

# WATTS LAW FIRM PA

Patrick R. Watts, Attorney at Law

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Summerville, South Carolina 29483  
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P.O. Box 2046  
Summerville, SC 29484  
fx. 843-851-7059

December 13, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

DEC 15 2016

SC Court of Appeals

Re: Appellate Case No.: 2016-002422  
Barry M. Stephens, Appellant, v. RREF RB-SC Folly Beach, LLC, BDT Projects, LLC, f/k/a Folly Heed, LLC, SRD Builders, LLC, David K. Draper, Timothy T. Rogers, Crestline Homes, Inc., Thomas D. Calcote, Peacock Investments, LLC, and Eric Wade, Respondents

Dear Ms. Kitchings:

In accordance with your gracious December 5, 2016, letter, please accept for filing and action with the referenced case the following items.

- o Amended Notice of Appeal to all parties and attorneys of record
- o Proof of Service

Kindly return clocked copies to me in the return envelope I provide.

I also include copies of the following pleadings from the record in order to clarify the changes in the caption since the case was commenced in 2010.

- o Summons and Complaint filed March 24, 2010
- o Answer of BDT Projects, LLC f/k/a Folly Heed, LLC, SRD Builders, LLC, Barry M. Stephens, David K. Draper and Timothy T. Rogers filed June 7, 2010
- o Order on Plaintiff's Motion to Alter or Amend and for Rule to Show Cause filed August 1, 2012
- o Consent Order allowing Intervention filed April 21, 2016
- o Motion and Order granting Eric Wade's Motion to Intervene filed June 3, 2016

Naturally, contact me if you see anything amiss. Thank you.

Sincerely,

  
Patrick R. Watts

cc: J.R. Jones, Jr., Esq. (w/encl.)  
M.G. Abney, Esq. (w/encl.)  
M.K. McTighe Mellen, Esq. (w/encl.)  
F.B.B. Knowlton, Esq. (w/encl.)  
S.M. French, Esq. (w/encl.)  
B.S. Halverson, Esq. (w/encl.)  
Crestline Homes, Inc. (w/encl.)  
H.B. Hagood, Esq. (w/encl.)  
D.F. Blanchard, Esq. (w/encl.)  
L.D. Duffy, Esq. (w/encl.)  
G.H. O'Kelley, III, Esq. (w/encl.)  
Hon. M.R. Scarborough. (w/encl.)  
Hon. J.J. Armstrong. (w/encl.)

PRW/sfd

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

STATE OF SOUTH CAROLINA )

COUNTY OF CHARLESTON )

Regions Bank, )

Plaintiff, )

vs. )

BDT Projects, LLC, f/k/a SRD Builders, )

LLC f/k/a Folly Heed, LLC., Barry M. )

Stephens, David K. Draper, Timothy T. )

Rogers, and Crestline Homes, Inc., )

Defendant(s). )

IN THE COURT OF COMMON PLEAS

CASE NO.: 2010-CP-10- 0432

**SUMMONS**  
(Mortgage Foreclosure)  
(Non-Jury)

JUDGE J. ARMSTRONG  
CLERK OF COURT

2010 MAR 24 PM 2:20

FILED

**TO THE DEFENDANT(S) ABOVE NAMED:**

**YOU ARE HEREBY SUMMONED** and **REQUIRED** to answer the Complaint of the Plaintiff 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 subscriber at his office at 126 Seven Farms Drive, Suite 200, Charleston, South Carolina 29492, within thirty (30) days after the service thereof, except as to the United States of America who shall have sixty (60) days, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the said Complaint.

CLAWSON & STAUBES, LLC



J. Ronald Jones, Jr.,  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
Telephone: (843) 577-2026  
Facsimile: (843) 722-2867

Attorneys for the Plaintiff

Charleston, South Carolina  
March 23, 2010.

**RECEIVED**

DEC 15 2016

SC Court of Appeals

It is our understanding that you are not currently in bankruptcy. If you are in bankruptcy, then please disregard this Summons in its entirety and have your attorney contact our office as soon as possible.

RECEIVED

DEC 15 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Regions Bank, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BDT Projects, LLC, f/k/a SRD Builders, )  
 )  
 LLC f/k/a Folly Heed, LLC., Barry M. )  
 )  
 Stephens, David K. Draper, Timothy T. )  
 )  
 Rogers, and Crestline Homes, Inc., )  
 )  
 Defendant(s). )

IN THE COURT OF COMMON PLEAS

CASE NO.: 2010-CP-10-2432

COMPLAINT  
 (Mortgage Foreclosure)  
 (Non-Jury)

2010 MAR 24 PM 2:20  
 JUDGE J. ARMSTRONG  
 CLERK OF COURT

FILED

The Plaintiff herein, complaining of the Defendant above-named, alleges and respectfully shows unto this Honorable Court:

1. That Regions Bank (the "Plaintiff") is a banking institution authorized to do business in the State of South Carolina.
2. That the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., and Crestline Homes, Inc., are, upon information and belief, companies authorized to do business in the State of South Carolina
3. That the Defendants, Barry M. Stephens, David K. Draper, and Timothy T. Rogers are, upon information and belief, residents of Charleston County, South Carolina, and are neither infants nor incompetents and not in the military service.
4. That the subject of this action is real property located in Charleston County, South Carolina.

**FIRST CAUSE OF ACTION**

(Foreclosure of Mortgage in Book E623 at Page 394)

5. The allegations above are re-alleged and incorporated herein by reference as if fully set forth.
6. That on or about March 29, 2007, for value received, the Defendant, SRD Builders, LLC, made, executed and delivered to Regions Bank, the Plaintiff a Simple Interest Promissory Note (the "Note"). A copy of the Note is attached hereto as **Exhibit "A"** and is incorporated herein by reference.
7. That simultaneously therewith, the Defendant, SRD Builders, LLC, executed

a Mortgage of Real Estate (the "Mortgage") wherein it pledged as collateral certain real property commonly described as 212 West Ashley Avenue, Folly Beach, South Carolina, to secure repayment of all indebtedness under the Note. A copy of the Mortgage to the Plaintiff is attached hereto as **Exhibit "B"** and is incorporated herein by reference. Said real property being more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being on Folly Island in the County of Charleston, State of South Carolina and known and designated as Lot Two Hundred Six (206) West Ashley Avenue on a plat prepared by Jefferson Construction Company dated February 1920, and recorded in Plat Book C at Page 158 in the RMC Office for Charleston County; said lot having such size, shape, metes and bounds as are shown on said plat.

