

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

Juontonio Pinckney, *et al.*,)

Plaintiffs,)

vs.)

Epcon Communities, Inc.,)

Epcon Communities Franchising, Inc.,)

Brock L. Fankhauser, Fankhauser Property)

Group, Inc. and Stonecrest Villas of Tega)

Cay Home Owners Association, Inc.,)

Defendants.)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2010-CP-46-2326

ORDER

)Re: Epcon Communities Franchising, Inc.'s motion
)to reconsider.

Fankhauser Prop. Group, Inc.,)

Third-Party Plaintiff,)

vs.)

Architectural Alliance, Ltd., Exterior)

Expressions of North Carolina, Inc.,)

Al-Mega Construction, Inc., Procar, Inc.,)

The Southeastern Group, Inc., Lucas Lawn)

and Landscape, Inc., and Jose Simenez,)

Individually and d/b/a M&L Roofing Co.,)

LLC and/or MB Roofing Company,)

Third-Party Defendants.)

Stonecrest Villas of Tega Cay)

Condominium Owners Association, Inc.,)

Third-Party Plaintiff,)

vs.)

Stonecrest Villas of Tega Cay, LLC and)

Epcon Communities Franchising, Inc.)

Third-Party Defendants.)

FILED-RECEIVED
2012 NOV 12 AM 11:44
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

Exterior Expressions of North Carolina, Inc.)
)
Fourth-Party Plaintiff,)
)
vs.)
)
Marcos Gonzalez,)
)
Fourth-Party Defendant.)
<hr/>	
Procar, Inc. and Procar II, Inc.,)
)
Fourth-Party Plaintiffs,)
)
vs.)
)
Marcos Zertuche, David Carbajal,)
Victorina Cortez, Balancos Construction)
Co., Balanos Framing, Inc., Ricardo)
Hernandez, and Silverio Cortez,)
)
Fourth-Party Defendants.)
<hr/>	
Al-Mega Construction, Inc.,)
)
Fourth-Party Plaintiff,)
)
vs.)
)
Noe Perez, Juan Abundez Saucedo, and)
Moisese Chavarra Hernandez,)
)
Fourth-Party Defendants.)
<hr/>	

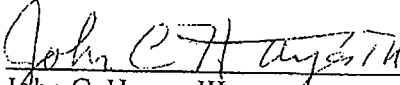
Defendant/Third Party Plaintiff, Fankhauser Property Group, Inc. ("FPG"), by and through its attorneys timely filed a motion for this court to reconsider its order granting in part the Motion for Summary Judgment filed by Epcon Communities, Inc. ("ECI") and Epcon

Je H#2

Communities Franchising, Inc. ("ECFI") (collectively "Epcon") with respect to Epcon's cross claim against FPG for contractual indemnification pursuant to SCRCP 59(e).

The Court has ruled on each of the issues raised in FPG's Motion, and the undersigned's order clearly disposes of the grounds of FPG's motion. Accordingly, FPG's Motion to Reconsider is DENIED.

IT IS SO ORDERED.



John C. Hayes, III
Presiding Judge #3

November 16th, 2012
York, South Carolina

STATE OF SOUTH CAROLINA
 COUNTY OF YORK
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2010CP4602326

Juontonio Pinckney Addie Smith	Josephine Sciacca James Barone	Brock L Frankhauser Stonecrest Villas of Tega Cay Home Owners Association Inc Al-Mega Construction Inc Southeastern Group Inc Jose Jimenez	Frankhauser Property Group Inc Exterior Expressions of North Carolina Inc Procar Inc Lucas Lawn And Landscape Inc
Deborah Barone Valerie Gonzales Sandra Moore	Ismael Gonzales Joe Moore		
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):
 - Rule 12(b), SCRCP;
 - Rule 41(a), SCRCP (Vol. Nonsuit);
 - Rule 43(k), SCRCP (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):
 - Rule 40(j) SCRCP;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

Order (Reconsider is Denied)

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
na	na	na
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

st John C Hayes

Circuit Court Judge

2049

Judge Code

11/06/2012

Date

CPFORM4M

SCCA SCRCP Form 4C (Revised 10/2011)

For Clerk of Court Office Use Only

This judgment was entered on November 12, 2012, and a copy mailed first class or placed in the appropriate attorney's box on November 12, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

J Cameron Halford Halford Niemiec & Freeman LLP 238 Rockmont Drive
Fort Mill, SC 29708

