

Section 2 of 3

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Master in Equity

Appellate Case No. 2012-211971

Bill J. Vernon, Jr. and Sandra
Vernon,

Respondents,

v.

Landmarc Constructors, Inc.,
d/b/a Landmarc Custom
Homes, Marcus Dunn, and
Yoder's Building Supply, Inc.
Defendants,

Of whom Landmarc
Constructors d/b/a
Landmarc Custom
Homes and Marcus
Dunn are Appellants,

Yoder's Building Supply, Inc.,

Third Party Plaintiff,

v.

Sandra Ann Vernon and Billie
James Vernon, Jr. Trustees, or
their successors in trust, under
the Sandra Ann Vernon
Living Trust, Dated June 12,
2000, as thereafter amended,
Gary Dunn, individually, and
Kerri Dunn, individually,

Third Party
Defendants.

RECORD ON APPEAL

Brandt Rucker, Esquire
522 North Church Street
Greenville, South Carolina 29601
(864) 271-9925
Attorney for Appellants Landmarc and
Marcus Dunn

V. Elizabeth Wright
P.O. Box 2343
Greenville, S.C. 29601
(864) 240-5519
Attorney for Respondent

T.S. Stern, Jr.
P.O. Box 2343
Greenville, S.C. 29601
(864) 242-9000
Attorney for Respondent

COUNTY OF GREENVILLE
301 UNIVERSITY RIDGE SUITE 4100
GREENVILLE, SC 29601
(864) 467-7060

AUTOMATED INSPECTION SYSTEM (864) 467-5660

Application Number 08-00005883 Date 11/04/08
Property Address 470 HIGHBRIDGE PARKWAY
TAX MAP NUMBER 0666.05-01-042.00
TAX DISTRICT 352
Tenant nbr, name MTN PARK LT 44
Application description RESIDENTIAL - NEW CONSTRUCTION
Subdivision Name THE CLIFFS AT MOUNTAIN PARK
Property Use DWELLING
Property Zoning OUT OF ZONING
Application valuation 198260

Owner

VERNON BILLIE JAMES JR TRUSTEE
470 HIGHBRIDGE PARKWAY
MARIETTA SC 29661

Contractor

MARCUS DUNN
P O BOX 4782
GREENVILLE SC 29608
(864) 376-4210

----- Structure Information SFD 3 HTPP 2 EWTR 2 PREFAB
Setback distances cited below are those minimums established by Greenville
County Zoning Ordinance/Land Development Regulations. Please be aware that
properties may be subject to private deed restrictions and covenants in
excess of those shown on this permit.

Construction Type IBC TYPE V B
Occupancy Type RESIDENTIAL SINGLE FAMILY
Flood Zone OUTSIDE FLWAY & FLPLAIN
Other struct info AMI RANGE \$85K - \$187K *
NUMBER OF BATHROOMS 4
NUMBER OF BEDROOMS 3
SETBACK-FRONT 30 FT
SETBACK-LEFT OUT
SETBACK-REAR OUT
SETBACK-RIGHT OUT
NUMBER OF STORIES 2
TOTAL ROOMS 15

Permit MECHANICAL
Additional desc 3 HTPP 2 PREFAB
PHONE ACCESS CODE 1633361
Sub Contractor MARCUS DUNN
Permit Fee 129.00 Plan Check Fee 00
Issue Date 11/04/08 Valuation 0
Expiration Date 5/03/09

Qty	Unit	Charge	Per	Extension
			BASE FEE	15.00
3.00	30.0000	EA	MECH - HEAT PUMP RESIDENTIAL	90.00
2.00	12.0000	EA	MECH - PREFAB F/P RES	24.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHBRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	129.00	129.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	129.00	129.00	.00	.00

Validity of Permit: Every permit issued shall become invalid
unless the work is commenced within 180 days from issuance,
or if the work is suspended or abandoned for a period of 180
days. At a minimum a progress inspection must be requested
to verify the continuance of the work within the 180-day
period from the date of last inspection request.

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VERNON BILLIE JAMES JR TRUSTEE	MARCUS DUNN
470 HIGHRIDGE PARKWAY	P O BOX 4782
MARIETTA SC 29661	GREENVILLE SC 29608
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excess of those shown on this permit.

Construction Type	IBC TYPE V B	
Occupancy Type	RESIDENTIAL SINGLE FAMILY	
Flood Zone	OUTSIDE FLWAY & FLPLAIN	
Other struct info	AMI RANGE \$85K - \$187K	*
	NUMBER OF BATHROOMS	4
	NUMBER OF BEDROOMS	3
	SETBACK-FRONT	30 FT
	SETBACK-LEFT	OUT
	SETBACK-REAR	OUT
	SETBACK-RIGHT	OUT
	NUMBER OF STORIES	2
	TOTAL ROOMS	15

Permit	ELECTRICAL		
Additional desc	BLUE RIDGE		
PHONE ACCESS CODE	1633353		
Sub Contractor	MARCUS DUNN		
Permit Fee	80.00	Plan Check Fee	.00
Issue Date	11/04/08	Valuation	0
Expiration Date	5/03/09		

Qty	Unit	Charge	Per	Extension
			BASE FEE	10.00
400.00		.1000 EA	ELEC - RES NEW (100 AMP MIN)	40.00
30.00		1.0000 EA	ELEC - RES NEW NO. OF CIRCUITS	30.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	80.00	80.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	80.00	80.00	.00	.00

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unless the work is commenced within 180 days from issuance,
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Owner

Contractor

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Structure Information SFD 3 HTPP 2 EWTR 2 PREFAB

Setback distances cited below are those minimums established by Greenville County Zoning Ordinance/Land Development Regulations. Please be aware that properties may be subject to private deed restrictions and covenants in excess of those shown on this permit.

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Other struct info AMI RANGE \$85K - \$187K
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NUMBER OF BEDROOMS 3
SETBACK-FRONT 30 FT
SETBACK-LEFT OUT
SETBACK-REAR OUT
SETBACK-RIGHT OUT
NUMBER OF STORIES 2
TOTAL ROOMS 15

Permit BUILDING RESIDENTIAL
Additional desc SFD MTN PARK LT 44
PHONE ACCESS CODE 1633346
Permit Fee 454.00 Plan Check Fee 00
Issue Date 11/04/08 Valuation 198260
Expiration Date 5/03/09

Qty	Unit	Charge	Per	Extension
			BASE FEE	276.00
99.00	1.8000 THOU		COST \$100,001 TO \$500K	178.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	454.00	454.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	454.00	454.00	.00	.00

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COUNTY OF GREENVILLE-INSPECTION CARD

GREENVILLE COUNTY INSPECTION LINE - (864) 467-5660

ONLINE INSPECTION SCHEDULING AND RESULTING IS NOW AVAILABLE AT WWW.GREENVILLECOUNTY.ORG. YOU MUST HAVE YOUR PHONE ACCESS CODE IN ORDER TO USE THIS SITE. SIMPLY FOLLOW THE DIRECTIONS ON THE WEBSITE.

Date Issued 11-4-08 Permit Number 08-5883
 Job Address 470 Nighridge Parkway Lot # 44
 Nature of Work _____
 Use of Building _____ Zoned _____ Building Setbacks: Front _____ Rear _____ Lside _____ Rside _____
 Owner _____
 Contractor Landmark Custom Homes FLOODPLAIN

**FAILURE TO POST THIS CARD IS A CODE VIOLATION
 POST AT OR NEAR FRONT OF BUILDING AND PROTECT FROM WEATHER**

NO INSPECTIONS ON COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT DRAWINGS STAMPED "REVIEWED" ON JOB SITE	SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, ELECTRICAL AND MECHANICAL INSTALLATIONS OTHER THAN ONE & TWO FAMILY DWELLINGS	WORK SHALL NOT PROCEED UNTIL EACH DIVISION HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION	A CERTIFICATE OF OCCUPANCY IS REQUIRED PRIOR TO THE USE OF THIS BUILDING OR PORTION THEREOF. VIOLATION OF THIS REQUIREMENT IS SUBJECT TO PENALTIES AS PRESCRIBED BY LAW.

APPOINTMENTS/APPROXIMATE TIMES FOR INSPECTIONS-SET BY INSPECTORS ONLY!

INSPECTION	OK/NO	DATE	INSPECTOR'S NAME
Footing			
Slab			
PLACE NO CONCRETE UNTIL ABOVE HAS BEEN SIGNED			
Elec. Underground			
Plbg. Underground	OK	12-3-08	D.F.
Gas/Duct Undgrd.			
DO NOT POUR FLOOR UNTIL ABOVE HAS BEEN SIGNED			
Rough-In Electric			
Rough-In Plumbing			
Rough-In HVAC			
Rough-In Gas			
Rough-In Automatic Sprinkler Piping			
ABOVE MUST BE SIGNED PRIOR TO FRAMING INSPECTION			
Framing			
COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED			
INSPECTIONS AFTER SHEETROCK & BEFORE FINALS			
Permanent Power	OK	9-14-08	D.F.

TYPE INSPECTION	OK/NO	DATE	INSPECTOR'S NAME
FINALS AND CERTIFICATE OF OCCUPANCY REQUIRED			
Final Building			
Final Electrical			
Final Plumbing			
Final Gas			
Final HVAC			
*Final Fire			
Final Zoning			
Final Engineering			
OTHER INSTRUCTIONS			
Sewer			
Storm Drain			
Cooler/Refrigerator			
Hoods			
\$20.00 FEE WILL BE CHARGED IF THIS CARD IS NOT POSTED			

* CALL APPROPRIATE FIRE DISTRICT FOR INSPECTIONS (SEE APPLICATION)

INSPECTORS OFFICE HOURS: 8:00 A.M. - 8:30 A.M. AND 3:30 P.M. - 4:00 P.M. MONDAY - FRIDAY



Capture Date: 01/29/2009 Sequence #: 6992624701

Bank of America. LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		1272 1/20/09 \$ 50.00 DOLLARS
PAY TO THE ORDER OF	Oconee County Bldg & codes Fifty dollars even	AUTHORIZED SIGNATURE
MEMO 0900045		
001272 10539044831 223000178447*		

FOR DEPOSIT ONLY
 OCEAN COUNTY
 BUILDING CODES

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
01/29/2009	97022002460	53202130	Rtn Loc/BOFD	Y		COMMUNITY FIRST BANK
01/29/2009	006992624701	111012822	Undetermined	N		BANK OF AMERICA, NA
01/30/2009	6530917878	53000206	Undetermined	N		FEDERAL RES BANK OF
01/29/2009	97022002460	53202130	Undetermined	N		COMMUNITY FIRST BANK

No Payee Endorsements Found

BOA 00081

19



Capture Date: 01/26/2009 Sequence #: 6092252159

Bank of America. LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		1267 1/21/09 \$ 1010 ⁰⁰ DOLLARS
PAY TO THE ORDER OF Oconee County Bldg & codes One thousand ten dollars —	AUTHORIZED SIGNATURE 	
MEMO permit # 0700045		
⑈001267⑈ ⑈053904483⑈ 223000178447⑈		

FOR DEPOSIT ONLY
 OCONEE COUNTY
 BUILDING CODES

01/23/2009 21000007628 >253202130<CFB Walhall12

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
01/23/2009	97022007660	53202130	Rtn Loc/BOFD	Y		COMMUNITY FIRST BANK
01/26/2009	6538112578	53000206	Undetermined	N		FEDERAL RES BANK OF
01/26/2009	006092252159	111012822	Undetermined	N		BANK OF AMERICA, NA
01/23/2009	97022007660	53202130	Undetermined	N		COMMUNITY FIRST BANK

No Payee Endorsements Found

19

COUNTY OF GREENVILLE
301 UNIVERSITY RIDGE SUITE 4100
GREENVILLE, SC 29601
(854) 467-7060

AUTOMATED INSPECTION SYSTEM (364) 467-5660

Application Number 08-00005883 Date 11/04/08
Property Address 470 HIGHRIDGE PARKWAY
TAX MAP NUMBER 0666.05-01-042.00
TAX DISTRICT 352
Tenant nbr, name MTN PARK LT 44
Application description RESIDENTIAL - NEW CONSTRUCTION
Subdivision Name THE CLIFFS AT MOUNTAIN PARK
Property Use DWELLING
Property Zoning OUT OF ZONING
Application valuation 198260

Owner	Contractor
VERNON BILLIE JAMES JR TRUSTEE	MARCUS DUNN
470 HIGHRIDGE PARKWAY	P O BOX 4782
MARIETTA SC 29661	GREENVILLE SC 29608
	(864) 376-4210

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Occupancy Type RESIDENTIAL SINGLE FAMILY
Flood Zone OUTSIDE FLWAY & FLPLAIN
Other struct info AMI RANGE \$85K - \$187K *
NUMBER OF BATHROOMS 4
NUMBER OF BEDROOMS 3
SETBACK-FRONT 30 FT
SETBACK-LEFT OUT
SETBACK-REAR OUT
SETBACK-RIGHT OUT
NUMBER OF STORIES 2
TOTAL ROOMS 15

Permit PLUMBING
Additional desc SEPTIC 200705111
PHONE ACCESS CODE 1633387
Sub Contractor MARCUS DUNN
Permit Fee 60.00 Plan Check Fee 0.00
Issue Date 11/04/08 Valuation 0
Expiration Date 5/03/09

Qty	Unit	Charge	Per	Extension
			BASE FEE	10.00
18.00	2.5000	EA	PLUMB - FIXTURES	45.00
1.00	5.0000	EA	PLUMB - SEPTIC TANK CONNECTION	5.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	60.00	60.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	60.00	60.00 ✓	.00	.00

Validity of Permit: Every permit issued shall become invalid unless the work is commenced within 180 days from issuance, or if the work is suspended or abandoned for a period of 180 days. At a minimum a progress inspection must be requested or verify the continuance of the work within the 180-day period from the date of last inspection request.

COUNTY OF GREENVILLE
301 UNIVERSITY RIDGE SUITE 4100
GREENVILLE, SC 29601
(864) 467-7060

AUTOMATED INSPECTION SYSTEM (864) 467-5660

Application Number C8-00005883 Date 11/04/08
Property Address 470 HIGHRIDGE PARKWAY
TAX MAP NUMBER 0666.05-01-042.00
TAX DISTRICT 352
Tenant nbr, name MTN PARK LT 44
Application description RESIDENTIAL - NEW CONSTRUCTION
Subdivision Name THE CLIFFS AT MOUNTAIN PARK
Property Use DWELLING
Property Zoning OUT OF ZONING
Application valuation 198260

Owner	Contractor
VERNON BILLIE JAMES JR TRUSTEE	MARCUS DUNN
470 HIGHRIDGE PARKWAY	P O BOX 4782
MARIETTA SC 29661	GREENVILLE SC 29608
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Occupancy Type	RESIDENTIAL SINGLE FAMILY	
Flood Zone	OUTSIDE FLWAY & FLPLAIN	
Other struct info	AMI RANGE \$85K - \$187K	*
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	SETBACK-RIGHT	OUT
	NUMBER OF STORIES	2
	TOTAL ROOMS	15

Permit	MECHANICAL	
Additional desc	3 HTPP 2 PREFAB	
PHONE ACCESS CODE	1633361	
Sub Contractor	MARCUS DUNN	
Permit Fee	129.00	Plan Check Fee 0.00
Issue Date	11/04/08	Valuation 0
Expiration Date	5/03/09	

Qty	Unit Charge	Per	Extension
		BASE FEE	15.00
3.00	30.0000 EA	MECH - HEAT PUMP RESIDENTIAL	90.00
2.00	12.0000 EA	MECH - PREFAB F/P RES	24.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	129.00	129.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	129.00	129.00✓	.00	.00

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Application description RESIDENTIAL - NEW CONSTRUCTION
Subdivision Name THE CLIFFS AT MOUNTAIN PARK
Property Use DWELLING
Property Zoning OUT OF ZONING
Application valuation 198260

Owner	Contractor
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470 HIGHRIDGE PARKWAY	P O BOX 4782
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Permit ELECTRICAL
Additional desc BLUE RIDGE
PHONE ACCESS CODE 1633353
Sub Contractor MARCUS DUNN
Permit Fee 80.00 Plan Check Fee 00
Issue Date 11/04/08 Valuation 0
Expiration Date 5/03/09

Qty	Unit	Charge	Per	Extension
400.00	1.0000 EA	BASE FEE		10.00
30.00	1.0000 EA	ELEC - RES NEW (100 AMP MIN)		40.00
		ELEC - RES NEW NO. OF CIRCUITS		30.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	80.00	80.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	80.00	80.00	.00	.00

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AUTOMATED INSPECTION SYSTEM (864) 467-5660

Application Number 08-00005883 Date 11/04/08
Property Address 470 HIGHRIDGE PARKWAY
TAX MAP NUMBER 0665.05-01-042.00
TAX DISTRICT 352
Tenant nbr, name MTN PARK LT 44
Application description RESIDENTIAL - NEW CONSTRUCTION
Subdivision Name THE CLIFFS AT MOUNTAIN PARK
Property Use DWELLING
Property Zoning OUT OF ZONING
Application valuation 198260

Owner

VERNON BILLIE JAMES JR TRUSTEE
470 HIGHRIDGE PARKWAY
MARIETTA SC 29661

Contractor

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GREENVILLE SC 29608
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Permit BUILDING RESIDENTIAL
Additional desc SFD MTN PARK LT 44
PHONE ACCESS CODE 1633346
Permit Fee 454.00 Plan Check Fee 00
Issue Date 11/04/08 Valuation 198260
Expiration Date 5/03/09

Qty	Unit Charge	Per	Extension
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99.00	1.8000 THOU	COST \$100,001 TO \$500K	178.00

Special Notes and Comments
HWY 25 N LF ON HWY 11 RI ONTO HIGHRIDGE
PARKWAY MTN PARK LT 44 LANDMARC CUSTOM
HOMES 376-4210

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Plan Check Total	.00	.00	.00	.00
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Date Issued 11-4-08 Permit Number 08-5883
 Job Address 470 Highridge Parkway Lot # 44
 Nature of Work _____
 Use of Building _____ Zoned _____ Building Setbacks: Front _____ Rear _____ Lside _____ Rside _____
 Owner _____
 Contractor Landmark Custom Homes

FLOODPLAIN

**FAILURE TO POST THIS CARD IS A CODE VIOLATION
 POST AT OR NEAR FRONT OF BUILDING AND PROTECT FROM WEATHER**

NO INSPECTIONS ON COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT DRAWINGS STAMPED "REVIEWED" ON JOB SITE	SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, ELECTRICAL AND MECHANICAL INSTALLATIONS OTHER THAN ONE & TWO FAMILY DWELLINGS	WORK SHALL NOT PROCEED UNTIL EACH DIVISION HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION	A CERTIFICATE OF OCCUPANCY IS REQUIRED PRIOR TO THE USE OF THIS BUILDING OR PORTION THEREOF. VIOLATION OF THIS REQUIREMENT IS SUBJECT TO PENALTIES AS PRESCRIBED BY LAW

APPOINTMENTS/APPROXIMATE TIMES FOR INSPECTIONS-SET BY INSPECTORS ONLY!

