

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COLLETON COUNTY
In the Circuit Court

Carmen T. Mullen Circuit Court Judge

Case No. 2014-CP-15-384

RECEIVED

JAN 30 2017

SC Court of Appeals

Willard E. Wilson, Appellants,

v.


Home Builders Finance Company, Respondents.

AMENDED NOTICE OF APPEAL

Appellant, Willard Wilson, by and through undersigned counsel, hereby appeals the Order of the Honorable Carmen T. Mullen, one titled Order, filed November 22, 2016, granting Plaintiff's Motion to Compel Enforcement of Settlement Agreement, filed September 4, 2015.

Appellant's counsel received written notice of entry of the Order on December 9, 2016 by email (*See email attached hereto as Exhibit A*).

FUTERAL & NELSON, LLC



Thomas C. Nelson, Esquire
S.C. Bar ID 71178
Post Office Box 1385
Mt. Pleasant, South Carolina 29465
Telephone (843) 284-5500 ext. 226
Facsimile (843) 284-5501
email to: tnelson@charlestonlaw.net

Dated: 1/27, 2017

Attorney for Appellant

Other Counsel of Record:

Honorable Carmen T. Mullen
Post Office Box 90
Bamberg, South Carolina 29003

Drew B. Walker, Esquire
Rogers, Lewis, Jackson, & Quinn, LLC
1330 Lady Street, Suite 400 (2920)
Post Office Box 11803
Columbia, South Carolina 29211

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

Home Builders Finance, Inc.,
Plaintiff,

v.

Willard E. Wilson; Annie L. Green; and
Palmetto Citizens Federal Credit Union,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C/A NO: 2014-CP-15-384

ORDER

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SC Court of Appeals

This matter came before me on May 13, 2016 for hearing on a motion pursuant to Rules 7(b) and Rule 41 of the South Carolina Rules of Civil Procedure, brought by the Plaintiff Home Builders Finance, Inc. ("Plaintiff") for an Order compelling the enforcement of the Settlement Agreement signed by all parties on September 4, 2015.

Attorney Drew Walker, Esq. appeared on behalf of the Plaintiff. Attorney Dayne Buckner, Esq. appeared on behalf of Defendant Annie L. Green ("Ms. Green").

After hearing oral arguments from counsel, reviewing the evidence on the record considering the relevant case law, and for the reasons more fully articulated below, the Motion is GRANTED.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On March 3, 2015, the parties participated in mediation. After lengthy negotiations, the parties reached a settlement agreement ("Agreement") and subsequently filed it into the court's record with the Clerk of Court's office on April 11, 2016 with its defined terms incorporated herein. The signed document sets forth clear and specific terms of the settlement agreement between the parties. Plaintiff did not receive payment due under Section 1 of the Agreement, thereby triggering Section 2(b) and requiring compliance therewith. Plaintiff's attempts to

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COLLETON COUNTY
COMMON PLEAS

comply with section 2(b) of the Agreement by delivering \$20,000.00 ("Payment") to Defendant Annie L. Green ("Ms. Green") were unsuccessful despite good faith efforts.

Accordingly,

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion to Compel Enforcement of Settlement Agreement is GRANTED.

2. Plaintiff, by and through its title insurance company, shall issue Payment to Ms. Green by mailing a check to the office of her counsel, Dwayne T. Buckner, Esq., said check being made out to his trust account, to satisfy obligations under Section 2(b) of the Agreement. Mr. Buckner's office shall provide Plaintiff's counsel a W-9 for purposes of issuing said check.

3. Upon mailing of the Payment to Mr. Buckner and following payment of the Judgment (as defined in the instant Motion and Agreement) to Palmetto Citizens Federal Credit Union ("PCFCU"), Plaintiff is entitled to record the Quitclaim Deed in its possession in the Colleton County Register of Deeds Office.

4. Furthermore, Plaintiff may file the Stipulation of Dismissal attached as Exhibit C to the Agreement following Plaintiff's payment of the Payment and the Judgment, and PCFCU's counsel's execution of the Stipulation of Dismissal.

AND IT IS SO ORDERED.