MEASURING AND CONTAINING on West Ashley Avenue seventy (70') feet by one hundred fifty (150') feet in depth.

TMS #: 328-14-00-181

8. That thereafter, the Mortgage was recorded on April 24, 2007, in the RMC/ROD Office for Charleston County in Book E623 at Page 394.

9. That the Mortgage secures a commercial or other non-residential property, and therefore, is not subject to modification under the Home Affordable Modification Program ("HMP").

10. That under the terms of the Note and Mortgage, the Defendant, SRD Builders, LLC, promised to pay the Plaintiff the sum of \$680,000.00 Dollars, plus interest.

11. That the Mortgage provides that the mortgagor will promptly pay the principal and interest evidenced by the Note at the time and in the manner therein provided.

12. That according to the terms and conditions of the Note and Mortgage, it is provided that in the event of default in the payment of any installment when due, the entire principal and accrued interest shall at once become due and payable, at the option of the holders, and the mortgagee shall have power to sell said premises according to law and this Mortgage may be foreclosed and any such expenses and fees as may be incurred including the fees of any attorney employed by the mortgagee in any litigation or proceeding affecting said premises, shall be paid by the mortgagor and secured by this

instrument. And it is further agreed that in case the debt secured by the Mortgage or any part thereof is collected by suit or action, or the Mortgage be foreclosed, or put into the hands of an attorney for collection, suit, action or foreclosure, the said mortgagor shall be chargeable with all costs of collection including reasonable attorneys fees, which charges and fees together with all costs and expenses, are hereby secured and may be recovered in any suit or action hereupon or hereunder.

13. That the Defendant, SRD Builders, LLC, is presently in default under the terms of the Note and Mortgage, and the Plaintiff elects to declare the entire balance of the indebtedness due and payable and that there is due on the Note and Mortgage as of January 4, 2010, the sum of \$584,707.01 Dollars, together with interest accruing from said date at the rate as set forth by the note per annum, and also in the amount to be incurred as the costs and disbursements of this action including reasonable attorneys fees.

**SECOND CAUSE OF ACTION**

(Foreclosure of Mortgage in Book 0045 at Page 732)

14. The allegations above are re-alleged and incorporated herein by reference as if fully set forth.

15. That on or about March 29, 2007, for value received, the Defendant, SRD Builders, LLC, made, executed and delivered to Regions Bank, the Plaintiff a Promissory Note (the "Note"). A copy of the Note is attached hereto as **Exhibit "C"** and is incorporated herein by reference.

16. That simultaneously therewith, the Defendant, BDT Projects, LLC, f/k/a Folly Heed, LLC., executed a Mortgage of Real Estate (the "Mortgage") wherein it pledged as collateral certain real property commonly described as 212 West Ashley Avenue, Folly Beach, South Carolina, to secure repayment of all indebtedness under the Note. A copy of the Mortgage to the Plaintiff is attached hereto as **Exhibit "D"** and is incorporated herein by reference. Said real property being more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being on Folly Island in the County of Charleston, State of South Carolina and known and designated as Lot Two Hundred Six (206) West Ashley Avenue on a plat prepared by Jefferson Construction Company dated February 1920, and recorded in Plat Book C at Page 158 in the RMC Office for Charleston

County; said lot having such size, shape, metes and bounds as are shown on said plat.

MEASURING AND CONTAINING on West Ashley Avenue seventy (70') feet by one hundred fifty (150') feet in depth.

TMS #: 328-14-00-181

17. That thereafter, the Mortgage was recorded on April 6, 2009 in the RMC/ROD Office for Charleston County in Book 0045 at Page 732.

18. That the Mortgage secures a commercial or other non-residential property, and therefore, is not subject to modification under the Home Affordable Modification Program ("HMP").

19. That under the terms of the Note and Mortgage, the Defendant, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., promised to pay the Plaintiff the sum of \$652,000.00 Dollars, plus interest.

20. That the Mortgage provides that the mortgagor will promptly pay the principal and interest evidenced by the Note at the time and in the manner therein provided.

21. That according to the terms and conditions of the Note and Mortgage, it is provided that in the event of default in the payment of any installment when due, the entire principal and accrued interest shall at once become due and payable, at the option of the holders, and the mortgagee shall have power to sell said premises according to law and this Mortgage may be foreclosed and any such expenses and fees as may be incurred including the fees of any attorney employed by the mortgagee in any litigation or proceeding affecting said premises, shall be paid by the mortgagor and secured by this instrument. And it is further agreed that in case the debt secured by the Mortgage or any part thereof is collected by suit or action, or the Mortgage be foreclosed, or put into the hands of an attorney for collection, suit, action or foreclosure, the said mortgagor shall be chargeable with all costs of collection including reasonable attorneys fees, which charges and fees together with all costs and expenses, are hereby secured and may be recovered in any suit or action hereupon or hereunder.

22. That the Defendant, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC, is presently in default under the terms of the Note and Mortgage, and the

Plaintiff elects to declare the entire balance of the indebtedness due and payable and that there is due on the Note and Mortgage as of January 4, 2010, the sum of \$561,203.83 Dollars, together with interest accruing from said date at the rate as set forth by the note per annum, and also in the amount to be incurred as the costs and disbursements of this action including reasonable attorneys fees.

**THIRD CAUSE OF ACTION**  
(Suit on Guaranty Agreements)

23. The allegations above are re-alleged and incorporated herein by reference as if fully set forth.

24. The Defendants, Barry M. Stephens, David K. Draper, and Timothy T. Rogers, in order to induce Regions Bank, to loan funds evidenced by the Notes and Mortgages referred to herein, executed an agreement personally guaranteeing payment of all obligations of BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., plus costs, fees and any other obligation due Regions Bank under the Notes and Mortgages. A copy of the Guaranty Agreements executed by Barry M. Stephens, David K. Draper, and Timothy T. Rogers, are annexed hereto as **Exhibit "E"**, and is incorporated herein by reference.

25. The Guaranty Agreement guarantees payment of all obligations, are unconditional and joint and several. Notice of default has been given to Barry M. Stephens, David K. Draper, and Timothy T. Rogers and the same has been refused.

26. Under the terms of the Guaranty Agreements, Barry M. Stephens, David K. Draper, and Timothy T. Rogers, are liable for the full amount due under the Notes and documents evidencing the loan agreement as set forth herein.