TYPE INSPECTION	OK/NO	DATE	INSPECTOR'S NAME
Footing			
Slab			
PLACE NO CONCRETE UNTIL ABOVE HAS BEEN SIGNED			
Elec. Underground			
Plbg. Underground			
Gas/Duct Undrgrd.			
DO NOT POUR FLOOR UNTIL ABOVE HAS BEEN SIGNED			
Rough-In Electric			
Rough-In Plumbing			
Rough-In HVAC			
Rough-In Gas			
Rough-In Automatic Sprinkler Piping			
ABOVE MUST BE SIGNED PRIOR TO FRAMING INSPECTION			
Framing			
COVER NO WORK UNTIL ABOVE HAS BEEN SIGNED			
INSPECTIONS AFTER SHEETROCK & BEFORE FINALS			
Permanent Power			

TYPE INSPECTION	OK/NO	DATE	INSPECTOR'S NAME
FINALS AND CERTIFICATE OF OCCUPANCY REQUIRED			
Final Building			
Final Electrical			
Final Plumbing			
Final Gas			
Final HVAC			
Final Fire			
Final Zoning			
Final Engineering			
OTHER INSTRUCTIONS			
Sewer			
Storm Drain			
Cooler/Refrigerator			
Hoods			
\$20.00 FEE WILL BE CHARGED IF THIS CARD IS NOT POSTED			

* CALL APPROPRIATE FIRE DISTRICT FOR INSPECTION (SEE APPLICATION)

INSPECTORS OFFICE HOURS: 8:00 A.M. - 4:00 P.M. AND 8:00 A.M. - 12:00 P.M. MONDAY - FRIDAY

COUNTY OF GREENVILLE
BUILDING SAFETY DIVISION
301 UNIVERSITY RIDGE STE 4100
GREENVILLE SC 29601

RECEIPT #: 0000105386
CASHIER: VMILLER

APPLICATION NBR: 08-00002106

ITEM DESCRIPTION	PAID
PERMIT FEES	562.00
PERMIT FEES	90.00
PERMIT FEES	141.00
PERMIT FEES	77.50
TOTAL AMOUNT PAID:	370.50

TAB 10 - BUILDING PERMIT

DEER PAINTING COMPANY

INVOICE

DATE 11/16/09

PHONE: (864)9011209

CLIENT: Landmark		
ADDRESS: 470 highridge parkway The cliffs		
Marrietta, sc		
PHONE:		
OFFICE #	MOBIL #	FAX #

DESCRIPTION OF ROOM	DESCRIPTION OF LABOR	SPECIAL REPAIRS	PAINT COATS	TOTAL COST
Final invoice	Expenses report			\$
Sherwin W.	Total expenses			\$2,330.87
Suburban P.	Total expenses			\$1,063.77
Williamson C.	Total expenses			\$2,312.00
			Total	\$5,706.64
Contract	Initial contract on house			15,250.00
Payments	2 payments on job			\$7,000.00
			Bal due	\$2,543.26
Additions	Interior staining	Original	price	\$2,500.00
	Change of color on stain			\$
	Because customer decided	Additional		\$2,500.00
				\$
		final bal.	Due now	\$7,543.20 ✓
				~~\$1,000.00~~
				\$6,543.20 ✓
				\$

TERMS: ALL PRICES INCLUDE LABOR & MATERIALS
PAYMENT TERMS AS FOLLOWS: 30% down for materials
Weekly payments according to labor
3 YEAR WARRANTY ON ALL JOBS

ADDITIONAL SERVICES

INTERIOR/EXTERIOR	KIDS ROOMS	FAUX FINISHES
WALLPAPER REMOVAL		CARPENTRY REPAIRS
PRESSURE WASHING CLEANING		FLOORING INSTALLATION
WOOD STAINING		ELECTRICAL FIXTURES INSTALLATION
SHEETROCK REPAIRS .	DRIVEWAY SEALER /REFINISH	GENERAL REPAIRS

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Don P. [unclear]*

PROJECT:

Payment Request Number _____ for period dated 11/22/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$1,375,000

Net Change by approved Change Orders: \$600,000

Adjusted Contract Amount: \$1,875,000

Value of work completed to date: \$1,775,000

Less payments received to date: \$1,032,500

Amount due this request: \$742,500

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. Value of work completed to date listed above must be for the work actually completed at the time this request is submitted. Do not request what you hope to accomplish. Do not show change orders until they are approved. This will delay payment. All conditions are directly related to "Paid" status. **MAN'S Compensation and General Liability Insurance Certificate** **LANDMARC PRIOR** to sending any request for payment.

Certificate of Subcontractor

I hereby certify that payments less _____ have been made through the period covered by previous payments received from _____ to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Don P. [unclear] Authorized Signature: [unclear]

11/22/09

11/22/09

11/22/09



Capture Date: 11/27/2009 Sequence #: 6092366724

Bank of America. ACH RT 00304483 67-448-539		1407
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		
PAY TO THE ORDER OF Deer Painfing		11/19/2009 \$ **2,500.00
Two Thousand Five Hundred and 00/100		DOLLARS
Deer Painting		
MEMO Change Beams		 AUTHORIZED SIGNATURE
@00140711 @0539044831 22300017844711		

>063113772<
 MERCANTILE BANK
 11/27/2009

06588002022030

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/30/2009	6330419312	53000206	Undetermined	N		FEDERAL RES BANK OF
11/27/2009	000000280396610	63113772	Rtn Loc/BORD	Y		TD BANK, NATIONAL AS
11/27/2009	006092366724	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

29

BOA 00186

Bank of America



Capture Date: 11/27/2009 Sequence #: 6092366723

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29603		Bank of America ACH/PY 05/2004/80 67-448-539	1406 11/19/2009
PAY TO THE ORDER OF Deer Painting	\$ **2,500.00	DOLLARS	
Two Thousand Five Hundred and 00/100		DOLLARS	
Deer Painting		AUTHORIZED SIGNATURE 	
MEMO Beams		00014060105390448302230001784470	

>063113772<
 MERCANTILE BANK
 11/27/2009

21 Dec

005660002622820

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/27/2009	000000280396600	63113772	Rtn Loc/BOFD	Y		TD BANK, NATIONAL AS
11/30/2009	6330419311	53000206	Undetermined	N		FEDERAL RES BANK OF
11/27/2009	006092366723	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

29

BOA 00185

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Deer Painting

PROJECT:

Payment Request Number _____ for period dated 9/15/09

Statement of Contract Amount:

Original Contract Amount: \$14800.00
(per Dwgs _____ dated _____)

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$11840.00

Less payments received to date: _____

Amount due this request: \$11840.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Deer Painting Authorized Signature: Miguel Deen

landmarc@bellsouth.net

Phone: 864.202.3019

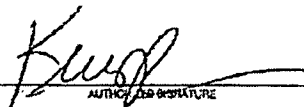
PO Box 4782 Greenville SC, 29608

Fax: 864.268.5254

Bank of America



Capture Date: 09/08/2009 Sequence #: 6192631126

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NT 03004483 67-448-539	1351 9/1/2009
PAY TO THE ORDER OF	Deer Painting	\$ 3,000.00	DOLLARS
Three Thousand and 00/100		DOLLARS	
Deer Painting		 AUTHORIZED SIGNATURE	
MEMO Vernon Residence, Lot 4-4, cliffs at mountain park			
⑈001351⑈ ⑆053904483⑆ 223000178447⑈			

05568002162430 09062003 MERCHANTILE 063113772

for deposit only.
 Deer Painting Co.

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
09/09/2009	6633750001	53000206	Undetermined	N		FEDERAL RES BANK OF
09/08/2009	006192631126	111012822	Undetermined	N		BANK OF AMERICA, NA
09/08/2009	000000284002590	63113772	Rtn Loc/EOFD	Y		TD BANK, NATIONAL AS

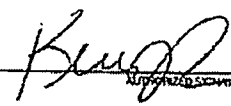
No Payee Endorsements Found

BOA 00146



Capture Date: 07/13/2009 Sequence #: 6792496390

tax 10

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH/INT 05/20/08 67-448-539	1328 7/9/2009
PAY TO THE ORDER OF	Deer Painting	\$ **4,000.00	Security features. Details on back.
Four Thousand and 00/100		DOLLARS	
Deer Painting			
MEMO Vernon Lot 44 Cliffs at Mountain Park		 Kenneth S. Smith	
⑈001328⑈ ⑆053904483⑆ 223000178447⑈			
⑆053201005⑆ R#055 CAROLINA1⑆t0041363250 000000000000 07102000			

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
07/13/2009	006792496390	111012822	Undetermined	N		BANK OF AMERICA, NA
07/13/2009	6639138899	53000206	Undetermined	N		FEDERAL RES BANK OF
07/10/2009	000000041363250	53201885	Rtn Loc/BOFD	Y		TD BANK, NATIONAL AS

No Payee Endorsements Found

25

BOA 00122

LANDMARC Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Deer Painting*

PROJECT:

Payment Request Number _____ for period dated 6/26/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$13150.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$10312.50

Less payments received to date: —

Amount due this request: \$10312.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Deer Painting Authorized Signature: Nigel Deer

landmarc@bellsouth.net

Phone: 864.268.5254

PO Box 4782 Greenville SC 29608

Fax: 864.268.5254

DEER PAINTING COMPANY.

QUOTE

DATE 05/24/09

PHONE : (864)354-2629

CLIENT: Landmark		
ADDRESS: 470 Highridge parkway		
Marrietta,sc		
PHONE: 864-3764210		
OFFICE #	MOBIL #	FAX #

DESCRIPTION OF ROOM	DESCRIPTION OF LABOR	SPECIAL REPAIRS	PAINT-COATS	TOTAL COST
Exterior				\$
siding	Seal siding 2 colors	2 colors	1	\$
	Seal all exterior wood		1	\$
	Ceilings, doors, windows, etc,		1	\$
		Total ext		\$6.850.00
Interior	Prime and paint all int, walls			\$
Main lavel	Sand, prime, paint		3	\$
Lower level	Paint all walls and trim	No windows		\$
	Prime, caulk, sand, paint	2 coats trim	3	\$
	Stain windows			\$
Garage	Prime and paint walls		2	\$
	Stain wood		1	\$
		Total int.		\$8.400.00
				\$
				\$
				\$
				\$

***** We will beat any competitors price *****

TERMS: ALL PRICES INCLUDE LABOR & MATERIALS
 PAYMENT TERMS AS FOLLOWS: 30% down for materials
 Weekly payments according to labor
 3 YEAR WARRANTY ON ALL JOBS

ADDITIONAL SERVICES		
INTERIOR/EXTERIOR	KIDS ROOMS	FAUX FINISHES
WALLPAPER REMOVAL		CARPENTRY REPAIRS
PRESSURE WASHING CLEANING		FLOORING INSTALLATION
WOOD STAINING	ELECTRICAL FIXTURES INSTALLATION	
SHIETROCK REPAIRS .		GENERAL REPAIRS

TAB 9 - PAINTING



Capture Date: 11/27/2009 Sequence #: 6092366724

Bank of America. ACH RPT 06304483 67-448-539		1407
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		11/19/2009
PAY TO THE ORDER OF	Dear Painting	\$ 2,500.00 DOLLARS
Two Thousand Five Hundred and 00/100		
Deer Painting		
MEMO Change Beams		AUTHORIZED SIGNATURE
⑈001407⑈ ⑆053904483⑆ 223000178447⑈		

>063113772<
 MERCANTILE BANK
 11/27/2009

98568002622030

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/30/2009	6330419312	53000206	Undetermined	N		FEDERAL RES BANK OF
11/27/2009	000000280396610	63113772	Rtn Loc/BOFD	Y		TD BANK, NATIONAL AS
11/27/2009	006092366724	111012822	Undetermined	N		BANK OF AMERICA, NA

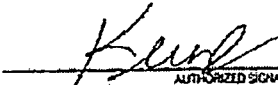
No Payee Endorsements Found

BOA 00186

Bank of America



Capture Date: 11/27/2009 Sequence #: 6092366723

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RTT 053004482 67-448-539	1406 11/19/2009
PAY TO THE ORDER OF	Deer Painting	\$ **2,500.00	DOLLARS
Two Thousand Five Hundred and 00/100			
Deer Painting			
MEMO Beams	 AUTHORIZED SIGNATURE		
⑈001406⑈ ⑆053904483⑆ 223000178447⑈			

>063113772<
 MERCANTILE BANK
 11/27/2009

21 Dec

005000002622820

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/27/2009	000000280396600	63113772	Rtn Loc/BOFD	Y		TD BANK, NATIONAL AS
11/30/2009	6330419311	53000206	Undetermined	N		FEDERAL RES BANK OF
11/27/2009	006092366723	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

29

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Deer Painting*

PROJECT:

Payment Request Number _____ for period dated 9/15/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$ 14800.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$ 11840.00

Less payments received to date: _____

Amount due this request: \$ 11840.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: *Deer Painting* Authorized Signature: *Miguel Deer*

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



Capture Date: 09/08/2009 Sequence #: 6192631126

Bank of America. LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NT 03004483 67-448-539	1351 9/1/2009
PAY TO THE ORDER OF	Deer Painting	\$ 3,000.00	DOLLARS
Three Thousand and 00/100		DOLLARS	
Deer Painting		 AUTHORIZED SIGNATURE	
MEMO Vernon Residence, Lot 44, cliffs at mountain park			
⑈001351⑈ ⑆053904483⑆ 223000178447⑈			

06560002162430 09082009 MERCHANTILE >063113772<

*for deposit only.
 Fed. Painting Co.*

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRM	RRC	Bank Name
09/09/2009	6633750001	53000206	Undetermined	N		FEDERAL RES BANK OF
09/08/2009	006192631126	111012822	Undetermined	N		BANK OF AMERICA, NA
09/08/2009	000000284002590	63113772	RCA Loc/BOFD	Y		TD BANK, NATIONAL AS

No Payee Endorsements Found

BOA 00146



Capture Date: 07/13/2009 Sequence #: 6792496390

tax 10

Bank of America.		1328
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		ACH/RT 05304403 67-448-539
PAY TO THE ORDER OF Deer Painting		7/9/2009
Four Thousand and 00/100		\$ **4,000.00
Deer Painting		DOLLARS
MEMO Vernon Lot 44 Cliffs at Mountain Park		<i>[Signature]</i> AUTHORIZED SIGNATURE

⑈001328⑈ ⑆053904483⑆ 223000178447⑈

>053201325< P=055
 CAROLINA1st0041363250
 000000000000 07182009

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
07/13/2009	006792496390	111012822	Undetermined	N		BANK OF AMERICA, NA
07/13/2009	6639138899	53000206	Undetermined	N		FEDERAL RES BANK OF
07/10/2009	000000041363250	53201885	Rtn Loc/BOFD	Y		TD BANK, NATIONAL AS

No Payee Endorsements Found

25
 BOA 00122

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Deer Painting

PROJECT:

Payment Request Number _____ for period dated 6/26/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs. _____ dated _____) \$1350.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$10312.50

Less payments received to date: —

Amount due this request: \$10312.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Deer Painting Authorized Signature: Nigel Deer

landmarc@bellsouth.net

Phone: 864.268.3019

PO Box 4782 Greenville SC 29608

Fax: 864.268.5254

DEER PAINTING COMPANY

QUOTE

DATE 05/24/09

PHONE : (864)354-2629

CLIENT: Landmark		
ADDRESS: 470 Highridge parkway		
Marrietta,sc		
PHONE: 864-3764210		
OFFICE #	MOBIL #	FAX #

DESCRIPTION OF ROOM	DESCRIPTION OF LABOR	SPECIAL REPAIRS	PAINT-COATS	TOTAL COST
Exterior				\$
siding	Seal siding 2 colors	2 colors	1	\$
	Seal all exterior wood		1	\$
	Ceilings, doors, windows, etc,		1	\$
		Total ext		\$6.850.00
Interior	Prime and paint all int, walls			\$
Main level	Sand, prime, paint		3	\$
Lower level	Paint all walls and trim	No windows		\$
	Prime, caulk, sand, paint	2 coats trim	3	\$
	Stain windows			\$
Garage	Prime and paint walls		2	\$
	Stain wood		1	\$
		Total int.		\$8.400.00
				\$
				\$
				\$
				\$

***** We will beat any competitors price *****

TERMS: ALL PRICES INCLUDE LABOR & MATERIALS
PAYMENT TERMS AS FOLLOWS: 30% down for materials
Weekly payments according to labor
3 YEAR WARRANTY ON ALL JOBS

ADDITIONAL SERVICES

INTERIOR/EXTERIOR	WALLPAPER REMOVAL	PRESSURE WASHING CLEANING	WOOD STAINING	SHEETROCK REPAIRS	FAUX FINISHES	CARPENTRY REPAIRS	FLOORING INSTALLATION	ELECTRICAL FIXTURES INSTALLATION	GENERAL REPAIRS

LANDMARC Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Dee Painting*

PROJECT:

Payment Request Number _____ for period dated 11/20/09

Statement of Contract Amount:

Original Contract Amount: \$ 13750.00
(per Dwgs _____ dated _____)

Net Change by approved Change Orders: \$ 3200.00 *stain and restain beams*

Adjusted Contract Amount: \$ 13150.00

Value of work completed to date: \$ 17750.00

Less payments received to date: \$ 1032.50

Amount due this request: \$ 7457.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. Value of work completed to date listed above must be for the work actually completed at the time this application is submitted. Do not request what you hope to accomplish. Do not show change orders until they are approved. This will delay payment. All conditions are directly related to "Paid up" status. **LIABILITY Insurance Certificate** must be submitted to LANDMARC PRIOR to sending any request for payment.

