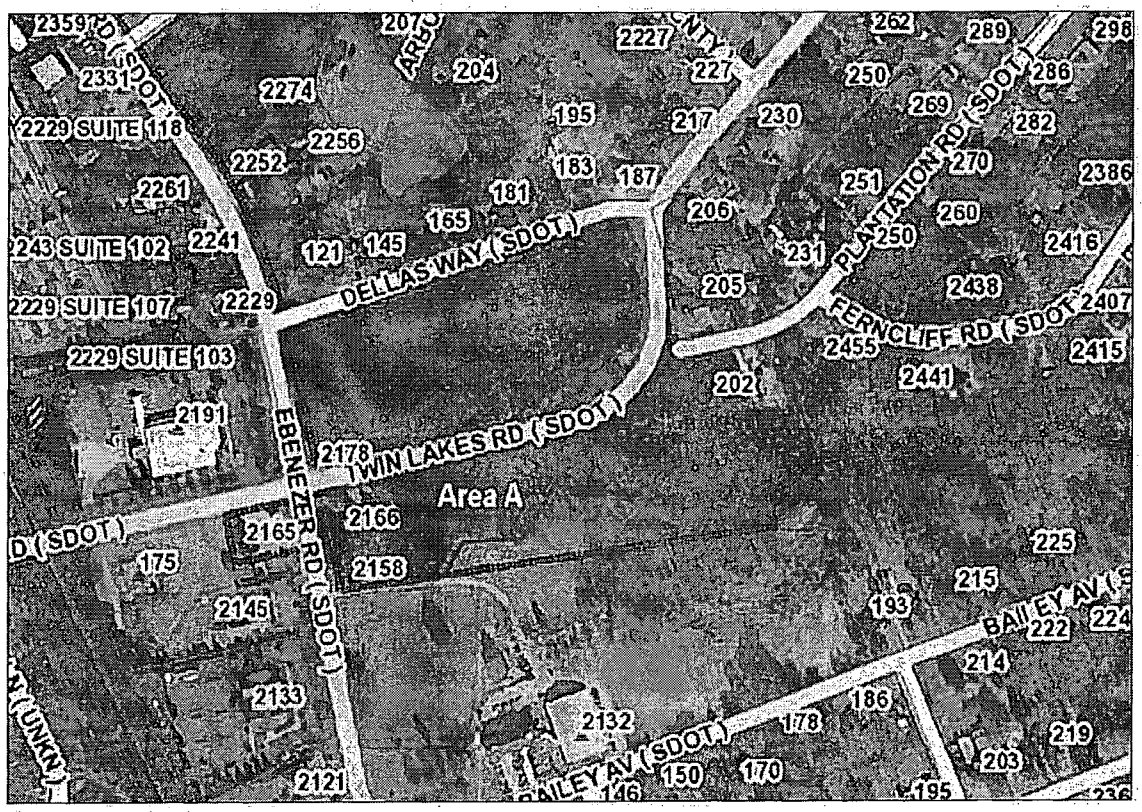
Area A

Location/Description

The subject property is an interior site located along the south side of Twin Lakes Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 2.896 acres of land (126,150 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 766.37 linear feet of road frontage and access along Twin Lakes Road and approximately 56.31 linear feet of road frontage and access along Plantation Road.

Topography, Drainage and Soils

The topography of the land is sloping down at grade with Twin Lakes Road and Plantation Road. The drainage appears to be adequate. The western portion of the site has the most development potential with the irregular shape and topography having an impact on the site.

Zoning

The subject property is zoned RC-1, Residential Conservation I District, by York County. This district is intended "to preserve and protect the character of existing neighborhoods and subdivisions and to prohibit any use which would compromise or alter existing conditions and uses. Also, this district is intended to encourage residential in-filling and expansion of existing neighborhoods and subdivisions. Development standards and densities regulating development of the districts and permitted land uses are designed to reflect existing conditions and enhance the prospects of "like development.""

Tax Assessment Data - 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 2.90 acres) is $120,000. The 2007 taxes in the amount of $1,553.04 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-063	Area A, Plantation Rd.	2.90	$120,000	$0	$0	$120,000	$1,553.04	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $120,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0308E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension but is available. All utilities available are available in adequate supply at reasonable rates.

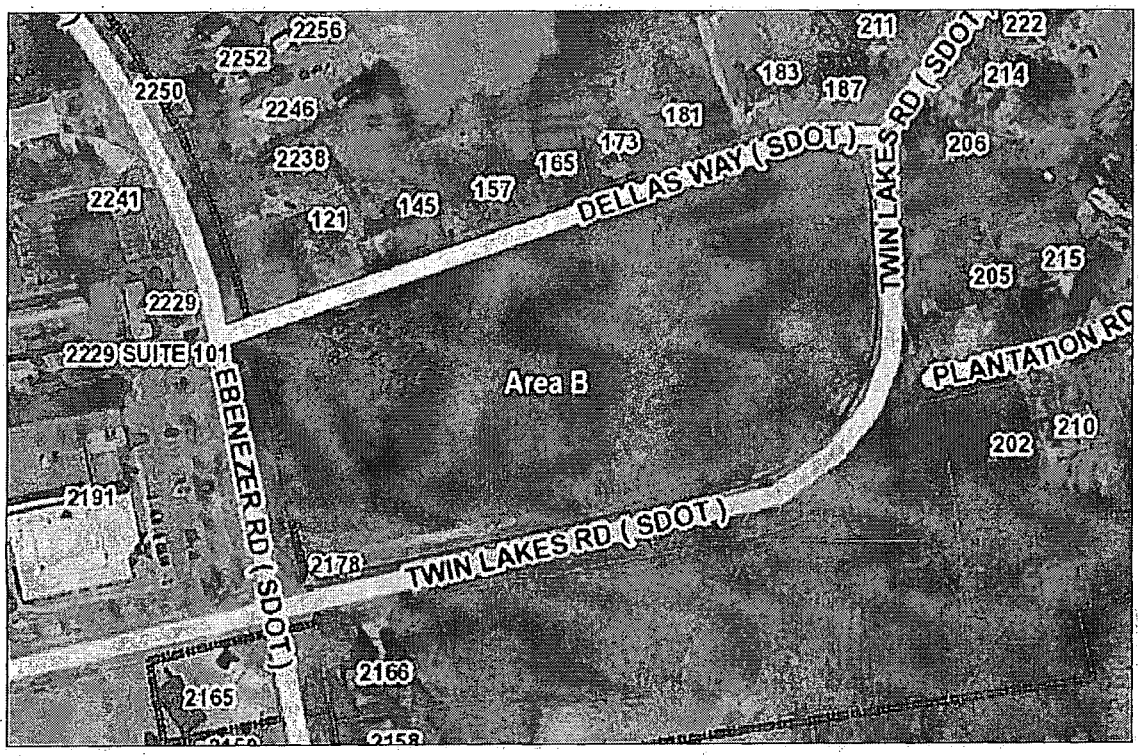
Area B

Location/Description

The subject property is an interior site located at the corner of Ebenezer Road and Twin Lakes Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 7.796 acres of land (339,594 SF) and is mostly rectangular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 243.55 linear feet of road frontage and access along Ebenezer Road, approximately 1,041.84 linear feet of road frontage and access along Twin Lakes Road, and approximately 891.91 linear feet of road frontage and access along Della's Way (Old Twin Lakes Road).

Topography, Drainage and Soils

The topography of the land is gently rolling being at grade with Ebenezer Road, Twin Lakes Road, and Della's Way (Old Twin Lakes Road). The drainage appears to be adequate. The soils on the site are suitable for development as indicated by the improvements which have been developed on nearby properties. Overall, the soil and site conditions do appear adequate for development

Zoning

The subject property is zoned BD-II, Business Development II District: Office and Institutional, by York County. This district is intended "encourage the development of office and institutional parks in areas relatively free of general commercial activity. This district is considered compatible with multi-family and condominium housing, which is also permitted herein."

Tax Assessment Data – 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 7.80 acres) is $180,000. The 2007 taxes in the amount of $3,106.08 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-064	Area B, Ebenezer Road	7.80	$180,000	$0	$0	$180,000	$3,106.08	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $180,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0308E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension but is available. All utilities available are available in adequate supply at reasonable rates.

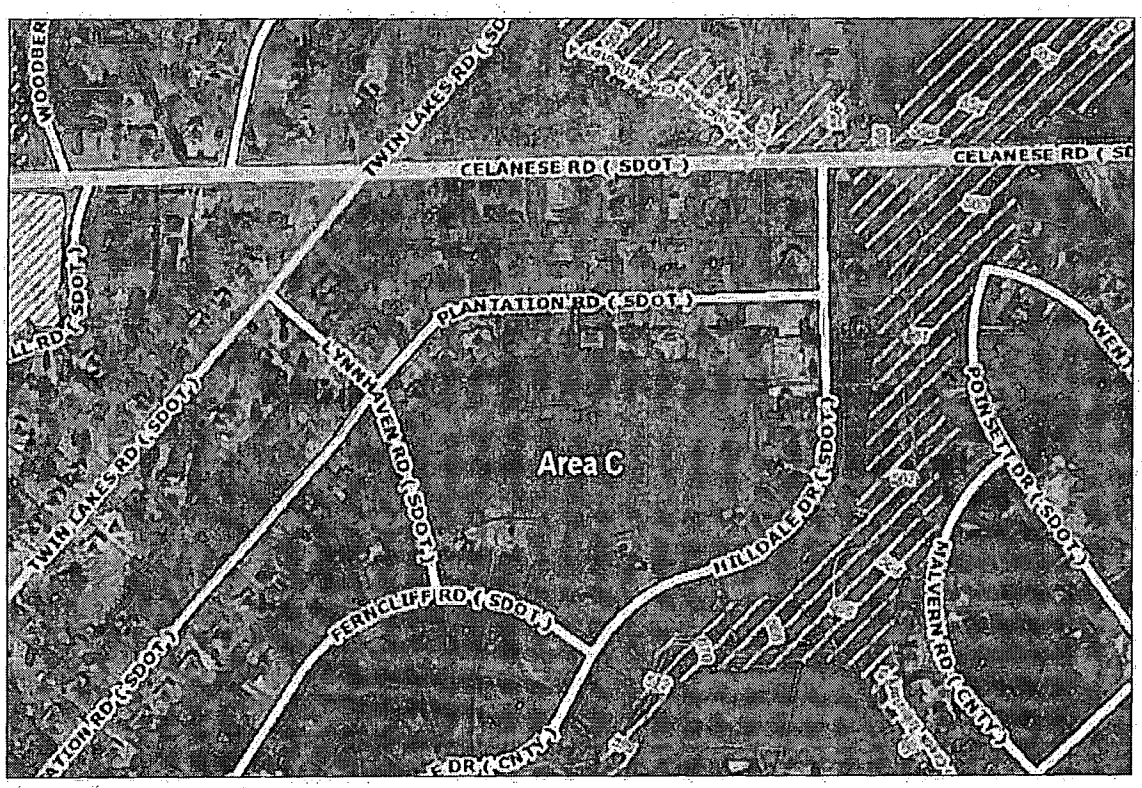
Area C

Location/Description

The subject property is an interior site located along the east side of Lynnhaven Road and the south side of Hilldale Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 10.337 acres of land (450,280 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 66.01 linear feet of road frontage and access along Lynnhaven Road, approximately 65.92 linear feet of road frontage and access along Hilldale Road, and approximately 20.00 linear feet of road frontage and access along Plantation Road.

Topography, Drainage and Soils

The topography of the land is sloping to a stream in the middle of the tract but at grade with Lynnhaven Road, Hilldale Road and Plantation Road. The drainage appears to be adequate. The perimeter of the site has been developed with single family homes. The overall topography appears to limit the use of the site to single user development.

Zoning

The subject property is zoned RC-1, Residential Conservation I District, by York County. This district is intended "to preserve and protect the character of existing neighborhoods and subdivisions and to prohibit any use which would compromise or alter existing conditions and uses. Also, this district is intended to encourage residential in-filling and expansion of existing neighborhoods and subdivisions. Development standards and densities regulating development of the districts and permitted land uses are designed to reflect existing conditions and enhance the prospects of "like development."

Tax Assessment Data - 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 10.34 acres) is $90,000. The 2007 taxes in the amount of $1,553.04 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-164	Area C, Catoe Estates	10.34	$90,000	$0	$0	$90,000	$1,553.04	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $90,000 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0306E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain.

Utilities

Utilities available to the properties include water, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. Sewer service would require off-site extension. All utilities available are available in adequate supply at reasonable rates.

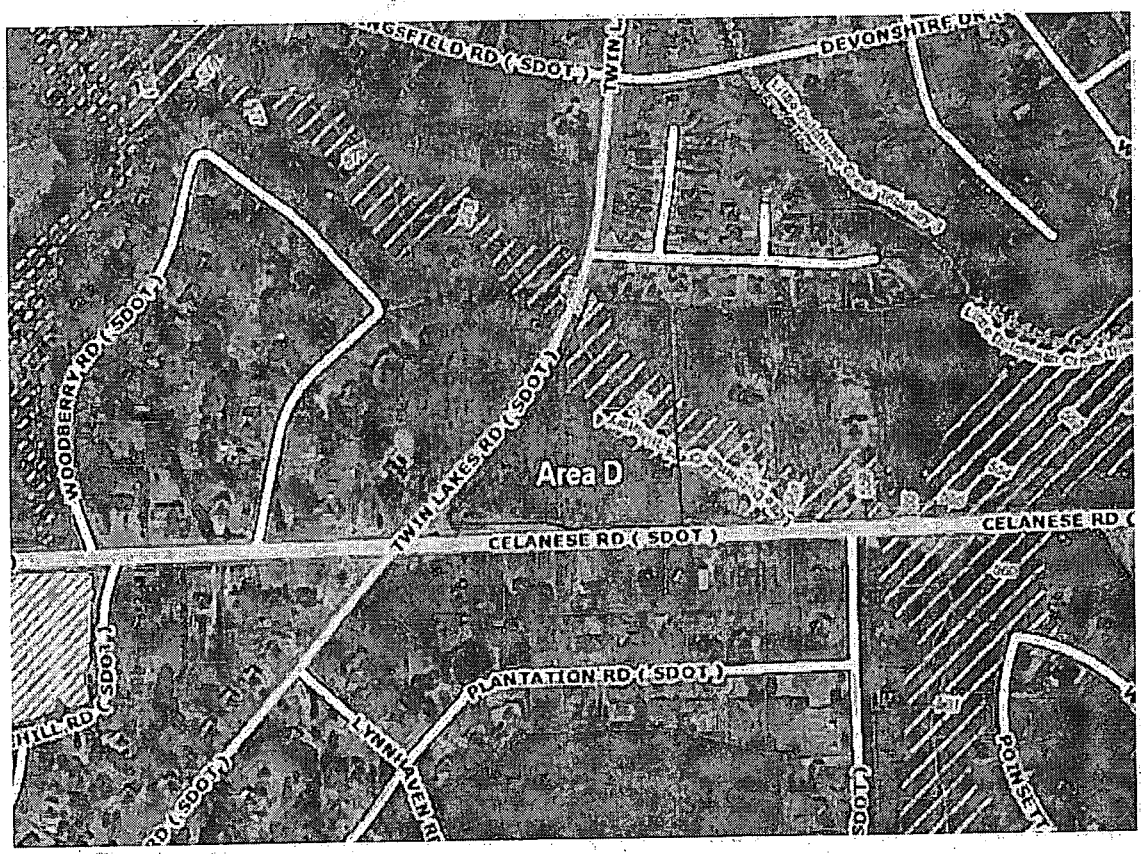
Area D

Location/Description

The subject property is an interior site located at the corner of Twin Lakes Road and Celanese Road, Rock Hill, York County, South Carolina.

Size and Shape

The subject property, comprised of one (1) parcel, contains a total of approximately 7.255 acres of land (316,028 SF) and is irregular in shape. A copy of the Aerial GIS map of the property is shown below to provide a better understanding of the size, shape, and location of the property. A plat of the subject property is in the **Subject Photographs and Exhibits** section of this report.



Source: York County GIS

Road Frontage/Access

The subject site has approximately 816.00 linear feet of road frontage and access along Twin Lakes Road and approximately 718.79 linear feet of road frontage and access along Celanese Road.

Topography, Drainage and Soils

The topography of the land is sloping down to the creek and flood plain along the northeastern portion of the site. The site is at grade with Twin Lakes Road and varying grades along Celanese Road. The drainage appears to be adequate. The site will require site work for development due to topography and flood plain.

Zoning

The subject property is zoned RD-1, Residential Development I District by York County. This district is intended "to permit a variety of residential uses and variable densities, based on the characteristics of the uses. Areas so designated are deemed suited to and with market potential for the uses. This designation is applied principally to undeveloped areas where unit and density flexibility will not adversely impact existing residential subdivisions, and where the housing market can be sufficiently broad and flexible to meet the various demands for housing." The future land use for the site is commercial.

Tax Assessment Data 2007

The tax data for the subject property was obtained from tax records of York County. The 2007 fair market value of the property (based on 7.26 acres) is $261,900. The 2007 taxes in the amount of $4,519.35 had not been paid by December 12, 2007. The chart below shows the size (acres) per county assessor, deed, and/or plats, market value and taxes for the property.