27. Regions Bank is entitled to judgment against the Defendants, Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for the full amount found to be due to the Plaintiff on the Notes and Mortgages held by the Plaintiff, with the right to enter personal judgment against the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for any deficiency in this action remaining after the sale of the mortgaged premises.

**FOR ALL CAUSES OF ACTION**

28. The allegations above are re-alleged and incorporated herein by reference as if fully set forth.

29. That the Plaintiff is entitled to reasonable attorneys fees for its attorneys, together with the costs and disbursements of this action.

30. That the mortgages provides that if the taxes are paid by the Mortgagee, the same may be added to the amount due and all such payments are secured thereby.

31. That the Plaintiff's Mortgages constitutes a first (1st) liens on the subject real property, subject only to the lien for unpaid Charleston County ad valorem taxes, if any, on the subject real property

32. That the Defendant(s) below named claim or may claim to have some interest in or lien upon the premises covered by the Plaintiff's Mortgage, or some part thereof, by virtue of the matters and things set forth below, but any such interest in or lien upon the said premises is junior and subordinate to the lien of the Plaintiff's Mortgage or does not attach to the property which is the subject of this action, or has been paid in full and not satisfied of record. Said liens or interests are of record in the RMC/ROD Office or Clerk of Court's Office for Charleston County and are described as follows:

- (a) The Defendant, Crestline Homes, Inc., by virtue of the Notice of Mechanic's Lien filed August 27, 2007 by Crestline Homes, Inc., against SRD Builders, in the amount of \$326,126.00 Dollars, in Book N636 at Page 568.

The Plaintiff is informed and believes the above lien have been paid and satisfied but not satisfied of record and that it does not constitute a lien against the subject property.

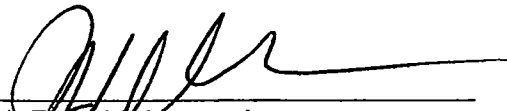
33. That the Plaintiff does not waive, but specifically demands judgment against the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for the full amount found to be due to the Plaintiff on the Notes and Mortgages held by the Plaintiff, with the right to enter personal judgment against the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for any deficiency in this action remaining after the sale of the mortgaged premises.

**WHEREFORE**, having fully set forth its Complaint, the Plaintiff prays that this Honorable Court inquire into the matters herein above alleged and grant relief unto the Plaintiff in the following particulars, to-wit:

- a. That the amount due upon the said Notes and Mortgages held by the Plaintiff be ascertained and determined under the direction of this Court together with attorneys fees and costs of this action;
- b. That the Mortgages of the Plaintiff be declared a first (1st) liens on the subject real property, subject only to the lien for unpaid Charleston County ad valorem taxes, if any, on the subject real property, and that the Plaintiff have judgment of foreclosure for the amount so found to be due and owing thereon together with any taxes or insurance premiums or other sums which may be due plus reasonable attorneys fees and the costs of this action;
- c. That the mortgaged premises be sold under the direction of this Court and that the Defendant and all persons claiming by, through or under him, them or it be barred and forever foreclosed of any right, title and interest and equity of redemption in and to the said mortgaged premises or any part thereof; and that the proceeds of the sale be applied as follows:
  - i. First to the costs and expenses of the within action and sale;
  - ii. Second to the payment and discharge of the amount due on the Notes and Mortgages of the Plaintiff together with attorneys fees as aforesaid; and
  - iii. Third, the surplus, if any, be distributed according to law.
- d. That the Plaintiff have a judgment against the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for the full amount found to be due to the Plaintiff on the Notes and Mortgages held by the Plaintiff, with the right to enter personal judgment against the Defendants, BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, and Timothy T. Rogers, for any deficiency in this action remaining after the sale of the mortgaged premises.

That this Court grant unto the Plaintiff such other and further relief as may be just and equitable.

CLAWSON & STAUBES, LLC



---

J. Ronald Jones, Jr.,  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
Telephone: (843) 577-2026  
Facsimile: (843) 722-2867

Attorneys for the Plaintiff

Charleston, South Carolina  
March 23, 2010

2:23 pm  
3-24-10

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
Regions Bank, )  
 )  
vs. )  
 )  
BDT Projects, LLC, f/k/a SRD Builders, LLC )  
f/k/a Folly Heed, LLC., Barry M. Stephens, )  
David K. Draper, Timothy T. Rogers, and )  
Crestline Homes, Inc., )  
 )  
Defendant(s). )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2010-CP-10- 2432

LIS PENDENS  
(Mortgage Foreclosure)  
(Non-Jury)

2010 MAR 24 PM 2:20  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

10-4963

NOTICE is hereby given that an action has been commenced and is now pending in this Court upon the Complaint of the above-named Plaintiff against the above-named Defendant(s) for the foreclosure of a certain mortgages of real estate, as follows:

- (1) Mortgage given by SRD Builders, LLC, to Regions Bank, dated March 29, 2007 and recorded April 24, 2007 in the RMC/ROD Office for Charleston County, South Carolina in Book E623 at Page 394; and
- (2) Mortgage given by BDT Projects, LLC, f/k/a Folly Heed, LLC, to Regions Bank, dated March 29, 2007 and recorded April 6, 2009 in the RMC/ROD Office for Charleston County, South Carolina in Book 0045 at Page 732.

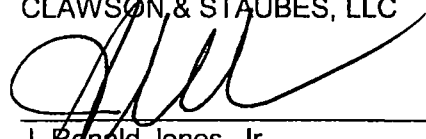
The premises covered and affected by the said mortgage and by the foreclosure thereof, was, at the time of the making thereof, and at the time of the filing of this Notice, described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being on Folly Island in the County of Charleston, State of South Carolina and known and designated as Lot Two Hundred Six (206) West Ashley Avenue on a plat prepared by Jefferson Construction Company dated February 1920, and recorded in Plat Book C at Page 158 in the RMC Office for Charleston County; said lot having such size, shape, metes and bounds as are shown on said plat.

MEASURING AND CONTAINING on West Ashley Avenue seventy (70') feet by one hundred fifty (150') feet in depth.

TMS #: 328-14-00-181

CLAWSON & STAUBES, LLC



J. Ronald Jones, Jr.,  
129 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
Telephone: (843) 577-2026  
Facsimile: (843) 722-2867

Attorneys for the Plaintiff

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SC Court of Appeals

Charleston, South Carolina  
March 23, 2010

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Regions Bank,

Plaintiff,

vs.

