

EXHIBIT C

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTERFIELD)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 17-CP-13-804

First-Citizens Bank & Trust)
Company and Sadie M. Murvin)

Plaintiffs,)

v.)

Miranda Libby Murvin, a/k/a)
Miranda Libby Murvin)
Zimmerman and Great American)
Life Insurance Company,)

Defendants.)

**JUDGMENT FOR PLAINTIFFS
AND ORDER FOR DEFAULT AND
FOR HEARING ON DAMAGES**

RECEIVED

OCT 09 2018

SC Court of Appeals

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2018 MAR 22 AM 11:17

IT APPEARING from the Affidavit of Kevin M. Barth, Esquire, attorney for the Plaintiffs, and a Motion for Entry of Default, that the Defendants, Miranda Libby Murvin and Great American Life Insurance Company, in this matter have been duly served with an Amended Summons and Complaint by hand delivery and delivery through the South Carolina Department of Insurance, and that more than thirty-five (35) days have elapsed during which time no responsive pleadings have been filed by the Defendants, nor anyone on their behalf, nor has anyone appeared on behalf of the Defendants in response to the Summons and Complaint.

IT FURTHER APPEARING that the Plaintiffs' First Cause of Action against the Defendant, Great American Life Insurance Company, is for breach of contract. This Defendant issued an annuity that was to pay the sum of \$136,000.00 to the Estate of

Lonnie Murvin per the terms of a single premium deferred annuity. Mr. Murvin passed away. The annuity, however, was wrongfully paid to the Defendant, Miranda Libby Murvin who converted the entire amount to herself personally. I find that this cause of action is for a sum certain in the amount of \$136,000.00 and that Plaintiffs are entitled to a judgment in that amount against the Defendant, Great American Life Insurance Company, and that Plaintiffs are entitled to pre-judgment interest at the statutory rate.

IT FURTHER APPEARING that the Plaintiffs are desirous of withdrawing their request for a jury trial as to the remaining causes of action against both Defendants reserving the right to reinstate that request should the hearing not be held or should some other circumstances make it desirous to request a jury trial.

IF FURTHER APPEARING that a hearing to ascertain damages pursuant to Rule 55, SCRPC, should be held on the remaining causes of action to determine the amount owed to the Plaintiffs by each of the Defendants.

IF FURTHER APPEARING that it is necessary to take some testimony and that it would be more efficient for this Court and in the interest of justice that this matter be referred. For those reasons pursuant to Sections 14-11-60 and 15-31-150, South Carolina Code of Laws (1976) and pursuant to Rules 53 and

55(b)(2) of the South Carolina Rules of Civil Procedure, a Special Referee should be appointed in this matter, with the power to take testimony, make conclusions of law and findings of fact, and issue a final order in this matter. Counsel for the Plaintiff advises this Court that William O. Spencer, Jr., Esquire, has consented to serve as Special Referee and the Court finds that he is an appropriate and suitable person to serve as such referee. Now on the motion of the Plaintiff the court directs that William O. Spencer, Jr., Esquire shall be appointed as Special Referee in this action.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiffs are entitled to a judgment against the Defendant, Great American Life Insurance Company, in the sum of \$136,000.00, plus pre-judgment interest on their cause of action for Breach of Contract and same is awarded to them.

2. That the above matter be and is hereby referred to William O. Spencer, Jr., Esquire, as Special Referee, to take testimony, decide any motions or other matters that might arise after the date of this Order, make conclusions of law and findings of fact, and issue a final Order in this matter. The Plaintiffs are allowed to withdraw their request for a jury trial as to the remaining causes of action against both Defendants reserving unto self, however, the right to reinstate that request should a hearing not be held or some other

circumstances make it necessary to reinstate the request for a jury trial.

3. That the fees of the Special Referee shall be paid by the Plaintiffs with the provision that if an appearance is made by someone on behalf of either of the Defendants, then that party or the Defendants as the case might be, shall pay half of the expenses for the hearing.

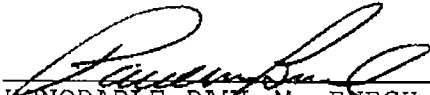
4. That the Special Referee shall set a date for the hearing and have the Plaintiffs' attorney notify the Defendants, of the same by regular United States Mail.

5. That a final Order be filed as soon as practicable after the date of the hearing.

6. That jurisdiction of this entire matter shall be vested in the Special Referee as of the date of this Order to determine any and all matters that might arise concerning this case thereafter. This shall include not only the hearing itself but any motions concerning the case made prior to or subsequent to the hearing including, but not limited to, motion to set aside the default and any other motions that might be filed in this matter. Any appeal from the motions and from the final Order or Orders of the Special Referee, if applicable, shall be directed to the South Carolina Supreme Court.

7. The Defendants are hereby adjudged to be in default on the Plaintiffs' Second through Fourth Causes of action and a

judgment in such fashion and form as determined by the hearing shall be filed in favor of the Plaintiffs if it is so determined by the Special Referee that the Plaintiffs are entitled to a finding in their favor.


HONORABLE PAUL M. BURCH
JUDGE OF THE CIRCUIT COURT FOR THE
FOURTH JUDICIAL CIRCUIT

Chesterfield, South Carolina
March 13, 2018

2018 MAR 22 AM 11:17
Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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

JUDGMENT IN A CIVIL CASE

CASE NO. 17-CP-13-804

First Citizens Bank & Trust Company

Miranda Libby Murvin, d/b/a Miranda Libby

And Sadie M. Murvin

Murvin Zimmerman and Great American Life
Insurance Company

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Kevin M. Barth

Attorney for : Plaintiff Defendant
or
 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. See Page 2 for additional information.
- 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
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other

2018 MAR 22 AM 11:17
Miranda C. Murvin
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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 INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

RECEIVED
OCT 09 2018
SC Court of Appeals

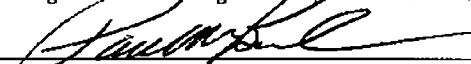
INFORMATION FOR THE JUDGMENT INDEX

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)
First Citizens Bank & Trust Company	Great American Life Ins. Co.	\$136,000.00
		\$
		\$

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.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2048
Judge Code

3/13/2018
Date