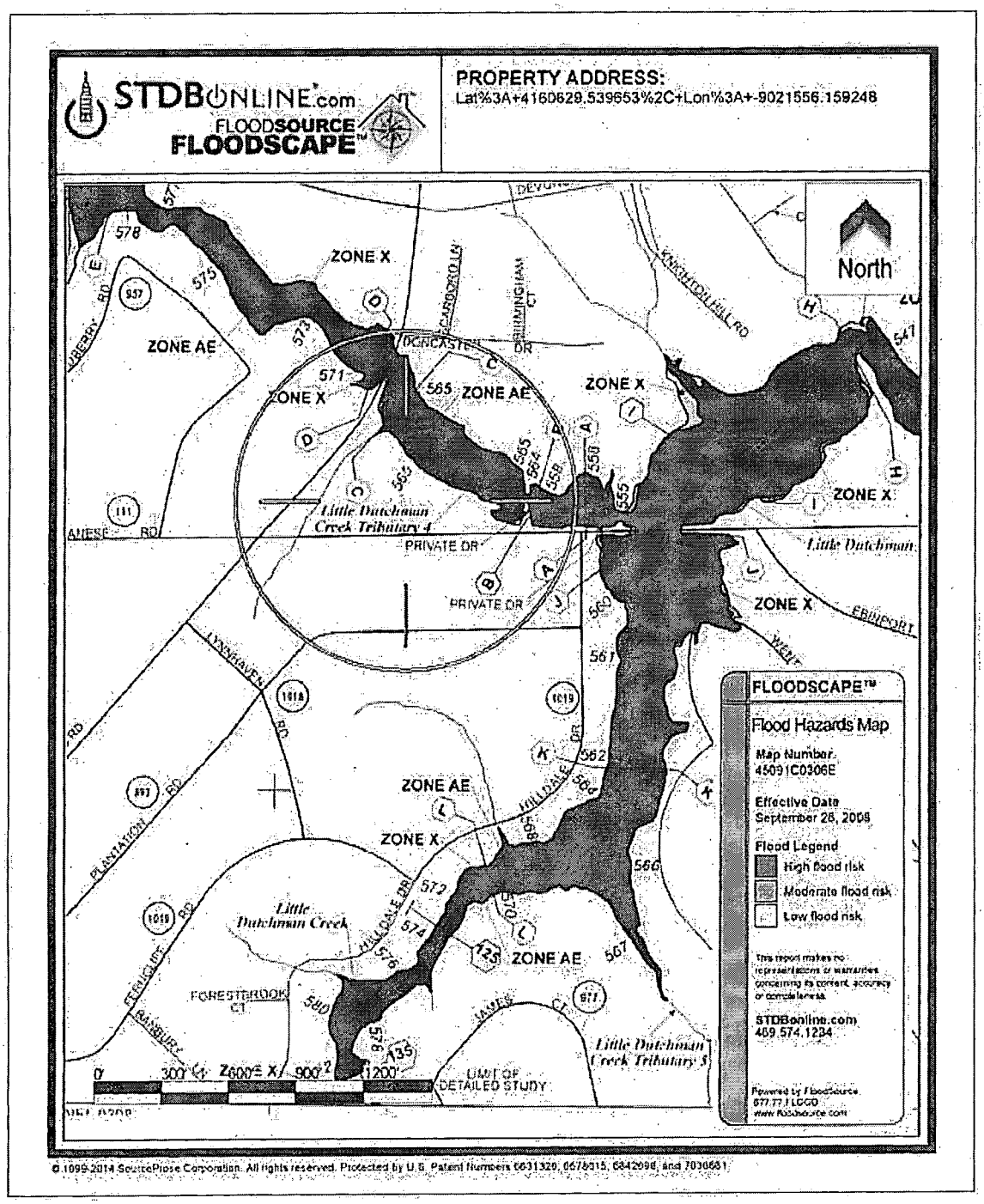
2007 Summary								
Tax Map ID	Location	Based on Acreage	Assessor's Market Value				2007 Taxes	Paid
			Land	Building	Other	Total		
592-02-01-110	Area D, Twin Lakes & Celanese	7.26	$261,900	$0	$0	$261,900	$4,519.35	Yes

Source: York County Assessor / York County County Treasurer

The current tax law for the assessment of real estate has a provision that permits the tax assessor to adjust the market value for tax purposes to the point of sale value (contract sales price). For counties with assessed values considerably less than actual market values, this will result in substantially higher real estate taxes. State property tax legislation (Act 388) passed in 2007 allows for reassessment increase to be capped at 15% over a five year period. Additionally, when a property is sold in a transaction that is considered an assessable transfer of interest (ATI), the property is subject to an immediate reassessment to the amount of the sales price. Legislation approved in 2011 is applicable to all primary residential properties which are assessed at a six percent (6%) rate and include commercial properties, investment properties and second homes but excludes manufacturing properties assessed at 10.5%. Properties will receive a 25% exemption from the sales value for taxation purposes. The exemption cannot decrease a property's assessed tax value beyond what is already established on the county tax rolls. All properties will continue to be subject to each county's reassessment program and will be subject to the 1% cap on tax increases for each five-year reassessment period. The subject property has a current market value for tax purposes of $261,900 (aggregate). Should the subject property be sold, the adjustment point for tax purposes would be that of the actual sales price and could result in a change of the property tax liability.

Flood Insurance Rate Map (FIRM)

According to a review of the York County FIRM Map 45091C0306E, dated September 26, 2008, the property is located within Zone X, which is not in an area of the 100-year flood plain and A portion of the subject property is located within Zone AE, which is in a flood hazard area. A copy of the FEMA Firm Map is shown on the following page to provide the reader a better understanding as to the location of this flood hazard area.

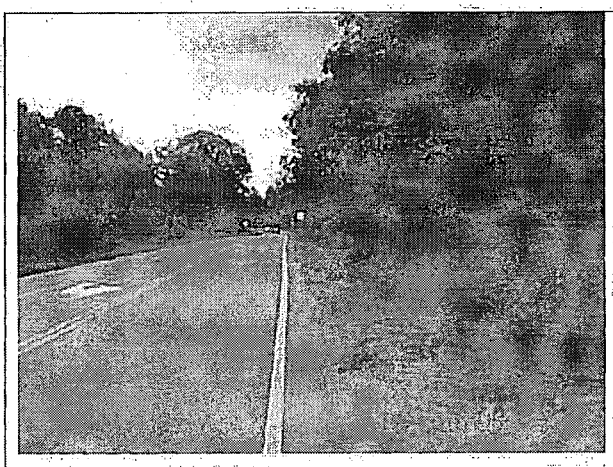


Utilities

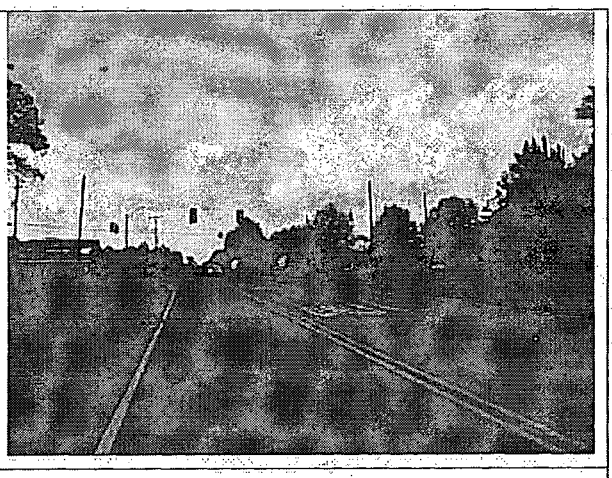
Utilities available to the properties include water, sewer, and electricity provided by Rock Hill Utilities, gas provided by York County Natural Gas Authority, telephone service is provided by a number of independent phone companies within the area including AT&T (formerly BellSouth), and cable service is provided by Time Warner Cable. All utilities are available in adequate supply at reasonable rates.

Subject Photographs and Exhibits

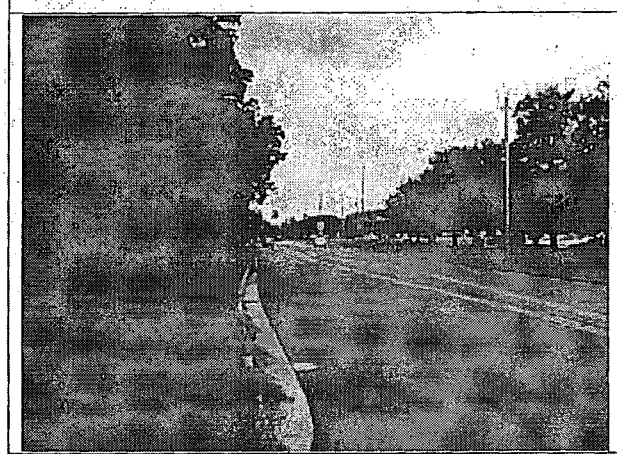
Date of Subject Photos: August 12, 2014



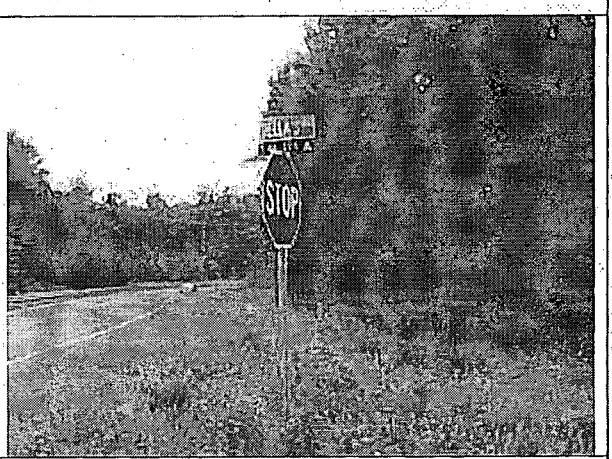
AREAS A & B – TWIN LAKES ROAD LOOKING EAST



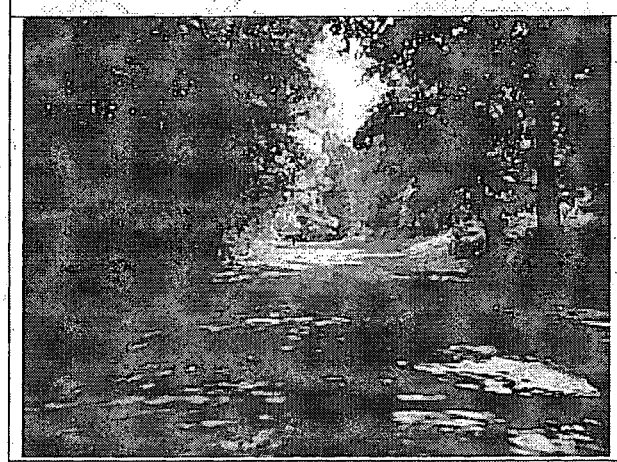
AREAS A & B – TWIN LAKES ROAD LOOKING WEST



