

22998

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court

D. Craig Brown, Circuit Court Judge

Case No.: 2016-001521

RECEIVED

DEC 30 2016

SC Court of Appeals

South State Bank, f/k/a SCBT, a South Carolina state chartered banking corporation, d/b/a
First Federal, a Division of SCBT..... Respondent,

v.

Three Amigos Land Co., LLC. A South Carolina limited liability company; River
City Storage, LLC, a Florida limited liability company; Ramco River City, Inc., a Michigan
corporation; Liberty River City Residential, LLC, a Florida limited liability company; Ramco
Jacksonville, LLC, a Michigan limited liability company; George M. Lee, III, an individual;
and Paul V. Degenhart an individual, Defendants.

Of whom Paul V Degenhart is the Appellant Appellant.

SUPPLEMENT TO RECORD ON APPEAL

PAUL V. DEGENHART
2131 Park Street
Columbia, South Carolina 29201
(803) 771-6050
Pro Se Appellant

W. CLIFF MOORE, III
PO Box 2285
Columbia, SC 29202
803-513-4360
Attorney for Respondent

INDEX

Order Granting Defendant’s Motion to dismiss dated June 27, 2012.....1
Order Denying Motion for Rehearing or to amend dated June 27, 2014... ..3
Order of the District Court of Appeals, First District filed February 12, 2015.....6
Order of the District Court of Appeals, First District Denying Rehearing, Clarification and Certification and Motion to dismiss filed March 18, 2015.....8
Order of the District Court of Appeals, First District Denying Motion for Rehearing filed April 24, 2015.....10
Order Staying Enforcement filed March 4, 201512
Order Lifting Stay filed July 30, 2015 14
Order denying motion for relief from Foreign Judgment and Order for Entry of Judgment against Paul V Degenhart only filed June 28, 201616
Partial Summary Judgment dated March 12, 2013.....24
Amended Final Judgment for deficiency dated February 27, 2014.....31
Complaint.....36
Amended Complaint.....50
Answer to Amended Complaint.....68
Transcript of Record June 6, 2016.....75
Motion to Dismiss dated April 20, 2012.....88
Motion for Rehearing or to Amend dated March 13, 201491
Motion for Rehearing; Clarification dated February 23, 2015.....98
Motion to Dismiss for lack of subject matter jurisdiction March 9, 2015.....101
Motion for Rehearing; Clarification dated March 30, 2015.....107
Motion for Relief from Foreign Judgment dated December 17, 2014110
Reply to Amended Memorandum dated June 3, 2016.....121
Exhibits
 Affidavit.....132
 Excerpt from Operating Agreement.....135
 Bank Commitment Letter.....137
 Promissory Note.....143
 Mortgage Excerpt.....145
 Amended Final Judgment.....148
 Guarantee Agreement152
Notice of Appeal.....155
Notice of Filing Foreign Judgment.....158
Certificate of Appellant.....161

SUPPLEMENT

Notice of Filing of Foreign Judgment, Amended Judgment for Deficiency and Affidavit filed September 16, 2014.....162
Certificate of Appellant.....172

Notice of Filing of Foreign Judgment, Amended Judgment for Deficiency and
Affidavit filed September 16, 2014

000162

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

South State Bank, f/k/a SCBT, a South Carolina state chartered banking corporation, d/b/a First Federal, a Division of SCBT,)

Plaintiff,)

vs.)

Three Amigos Land Co., LLC, a South Carolina limited liability company, et al.,)

Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014-CP-40- 5683

Submitted By: Lana H. Sims, IV
Address: Adams and Reese LLP
1501 Main Street, 5th Floor
Columbia, SC 29201

SC Bar #: 100751
Telephone #: 803-254-4190
Fax #: 803-779-4749
Other: 803-212-6513
E-mail: lana.sims.iv@arlaw.com

NOTE: The coversheet 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 coversheet 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 Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | <input type="checkbox"/> Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20__-CP-__-__
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | <input type="checkbox"/> Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | <input type="checkbox"/> Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| <input type="checkbox"/> Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | <input type="checkbox"/> Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture—Consent Order (850)
<input type="checkbox"/> Other (899) | <input type="checkbox"/> Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input checked="" type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Other (799) | <input type="checkbox"/> Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| <input type="checkbox"/> Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Sexual Predator (510) | | |

JEANETTE W. MOORE
C.C.P. & G.S.
2014 SEP 16 PM 4:11
RICHLAND COUNTY
FILED

Submitting Party Signature: [Signature]

Date: September 16, 2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPP, 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

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

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. Cases 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 governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by 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 has 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.