Certificate of Subcontractor

I hereby certify that payments have been made through the period covered by this application for payment to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Dee Painting Authorized Signature: [Signature]

Phone: (864) 291-7717

PO Box 4782 Greenville, SC 29608

Fax: (864) 268-5254

DEER PAINTING COMPANY

INVOICE

DATE 11/16/09

PHONE : (864)9011209

CLIENT: Landmark		
ADDRESS: 470 highridge parkway The cliffs		
Marrietta, sc		
PHONE:		
OFFICE #	MOBIL #	FAX #

DESCRIPTION OF ROOM	DESCRIPTION OF LABOR	SPECIAL REPAIRS	PAINT COATS	TOTAL COST
Final invoice	Expenses report			\$
Sherwin W.	Total expenses			\$2,330.87
Suburban P.	Total expenses			\$1,063.77
Williamson C.	Total expenses			\$2,312.00
			Total	\$5,706.64
Contract	Initial contract on house			15,250.00
Payments	2 payments on job			\$7,000.00
			Bal due	\$2,543.26
Additions	Interior staining	Original	price	\$2,500.00
	Change of color on stain			\$
	Because customer decided	Additional		\$2,500.00
				\$
		final bal.	Due now	\$7,543.20 ✓
				~~\$1,000.00~~
				~~\$6,543.20~~
				\$

TERMS: ALL PRICES INCLUDE LABOR & MATERIALS

PAYMENT TERMS AS FOLLOWS: 30% down for materials

Weekly payments according to labor

3 YEAR WARRANTY ON ALL JOBS

ADDITIONAL SERVICES

INTERIOR/EXTERIOR	KIDS ROOMS	FAUX FINISHES
WALLPAPER REMOVAL		CARPENTRY REPAIRS
PRESSURE WASHING CLEANING		FLOORING INSTALLATION
WOOD STAINING	ELECTRICAL FIXTURES INSTALLATION	
SHEETROCK REPAIRS . DRIVEWAY SEALER /REFINISH	GENERAL REPAIRS	

LANDMARC Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: B&B Tile
1604 Bee-Tree Rd
Swainston NC
28778

PROJECT:

Payment Request Number 2 for period dated Labor Balance

Statement of Contract Amount:

Original Contract Amount:
(per Dwg# _____) dated _____ 14856.20

Net Change by approved Change Orders: 0

Adjusted Contract Amount: 14856.20

Value of work completed to date: 14856.20

Less payments received to date: 11409.55

Amount due this request: 3446.65

FLOOR

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.*

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor B&B Tile

Authorized Signature [Signature]

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC. 29608

fax: 864.268.5254

Bank of America



Capture Date: 07/24/2009 Sequence #: 6500698449

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH R/T 853004-853 67-448-539	1334 7/23/2009
PAY TO THE ORDER OF	B&B Tile & Sons	\$ 5,370.00	DOLLARS
Five Thousand Three Hundred Seventy and 00/100			
B&B Tile & Sons			
MEMO Vernon Material Deposit UL FP, LL FP, Kitch Bckspl		 AUTHORIZED SIGNATURE	

⑈001334⑈ ⑆053904483⑆ 223000178447⑈

⑈0000537000⑈

 ⑈001334⑈ ⑆053904483⑆ 223000178447⑈
 07/24/09 11:48
 Entry HMC CC 0930550 11/00054
 Account 223000178447
 R/T# 540570139
 OFFICIAL Check Sale
 11/11 N
 001334

UL 24 09

5014 05917

 NEW YORK, NY 10017
 07/24/09 11:48
 001334

 No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00128

B&B TILE&SONS LLC
 16 OLD BEE TREE RD. SWANNANOA, NC
 BILL BLANCHARD 28778
 828-2998957-FAX 828-712-3347-tele.

INVOICE: VERNON 722

Date: 07-22-09

TERMS:

MATERIAL DEPOSIT
DUE NOW

LAND MARC HOMES
LOT 44 MOUNTAIN PARK
Attn: PARENS & PARI

Phone: 84-268-5254

VERNON JOB

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	LOWER FIREPLACE	345.00 MATERIAL	345.00
	KITCHEN BACKSPASH	575.00 MATERIAL	575.00
	GREAT ROOM FIREPLACE	4450.00 MATERIAL	4450.00
		TOTAL	5370.00
	PRICE ON		
	LOWER FIREPLACE	140.00 LABOR	
	KITCHEN BACKSPASH	360.00 LABOR	
	GREAT ROOM FIREPLACE	4325.00 LABOR	



Capture Date: 07/24/2009 Sequence #: 6500698448

Bank of America. ACH REC 05304482 67-448-539		1332
LANDMARC CONSTRUCTORS, INC. P O BOX 4782 GREENVILLE, SC 29608		7/23/2009
PAY TO THE ORDER OF	B&B Tile & Sons	\$ 3,500.00
Three Thousand Five Hundred and 00/100		DOLLARS
B&B Tile & Sons		
MEMO Vernon Residence		 AUTHORIZED SIGNATURE

⑈001332⑈ ⑆053904483⑆ 223000178447⑈ ⑆0000350000⑈

00:00:43
 Official Check Sale
 N KTI
 R/TN 540570139
 Account 223000178447
 Entity HMC EC 0420500 11:0054
 07/26/2009 11:49
 Tran 00047

DATE OF DEPOSIT 07/24/09
 07/24/09
 07/24/09

5014 05916

No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00127

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: B/B TILE
610 EASTSIDE DR.
BLACK MTR, NC 28711

PROJECT: VERNON JOB

Payment Request Number 2 for period dated LABOR

Statement of Contract Amount:

Original Contract Amount:
(per Dwg 14856.20 dated 5-24-09 14,856.20

Net Change by approved Change Orders: 0

Adjusted Contract Amount: 14,856.20

Value of work completed to date: 11,409.55

Less payments received to date: 7,909.55

Amount due this request: \$3,500.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. Value of work completed to date listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: B/B TILE

Authorized Signature: Bill K...

landmarc@bellsouth.net

Phone: 864.202.5019

PO Box 4782 Greenville SC, 29608

Fax: 864.268.5254

Page 9

1320

Bank of America. 

ACH RT 033004485

67-448-539

6/5/2009

LANDMARC CONSTRUCTORS, INC.
P.O. BOX 4782
GREENVILLE, SC 29608

PAY
TO THE
ORDER OF

B&B Tile & Sons

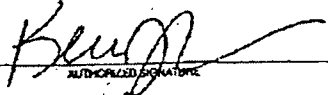
\$ **7,909.55

DOLLARS

Seven Thousand Nine Hundred Nine and 55/100

B&B Tile & Sons

MEMO


AUTHORIZED SIGNATURE

#001320# 15053904483: 22300017844?#

✓0000790955✓

TRAN 00251 06/05/2009 16:53
Entity NMC CC 0430500 TLR 00054
Account 322000173447
R/TH 540570139
Official Check Sale
N KTT
47,909.55

BANK OF AMERICA, NA CORP
4415551256 54155 91 091
06/07/97
11:00:00

BB Tile. Suro

No Electronic Endorsements Found
No Payee Endorsements Found

BOA 00116

24

B&B TILE & SONS LLC
 16 OLD BEE TREE RD. SWANNANOA, NC 28778
 BILL BLANCHARD
 828-2998957-FAX. 828-712-3347-tele.

To: landmark custom
 homes

Vernon job lot
 44

Attn: markus & kerri

INVOICE: Vernon 519

Date: 05-19-09

TERMS: due
 now

QUANTITY	DESCRIPTION	PRICE	AMOUNT
40 sqft. master shr. fl & ft insert	3x3 oct & dot noce	12.50sqft.	\$500.00
	Slab seat & curb & wallcap		\$240.00
205sqft. master wall	12x12 combo charo & noce	7.45sqft.	\$1537.50
190sqft master floor	12x12 charo tumble	7.45sqft.	1415.50
75sqft. laundry flr	12x12 fla. tile	3.35sqft.	\$251.25
170sqft. Bth 3 wall	12x12 hr51 ao	4.60sqft.	\$782.00
40sqft bth 3 flr	12x12 hr51	4.60sqft.	\$184.00
31sqft. Bth 3 shr fl & coun. top	1x2 tu 70 mosaic	17.10sqft.	\$530.10
115sqft. Bth 4 wall	9x18 leonardo	4.50sqft	\$517.50
60sqft bth 4 flr	9x18 leonardo	4.50sqft.	\$270.00
40sqft fireplace down & entry	12x12 multicolor slate	4.00sqft	\$160.00
Kit. backsplash	Autumn slate mosaic & decos.		825.00
Durock & thinset & pan material & flr mud *			\$1170.50

We are pleased to submit the above quotation for your consideration. Should you place an order, be assured it will receive prompt attention. This quotation is valid for 60 days. There after it is subject to change without notice.

*50 durock-12.50ea, 17 50lb thinset-16.50ea, pan material 55sqft(\$110.00), 20 50lb flr. mud-7.50ea.

Total Material- \$8383.35

✓1320
 6/5/09
 \$7909.55

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

AFFIDAVIT

PERSONALLY appeared before me, the undersigned, Lannie Clayton, who being first duly sworn, deposes and says that s. he is Vice President of Clayton Tile Distributing Co., Inc., (hereinafter the "Claimant") and as such is familiar with the books and records of the Claimant; that according to the records of the Claimant, it furnished labor and/or materials to Landmarc Constructors, Inc., for the improvement of real estate owned by Sandra Ann Vernon and Billie James Vernon, Jr., individually and/or as Trustees and being known as Lot 44, Cliffs at Mountain Park, Phase I, Greenville County; that the records of the Claimant further reflect that there is due the sum of Six Thousand Eight Hundred Twenty-Four and 59/100 (\$6,824.59) Dollars, plus interest as applicable, for the labor and/or material used in improving said real estate; that the last day the Claimant furnished materials for the improvement of the property was on or after December 2, 2009.

SWORN TO AND SUBSCRIBED)
 before me this 14)
 day of January, 2010.)

(LS))
 Notary Public for S.C.

My Comm. Expires: 2-20-12

Lannie Clayton

Prepared by Craig H. Allen, P.A., Attorney at Law, Greenville, SC

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
NOTICE AND CERTIFICATE
OF
MECHANICS LIEN

TO: **SANDRA ANN VERNON, INDIVIDUALLY AND/OR AS TRUSTEE,
BILLIE JAMES VERNON, JR., INDIVIDUALLY AND/OR AS TRUSTEE,
LANDMARC CONSTRUCTORS, INC. and
BANK OF TRAVELERS REST**

NOTICE IS HEREBY GIVEN that Clayton Tile Distributing Co., Inc. is due the sum of Six Thousand Eight Hundred Twenty-Four and 59/100 (\$6,824.59) Dollars, plus interest as applicable, from Landmarc Constructors, Inc., a statement of a just and true account of said indebtedness, with all just credits given, being attached hereto and made a part hereof.

That said debt is due the undersigned for labor performed or furnished, and/or for materials furnished, and actually used in the erection, alteration or repair of buildings or structures situated on, or in otherwise improving, the real estate hereinafter described, by virtue of an agreement with, or by consent of **Sandra Ann Vernon and Billie James Vernon, Jr. individually and/or as Trustees**, the owner(s) thereof, or a person or persons authorized by, or rightfully acting for, said owner(s); or said debt is due the undersigned because such improvements have been authorized by said owner(s). That, as shown by the attached statement, the undersigned labored on, or furnished labor and materials for, such buildings, structures or improvements, within ninety days of the date hereof, to wit, on/or after the 2nd day of December, 2009.

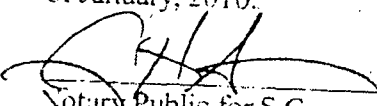
That by virtue thereof, by the service and filing of this Notice and Certificate, and pursuant to the provisions of the Statutes in such cases made and provided, the undersigned has and claims a lien to secure the payment of the debt so due and the costs of enforcing said lien upon the buildings or structures hereinabove mentioned and upon the following described real estate:

All that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon, situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as Lot 44 Cliffs at Mountain Park, Phase I, containing 2/16 acres, more or less as shown on that certain plat entitled "The Cliffs at Mountain Park, Phase I, Lot 29, Lots 31 thru 42 and 44" as recorded in the Register of Deeds Office for Greenville County, South Carolina in Plat Book 1023 at Page 46, reference being hereby made to said plat for a more complete and accurate metes and bounds description thereof.

Also, a non-exclusive right of ingress and egress on and upon Highridge Parkway to Highway 11 as shown and designated on a survey for "The Cliffs at Mountain Park, Phase I, Lot 29, Lots 31 thru 42 and 44", recorded in the Register of Deeds Office for Greenville County, in Plat Book 1023 at Page 46.

SWORN TO AND SUBSCRIBED)

before me this 17 day)
of January, 2010.)

 (LS))
Notary Public for S.C.

My Commission expires - -

The foregoing is true of my own knowledge.

CLAYTON TILE DISTRIBUTING CO., INC.

By: Juanita Clayton
Its Vice President

TAB 8 - TILE LABOR & MATERIAL



Capture Date: 11/23/2009 Sequence #: 9292707456

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America ACH 1010/053004483 67-448-539	1403 11/18/2009
PAY TO THE ORDER OF	Southern Gutter & Siding Inc.	\$ 1,890.00	Security Features: Details at bank. B
One Thousand Eight Hundred Ninety and 00/100		DOLLARS	
Southern Gutter & Siding Inc.		 AUTHORIZED SIGNATURE	
MEMO Vernon	⑈001403⑈ ⑈053904483⑈ 223000178447⑈		

Srinivasa Rao

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/23/2009	0414031160	61100606	Rtn Loc/BOFD	Y		SYNOVUS BANK
11/23/2009	009292707456	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

BOA 00183

29

From: Fax Page: 1/1 Date: 12/31/2009 11:40:01 AM

Southern
Gutter & Siding, Inc.

1483 Roper RD.
Lavonia, GA 30553

Invoice

Date 10/29/2009
Invoice # 323
Due Date 10/29/2009

Bill To: [REDACTED]
Landmark Custom Homes
864-376-4210

PAID

Item	Description	Qty	Price	Amount
Labor & Mater...	installation of 6" half-round gutter (musket brown)	60	15.00	900.00
Labor & Mater...	installation of downspout	30	15.00	450.00
Labor & Mater...	installation of LeavesOut gutter covers	60	9.00	540.00
	Thanks for the business. Joe Dyck			

WE THANK YOU FOR THE BUSINESS. PLEASE REMIT PAYMENT AS SOON AS POSSIBLE TO ADDRESS ABOVE.