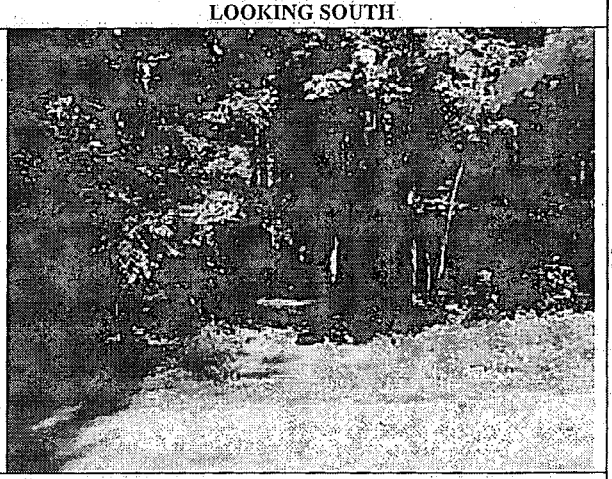
AREA B – EBENEZER ROAD LOOKING SOUTH



AREA B – TWIN LAKES ROAD AND DELLA'S WAY LOOKING SOUTH



AREA C – LYNNHAVEN DRIVE LOOKING SOUTH

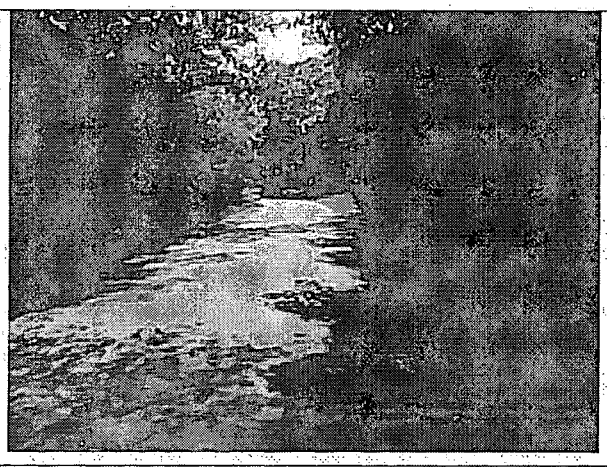


AREA C – LYNNHAVEN DRIVE ACCESS LOOKING EAST

Date of Subject Photos: August 12, 2014



AREA C – HILLDALE DRIVE ACCESS LOOKING NORTH



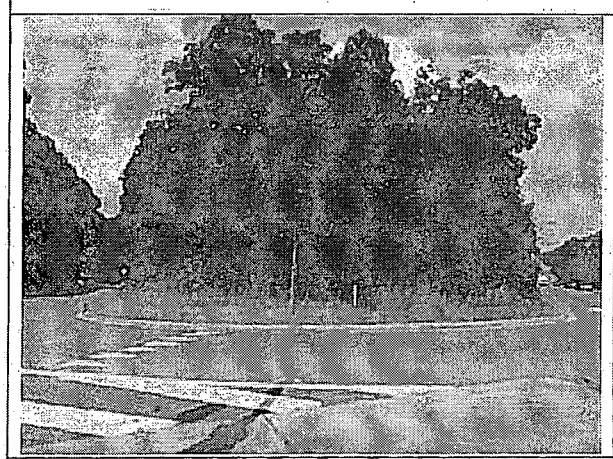
AREA C – HILLDALE DRIVE LOOKING EAST



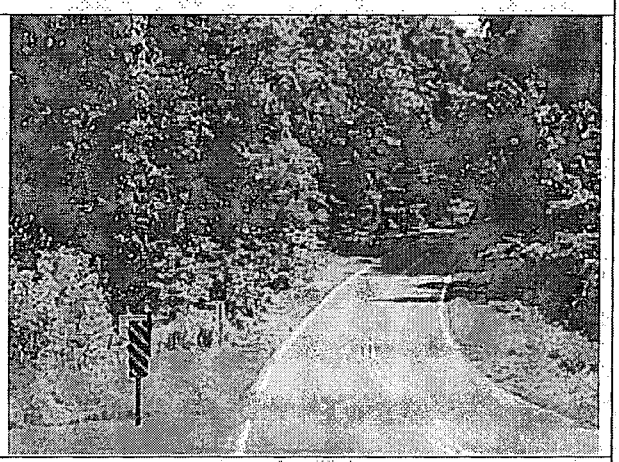
AREA D – CELANESE ROAD LOOKING WEST



AREA D – CELANESE ROAD LOOKING EAST

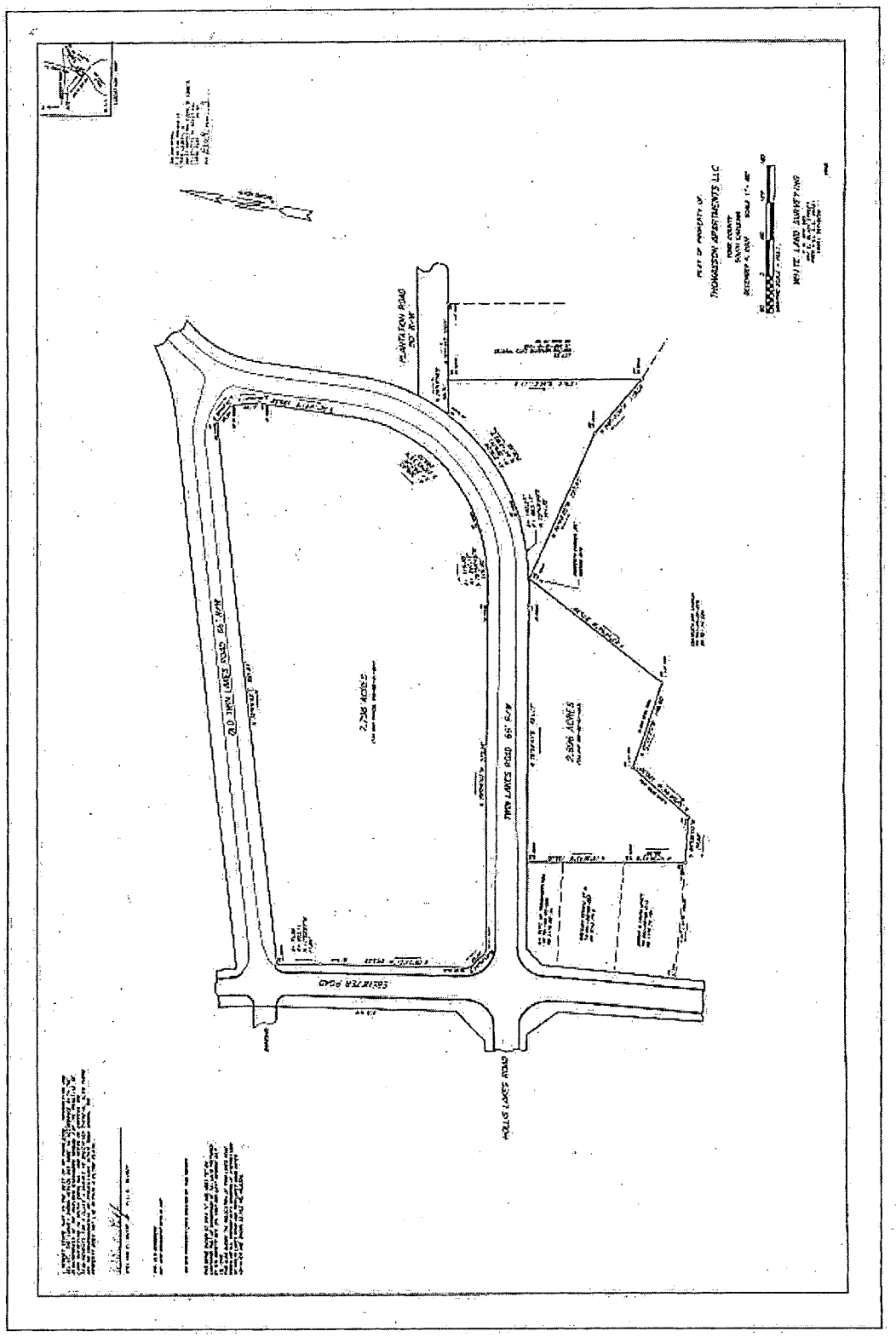


AREA D – LOOKING EAST AT CELANESE ROAD AND TWIN LAKES ROAD

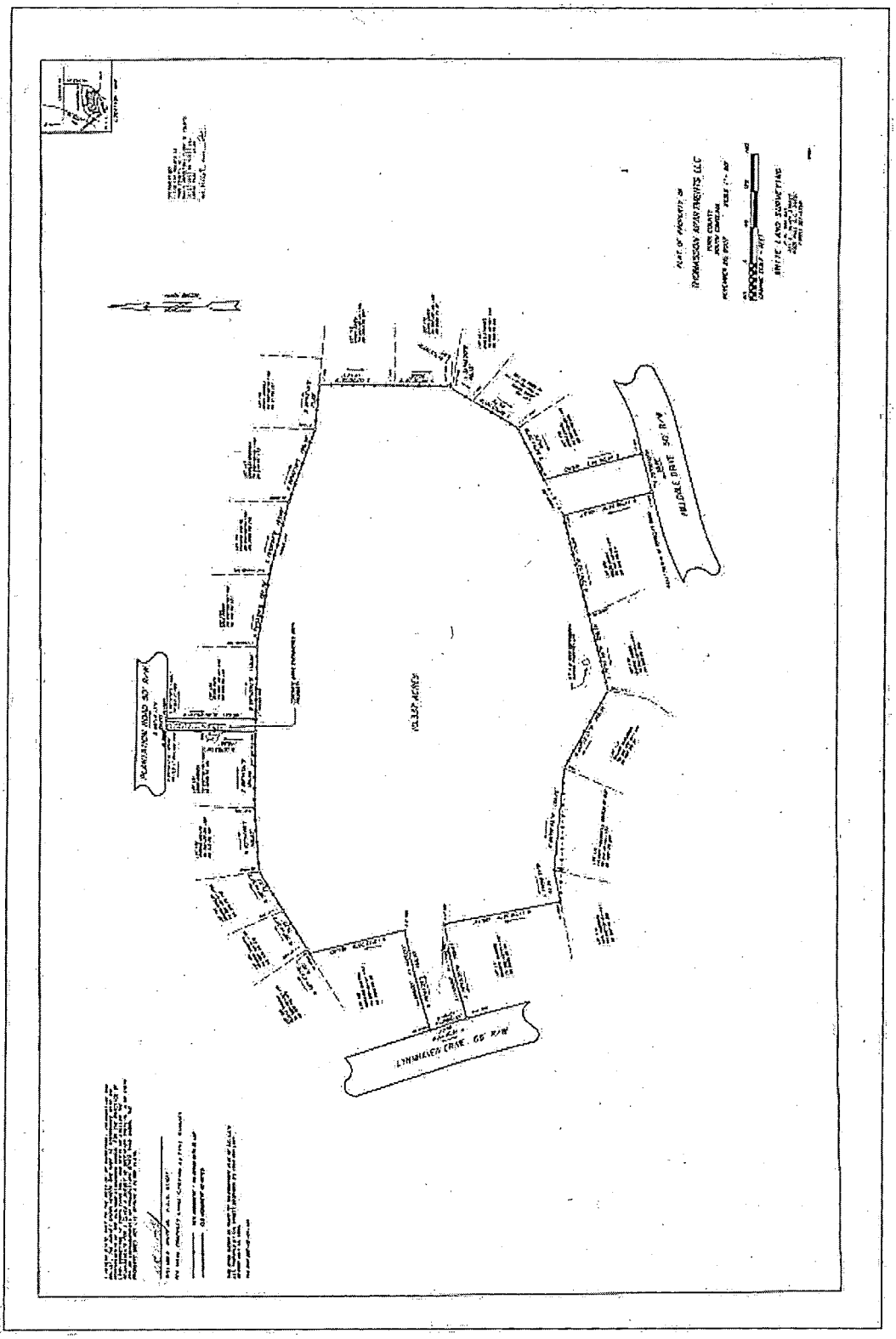


AREA D – TWIN LAKES ROAD LOOKING SOUTH

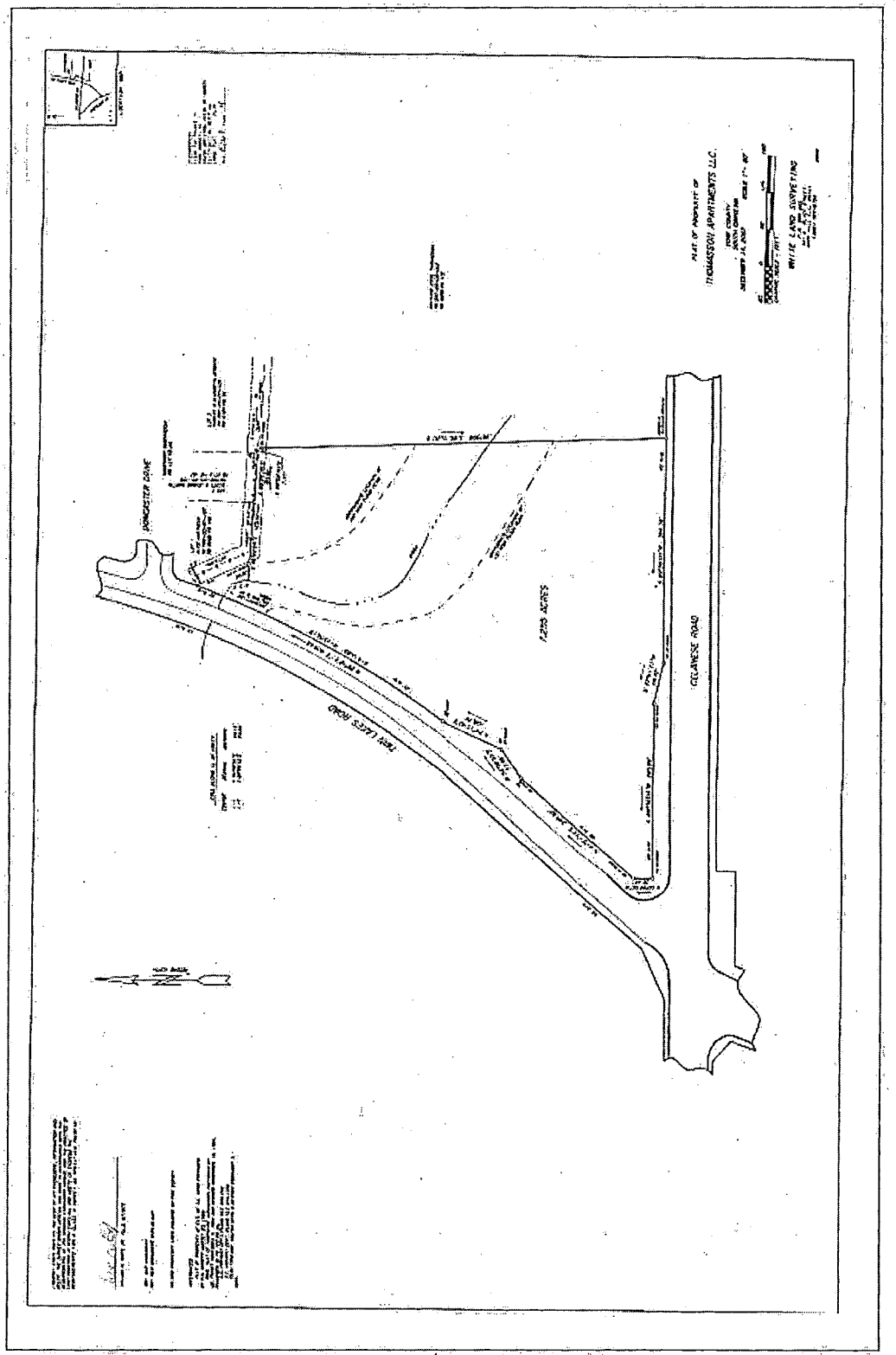
SUBJECT PLAT – AREAS A & B



SUBJECT PLAT – AREA C



SUBJECT PLAT – AREA D



Highest and Best Use

Introduction

The highest and best use is defined in The Dictionary of Real Estate Appraisal, fourth edition, published by the Appraisal Institute as "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are physical possibility, legal permissibility, financial feasibility, and maximum productivity."

As outlined, the subject properties are vacant land. Therefore, the only determination of highest and best use of the property will be as if vacant and available for development. In order to determine the highest and best use of the property, the tests of legal permissibility, physical possibilities, financial feasibility, and maximum profitability must be used to determine the highest and best use of the property as vacant.

Highest and Best Use as if Vacant

The first constraint on the use of the subject properties that must be considered is their physical characteristics. The size, location and shape of a site are the most important physical determinants of value. As outlined in detail in the Site Data section of the report, the physical characteristics of the subject properties are suitable for residential development.

Area A

The subject site is an interior location containing 2.896 acres, irregular in shape, with frontage along road frontage Twin Lakes Road and Plantation Road. The topography of the site is sloping down at grade with Twin Lakes Road. All utilities are available to the site except public sewer which would require extension but is available. The sloping topography and irregular shape will be limitations on the possible development of the site.

The primary legal limitation on the site is the RC-1, Residential Conservation I District, zoning classification by York County. Since the site is within a RC-1 district, the site is suitable for some type of residential development which complies with the RC-1 zoning that is in place for the neighborhood. Adjacent lands are zoned Urban Development and Business District II. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is holding for future development. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for residential, office and institutional purposes. Based upon this information, the most financially feasible use of the subject property is holding for some type of residential or office/institutional use.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for speculative holding.

Area B

The subject site is an interior location containing 7.796 acres, mostly rectangular in shape, with frontage along Ebenezer Road, Twin Lakes Road, and Della's Way (Old Twin Lakes Road). The topography of the site is gently rolling. All utilities are available to the site except public sewer which would require an off-site extension but is available. The physical attributes are not considered limitations on the possible development of the site.

The primary legal limitation on the site is the BD-II, Business Development II District: Office and Institutional zoning classification by York County. Since the site is within a BD-II district, the site is suitable for some type of office/institutional use or multi-family development which complies with the BD-II zoning that is in place for the neighborhood. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is for residential home sites. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for multi-family development or office use. Based upon this information, the most financially feasible use of the subject property is for some type of multi-family residential development.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for multi-family residential development.

Area C

The subject site is an interior location containing 10.337 acres, mostly rectangular in shape, with frontage along Lynnhaven Road, Hilldale Road, and Plantation Road. The topography of the site is sloping to a stream in the middle of the site. All utilities are available to the site except public sewer which would require an off-site extension. The overall topography is a limitation on the possible development of the site which will most likely limit the site to a single user residential site.

The primary legal limitation on the site is the RC-1, Residential Conservation I District, by York County. Since the site is within a RC-1 district, the site is suitable for some type of residential development which complies with RC-1 zoning that is in place for the neighborhood. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property in this area is for residential home sites. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for residential purposes. Based upon this information, the most financially feasible use of the subject properties is for single user residential development.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for single user residential development.

Area D

The subject site is a lighted corner location containing 7.255 acres, irregular in shape, with frontage along Twin Lakes Road and Celanese Road. The topography of the site is sloping down to the

creek and flood plain along the northern portion of the site. All utilities are available to the site. The topography and flood plain will be limitations on the possible development of the site. Assemblage would maximize the entire site but the corner location at a light provides development potential.

The primary legal limitation on the site is the RD-1, Residential Development I District, by York County. Since the site is within a RD-1 district, the site is suitable for some type of residential development which complies with the RD-1 zoning that is in place for the neighborhood. The future land use for the site is commercial use with multi-family use projected on the sites to the east. Additional legal limitations include the building code requirements for York County. There are no other legal restrictions that should limit the use of the property.

Financial feasibility is dependent upon the physically possible uses and the legally permissible uses of the property. The primary use for property long Celanese Road is transitional from residential to more intense uses including commercial and multi-family uses. Sales of similar type property in the market area indicate that tracts similar in size and location to the subject property are being purchased for multi-family residential or commercial purposes. Based upon this information, the most financially feasible use of the subject properties is for holding/assemblage for some type of multi-family residential or commercial use.

Based upon the physically possible uses, legally permissible uses and financially feasible uses, it is apparent that the maximally productive use and the highest and best use of the site, as if vacant, is for holding/assemblage.

Land Value Estimate

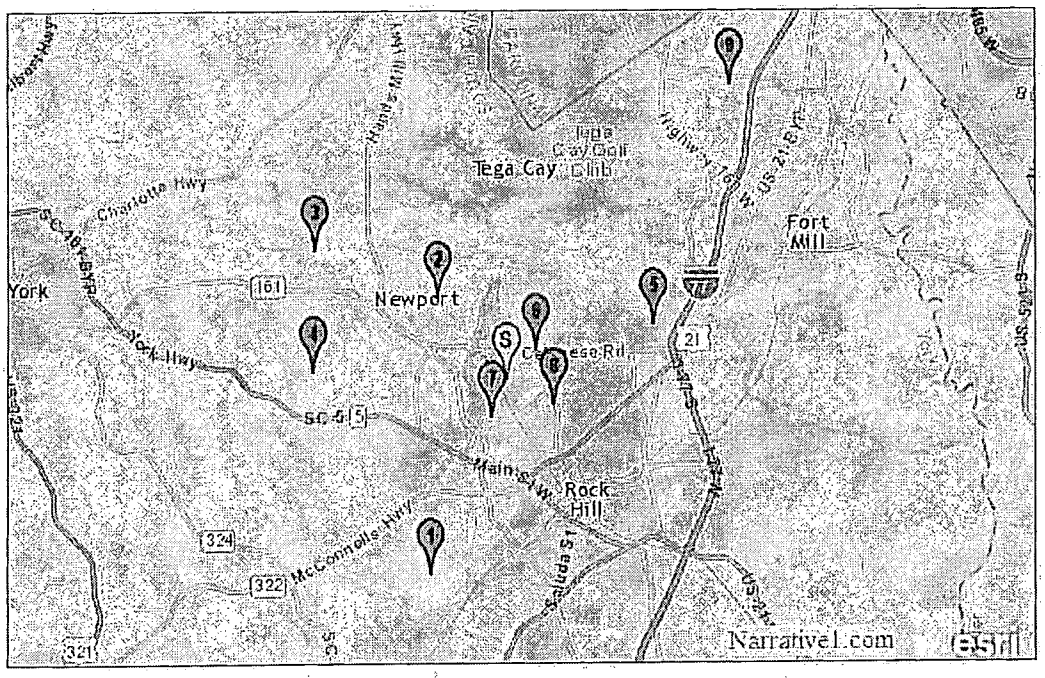
The market value of the vacant land will be determined using the sales comparison approach to value. This is an appraisal procedure in which the market value estimate for the subject property is predicated upon prices in actual real estate transactions and considering current offerings, if any, with the former fixing the lower limit of value in a static or advancing market (pricewise) and fixing the higher limit of value in a declining market; and the latter fixing the higher limit of value in any market. It is a process of analyzing the sales of similar properties recently sold in order to derive an indication of the most probable sales price of the property being appraised. The reliability of this technique is dependent upon the availability of comparable sales data, the verification of the sales data, the degree of comparability or extent of adjustment necessary for factors such as time of sale, size, physical characteristics and motivation of the purchaser, and the presence or absence of any non-typical conditions affecting the sales price.

This approach is based upon the principles of supply and demand, substitution, balance and external conditions. The application of these principles in this approach to value will lead to a reasonable and supported conclusion for the value of the property being appraised.

A search of the neighborhood was made in order to determine what sales of similar sites had occurred in the recent past to compare to the subject properties. After a search of the market, nine (9) comparable land sales have been included in the report. The unit of comparison used in this approach is the price per acre and this is the accepted unit of comparison/measure in the market for properties similar to the subject. Detailed information about each sale follows. Following the sales information will be a Comparable Land Sales Chart, Explanation of Adjustments, and Final Market Value Estimate – Vacant Land for each of the subject properties.

COMPARABLE LAND SALES SUMMARY TABLE

ID Proposed Use	Address City	Date Price	Shape Price per Acre	Tax ID Acres
526 Single User Residential	755 Falls Road Rock Hill	10/8/07 $100,000	Irregular $12,330	534-00-00-026 8.11
527 Single User Residential	Pennington Road Rock Hill	8/22/06 $190,000	Irregular $15,966	546-00-00-073 11.9
528 Single User Residential	Garden Ridge Rock Hill	5/30/07 $90,000	Irregular $6,860	494-02-01-007 13.12
529 Single User Residential	Newcastle Drive Rock Hill	11/7/05 $145,495	Irregular $6,592	500-00-00-105 22.07
530 Multi-Family Development	1971 Lexington Commons Drive Rock Hill	7/30/07 $679,500	Irregular $50,899	662-05-01-245 & 246 13.35
531 Commercial Development	3076 Celanese Road Rock Hill	5/18/06 $275,000	Rectangular $51,985	592-00-00-008 5.29
533 Residential Development	S. Herlong Avenue Rock Hill	5/19/05 $1,474,999	Irregular $75,064	593-08-01-002 19.65
534 Townhouse Development	India Hook Road Rock Hill	4/7/06 $975,000	Irregular $69,993	594-05-03-036 & 037 (originally 594-004 & 594-022) 13.93
537 Apartment Development	Pleasant Road Fort Mill	3/8/07 1,311,021	Irregular $87,251	651-00-00-014 15.0258



Land Comparable 1



Transaction

ID	526	Date	10/8/2007
Address	755 Falls Road	Price	$100,000
City	Rock Hill	Price per Acre	$12,330
State	South Carolina	Financing	Cash to Seller
Tax ID	534-00-00-026	Property Rights	Fee Simple
Grantor	Charles Franklin Wilson, as Trustee	Days on Market	Unknown
Grantee	Benjamin P. Mixon and Elizabeth B. Mixon	Verification Source	Public Records, Alt. RE Data Sources;
Legal Description	DB 9511 @ 322; PB D272 @ 7		

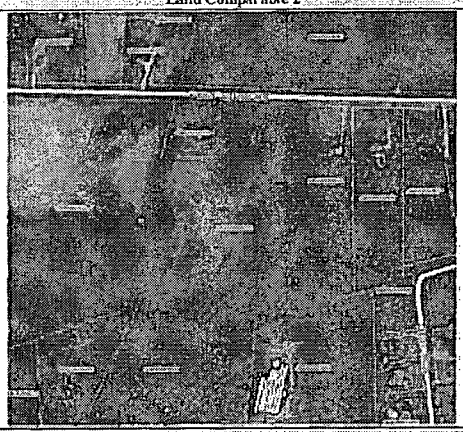
Site

Acres	8.11	Topography	Gently Rolling
Land SF	353,272	Zoning	AGC-I
Road Frontage	Falls Road; Bridgewater Road	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Well / Septic	Environmental Issues	None Noted

Comments

This property is located along the west side of Falls Road. This site was assembled with a single family residential tract containing 8.947 acres (purchased in 1991 in Deed Book 333 @ 75 for $41,000 and shown on Plat Book 100 @ 415). Combined this tract now contains 17.057 acres and now located at the corner of Falls Road and Bridgewater Road.

Land Comparable 2



Transaction

ID	527	Date	8/22/2006
Address	Pennington Road	Price	$190,000
City	Rock Hill	Price per Acre	$15,966
State	South Carolina	Financing	Cash to Seller
Tax ID	546-00-00-073	Property Rights	Fee Simple
Grantor	James Donald Horst and Linda Taylor Horst	Days on Market	Unknown
Grantee	Charles B. Hood, Trustee of the Baxter M. Hood Trust	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 8329 @ 101; PB 48 @ 209		

Site

Acres	11.90	Topography	Sloping
Land SF	518,364	Zoning	RC-1
Road Frontage	Pennington Road	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This site is on the south side of Pennington Road with sloping topography.

Land Comparable 3



Transaction			
ID	528	Date	5/30/2007
Address	Garden Ridge	Price	$90,000
City	Rock Hill	Price per Acre	$6,860
State	South Carolina	Financing	Cash to Seller
Tax ID	494-02-01-007	Property Rights	Fee Simple
Grantor	LBBR Development, LLC	Days on Market	Unknown
Grantee	Marshall A. Hill and Brenda B. Hill	Verification Source	Public Records; Alt. RE Data Sources:
Legal Description	DB 9137 @ 273; PB B342 @ 7		

Site			
Acres	13.12	Topography	Sloping
Land SF	571,507	Zoning	AGC
Road Frontage	Garden Ridge	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	Duke Power R/W
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This site is a single user lot, sloping topography divided by a Duke powerline right of way. This property has minimal frontage along Garden Ridge.

Land Comparable 4



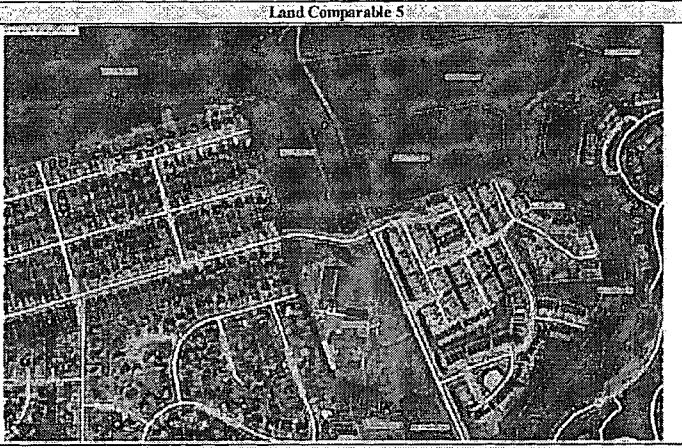
Transaction			
ID	529	Date	11/7/2005
Address	Newcastle Drive	Price	$145,495
City	Rock Hill	Price per Acre	$6,592
State	South Carolina	Financing	Cash to Seller
Tax ID	500-00-00-105	Property Rights	Fee Simple
Grantor	Paul D. Poston and John H. Poston	Days on Market	Unknown
Grantee	Jonathan W. Hibbard and Susan B. Hibbard	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 7552 @ 31; PB D43 @ 6		

Site			
Acres	22.07	Topography	Sloping
Land SF	961,369	Zoning	RUD-I
Road Frontage	Newcastle Drive	Flood Zone	Zone AE
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This property is located on the south side of Newcastle Drive. This site is a single user lot, with minimal frontage along Newcastle Drive and sloping topography. The rear portion of the property is located within a flood zone.