The Honorable Carmen T. Mullen
Presiding Judge for the Fourteenth Circuit

11/17, 2016

EXHIBIT A

Subject: Fwd: Court order
Date: Thursday, January 26, 2017 at 11:16:20 AM Eastern Standard Time
From: Thomas Nelson <tnelson@charlestonlaw.net>
To: Shaunda Smith <ShaundaSmith@charlestonlaw.net>
Attachments: Scanned from a Xerox Multifunction Printer.pdf, ATT00001.htm

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 JAN 30 2017
 SC Court of Appeals

Sent from my iPhone

Begin forwarded message:

From: Lori Weiss <lweiss@colletoncounty.org>
Date: December 9, 2016 at 4:38:22 PM EST
To: "THOMAS C. NELSON" <TNELSON@CHARLESTONLAW.NET>
Subject: FW: Court order

Dear Mr. Nelson:

Attached please find a copy of an Order filed in Home Builders Finance Vs. Willard Wilson et al. I apologize, it appears your name was not listed in our system as an attorney of record in this matter. The error has been corrected as of today and a copy of this email will be made a part of the case file as proof of service of the attached Order.

Sincerely,
 Lori L. Weiss
 Court Specialist III
 Colleton County Court of Common Pleas
 (843) 549-5791 phone
 (843) 549-6857 fax
lweiss@colletoncounty.org

-----Original Message-----

From: civ5765wx@colletoncounty.org [<mailto:civ5765wx@colletoncounty.org>]
Sent: Wednesday, November 30, 2016 8:24 AM
To: Weiss, Lori <lweiss@colletoncounty.org>
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Sent by: Guest [civ5765wx@colletoncounty.org]
 Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
 Device Name: XRX9C934E312308

For more information on Xerox products and solutions, please visit
http://cp.mcafee.com/d/2DRPoArhouhphd7bX31KVJ6XybxEVopj76QrK8K6zAQsLe8CQrK8K6zBxBdUSztN4syCMUMrD3PWlw2H4ZyvZ9RwvFzwqrIjS9_QDm1-Ce1FIseoj8cffZvCkTQNMV7HTbFIKnVOXyrBSumKzp55mWrfaxVZicHs3jq9J4TvAm1POrBTxRPtPo08f-dg_BPpVzVkE2Hlff-tomGT2prw09JOXb31In018Qg2lmUPd45oEv4Sy-rzskLvQt0ub_v

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SC Court of Appeals

Willard E. Wilson, Appellants,

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Home Builders Finance Company, Respondents.

AMENDED PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal by delivering the same via United States Regular Mail, postage prepaid, on January 27, 2017, addressed to all counsel(s) of record as follows:

Honorable Carmen T. Mullen
Post Office Box 90
Bamberg, South Carolina 29003

Drew B. Walker, Esquire
Rogers, Lewis, Jackson, & Quinn, LLC
1330 Lady Street, Suite 400 (2920)
Post Office Box 11803
Columbia, South Carolina 29211

(Attorney Signature on Following Page)

FUTERAL & NELSON, LLC



Thomas C. Nelson, Esquire

S.C. Bar ID 71178

Post Office Box 1385

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Telephone (843) 284-5500 ext. 226

Facsimile (843) 284-5501

email to: tnelson@charlestonlaw.net

Dated: 1/27, 2017

Attorney for Appellant



Futeral & Nelson LLC

1004 Anna Knapp Boulevard
Mount Pleasant, South Carolina 29464

Mailing Address:

P.O. Box 1385

Mount Pleasant, South Carolina 29465

Tel: 843-284-5500 | Fax: 843-284-5501

charlestonlaw.net

January 27, 2017

VIA FACSIMILE(803) 734-1839 and U.S. Mail

South Carolina Court of Appeals

Attn: Elizabeth, Clerk of Court

1220 Senate Street

Columbia, South Carolina 29201

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JAN 30 2017

SC Court of Appeals

RE: Amended Notice of Appeal
Willard Wilson v. Home Builders Finance Company
Case No.: 2014-CP-15-384
Appellate Case No. 2017-000037

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy each of the following:

1. Amended Notice of Appeal with attached Order
2. Amended Proof of Service of Notice of Appeal

Please file the original and return a clocked copy to me in the envelope provided. Also enclosed, is a copy of the letter filing the Amended Notice of Appeal with the lower court.

Please contact me if you have any questions. Thank you in advance for your kind assistance.

Sincerely,

Shaunda M. Smith

Paralegal

shaundasmith@charlestonlaw.net

/sms

Enclosure(s): As stated

cc: Honorable Carmen T. Mullen
Drew B. Walker, Esquire

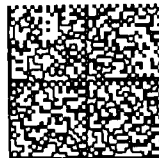


Futeral & Nelson LLC

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Mount Pleasant, South Carolina 29465

South Carolina Court of Appeals
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