706-356-2844
southerngutter@windstream.net

Total \$1,890.00
Payments/Credits \$-1,890.00
Balance Due \$0.00



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC, 29608
FAX: (864) 268-5254

FROM: Southern Gutter & Siding, Inc.
1483 Roper Rd
Lavonia, GA 30553

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 10/29/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 2890.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 2890.00

Less payments received to date: 0.00

Amount due this request: 2890.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Southern Gutter & Siding, Inc. Authorized Signature: Joe Dyck

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

Fax: 864.268.5254

TAB 7 - SOUTHERN GUTTER & SIDING

	PO Box 8530 6045 East Beaver Creek Blvd #203A Avon, Colorado 81820 970-748-1158	FIRSTBANK OF AVON EAGLE CO 81631 82-235/1021	7596
	CONTRACT ONE		
RECEIVED BY FIRSTBANK OF AVON	PAY TO THE ORDER OF <u>Riverside Landscaping</u>		02/10/2010
	EXACTLY ONE THOUSAND FIVE HUNDRED DOLLARS		\$*****\$1,500.00
	Riverside Landscaping 15 Lincoln Chapel Rd Travelers Rest SC 29690		DOLLARS 15
	VOID AFTER 90 DAYS 		
NPA ACCOUNT #			
⑈007596⑈ ⑆102103999⑆3535519675⑈			

✓ 7596

Riverside Landscaping
15 Lincoln Chapel Rd
Travelers Rest, SC 29690

813

Invoice

Date	Invoice #
12/17/2009	1588

Bill To
vernon lot 44

P.O. No.	Terms	Project
		408

Quantity	Description	Rate	Amount
1	one additional load of rock for the front wall at the ac units (change order #5)	1,500.00	1,500.00
Total			\$1,500.00

	PO Box 5550 00418 East Beaver Creek Blvd #205A Avon, Colorado 81620 970-748-1138	FIRST BANK OF AVON P.O. Box 100 Avon, Colorado 81620	7531
	CONTRACT ONE		1/20/10
PAY TO THE ORDER OF	Ricky Harwood Floor		\$ 700.00
	seven hundred & no/100		DOLLARS
MEMO	#028294		VOID AFTER 60 DAYS
	007551 4102103999035355196751		

✓7531

Job 408



FAXED 028294

12-7-09

STATEMENT

DATE

12-7-09

TERMS

AND MARC

INVOICE

Job 408 HARDWOOD FLOORS INC. 173

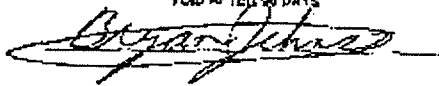
This fax was received by ContractOne, Inc Fax Server.

MTN PK Lot 44

SAND DECKS

700.00

THANKS
RONALD

 CONTRACT ONE	PO Box 8550 60-8 East Beaver Creek Blvd #200A Avon, Colorado 81620 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81631 970-596-1131	7427
		12/18/2009	
2009 12 18 15:45:43	PAY TO THE ORDER OF Matt Lynn Custom Carpentry, Inc.	\$*****8,364.85	
EIGHT THOUSAND THREE HUNDRED SIXTY-FOUR AND 85/100 DOLLARS			
Matt Lynn Custom Carpentry, Inc. 559 Clairidge Drive Boiling Springs SC 29315		VOID AFTER 90 DAYS	
MFV Account#			
⑈007427⑈ ⑈102103999⑈3535519675⑈		⑈0000836485⑈	

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138



Lien Waiver

Date: 12-18-2009

License: Ca. #908232, ND. #38276

CONTRACTONE

To: Matt Lynn Custom Carpentry, Inc.
559 Clairidge Drive
Boiling Springs SC 29316

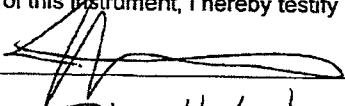
Project: Vernon Home

Issued By: rodney

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
~~78~~	Hardware installation	560.00			560.00
~~79~~	Foyer Closet Organizer	375.00			375.00
~~80~~	Great room iron brackets	640.00			640.00
~~81~~	Install screen doors / hardwar	150.00			150.00
~~82~~	Build lower tub panel	225.00			225.00
~~83~~	Shoe Molding Install	1,431.85			1,431.85
~~88~~	Deck Handrails and Posts	3,000.00			1,500.00
~~89~~	Garage Workshop	3,075.00			3,075.00
~~93~~	Site Clean-up	408.00			408.00
		9,864.85			8,364.85

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of Colorado for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Matt Lynn Custom Carpentry, Inc. that supplied labor, service tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: 

Date: 12/21/09

Print Name: John Habitzel

Title: 

Notary:

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓ 7427

Date	Invoice #
11/22/2009	89

Bill To
Landmarc Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax (864) 268-5254

P.O. No.	Terms	Project
	Due on receipt	408

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence Garage Workshop 6200	3,075.00	3,075.00
		Total	\$3,075.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓7427

Date	Invoice #
11/22/2009	83

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	408

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence		
	Shoe Molding Install		
	Lower: 1295 X \$0.35	453.25	453.25
	Upper: 2796 X \$0.35	978.60	978.60
	6200		
		Total	\$1,431.85

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

Date	Invoice #
11/22/2009	79

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	908

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence		
	Change Order		
	Foyer Closet Organizer	375.00	375.00
	6200		
Total			\$375.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Deyan Johnson
470 390 1068

Invoice

✓1427

Date	Invoice #
11/22/2009	88

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

Patrick

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence Deck Handrails and Posts <i>6100</i>	3,000.00	3,000.00
	<i>Items needed To complete From Yoders</i> <i>18- 10' Dressed cedar 2x4</i> <i>6- 12' Dressed cedar 2x4 S</i> <i>20- 10" 5/8 Galvanized Lags 3 washers</i> <i>70% of Railing is Assembled AT shop due To Temps Ready To Go need \$1500.00 Draw on This Billing</i> <i>Marcus has had list For 2 weeks For needed materials</i>		
		Total	\$3,000.00

\$1,500.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓7927

Date	Invoice #
11/22/2009	81

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	408

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence Install Screen Doors and Hardware 2 Doors X \$75.00 each 6200	150.00	150.00
		Total	\$150.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓7427

Date	Invoice #
11/22/2009	78

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	408

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence		
	Hardware Installation		
	Exterior:		
	Garage Door	0.00	0.00
	Garage Service Door \$50.00 X 2	50.00	50.00
	Front Door	100.00	100.00
	Interior Doors	50.00	50.00
	Main Level 9 X \$20.00 Each	180.00	180.00
	Lower Level 6 X \$20.00 each	120.00	120.00
	Toilet Paper Holders 5 X \$20.00 each	100.00	100.00
	Towel Hooks:		
	Master Bath 3 X \$10.00 each	30.00	30.00
	Master Closet 2 X \$10.00 each	20.00	20.00
	Lower Bath: Horseshoe 3 X \$10.00 each	30.00	30.00
	Lower Bath #4		
	Towel Ring	10.00	10.00
	Towel Bar	10.00	10.00
	One Hook	10.00	10.00
		Total	\$710.00

-150.00
560.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓7427

Date	Invoice #
11/22/2009	82

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence Change Order Build Lower Tub Panel "Oak", to match cabinets and install and caulk	225.00	225.00
Total			\$225.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

Invoice

✓ 7427

Date	Invoice #
11/22/2009	80

Bill To
Landmarc Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	708

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence		
	Great Room Iron Brackets		
	Brackets 12 X \$35.00 each	420.00	420.00
	Rectangle Brackets 17 X \$10.00 each	170.00	170.00
	Modify 3 Brackets, cut and repaint	50.00	50.00
	<i>why didn't they have to modify</i>		
	6200		
		Total	\$640.00

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive
Boiling Springs, SC 29316

774

Invoice

✓7427

Date	Invoice #
12/17/2009	93

Bill To
Bill Vernon lot 44 Mountain Park

P.O. No.	Terms	Project
		408

Quantity	Description	Rate	Amount
	job site cleanup	168.00	168.00
	job site cleanup 6100	240.00	240.00
		Total	\$408.00

 CONTRACT ONE	PO Box 2530 0046 East Beaver Creek Blvd #205A Avon, Colorado 81620 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81631 32-3991121	7426
		12/18/2005	
PAY TO THE ORDER OF <u>Pinnacle Custom Garage Doors</u>		\$ <u>5,783.79</u>	
ORDER OF <u>FIVE THOUSAND SEVEN HUNDRED EIGHTY-THREE AND 79/100 DOLLARS</u>			
Pinnacle Custom Garage Doors 207 McDaniel Avenue Pickens SC 29671		VOID AFTER 90 DAYS	DOLLARS
WE/C ACCOUNT#			
⑈0074 26⑈ ⑆102103999⑆3535519675⑈			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 12-18-2009

To: Pinnacle Custom Garage Doors
207 McDaniel Avenue
Pickens SC 29671

Project: Vernon Home

Issued By: rodney

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
82 / 91	Garage Doors	5,783.79			5,783.79
		5,783.79			5,783.79

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of Colorado for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Pinnacle Custom Garage Doors that supplied labor, services, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: David Wachs

Date: 1-7-10

Print Name: DAVID WACHS

Title: owner/operator

Notary:

From: unknown Page: 5/6 Date: 12/18/2009 9:58:16 AM

Pinnacle Custom Garage Doors, LLC

207 McDaniel Avenue
Pickens, SC 29671

Invoice

Date	Invoice #
11/25/2009	91

Bill To
LANDMARC CUSTOM HOMES P.O. BOX 4782 GREENVILLE, S.C. 29608

Final

P.O. No.	Terms	Project
		408

Item	Description	Est Amt	Prior Amt	Prior %	Qty	Rate	Curr %	Total %	Amount
Custom ...	9x8 Western Red Tight Knot Cedar Custom Garage Door Rough Sawn - Square Butt Joint Design with Custom Glass Sections 4-Section Door Insulated with an R-Value Rating of 6 Design Specs provided by Client	7,120.00	3,560.00	50.00%	1	3,560.00	50.00%	100.00%	3,560.00T
Custom ...	4x8 Western Red Tight Knot Cedar Custom Garage Door Rough Sawn - Square Butt Joint Design with Custom Glass Sections 4-Section Door Insulated with an R-Value Rating of 6 Design Specs provided by Client	2,835.00	1,417.50	50.00%	0.5	2,835.00	50.00%	100.00%	1,417.50T
Operator	Liftmaster Operator	0.00			0	0.00			0.00T
Remotes	Multi-Channel Remotes	0.00			0	0.00			0.00T
Keyless ...	Keyless Entry System	0.00			0	0.00			0.00T
Delivery...	Delivery Fee - for Pre-Finishing before Installation	19.78	9.89	50.00%	0.5	19.78	50.00%	100.00%	9.89
	Sales Tax	597.30	298.65	50.00%		6.00%	50.00%	100.00%	298.65

Total \$5,286.04

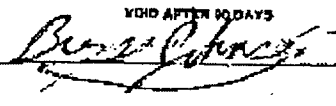
Payments/Credits \$0.00

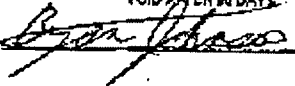
Balance Due \$5,286.04

INV. # 82
owe - \$497.75
INV. # 91 - \$5286.04
\$5783.79

→ \$5,783.79

Overhead Door

 CONTRACT ONE	PO Box 8530 0048 East Beaver Creek Blvd #206A Avon, Colorado 81620 870-743-1138	FIRSTBANK OF AVON EAGLE, CO 81631 82-388/1021	7497
	12/31/2009		
MEMO ACCOUNT DATE JAN 08 01 PM 01:00:00	PAY TO THE ORDER OF <u>R&H Granite Countertops</u>		\$ <u>482.15</u>
	FOUR HUNDRED TWO AND 15/100 DOLLARS		DOLLARS 
	R&H Granite Countertops 980 Gap Creek Rd. Greer SC 29615		VOID AFTER 90 DAYS 
	MEMO ACCOUNT		
⑈007497⑈ ⑆102103999⑆3535519675⑈			

 CONTRACT ONE	PO Box 8530 6048 East Beaver Creek Blvd #208A Avon, Colorado 81620 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81631 62-8891021	7425
	12/18/2009		
CASH/INITIAL NO. 12/18/2009	PAY TO THE ORDER OF R&H Granite Countertops		\$ \$3,619.35
	THREE THOUSAND SIX HUNDRED NINETEEN AND 35/100 DOLLARS		
	R&H Granite Countertops 980 Gap Creek Rd. Greer SC 29651		VOID AFTER 90 DAYS 
	All M Account		
⑈007425⑈ ⑆10240399903535519675⑈			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 01-08-2010

To: R&H Granite Countertops
980 Gap Creek Rd.
Greer SC 29651

Project: Vernon Home
470 Highridge Parkway
Marietta SC 29661

771

408

Issued By: bryan

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
267-4	Countertops	402.15			402.15
		402.15			402.15

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of R&H Granite Countertops that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Robinson Serna

Date: 1/12/2010

Print Name: Robinson Serna

Title: owner

Notary:

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creeek Blvd 208A
Avon CO 81620
970 748-1138

Lien Waiver

Date: 12-18-2009

License: Ca. #908232, ND. #38276



CONTRACTONE

#771
To: R&H Granite Countertops
980 Gap Creek Rd.
Greer SC 29651

#408
Project: Vernon Home

Issued By: rodney

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
267-4	Countertops	4,021.50			3,619.35
		4,021.50			3,619.35

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of Colorado for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of R&H Granite Countertops that supplied labor, services, mach tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for wook that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Robinson Serna

Date: 1/5/2010

Print Name: Robinson Serna

Title: owner

Notary:



980 Gap Creek Rd.
Greer, SC 29651
Phone (864)990-6578 (864)905-7309 Fax (864) 228-2361

DATE: December 3, 2009
INVOICE # 267-4
FOR: kitchen and Bathrooms

Bill To:

Name: Vernon
Company Name: Landmarc/Vernon
Street Address: Mountain Park
City, ST ZIP Code: Lot # 44
Phone (864) 376-4209

have info

Invoice #267-4 Lot#44

DESCRIPTION	AMOUNT
<u>Kitchen</u>	
<u>Material:</u> Creama Bordeaux 3cm →	5,630.00
<u>Sink:</u> undermount	
<u>Backsplashes:</u> No	
<u>Edge profile:</u> 1/4 Round	
<u>Master Bathroom:</u> →	3,904.50
<u>Utility Room:</u> →	1,575.00
<u>Down Stairs Bathroom Extra Piece</u>	
<u>Material:</u> Creama Bordeaux	
<u>Sink:</u> undermount →	400.00
<u>Backsplashes:</u> 4"	
<u>Edge profile:</u> 1/4 Round	
Deposit	(4,488.00)
Total Balance	\$ 7,021.50

OK
- 3,000
- 4,021.50

Make all checks payable to **R&H Granite Countertops**

If you have any questions concerning this invoice, contact Robinson, (864)990-6578, robinsonserna@yahoo.com

THANK YOU FOR YOUR BUSINESS!



✓ ~~7497~~
7425 + 7497

980 Gap Creek Rd.

Greer, SC 29651

Phone (864)990-6578 (864)905-7309 Fax (864) 228-2361

DATE:

Dec.15,2009

INVOICE #

267-4

FOR:

Kitchen and
Bathrooms

Bill To:

Name: Vernon

Company Name: Landmark/Vernon

Street Address: Mountain Park

City, ST ZIP Code: Lot # 44

Phone (864) 376-4209

Countertops
4465' Job 408

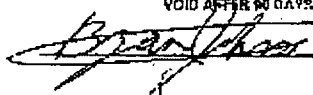
Invoice #267-4 Lot#44 Vernon Project

DESCRIPTION	AMOUNT
<u>Kitchen</u>	
Material: Creama Bordeaux 3cm	5,630.00
Sink: undermount	
Backsplashes: No	
Edge profile: 1/4 Round	
Master Bathroom:	3,904.50
Utility Room:	1,575.00
<u>Down Stairs Bathroom Extra Piece</u>	
Material: Creama Bordeaux	
Sink: undermount	400.00
Backsplashes: 4"	
Edge profile: 1/4 Round	
Deposit *	— (4,488.00)
(11/26/09) Deposit *	— (3,000.00)
Total Balance	\$ 4,021.50

Make all checks payable to R&H Granite Countertops

If you have any questions concerning this invoice, contact Robinson, (864)990-6578, robinsonsema@yahoo.com

THANK YOU FOR YOUR BUSINESS!