Land Comparable 5



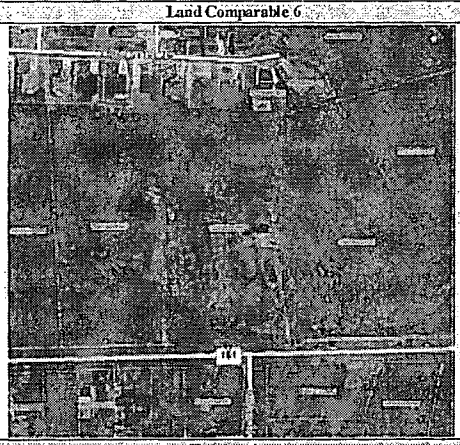
Transaction			
ID	530	Date	7/30/2007
Address	1971 Lexington Commons Drive	Price	$679,500
City	Rock Hill	Price per Acre	$50,899
State	South Carolina	Financing	Cash to Seller
Tax ID	662-05-01-245 & 246	Property Rights	Fee Simple
Grantor	Cornerstone Development of the Carolinas, Inc., a South Carolina corporation, and Bristol East, LLC, a South Carolina limited liability company	Days on Market	Unknown
Grantee	GSM Properties of Rock Hill, LLC, a South Carolina limited liability company	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 9335 @ 134; PB D239 @ 10		

Site			
Acres	13.35	Topography	Gently Rolling
Land SF	581,526	Zoning	MF-15
Road Frontage	Lexington Commons Drive, Baylor Drive	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	Duke P/L, Water Line
Utilities	Water/Sewer	Environmental Issues	None Noted

Comments

This site has been developed with Agape Senior Housing within an area of new subdivisions. A powerline crosses the entrance. The property consisted of Tract A containing 8.96 acres and Tract B containing 10.62 acres for a total of 19.58 acres. A powerline crosses both tracts and encumbers approximatley 6.0 acres with 13.35 acres usable.

Land Comparable 6



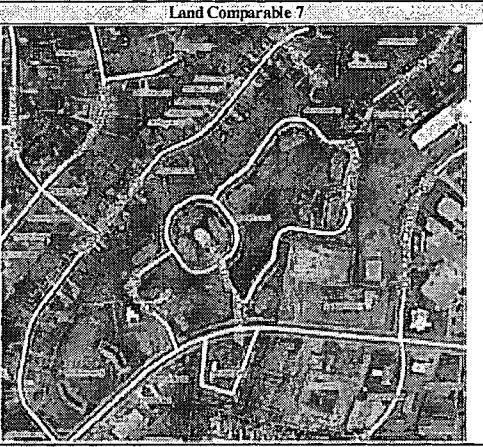
Transaction			
ID	531	Date	5/18/2006
Address	3076 Celanese Road	Price	$275,000
City	Rock Hill	Price per Acre	$51,985
State	South Carolina	Financing	Cash to Seller
Tax ID	592-00-00-008	Property Rights	Fee Simple
Grantor	SYN Systems, LLC	Days on Market	Unknown
Grantee	B. Lee Thomasson, Jr.	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 8049 @ 153		
#REF!			

Site			
Acres	5.29	Topography	Sloping
Land SF	230,432	Zoning	RD-1
Road Frontage	Celanese Road	Flood Zone	Zone X
Shape	Rectangular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This site is an interior tract located on the north side of Celanese Road. The site has slopiong topography and has some flood plain crossing the front of the tract.

Land Comparable 7



Transaction			
ID	533	Date	5/19/2005
Address	S. Herlong Avenue	Price	$1,474,999
City	Rock Hill	Price per Acre	$75,064
State	South Carolina	Financing	Cash to Seller
Tax ID	593-08-01-002	Property Rights	Fee Simple
Grantor	Thomas G. Fleischer and William L.	Days on Market	Unknown
Grantee	Nathan S. Sanders, Judia B. Sanders, and	Verification Source	Public Records, Alt. RE Data Sources
Legal Description	DB 7101 @ 84; PB 108 @ 171 & C390 @ 8		

Site			
Acres	19.65	Topography	Rolling; Stream bisects tract
Land SF	855,954	Zoning	OI
Road Frontage	S. Herlong Avenue	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

Nathan S. Sanders was conveyed a 37.81215% interest in the property; Judia B. Sanders was conveyed a 41.49575% interest in the property and S.F. Holdings of Wilmington, LLC was conveyed a 20.6921% interest in the property. Tract was purchased for an apartment development (300 units at $4,916/unit). Approximately 3.038 acres is located within stream and sewer easement buffer bisecting the tract excluded from 19.65 acres, gross tract is 22.688 acres or $65,013 per acre gross.

Land Comparable 8



Transaction			
ID	534	Date	4/7/2006
Address	India Hook Road	Price	$975,000
City	Rock Hill	Price per Acre	$69,993
State	South Carolina	Financing	Cash to Seller
Tax ID	594-05-03-036 & 037 (originally 594-004 &	Property Rights	Fee Simple
Grantor	Ralph C. May, Jr. and Gary Davis May	Days on Market	Unknown
Grantee	The Village at India Hook, LLC	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 7928 @ 277 & 282; PB C @ 37		

Site			
Acres	13.93	Topography	Gently Rolling
Land SF	606,791	Zoning	PUD
Road Frontage	India Hook Road	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This property is located on the west side of India Hook Road and developed with an age-restricted townhouse development. Project has 58 total townhouse units or $16,810 per unit.

Land Comparable 9



Transaction			
ID	537	Date	3/8/2007
Address	Pleasant Road	Price	$1,311,021
City	Fort Mill	Price per Acre	$87,251
State	South Carolina	Financing	Cash to Seller
Tax ID	651-00-00-014	Property Rights	Fee Simple
Grantor	James R. Masters	Days on Market	Unknown
Grantee	Fort Mill Apartments, LLC, a South	Verification Source	Public Records, Alt. RE Data Sources:
Legal Description	DB 8892 @ 69 & 73; PB D194 @ 4		

Site			
Acres	15.03	Topography	Level
Land SF	654,524	Zoning	RD-I
Road Frontage	Pleasant Road	Flood Zone	Zone X
Shape	Irregular	Encumbrance or	No Adverse
Utilities	Water / Sewer	Environmental Issues	None Noted

Comments

This property is located along the east side of Pleasant Road. The property was purchased for the development of Fort Mill Legacy Apartment development, a 252 unit complex or $5,202 per unit. The transfer was in 2 two deeds but the buyer indicated the price was negotiated based on both tracts and allocated by the seller.

Land Analysis Grid			Comp 1		Comp 2		Comp 3	
ID	A		530		535		531	
Address	Twin Lakes Road		1971 Lexington Commons		274 Museum Road		3076 Celanese Road	
City	Rock Hill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007		7/30/2007		5/29/2007		5/18/2006	
Price	--		$679,500		$140,000		$275,000	
Acres	2.896		13.35		1.80		5.29	
Acre Unit Price	$0		$50,899		$77,778		$51,985	
Transaction Adjustments								
Property Rights	Fee Simple		Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller		Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length		Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price			**$50,899**		**$77,778**		**$51,985**	
Market Trends Through	12/12/2007	3.0%	1.1%		1.6%		4.7%	
Adjusted Acre Unit Price			$51,458		$79,029		$54,454	
Location	Twin Lakes Road		Lexington Commons		Museum Road		Celanese Road	
% Adjustment			10%		0%		-10%	
$ Adjustment			$5,146		$0		-$5,445	
Acres	2.896		13.35		1.80		5.29	
% Adjustment			10%		-10%		10%	
$ Adjustment			$5,146		-$7,903		$5,445	
Topography	Sloping		Gently Rolling		Level		Sloping	
% Adjustment			-40%		-40%		0%	
$ Adjustment			-$20,583		-$31,611		$0	
Shape	Irregular		Irregular		Triangular		Rectangular	
% Adjustment			0%		0%		0%	
$ Adjustment			$0		$0		$0	
Utilities	Electricity, Water, Sewer (has to be extended),		Water/Sewer		Water / Sewer		Water / Sewer	
% Adjustment			0%		0%		0%	
$ Adjustment			$0		$0		$0	
Zoning	RC-1		MF-15		BD-III		RD-1	
% Adjustment			0%		0%		0%	
$ Adjustment			$0		$0		$0	
Encumbrance or Easement	None		Duke P/L, Water Line		No Adverse		No Adverse	
% Adjustment			20%		0%		0%	
$ Adjustment			$10,292		$0		$0	
Road Frontage	Twin Lakes Road		Lexington Commons Drive, Baylor Drive		Museum Road		Celanese Road	
% Adjustment			0%		0%		0%	
$ Adjustment			$0		$0		$0	
Adjusted Acre Unit Price			**$51,458**		**$39,514**		**$54,454**	
Net Adjustments			0.0%		-50.0%		0.0%	
Gross Adjustments			80.0%		50.0%		20.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparables 2 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 3 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1 and 3 adjusted a positive 10% for larger size and Comparable 2 adjusted a negative 10% smaller size. Comparable 3 has sloping topography similar to the subject. Comparables 1 and 2 have superior topography and each is adjusted a negative 40% for superior topography. Comparable 1 is adjusted a positive 20% for inferior easements. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $39,514 to $54,454 per acre with a median price per acre of $51,458 and an average price per acre of $48,476. Based upon this analysis a value of $50,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area A**, as if vacant.

Land Size (Acres)		S/Ac		Estimated Value
2.896	x	$50,000	=	$144,800
		Rounded to:		**$145,000**

Land Analysis Grid		Comp 1		Comp 2		Comp 3		Comp 4		Comp 5	
ID	B	530		537		531		534		533	
Address	Ebenezer Road, Twin Lakes, Della's Way	1971 Lexington Commons Drive		Pleasant Road		3076 Celanese Road		India Hook Road		S. Herlong Avenue	
City		Rock Hill		Fort Mill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007	7/30/2007		3/8/2007		5/18/2006		4/7/2006		5/19/2005	
Price	–	$679,500		$1,311,021		$275,000		$975,000		$1,474,999	
Acres	7.796	13.35		15.03		5.29		13.93		19.65	
Acre Unit Price	$0	$50,899		$87,251		$51,985		$69,993		$75,064	
Transaction Adjustments											
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Market Trends Through 12/12/2007	3.0%	1.1%		2.3%		4.7%		5.1%		7.9%	
Adjusted Acre Unit Price		$51,458		$89,245		$54,454		$73,561		$80,981	
Location	Ebenezer Road, Twin Lakes, Della's Way	Lexington Commons		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		10%		-10%		0%		0%		0%	
$ Adjustment		$5,146		-$8,925		$0		$0		$0	
Acres	7.796	13.35		15.03		5.29		13.93		19.65	
% Adjustment		10%		10%		0%		10%		10%	
$ Adjustment		$5,146		$8,925		$0		$7,356		$8,098	
Topography	Generally Level	Gently Rolling		Level		Sloping		Gently Rolling		Rolling; Stream bisects	
% Adjustment		0%		0%		40%		0%		0%	
$ Adjustment		$0		$0		$21,782		$0		$0	
Shape	Mostly Rectangular	Irregular		Irregular		Rectangular		Irregular		Irregular	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer (has to be extended),	Water/Sewer		Water / Sewer		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Zoning	BD-II	MF-15		RD-I		RD-1		PUD		OI	
% Adjustment		0%		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0		$0	
Encumbrance or Easement	None	Duke P/L, Water Line		No Adverse		No Adverse		No Adverse		No Adverse	
% Adjustment		20%		0%		0%		0%		0%	
$ Adjustment		$10,292		$0		$0		$0		$0	
Road Frontage	Ebenezer Rd., Twin Lakes Rd., Della's Way	Lexington Commons Drive, Baylor Drive		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment		0%		5%		5%		5%		5%	
$ Adjustment		$0		$4,462		$2,723		$3,678		$4,049	
Adjusted Acre Unit Price		$72,042		$93,707		$78,958		$84,595		$93,128	
Net Adjustments		40.0%		5.0%		45.0%		15.0%		15.0%	
Gross Adjustments		40.0%		25.0%		45.0%		15.0%		15.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparables 3, 4 and 5 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 2 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1, 2 4 and 5 adjusted a positive 10% for larger size. The topography of Comparables 1, 2, 4 and 5 is similar to the subject. Comparable 3 has sloping topography inferior to the subject. Based on comparison with the remaining sales, Comparable 3 is adjusted a positive 40% for inferior topography. Comparable 1 is adjusted a positive 20% for inferior Duke Powerline easement. The subject has extensive road frontage. Comparable 1 has similar road frontage. Comparables 2, 3, 4 and 5 are adjusted a positive 5% for inferior road frontage compared to the subject. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $72,042 to $93,707 per acre with a median price per acre of $84,595 and an average price per acre of $84,486. Based upon this analysis a value of $85,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area B**, as if vacant.

Land Size (Acres)		$/Ac		Estimated Value
7.796	x	$85,000	=	$662,660
		Rounded to:		**$663,000**

Land Analysis Grid		Comp 1		Comp 2		Comp 3		Comp 4	
ID	C	526		528		527		529	
Address	Lynnhaven Drive	755 Falls Road		Garden Ridge		Pennington Road		Newcastle Drive	
City	Rock Hill	Rock Hill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina	South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007	10/8/2007		5/30/2007		8/22/2006		11/7/2005	
Price	--	$100,000		$90,000		$190,000		$145,495	
Acres	10.337	8.11		13.12		11.90		22.07	
Acre Unit Price	$0	$12,330		$6,860		$15,966		$6,592	
Transaction Adjustments									
Property Rights	Fee Simple	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price		**$12,330**		**$6,860**		**$15,966**		**$6,592**	
Market Trends Through	12/12/2007	0.5%	3.0%	1.6%		3.9%		6.4%	
Adjusted Acre Unit Price		$12,396		$6,970		$16,595		$7,014	
Location	Lynnhaven Drive	Falls Road		Garden Ridge		Pennington Road		Newcastle Drive	
% Adjustment		0%		10%		-20%		10%	
$ Adjustment		$0		$697		-$3,319		$701	
Acres	10.337	8.11		13.12		11.90		22.07	
% Adjustment		0%		0%		0%		20%	
$ Adjustment		$0		$0		$0		$1,403	
Topography	Sloping	Gently Rolling		Sloping		Sloping		Sloping	
% Adjustment		-10%		0%		0%		0%	
$ Adjustment		-$1,240		$0		$0		$0	
Shape	Irregular	Irregular		Irregular		Irregular		Irregular	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer,	Well / Septic		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Zoning	RC-I	AGC-I		AGC		RC-I		RUD-I	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Encumbrance or Easement	None	No Adverse		Duke Power R/W		No Adverse		No Adverse	
% Adjustment		0%		25%		0%		0%	
$ Adjustment		$0		$1,742		$0		$0	
Road Frontage	Lynhaven Rd., Hilldale Rd., Plantation Rd.	Falls Road; Bridgewater Road		Garden Ridge		Pennington Road		Newcastle Drive	
% Adjustment		0%		0%		0%		0%	
$ Adjustment		$0		$0		$0		$0	
Adjusted Acre Unit Price		**$11,156**		**$9,409**		**$13,276**		**$9,118**	
Net Adjustments		-10.0%		35.0%		-20.0%		30.0%	
Gross Adjustments		10.0%		35.0%		20.0%		30.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparable 1 is considered similar to the subject. Comparables 2 and 4 are located in an area that is considered inferior to the subject and each is adjusted a positive 10% for location. Comparable 3 is located in an area that is considered superior to the subject and is adjusted a negative 20% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparable 4 adjusted a positive 20% for larger size. Comparable 1 has gently rolling topography superior to the subject and has been adjusted a negative 10%. Comparable 2 is adjusted a positive 25% for inferior Duke Powerline easement. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $9,118 to $13,276 per acre with a median price per acre of $10,282 and an average price per acre of $10,740. Based upon this analysis a value of $10,000 per acre is indicated and supported by the market information analyzed. Each of the Comparables is considered in determining a value from the data analyzed with most weight placed on Comparables 1, 3, and 4. The following calculation shows the estimated market value of the **Area C**, as if vacant.

Land Size (Acres)		$/Ac		Estimated Value
10.337	x	$10,000	=	$103,370
		Rounded to:		**$103,000**

Land Analysis Grid			Comp 1		Comp 2		Comp 3		Comp 4		Comp 5	
ID	D		530		537		531		534		533	
Address	Twin Lakes Road and Celanese Road		1971 Lexington Commons Drive		Pleasant Road		3076 Celanese Road		India Hook Road		S. Herlong Avenue	
City	Rock Hill		Rock Hill		Fort Mill		Rock Hill		Rock Hill		Rock Hill	
State	South Carolina		South Carolina		South Carolina		South Carolina		South Carolina		South Carolina	
Date	12/12/2007		7/30/2007		3/8/2007		5/18/2006		4/7/2006		5/19/2005	
Price	--		$679,500		$1,311,021		$275,000		$975,000		$1,474,999	
Acres	7.255		13.35		15.03		5.29		13.93		19.65	
Acre Unit Price	$0		$50,899		$87,251		$51,985		$69,993		$75,064	
Transaction Adjustments												
Property Rights	Fee Simple	Fee Simple		0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%	Fee Simple	0.0%
Financing	Cash to Seller	Cash to Seller		0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%	Cash to Seller	0.0%
Conditions of Sale	Arms Length	Arms Length		0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%	Arms Length	0.0%
Adjusted Acre Unit Price			$50,899		$87,251		$51,985		$69,993		$75,064	
Market Trends Through	12/12/2007	3.0%	1.1%		2.3%		4.7%		5.1%		7.9%	
Adjusted Acre Unit Price			$51,458		$89,245		$54,454		$73,561		$80,981	
Location	Twin Lakes Road and Celanese Road		Lexington Commons		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment			10%		-10%		0%		0%		0%	
$ Adjustment			$5,146		-$8,925		$0		$0		$0	
Acres	7.255		13.35		15.03		5.29		13.93		19.65	
% Adjustment			10%		10%		0%		10%		10%	
$ Adjustment			$5,146		$8,925		$0		$7,356		$8,098	
Topography	Sloping towards creek		Gently Rolling		Level		Sloping		Gently Rolling		Rolling; Stream bisects tract	
% Adjustment			-40%		-40%		0%		-40%		-40%	
$ Adjustment			-$20,583		-$35,698		$0		-$29,424		-$32,392	
Shape	Irregular		Irregular		Irregular		Rectangular		Irregular		Irregular	
% Adjustment			0%		0%		0%		0%		0%	
$ Adjustment			$0		$0		$0		$0		$0	
Utilities	Electricity, Water, Sewer,		Water/Sewer		Water / Sewer		Water / Sewer		Water / Sewer		Water / Sewer	
% Adjustment			0%		0%		0%		0%		0%	
$ Adjustment			$0		$0		$0		$0		$0	
Zoning	RD-I		MF-15		RD-I		RD-1		PUD		OI	
% Adjustment			0%		0%		0%		0%		0%	
$ Adjustment			$0		$0		$0		$0		$0	
Encumbrance or Easement	Powerline		Duke P/L, Water Line		No Adverse		No Adverse		No Adverse		No Adverse	
% Adjustment			20%		0%		0%		0%		0%	
$ Adjustment			$10,292		$0		$0		$0		$0	
Road Frontage	Celanese Road, Twin Lakes Road		Lexington Commons Drive, Baylor Drive		Pleasant Road		Celanese Road		India Hook Road		S. Herlong Avenue	
% Adjustment			0%		5%		5%		5%		5%	
$ Adjustment			$0		$4,462		$2,723		$3,678		$4,049	
Adjusted Acre Unit Price			$51,458		$58,009		$57,177		$55,171		$60,736	
Net Adjustments			0.0%		-35.0%		5.0%		-25.0%		-25.0%	
Gross Adjustments			80.0%		65.0%		5.0%		55.0%		55.0%	

Explanation of Adjustments

The first adjustment to be made in any appraisal is for:

1) Property rights appraised
2) Financing concessions
3) Condition of sale
4) Expenditures immediately after sale
5) Market conditions (time)

All of the sales were of the full fee interest and no unusual or atypical financing arrangements were noted. The conditions of the sales were typical for the market. There were no expenditures immediately after sale that had an impact on the price paid. All sales are adjusted a positive 3% per year to reflect the present market conditions in the area.