Graham Pollock Powell Wall Templeton & Haldrup P A P.O. Box 1200
Charleston, SC 29402
Thomas F Dougall Attorney at Law 1700 Woodcreek Farms Road Ste 100
Elgin, SC 29045
Bonni S Wilson III Wilson & Heyward, LLC P.O. Box 13177 Charleston,
SC 29422
Payton D Hoover Dean & Gibson PLLC 301 S McDowell Street Suite 900
Charlotte, NC 28204
Tracy T Vann Hamilton Martens & Ballou LLC PO Box 10940 Rock Hill,
SC 29731
Sarah E Wetmore Carlock Copeland Semler & Stair LLP 40 Cahoun Street
4th Floor Charleston, SC 294013001
Brian Eric Wolfe Clawsom & Staubes Pllc 756 Tyvola Road, Suite 130
Charlotte, NC 282173629
Everett Augustus Kendall II Sweeny Wingate & Barrow PA PO Box 12129
Columbia, SC 29211
Curtis W. Dowling Barnes Alford Stork & Johnson LLP PO Box 8448
Columbia, SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

David Hamilton - Clerk of Court

Court Reporter

J. Cameron Halford, LLC
Halford & Niemiec, LLP
238 Rockmont Drive
Fort Mill, SC 29708

Christy E. McMahon, Esquire
Sweeny Wingate & Barrow, P.A.
P. O. Box 12129
Columbia, SC 29211

Thomas F. Dougall
Law Office of Thomas Dougall
1700 Woodcreek Farms Road, Suite 100
Elgin, SC 29045

Payton D. Hoover, Esquire
Dean & Gibson, PLLC
Suite 900, Cameron Brown Building
301 South McDowell Street
Charlotte, NC 28204-2686

Sarah E. Wetmore, Esquire
Carlock, Copeland, Semler & Stair, LLP
40 Calhoun Street, 4th Floor
Charleston, SC 29401

David C. Cleveland, Esquire
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492

Curtis W. Dowling, Esquire
Barnes Alford Stork & Johnson, LLP
P. O. Box 8448
Columbia, SC 29202

Melissa M. Nichols, Esquire
Wilkes Law Firm
127 Dunbar Street, Suite 200
Spartanburg, SC 29306

Brett E. Dressler, Esquire
Sellers, Hinshaw, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204

Elizabeth Martineau, Esquire
Martineau King PLLC
200 South College Street
BB&T Center
Charlotte, NC 28202

Tracy T. Vann, Esquire
Christi P. Cox
Hamilton Martens & Ballou, LLC
130 East Main Street
P. O. Box 10940
Rock Hill, SC 29731

Bonum S. Wilson, III, Esquire
Wilson & Heyward, LLC
P. O. Box 13177
Charleston, SC 29422

Stephanie H. Burton, Esquire
Gibbes Burton, LLC
308 East Saint John Street
Spartanburg, SC 29302

D. Andrew Williams, Esquire
Turner Padgett Graham & Laney, P.A.
P. O. Box 1473
Columbia, SC 29202

G. Thomas Chase, Esquire
McAngus Goudelock & Courie, LLC
P. O. Box 2980
75 Beattie Place, Suite 300
Greenville, SC 29602

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF YORK
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2010CP4602326

Juontonio Pinckney Addie Smith	Josephine Sciacca James Barone	Brock L Frankhauser Stonecrest Villas of Tega Cay Home Owners Association Inc Al-Mega Construction Inc Southeastern Group Inc Jose Jimenez	Frankhauser Property Group Inc Exterior Expressions of North Carolina Inc Procar Inc Lucas Lawn And Landscape Inc
Deborah Barone Valerie Gonzales Sandra Moore	Ismael Gonzales Joe Moore		
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

s/ JOHN C. HAYES, III.
 Circuit Court Judge

2049
 Judge Code

9/27/12
 Date

For Clerk of Court Office Use Only

This judgment was entered on **October 2, 2012**, and a copy mailed first class or placed in the appropriate attorney's box on **October 2, 2012**, to attorneys of record or to parties (when appearing pro se) as follows:

J Cameron Halford Halford Niemiec & Freeman LLP 238 Rockmont Drive
Fort Mill, SC 29708

Graham Pollock Powell Wall Templeton & Haldrup P A P.O. Box 1200
Charleston, SC 29402
Thomas F Dougall Attorney at Law 1700 Woodcreek Farms Road Ste 100
Elgin, SC 29045
Bonum S Wilson III Wilson & Heyward, LLC P.O. Box 13177 Charleston,
SC 29422
Payton D Hoover Dean & Gibson PLLC 301 S McDowell Street Suite 900
Charlotte, NC 28204
Tracy T Vann Hamilton Martens & Ballou LLC PO Box 10940 Rock Hill,
SC 29731
Sarah E Wetmore Carlock Copeland Semler & Stair LLP 40 Cahoun Street
4th Floor Charleston, SC 294013001
Brian Eric Wolfe Clawsom & Staubes Plc 756 Tyvola Road, Suite 130
Charlotte, NC 282173629
Everett Augustus Kendall II Sweeny Wingate & Barrow PA PO Box 12129
Columbia, SC 29211
Curtis W. Dowling Barnes Alford Stork & Johnson LLP PO Box 8448
Columbia, SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

David Hamilton - Clerk of Court

Court Reporter