 CONTRACT ONE	PO Box 3500 0040 East Beaver Creek Blvd #2004 Avon, Colorado 81602 970-740-1158	FIRSTBANK OF AVON 5436 E. CO 21601 303-231-0211	7424
		12/18/2009	
PAY TO THE ORDER OF Easley Ornamental Ironworks		\$1,319.70	
ONE THOUSAND THREE HUNDRED NINETEEN AND 70/100 DOLLARS		DOLLARS	
Easley Ornamental Ironworks 105 Village Lane Easley SC 29642		VOID AFTER 90 DAYS 	
NEW Account#			
007424 010210399703535519275			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creeek Blvd 208A
Avon CO 81620
970 748-1138



Lien Waiver

Date: 12-18-2009

License: Ca. #908232, ND. #38276

CONTRACTONE

#770
To: Easley Ornamental Ironworks
105 Village Lane
Easley SC 29642

#409
Project: Vernon Home

Issued By: rodney

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
195	Deck Railing Pickets	1,319.70			1,319.70
		1,319.70			1,319.70

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of Colorado for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Easley Ornamental Ironworks that supplied labor, services, or tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Michael W. Hoyer

Date: 1-7-10

Print Name: Michael W. Hoyer

Title: owner

Notary:

Easley Ornamental Ironworks
105 Village Lane
Easley, SC 29642

770

✓7424

Date 11/6/2009
Invoice # 195

Bill To

Ship To

Job 408

P.O. #
Terms

Ship Date 11/6/2009
Due Date 11/6/2009
Other

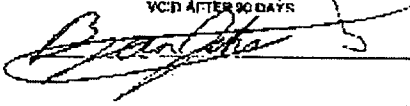
Item	Description	Qty	Price	Amount
Materials	240 wrought iron pickets	240	4.50	1,080.00T
Materials	powdercoat finish		165.00	165.00T

Deck railing pickets Metal Fabs

Easley Ornamental Ironworks
easleyiron@yahoo.com

864 295 1950
Fax 864 295 1958

Subtotal	\$1,245.00
Sales Tax (6.0%)	\$74.70
Total	\$1,319.70
Payments/Credits	\$0.00
Balance Due	\$1,319.70

 CONTRACT ONE.	PO Box 3530 0028 East Beaver Creek Blvd #208A Avon, CO 81620 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81631 02-3881321	7498
		12/31/2009	
PAY TO THE ORDER OF <u>Rigsby's Hardwood Floors, Inc.</u>		\$ <u>4,878.00</u>	
EXACTLY FOUR THOUSAND EIGHT HUNDRED SEVENTY-EIGHT DOLLARS		DOLLARS	
Rigsby's Hardwood Floors, Inc. 237 Greenbriar Drive Simpsonville SC 29680		VCD AFTER 90 DAYS 	
MFC Account			
⑈007498⑈ ⑆102103999⑆3535519675⑈			

68
ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 01-08-2010

To: Rigsby's Hardwood Floors, Inc.
237 Greenbriar Drive
Simpsonville SC 29680

Project: Vernon Home
470 Highridge Parkway
Marietta SC 29661

173

408

Issued By: bryan

Invoices#	Description	Invoice Balance	Retention	Discount	Set to Pay
113009Rigsby	Wood floor finish	4,878.00			4,878.00
		4,878.00			4,878.00

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Rigsby's Hardwood Floors, Inc. that supplied labor, services, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Ronnie Rigsby Date: 1-13-10

Print Name: RONNIE RIGSBY Title: OWNER

Notary:


FAXED

11-30-09

✓ 7498

028286

STATEMENT

DATE

11-30-09

TERMS

TO

LANDMARC

ADDRESS

IN ACCOUNT WITH

Rigby's HARDWOOD FLOORING INC

NTK PR Lot 44

 2380 sq ft SAND AND FINISH @ 1.85 sq ft
 w/ 3 coats polyurethane
 steps
 NOSE

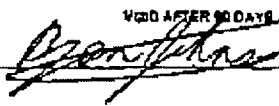
 4403.00
 375.00
 100.00
 4878.00

 THANK
 RONNIE

From: 8649677871

Page: 1/1

Date: 11/17/2010 7:59:50 PM

 CONTRACT ONE	PO Box 8530 5548 East Beaver Creek Blvd #206A Avon, Colorado 81620 970-749-1158	FIRSTBANK OF AVON EAQLE, CO 81621 82-3287321	7423
	12/18/2009		
PAY TO THE ORDER OF <u>Organize It Inc.</u>		\$ <u>5,018.94</u>	
FIVE THOUSAND EIGHTEEN AND 64/100 DOLLARS		DOLLARS ☒ ☐	
Organize It Inc. 825 Congaree Rd Greenville SC 29607		VOID AFTER 90 DAYS 	
MEY Account#			
⑆007423⑆ ⑆102103999⑆3535519675⑆			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138



Lien Waiver

Date: 12-18-2009

License: Ca. #908232, ND. #38276

CONTRACTONE #408

#769
To: Organize It Inc.
626 Congaree Rd
Greenville SC 29607

Project: Vernon Home

Issued By: rodriey

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
ORG121709	Master Closet Built-Ins	5,018.64			5,018.64
		5,018.64			5,018.64

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of Colorado for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Organize It Inc. that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Hollis E. Wolsen

Date: 12/16/10

Print Name: Hollis E. Wolsen

Title: President

Notary:

Organize It Inc.

769
26 Congaree Rd.
Greenville, SC 29607
84-297-5223

MOBILE # 864-505-1889

<< IIP >>

✓ 7423

ORG121709

CONTRACT ONE
PO BOX 8530
AVON, CO 81620-

CONTRACT ONE
PO BOX 8530
AVON, CO 81620-

ATTN: B. JOHNSON

ATTN: B. JOHNSON

Reference #: 9590 TM #140814

03:50 pm 12/17/09 Page # 1

39

CLOSET INSTALLATION
VERNON RESIDENCE LOT# 44
MOUNTAIN PARK.
2 MASTER CLOSETS & 2 GUEST BR CLOSETS
ANTIQUE WHITE LAMINATE

1.00

1.00

4734.57

4,734.57

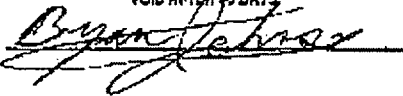
Master Closet Built-In
6200

0.00

Type Of Payment:
Note:

Sub-Total: \$4,734.57
Tax : \$284.07
Amount Charged: 0.00
TOTAL: \$5,018.64
Deposit Amount: 0.00
Balance Due : 5,018.64

Thank You,
This fax was received by ContractOne, Inc Fax Server.

 CONTRACT ONE	PO Box 8530 0048 East Beaver Creek Blvd #223A Avon, Colorado 81620 970-748-1139	FIRSTBANK OF AVON EAGLE, CO 81631 62-3961021	7441
			12/28/2009
PAY TO THE ORDER OF Cascade Fine Cabinetry			\$ *****58,216.00
	EXACTLY SIX THOUSAND TWO HUNDRED SIXTEEN DOLLARS		DOLLARS
	Cascade Fine Cabinetry		VOID AFTER 60 DAYS 
	MEMO ACCOUNT		
⑈007441⑈ ⑆102103999⑆3535519675⑈			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creeek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE_{LLC}

Lien Waiver

Date: 01-04-2010

^{\$183}
To: Casade Fine Cabinetry

^{\$408}
Project: Vernon Home
470 Highridge Parkway
Lot 44
Marietta SC

Issued By: bryan

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
120209	Cascade Cabinets	6,216.00			6,216.00
		6,216.00			6,216.00

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Casade Fine Cabinetry that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Alan W. Callahan

Date: 1-5-10

Print Name: ALAN W. CALLAHAN

Title: OWNER

Notary:

"He is no fool that would
give up what he cannot
keep, to gain that which
he cannot loose."

Date

	Less	<u>\$560.00</u>
handles -		
	TOTAL DUE*	\$6,216.00
	*less work comp deduction (to be fig.)	

Thanks

Total \$

Alan W. Callahan
Cascade Fine Cabinetry
Galations 2:20

X

"He is no fool that would
give up what he cannot
keep, to gain that which
he cannot loose."

Date

12-02-09

#783 Job #408 12300
Cascade Fine Cabinetry
113 Holder St.
Pickens SC, 29671
(864) 878-6775

www.cascadefinecabinetry.com

Bill to: **LANDMARC CONSTRUCTION**

Job: **VERNON - Mt. Park - CLIFFS**

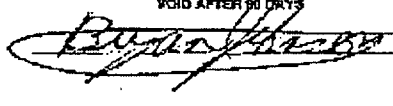
Job Description: **COMPLETION of CONTRACTED JOB**

QUANTITY
AMOUNT **DESCRIPTION**

	FINAL as per contract	\$3,003.00
	Added Wine wall cabinetry (additional After trade offs & changes)	\$1,123.00
	Added powder room as per final design Cab. & top only - no rock	\$665.00
	Hood cab. To ceiling (to hide hood pipe)	\$265.00
	Washer/dryer base w/drawer	\$595.00
	Custom dryer piping & installation (to solve Dryer vent location)	\$565.00
	LESS - allowance for handles 140 x \$4.00	SUBTRACT \$560.00
	As per contract	
	Total due as per date (12-02-09)	\$6,776.00

✓ 7441

864-380-9923
12/17
12/18
VMA Full
VMA new
phone

 CONTRACT ONE	PO Box 8530 0548 East Beaver Creek Blvd #208A Avon, Colorado 81620 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81631 82-286/1021	7505
	12/31/2009		
PAY TO THE ORDER OF AGS Installatio	\$ 1,168.00		
EXACTLY ONE THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS			
AGS Installatio	VOID AFTER 90 DAYS 		
MEVO Account#	10210399943535519675		

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 01-08-2010

810
To: AGS Installatio

460
Project: Vernon Home
470 Highridge Parkway
Marietta SC 29661

Issued By: bryan

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
2372	Appliance Install	1,158.00			1,158.00
		1,158.00			1,158.00

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien, against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of AGS Installatio that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument I hereby testify that the same has been signed by me of my own free will and accord.

Signed:

Date:

Print Name:

Title:

Notary:

364/268.5254

✓7505

ins ✓

Page 1 of 2

AGS
INSTALLATIONS
AGS INSTALLATIONS

Measure Form

OFFICE: 866.305.0574 FAX: 864.751.6392

Will email info over

Customer Information			
WO#	2372	Store #	The Cook Station
Name	Landmark Custom Homes	PO #	1031-A
Address	122 Ridgerunner Way	Tech	Travis Page
City, State, Zip	Travelers Rest, SC	Date	11/20/09
Description			
36" Subzero Ref. Left Hand - \$235 36" Wolf Rangetop w/4Burners and Griddle - \$118 GE Frost-Free Upright Freezer - \$105 - not in yet - still in garage GE Monogram Double s/s Oven - \$178 Hood, Blower, and Liner - ~~\$225~~ - never done per Sharp Microwave Drawer - \$99 Miele Dishwasher - \$99 Kitchen-Aid Ice Maker with Trim Kit - \$89 - 3(-) Miele Washer and Dryer - \$125 Supplies \$110 TOTAL - \$1,383 - 225 1,158			
<i>12-12-09</i> <i>are they coming back out 2.7</i>			
Description	Length	Width	Depth
*ANY PRICES QUOTED IN THIS DETAIL DO NOT INCLUDE THE STANDARD INSTALLATION PRICES. ALL PRICES QUOTED ARE FOR ADDITIONAL PARTS AND LABOR NEEDED TO COMPLETE INSTALLATION. ESTIMATE IS BASED ON FACTS AND CONDITIONS AS THEY EXIST AT THE TIME THE INSPECTION AND ESTIMATE WERE MADE. ESTIMATE DOES NOT INCLUDE FEES, SERVICES OR GOODS NOT SPECIFICALLY INDICATED IN WRITING ON THIS FORM. ADDITIONAL CHARGES MAY APPLY.			

3

 CONTRACT ONE	PO Box 8330 6048 East Beaver Creek Blvd A2054 Avon, Colorado 81622 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81621 83-390/1C21	7503
	12/31/2009		
PAY TO THE ORDER OF Hayes Plumbing		\$5,985.00	
EXACTLY FIVE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS		DOLLARS	
Hayes Plumbing 608 Bagwell Road Piedmont SC 29673		VOID AFTER 90 DAYS 	
K-1111 Account			
⑈007503⑈ ⑆102103999⑆3535519675⑈			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creeek Blvd 208A
Avon CO 81620
970 748-1138



Lien Waiver

Date: 01-08-2010

License: Ca. #908232, ND: #38276

#807 **CONTRACTONE**

To: Hayes Plumbing
608 Bagwell Road
Piedmont SC 29673

Project: Vernon Home #408
470 Highridge Parkway
Marietta SC 29661

Issued By: bryan

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
111609Hayes	Plumbing trim	4,500.00			4,500.00
229	Recirculation System	1,485.00			1,485.00
		5,985.00			5,985.00

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Hayes Plumbing that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Matthew T. Hayes

Date: 1/13/10

Print Name: Matthew T. Hayes

Title: Owner

Notary:

Hayes Plumbing, LLC

608 Bagwell Road

Piedmont, SC 29673

Office: 864-859-2888 Fax: 864-859-0666

Cell: 864-505-1010

✓7503

To: Landmarc Constructors
P.O. Box 4782
Greenville, SC 29608

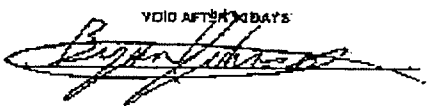
Date: 11-16-09
Inv: 09-1116-01
Job: Vernon Res.

Final trim completed (30%)

\$ 4,500.00

Today's Billing

\$ 4,500.00

C1 CONTRACTONE	PO Box 6530 6046 East Beaver Creek Blvd A206A Avon, Colorado 81820 970-746-1138	FIRSTBANK OF AVON EAGLE, CO 81631 82-33371021	7534
	01/15/2010		
DEPOSITED AND PAID TO ORDER OF	PAY TO THE ORDER OF <u>Riverside Landscaping</u>		\$ <u>\$10,090.00</u>
	EXACTLY TEN THOUSAND NINETY DOLLARS		DOLLARS 00 CENTS
	Riverside Landscaping 15 Lincoln Chapel Rd Traverters Rest SC 29690		VOID AFTER 60 DAYS
	MEM/CAccount#		
⑈007534⑈ ⑆102603999⑆3535519675⑈			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 01-15-2010

813
To: Riverside Landscaping
15 Lincoln Chapel Rd
Travelers Rest SC 29690

406
Project: Vernon Home
470 Highridge Parkway
Marietta SC 29661

Issued By: rodney

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
1586	Landscaping	10,090.00			10,090.00
		10,090.00			10,090.00

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of Riverside Landscaping that supplied labor, services, machine tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed:

Date:

Print Name:

Notary:

William F Buchanan

owner

Riverside Landscaping
15 Lincoln Chapel Rd
Travelers Rest, SC 29690

✓ 7534

Invoice

Date	Invoice #
12/11/2009	1586

Bill To
Vernon lot 44

*new
was not in last
Bill*

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	(Change order 1) addage of two loads of Boulders on the rear walls	4,000.00	4,000.00
	(Change order 2) Addage of two loads of boulders on the front walls. —?	3,600.00	3,600.00
	(Change order 4) Adding drains in specified areas on change order form. —?	2,490.00	2,490.00
<i>change to what with</i>			
Total			\$10,090.00

 CONTRACTONE.	PO Box 5530 0048 First Beaver Creek Blvd #206A Avon, Colorado 81523 970-749-1138	FIRSTBANK OF AVON EAGLE, CO 81631 88-5921021	7504
		12/31/2008	
12/31/2008 475 10-30-10	PAY TO THE ORDER OF AV Innovations, Inc	\$*****346.48	
THREE HUNDRED FORTY-SIX AND 46/100 DOLLARS		DOLLARS	
AV Innovations, Inc 448 Tanyard Rd. Greenville SC 29609		VOID AFTER 90 DAYS	
MEMO Account#			
@007504 10220399903535519675			

ContractOne, Inc.
PO Box 8530
0048 E Beaver Creek Blvd 208A
Avon CO 81620
970 748-1138

License: Ca. #908232, ND. #38276



CONTRACTONE

Lien Waiver

Date: 01-08-2010

To: A/V Innovations, Inc
448 Tanyard Rd.
Greenville SC 29609

Project: Vernon Home
470 Highridge Parkway
Marietta SC 29661

Issued By: bryan

Invoice#	Description	Invoice Balance	Retention	Discount	Set to Pay
1431	TV jack	346.48			346.48
		<u>346.48</u>			<u>346.48</u>

I/we the undersigned subcontractor hereby release all lien rights on the above named property for payment received on this date for the invoices listed above. I/we also do hereby waive, relinquish and release forever, all rights to claim a mechanics lien against the hereinafter described property which might accrue under the laws of the State of South Carolina for labor, services, machinery, tools, equipment, or materials furnished through the above date, for construction, alteration, improvement, addition to or repair of the structure or improvements at the above job. I/we do also agree that all suppliers and/or subcontractors of A/V Innovations, Inc that supplied labor, services, machinery, tools, equipment, or materials for the above job where as that labor, services, machinery, tools, equipment, or materials were for work that are being billed within the above invoices have been, or will be, paid in full.

In execution of this instrument, I hereby testify that the same has been signed by me of my own free will and accord.

Signed: Keith E. Goodson Date: 1-30-10

Print Name: KEITH E. GOODSON Title: Owner

Notary:

A/V Innovations, Inc.

448 Tanyard Rd.
Greenville, SC 29609
(864) 915-5415

17504

im ✓

November 5, 2009

Keith

Inv # 1431

Landmarc Custom Homes, Inc.
P.O. Box 4782
Greenville, SC 29608

For:
The Vernon Residence
Lot 44, 470 High Ridge Parkway (Cliffs at Mountain Park)
Marietta, SC

Change Order: Per request, we added Satellite TV jacks to the opposite wall. Builder is responsible for all sheet rock repair. This change order includes total cost of material and labor and is in addition to original contract between Landmarc Homes and AV Innovations. Work performed on October 10, 2009.

1	Dual run of RG-6Q for Satellite Connection (85 ft X 2)	34.00
1	Plate PC	24.00
1	Sub Total	58.00
1	Sales Tax	3.48
1	Installation	250.00
1	Trip Charge	35.00
1	Total	\$346.48

Balance Due on Receipt

Thank you for your Business!

Will send info over by Monday

X



CONTRACTONE

PO Box 8530
0048 East Beaver Creek Blvd #208A
Avon, Colorado 81620
970-748-1138

FIRSTBANK OF AVON
EAGLE, CO 81631
82-399/1021

7499

12/31/2009

PAY TO THE ORDER OF **Matt Lynn Custom Carpentry, Inc.**

\$*****\$5,456.00

EXACTLY FIVE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS

DOLLARS

Matt Lynn Custom Carpentry, Inc.
559 Clairidge Drive
Boiling Springs SC 29316

VOID AFTER 90 DAYS

MEMO Account#

⑈007499⑈ ⑆102103999⑆3535519675⑈

ContractOne

7499

Date: 12/31/2009

Vendor#: 774 Matt Lynn Custom Carpentry, Inc.