000164

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT IN AND
FOR DUVAL COUNTY, FLORIDA

SCBT, a South Carolina state-chartered
banking corporation, d/b/a **FIRST FEDERAL**,
a Division of SCBT,

Plaintiff,

vs.

CASE NO. 16-2011-CA-9521 XXXX-MA

DIVISION FC-D

THREE AMIGOS LAND CO., LLC,
a South Carolina limited liability company;
RIVER CITY STORAGE, LLC, a Florida
limited liability company; **RAMCO RIVER
CITY, INC.**, a Michigan corporation;
**LIBERTY RIVER CITY RESIDENTIAL,
LLC**, a Florida limited liability company;
RAMCO JACKSONVILLE, LLC,
a Michigan limited liability company;
GEORGE M. LEE, III, an individual;
and **PAUL V. DEGENHART**, an individual,

Defendants.

FILED
2014 SEP 16 PM 4:12
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

AMENDED
FINAL JUDGMENT FOR DEFICIENCY

THIS MATTER was tried before the Court for determination of a deficiency, if any,
against the Defendants, **THREE AMIGOS LAND CO., LLC**, a South Carolina limited liability
company ("Three Amigos"), **GEORGE M. LEE, III**, an individual ("Lee"), and **PAUL V.
DEGENHART**, an individual ("Degenhart"). Based upon the evidence, the Court finds as
follows:

1. **SCBT**, a South Carolina state-chartered banking corporation, d/b/a **FIRST
FEDERAL**, a Division of SCBT ("Plaintiff" or "SCBT"), obtained a Partial Summary Final
Judgment for Damages and Foreclosure against Three Amigos ("Partial Summary Final
Judgment"). The Partial Summary Final Judgment reserved ruling on attorneys' fees, as well

as for damages for deficiency against the Borrower Three Amigos and on the guaranties against the Defendants Lee and Degenhart.

2. The property which was the subject of the foreclosure (the "Property") was sold on April 16, 2013, and Plaintiff was the successful bidder. The Clerk issued a Certificate of Title on April 30, 2013, transferring title to the Property to the Plaintiff herein.

3. Plaintiff is the holder the Partial Summary Final Judgment.

4. Plaintiff is the current owner of the Property.

5. The Plaintiff has not received any payment on the Partial Summary Final Judgment.

6. The Plaintiff is the holder of the Guaranty of George M. Lee, III, dated January 3, 2011.

7. Plaintiff is the holder of the Guaranty of Paul V. Degenhart, dated March 1, 2011.

8. As of the date of the Foreclosure Sale (April 16, 2013), the Court finds the Property had a fair-market value of \$1,540,000.

9. SCBT is entitled to a deficiency judgment based on the difference between the Foreclosure Judgment with interest to the date of the Foreclosure Sale, and the fair-market value of the Property as of the time of the Foreclosure Sale. *Municipal Savings & Loan Corp. v. Fiorentino*, 512 So.2d 228 (Fla. 3d DCA 1987).

It is, therefore,

ORDERED and ADJUDGED as follows:

1. Plaintiff SCBT, a South Carolina state-chartered banking corporation, d/b/a FIRST FEDERAL, a Division of SCBT, shall have and recover from the Defendant THREE

AMIGOS LAND CO., LLC, GEORGE M. LEE, III, and PAUL V. DEGENHART, the

following:

Partial Summary Final Judgment Amount	\$1,958,073.04
Interest on Partial Summary Final Judgment @4.75% to Date of Sale (3/12/13-4/16/13)	<u>8,918.70</u>
Total Amount Due as of Foreclosure Sale.....	1,966,991.74
Less Fair Market Value at Date of Foreclosure Sale.....	(1,540,000.00)
Interest @ 4.75% from Sale Date to Trial (on net deficiency after deducting value of Property) 4/17/13-1/9/14.....	14,837.19
Attorneys' Fees.....	<u>71,912.50</u>
Total	<u>\$513,741.43</u>

for which let execution issue.