Adjustments for physical characteristics include location, size, topography, shape, utilities, zoning, easements and road frontage. The location of Comparables 3, 4 and 5 is considered similar to the subject. Comparable 1 is located in an area that is considered inferior to the subject and is adjusted a positive 10% for location. Comparable 2 is located in an area that is considered superior to the subject and is adjusted a negative 10% for location. The size (acres) of each of the comparables is adjusted accordingly to the subject with Comparables 1, 2, 4 and 5 adjusted a positive 10% for larger size. The topography of Comparable 3 is most similar to the subject with no adjustment. Based on comparison with the remaining sales, Comparables 1, 2, 4 and 5 are adjusted a negative 40% for superior topography. Comparable 1 is adjusted a positive 20% for inferior Duke Powerline easement. The subject has extensive road frontage. Comparable 1 has similar road frontage. Comparables 2, 3, 4 and 5 are adjusted a positive 5% for inferior road frontage compared to the subject. No additional adjustments for physical differences are indicated.

Final Market Value Estimate - Vacant Land

After the indicated adjustments are made, the sales range in price from $51,458 to $60,736 per acre with a median price per acre of $57,177 and an average price per acre of $56,510. Based upon this analysis a value of $55,000 per acre is indicated and supported by the market information analyzed. The following calculation shows the estimated market value of the **Area D**, as if vacant.

Land Size (Acres)		S/Ac		Estimated Value
7.255	x	$55,000	=	$399,025
		Rounded to:		**$400,000**

Reconciliation and Final Value Estimate

The only approach to value used is the Sales Comparison Approach to Value. The Land Value estimate is based upon land sales in the immediate market area of the subject which are considered comparable to the subject property. The available data is current and is considered to provide a good indication of land value. The subject properties are located within an area of the county with good access, exposure and visibility.

After applying the methods and techniques recommended by the Appraisal Institute, and after analyzing the data presented in the attached report, it is my opinion that the retrospective market value of the fee simple interest of the subject properties, as of December 12, 2007, is:

AREA A

ONE HUNDRED FORTY FIVE THOUSAND DOLLARS
($145,000)

AREA B

SEVEN HUNDRED THOUSAND DOLLARS
($700,000)

AREA C

ONE HUNDRED THREE THOUSAND DOLLARS
($103,000)

AREA D

FOUR HUNDRED THOUSAND DOLLARS
($400,000)

As outlined in the report, the subject properties were not inspected on December 12, 2007, the date of value, and a hypothetical condition exists that the overall condition of the subject properties were similar on December 12, 2007, to the observed condition on the date of inspection, August 12, 2014 and November 14, 2014. The final value estimates are based upon the various considerations outlined in the definition of market value shown earlier. The value estimates outlined within this report are based upon an estimated marketing time and exposure time of 6 months to 12 months. It should be noted that exposure time occurs prior to the value estimate and the marketing time occurs after the value estimate.

My valuation of the subject property considered the best information that was available at the time of my analysis. Due to on-going volatility in the marketplace, users of this appraisal should consider the current market uncertainty. Reliance on an appraisal may be affected by the scope of work. Users are reminded that the appraisal conclusions in this report are effective as of the stated date(s) of valuation.

Respectfully submitted,

George E. Knight, Jr., MAI
South Carolina State Certified General
Real Estate Appraiser No. CG 1531

GEKjr/kdw

Addenda

Subject Deed(s)

(COPIES OF THE PLATS ARE CONTAINED IN THE SUBJECT PHOTOGRAPHS AND EXHIBITS SECTION OF THE REPORT)

2340.00
990.00
10.00

200700386556
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON
12-17-2007 At 10:08 am.
DEED 10.00
State Tax 2340.00
County Tax 990.00
OR Vol 9673 Page 150 - 154

Prepared by and return to:

Joshua B. Vann, Esq.
MORTON & GETTYS, LLC
334 Oakland Avenue
Post Office Box 707
Rock Hill, South Carolina 29731

RECORDED
YORK COUNTY
TAX ASSESSOR'S OFFICE
DATE 12-17-07
TAX MAP NO. 592-2-1-63 64, 164, 110
INITIALS TS / dm

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED is made as of the 12th day of December, 2007, by and between **T.E. CATO ESTATE, LLC**, a limited liability company organized and existing under the laws of the State of South Carolina, as party of the first part, hereinafter referred to as "Grantor," and **THOMASSON APTS., L.L.C.**, a limited liability company organized and existing under the laws of the State of South Carolina having a principal mailing address of 1612 Ebenezer Road, Suite 203, Rock Hill, South Carolina, 29732, as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the successors and assigns of each of the parties hereto.

WITNESSETH:

WHEREAS, Grantor and Grantee are each a party to that certain real estate purchase contract ("Contract") dated as of August 3, 2007, as subsequently amended, providing, in part, for the sale and conveyance by Grantor to Grantee of the real property ("Property") hereafter described, which such Contract, as amended, shall survive the execution and recordation hereof; and,

WHEREAS, Grantor and Grantee each agree that Grantor is now obligated to convey the Property to Grantee.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee, all of Grantor's right, title,

U:\jvann\2007 Files\Real Estate\0092-JBV-RE-2007, Cato Estate to Thomasson\General Warranty Deed, 12-11-07.DOC

BK09673 PG0150

and interest in and to the Property (being described in Exhibit "A," which is attached hereto and incorporated herein by this reference) and all improvements affixed thereto and lying thereupon (with such improvements being considered as a part of the Property), subject, however, to the terms and provisions of this General Warranty Deed.

The Property is hereby conveyed to the Grantee subject to easements, conditions, restrictions, exceptions, and other matters of record in the chain of title to the Property, other than and excepting monetary liens (including rollback taxes, if applicable), including, but not being limited to, those matters which are listed below, these and all such matters as may arise out them being matters to which the warranty of Grantor as contained herein shall not apply:

1.0 Taxes for the year 2008 and subsequent years, which constitute a lien but are not yet due and payable;

2.0 Matters of zoning and other ordinances governing the use and enjoyment of the Property;

3.0 Matters which would be revealed by a current survey or physical inspection of the Property.

TO HAVE AND TO HOLD the Property, subject to the above easements, restrictions, and exceptions, together with any and all of the rights, members and appurtenances thereof, the same being, belonging or in anywise appertaining to, the only proper use, benefit and behoof of the Grantee forever IN FEE SIMPLE, on the terms and conditions contained herein.

GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee against the claims of all persons whomsoever claiming by, through or under Grantor, or Grantor's successors and assigns, and against all others, subject to the limitations contained herein.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Grantor has signed and sealed this deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

(W-1)

(W-2)

GRANTOR:
T.E. CATO ESTATE, LLC

By: James Thomas Cato
James Thomas Cato

Its: General Manager

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF YORK)

PERSONALLY APPEARED before me the below signed witness and made oath that s/he saw James Thomas Cato, as the General Manager of the Grantor herein named, sign, seal, and as said Grantor's act and deed, deliver the within written General Warranty Deed for the uses and purposes therein mentioned, and that s/he, with the other witness signing above, witnessed the execution thereof.

Witness 1

SWORN to before me this 12 th day of December, 2007

Notary Public for South Carolina: Witness 2
My Commission Expires: 11/17/2014
[SEAL HERE]

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

ALL that certain piece parcel or tract of land located in the State of South Carolina, County of York, Township of Ebenezer, shown as Tracts or Areas A, B, C, and D on that certain plat of survey entitled "Composite Plat Showing Subdivision of T.E. Cato Est.," drawn by R.H. Marrett, RLS on December 20, 1967, as revised July 15, 1968, and recorded in Plat Book 33, Page 192 in the Office of the Clerk of Court for York County, South Carolina, to which plat reference is made for a more complete and accurate description as to the courses and distances of the property described herein (being TMS #s 592-02-01-063, 064, 164, and 110).

LESS AND EXCEPTING the following Deeds conveyed from the South Carolina Department of Transportation: Deed Book 6242, Page 124, Deed Book 6242, Page 128, Deed Book 3070, Page 254, Deed Book 3070, page 257, Deed Book 3070, Page 260, Deed Book 3070, Page 266, Deed Book 3070, Page 263, Deed Book 3144, Page 267, Deed Book 3070, Page 269, Deed Book

DERIVATION: BEING the same property conveyed to the within Grantor by the following deed, recorded in the York County, South Carolina Clerk of Court's Office: Book 9246, Page 148.

BK09673 PG0153

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF YORK)

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is known as Tracts or Areas A, B, C and D of Plat for "Composite Plat Showing Subdivision of T.E. Cato Est", York County, and bearing the following tax map numbers 592-02-01-063, 064, 164 and 110, was transferred by T.E. Cato Estate, LLC to Thomasson Apts., LLC on December 12, 2007.

3. The transaction was (check one):

(a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money's worth.
(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _____ The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.* because the deed is: _____.

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.:

(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $900,000.00.
(b) _____ The fee is computed on the fair market value of this realty which is _____.
(c) _____ The fee is computed based on the fair market value of the realty as established for property tax purposes which is _____.

5. Check: YES ___ or No X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes" the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a)	Place the amount listed in item 4 above here:	$ 900,000.00
(b)	Place the amount listed in item 5 above here:	0.00
(c)	Subtract line 6(b) from line 6(a) and place result here:	$ 900,000.00

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: $ 3,330.00.

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Attorney. I further understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Joshua B. Vann, Attorney

SWORN to before me this 12th day of December, 2007.

Notary Public for South Carolina
My commission expires: 11/17/2014

U:\jkimbrell\Jill\FORMS - Master folder\REAL ESTATE FORMS\DEEDS\Deed Affidavit.doc

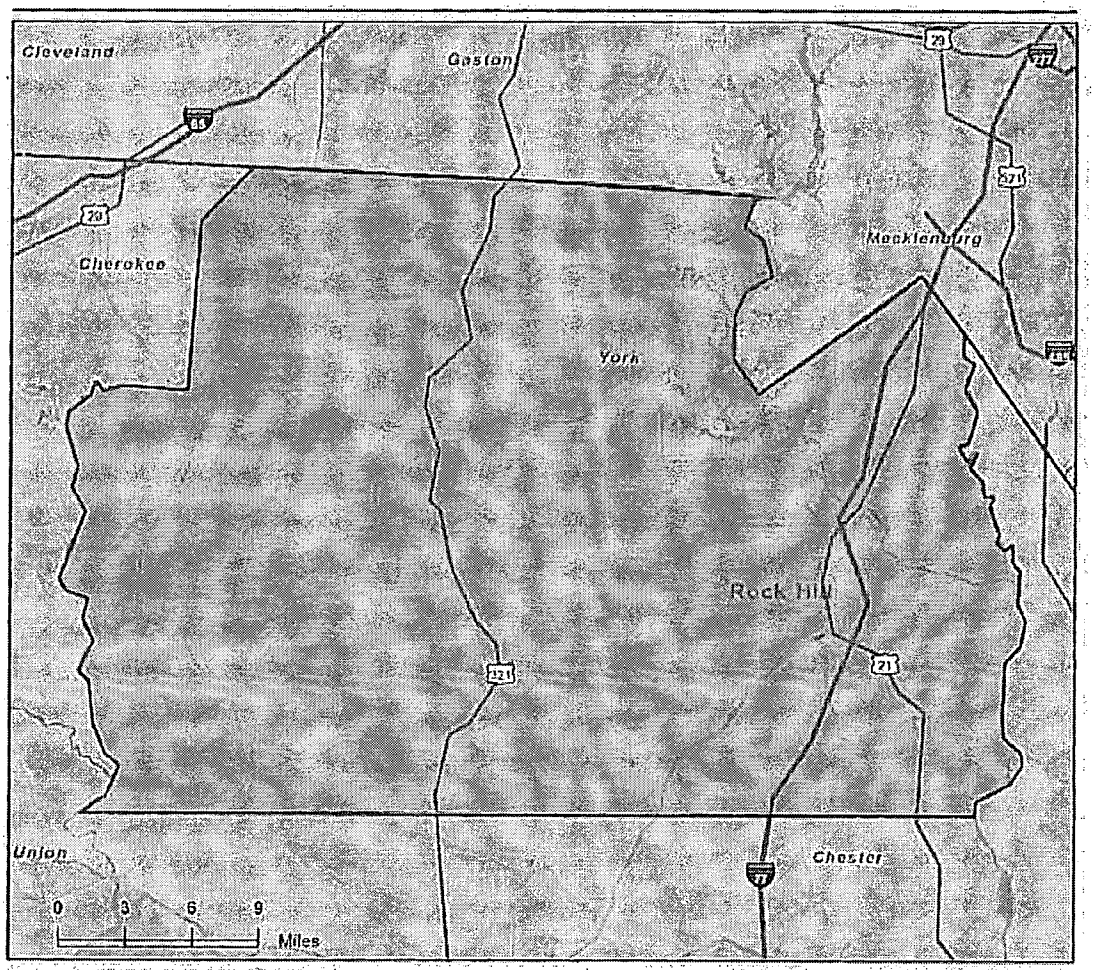
BK09673 PG0154

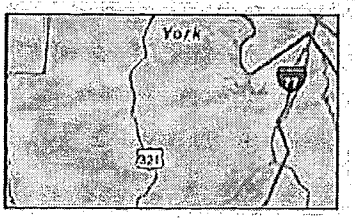
Current Demographics

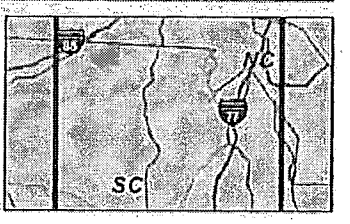
Site Map

York County

Prepared by George Knight







November 05, 2014



Demographic and Income Profile - Appraisal Version

York County
York County, SC (45091)
Geography: County

Prepared by George Knight

Summary	Census 2010	2013	2018
Population	226,073	238,253	258,627
Households	85,864	90,954	99,099
Families	61,089	64,529	69,860
Average Household Size	2.59	2.58	2.57
Owner Occupied Housing Units	62,119	64,411	70,631
Renter Occupied Housing Units	23,745	26,543	28,468
Median Age	37.1	37.7	38.0

Trends: 2013 - 2018 Annual Rate	Area	State	National
Population	1.65%	1.02%	0.71%
Households	1.73%	1.10%	0.74%
Families	1.60%	0.95%	0.63%
Owner HHs	1.86%	1.17%	0.94%
Median Household Income	2.50%	3.59%	3.03%

	2013		2018	
Households by Income	Number	Percent	Number	Percent
<$15,000	11,801	13.0%	11,684	11.8%
$15,000 - $24,999	11,051	12.2%	8,039	8.1%
$25,000 - $34,999	9,482	10.4%	8,452	8.5%
$35,000 - $49,999	11,362	12.5%	12,124	12.2%
$50,000 - $74,999	17,382	19.1%	20,963	21.2%
$75,000 - $99,999	12,234	13.5%	15,582	15.7%
$100,000 - $149,999	11,288	12.4%	13,923	14.0%
$150,000 - $199,999	3,719	4.1%	4,922	5.0%
$200,000+	2,634	2.9%	3,409	3.4%
Median Household Income	$51,727		$58,524	
Average Household Income	$69,236		$81,879	
Per Capita Income	$26,571		$31,502	

	Census 2010		2013		2018	
Population by Age	Number	Percent	Number	Percent	Number	Percent
0 - 4	15,534	6.9%	15,807	6.6%	17,043	6.6%
5 - 9	16,226	7.2%	16,522	6.9%	17,300	6.7%
10 - 14	16,341	7.2%	16,922	7.1%	18,136	7.0%
15 - 19	16,108	7.1%	16,466	6.9%	17,508	6.8%
20 - 24	14,251	6.3%	15,989	6.7%	16,366	6.3%
25 - 34	27,727	12.3%	29,256	12.3%	32,898	12.7%
35 - 44	33,683	14.9%	32,989	13.8%	33,072	12.8%
45 - 54	34,029	15.1%	35,169	14.8%	35,836	13.9%
55 - 64	26,546	11.7%	29,559	12.4%	33,392	12.9%
65 - 74	15,250	6.7%	18,097	7.6%	23,133	8.9%
75 - 84	7,604	3.4%	8,411	3.5%	10,366	4.0%
85+	2,772	1.2%	3,066	1.3%	3,577	1.4%

Data Note: Income is expressed in current dollars.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

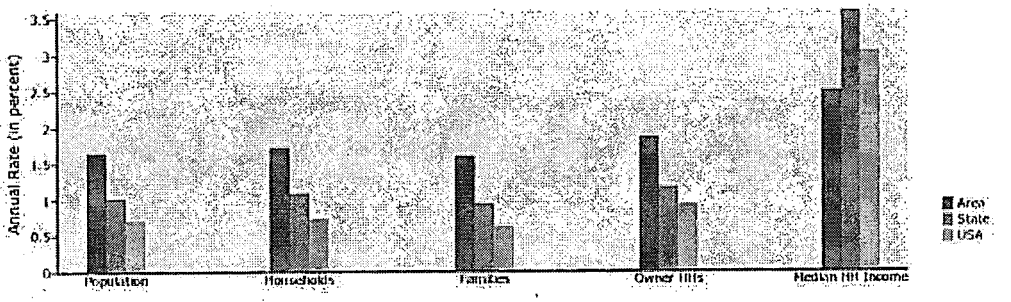
November 05, 2014

Demographic and Income Profile - Appraisal Version

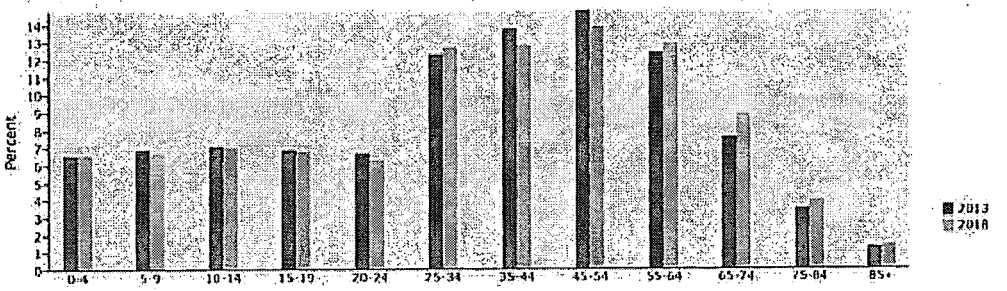
York County
York County, SC (45091)
Geography: County

Prepared by George Knight

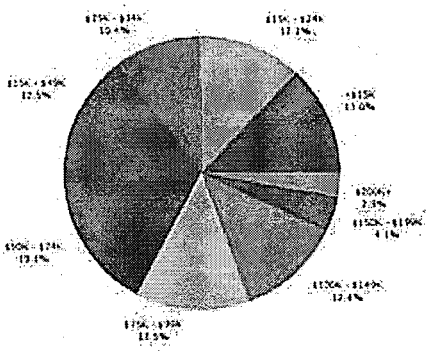
Trends 2013-2018



Population by Age



2013 Household Income



Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018.