BDT Projects, LLC, f/k/a SRD Builders,  
LLC f/k/a Folly Heed, LLC., Barry M.  
Stephens, David K. Draper, Timothy T.  
Rogers, and Crestline Homes, Inc.,

Defendant(s).

IN THE COURT OF COMMON PLEAS

CASE NO.: 2010-CP-10-2432

CORPORATE VERIFICATION

2010 MAR 24 PM 2:20  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

I Clay K. Hughes, being duly sworn, deposes and says: That (s)he is an authorized representative of Regions Bank, Plaintiff herein; that (s)he has read the foregoing Complaint and knows the contents thereof, and that the same is true of his/her own knowledge, except as to the matters, therein stated upon information and belief, and as to those (s)he believes it to be true.

By: [Signature]  
Title: Senior Vice President  
Regions Bank

Sworn to before me this  
18<sup>th</sup> day of March, 2010.

[Signature]  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

MICHELLE D YOUNG  
Notary Public, South Carolina  
My Commission Expires  
September 27, 2014

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DEC 15 2016  
SC Court of Appeals

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON )

CASE NO.: 2010-CP-10- 243a

Regions Bank, )

Plaintiff, )

vs. )

**CERTIFICATE OF EXEMPTION  
FOR ADR**

BDT Projects, LLC, f/k/a SRD Builders, )  
LLC f/k/a Folly Heed, LLC., Barry M. )  
Stephens, David K. Draper, Timothy T. )  
Rogers, and Crestline Homes, Inc., )

Defendant(s). )

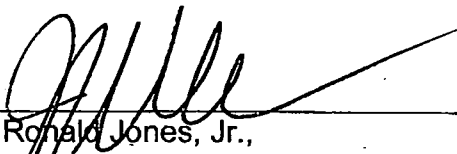
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DEC 15 2016

SC Court of Appeals

I certify that this action is exempt from ADR because:

- this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus or prohibition;
- this action is appellate in nature;
- this is a post-conviction relief matter;
- this is a contempt of court proceeding;
- this is a forfeiture proceeding brought by the State;
- this is a case involving a mortgage foreclosure; or
- the parties submitted the case to voluntary mediation with a certified mediator prior to the filing of this action.



J. Ronald Jones, Jr.,  
CLAWSON & STAUBES, LLC  
Bar No.: 0066091  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
Telephone: (843) 577-2026  
Facsimile: (843) 722-2867  
Attorney for Plaintiff

Defendant/Attorney(s) for Defendants

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Regions Bank,

vs.

BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly Heed, LLC., Barry M. Stephens, David K. Draper, Timothy T. Rogers, and Crestline Homes, Inc.,

Plaintiff,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVER SHEET

2010-CP-10 - 2432

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BEC 15 2016

SC Court of Appeals

(Please Print) Submitted By: Address:

J. Ronald Jones, Jr., CLAWSON & STAUBES, LLC 126 Seven Farms Drive, Suite 200 Charleston, SC 29492-8144

SC Bar #: Telephone #: Fax #: Other: E-mail:

0066091 (843) 577-2026 (843) 722-2867

rjones@clawsonandstaubes.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed and dated. A copy of this Cover Sheet must be served on the defendant(s) along with the Summons and Complaint

DOCKETING INFORMATION (Check all that apply) \*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint. This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules. This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules. This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- Contracts: Construction (100), Debt Collection (110), Employment (120), General (130), Breach of Contract(140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Notice/File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Appeals: Arbitration (900), Magistrate- Civil (910), Magistrate- Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Administrative Law Judge (980), Public Service Commission (990), Employment Security Commission (991), Other (999)
Special/Complex/Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practice (640), Out-of State Deposition (650), Sexual Predator (510)

SUBMITTING PARTY SIGNATURE:

[Handwritten Signature]

DATE: March 23, 2010

NOTE: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann § 15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Florence, Horry, Lexington, Richland, Greenville, and Anderson

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code § 15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Case are exempt from ADR only upon the following grounds
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals;
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by the government entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or statute
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

CLAWSON & STAUBES, LLC  
ATTORNEYS AT LAW

J. RONALD JONES, JR.  
Licensed in SC and NC  
Certified Specialist in Bankruptcy  
and Debtor/Creditor Law  
rjones@clawsonandstaubes.com

March 23, 2010

Reply to Charleston Office  
File No.: 2008-0055.003

The Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401

Re: Regions Bank v. BDT Projects, LLC, f/k/a SRD Builders, LLC f/k/a Folly  
Heed, LLC., Barry M. Stephens, David K. Draper, Timothy T. Rogers, and  
Crestline Homes, Inc.,  
Case No.: 2010-CP-10-2432

Dear Clerk of Court:

Please find enclosed an original and copies of the Civil Action Cover Sheet, Lis  
Pendens, Summons, Notice and Complaint to be filed regarding the above-captioned  
mortgage foreclosure, along with our check in the amount of \$150.00 to cover the cost of  
filing . We would appreciate you filing the originals and returning the stamped copies to  
our office in the enclosed envelope.

With best regards, we remain

Yours very truly,

CLAWSON & STAUBES, LLC

J. Ronald Jones, Jr.,

**RECEIVED**

DEC 15 2016

SC Court of Appeals

JRJ/ jcj  
Enclosures

cc: Regions Bank

Charleston Office:  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492-8144  
(o) 843.577.2026  
(f) 843.722.2867

Charlotte Office:  
756 Tyvola Rd., Suite 130  
Charlotte, NC 28217-3535  
(o) 704.940.9128  
(f) 704.522.9033

clawsonandstaubes.com

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE CIRCUIT COURT FOR THE  
NINTH JUDICIAL CIRCUIT

CASE NO: 2010-CP-10-2432

FILED  
2010 JUN -7 PM 1:15  
JULIE J. ARMSTRONG  
CLERK OF COURT

Regions Bank,  
PLAINTIFF

v.

BDT Projects. et al.  
DEFENDANTS

Answer of  
BDT Projects, LLC f/k/a Folly Heed, LLC,  
SRD Builders, LLC, Barry M. Stephens, David  
K. Draper and Timothy T. Rogers.  
Jury Trial Demanded

Defendants BDT Projects, LLC f/k/a Folly Heed, LLC, SRD Builders, LLC, Barry M. Stephens, David K. Draper and Timothy T. Rogers answer the Complaint of the above named Plaintiff as follows, stating that each and every allegation of the Complaint not herein expressly admitted or explained, is denied.