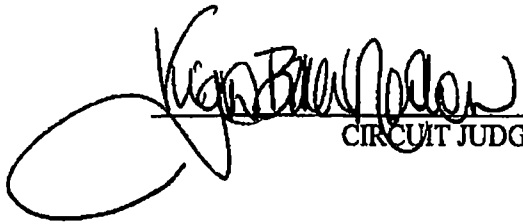
2. With respect to the award of attorneys' fees in paragraph 1 above, the Court finds that **181.2 hours** of attorneys' time is a reasonable amount of time to spend on this matter and **\$71,912.50** is a reasonable fee for the services rendered, and that accordingly the amount awarded is reasonable upon consideration of the time and labor required, the requisite skill to perform the legal services properly, the fee customarily charged for similar matters, the amount involved, the results obtained, and the awards in similar cases.

3. The Defendants, THREE AMIGOS LAND CO., LLC, GEORGE M. LEE, III, and PAUL V. DEGENHART complete, under oath, Florida Rules of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments and serve it on the Plaintiff's attorneys within forty-five (45) days from the date of this Final Judgment for Deficiency unless the Final Judgment for Deficiency is satisfied or post-judgment discovery is stayed.

[Remainder of page intentionally left blank.]

4. Plaintiff's address is: SCBT, d/b/a First Federal, a Division of SCBT, Attn: Randy L. Burge, 4331 Robert M. Grissom Parkway, Myrtle Beach, SC 29578.

DONE AND ORDERED in Chambers, in Duval County, Florida, this 27 day of February, 2014.

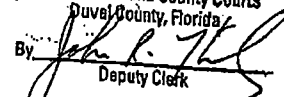

CIRCUIT JUDGE

Copies to:

E. Robert Meek, Esq.
Foley & Lardner LLP
One Independent Drive, Suite 1300
Jacksonville, Florida 32202-5017

Harrison W. Poole, Esq.
Poole & Poole, P.A.
P.O. Box 1280
Fernandina Beach, FL 32035

Paul V. Degenhart, *Pro Se*
2131 Park Street
Columbia, SC 29201

STATE OF FLORIDA
DUVAL COUNTY
I, UNDERSIGNED, Clerk of the Circuit & County Courts, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing, consisting of 4 pages, is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit & County Courts of Duval County, Florida.
WITNESS my hand and seal of Clerk of Circuit & County Courts at Jacksonville, Florida, this the 11 day of Aug, A.D., 20 14.
RONNIE FUSSELL
Clerk, Circuit and County Courts
Duval County, Florida
By 
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

South State Bank f/k/a SCBT, a South Carolina)
state chartered banking corporation, d/b/a First)
Federal, a Division of SCBT,)

DOCKET NO.: 2014-CP-40-_____

PLAINTIFF,

V.

Three Amigos Land Co., LLC, a South Carolina)
limited liability company; River City Storage,)
LLC, a Florida limited liability company, Ramco)
River City, Inc., a Michigan corporation;)
Liberty River City Residential, LLC, a Florida)
limited liability company; Ramco Jacksonville,)
LLC, a Michigan limited liability company;)
George M. Lee, III, an individual; and Paul V.)
Degenhart, an individual,)

DEFENDANTS.

RICHLAND COUNTY
FILED
2014 SEP 16 PM 4:12
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

AFFIDAVIT OF JAMES HOLDEN

James Holden, having being duly sworn, deposes and says as follows:

1. My name is James Holden, and I am a Senior Vice President for South State Bank, f/k/a SCBT, A South Carolina state chartered banking corporation d/b/a First Federal, a division of SCBT. I am over the age of 21, competent to testify in a legal proceeding, and I have personal knowledge of the facts contained in this Affidavit.

2. On February 27, 2014, an Amended Final Judgment of Deficiency in favor of South State Bank was entered in the Fourth Judicial Circuit, County of Duval, State of Florida, against Three Amigos Land Co., LLC, a South Carolina limited liability company, George M.

