

STATE OF SOUTH CAROLINA)

YORK COUNTY)

COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

Jacqueline R. Dickerson,
Plaintiff,

vs.

Altavia McCullough Chisholm
d/b/a Knox Bonding,
Defendant.

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SC Court of Appeals

ORDER

Civil Judgment No. 2015-CP-46-2298

This matter came before the Court on July 18, 2017, upon Plaintiff's petition for supplemental proceedings in aid of collection of her judgment against the Defendant. At the hearing, Plaintiff was represented by Lucy L. McDow. The Defendant ("Chisolm") was represented by James W. Boyd.

Also appearing was J. Martin Foster, representing Sandra McCullough Knox. Ms. Knox is the holder of a one-third remainder interest in the real property that is an asset at issue in these supplemental proceedings. She is also a co-trustee of the trust established by her late husband, Willie C. Knox.

Through these supplemental proceedings, Plaintiff, as judgment creditor, has established the following relevant assets of the judgment debtor, Chisholm, exist and may be levied upon, attached, and applied toward payment of the judgment balance:

1. Chisholm's ownership of the sole proprietorship, Knox Bonding Company, and its assets; and,
2. Chisholm's beneficiary interest in the Trust established by her father, Willie C. Knox ("Knox Trust"), of which Chisholm is also a co-trustee.

Pursuant to S.C. Code Ann. §15-39-310 *et seq.* (1976, as amended), I find and conclude that Dickerson is entitled at this time to levy upon and attach the following:

1. Existing accounts receivable of the Knox Bonding business, consisting of any and all amounts owed by bail bond customers, guarantors, other bondsmen or bond businesses, or by third parties of any type; and,
2. Chisholm's beneficiary interest in the Knox Trust.

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DISCUSSION

1. Chisholm's duties regarding the accounts receivable.

Within one week of the issuance of this order, Chisholm must turn over to Dickerson's attorneys: (a) all of the accounts receivable information and records necessary for the effective collection of the unpaid accounts, including but not limited to the balance of each unpaid account and the names and all known contact information for the customers and guarantors who owe the balances; and, (b) the balance, basis, and contact information for every other amount owed to her as a bondsman by other bondsmen, bonding businesses, or third parties. Chisholm shall not withhold any of the required information or accounts on the ground that an account was generated by another, such as runners or other bondsmen acting on her behalf.

Following the issuance of this order, Chisholm shall not solicit, collect, or accept payment for any of the transferred accounts receivable but shall instead direct anyone attempting to pay on such accounts to Dickerson's counsel. Dickerson's counsel may affirmatively contact all of the account debtors, advise them of this order, and the need to make further payments to them on Dickerson's behalf, and proceed to collect such accounts as Chisholm/Knox Bonding's assignee by all legal means.

Dickerson shall record all proceeds collected and, upon Chisholm's request, shall provide periodic summaries of such amounts. At reasonable intervals, Chisholm may request, and Dickerson shall provide, a partial satisfaction of the judgment to reflect the monies actually received and credited.

2. Chisholm's beneficiary interest in the Trust.

Issuance of a copy of this order to counsel for Sandra McCullough Knox as co-trustee of the Trust, along with issuance to counsel for Chisholm, shall be notice to the Trust that Chisholm's beneficiary interest in the Trust has been attached by, levied upon, and assigned to Dickerson and that Dickerson may exercise those rights accordingly.

3. Chisholm's rights and obligations with regard to the Trust properties.

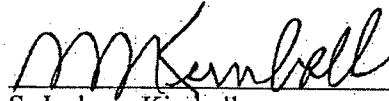
The Will of Willie C. Knox directs that Chisolm shall keep four pledged real properties in trust, and pay all expenses of their upkeep, repairs and maintenance, insurance, and taxes from the properties' income. By September 1, 2017, Chisholm shall account to Dickerson for all funds on hand from the properties as of June 7, 2017 (the date of service of the Court's initial order for supplemental proceedings), and all funds generated by the properties and all property expenses paid since that date.


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3. Chisholm's remainder beneficiary interest in the Knox Trust is attached, levied upon, and assigned to Jacqueline R. Dickerson.
4. The amounts obtained or received by Dickerson shall not exceed the unpaid balance of the judgment, including accrued interest, and, upon payment in full of the judgment, Dickerson shall have the judgment marked satisfied, and the levies, attachments, and assignments imposed by this order will become null and void and of no further effect.
5. Altavia McCullough Chisholm shall provide the information and reports and excess funds, if any, described in the body of this order to Dickerson's attorneys within one week of this order's issuance, and subsequent monthly reports of income from and expenses of the properties of the Trust beginning October 1, 2017.
6. Altavia McCullough Chisholm is restrained from soliciting or accepting funds in payment of any of the unpaid accounts described in No. 1 above.

AND IT IS SO ORDERED.

August 28, 2017


S. Jackson Kimball
Special Circuit Judge
York County

#4

Chisholm shall thereafter monthly itemize and account to Dickerson for all income from and expenses of the properties, beginning October 1, 2017. Chisholm's past or future delegation of this duty to others shall not relieve her of the obligation to provide the accountings, and vouch for their accuracy.

4. Amounts collected by Knox Bonding on or after June 7, 2017.

The Court's original restraining order in this matter was served on Chisholm on June 7, 2017, and has remained in effect, with some modifications by subsequent orders. As a result, Chisholm has been restrained since June 7, 2017, from using any of the proceeds of Knox Bonding Company for any purpose except the payment of ordinary and necessary business telephone expenses, and for the payment of bond estreatments. Within one week of the issuance of this order, Chisholm must account to Dickerson for all of the business's monies on hand as of June 7, 2017, together with all proceeds received since then and all amounts paid for bond estreatments and business telephone expenses, and must remit to Dickerson with the accounts receivable any amounts in excess of those amounts.

5. Relief not to exceed the unpaid balance of the judgment.

The amounts collected, obtained, or received by Dickerson pursuant to this Order, or otherwise, in payment of the judgment shall not exceed the unpaid judgment balance, including accrued interest. At such time as the judgment may be fully satisfied, Dickerson shall provide Chisholm with a written satisfaction of judgment, and this order will have no further effect.

As long as any part of the judgment balance remains unpaid, the relief granted by this order does not bar Dickerson from re-instituting supplemental proceedings to identify and collect additional or future assets to apply against the judgment balance.

Such future assets shall include future accounts receivable of Knox Bonding Company. Upon request of Plaintiff, or her counsel, Chisholm shall, from time to time, account to Plaintiff, or her counsel, for accounts receivable accruing after the date of this order.

ORDER

Therefore, based on the findings, conclusions and rulings herein, it is ordered as follows:

1. Existing of Altavia McCullough Chisholm d/b/a Knox Bonding Company, consisting of any and all amounts owed by bail bond customers, guarantors, other bondsmen or bond businesses, or by third parties of any type ("the Knox Bonding accounts"), are attached, levied upon, and assigned to Jacqueline R. Dickerson.
2. A copy of this issued order shall be notice to persons owing monies under the Knox Bonding Company accounts described above that all further amounts shall be paid to Jacqueline R. Dickerson's attorneys, or as they direct, until paid in full.

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