**FOR A FIRST DEFENSE**

1. Defendants admit the allegations in Paragraph 1.
2. Defendants deny the allegations in Paragraph 2. BDT Projects, LLC f/k/a Folly Heed, LLC is a separate and distinct limited liability company from SRD Builders, LLC.
3. Defendants admit the allegations of Paragraph 3.
4. Defendants admit the allegations of Paragraph 4.
5. Paragraph 5 requires no additional response.
6. Responding to Paragraph 6, Defendant SRD Builders, LLC admits to the executing of a Note. The terms of the Note speak for themselves and any allegations contained in this

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DEC 15 2016  
SC Court of Appeals

paragraph inconsistent with the terms of the note are denied and defendant demands strict proof thereof.

7. Responding to Paragraph 7, Defendant SRD Builders, LLC admits to the execution of a Mortgage but that the document speaks for itself and any allegations contained in this paragraph inconsistent with the terms of the mortgage are denied and defendant demand strict proof thereof.
8. Responding to Paragraph 8, Defendants admit those matters that are of public record and state that the terms of the Mortgage speak for themselves and any allegations contained in this paragraph inconsistent with the terms of the Mortgage or matters of public record are denied and defendants demand strict proof thereof.
9. Defendant admits the allegations contained in Paragraph 9.
10. Defendant SRD Builders, LLC admits to the allegations contained in paragraph 10.
11. Responding to Paragraph 11, Defendants deny all allegations inconsistent with the terms of the Note and Mortgage.
12. Paragraph 12 states a legal conclusion and no response is required, to the extent a response is required, Defendants state that the documents speak for themselves and deny any allegations inconsistent with the documents.
13. Responding to paragraph 13, Defendants deny the allegations and demand strict proof thereof.
14. Paragraph 14 requires no additional response.
15. Responding to Paragraph 15, Defendant SRD Builders, LLC admits to the executing of a Note. The terms of the Note speak for themselves and any allegations contained in this paragraph inconsistent with the terms of the note are denied and defendant demands strict proof thereof.
16. Responding to Paragraph 17, Defendant BDT Projects, LLC, f/k/a Folly Heed, LLC admits to the execution of a Mortgage but that the document speaks for itself and any allegations contained in this paragraph inconsistent with the terms of the mortgage are denied and defendants demand strict proof thereof.

17. Responding to Paragraph 17, Defendants admit those matters that are of public record and state that the terms of the Mortgage speak for themselves and any allegations contained in this paragraph inconsistent with the terms of the Mortgage or matters of public record are denied and defendants demand strict proof thereof.
18. Defendants admit the allegations contained in Paragraph 18.
19. Defendants deny the allegations contained in Paragraph 19. BDK Projects, LLC and SRD Builders, LLC are two separate and distinct entities.
20. Paragraph 20 states a legal conclusion and no response is required, to the extent a response is required, Defendants state that the documents speak for themselves and deny any allegations inconsistent with the documents.
21. Paragraph 21 states a legal conclusion and no response is required, to the extent a response is required, Defendants state that the documents speak for themselves and deny any allegations inconsistent with the documents.
22. Defendants deny the allegations contained in Paragraph 22 and demand strict proof.
23. Paragraph 23 requires no additional response.
24. Defendants deny the allegations contained in paragraph 24 and demand strict proof thereof.
25. Responding to Paragraph 25, Defendants state that the documents speak for themselves and any allegations contained in this paragraph inconsistent with the terms of the documents are denied and strict proof demanded thereof.
26. Responding to Paragraph 26, Defendants state that the documents speak for themselves and any allegations contained in this paragraph inconsistent with the terms of the Guarantees are denied and strict proof demanded thereof.
27. Responding to Paragraph 27, defendants deny the plaintiff is entitled to the relief requested.
28. Paragraph 28 requires no additional response from the defendants.
29. Defendants deny the allegations in Paragraph 29.

30. Responding to Paragraph 30, Defendants deny any allegations that are inconsistent with the terms of the Mortgages.
31. Responding to Paragraph 31, Defendants admit those matters that are of public record.
32. Defendants admit the allegations contained in Paragraph 32.
33. Responding to Paragraph 33, Defendants deny the Plaintiff is entitled to the relief requested.
34. Responding to the Paragraph beginning with WHEREFORE and containing subparagraphs (a) through (d), Defendants deny that Plaintiff is entitled to any relief.

**FOR A SECOND DEFENSE: UNCLEAN HANDS**

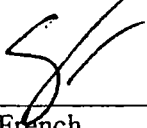
35. Defendants incorporate all defenses, allegations and statements contained in paragraphs 1 through 34.
36. Plaintiff has unclean hands in this matter.
37. It is axiomatic that one who seeks equity must have acted equitably.
38. Defendants request that Plaintiff's request for equitable relief be denied.

WHEREFORE, having fully answered the Complaint herein, the Defendants

- (1) Request that this matter be heard before a Jury;
- (2) Request an Accounting;
- (3) Expressly deny that the Plaintiff is entitled to any relief requested;
- (4) Pray that the same be dismissed with prejudice;
- (5) That Defendants costs and attorneys' fees be taxed against the Plaintiff;

(6) And for such other and further relief as this Court may deem Just and Proper.

June 4, 2010




---

Shawn M. French  
Attorney for Defendants  
SC BAR No.: 75007  
100 Ellis Ave, Ste. B  
Lexington, SC 29072  
803-462-4141

**CERTIFICATE OF SERVICE**

I, the undersigned, so hereby certify that I have this 4<sup>th</sup> day of June, 2010 caused the foregoing Answer of BDT Projects, LLC f/k/a Folly Heed, LLC, SRD Builders, LLC, Barry M. Stephens, David K. Draper and Timothy T. Rogers to be served on the Attorneys of record by depositing in the US MAIL, postage prepaid, addressed as follows:

Clawson & Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492  
ATTN: Roland Jones



---

Shawn M. French



Friday, June 4, 2010.

The Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Ste. 106  
Charleston, SC 29401-2258

RE: Regions Bank                      BDT Projects, et al.  
File Number                            162-101-1000068  
Case No.:                                2010-CP-10-2432

Dear Ms. Armstrong,

Please find enclosed the Answer of Defendants BDT Projects, LLC f/k/a Folly Heed, LLC, SRD Builders, LLC, Barry M. Stephens, David K. Draper and Timothy T. Rogers in the above referenced action along with the certificate of service of the same and appropriate copies. Please file the answer and return a clocked copy to me in the envelope provided.