Invoice#	Job/Description	Balance	Retain	Discount	This Check
88	408 Vernon Home	1,500.00			1,500.00
85	408 Vernon Home	650.00			650.00
87	408 Vernon Home	325.00			325.00
84	408 Vernon Home	2,040.00			2,040.00
91	408 Vernon Home	150.00			150.00
94	408 Vernon Home	791.00			791.00

ContractOne

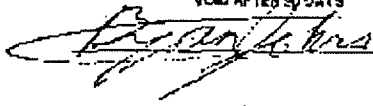
7499

Date: 12/31/2009

Vendor#: 774 Matt Lynn Custom Carpentry, Inc.

Invoice#	Job/Description	Balance	Retain	Discount	This Check
88	408 Vernon Home	1,500.00			1,500.00
85	408 Vernon Home	650.00			650.00
87	408 Vernon Home	325.00			325.00
84	408 Vernon Home	2,040.00			2,040.00
91	408 Vernon Home	150.00			150.00
94	408 Vernon Home	791.00			791.00

PAYMENT
RECORD

 CONTRACTONE.	PO Box 8520 8048 East Beaver Creek Blvd #205A Avon, Colorado 81601 970-748-1138	FIRSTBANK OF AVON EAGLE, CO 81601 82-39W*1021	7499
	12/31/2009		
PAY TO THE ORDER OF Matt Lynn Custom Carpentry, Inc.	\$ *****\$5,456.00		
EXACTLY FIVE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS			
DOLLARS			
Matt Lynn Custom Carpentry, Inc. 959 Clairidge Drive Bolling Springs SC 29316		VOID AFTER 90 DAYS 	
ACCOUNT#			
⑈007497⑈ ⑆202103599⑆3535519675⑈		⑈0000545600⑈	

Matt Lynn Custom Carpentry, Inc.

559 Clairidge Drive

Boiling Springs, SC 29316

Invoice

Date	Invoice #
11/22/2009	84

✓7499

Bill To
Landmark Custom Homes Gary Dunn PO Box 4782 Greenville, SC 29608 fax(864)268-5254

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	The Cliffs, Vernon Residence Install Slate on Screen Porch and Seal	2,040.00	2,040.00
Total			\$2,040.00

authorized to administer oaths under criminal statutes may also be applicable in this instance.

This matter requires your immediate attention. We hope to be able to resolve these issues with Landmarc and will be available to speak or meet with you as necessary to meet that goal.

Sincerely,

Jeffrey H. Gray, PC

Jeffrey H. Gray

cc: Bill Vernon and Sandra Vernon

- Landmarc has ignored repeated requests from this office to execute a partial lien release in order to affirm all payments made to date.
- Landmarc has requested payment for a significant amount of work for which is not in place and therefore should not be a part of the billing statement.
- Landmarc fees for supervision are unreasonable; when, in fact, it has failed and refused to reasonably manage the job and the job site.

Accordingly, this is to advise that we deem you in breach of the terms and your duties under the Agreement. We shall, in good faith, provide you with the opportunity to cure the defaults so long as the following are completed no later than 5:00 P.M. Monday, December 14, 2009.

- Landmarc shall provide a detailed billing summary for work in place to date in acceptable form and execute our partial lien waiver. This document shall include all paid draw requests with all vendor and sub-contractor invoice back-up, and all change orders. The "Landmarc Letterhead" summary invoices for vendors or sub-contractors will not, as in the past, be deemed acceptable back-up for our purposes.
- Landmarc shall obtain and deliver to us executed lien waivers from Yoder Supply and Green Heating & Cooling.
- Landmarc shall provide a job cost summary detailing all amounts paid to date, and amounts/balances due to materialmen and subcontractors, and estimates to complete each line budget item.
- Landmarc to provide schedule for job completion and specify how it shall supervise the project.

In the event all of the above-referenced deliveries are not timely received and in the detail to our satisfaction, you shall be deemed in default of the Agreement and, as such, the Vernon's shall be entitled to terminate the Agreement and take over the job site and undertake any and all measures necessary to complete construction and mitigate their damages. If this occurs, Landmarc shall remain responsible for amounts received on behalf of its sub-contractors and materialmen and the Vernon's shall be entitled to all credits and offsets against your retainage due to breach of the Agreement or failure to supervise.

In addition, should Landmarc fail to cure by making the timely and proper deliveries to our offices by 5:00 P.M. on Monday December the 14, 2009, pursuant to Code of Laws of South Carolina Sections 40-59-110 and 40-59-200, your contractor's license could be subject to revocation and criminal penalties due to the failure to pay labor or material bills. In addition, Sections 16-13-230 and 16-9-30 of said Code having to do with breach of trust with fraudulent intent and the false swearing before persons

Dunn
FIR 10

JEFFREY H. GRAY, P. C.

1710 HIGHWAY 11
LANDRUM, SC 29356

JEFFREY H. GRAY
ATTORNEY AT LAW

864-895-3100
FAX: 864-895-3113
E-MAIL: jgray@jgraylaw.com

December 11, 2009

Hand Delivered

Marcus Dunn, President
Landmarc Constructors, Inc.
PO Box 4782
Greenville, SC 29608

Re: Construction Agreement Lot #44, Cliffs at Mountain Park ("Agreement") between Bill and Sandra Vernon ("Vernon") and Landmarc Constructors, Inc d/b/a Landmarc Custom Homes ("Landmarc")

Dear Mr. Dunn:

In respect to the above-referenced residential construction job we acknowledge receipt of your billing statement as of December 8th, 2009 for the period ending December 5, 2009. In accordance with the Agreement, the Vernon's have ten days to review and approve the statement. In addition, each request for payment is to be submitted for only work in place and in a format acceptable to the Vernon's.

We have serious concerns about the accuracy of the billing statements which have been submitted to the Vernon's, and also believe duties have been breached under the Agreement for the following reasons:

- Landmarc has refused to furnish specific detailed back-up to the Vernon's billing statements for various portions of the work although having been requested by the Vernon's numerous times over the past several months.
- Landmarc has neither fully nor timely paid sub-contractors and materialmen on the Vernon job in accordance with the sworn statements contained in the partial lien waiver forms delivered as part of each billing statement. We are advised that Yoder Supply, for instance, has an outstanding balance in excess of one-hundred thousand dollars. Furthermore, site contractors like Green Heating and Cooling refuse to return to the job to complete their work reporting balances due from Landmarc when the Vernon's have been invoiced in full by Landmarc and the Vernon's have paid Landmarc for this subcontract line item in full.

Wiley McLane

From: landmarc@bellsouth.net
Sent: Thursday, December 03, 2009 8:39 AM
To: wiley
Subject: RE: Account

Hey Wiley,

All the monies from check number 1367 and check number 1383 were to be applied to Vernon's. The Vernon job was at \$144,874.84 on 10/24/09 and with the checks applied it would be at \$82,111.14. Patrick met with US LUMBER at the job site where he was advised that Yoders supplied the wrong drain mat for the iron wood which in turn destroyed the deck and caused it to have to be torn out and replaced. Our current cost for replacement of this deck is \$36,680.08. Please apply this credit to the Vernon's account. The deck issue has been going on since July therefore all finance charges should also be reviewed and removed from the account as needed.

In reviewing all of the payments for the Vernon's, a payment on 1/20/09 of \$24,498.33 was never applied to their account for framing material. They had the payment of \$24,498.33 on 1/20/09 plus one for \$12,000.00 on 2/19/09 that was for the total framing material of \$36,498.33. Therefore, outstanding balance on the Marshall's is \$40,386.28.

In light of this information, please review the finance charges as these adjustments would directly impact them and lower them significantly.

Your lien rights are not close to being expired but yet you are saying that you are going to file a lien on the property when the projected is scheduled to be completed next week. This would indeed delay everyone's final payment on this project.

Please advise what amount is outstanding for general purchasing or anything else besides Tolleson, Vernon, and Marshall and please let me know what this is for.

As for the Tolleson's, the lien has been filed and Yoders invoices are included in the amount that is owed to Landmarc. Once we receive that amount then Yoder's will be paid the outstanding balance. A copy of the Lien has already been mailed to Yoders.

Please email me the statement once all items have been adjusted so we can provide an accurate final bill on the project.

We are truly disappointed on how this was handled by Yoders with all of our account information disclosed to anyone that calls. A simple phone call to us would have been sufficient to resolve this. In order to reconcile our account please verify in writing with a revised billing statement the following balances:

Vernon Residence:	\$20,932.73
Tolleson Residence:	\$58,436.02
Marshall Residence	\$40,386.28

These numbers may be lower as I have also been advised that several returns have been picked up at the job site by Yoders however I do not see any credits on the Vernon's Statement.

We do appreciate your help in straightening this out.
 Thanks
 Kerri

LandMarc Lien math

Bill date	retainage	Unpaid O&P	Unpaid Bill
8/31/07	\$ -		
deposit	\$ -		
10/25/08	\$ 1,227.35		
12/25/08	\$ 3,858.30		
1/25/09	\$ 2,679.47		
2/28/09	\$ 4,422.75		
4/15/09	\$ 2,543.66		
5/15/09	\$ 3,833.01		
6/30/09	\$ 2,397.02		
7/31/09	\$ 1,617.91		
9/25/09	\$ 2,817.65		
11/5/09	\$ 4,107.28		
12/4/09	Not Paid	\$ 9,116.72	\$ 60,778.12
12/17/09	Not Paid	\$ 5,231.90	\$ 34,879.35
	<u>\$ 29,504.40</u>	<u>\$ 14,348.62</u>	<u>\$ 95,657.47</u>
Total	~~\$ 139,510.49~~	Current LandMarc Lien	
Paid out direct	\$ 59,337.96	before 1/29/10, most were before 1/1/10	
Paid out direct	~~\$ 1,500.00~~	after 1/29/10	
O&P on above	\$ 9,125.69	15% of \$ paid out direct	
	<u>\$ 69,546.84</u>	Total LandMarc possible Lien (not taking into account for overbillings)	

PAID
BY
Vernon's
after
Voda lien

Bill date	Bill amount	Payment date	Bill payment	Days	
8/31/07	\$ 1,105.00	12/5/07	\$ 1,105.00		
deposit	\$ 25,000.00	6/18/08	\$ 25,000.00		Contract Deposit
10/25/08	\$ 40,911.74	11/11/08	\$ 40,911.74	17	
12/25/08	\$ 123,524.47	1/15/09	\$ 123,524.47	21	Contract Deposit credited in this billing
1/25/09	\$ 86,636.26	2/10/09	\$ 86,636.26	16	
2/28/09	\$ 143,002.35	3/9/09	\$ 143,002.35	9	
4/15/09	\$ 82,244.76	4/22/09	\$ 82,244.76	7	
5/15/09	\$ 123,934.26	6/2/09	\$ 123,934.26	18	
6/30/09	\$ 77,503.92	7/22/09	\$ 77,503.92	22	
7/31/09	\$ 52,312.47	8/20/09	\$ 52,312.47	20	
9/25/09	\$ 91,104.31	10/8/09	\$ 76,104.31	13	Short paid due to rear deck issues
11/5/09	\$ 132,802.10	11/16/09	\$ 87,145.04	11	Deck issue short pay paid
		11/16/09	\$ 60,657.06		
12/4/09	\$ 67,797.99	Not paid			
12/17/09	\$ 71,712.50	Not paid			

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

**NOTICE AND CERTIFICATE
 OF MECHANIC'S LIEN**

TO: Bill J. Vernon, Jr. and Sandra Vernon
 470 Highridge Parkway
 Travelers Rest, SC



2010009123

M/LIEN
 3 PGS
 Page: 676-678

Book: MI 47

February 11, 2010 11:22:46 AM

Rec: \$10.00

Cnty Tax: \$0.00

State Tax: \$0.00

NOTICE IS HEREBY GIVEN THAT

FILED IN GREENVILLE COUNTY, SC

Landmarc Constructors, Inc. is due the some of **One Hundred Thirty Thousand, Five Hundred Ten Dollars, and 49 CENTS (\$139,510.49)** from Bill J. Vernon, Jr. and Sandra Vernon. LandMarc Constructors, Inc. hereby claims and holds a Mechanic's Lien upon the buildings and structures and upon all other interest of the owner thereof in the real property herein described. A statement of such indebtedness with all just credits being given attached hereto and made a part hereof, together with interest due from the date that sum became due. That said debt is due the undersigned for labor performed or furnished and/or for materials furnished and actually used in the erection, alteration or repair of buildings or structures situated on or in otherwise improving the real estate hereinafter described by virtue of an agreement with or by consent Bill J. Vernon, Jr. and Sandra Vernon, the owners thereof, or a person authorized by or rightfully acting for said owners; or said debt is due the undersigned because such improvements have been authorized by said owners. That, as shown by the attached statement, the undersigned labored on or furnished labor, equipment and materials for such buildings, structures, or improvements within ninety (90) days of the date hereof. **SEE EXHIBIT "A"** That by virtue thereof, by the service and filing of this Notice and Certificate, and pursuant to the provisions of the statutes in such cases made and provided, the undersigned has and claims a lien to secure the payment of the debt so due and the costs of enforcing said lien, including attorney's fees, upon the buildings and structures herein above mentioned and upon the following described real estate: **SEE EXHIBIT "B"**

THE FOREGOING IS TRUE OF MY OWN KNOWLEDGE.

BY: *Ben D*

Authorized Representative for
 Landmarc Constructors, Inc.

SWORN to before me this 29th day of January, 2010

John Betts (SEAL)
 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 7/25/2017

TAB 6 - LANDMARC LIEN

Bank of America



Capture Date: 05/08/2009 Sequence #: 6400821440

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29603		Bank of America ACH R/T 003004403 67-448-539	1306 5/1/2009
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ 15,339.00	Security Features Details on back
Fifteen Thousand Three Hundred Thirty-Nine and 00/100		DOLLARS	
Matt-Lynn Custom Carpentry		 AUTHORIZED SIGNATURE	
MEMO			

⑈001306⑈ ⑈053904483⑈ 223000178447⑈

⑈0001533900⑈

Credited To The Account Of
 The Within Named Payee
 Endorsement Guaranteed
 Bank of America, N.A.

Bank of America, N.A.
 #125001384 05/07 01 P01
 05/08/09
 6400821440

No Electronic Endorsements Found
 No Payee Endorsements Found

Bank of America



Capture Date: 04/06/2009 Sequence #: 6400752866

Bank of America. ACH NT 053004853 67-448-539		1295
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		4/6/2009
PAY TO THE ORDER OF Matt-Lynn Custom Carpentry	\$ 1,970.00	ED Back of check. Details on back.
One Thousand Nine Hundred Seventy and 00/100 DOLLARS		
Matt-Lynn Custom Carpentry		
MEMO	 AUTHORIZED SIGNATURE	

⑈001295⑈ ⑆053904483⑆ 223000178447⑈

⑈0000197000⑈

DO NOT WRITE BEYOND THE LINE

ENDORSE HERE

PAY TO THE ORDER OF
 BANK OF AMERICA
 5400752866
 FOR DEPOSIT ONLY
 MATT-LYNN CUSTOM CARPENTRY INC
 2230000530

6027 64241

FR-6

BANK OF AMERICA OR
 MATT-LYNN CUSTOM CARPENTRY INC
 4/6/2009
 6400752866

The security features listed below are not in these
 not listed, except in the case of forgeries.

Security Features:

- Watermark: A portrait of George Washington is visible when the check is held up to the light.
- Microprint: The words "BANK OF AMERICA" are printed in tiny characters around the portrait of George Washington.
- Color-Shifting Ink: The numbers "1970" on the front of the check change color when viewed from different angles.
- Security Thread: A thin, woven thread is embedded in the paper of the check.
- Optically Variable Ink: The words "ONE THOUSAND NINE HUNDRED SEVENTY AND 00/100" on the back of the check change color when viewed from different angles.

FEDERAL RESERVE BOARD OF GOVERNORS REG. U.S.

No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00207

Bank of America



Capture Date: 03/16/2009 Sequence #: 6400214198

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NIT 05304483 67-448-539	1285 3/13/2009
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ 2,325.00	Security Features: Details on back
Two Thousand Three Hundred Twenty-Five and 00/100		DOLLARS	
Matt-Lynn Custom Carpentry		 AUTHORIZED SIGNATURE	
MEMO Vernon			

⑈001285⑈ ⑆053904483⑆ 223000178447⑈

⑈0000232500⑈

ENDORSE HERE

 PAY TO THE ORDER OF
 BANK OF AMERICA
 SPARTANBURG, SC 29301
 FOR DEPOSIT ONLY
 MATT-LYNN CUSTOM CARPENTRY INC
 2500 KINGS RD
 SPARTANBURG, SC 29301

 BANK OF AMERICA
 03/16/09
 6400214198

 No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00089



Capture Date: 06/10/2009 Sequence #: 6500183874

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America ACH RTT 013004483 67-448-539	1323
PAY TO THE ORDER OF Matt-Lynn Custom Carpentry		6/9/2009	Security Features: Details on back.
Fourteen Thousand Four Hundred Forty-One and 00/100		\$ **14,441.00	
Matt-Lynn Custom Carpentry		DOLLARS	
MEMO		 AUTHORIZED SIGNATURE	

⑈001323⑈ ⑆053904483⑆ 223000178447⑈ ⑆0001444100⑆

Credited To The Account Of
 The Within Named Payee
 Endorsement Guaranteed
 Bank of America, N.A.