November 05, 2014

Qualifications of George E. Knight, Jr., MAI

Professional Designation
Member, Appraisal Institute, (MAI) Certificate No. 12092

Education
Bachelor of Science Degree Business Administration, Real Estate and Finance,
University of South Carolina, May 1987

Appraisal Education
Core Courses
Appraisal Institute
Course 1A1, Real Estate Appraisal Principles, February 1991
Course SPP, Standards of Professional Practice, Parts A & B, September 1991
Course 1A2, Basic Valuation Procedures, May 1992
Course 1BA, Capitalization Theory and Techniques, Part A, May 1992
Course 1BB, Capitalization Theory and Techniques, Part B, November 1992
Course 320, General Applications, April 1994
Course 520, Highest & Best Use and Market Analysis, October 1998
Course 550, Advanced Applications, October 2000
Course 530, Advanced Sales Comparison and Cost Approaches, January 2002
Course 540, Report Writing and Valuation Analysis, June 2002
Course 810, Computer-Enhanced Cash Flow Modeling, November 2004
Course 400, 7-Hour Update USPAP, May 2010

Current Seminars
Appraisal Institute
Subdivision Valuation, June 2006
AI Reports – AI 100 Summary Report Residential July 2006
Forecasting Revenue, March 2007
The Real Estate Economy: What's In Store for 2008? July 2007
The Valuation of Wetlands, July 2007
Analyzing Distressed Real Estate, January 2008
Evaluating Commercial Construction, March 2008
Spotlight on USPAP: Common Errors and Issues, July 2008
Business Practices and Ethics, November 2008
Appraising Distressed Commercial Real Estate: Here We Go Again, November 2008
Property Tax Reform Act of 2006 – Its Effect on Market Value, January 2009
A Lenders Prospective: The Role of the Appraiser in the Lending Process: July 2009
Appraising Distressed Commercial Real Estate: January 2010
Spotlight on USPAP: Appraisal Review: April 2010
What Commercial Clients Would Like Appraisers To Know July 2010
Step Up To Leadership and Stand Out In Your Appraisal Career July 2010
The Lending World in Crisis What Clients Need Their Appraisers to Know Today January 2011
Advance Spreadsheet Modeling for Advanced Applications April 2011
Meet the Challenges of the Changing Real Estate Profession, October 2011
Appraising the Appraisal: Appraisal Review General, January 2012
Fundamentals of Separating Real Property, Personal Property and Intangible Business Assets, March 2012

CLE International
Eminent Domain, The Nuts and Bolts of Public Takings, February-March, 2005

American Society of Farm Management and Rural Appraisers
Timber and Timberland Valuation, Course 05-CE-170, February 1999

Professional Associations
Appraisal Institute
Leadership Development Advisory Council (LDAC), March 2004, March 2005, May 2006
Leadership Development Advisory Council (LDAC), May 2007 Discussion Leader, April 2008 Vice Chair, April 2009 Chair
Appraisal Institute Education Trust, Committee Member, 2009, 2010, 2011
Appraisal Institute Government Relations, Committee Member, 2010, 2011
Appraisal Institute Region IX Chapter Services Representative, 2011-2012

Appraisal Institute - SC Chapter
Chairman, Associates Guidance Committee (2004-2005)
Co-Chairman; Government Relations Committee (2005-2006)
Chairman, Government Relations Committee (2007, 2008, 2009, 2010)
Chapter Secretary (2007), Chapter Treasurer (2008), 2nd Vice President (2009), Vice President (2010), President (2011), Immediate Past President (2012)

International Right of Way Association – North and South Carolina Chapter 31
Valuation Committee Chairman (2006, 2007, 2008, 2009, 2010, 2011, 2012)

Greater Columbia Association of Realtors

Other Associations
Leadership Columbia, Class of 2005
Leadership Columbia Committee (2006, 2007, 2008)
Leadership Columbia Alumni Association Board (2006, 2007, 2008, President – 2009)
Columbia Rotary Club, (2002 to 2010)
Share Our Suzy (SOS), Board of Directors (2006 to present)

S. C. Real Estate Appraisers Board
Board Member, 2012
Internal Review Committee (2006 to 2011)

Professional Experience
Real Estate Broker for Bob Capes Realtors, June 1987 - June 1988
Research Assistant & Associate Appraiser for Jeffery Wyman & Associates, Inc., February 1991 - June 1995
Appraiser and Partner – Real Estate Appraisers and Consultants, LLC (REAC) Real Estate Appraisal Firm, July 1995 to Present
Broker in Charge and Owner – The Knight Company, LLC, Real Estate Brokerage Firm, 1995 to Present
Qualified as an expert witness in Circuit Court for South Carolina and North Carolina

Licenses
South Carolina State Licensed Real Estate Broker
South Carolina State Certified General Real Estate Appraiser, Certificate No. CG 1531
Georgia Certified General Real Property Appraiser No. 214603
North Carolina State Certified General Real Estate Appraiser No. A4485

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTEENTH JUDICIAL CIRCUIT

Case No. 2013CP4603623

David Alan Burton Individually and as Successor Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, Individually and and in the Right and on Behalf of T.E. Cato Estate LLC,

Plaintiffs,

v.

Joshua B. Vann, Esq., and Morton & Gettys, LLC

Defendants

FILED-RECEIVED
2013 NOV 18 P 12:34
C.C.P.&S.
YORK COUNTY, SC

SUMMONS

TO THE DEFENDANTS, JOSHUA B. VANN, ESQ., AND MORTON & GETTYS, LLC

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the Plaintiff, through his attorney, George Hunter McMaster of Tompkins & McMaster, LLP, at his office at 1530 Richland Street, Columbia, South Carolina, 29201, within thirty-five (35) days after 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 in Columbia, South Carolina, this 12th day of November, 2013.

George Hunter McMaster, Esquire
Attorney for the Plaintiffs
SC BAR #2886
TOMPKINS & McMaster, LLP
1530 Richland Street
Columbia, South Carolina 29201
Ph: (803) 799-4499; Dd: (803)-255-8373
Fx: (803) 252-2240
E-mail: ghm@tmmlaw.net

01848

STATE OF SOUTH CAROLINA COUNTY OF YORK	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT
David Alan Burton Individually and as Successor Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, Individually and and in the Right and on Behalf of T.E. Cato Estate LLC, Plaintiffs, v. Joshua B. Vann, Esq., and Morton & Gettys, LLC Defendants	Case No. 2013CP4603523 **COMPLAINT**

FILED-RECEIVED
2013 NOV 18 PM 12:34
C.C.C.P. & G.S.
YORK COUNTY, SC

The Plaintiff, David Alan Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, hereinafter referred to as "Plaintiff", complaining of the Defendants Joshua B. Vann, Esq. ("Defendant Vann"), and Morton & Gettys, LLC ("Defendant MG"), hereinafter collectively referred to as "the Defendants", allege as follows:

ALLEGTIONS

[AS TO THE PARTIES]

1. Plaintiff is the successor Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust ("the Trust"), which was created pursuant to the laws of the State of North Carolina by a Declaration of Trust dated January 19, 2007.

2. Formerly a Trustee of the Trust, Plaintiff's mother, Marjorie Cato Burton, ("Mrs. Burton") was born on February 28, 1918, is 95 years of age, suffers from various infirmities of age, and resides in a nursing home Raleigh, North Carolina.

3. Upon information and belief, Defendant MG is the law firm that was engaged to represent TAL in the course of transactions described in this pleading, and its offices for the practice of law are located at 616 East Liberty Street, York, SC 29745, and at 334 Oakland Avenue, PO Box 707, Rock Hill, SC 29731.

4. Upon information and belief, Defendant Vann is the attorney that was engaged to represent TAL in the course of transactions described in this pleading, is admitted to the practice of law in the State of South Carolina, and is employed as a partner by Defendant MG in MG's office located at 334 Oakland Avenue, PO Box 707, Rock Hill, SC 29731.

ALLEGATIONS

[AS TO THE FACTS]

5. Sometime during the first quarter of 2007, James Thomas Cato ("Mr. Cato") and six other members of a family, one of whom was Plaintiff, engaged Carroll M. Pitts, Jr., Esquire, of the York County Bar and Robinson Bradshaw & Hinson, P.A., (collectively "Pitts") seeking to form a limited liability company.

6. Upon information and belief, the purpose of forming the limited liability company, which became known as T.E. Cato Estate, L.L.C. ("Cato, LLC"), was to establish a single legal entity that could negotiate with one or more developers for the potential sale of certain parcels of real property known as the Areas, including four parcels --- Areas A, B, C, and D --- and the "Old Roadbed Tract" (collectively referred to hereinafter as "the Areas") owned at that time by the descendants of T.E. Cato, deceased.

7. Thereafter, upon information and belief, Pitts:

a. Prepared articles of organization ("Articles") and an Operating Agreement for formation of Cato, LLC ("Operating Agreement");

b. Prepared a general warranty deed ("Deed into Cato, LLC"), intended to convey the respective fractional interests in the Areas owned by the individual family members to Cato, LLC; and

c. Released the Articles, Agreement, and Deed into Cato, LLC to Mr. Cato for execution by the family members.

8. Mrs. Burton executed the Articles as an organizer of Cato, LLC; the Operating Agreement and the Deed into Cato, LLC, which deed was recorded July 10, 2007.

9. The legal description of the Deed into Cato, LLC. was in error and did not property describe the properties to be conveyed.

10. Upon information and belief, after the formation of Cato, LLC and during negotiations with one or more developers for the sale of real property a "Letter of Intent" for sale of the "remaining acreage" purportedly owned by Cato, LLC was issued by Thomasson Apts. Ltd., LLC ("TAL") and on or about July 25, 2007 was executed by Mr. Cato for Cato, LLC on or about August 3, 2007.

11. Upon information and belief, sometime after August 3, 2007, TAL sought a title search of the Areas by Defendant Vann and Defendant MG, the attorney and law firm, respectively, engaged to represent TAL in TAL's efforts to acquire the Areas from Cato, LLC. As a result:

a. Defendant Vann and/or Defendant MG determined that title to the Old Roadbed Tract was held by the members of Cato, LLC individually, not by Cato, LLC ;

b. Defendant Vann, and one or mere representatives of TAL, and Mr. Cato met and/or spoke by telephone and, agreed that Cato, LLC's members should each, individually, execute a quitclaim deed ("Quitclaim Deed"), containing an accurate legal description of the property to be sold, and

c. The Quitclaim Deed was prepared, upon information and belief, by Defendant Vann, or under the supervision of Defendant Vann, conveying their respective fractional interests in the Old Roadbed Tract to Cato, LLC.

12. Upon information and belief, during October or November 2007, Mr. Cato circulated the Quitclaim Deed for execution and all of the LLC's members individually executed the Quitclaim Deed, saving and excepting, Mrs. Burton, who declined to do so until specific concerns that she had raised were addressed.

13. Upon information and belief, by sometime in November 2007:

a. Defendant Vann and Defendant MG were aware of and had access to the Articles, the Agreement, and the Deed into Cato, LLC prepared by Pitts;

b. That Mrs. Burton objected to the pending sale of the Areas to TAL, and

c. That Mrs. Burton had refused to execute the Quitclaim Deed.

14. Upon information and belief, Defendant Vann, on or more representatives of TAL, and Mr. Cato met, and/or spoke by telephone, and decided to circumvent Mrs. Burton's failure to execute the Quitclaim Deed.

15. Upon information and belief, Defendant Vann, or others under the supervision of Defendants Vann, began to create those legal documents necessary to consummate the sale between TAL and Cato, LLC.

16. Defendant Vann then prepared an "Amendment to Contract" ("the Amendment"), which, *inter alia*, provided:

a. Ratification of the Letter of Intent as a contract;

b. Closing of the sale by Cato, LLC to Defendant of the Areas alone for the arbitrarily established value of $900,000.00;

c. Filing of an action against Mrs. Burton for partition of the Old Roadbed, which had an arbitrarily established value of $100,000.00;

d. That TAL would approve the attorney for the partition action;

e. TAL's undertaking to pay the first $10,000 in legal fees and costs for the partition action.

17. Upon information and belief, prior to December 12, 2007, a packet of proposed closing documents was sent by Defendant Vann and/or Defendant MG, as the buyer's (TAL's) attorney, for review by Pitts.

18. Upon information and belief, in furtherance of the purported transaction in general and the Letter of Intent and the Amendment in particular;

a. On or before December 12, 2007, without the Trust's or Mrs. Burton's knowledge or consent, Defendant Vann prepared a general warranty deed for the seller, Cato, LLC ("Deed out of Cato, LLC"), purporting to sell the Areas without the Old Roadbed to TAL "FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand paid and other good and valuable consideration";

b. On December 12, 2007, Defendant Vann, as closing attorney and the only attorney present, conducted the closing of the sale of the Areas using the Deed out of Cato, LLC, which he prepared without the knowledge or consent of Mrs. Burton.

c. Defendant Vann prepared a seller's settlement statement from that closing noting that a payment outside closing ("POC") was made to Pitts.

d. On or about August 13, 2008, Pitts, purporting to represent all members of Cato, LLC individually saving and, excepting Mrs. Burton, filed a petition in the York County Court of Common Pleas against the Plaintiff for "Partition by Sale" seeking consummation of the sale of the property conveyed to TAL by payment of money derived by sale of the property, which was not served on Mrs. Burton as Trustee until January 26, 2009.

e. At no time pertinent to these allegations was Mrs. Burton ever given:

   i. A copy of the proposed or executed Letter of Intent;

ii. A copy of the proposed or executed Amendment;

iii. An independent professional appraisal of the Areas or Old Roadbed;

iv. Notice of any meeting of Cato, LLC's members to approve any sale to TAL; or

v. Notice of any vote of Cato, LLC's members regarding any sale to TAL.

vi. At no time pertinent to these allegations was

vii. An independent professional appraisal of the Areas or Old Roadbed ever ordered or performed;

viii. Any meeting of Cato, LLC's members held to approve any sale;

ix. Any vote of Cato, LLC's members taken regarding any sale; or

x. Mrs. Burton asked to consent to the Letter of Intent, Amendment, or Deed out of Cato, LLC.

xi. At no time did Mrs. Burton have knowledge of, nor did she or the Trust consent to the sale of the Areas or the Old Roadbed to TAL; the Letter of Intent, the Amendment, or the Deed out of Cato, LLC.

f. Upon information and belief, despite the foregoing allegations and Defendant Vann's preparation of the Deed out of Cato, LLC and his role as closing attorney for the purported sale of the Areas, at no

time did any of the Defendant Vann advise Mr. Cato, Mrs. Burton, any other member of Cato, LLC, or Cato, LLC itself of the risks, actual or potential, to Cato, LLC or its members of:

i. Mr. Cato's execution of the Deed out of Cato, LLC as a general warranty deed;

ii. Any discrepancy(ies) between the legal descriptions in the Deed into Cato, LLC and the Deed out of Cato, LLC;

iii. Any title defects affecting the Old Roadbed Tract;

iv. Execution by Cato, LLC's members of the Deed into Cato, LLC before the formation of Cato, LLC;

v. Any possibility that Cato, LLC might have been within its rights to insist upon TAL's purchase of the Areas as deeded into Cato, LLC;

vi. The basis, if any, for the allocation of the pricing of the Areas and the Old Roadbed Tract in the Amendment that, upon information and belief, favored TAL's objectives, but underpaid Cato, LLC;

vii. Cato, LLC's and TAL's failure to address Mrs. Burton's concerns;

viii. To communicate with Mrs. Burton as a member of Cato, LLC, about the sale of the Areas to TAL, thus exposing Cato, LLC to potential claims;

ix. Mrs. Burton's actual or potential rights under the Agreement and under SC Code 33-44-404(c)(12) with respect to the purported sale of the Areas;

x. Execution of the Quitclaim Deed by the individual family members who later became Petitioners and Fourth Party Defendants in the partition action;

xi. That the legal fees and costs of that litigation might be significant given the facts and nature of the litigation.

xii. The contents of the Operating Agreement of Cato, LLC with respect unanimous consent.

xiii. The potential liability due to the possibility of counterclaims and third and fourth party complaints and counterclaims in response to the partition action,

xiv. Any terms of any agreement with Defendant Vann and/or Defendant MG with Cato, LLC or the authority to consummate this transaction and to prepare a general warranty deed to real property in which she had an interest.

ALLEGATIONS OF FACT: SC CODE 33-44-1101

19. The allegations of fact set forth hereinabove are incorporated herein.

20. Plaintiff is in part commencing this action in the right of Cato, LLC inasmuch as any effort to cause Mr. Cato as General Manager to commence this action was unlikely to succeed because:

a. Upon information and belief, the legal issues presented herein arose in part as a direct result of Mr. Cato's course of conduct, and Mr. Cato evidenced no desire or intent to alter that course of conduct when it would have mattered;

b. Mr. Cato initiated proceedings and was a Petitioner against Plaintiff, as well as a Third Party Defendant and Fourth Party Defendant, in a related adversarial legal action, Case No. 2008-CP-46-3171, dealing with the same real property that is in part the subject of this case, and his role in that case was adversarial to the role of a party plaintiff; and

c. The proceedings in Case No. 2008-CP-46-3171 are the subject of two consent orders, a settlement agreement, and an assignment agreement as a result of which that case was settled, and all assets, claims, and rights of Cato, LLC were assigned to Plaintiff.

FOR A FIRST CAUSE OF ACTION
(Against Defendants Vann and MG for Legal Malpractice as to the Trust and Mrs. Burton as Trustee, or, in the Alternative, Professional Negligence)

21. The allegations of fact set forth hereinabove are incorporated herein. Mrs. Burton as then Trustee was entitled to view the Trust and herself as, and indeed they were, clients of Defendants Vann and MG and to view them as its and her attorney(s) at least, but not necessarily limited to, for the periods of time during which Defendant Vann and Defendant MG prepared the Amendment to Contract, prepared for and conducted the closing of the purported sale of the Areas to TAL, prepared the Deed out of Cato, LLC, prepared other closing documents for the purported sale of the Areas,

conducted the closing of the purported sale of the Areas, and recorded the Deed out of Cato, LLC. Under such circumstances, Defendant Vann and Defendant MG had duties to the Trust and its Trustee as Trustee including but not necessarily limited to:

a. Assuring that the purported sale of the Areas was conducted in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

i. Assuring that the Trust and Mrs. Burton as then Trustee had notice of the Amendment to Contract and the planned closing of the purported sale of the Areas especially in view of their knowledge that Mrs. Burton as then Trustee had not executed the Quitclaim Deed or consented to the purported sale of the Areas;

ii. Given their notice of the Articles, Agreement, and Deed into Cato, LLC, advising Mrs. Burton as then Trustee as to the legal significance and the rights, duties, and risks of the Trust arising out of or associated with the Amendment to Contract, the Deed out of Cato, LLC, and the planned and actual conduct of the closing of the purported sale of the Areas or, alternatively, at least advising her to seek independent legal counsel for those purposes;

iii. Performing due diligence as reasonable under the circumstances to assure i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into

Cato, LLC was a proper basis for the Deed out of Cato, LLC, and iii) that the representations, decisions, and actions of Mr. Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC and the Trust;

iii. Assuring that Cato, LLC existed before the Deed into Cato, LLC was executed; and

iv. Avoiding a conflict of interest in their representations for the Amendment to Contract, the preparation of the Deed out of Cato, LLC, the closing of the purported sale of the Areas, and, to the extent of their involvement, matters affecting the partition action.

b. As to Trust and Mrs. Burton as then Trustee, Defendant Vann and Defendant MG failed to carry out their duties in that they failed to

i. Assure that the closing of the purported sale of the Areas was conducted in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

ii. Communicate or attempt to communicate in any way with Mrs. Burton as then Trustee;

iii. In the context of the closing of the purported sale of the Areas or otherwise, provide any legal advice whatsoever to Mrs. Burton as Trustee as to the legal significance of the Articles, the Agreement, the Deed into Cato, LLC, the

Amendment to Contract, the Deed out of Cato, LLC, or the Trust's rights, duties, and risks in connection with any of those documents or, alternatively, at least advise her to seek independent legal counsel for those purposes;

iv. Perform due diligence as reasonable under the circumstances to assure that i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into Cato, LLC was a proper basis for the Deed out of Cato, LLC, and iii) that the representations, decisions, and actions of Mr. Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC and the Trust; and

v. Assure that Cato, LLC existed at the time that the Deed into Cato, LLC was executed or recorded;

vi. In rendering their legal services in connection with the Amendment to Contract, the closing of the purported sale of the Areas, or the partition action, avoid a conflict between or among their interests, the interests of the Other Members, the interests of the Trust and Mrs. Burton as Trustee, the interests of Cato, LLC itself, and the interests of TAL.