If you have any questions, please do not hesitate contact me.

Sincerely,

Shawn M. French  
Attorney for Defendants

CC: Barry M. Stephens  
David K. Draper  
Timothy T. Rogers  
Clawson and Staubes, LLC  
File

**RECEIVED**

DEC 15 2016

SC Court of Appeals

Enclosures: Answer, Certificate of Service

1476 Ben Sawyer Blvd., Suite 3  
Mt. Pleasant, SC 29464  
843-606-6440

www.TheFrenchLawFirm.com  
info@TheFrenchLawFirm.com  
Facsimile 888-850-0948

100 Ellis Ave. Suite B.  
Lexington, SC 29072  
803-462-4141

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

Regions Bank, )  
Plaintiff, )  
vs. )  
BDT Projects, LLC, et. al. )  
Defendants. )

Civil Action No. 2010-CP-10-2432

**ORDER ON PLAINTIFF'S MOTION  
TO ALTER OR AMEND AND FOR  
RULE TO SHOW CAUSE**

FILED  
2012 AUG - 1 AM 11:20  
JULIE J. ARMSTRONG  
CLERK OF COURT

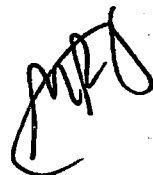
This matter comes before me on two motions filed by Plaintiff Regions Bank ("Plaintiff"): 1) Plaintiff's Motion to Alter or Amend the Court's prior order filed March 7, 2012 denying Plaintiff's motion pursuant to Rule 25(c) for an order substituting RREF RB-SC Folly Beach, LLC ("Assignee"), as party plaintiff and to amend the caption to reflect same; and 2) Plaintiff's motion pursuant to S.C. Code Ann. § 15-39-490 and S.C. Code Ann. § 14-5-320 for an order requiring Respondents SRD Builders, LLC; Barry M. Stephens; David R. Draper; and Timothy T. Rogers (collectively "Respondents") to show cause why they should not be held in contempt for refusal to produce to Plaintiff the documents required to be produced pursuant to the Court's Rule to Show Cause and Order for Supplemental Proceedings entered March 7, 2012 (the "Supplemental Proceedings Order"). A hearing was held before the undersigned on July 17, 2012, at which Plaintiff was represented by Merritt G. Abney, Esq., and Respondents by Shawn M. French, Esq. Having heard from counsel and reviewed their submissions and the applicable law, the Court finds as follows.

Regarding Plaintiff's motion pursuant to Rule 59(e), the Court finds that Plaintiff has demonstrated that it assigned the Order for Deficiency Judgment dated June 30, 2011 against

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DEC 15 2016

SC Court of Appeals



Respondents to Assignee and that the assignment has been filed with the Court. Assignee is therefore the proper plaintiff in this matter for purposes of pursuing the deficiency judgment in supplemental proceedings, and the Court finds that it should be substituted as plaintiff and the caption so amended. Thus, the Court grants Plaintiff's motion pursuant to Rule 59(e).

Regarding the motion seeking to have Respondents held in contempt, the Court finds that Respondents have not produced the documents and information required by the Supplemental Proceedings Order despite repeated requests for same over a period of several months from Mr. Abney.<sup>1</sup> The Court orders that Respondents shall produce to counsel for the Assignee all financial information and documentation required to be produced under the Supplemental Proceedings Order by 5:00pm on August 3, 2012. Any Respondent who fails to make production by this deadline will be held in contempt of court and sanctioned as the Court deems appropriate.

NOW THEREFORE, IT IS HEREBY ORDERED that RREF RB-SC Folly Beach, LLC, is hereby substituted as Plaintiff in this action;

IT IS HEREBY FURTHER ORDERED that the caption in this matter shall be amended accordingly and shall appear hereafter as follows:

A handwritten signature, possibly 'MRS', enclosed in a hand-drawn circle.

---

<sup>1</sup> The Court notes that Respondent Timothy Rogers did personally appear at the hearing on these motions and represented to the Court that he has produced some of documentation required by the Supplemental Proceedings Order directly to the Assignee. However, counsel for the Assignee contends that Rogers has not produced all of the documents and information required.

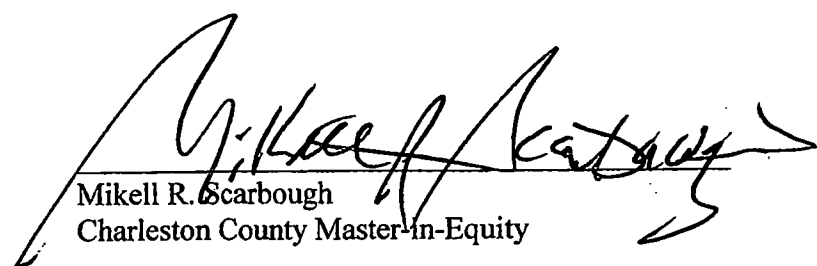
STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
 COUNTY OF CHARLESTON )  
 RREF RB-SC Folly Beach, LLC, ) Civil Action No. 2010-CP-10-2432  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BDT Projects, LLC, et. al. )  
 Defendants. )

IT IS HEREBY FURTHER ORDERED that Respondents shall produce to counsel for the Assignee all financial information and documentation required to be produced under the Supplemental Proceedings Order by 5:00pm on August 3, 2012. Production shall be made to the following address:

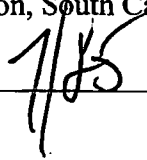
**Merritt G. Abney, Esq.**  
**Nelson Mullins Riley & Scarborough, LLP**  
**151 Meeting Street**  
**Suite 600**  
**Charleston, SC 29401**

IS HEREBY FURTHER ORDERED that any Respondent who fails to make production by this deadline shall be held in contempt of court and receive such sanction for non-compliance as the Court deems appropriate.

**AND IT IS SO ORDERED.**

  
 Mikell R. Scarborough  
 Charleston County Master-in-Equity

Charleston, South Carolina

  
 \_\_\_\_\_, 2012

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP--10-2432

Regions Bank

BDT Projects, LLC, et. al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Attorney for the Plaintiff, Merritt G. Abney	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

FILED  
 2012 AUG - 1 AM 11:20  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

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 PUBLIC 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.

