

FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP1801793

Bank of North Carolina Seth Warren Whitaker	Anthony M Whitefield	Anthony M Whitfield BNC Bancorp	Cindy Whitfield David Swanson
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PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

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

2016 JUL 15 AM 9:31  
 CLERK OF COURT  
 DORCHESTER COUNTY  
 RECEIVED

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

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

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

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 OCT 24 2016  
 SC Court of Appeals

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.

Diane S. Goodstein  
 Circuit Court Judge

2112  
 Judge Code

7/15/2016  
 Date

**For Clerk of Court Office Use Only**

This judgment was entered on 7/15/2016, and a copy mailed first class or placed in the appropriate attorney's box on 7/15/2016, to attorneys of record or to parties (when appearing pro se) as follows:

**Robert Alan Bernstein** PO Box 20519 Charleston, SC  
29413-0519  
**Brian C Duffy/Seth Warren Whitaker/Thomas Ashley**  
Limehouse Jr. 96 Broad Street Charleston, SC 29401

**Brent Souther Halversen** 171 Church Street Suite 330  
Charleston, SC 29401  
**Daniel Scott Slotchiver/Andrew Joseph McCumber** 44  
State Street Charleston, SC 29401-2810  
**David W. Overstreet/Michael B. McCall/Steven Raymond**  
Kropski PO Box 22528 Charleston, SC 29413

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Cheryl Graham*

**Court Reporter**

**Cheryl Graham - Clerk of Court**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP1801793

Bank of North Carolina Seth Warren Whitaker	2016 SEP 29 PM 12:17	Anthony M Whitfield
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

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- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

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OCT 24 2016

SC Court of Appeals

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 CIRCUIT COURT RULING IN THIS APPEAL.

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

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Diane S. Goodstein	2112	9/29/2016
Circuit Court Judge	Judge Code	Date

**For Clerk of Court Office Use Only**

This judgment was entered on 9/29/2016, and a copy mailed first class or placed in the appropriate attorney's box on 9/29/2016, to attorneys of record or to parties (when appearing pro se) as follows:

**Robert Alan Bernstein** PO Box 20519 Charleston, SC  
29413-0519

**Brian C Duffy/Thomas Ashley Limehouse Jr.** 96 Broad  
Street Charleston, SC 29401

**Seth Warren Whitaker** 192 East Bay Street, Suite 200  
Charleston, SC 29401

**Brent Souther Halversen** 171 Church Street Suite 330  
Charleston, SC 29401

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State Street Charleston, SC 29401-2810

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Cheryl Graham*

**Court Reporter**

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**Cheryl Graham - Clerk of Court**

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STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
Bank of North Carolina, )  
Plaintiff, )  
vs. )  
Anthony Whitfield and Cindy Whitfield, )  
Defendants, )  
Anthony Whitfield, )  
Third Party Plaintiff, )  
vs. )  
David Swanson, )  
Third Party Defendant. )

) IN THE COURT OF COMMON PLEAS  
) IN THE FIRST JUDICIAL CIRCUIT  
) CASE NO.: 2014-CP-18-1793

**ORDER DENYING  
MOTION TO RECONSIDER**

2016 SEP 29 PM 12:18

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OCT 24 2016  
SC Court of Appeals

This matter comes before the Court on Defendant/Third-Party Plaintiff Anthony Whitfield’s motion to reconsider filed on July 25, 2016 pursuant to Rule 59(e), SCRCP. Defendant/Third-Party Plaintiff Whitfield’s motion to reconsider asks the Court to alter or amend its ruling in the order dated July 15, 2016, which granted Third-Party Defendant David Swanson’s motion to dismiss. A hearing was held on August 26, 2016. Counsel for Plaintiff Bank of North Carolina, Defendant/Third-Party Plaintiff Anthony Whitfield, and Third-Party Defendant David Swanson were present.

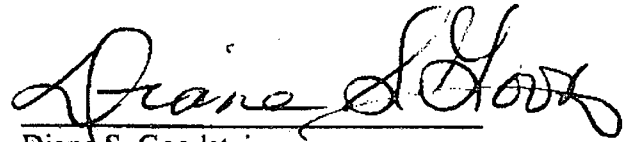
“The purpose of Rule 59(e), SCRCP, to alter or amend the judgment[,] is to request the trial judge to ‘reconsider matters properly encompassed in a decision on the merits.’” Pye v. Estate of Fox, 369 S.C. 555, 633 S.E.2d 505, 511 (2006) (quoting Arnold v. State, 309 S.C. 157, 420 S.E.2d 834, 842 (1992)). A party may request that a trial court reconsider its prior ruling where

the party believes the trial court misunderstood, failed to fully consider, or overlooked an argument or issue. Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772, 780 (2004).

The Court has again reviewed and considered the parties' arguments and submissions, the pleadings in this action and the related foreclosure actions, and the applicable law regarding the motion to dismiss. The Court finds that the order dated July 15, 2016 properly granted Third-Party Defendant Swanson's motion to dismiss. Accordingly, Defendant/Third-Party Plaintiff Whitfield's motion to reconsider is respectfully DENIED.

IT IS SO ORDERED.

This 23 day of September, 2016

  
Diane S. Goodstein  
Circuit Court Judge

 St. Gray, South Carolina