BANK OF AMERICA
 06/10/2009 21:54 01 PM
 6500183874

No Electronic Endorsements Found
 No Payee Endorsements Found

24
 BOA 00118

Bank of America



Capture Date: 11/19/2009 Sequence #: 6300031490

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RT 03001490 67-448-539	1391 11/19/2009
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ 8,175.00	Security features. Details on back. ED
Eight Thousand One Hundred Seventy-Five and 00/100		DOLLARS	
MEMO Matt-Lynn Custom Carpentry		 AUTHORIZED SIGNATURE	

⑈001391⑈ ⑈053904483⑈ 223000178447⑈ ⑈0000817500⑈

NOV 19

 BANK OF AMERICA CA
 00119961394 ⑈322⑈ 01 P01
 11/19/09
 6300031490

0510 86953

 23006005320

 No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00172

29



Capture Date: 10/14/2009 Sequence #: 6200398508

Bank of America. ACH RT 00304803 67-448-539		1368
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		10/10/2009
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ 6,775.00
Six Thousand Seven Hundred Seventy-Five and 00/100		DOLLARS
Matt-Lynn Custom Carpentry		AUTHORIZED SIGNATURE
MEMO		Security Features Details on back

⑈001368⑈ ⑆053904483⑆ 223000178447⑈

⑈0000677500⑈

BANK OF AMERICA
 10/14/09 10/14/09
 6200398508

23500600 8330

No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00197

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254
PROJECT: Vernon Residence Lot 44

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Fireplace Finishes: Tile

Payment Request Number 1 for period dated 10/25/2009

Statement of Contract Amount:

Original Contract Amount: (per Dwg's _____ dated _____)	<u>\$4720.00</u>
Net Change by approved Change Orders:	<u>\$ 400.00 (Tile inside fireplaces)</u>
Adjusted Contract Amount:	<u>\$5120.00</u>
Value of work completed to date:	<u>\$5120.00</u>
Less payments received to date:	<u>\$ 0.00</u>
Amount due this request:	<u>\$5120.00</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: _____

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

Fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Fireplace Finishes

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 9/25/2009

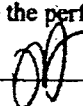
Statement of Contract Amount:

Original Contract Amount: (per Dwg. _____ dated _____)	<u>\$5235.00</u>
Net Change by approved Change Orders:	<u>\$1540.00 (verroove solid mantle no lights down)</u>
Adjusted Contract Amount:	<u>\$6775.00</u>
Value of work completed to date:	<u>\$6775.00</u>
Less payments received to date:	<u>\$0.00</u>
Amount due this request:	<u>\$6775.00</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmare@bellsouth.net
PO Box 4782 Greenville SC 29608

Fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Door Install/Hardware

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 6/23/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$425.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$425.00

Less payments received to date: \$0.00

Amount due this request: \$425.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC 29608

Fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254
PROJECT: Vernon Residence Lot 44

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Interior Trim around stairs

Payment Request Number 1 for period dated 10/28/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$250.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$250.00

Less payments received to date: \$0.00

Amount due this request: \$250.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Interior Trim

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 7/25/2009

Statement of Contract Amount:

Original Contract Amount: (per Dwgs _____ dated _____)	<u>\$16500.00</u>
Net Change by approved Change Orders:	<u>4635.00</u>
Adjusted Contract Amount:	<u>\$21135.00</u>
Value of work completed to date:	<u>\$21135.00</u>
Less payments received to date:	<u>\$3000.00</u>
Amount due this request:	<u>\$18135.00</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net
Phone: 864.202.3019 PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Interior Trim

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 7/25/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwg's _____ dated _____) \$16500.00

Net Change by approved Change Orders: 2885.00

Adjusted Contract Amount: \$19385.00

Value of work completed to date: \$6185.00

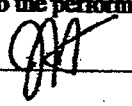
Less payments received to date: \$2885.00

Amount due this request: \$3300.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Ph: (864) 202-3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Basement Interior Trim

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 5/15/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$4217.50

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$4217.50

Less payments received to date: \$0.00

Amount due this request: \$4217.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC. 29608

fax: 864.268.5254

LANDMARC Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Basement, Pantry, Linen Shelves

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 8/25/2009

Statement of Contract Amount:

Original Contract Amount: (per Dwgs _____ dated _____)	<u>\$1325.00</u>
Net Change by approved Change Orders:	_____
Adjusted Contract Amount:	<u>\$1325.00</u>
Value of work completed to date:	<u>\$1325.00</u>
Less payments received to date:	<u>\$0.00</u>
Amount due this request:	<u>\$1325.00</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net
Phone: (864) 268-3019 PO Box 4782 Greenville SC, 29608 Fax: (864) 268-5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Garage Trim

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 6/23/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$1560.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$1560.00

Less payments received to date: \$0.00

Amount due this request: \$1560.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.268.5254

PO Box 4782 Greenville SC, 29608

Fax: 864.268.5254

LANDMARC
Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Basement Crown Interior Trim

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 6/5/2009

Statement of Contract Amount:

Original Contract Amount:

(per Dwgs _____ dated _____) \$1325.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$1325.00

Less payments received to date: \$0.00

Amount due this request: \$1325.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: _____

2019.04.22.2019

landmark 1982 subject
 FD-302 (Rev. 11-27-70) 29608

Doc: 36438325

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Exterior Millwork-Decking

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 5/14/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs. dated) \$8960.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount:

Value of work completed to date: \$8960.00

Less payments received to date:	\$0.00

Amount due this request: **\$8960.00**

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Screened in Porch

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 8/25/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$1875.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$1875.00

Less payments received to date: \$0.00

Amount due this request: \$1875.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: _____

Phone: 864.268.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
BRACKETS

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 1/25/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 2475.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 2475.00

Less payments received to date: 0.00

Amount due this request: 2475.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC. 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254
PROJECT: Vernon Residence Lot 44

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
SOFFIT

Payment Request Number 1 for period dated 1/19/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____)

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 7254.00

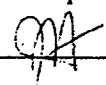
Less payments received to date: 0.00

Amount due this request: 7254.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Porch Ceilings-Exterior Millwork

PROJECT: Vernon Residence Lot 44

Payment Request Number 2 for period dated 5/14/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$7290.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$7290.00

Less payments received to date: \$1230.00

Amount due this request: \$6060.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Porch Ceilings-Exterior Millwork

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 3/25/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwg. _____ dated _____) \$7290.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$1230.00

Less payments received to date: \$0.00

Amount due this request: \$1230.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC. 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Siding

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 4/10/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 11,775.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 5887.50

Less payments received to date: 0.00

Amount due this request: 5887.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net
Phone: 864.202.3019 PO Box 4782 Greenville SC. 29608 fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC
Siding

PROJECT: Vernon Residence Lot 44

Payment Request Number 2 for period dated 5/10/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$11775.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$11775.00

Less payments received to date: \$5887.50

Amount due this request: \$5887.50

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: _____

landmarc@bellsouth.net
Phone: 864.202.3019 PO Box 4782 Greenville SC, 29608 fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC

PROJECT: Vernon Residence Lot 44

Payment Request Number 4 for period dated 2/27/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 45,482.00

Net Change by approved Change Orders: 825.00

Adjusted Contract Amount: _____

Value of work completed to date: 46,307.00

Less payments received to date: 43,982.00

Amount due this request: 2325.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: Matt-Lynn Custom Carpentry
559 Clairidge Dr
Boiling Springs, SC

PROJECT: Vernon Residence Lot 44

Payment Request Number 3 for period dated 1/9/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 45,482.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 43,982.00

Less payments received to date: 30,000.00

Amount due this request: 13,982.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: Matt-Lynn Custom Carpentry Inc. Authorized Signature: 

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

Bank of America



Capture Date: 01/16/2009 Sequence #: 6400232582

tot 5

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NT 053004483 67-448-539	1265 1/16/2009
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ **22,500.00	Security Features. Details on back.
Twenty-Two Thousand Five Hundred and 00/100		DOLLARS	
Matt-Lynn Custom Carpentry		 AUTHORIZED SIGNATURE	
MEMO	Vernon Residence		
⑈001265⑈ ⑈053904483⑈ 223000178447⑈ ⑈0002250000⑈			

BANK OF AMERICA
 0530001784 01/16/09
 6400232582

2009 4 6 8 0 6

20300608320

No Electronic Endorsements Found
 No Payee Endorsements Found

19

Matt Lynn Custom Carpentry, Inc.**INVOICE**

559 Clairidge Drive
Boiling Springs, SC 29316

DATE: 12/21/08
INVOICE # 33

Bill To:
Landmarc
Post Office Box 4782
Greenville, SC 29608
Fax: 864-268-5254

For:
Vernon Residence
Lot 44

DESCRIPTION	AMOUNT
First Framing Draw	\$ 15,000.00
<i>✓ 1261 \$7,500 12/30/08</i>	
<i>✓ 1265 \$2,500 1/16/09</i>	
TOTAL	\$ 15,000.00

Bank of America



Capture Date: 12/30/2008 Sequence #: 6200144317

Tab B5

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America ACH # 053904483 67-448-539	1261 12/30/2008
PAY TO THE ORDER OF	Matt-Lynn Custom Carpentry	\$ 7,500.00	Security Features Details on back
Seven Thousand Five Hundred and 00/100		DOLLARS	
Matt-Lynn Custom Carpentry		 AUTHORIZED SIGNATURE	
MEMO VERNON RESIDENCE			

⑈001261⑈ ⑆053904483⑆ 223000178447⑈

⑈0000750000⑈

DEC 30 '08

4101 \$

 BANK OF AMERICA, NA
 1053904483 12/30/08
 6200144317

For Deposit

 No Electronic Endorsements Found
 No Payee Endorsements Found

BOA 00070

Matt Lynn Custom Carpentry, Inc.**INVOICE**

559 Clairidge Drive
Boiling Springs, SC 29316

DATE:
INVOICE #

12/28/08
41

Bill To:
Landmarc
Post Office Box 4782
Greenville, SC 29608
Fax: 864-268-5254

For:
Vernon Residence
Lot 44

DESCRIPTION	AMOUNT
SecondFraming Draw	\$ 15,000.00
<i>✓ 1265 1/16/09 \$22,500</i>	
TOTAL	\$ 15,000.00

TAB 5 - MATT LYNN CUSTOM CARPENTRY

**GLENCO FIREPLACES, ETC., INC.**

P.O. Box 2249

EASLEY, S.C. 29641-2249

Phone #

8642693473

Fax #

8642693300

Invoice

DATE	INVOICE #
11/16/2009	21649

BILL TO
LANDMARC CUSTOM HOMES P.O. BOX 4782 GREENVILLE, S.C. 29608

Please ask about:
Foam Insulation
Fiberglass
Insulation
Garage Doors

sales@glencofireplaces.com

REP

JOB:

AL

44 CLIFFS @ MOUNT...

ITEM	DESCRIPTION	RATE	QTY	AMOUNT
CSO-30	PO# MD-10305-404190 470 HIGHRIDGE PARKWAY MARIETTA, SC. 29661 HEATMASTER VENT FREE CHARRED SOUTHERN OAK LOGS 30"	1,000.00	1	1,000.00
HMVF-R-30 LP	HEATMASTER VENT FREE 30" BURNER W/ ROTARY VALVE PROPANE S/N#HMVFR30/36LP	0.00	1	0.00
LS-30RSS	30" SUPER SASAFFRAS VENT FREE LOG	985.00	1	985.00
VFSR-30	30" SLOPE GLAZE BURNER W/ ON/OFF REMOTE CONTROL LP GAS S/N#0815273659 INSTALLED BY ANDY ON 11-13-09 12/08/09 - REPLACED BROKEN LOG UNDER WARRANTY	0.00	1	0.00

PAYMENT IS DUE WITHIN 30 DAYS OF THE INVOICE DATE.
INVOICES OVER 30 DAYS WILL BE CHARGED A 1.5% FINANCE
CHARGE. 25% RESTOCKING FEE WILL BE CHARGED ON ALL
RETURNED ITEMS.

Total: \$1,985.00

We now accept both Visa and Mastercard!

Please make checks payable to: GLENCO FIREPLACES

Please Tear Here and Return Stub with Payment

LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE, S.C. 29608

GLENCO FIREPLACES, ETC., INC.

P.O. Box 2249

EASLEY, S.C. 29641-2249

21649

Due Date

12/16/2009

Job Total Balance

\$1,985.00

Payment Inclosed

Please make checks payable to:
GLENCO FIREPLACES

We now accept both Visa and
Mastercard!



2510 NEW EASLEY HWY.
GREENVILLE, SC. 29611
(864)269-3473 Fax (864)269-3300

FAX COVER SHEET

COMPANY:	FROM: Maritza
ATTENTION: Bryan Johnson	DATE: 1/07/10
PHONE#	TIME:
FAX# 970-748-1139	REFERENCE: 44 Mtn. Park

- ☐ URGENT
- ☐ REPLY ASAP
- ☐ PLEASE REVIEW
- ☒ FOR YOUR INFORMATION

TOTAL PAGES INCLUDING COVER: 3

Please find enclosed information requested.

If you have any questions, please give us a call.

Thank you!

Maritza Rivera.

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: GLENCO FIREPLACES, ETC., INC.
PO Box 2249
EASLEY, SC 29641

864-220-7118
800-220-7118

PROJECT:

Payment Request Number 1 for period dated 11/16/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated)

\$6590.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date:

\$6590.00

Less payments received to date:

\$3795.00

Amount due this request:

\$1985.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. Value of work completed must be for the work actually completed at the time this application is submitted. Do not show change orders until you have requested what you hope to accomplish. Do not delay payment. All conditions are directly related to "Paid when" Compensation and General Liability Insurance Certificate. LANDMARC PRIOR to sending any request for payment.

Certificate of Subcontractor

I hereby certify that payments less applications have been made through the period covered by previous payments received from the contractor (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor GLENCO FIREPLACES Authorized Signature Andy Legin

Signature of bellwether

PHONE: (864) 268-5254

PO BOX 4782 Greenville, SC 29608

FAX: (864) 268-5254

For
work-Book
up

Bank of America



Capture Date: 04/28/2009 Sequence #: 9692806023

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NY 06300485 67-448-539	1299 4/24/2009
PAY TO THE ORDER OF	Glenco Fireplaces	\$ 1,810.00	Security Features. Details on back.
One Thousand Eight Hundred Ten and 00/100		DOLLARS	
Glenco Fireplaces		 ENDORSED SIGNATURE	
MEMO			

⑈001299⑈ ⑆053904483⑆ 223000178447⑈

801132678

 PAY TO THE ORDER OF
 CO-OP BANK
 FOR DEPOSIT ONLY
 GLCNO FIREPLACES ETC INC
 800734

 BOFD 053208118
 2009-04-28
 801132678

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
04/28/2009	000000801132678	53208118	Rtn Loc/BOFD	Y		CERTUSBANK, NA
04/28/2009	800723921591600	53208118	Undetermined	N		CERTUSBANK, NA
04/28/2009	009692806023	111012822	Undetermined	N		BANK OF AMERICA, NA
04/28/2009	000008819616393	122105278	Undetermined	N		WELLS FARGO BANK, NA

No Payee Endorsements Found

BOA 00101

**GLENCO FIREPLACES, ETC., INC.**

P.O. Box 2249
EASLEY, S.C. 29641-2249

Phone # 3642693473
Fax # 3642693300

Invoice

DATE	INVOICE #
3/5/2009	20655

BILL TO

LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE, S.C. 29608

Please ask about:
Foam Insulation
Fiberglass
Insulation
Garage Doors

sales@glencofireplaces.com

REP

JOB:

AL

44 CLIFFS @ MT. PA...

ITEM	DESCRIPTION	RATE	QTY	AMOUNT
UVFRC-4228-H	42" LENNOX VENT FREE FIREPLACE W/ HERRINGBONE FIREBRICK S/N#S6409B35364 S/N#S6408H35077	905.00	2	1,810.00
FAB-1600	Superior Variable Speed Blower	0.00	2	0.00
JBK	Junction Box Kit (Required with Blower)	0.00	2	0.00
PAINT	PO#MD-10305-404190 ***REFRACTORIES WILL BE PAINT WHEN INSTALLING LOGS*** INSTALLED BY DANNY & RYAN ON 3-04-09 HWY 25 NORTH - (L) ON HWY 11 - (R) INTO CLIFFS @ MTN. PARK - HOUSE ON (R) UP HILL DRIVEWAY	0.00	2	0.00

PAYMENT IS DUE WITHIN 30 DAYS OF THE INVOICE DATE.
INVOICES OVER 30 DAYS WILL BE CHARGED A 1.5% FINANCE
CHARGE. 25% RESTOCKING FEE WILL BE CHARGED ON ALL
RETURNED ITEMS.

Total: \$1,810.00

We now accept both Visa and Mastercard!

Please make checks payable to: GLENCO FIREPLACES

Please Tear Here and Return Stub with Payment

LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE, S.C. 29608

GLENCO FIREPLACES, ETC., INC.

P.O. Box 2249
EASLEY, S.C. 29641-2249

20655

Due Date

3/5/2009

Job Total Balance:

\$1,810.00

Payment Inclosed

Please make checks payable to:
GLENCO FIREPLACES

We now accept both Visa and
Mastercard!



