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STATE OF SOUTH CAROLINA **SC Court of Appeals** IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON NINTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2015-CP-10-3919

ATHAN FOKAS,

Plaintiff,

v.

PHILIP FERDERIGOS, JACOB
FERDERIGOS, and SPIROS FERDERIGOS,

Defendants.

**ORDER GRANTING DEFENDANT
SPIROS FERDERIGOS' AMENDED
MOTION TO AMEND TAX RETURNS
AND CHANGE CHECKING ACCOUNT
AND FOR RESTRAINING ORDER**

FILED
2017 APR 28 PM 2:52
JULIE J. BRASSER
CLERK OF COURT

This matter came before the Court for a hearing on March 1, 2017 for Defendant Spiros Ferderigos' Amended Notice of Motion and Motion to Amend Tax Returns and Change Checking Account and for Restraining Order. Present in the courtroom were Plaintiff Athan Fokas and his counsel Stanley Barnett, and Defendant Spiros Ferderigos and his counsel Dawes Cooke.

Having carefully reviewed the Motion, Exhibits, Memoranda, Affidavits and submissions of the parties and having heard arguments from the parties and after careful review of this matter and considering all of the evidence presented to this Court, this Court finds the arguments of Defendant to be compelling and hereby grants the relief requested in his Motion and this Court finds that it is appropriate to grant the relief requested by Defendant Spiros Ferderigos as set forth in his Motion, oral arguments, and supporting Affidavit. Accordingly, this Court hereby grants Defendant Spiros Ferderigos' Amended Notice Of Motion And Motion To Amend Tax Returns And Change Checking Account And For Restraining Order.

Based upon all the evidence, this Court finds that Plaintiff inappropriately filed incorrect 2015 Tax Returns for Old Towne Suites, LLC over the objections of the other members and

without the other members' consent. This Court further finds that Plaintiff inappropriately opened an unauthorized bank account for Old Towne Suites, LLC at First Citizens Bank in which only he had legal access to the exclusion of the other members. Moreover, over a period of several months, Plaintiff continued to ignore Defendant's repeated requests to close the unauthorized account and to open a new account with full access of all members. This Court further finds that Plaintiff has inappropriately taken unilateral action(s) and inappropriately made unilateral decision(s) for Old Towne Suites, LLC over the objections of the other members and without the other members' consent. These actions violated Plaintiff's statutory duty to the Defendant and other members and necessitated the filing of this present Amended Motion. It is therefore

ORDERED that Defendant Spiros Ferderigos is hereby authorized to amend the 2015 Tax Return for Old Towne Suites, LLC (hereinafter LLC) on behalf of the LLC as requested in his Amended Motion and supporting Affidavit. It is further

ORDERED that Plaintiff shall immediately close the unauthorized LLC bank account that he opened at First Citizens Bank (account number ending 7701) and immediately withdraw all funds from the First Citizens Bank account and deposit them into the LLC account with United Community Bank (account number ending 0089). The aforementioned United Community Bank account shall be the sole account used for the LLC. All LLC revenue, receipts, proceeds, profits, funds, etc. shall be deposited in the aforementioned United Community Bank account prior to distributions being made to the members from said account. All LLC expenses shall be paid directly from the aforementioned United Community Bank account. The property manager for the LLC is also directed to deposit all rental proceeds/profits and/or other funds for the LLC directly into the aforementioned United Community Bank

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account. Defendant Spiros Ferderigos shall be reimbursed the initial \$1,500 deposit of his personal funds that he deposited into the aforementioned United Community Bank account that was required (as an approximate minimum balance) to initially open the account on behalf of the LLC. It is further

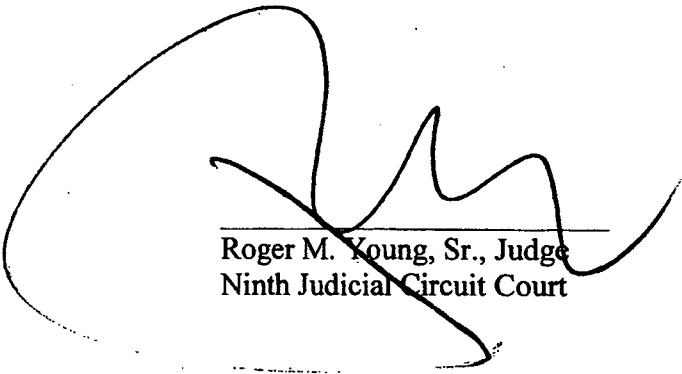
ORDERED that Plaintiff Athan Fokas is hereby strictly restrained from taking any unilateral action(s) and/or making any unilateral decision(s) without the ongoing consent of the majority of the members of the LLC. Any such consent shall be in writing. It is further

ORDERED that this Court is hereby appointing a Receiver for the LLC *sua sponte*, unless the parties inform the Court that they have reached a mutual written agreement, with details, resolving the need for a Receiver. If the parties cannot reach such an agreement, Defendant Spiros Ferderigos' counsel (M. Dawes Cooke, Jr.) shall select the Receiver to be appointed for the LLC and prepare a proposed Order for the Court Appointing said Receiver. It is further

ORDERED that failure to comply with this Order shall subject the violator to the Contempt Powers of this Court.

IT IS SO ORDERED!

April 10, 2017
Charleston, South Carolina



Roger M. Young, Sr., Judge
Ninth Judicial Circuit Court

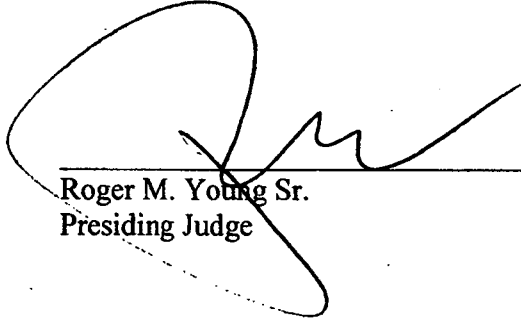
citations omitted). Plaintiff's Motion to Alter or Amend this Court's Order of April 11, 2017 has failed to satisfy the above requirements, and is therefore denied.

CONCLUSION

Having thoroughly considered the supporting and opposing arguments of counsel, Plaintiff's Motion to Alter or Amend this Court's Order of April 11, 2017 is DENIED.

IT IS SO ORDERED!

May 3, 2017
Charleston, South Carolina



Roger M. Young Sr.
Presiding Judge