

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT
) CIVIL ACTION NO. 2015-CP-26-239

CFS-4 I, LLC,

Plaintiff,

vs.

STURZENBECKER DEVELOPMENT,
LLC; STURZENBECKER
CONSTRUCTION COMPANY, INC.;
WILD IRIS, LLC; JAMES A.
STURZENBECKER; AND MARY K.
STURZENBECKER,

Defendants.

**ORDER GRANTING RECEIVER'S
MOTION FOR FURTHER AND OTHER
INSTRUCTIONS**

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APR 29 2016

SC Court of Appeals

HORRY COUNTY
2016 APR 12 PM 2:25
MELANIE HODGINS-WARR
CLERK OF COURT

This matter came before the Court on March 23, 2016 for a hearing on the Receiver's Motion for Further and Other Instructions. In attendance were Richard R. Gleissner, Esq. of the Gleissner Law Firm, LLC, representing Defendants Sturzenbecker Development, LLC, Sturzenbecker Construction Company, Inc., Wild Iris, LLC, James A. Sturzenbecker, and Mary K. Sturzenbecker; and Amanda A. Bailey of the McNair Law Firm, P.A., representing the Receiver, Tradd Management, LLC.

Paragraph 15 of the June 25, 2015 Consent Order for the Appointment of a Receiver (hereinafter the "Consent Order") states that the Receiver "may apply to this Court for further and other instructions and for such further power as may be necessary to enable the Receiver to properly carry out the terms of this order and fulfill its duties as a Receiver."

Pursuant to this Paragraph, the Receiver moves for the specific authority to eject tenants, occupiers, and/or holdovers, and with the specific authority to:

COPY

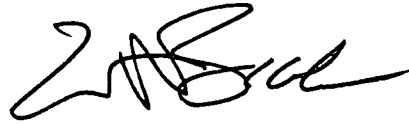
- (a) charge Sturzenbecker Development, LLC, Sturzenbecker Construction Company, Inc., James A. Sturzenbecker, and/or Mary K. Sturzenbecker fair market value for rent,
- (b) file for ejectment of Sturzenbecker Development, LLC, Sturzenbecker Construction Company, Inc., James A. Sturzenbecker, and/or Mary K. Sturzenbecker, and
- (c) collect any past due rent, Receiver fees and rent accruing through the date of ejectment from Sturzenbecker Development, LLC, Sturzenbecker Construction Company, Inc., James A. Sturzenbecker, and/or Mary K. Sturzenbecker.

The terms of the Consent Order provide for and contemplate the relief sought by the Receiver, and as a result, the Court grants the Receiver's Motion for Further and Other Instructions. First, in Paragraph 1, the Consent Order allows the Receiver to take possession of the Mortgaged Property. Second, Paragraph 6 directs the Receiver to use "all reasonable efforts to obtain maximum revenue for the Mortgage Property." Lastly, Paragraph 8 authorizes the Receiver to institute legal actions. Logically, it would follow that the Receiver may charge and collect from tenants, including the Defendant tenants, fair market value for the possession of the Mortgaged Property following the date of the Consent Order. Further, the Receiver is permitted to maintain eviction proceedings as eviction is a legal action.

The Receiver's motion for further and other instructions pursuant to Paragraph 15 of the Consent Order is GRANTED.

IT IS SO ORDERED.

Dated: April 6, 2016



The Honorable William H. Seals, Jr.
Chief Administrative Judge
Court of Common Pleas
Fifteenth Judicial Circuit