22. Alternatively, if Mrs. Burton as then Trustee was not a client of Defendant Vann and Defendant MG, nevertheless, Defendants Vann and MG had those professional duties to the Trust and Mrs. Burton as Trustee described in paragraph xx.

items i - v, and, under such circumstances, Defendants Vann and MG failed to carry out those duties as set forth in paragraph 21(b), items i - v.

23. As a result of Defendant Vann's failures at all times pertinent to the allegations of fact set forth in this Complaint:

a. Mrs. Burton as then Trustee and Plaintiff as her attorney-in-fact and then her successor Trustee remained ignorant of the Trust's rights and responsibilities as to Cato, LLC, as to other parties, and as to subsequent real estate transactions;

b. The Trust was exposed to potential liability due to the execution of the Amendment to Contract, conduct of the closing of the purported sale of the Areas, and the subsequent filing of the partition action pursuant to the Amendment to Contract; and

c. Mrs. Burton as then Trustee and Plaintiff as her attorney-in-fact and then her successor Trustee were exposed to the risks, legal fees, costs, and expenses of the Trust, Mrs. Burton as then Trustee and Plaintiff as her attorney-in-fact and then her successor Trustee and Plaintiff individually being made Defendants to the partition action and/or its related proceedings under Case No. 2008-CP-46-3171 in the Court of Common Pleas for the County of York, State of South Carolina.

24. Under these circumstances, Plaintiff is informed and believes that the Trust is entitled to an order allowing recovery for any liability, loss, damage, cost or expense suffered or to be suffered by reason of Defendant Vann's and Defendant MG's

failures specifically including but not necessarily limited to those legal fees and costs incurred by or on behalf of the Trust in connection with Case No. 2008-CP-46-3171.

FOR A SECOND CAUSE OF ACTION
(Against Defendants Vann and MG for Legal Malpractice as to Other Members of Cato, LLC, or, in the Alternative, Professional Negligence)

25. The allegations of fact set forth above are incorporated herein by reference.

26. The Other Members were entitled to view themselves as, and indeed were, clients of Defendant Vann and Defendant MG and to view them as their attorney(s) at least, but not necessarily only, for the periods of time during which Defendants Vann and MG prepared the Amendment to Contract, prepared for and conducted the closing of the purported sale of the Areas to TAL, prepared the Deed out of Cato, LLC, prepared other closing documents for the purported sale of the Areas, conducted the closing of the purported sale of the Areas, and recorded the Deed out of Cato, LLC. Under such circumstances,

a. Defendants Vann and MG had duties to the Other Members including but not necessarily limited to:

i. Assuring that the purported sale of the Areas was conducted in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

ii Assuring that the Other Members had notice of Defendant Vann's and Defendant MG's knowledge that Mrs. Burton as then Trustee had not consented to the purported sale of the

Areas and the legal issues rights, duties, and risks arising therefrom;

iii. Given their notice of the Articles, Agreement, and Deed into Cato, LLC, advising the Other Members as to the legal significance and the rights, duties, and risks of the Other Members arising out of or associated with the Amendment to Contract, the Deed out of Cato, LLC, the conduct of the closing of the purported sale of the Areas or, alternatively, at least advising them to seek independent legal counsel for those purposes;

iv. Performing due diligence as reasonable under the circumstances to assure i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into Cato, LLC was a proper basis for the Deed out of Cato, LLC, and iii) that the representations, decisions, and actions of Mr. Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC; and

v. Avoiding a conflict of interest in their representations for the Amendment to Contract, the preparation of the Deed out of Cato, LLC, the closing of the purported sale of the Areas, and, to the extent of their involvement, matters affecting the partition action.

b. Upon information and belief, as to the Other Members, Defendant Vann and Defendant MG failed to carry out their duties in that they failed to:

i. Assure that the closing of the purported sale of the Areas was conducted in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

ii. Upon information and belief, communicate or attempt to communicate in any way with the Other Members, except Mr. Cato;

iii. Upon information and belief, in the context of the closing of the purported sale of the Areas or otherwise, provide any legal advice whatsoever to the Other Members as to the legal significance of the Articles, the Agreement, the Deed into Cato, LLC, the Amendment to Contract, the Deed out of Cato, LLC, or the Trust's rights, duties, and risks in connection with any of those documents or, alternatively, at least advise them to seek independent legal counsel for those purposes;

iv. Perform due diligence as reasonable under the circumstances to assure i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into Cato, LLC was a proper basis for the Deed out of Cato, LLC,

and iii) that the representations, decisions, and actions of Mr. Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC and the Trust; and

v. In rendering their legal services in connection with the Amendment to Contract, the closing of the purported sale of the Areas, or the partition action, avoid a conflict between or among the interests of the Other Members, the interests of the Trust and Mrs. Burton as Trustee, the interests of Cato, LLC itself, and the interests of TAL.

27. Alternatively, if the Other Members were not clients of Defendant Vann and Defendant MG, nevertheless, Defendant Vann and Defendant MG had those professional duties to them described in paragraph 26(a), items i - iv, and, under such circumstances, Defendants failed to carry out those duties as set forth in paragraph 26(b), items i - iv.

28. As a result of Defendant Vann's and Defendant MG's failures, at all times pertinent to the allegations of fact set forth in this Amended Complaint, the Other Members

a. Remained ignorant of their rights and responsibilities as to one another, the Trust and Mrs. Burton as Trustee, Cato, LLC, and subsequent real estate transactions;

b. Were exposed to potential liability due to their execution of the Deed into Cato, LLC, their execution of the Quitclaim Deed, the Amendment to Contract, the Deed out of Cato, LLC, and the

commencement of the partition action under Case No. 2008-CP-46-3171;

c. Were exposed to the risks, legal fees, costs, and expenses of being made party to the partition action and its related proceedings under Case No. 2008-CP-46-3171 in the Court of Common Pleas for the County of York, State of South Carolina.

29. Under these circumstances, Plaintiff is informed and believes that the Other Members would be entitled to an order allowing recovery for any liability, loss, damage, cost or expense suffered by them by reason of Defendant Vann's and Defendant MG's failures specifically including but not necessarily limited to those legal fees and costs incurred by or on behalf of the Trust in connection with Case No. 2008-CP-46-3171, which legal fees and costs were invoiced to and paid by Cato, LLC.

30. Pursuant to the assignment agreement referred to in paragraph 20(c) above, Plaintiff is informed and believes that he in his capacity as Trustee is entitled to an order allowing the Trust to recover for any liability, loss, damage, cost or expense suffered by the Other Members by reason of Defendant Vann's and Defendant MG's failures specifically including but not necessarily limited to those legal fees and costs incurred by or on behalf of the Other Members and invoiced to and paid by Cato, LLC in connection with Case No. 2008-CP-46-3171.

FOR A THIRD CAUSE OF ACTION
(Against Defendants Vann and MG for Legal Malpractice as to Cato, LLC, or, in the Alternative, Professional Negligence)

31. The allegations set out above are incorporated herein by reference.

32. Mr. Cato as its General Manager was entitled to view Cato, LLC as, and indeed it was, a client of Defendant Vann and Defendant MG and to view them as its and his attorney(s) at least, but not necessarily only, for the periods of time during which Defendants Vann and MG prepared the Amendment to Contract, prepared for and conducted the closing of the purported sale of the Areas to TAL, prepared the Deed out of Cato, LLC, prepared other closing documents for the purported sale of the Areas, conducted the closing of the purported sale of the Areas, and recorded the Deed out of Cato, LLC. Under such circumstances,

a. Defendants Vann and MG had duties to Cato, LLC and Mr. Cato as its General Manager including but not necessarily limited to

i. Assuring that the closing of the purported sale of the Areas was conducted in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

ii. Assuring that Cato, LLC and Mr. Cato as its General Manager understood the legal significance of the fact that Mrs. Burton as then Trustee had not consented to the purported sale of the Areas and the legal issues rights, duties, and risks arising therefrom;

iii. Given their notice of the Articles, Agreement, and Deed into Cato, LLC, advising Cato, LLC and Mr. Cato as its General Manager as to the legal significance and the rights, duties, and risks of Cato, LLC and Mr. Cato as its General Manager

arising out of or associated with the Amendment to Contract, the Deed out of Cato, LLC, the conduct of the closing of the purported sale of the Areas or, alternatively, at least advising Mr. Cato as General Manager of Cato, LLC to seek independent legal counsel for those purposes;

iv. Advising Mr. Cato as General Manager as to the requirements and obligations incumbent upon him and upon Cato, LLC in accordance with the provisions of applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

v. Performing due diligence as reasonable under the circumstances to assure i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into Cato, LLC was a proper basis for the Deed out of Cato, LLC, and iii) that the representations, decisions, and actions of Mr. Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC;

vi. Avoiding a conflict of interest in their representations for the Amendment to Contract, the preparation of the Deed out of Cato, LLC, the closing of the purported sale of the Areas, and, to the extent of their involvement, matters affecting the partition action.

b. As to Cato, LLC and Mr. Cato as General Manager, Defendants Vann and MG failed to carry out their duties in that they failed to

i. Assure that the closing of the purported sale of the Areas was conducted in accordance with applicable law including, but not necessarily limited to SC Code 33-44-404(c)(12);

ii. Assure that Cato, LLC and Mr. Cato as its General Manager understood the legal significance of the fact that Mrs. Burton as then Trustee had not consented to the purported sale of the Areas;

iii. Upon information and belief, in the context of the closing of the purported sale of the Areas or otherwise, provide proper legal advice to Cato, LLC or Mr. Cato as its General Manager as to the legal significance of the Articles, the Agreement, the Deed into Cato, LLC, the Amendment to Contract, the Deed out of Cato, LLC, or Cato, LLCs's rights, duties, and risks in connection with any of those documents or, alternatively, at least advise Mr. Cato as Cato, LLC's General Manager to seek independent legal counsel for those purposes;

iv. Perform due diligence as reasonable under the circumstances to assure i) that Cato, LLC existed before the Deed into Cato, LLC was executed, ii) that the Deed into Cato, LLC was a proper basis for the Deed out of Cato, LLC, and iii) that the representations, decisions, and actions of Mr.

Cato as General Manager of Cato, LLC were properly authorized by Cato, LLC and the Trust;

v. Advise Mr. Cato as General Manager as to the legal requirements and obligations incumbent upon him and upon Cato, LLC pursuant to the provisions of South Carolina's Limited Liability Company Law, including but not limited to the legal risk inherent in the absence of the consent of Mrs. Burton as then Trustee to the sale of the Areas, thus leaving him with an incomplete and erroneous understanding of that law and its application to Cato, LLC's dealings with its members and with TAL; and

vi. In rendering their legal services in connection with the Amendment to Contract, the closing of the purported sale of the Areas, or the partition action, avoid a conflict between or among the interests of the Other Members, the interests of the Trust and Mrs. Burton as Trustee, the interests of Cato, LLC itself, and the interests of TAL.

33. Alternatively, if Mr. Cato as General Manager was not a client of Defendant Vann and Defendant MG, nevertheless, Defendant Vann and Defendant MG had those professional duties to Cato, LLC and Mr. Cato as its General Manager described in paragraph 32(a), items i - v, and, paragraph 32(b), items i - v.

34. As a result of Defendants Vann's and MG's failures, at all times pertinent to the allegations of fact set forth in this Amended Complaint,

a. Mr. Cato as General Manager was exposed to potential liability because he remained ignorant of Cato, LLC's rights and responsibilities as to TAL as to the demands and expectations of its members and as to the potential effects of his ignorance upon subsequent real estate transactions;

b. Cato, LLC was exposed to potential liability due to execution of the Deed into Cato, LLC;

c. Mr. Cato as General Manager and individually was exposed to the legal fees, costs, and expenses of being made a counterclaim defendant and a third party defendant in Case No. 2008-CP-46-3171; and

d. Cato, LLC was exposed to the risks, legal fees, costs, and expenses of being made a Fourth Party Defendant in Case No. 2008-CP-46-3171 in the Court of Common Pleas for the County of York, State of South Carolina.

35. Under these circumstances, Plaintiff is informed and believes that Cato, LLC and Mr. Cato in his capacity as its General Manager are entitled to an order allowing recovery for any liability, loss, damage, cost or expense suffered or to be suffered by each of them by reason of Defendants Vann's and MG's failures.

36. Given the assignment agreement referred to in paragraph 20(c) above, Plaintiff believes that he in his capacity as Trustee is entitled to an order allowing the Trust to recover for any liability, loss, damage, cost or expense suffered by Cato, LLC

and Mr. Cato in his capacity as its General Manager by reason of Defendants Vann's and MG's failures.

FOR THE FOURTH CAUSE OF ACTION
(Against Defendants for Legal Malpractice as to Cato, LLC, or, in the Alternative, Professional Negligence)

37. The allegations of fact set forth above are incorporated herein by reference.

38. The proceedings in Case No. 2008-CP-46-3171 were settled among the litigants pursuant to a consent order and settlement agreement (collectively, "the Settlement") attached hereto as Exhibit P.

39. Included in the Settlement was a payment to the Trust in the amount of $249,000.00, as to which Plaintiff asserts that $240,000.00 represents compensation attributable to the Trust's twenty percent (20%) interest in the Areas and the Old Roadbed.

40. On or about December 12, 2007, Defendant Vann conducted the closing of the Areas without the Old Roadbed as a result of which Cato, LLC as seller received the sum of $900,000.00 from TAL as buyer with the sum of $100,000.00 being held to compensate Cato, LLC for an anticipated future closing on the Old Roadbed pursuant to the provisions of the Amendment to Contract. Thus, the value of the Areas and the Old Roadbed Tract pursuant to both the Letter of Intent and the Amendment to Contract was $1,000,000.00.

41. However, the value of the Areas and the Old Roadbed Tract as reflected in the Settlement payment to the Trust was $2,200,000.00 consisting of the $1,000,000.00 reflected in the Letter of Intent and the Amendment to Contract and an

additional $1,200,000.00 reflected in the Settlement payment for the Trust's 20% interest.

42. Upon information and belief, the failure of the Defendants to advise Cato, LLC regarding the issues raised by Mrs. Burton's refusal to consent to the sale of the Areas without an independent appraisal and to render advice to Cato, LLC appropriate to that situation constitutes legal malpractice or professional negligence for which Cato, LLC should be entitled to recover damages in the amount of:

a. the sum of, on the one hand, the value set forth in the Letter of Intent and the Amendment to Contract, *i.e.*, $1,000,000, and, on the other hand, the value as reflected in the settlement payment to the Trust, *i.e.*, $1,200,000.00:

b. Less the settlement payment to the Trust in the amount of $240,000.00;

c. For a total amount of $960,000.00.

43. The supporting Affidavit of Professor John P. Freeman is attached as Exhibit "A" in satisfaction of applicable statutory requirements.

44. Under these circumstances, Plaintiff is informed and believes that Cato, LLC is entitled to an order allowing recovery of the sum of $960,000.00.

45. Given the assignment agreement referred to in paragraph 17c above, Plaintiff believes that the Trust is entitled to an order allowing recovery of the said $960,000.00.

WHEREFORE, Plaintiff respectfully requests that

a. The Court grant the relief requested in the Plaintiff's first cause of action;

b. The Court grant the relief requested in the Plaintiff's second cause of action;

c. The Court grant the relief requested in the Plaintiff's third cause of action;

d. The Court award such other and further relief as it deems justice may require.

Dated this 13th day of November, 2013.

George Hunter McMaster, Esquire
Attorney for the Plaintiffs
SC BAR #2886
TOMPKINS & McMaster, LLP
1530 Richland Street
Columbia, South Carolina 29201
Ph: (803) 799-4400
Dd: (803)-255-8373
Fx: (803) 252-2240
E-mail: ghm@tmmlaw.com

STATE OF SOUTH CAROLINA COUNTY OF YORK	)	IN THE COURT OF COMMON PLEAS FOR THE SIXTEENTH JUDICIAL CIRCUIT
David Alan Burton Individually and as Successor Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, Individually and in the Right and on Behalf of T.E. Cato Estate LLC, Plaintiffs, v. Joshua B. Vann, Esq., and Morton & Gettys, LLC, Defendants.	)	Case No. 2010-CP-46-2267 AFFIDAVIT OF JOHN P. FREEMAN

Personally appeared before me John Freeman who first being duly sworn, deposes and states as follows:

1. The information contained herein is true and correct to the best of my knowledge, information, and belief. This affidavit relates to above-captioned lawsuit filed by Plaintiffs against: Joshua B. Vann and the firm of Morton & Gettys, LLC. Mr. Vann is a partner with the Morton & Gettys firm.

2. Following my graduation from the University of Notre Dame Law School in 1970, I worked at the Jones Day law firm (then known as Jones, Day, Cockley and Reavis). I left Jones Day in 1972 to take a Fellowship at the University of Pennsylvania Law School's Center for Study of Financial Institutions. I subsequently received my LL.M. from Penn Law School. In 1973 I joined the faculty of the University of South Carolina Law School. Besides teaching at USC, I have taught at the University of Texas Law School and Loyola Law School in

EXHIBIT NO. A
TOMPKINS & McMASTER

Chicago. I have also worked for the Securities and Exchange Commission as a special counsel. As a law school professor I specialized in business courses and legal ethics. I am familiar with lawyer disciplinary proceedings, having participated in the litigation of discipline cases as a defense lawyer, consultant to disciplinary counsel, and as an expert witness on various occasions. I have served as a member of the South Carolina Bar's Ethics Advisory Committee and have written various ethics opinions published by the Bar. Prior to my retirement from USC Law School in 2008, I taught legal ethics for 35 years at USC Law School. I have also taught legal ethics at numerous CLE programs, and at several JCLE programs. I have served as a litigation consultant, or as a testifying expert in numerous legal malpractice cases. I have lectured on the standards applicable to legal malpractice many times, and have written about the topic. I have participated in disputes as to the behavior of lawyers in handling business and property transactions and in their business dealings with clients many times, and have testified as an expert in such cases many times. I have served as an expert witness many times on questions involving lawyers' obligation to investigate relevant facts and to convey accurate, complete information, and the duty to avoid or handle properly conflicts of interest. My curriculum vitae is attached as Exhibit 1, which further establishes my qualifications.

