

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 First Citizens Bank and Trust Company, Inc.,)
)
 Plaintiff)
)
 vs.)
)
)
)
 Beck Holding Company, LLC, C.J.B Holding)
 & Trust Company, LLC, Cornelius J. Beck, Jr.,)
 Andrews Dental Center, Inc., Inlet Dental)
 Center, Inc., Seaside Surgical, Inc.,)
 Georgetown Dental Center of South Carolina,)
 Inc. and South Beach Dental Center, Inc.,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 COURT FILE NO. 14-CP-26-4835

**CONSENT ORDER FOR
 SUBSTITUTION OF DEFENDANT
 CORNELIUS J. BECK, JR.**

RECEIVED
 JUL 09 2018
 SC Court of Appeals

This matter comes before this Court upon Plaintiff's Notice and Rule 25(a)(1) Motion for Substitution of Defendant Cornelius J. Beck, Jr., and upon the consent of all parties of record that are not in default, by and through counsel, as indicated by their signatures below. The Court finds as follows:

1. IT APPEARING that First Citizens Bank and Trust Company, Inc. ("First Citizens") filed this matter on July 17, 2014, in the Horry County Court of Common Pleas seeking foreclosure of certain property located in Horry County (the "Property") and deficiency judgments against the Defendants after the sale of the mortgaged Property; and
2. IT FURTHER APPEARING that the matters were referred to the Honorable Ralph P. Stroman, as special referee for Horry County; and
3. IT FURTHER APPEARING that all Defendants were properly served and are in default as shown by the Affidavits of Default of Daniel W. Stacy, Jr., Esquire, which were filed with this Court on September 2, 2014, and December 15, 2014; and

4. IT FURTHER APPEARING that judgment and decree of foreclosure was entered on March 31, 2015; and

5. IT FURTHER APPEARING that Defendant Cornelius J. Beck, Jr. ("Beck") filed various motions after the decree of foreclosure was entered and that this Court entered an order on February 11, 2016, denying all of Beck's motions (the "Order"); and

6. IT FURTHER APPEARING that on February 22, 2016, Beck filed a notice of appeal of the Order with the South Carolina Court of Appeals; and

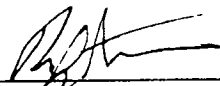
7. IT FURTHER APPEARING that Beck passed away on October 21, 2017, with his appeal pending; and

8. IT FURTHER APPEARING that First Citizens filed a motion to dismiss Beck's appeal on the basis that the appeal was rendered moot by Beck's death; and

9. IT FURTHER APPEARING that by order dated December 7, 2017, the Court of Appeals denied First Citizen's motion to dismiss; held the appeal in abeyance; and remanded the matter to the trial court for the substitution of the proper parties pursuant to Rule 25, SCRCP; and

10. IT FURTHER APPEARING that Charles P. Summerall, IV was thereafter appointed Special Administrator by the Georgetown County Probate Court to protect the rights of Beck's heirs solely in the First Citizens case on May 30, 2018, and should be substituted for Beck in this matter.

NOW THEREFORE, IT IS ORDERED that Charles P. Summerall, IV, as a Special Administrator, pursuant to Rule 25(a)(1), be substituted for the deceased Defendant Cornelius J. Beck, Jr.



The Honorable Ralph P. Stroman
Special Referee for Horry County

WE CONSENT

s/ Robert A. Kerr

Robert A. Kerr, Jr., SC Bar #11981
Moore & Van Allen PLLC
78 Wentworth Street
Post Office Box 22828
Charleston, SC 29413-2828
T (843) 579-7000
Email: robertkerr@mvalaw.com
Attorney for First Citizens Bank and Trust Company, Inc.

WE CONSENT

s/ Charles P. Summerall

Charles P. Summerall, IV, SC Bar #5433
Walker Gressette Freeman Linton LLC
66 Hasell Street
Post Office Box 22167
Charleston, SC 29413
T (843) 727-2200
Email: summerall@WGFLAW.com
Special Administrator

Moore & Van Allen

Moore & Van Allen PLLC

78 Wentworth Street
Post Office Box 22828
Charleston, SC 29413-2828

NEOPOST

FIRST-CLASS MAIL

07/06/2018

USPS® **POSTAGE** \$000.47⁰⁰



ZIP 29401
041M11288443

RECEIVED

JUL 09 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