Circuit Court Judge

Judge Code 3062 Date 7/25/12  
**RECEIVED**

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

**CLERK OF COURT**

**Court Reporter:**



WHEREAS, RB-SC has agreed to consent to the intervention of Calcote and Peacock to avoid the necessity of a formal motion and hearing; and

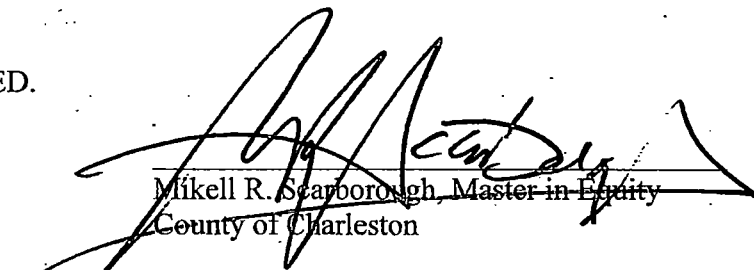
WHEREAS, the consent of the Plaintiff to the intervention and filing of pleadings by Calcote and Peacock as Intervening Respondents is entirely without prejudice to Plaintiff's claims;

NOW, THEREFORE, upon motion of Calcote and Peacock as Intervening Respondents, and with the consent of Plaintiff RB-SC, it is hereby

ORDERED that Calcote and Peacock are allowed to become parties to this action as Intervening Respondents and shall receive notice of any hearings scheduled by the Court, and the Intervening Respondents shall file and serve any pleading or response related to the Petition to Foreclose Lien and Sell Distributional Interest within 15 days of the entry of this Consent Order, and the Plaintiff shall have 30 days from the service of any pleading or response by Intervening Respondents to file any response thereto and/ or file any amended pleadings, should the Plaintiff choose to do so.

AND IT IS SO ORDERED.

4/18 2016  
Charleston, South Carolina

  
Mikell R. Scarborough, Master in Equity  
County of Charleston

**WE SO MOVE:**

ROSEN, ROSEN & HAGOOD, LLC

By: H. Brewton Hagood

H. Brewton Hagood  
D. Frank Blanchard  
151 Meeting Street, Suite 400  
P.O. Box 893  
Charleston, SC 29402  
(843) 577-6726

ATTORNEYS FOR PEACOCK  
INVESTMENTS, LLC AND  
THOMAS D. CALCOTE

**WE CONSENT:**

NELSON MULLINS RILEY &  
SCARBOROUGH, LLP

By: Merritt G. Abney

Merritt G. Abney  
M. Kathleen McTighe Mellen  
151 Meeting Street, 6<sup>th</sup> Floor  
P.O. Box 1806  
Charleston, SC 29402  
(843) 853-35200

ATTORNEYS FOR RREF RB-SC  
FOLLY BEACH, LLC

# ROSEN | HAGOOD

H. Brewton Hagood  
bhagood@rrhlawfirm.com

April 15, 2016

**RECEIVED**  
DEC 15 2016  
SC Court of Appeals

Honorable Mikell R. Scarborough  
Master in Equity  
100 Broad Street, Suite 266  
Charleston, SC 29401

Re: RREF RB-SC Folly Beach, LLC v. BDT Projects, LLC, et al.  
And Thomas D. Calcote and Peacock Investments, LLC,  
Intervening Respondents  
Case No.: 2010-CP-10-2432

Dear Judge Scarborough:

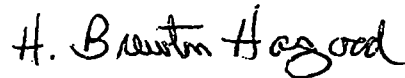
I represent Thomas D. Calcote and Peacock Investments, LLC, and Merritt Abney represents the Plaintiff in the above matter. Mr. Calcote owns a 50% interest in Peacock Investments, LLC which is the subject of the foreclosure lien in this matter.

I have enclosed for your consideration a proposed Consent Order Allowing Intervention on behalf of Thomas Calcote and Peacock Investments, LLC, to which Attorney Abney has consented. If this Consent Order meets with your approval, I would appreciate it if you would sign the Order and either return it to me for filing or ask your office to forward it to the Clerk's office for filing.

I have also enclosed my firm's check for the filing fee in the amount of \$25.00.

With kind regards, I am

Sincerely yours,



H. Brewton Hagood

HBH/sec  
Enclosures

Cc: Merritt G. Abney, Esquire (via e-mail only)  
M. Kathleen McTighe Mellen, Esquire (via e-mail only)  
Mr. Thomas D. Calcote (via e-mail only)

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS )

COUNTY OF CHARLESTON )

CASE NO. 2010-CP-10-2432 )

RREF RB-SC FOLLY BEACH, LLC, )  
 Plaintiff )

v. )

MOTION AND ORDER INFORMATION )  
FORM AND COVER SHEET )

BDT PROJECTS, LLC, et al. )  
Defendants )  
and )

THOMAS D. CALCOTE and )  
PEACOCK INVESTMENTS, LLC, )  
 Intervening Respondents. )

Plaintiff's Attorney: Merritt G. Abney, Esquire M. Kathleen M. Mellen, Esquire Nelson Mullins Riley & Scarborough, LLP 151 Meeting Street, 6 <sup>th</sup> Floor P.O. Box 1806 Charleston, SC 29402 (843) 853-5200 <a href="mailto:Merritt.abney@nelsonmullins.com">Merritt.abney@nelsonmullins.com</a> <a href="mailto:Katie.mellen@nelsonmullins.com">Katie.mellen@nelsonmullins.com</a>	Intervening Respodents' Attorney: H. Brewton Hagood Rosen, Rosen & Hagood, LLC 151 Meeting Street, Suite 400 Charleston, SC 29401 (843) 577-6726 <a href="mailto:bhagood@rrhlawfirm.com">bhagood@rrhlawfirm.com</a> <i>Attorneys for Thomas D. Calcote and          Peacock Investments, LLC</i>
---	---

<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)
---

**RECEIVED**  
DEC 15 2016  
SC Court of Appeals

**SECTION I: Hearing Information**

Nature of Motion:

Estimated Time Needed: Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

H. Brewster Hasgood  
 Signature of Attorney for Intervening Respondents

April 15, 2016  
 Date submitted

**SECTION III: Motion Fee**

- PAID - AMOUNT: \$25.00
- EXEMPT:
  - Rule to Show Cause in Child or Spousal Support
  - (check reason)  Domestic Abuse or Abuse and Neglect
  - Indigent Status     State Agency v. Indigent Party
  - Sexually Violent Predator Act     Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication     Motion for Execution (Rule 69, SCRCP)
  - Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: \_\_\_\_\_
- Other: \_\_\_\_\_

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order.
- Other: \_\_\_\_\_

JUDGE \_\_\_\_\_

CODE: \_\_\_\_\_ Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

- MOTION FEE COLLECTED: \_\_\_\_\_
- CONTESTED - AMOUNT DUE: \_\_\_\_\_

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-2432

RREF RB-SC

BDT Projects LLC, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant	

FILED  
2016 JUN -3 PM 3:49  
JULIE A. HARRIS  
CLERK OF COURT

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), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

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

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: Eric Wade's Motion to Intervene is GRANTED.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

*Intervene Wade's Motion granted.*

INFORMATION FOR THE PUBLIC 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.