3. This affidavit is presented under S.C. Code § 15-36-100 which requires, in a complaint against a lawyer, for the plaintiff to file "an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit."

4. In evaluating the behavior of the defendant lawyers for purposes of this affidavit, I have conducted a review of relevant documents including pleadings in a related case, the deposition of Carroll M. Pitts in a related case (with exhibits), a proposed amended complaint,

Judge Hayes' Order in C.A. No. 2008-CP-46-3171 filed January 6, 2012, and the settlement agreement and assignment agreement related to C.A. No. 2008-CP-46-3171. I have also consulted with Plaintiffs' legal counsel about the underlying facts. I have reviewed the defendants' conduct in light of the standard of care applicable to South Carolina lawyers, namely the degree of skill, care, knowledge, and judgment usually possessed and exercised by members of the profession in this State. *See Holy Loch Distribs.*, 340 S.C. 20, 26, 531 S.E.2d 282, 285 (2000). For purposes of this affidavit, I deem the actions and inactions of Mr. Vann imputable to his law firm based on agency principles because it appears he was acting for and on behalf of his law firm, in the scope of employment and authority, at the time of the actions and inactions in question. For purposes of this affidavit, I accept as true the facts as they have been presented to me by counsel for Plaintiff.

5. Based on the facts presented, it is my opinion, as an expert in the legal malpractice field, that Mr. Vann and, through him, his law firm, engaged in one or more negligent acts and omissions in dealings with and on behalf of Plaintiffs, including the following:

a. Failure to investigate, understand, and make appropriate disclosure of all material facts concerning major real estate transactions devised and orchestrated by the counsel to the affected parties who were reliant on the lawyer's professional efforts.

b. Failure to properly protect the interests of Plaintiffs

c. Failure to see to it that material transactions affecting Plaintiffs effectuated by legal counsel were properly authorized.

d. Failure to protect the interests of all parties who reposed trust in legal counsel and who were dependent upon legal counsel to protect their interests.

e. Engaging in a failure to exercise due care with the result that clients of the lawyers became embroiled in controversy causing them to bear great expense needlessly.

f. Failure to advise persons allegedly not represented by counsel that they were about to become affected by major transaction in which potential conflicts of interest existed as to which they had no lawyer protecting their interests, and that they needed and should seek independent counsel.

g. Improper handling of a transaction in which counsel was faced with actual or potential conflict of interest.

6. I hold these opinions because there is evidence that Mr. Vann negligently, recklessly or knowingly participated and effectuated a transaction involving actual or potential conflicts of interest, deception, over-reaching, and foreseeable strife, leaving Plaintiffs exploited and abused. Additionally, I believe Mr. Vann's law firm is accountable for his actions and inactions.

7. As a lawyer involved in devising and attempting to execute an ill-conceived and poorly executed real estate transaction involving and financially affecting Plaintiffs, it was Mr. Vann's job to warn of all foreseeable risks and potential conflicts and make fair and honest disclosures, promote realistic expectations, handle conflicts properly, see to it that Plaintiffs were treated fairly, and to protect the parties from unfairness and financial harm. In my opinion, due to professional failings, this did not happen.

8. In my opinion, the Defendants' mishandling of the legal affairs in this matter fell below the standard of care, skill, diligence and loyalty expected of lawyers in South Carolina. It appears to me that this deficient conduct proximately caused injury to Plaintiffs and constitutes

legal malpractice.

9. I reserve the right to amend or supplement my opinions as additional information becomes available.

10. Further affiant sayeth not.

John Freeman

JOHN P. FREEMAN

SWORN TO BEFORE ME this 14th day of November, 2013

Nancy Kinnick Freeman

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 7/7/2018

EXHIBIT 1

RESUME
John P. Freeman
Professor of Law Emeritus

Address and phone numbers:	2329 Wilmot Avenue Columbia, South Carolina 29205 803-254-4667 (phone) 753-9870 (fax)
Education history:	LL.M., 1976, University of Pennsylvania Law School; J.D., 1970, University of Notre Dame Law School; B.B.A., 1967, University of Notre Dame (Accounting)
Employment history:	1970-72, Attorney, Jones, Day Law Firm, Cleveland, Ohio 1972-73, Fellow, University of Pennsylvania Law School Center for the Study of Financial Institutions 1973-75, Assistant Professor of Law, University of South Carolina 1974 and 1975 (Summers), Special Counsel, Division of Investment Management, SEC, Washington, D.C. 1975-78, Associate Professor of Law, University of South Carolina; Visiting Associate Professor of Law at Loyola Law School (Chicago) Spring 1977 1978-2008, Professor of Law, University of South Carolina; Visiting Professor of Law at University of Texas Law School, summer 1978
Present:	Distinguished Professor Emeritus and John T. Campbell Chair in Business and Professional Ethics Emeritus
Honors and Awards:	Undergraduate: Member Beta Alpha Psi (Honorary Accounting Fraternity)

	Law School: Executive Editor, Notre Dame Lawyer; Distinguished Military Graduate
Professional:	At University of South Carolina Law School; Senior Class Annual Outstanding Faculty Award of 1975, 1976, 1977, 1984 Winston Churchill Award, South Carolina Jury Trial Foundation 1995; Distinguished Service Award, South Carolina Trial Lawyers Association 2000; Appointed Member, South Carolina Judicial Merit Selection Commission (presently serving) John Belton O'Neall Inn of Court McDonald/Rhodes Award 2010
Admitted to Practice:	Ohio; South Carolina
Teaching History Courses Taught:	Professional Responsibility, Legal Accounting, Business Associations, Corporations, Agency-Partnership, Securities Regulation, Corporate Finance, Business Planning, Legal Research and Writing, Business Crime, Legal Malpractice Component of Advanced Legal Profession Seminar

Scholarly and Professional Publications

Author, 1999-2008, Regular Legal Ethics Column for South Carolina Lawyer.

Article, Protecting Judicial Independence, 6 Charleston L. Rev. 511 (2012).

Article, Appearance of Impropriety, Recusal, and the *Segars-Andrews* Case, 62 S.C.L. Rev. 485 (2011).

Article (with Stewart Brown and Steve Pomerantz), Mutual Fund Advisory Fees: New Evidence and a Fair Fiduciary Duty Test, 61 Okla. L. Rev. 83 (2008).

Article, The Mutual Fund Distribution Fee Mess, 32 J. Corporation Law 739 (2007).

Viewpoint, Say No to Vending Machine Justice, S.C. Lawyer, July 2007, at 8.

Article, It's the Conflict of Interest, Stupid, Money Mgm't Exec., May 17, 2004, at 14.

Chapter on Legal Opinion Liability in Legal Opinion Letters A Comprehensive Guide to Opinion Letter Practice (M. John Sterba, Jr., ed. 2003) (plus annual updates).

Chapter in South Carolina Damages Treatise on Damages in Securities Cases (2004).

Article, The Ethics of Using Judges to Conceal Wrongdoing, 55 S.C.L. Rev. 829 (2004).

Article (with Stewart Brown), Mutual Fund Advisory Fees: The Cost of Conflicts of Interest, 26 J. Corporation Law 610 (2001).

Article, Liens, Fees and Taxes, South Carolina Trial Lawyer, Summer 2000, at 26.

Article, A Business Lawyer Looks at the Internet, 49 S.C.L. Rev. 903 (1998).

Article, Payments to Medical Care Providers: What Are the Lawyer's Obligations' South Carolina Lawyer, September-October 1994, at 39.

Article, Current Developments in Lawyer Liability: Coping with the Fraudulent Client, Delaware Lawyer, Winter 1993, at 27.

Article, Treble Damage Statutes Can Increase Trust Recoveries, 4 Probate Practice Reporter, June 1992, at 1.

Article (with Nathan Crystal), Scienter in Professional Liability Cases, 42 S.C.L. Rev. 783 (1991).

Article, How Computerized Databases Are Redefining Due Diligence, Carolina Lawyer (July-August 1991).

Article, When Are Lawyers' Gifts to Judges Improper' Carolina Lawyer (November-December 1990).

Article, Current Developments in Legal Opinion Liability, 1989 Col. J. Bus. L. 235.

Article, Understanding the Joint Client Exception to the Attorney-Client Privilege, Carolina Lawyer (July-August 1989).

Article, A RICO Primer, 1985 Small Business Counselor No. 4.

Article, The Use of Mutual Fund Assets to Pay Marketing Costs, 9 Loy. Chi. L.J. 553 (1978).

Article, Marketing Mutual Funds and Individual Life Insurance, 28 S.C.L. Rev. 1124 (1976), reprinted in Nat'l Ins. L. Rev. Serv. (1977).

Article, Opinion Letters and Professionalism, 1973 Duke L.J. 371 439, reprinted in Securities Law Review 1974 (E. Folk, III, ed.).

Co-author, Multi student Survey, The Mutual Fund Industry: A Legal Survey, 44 Notre Dame Lawyer 732 983 (1969).

Case Comment, Escott v. BarChris Constr. Corp., 44 Notre Dame Lawyer, 122 40 (1968).

Other Scholarly Activities

Speeches (with accompanying outlines) presented at numerous CLE courses sponsored by various entities including the South Carolina Bar, University of South Carolina Law School and the South Carolina Supreme Court.

CLE Presentations 2004-13: Panel Member, John Belton O'Neall Inn of Court, Comments on Warren Commission Report, Oct. 8, 2013; SC Bar, Workers Compensation Ethics, Sept. 13, 2013; Ass'n of S.C. Claimants Attorneys for Workers Compensation, Ethics Seminar March 22, 2013; SC Bar, Ethical Issues in Working with Vets and Their Families, Feb. 12, 2012; Expert Witness Participant, SC Bar-ABOTA, Masters in Trial Program, Feb. 1, 2013; SC Bar, Ethical Issues in Handling VA Appeals, Jan. 12, 2013; SC Bar, Ethical Issues in a Non-Adversarial System, Dec. 11, 2012; Richland County Bar Ass'n Ethics CLE, Nov. 9, 2012;University of South Carolina Law School, Alumni Reunion Ethics CLE, Nov. 3, 2012; General Assembly Legal Staff, Ethics for Government Lawyers, Oct. 3, 2012; Setzler Scott Law Firm (In-house CLE), West Columbia, SC, Ethics CLE, Feb. 14, 2012; Charleston Law School, Panel, Symposium on Lawyer and Judicial Fitness, Feb. 10, 2012; Charleston County Bar Ass'n, Ethics CLE, Feb. 3, 2012; SC Bar, Panel on Lawyer Confidentiality, Jan. 19, 2012; Nov. 15, 2011, SC Workers Comp. Comm., Legal Ethics; Richardson Patrick-Sponsored CLE, Charleston, SC, April 29, 2011; National Ass'n State Securities Administrators, Ethics in Securities Litigation, Charleston, Jan. 24, 20011; Richland County Legal Ethics Update, Nov. 5, 2010; S.C. Law Review Symposium, Judicial Recusal, Oct. 21, 2010; League of Women Voters, Lecture on Judicial Selection, Oct. 8, 2010, Charleston, S.C.; KershawHealth Board of Directors, Advice on Your Duties as Board Members, July 15, 2010, Camden, SC; American Ass'n of Matrimonial Lawyers, Ethics in Marital Cases, March 19, 2010 (Aruba), John Belton O'Neall Inn of Court, Ethics Lessons Taught by Lawyers, Nov. 17, 2009; South Carolina Defense Trial Lawyer's Ass'n, Judicial Selection in South Carolina, Nov. 7, 2009; Richland County Bar Ass'n, Legal Ethics, Nov. 6, 2009; South Carolina Legislature Employees, Legal Ethics Update, Oct. 21, 2009; Budget & Control Board, Ethics Lecture to SC State Employees, Oct. 2, 2009; South Carolina Bar, Family Law Ethics Update, Sept. 18, 2009; Motley Rice Law Firm, Legal Ethics Update, Sept. 11, 2009; South Carolina Judicial Selection Commission, Judicial Ethics, July 31, 2009; John Belton O'Neall Inn of Court, Ethics of Advertising Firms, Jan. 20. 2009; S.C. Bar, Ethics Presentation "Business Lawyer Horror Stories, Nov. 21, 2008; Participant, Mutual Fund Industry Regulation Roundtable, Chicago-Kent Law School, Nov. 7, 2008; SC Legislature, Ethical Duties of Legislative Employees, Oct. 2, 2008; SC Bar, Dealing with Ethical Duties When Dealing with Pro Se Parties, Oct. 10, 2008; Richardson Patrick Local Counsel CLE, Litigation Ethics, May 2, 2008 (Charleston, SC); Inst. of Public Utilities, 39th Ann. Reg. Policy Conf., Panel on Equity and Responsibility in the Public Utilities Sector (Charleston, SC), Dec. 3, 2007; S.C. Attorney General's Office; Litigation Ethics, Nov. 9, 2007; Richland County Bar, Ethics Update, Nov. 2, 2007; SC Bar, Litigation Ethics, Oct. 26, 2007; S.C. Children's Law Center, Ethical Problems in the Child Abuse Area, Oct. 19, 2007; National Ass'n of Medicaid Fraud Control Units, Ethics and the Government Lawyer (Savannah, Ga.), Oct. 1, 2007; SCACPA Litigation Conf., Litigation Ethics (Kiawah Island, SC), Sept. 21, 2007; S.C. Circuit

Court Judges, May 17, 2007, Practice Tips in Civil Litigation; Energy & Mineral Law Foundation, May 15, 2007, Panel Member, Legal Ethics, 2 hr.; S.C. Government Investigators, Ethical Duties of Investigators, Feb. 23, 2007; S.C. Bar, Employment Law Section, Ethics Update, Jan. 26, 2007; S.C. Association of Counties, Ethics Update, Dec. 8, 2006; Lexington County Bar Ass'n, Ethics Update, Dec. 6, 2006; Richland County Bar, Ethics Update, Nov. 3, 2006; S.C. State Government Lawyers, Ethics Update, Nov. 3, 2006; S.C. Judicial Merit Selection Commission, Overview of Judicial Ethics, Sept. 14, 2006 (½ hr.); Federal Bar Ass'n, SC Bar, Ethics and Professionalism, Sept. 8, 2006; Commercial Law League of America, Avoiding Grievances and Malpractice Worries in Your Practice, July 6, 2006, Asheville, N.C. (2 hours); National Structured Settlement Trade Ass'n, Ethics in Litigation, Westin Rio Mar, Puerto Rico, May 9, 2006; S.C. Chamber of Commerce, Legal Ethics for the Employment Lawyer, Hilton Head, S.C., May 6, 2006; American Ass'n Matrimonial Lawyers, Ethic Lecture, Los Cabos, Mexico, March 11, 2006; SC Bar, Legal Ethics for Health Care Providers, Jan. 28, 2006; S.C. Association of Counties, Ethics Update, Dec. 9, 2005; SCTLA, Making Money Out of Discovery Abuse, Dec. 2, 2005, Atlanta; Ass'n of S.C. Claimants Attorneys for Workers Compensation, Ethics Seminar, Nov. 4, 2005, Asheville; S.C. Bar, Ethics in Masters Court, Oct. 14, 2005; N.C. Bar-S.C. Bar Construction Law Ethics Program, Asheville, Oct. 1, 2005; S. C. Bar, Unauthorized Practice Problems in Probate Court, Sept. 16, 2005; Greenville County Solicitor's Office, Prosecutorial Ethics, May 9, 2005; Mass Tort Seminar, NYC, Discovery Abuse Issues, March 18, 2005; S.C. Ass'n of Counties, Legal Ethics, Dec. 10, 2004; Federal Bar Ass'n, S.C., Ethics CLE, Dec. 10, 2004 ½ hr.; S.C. Bar Construction Law Section, Ethics CLE on the new Oath; Dec. 3, 2004; NASAA, Salt Lake City, Legal Ethics for Securities Enforcement Lawyers, Dec. 4, 2004; DSS Ethics Training, Dec. 3, 2004; (2-hr. lecture); PIABA, Ethics for Securities Lawyers, and Comments on the Mutual Fund Mess, Oct. 20, 2004 (2 hrs.); Commercial Law League of America, Southern Region Members' Ass'n, Ethical Issues in Commercial Law, Oct. 1, 2004; S.C. Bar, Annual Probate Bench/Bar, Ethics in Probate Court, Sept. 17, 2004; Charleston Bar Ass'n, Lawyer's Oath Seminar, August 27, 2004; S.C. Government Lawyers, Legal Ethics for Government Attorneys, August 20, 2004; S.C. Judiciary, Judicial Ethics Lecture, August 19, 2004; S.C. Bar, Accounting for Non-tax Lawyers, May 2, 2004; Palmetto Land Title Ass'n, Ethics for Closing Attorneys, April, 24, 2004; Richardson, Patrick Law Firm, CLE on Legal Issues Concerning the Mutual Fund Mess, March 26, 2004; S.C. Bar, An Update on Ethical Considerations for the Guardian, March 5, 2004; S.C. Prof. Society on the Abuse of Children, Ethics and Child Abuse, Feb. 26, 2004; National Ass'n of State Boards of Accountancy, Professionalism, Accountability and the Accounting Profession, Feb. 9, 2004; Fidelity Nat'l Title, Ethical Duties of Closing Attorneys, Feb. 5, 2004; S.C. Bar, Annual Convention, Ethical Issues in Handling the Appeal, Jan. 22, 2004 (co-presenter).

Member, ABA Section of Business Law Task Force on Legal Opinions
Participant in Conference on Legal Opinions at Silverado, California, May 31-June 3 (1989).

University and Community Service
Author, Report on Tax Sheltered Annuities to USC Faculty and Staff (1976).
Faculty Senate (1996-98)

University Committees
Promotion and Tenure

Faculty Welfare

Annuities and Insurance
Budget Committee

Law School Committees
Faculty Selection
Academic Standing
Minority Student Affairs
Executive Committee
Dean Evaluation Committee
Dean Search Committee

Chairman, Supreme Court Commission on Continuing Lawyer Competence (1980-83)

President, Leaphart Elementary School PTO (1983)
Chairman, Irmo Middle School School Improvement Council (1985)
Member, Irmo Middle School School Improvement Council (1985-89),
President, Irmo High School Parent, Teacher, Student Association (1988-89, 1992-93) Member Executive Board (1988-93)
Member, Irmo High School-School Improvement Council (1988-93)
Founder and Past-president, University of Notre Dame Club of South Carolina
Lexington District Five and South Carolina State School Volunteer of the Year 1993

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
IN THE SIXTEENTH JUDICIAL CIRCUIT

James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Robert Lee Cato and Cathy Cato Evans,

Petitioners,

vs.

David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC; Marjorie Cato Burton Living Trust; and The SC Department of Transportation,

Respondents.

Case No. 2008-CP-46-3171

David Alan Burton as Successor Trustee for Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust, and in the Right and on behalf of T.E. Cato Estate, LLC;

Third-Party Plaintiff,

vs.

Thomasson Apts., LLC,

Third-Party Defendant.

Thomasson Apts., LLC,

Fourth-Party Plaintiff,

vs.

T.E. Cato Estate, LLC, James Thomas Cato, Helen Cato Jones, Donn S. Johnson, Jane Cato West, Robert Lee Cato, and Cathy Cato Evans, and David Alan Burton,