000169

Lee, III and Paul V. Degenhart in the amount of Five Hundred Thirteen Thousand Seven Hundred Forty-One and 43/100 (\$513,741.43) Dollars (the "Judgment").

3. The Judgment is a final judgment.

4. As of the date of this Affidavit, no payment has been made to South State Bank on the Judgment, and the Judgment remains unsatisfied in the amount of Five Hundred Thirteen Thousand Seven Hundred Forty-One and 43/100 (\$513,741.43) Dollars plus post judgment interest from February 27, 2014.

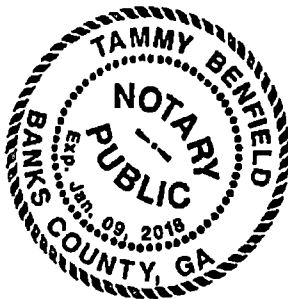
4. The Judgment is further contested in that Paul V. Degenhart filed a Notice of Appeal of the Judgment on July 18, 2014. A copy of the Notice of Appeal is incorporated by reference and attached hereto as Exhibit A. On information and belief, Paul V. Degenhart has not posted bond in order to stay execution of the Judgment under applicable law.

Further affiant sayeth naught.

James Holden, SVP
James Holden

Sworn to and subscribed to before me
This the 10th day of September 2014.

Tammy Benfield
Notary Public for Georgia
My commission expires: 1-9-18



000170

Richland County Common Pleas

Clerk : Jeanette W. McBride
Richland County Judicial Center
Columbia, SC 29201
(803) 576-1999

Received From: Sims, Lana Hancock IV
PO Box 2285
Columbia, SC 29202
Paying for: south state bank,
Transaction Type: Payment
Payment Type: Check \$100.00
Total Paid: \$100.00

Date: 9/17/2014
Receipt #: 183551
Clerk: METTSB
Reference #:600952
Comment:

Non-Refundable

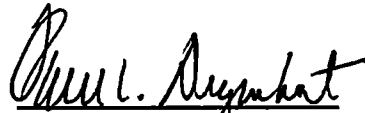
Case #	Caption	Previous Balance	Amount Paid	Balance Due
2014CP4005683	south state bank vs Three Amigos Land Co LLC	\$100.00	\$100.00	\$0.00
Total Cases:	1	\$100.00	\$100.00	\$0.00

000171

Certificate of Appellant

The undersigned hereby certifies that the Record on Appeal contains all materials proposed to be included by any of the parties, and not any other material.

Respectfully submitted,



Paul V. Degenhart
2131 Park Street
Columbia, South Carolina 29201
(803) 771-6050
Pro Se

December 30, 2016

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court

D. Craig Brown, Circuit Court Judge

Case No.: 2016-001521

RECEIVED

DEC 30 2016

SC Court of Appeals

South State Bank, f/k/a SCBT, a South Carolina state chartered banking Corporation, d/b/a First Federal, a Division of SCBT, Respondent,

v.

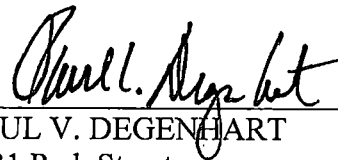
Three Amigos Land Co., LLC. A South Carolina limited liability company; River City Storage, LLC, a Florida limited liability company; Ramco River City, Inc., A Michigan corporation; Liberty River City Residential, LLC, a Florida limited liability company; Ramco Jacksonville, LLC, a Michigan limited liability company; George M. Lee, III, an individual; and Paul V. Degenhart an individual, Defendants.

Of whom Paul V Degenhart is the AppellantAppellant

CERTIFICATE OF SERVICE

I certify that I have served the Supplement to Record on Appeal on the Respondent by depositing it in the United States Mail, postage prepaid, on December 30, 2016 addressed to: W. Cliff Moore, III, Adams and Reese, LLP, PO Box 2285, Columbia, SC 29202 Attorney for the Respondent

Devember 30, 2016



PAUL V. DEGENHART
2131 Park Street
Columbia, South Carolina 29201
(803) 771-6050
Pro Se