Circuit Court Judge *[Signature]*

3062

RECEIVED

Date

*6/2/16*

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

**CLERK OF COURT**

**Court Reporter:**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 RREF RB-SC Folly Beach, LLC )  
 Plaintiff, )  
 vs. )  
 BDT Projects, LLC et al )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2010-CP-10-2432

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

Plaintiff's Attorney: Merritt G. Abney, Bar No. _____ Address: PO Box 1806, Charleston, SC 29402-1806 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____									
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)										
<b>SECTION I: Hearing Information</b>										
Nature of Motion: Motion to Intervene Estimated Time Needed: 20 minutes      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO										
<b>SECTION II: Motion/Order Type</b>										
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.										
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">             Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant         </div> <div style="text-align: right;">           May 6, 2016            Date submitted         </div> </div>										
<b>SECTION III: Motion Fee</b>										
<input checked="" type="checkbox"/> PAID – AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status    <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act    <input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication    <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or,            reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	Name of Court Reporter: _____	<input type="checkbox"/> Other: _____
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Name of Court Reporter: _____										
<input type="checkbox"/> Other: _____										
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____									
<b>CLERK'S VERIFICATION</b>										
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____										

**RECEIVED**

DEC 15 2016

SC Court of Appeals

SCCA 233 (11/2003)

{00711758.DOCX}

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

RREF RB-SC Folly Beach, LLC,  
Plaintiff,

vs.

BDT Projects, LLC, f/k/a SRD BUILDERS,  
LLC, f/k/a FOLLY HEED, LLC, BARRY  
M. STEPHENS, DAVID K. DRAPER,  
TIMOTHY T. ROGERS and CRESTLINE  
HOMES, INC.,

Defendants.

And

THOMAS D. CALCOTE and PEACOCK  
INVESTMENTS, LLC;

Intervening Respondents.

IN THE COURT OF COMMON PLEAS  
C/A NO.: 2010-CP-10-2432

**ERIC WADE'S MOTION TO  
INTERVENE**

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DEC 15 2016

SC Court of Appeals

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

2016 MAY 11 PM 2:55

FILED

TO: *MERRITT G. ABNEY, ESQUIRE, ATTORNEY FOR THE PLAINTIFF*

YOU WILL PLEASE TAKE NOTICE that Eric Wade will move on the tenth (10<sup>th</sup>) day of service hereof, by and through his undersigned counsel, before the Presiding Judge of the Circuit Court for Charleston County for an Order allowing him to intervene in this action pursuant to Rule 24 SCRPC. The moving intervenor is the Plaintiff in a lawsuit captioned *Eric Wade v. Peacock Investments, LLC, Barry McKinley Stephens and Thomas Calcote* filed in this Court with Case Number 2014-CP-10-7297. The Plaintiff in this matter RREF RB-SC Folly Beach, LLC, intervened by Order filed January 15, 2016, in Mr. Wade's case pending in this Court. Mr. Wade makes this motion as his interests are directly affected by the actions of this Court in the above-captioned matter. Prior to the hearing of this motion, Mr. Wade will present his proposed pleading set forth the claims and defenses, including a crossclaim against the Defendant Barry M. Stephens and Intervening Respondents Thomas D. Calcote and Peacock

Investments, LLC. regarding Mr. Wade's interest in Peacock Investments, LLC, and his actions against Barry McKinley Stephens. This is a timely motion as Mr. Wade learned of this case on May 5, 2016 through counsel for the Intervening Respondents by way of the attached pleading.

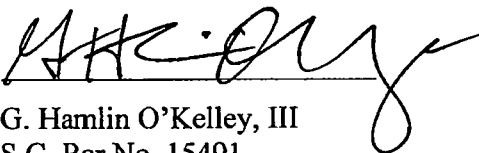
Pursuant to Rule 11 SCRPC, counsel certifies that consultation in this matter would serve no use purpose.

BUIST, BYARS & TAYLOR, LLC

Mt. Pleasant, South Carolina

May 6, 2016

By:



G. Hamlin O'Kelley, III  
S.C. Bar No. 15491  
652 Coleman Blvd., Suite 200  
Mt. Pleasant, SC 29464  
(843) 856-4488  
[hamlin.okelley@buiстыars.com](mailto:hamlin.okelley@buiстыars.com)  
*Attorney for Eric Wade*

**CERTIFICATE OF SERVICE**

I certify that I served a copy of the foregoing via U.S. regular mail on this 6 Day of May, 2016, addressed to the following counsel at the addresses indicated below:

Merritt G. Abney, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
PO Box 1806  
Charleston, SC 29402-1806

Shawn M. French, Esq.  
The French Law Firm, LLC  
1476 Ben Sawyer Blvd., Suite 3  
Mt. Pleasant, SC 29464



Amanda C. Taylor  
Paralegal to G. Hamlin O'Kelley, III

FILED  
2016 MAY 11 PM 2:55  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

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SC Court of Appeals

WATTS LAW FIRM, PA  
P.O. Box 2046  
SUMMERVILLE, SC 29484

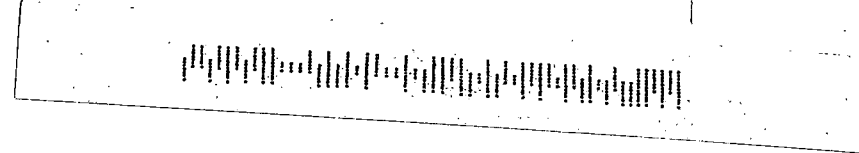


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DEC 15 2016

SC Court of Appeals

**FIRST CLASS**

Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211