

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE) TWELFTH JUDICIAL CIRCUIT
) CIVIL ACTION NO. 2017-CP-21-1461

Cadles of West Virginia, LLC,)
)
Plaintiff/Petitioner,)
)
vs.)
)
Melissa R. Demars)
)
Defendant/Respondent.)
)

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ORDER NOV 27 2018
SC Court of Appeals

THIS MATTER came before this court on November 19, 2018 for an emergency hearing. Present at the hearing were the Defendant, Melissa R. Demars; her attorney, Rodney C. Jernigan, and Edward L. Grimsley, the attorney representing the Plaintiff.

This action was commenced in the State of Florida with the Petitioner obtaining a judgment against the Defendant on March 16, 2017. On December 15, 2017 Plaintiff filed a Notice of filing of Foreign Judgment in the Florence County Court of Common Pleas. On January 17, 2018 Defendant, by and through her attorney, Rodney C. Jernigan, filed a Motion to Stay and Relief from Foreign Judgment. On January 19, 2018 Edward L. Grimsley filed a Notice of Appearance representing the Plaintiff. On May 16, 2018 Judge D. Craig Brown issued an Order for Entry of Foreign Judgment against the Defendant.

On October 9, 2018 an Order of Reference was filed for the Master-in-Equity to proceed with Supplementary Proceedings. A Rule to Show Cause hearing was scheduled for December 12, 2018.

The Defendant left the state of Florida and became a resident of the state of South Carolina in March of 2011. After arriving in South Carolina the Defendant opened a checking account with Wachovia Bank, now Wells Fargo Bank. Subsequently the Defendant opened two additional accounts at Wells Fargo and co-signed an account established for her son, Paul.

The Petitioner, without notice to its South Carolina attorney, by and through its attorney in Florida, obtained a Writ of Garnishment in the Circuit Court of Miami-Dade County, Florida, directing Wells Fargo Bank to seize all funds in the Defendant's bank accounts. All funds were seized on November 15 and 16, 2018. The Defendant's payroll check had been deposited by her employer in the early morning hours of November 16, 2018.

The Attorney for the Defendant requested an emergency hearing on Friday, November 16, 2018, requesting the immediate return of the Defendant's seized funds.

It is clear that the actions taken by the Petitioner is not in accordance with the laws of the state of South Carolina. There is no garnishment in South Carolina as it is against public policy. When the Petitioner commenced this action and subsequently filed supplemental proceedings they submitted themselves to this court and the laws of South Carolina.

The Defendant has the following accounts with Wells Fargo:

#1010067527405
#1010318298687
#2614230262
#6046706872

Upon review of the facts and findings of this Court;

IT IS ORDERED, that the Petitioner, Cadles of West Virginia, LLC, shall release and make all funds available to the Defendant that were sized by the Writ of Garnishment served upon Wells Fargo Bank; and it is further,

ORDERED, that the Petitioner, Cadles of West Virginia, LLC, shall immediately, no later than Wednesday, November 21, 2018, instruct Wells Fargo to release any hold/freezing, or whatever term is proper, for Wells Fargo Bank terminology, and that the money be made available in its normal course of business, no later than November 21, 2018, to the Respondent, Melissa R. Demars; and it is further,

ORDERED, that the hearing scheduled on December 12, 2018 will continue as scheduled.

S/Haigh Porter
The Honorable Haigh Porter
Master-in Equity
Florence County Court of Common Pleas

Dated: November 19, 2018

Florence, South Carolina