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: GLENCO FIREPLACES, ETC., INC.
PO Box 2249
EASLEY, SC 29641

PROJECT:

Payment Request Number 1 for period dated 3/13/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated) \$6590.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$3795.00

Less payments received to date: 0.00

Amount due this request: \$3795.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: GLENCO FIREPLACES Authorized Signature: Andy Lepin

landmarc@bellsouth.net
Phone: 864.202.3019 PO Box 4782 Greenville SC, 29608 fax: 864.268.5254

TAB 4 -GLENCO FIREPLACES



by Halder Electric Supply, Inc.
 533 N. PLEASANTWING DRIVE - 29607
 POST OFFICE BOX 238A - 29802
 GREENVILLE, SC (864) 370-4451

PICK TICKET

Page No 1

OFFICE

P.O. Number	Authorization	Order #	Number of Parcels	Terms	Order Date
0		120570		NET 30 DAYS	11/11/09
Ship Via	Order No.	Bill to Address	Prod/Cat	Ship Date	Shipped From
	02571100				Gallary of Lighting
					KATHY BALL

Entered By: KJB
 11/12/09 16:26

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782
 Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Location	Order #	QTY	Shipped	Part #/Description	Unit Price	Extended Price														
✓	4		4	QTRN110L NUT**110 CFM BATH FAN/LIGHT/N.LITE	EA															
✓	1		1	QTRN110 NUT**110 CFM 1.5 SONE BATH FAN	EA															
✓	5		5	H2920ICT HAL**IC LOUVERED TRIM STEP LIGHT PLEASE CALL- WILL PICKUP FRIDAY A.M.	EA															
<table border="1"> <tr> <td>Total Order</td> <td>Sub Total</td> <td>Freight</td> <td>Sales Tax</td> <td>Grand Total</td> <td>Less Deposit</td> <td>Net Amount</td> </tr> <tr> <td>60.00#</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							Total Order	Sub Total	Freight	Sales Tax	Grand Total	Less Deposit	Net Amount	60.00#						
Total Order	Sub Total	Freight	Sales Tax	Grand Total	Less Deposit	Net Amount														
60.00#																				
Pulled by <u>JB</u> Checked by <u>JB</u>				Signature: <u>[Signature]</u> Printed Name: _____ Date Picked Up: _____																

Gallery of Lighting

by Halden Electric Supply, Inc.

811 N PLEASANTBURG DRIVE - 2ND FL
POST OFFICE BOX 2308 - 29002
GREENVILLE SC (864) 370 4451

INVOICE

Page No 1

Reprint

P.O. Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	324326	11/13/09	NET 30 DAYS	11/11/09
Ship Via	Order #	Bill of Lading	Pch/Cel	Ship Date	Shipped From	Salesperson
	02571100			11/13/09	Gallery of Lighting	KATHY BALL

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782 --
GREENVILLE SC 29608-4782

Ordered	R/O	Shipped	Our Stock #/Description/Our Part #	Unit Price	Unit	Extended Price
4		4	QTRN110L NUT**110 CFM BATH FAN/LIGHT/N.LITE	175.9500	EA	703.80
1		1	QTRN110 NUT**110 CFM 1.5 SONE BATH FAN	129.9200	EA	129.92
5		5	H2920ICT HAL**IC LOUVERED TRIM STEP LIGHT PLEASE CALL- WILL PICKUP FRIDAY A.M.	35.1300	EA	175.65
***** * Signed: ON FILE * * Date: 11/13/09 Time: 00:00 * *****						
Cost Price Avail	Sub Total		Freight	Sales Tax	Order Total	Net Amount Due
	1,009.37			60.56	1,069.93	1,069.93

This fax was received by ContractOne, Inc Fax Server.



431 N. PLEASANTBURG DRIVE - 29607
POST OFFICE BOX 2368 — 29602
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No 3

OFFICE

Reprint 1

Order Number	Account Number	Invoice #	Number of Copies	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/11/09
Order No.	Order Date	Order Time	Ship To	Ship From	Ship To City
01484070			Holder Electric	HOLDER	

Entered By: JMR
11/11/09 15:19

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Item #	Qty	Unit	Description	Price	Ext	Notes
35 B12A	1		1 DPU222R CH***PULL OUT			EA
13 ASC	1		1 B468R CARL*4GANG REMORK BOX			C
38 ALA	250		250 ROMEX142NMG WIRE*ROMEX 250' COIL 14/2NMG			M
30 A6A	4-	Return	4- BR120AF CH***BREAKER 1P 20A AFCI			EA
	45	45	26342 PS***26342 BROWN DECORA 20A RECEPT P/O # 121393			EA
Totals:						
15,130.11#						

Pulled by _____	Signature: _____
Checked by _____	Printed Name: _____
	Date Picked Up: _____



431 N. PLEASANTBURG DRIVE - 29607
POST OFFICE BOX 2368 — 29602
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No 2

OFFICE

Reprint 1

MD16200-404218	120570	NET 30 DAYS	9/11/09
01484070		Holder Electric	HOLDER

Entered By: JMH
11/11/09 15:19

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Qty	Part	Description	Unit Price	Total Price
30 A4A	1	1	FP3011448BLK 3M***1/4" HEAT SHRINK 4FT PCS.		EA
30 A4A	1	1	FP3013848BLK 3M***3/8" HEAT SHRINK 4FT PCS.		EA
	100	100	RHMS632X112 REC**ROUND HEAD MACHINE SCREW		C
	1	1	85132 IDE**2-WAY SPLITTER 5-1 GHZ		EA
30 A8A	5	2	Q115AF ITE**1P 15A ARC FAULT BREAKER P/O # 121361		EA
33 A4B	5	5	1H311M /1H31 TB***1G 1/2 RT CONDUIT BOX		C
29 B5D	1	1	B864 FS***STRAIGHT BLADE RECEPT 30A 125/ DRYER, 25 PER CASE		EA
29 B3C	2	2	1200 PS***SWITCH DOOR AC/DC 6A120V/3A250		EA
08 A4C	1	1	77700 PS***FAN-FAN KIT		EA
	1	1	Q115 ITE**1P 15A BREAKER		EA

***** Continued on Next Page *****

Pulled by _____ Signature: _____
Checked by _____ Printed Name: _____
Date Picked Up: _____



431 N. PLEASANTBURG DRIVE - 29607
POST OFFICE BOX 2368 - 29602
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No 1

OFFICE

Reprint 1

P.O. Number	Order Number	Order Date	Order Status	Order Type	Order Date
MD16200-404218	120570	NET 30 DAYS			9/11/09
Ship Via	Order No.	Order Date	Order Status	Order Type	Order Date
	01484070			Holder Electric	HOLDER

Entered By: JMH
11/11/09 15:19

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Ordered	Ship To	Order No.	Order Date	Order Status	Order Type	Order Date
28 B1B	50	50					
			TM870				
			PS***P&S TM870 BRN 1P15A125V SW				
			P/O # 121393				
28 B1B	20	20					
			TM873				
			PS***DECORA 3POLE BROWN SWITCH				
			P/O # 121393				
	5	5					
			TM874				
			PS***P&S TM874 BRN 4-WAY				
29 B3B	10	10					
			2095				
			PS***GFCI RECRP 20A 120V 20A FRED T				
33 A2B	8	8					
			MM410C				
			TAY**1 GANG IN USE COVER				
	1	1					
			FP703				
			PS***2G POWER REC. PLATE BROWN				
33 A2B	4	4					
			MM1000B				
			TAY**12-N-1 BRONZE VERT. CVR.				
30 A5A	1	1					
			203411				
			FLU**FUSE .406X1.375-1000V FAST ACT				
30 A5A	1	1					
			203403				
			FLU**FUSE .406X1.5,11A,1000V				
30 A4A	1	1					
			FP3011248BLK				
			BM***1/2" HEAT SHRINK 4FT PCS.				

***** Continued on Next Page *****

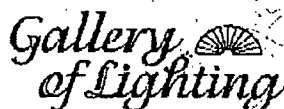
Pulled by _____

Signature: OK - RL

Checked by _____

Printed Name: _____

Date Picked Up: 9/11/09



by Holder Electric Supply, Inc.

 531 N. W. 11 ASH HURD DRIVE - 22007
 POST OFFICE BOX 2588 29602
 GREENVILLE, SC (804) 370-4451
INVOICE

Page No 3

Reprint

P.O. Number	Authorization	Cust #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	376157	11/12/09	NET 30 DAYS	9/11/09
Ship Via	Order #	Bill of Lading	Mod/Rel	Ship Date	Shipped From	Salesperson
	01484070			9/11/09	Holder Electric	HOLDER

 Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

 Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ordered	QTY	Shipped	Qty Stock #/Description/Your Part #	Unit Price	UM	Extended Price
1		1	B468R CARL*4GANG REWORK BOX	962.8300	C	9.63
250		250	ROMEX142NMG WIRE*ROMEX 250' COIL 14/2NMG	142.0000	M	35.50
4-	Return	4-	BRL20AF CH***BREAKER 1P 20A AFCI	32.1900	EA	128.76-
45	45		26342 PS***26342 BROWN DECORA 20A RECEPT	7.8400	EA	
***** * Signed: ON FILE * * Date: 09/11/09 Time: 00:00 * *****						
Cash Disc Avail	Sub Total	Freight	Order Total	Less Deposit	Net Amount Due	
	363.95	21.84	385.79		385.79	

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by Holder Electric Supply, Inc.

511 N. PLASANTHURST DR. 22607
POST OFFICE BOX 2368 29602
GREENVILLE, SC (804) 770-4451

INVOICE

Page No 2

Reprint

P.O. Number	Authorization	Order #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	376157	11/12/09	NET 30 DAYS	9/11/09
Ship Via	Order #	Bill of Lading	Prod/Sci	Ship Date	Shipped From	Salesperson
	01484070			9/11/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	P/O	Shipped	Our Stock #	Description/Your Part #	Unit Price	LN	Extended Price
1		1	FP3013848BLK		2.4870	EA	2.49
			BM***3/8"	HEAT SHRINK 4FT PCS.			
100		100	RHMS632XL12		4.8600	C	4.86
			PEC**ROUND HEAD	MACHINE SCREW			
1		1	85132		4.4600	EA	4.46
			IDE**2-WAY	SPLITTER 5-1 GHZ			
5	2	3	Q115AF		47.9900	EA	143.97
			ITE**1P 15A	ARC FAULT BREAKER			
5		5	IH31LM	/IH31	379.3600	C	18.97
			TB***1G 1/2	RT CONDUIT BOX			
1		1	3864		5.4500	EA	5.45
			PS***STRAIGHT	BLADE RECF 30A 125/			
			DRYER, 25	PER CASE			
2		2	1200		12.9380	EA	25.88
			PS***SWITCH	DOOR AC/DC 6A120V/3A250			
1		1	77700		3.5400	EA	3.54
			PS***FAN-PAN	KIT			
1		1	Q115		4.6700	EA	4.67
			ITE**1P 15A	BREAKER			
1		1	DPU222R		8.6700	EA	8.67
			CH***PULL	OUT			

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By Halcyon Electric Systems Inc.

533 N PLEASANTBURG DRIVE - 79507
POST OFFICE BOX 2388 - 29502
GREENVILLE, SC (803) 370-4451

INVOICE

Page No 1

Reprint

P.O. Number	Authorization	Cust #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	376157	11/12/09	NET 30 DAYS	9/11/09
Ship Via	Order #	Bill of Lading	Prod/Co	Ship Date	Shipped From	Salesperson
	01484070			9/11/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	QTY	Shipped	Our Stock #/Description/Your Part #	Unit Price	UM	Extended Price
50	50		TM870 PS***P&S TM870 BRN 1P15A125V SW	1.8100	EA	
20	20		TM873 PS***DECORA 3POLE BROWN SWITCH	2.7200	EA	
5	5		TM874 PS***P&S TM874 BRN 4-WAY	8.9000	E	
10		10	2095 PS***GPCI RECEPT 20A 120V 20A FEED T	12.6400	EA	126.40
8		8	MM410C TAY**1 GANG IN USE COVER	5.9400	EA	47.52
1		1	TP703 PS***2G POWER REC. PLATE BROWN	113.8900	C	1.14
4		4	MX1000B TAY**12-N-1 BRONZE VERT. CVR.	3.8900	EA	15.56
1		1	203411 FLU**FUSE .406X1.375-1000V FAST ACT	11.5400	EA	11.54
1		1	203403 FLU**FUSE .406X1.5,11A,1000V	17.4200	EA	17.42
1		1	FP3011248BLK 3M***1/2" HEAT SHRINK 4FT PCS.	2.7950	EA	2.80
1		1	FP3011448BLK 3M***1/4" HEAT SHRINK 4FT PCS.	2.2370	EA	2.24

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431 N. PLEASANTBURG DRIVE - 29607
POST OFFICE BOX 2368 - 29602
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No 1

OFFICE

MD16200-404218	120570	NET 30 DAYS	9/29/09
01508340		Holder Electric	KATHY BALL

Entered By: JMH
09/29/09 10:25

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship to LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Order No.	Ship Date	Ship From	Ship To	Ship Date	Ship From	Ship To
29 B2B	10	10	NM94	ARI**ROMEX CONN 1/2"			C
29 B1D	6	6	201*PS	PS***LAMPHOLDER 660W250V KEYLESS			EA
23 A12D	8	8	100A120V*GE	GE***GE-LAMP 100A-120V			EA
	6	6	65BR30PROLINE	GE***65WATT 130V INCANDESCENT			EA
29 B1D	2	2	276WH	PS***LAMPHOLDER 660W250V KEYLESS WH			EA
05 A5B	2	2	2259	APP**PLASTIC GUARD			EA
Total: 220.00#							
Pulled by _____				Signature:			
Checked by _____				Printed Name: <u>Kathy Ball</u>			
				Date Picked Up: <u>9/29/09</u>			



by Holder Electric Supply, Inc.

533 N PLEASANTBURG DRIVE - 29507
 POST OFFICE BOX 2508 - 29602
 GREENVILLE, SC (864) 370-4451

INVOICE

Page No 1

Reprint

P.O. Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	371219	9/30/09	NET 30 DAYS	9/29/09
Ship Via	Order #	Still at Lading	App/Col	Ship Date	Shipped From	Salesperson
WILL CALL	01508340			9/29/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
 WILL CALL

Ordered	B/O	Shipped	Our Stock #/Description/Your Part #	Unit Price	Qty	Extended Price
10		10	NM94 ARL**ROMEX CONN 1/2"	10.5710	C	1.06
6		6	201*PS PS***LAMPHOLDER 660W250V KEYLESS	2.6400	EA	15.84
8		8	100A120V*GE GE***GE-LAMP 100A-120V 04316841034	.4900	EA	3.92
6		6	65BR30PROLINE GE***65WATT 130V INCANDESCENT	1.2900	EA	7.74
2		2	276WH PS***LAMPHOLDER 660W250V KEYLESS WH	1.3300	EA	2.66
2		2	2259 APP**PLASTIC GUARD	1.0490	EA	2.10

* Signed: CARL						
* Date: 09/29/09 Time: 00:00						

Cash Disc Avail	Sub Total	Freight	Order Total	Less Deposit	Net Amount Due	
	33.32		2.00	35.32	35.32	

This fax was received by ContractOne, Inc Fax Server.

**Gallery
of Lighting**

by Holder Electric Supply, Inc.

531 N. PLEASANTDALE DRIVE - 29807
POST OFFICE BOX 2308 - 29802
GREENVILLE, SC (864) 376-4451

PICK TICKET

Page No 1

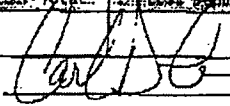
OFFICE

PO# Number	ACCOUNT #	Order #	Number of CARTONS	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/24/09
Ship Via	Order No.	Bill of Lading	Prod/Cal	Ship Date	Shipped From
	02502070				Gallery of Lighting
					KATHY BALL

Entered By: KJB
09/29/09 10:11

Sold to **LANDMARC CUSTOM HOMES**
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship to **KEVIN PARIS 607-8427**

Line Item	Order	Ship To	Ship From	Qty	Stock #/Description	Unit Price	Extended Price
1	1	1			TM811CC PS***P&S TM811CC ON TRANSFER #916780		BA
Pulled by _____ Checked by _____ Signature:  Printed Name: _____ Date Picked Up: _____							



by Holder Electric Supply, Inc.

 KEVIN PLEASANTBURG DRIVE - 29801
 POST OFFICE BOX 20158 29802
 GREENVILLE, SC (864) 370 4451
INVOICE

Page No 1

Reprint

Invoice Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	323391	9/29/09	NET 30 DAYS	9/24/09
Ship Via	Order #	Bill of Lading	POD/COT	Ship Date	Shipped From	Salesperson
	02502070			9/29/09	Gallery of Lighting	KATHY BALL

 Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To KEVIN PARIS 607-8427

Ordered	N/O	Shipped	Our Stock #/Description/Manufacturer	Unit Price	Qty	Extended Price
1		1	TMS11CC PS***P&S TMS11CC ON TRANSFER #916780	11.0100	EA	11.01
***** * Signed: ON FILE * * Date: 09/29/09 Time: 00:00 * *****						
Cash/Inst/Adv	Sub. Initial	Freight	Sales Tax	Order Total	Less Deposit	Net Amount Due
	11.01		.66	11.67		11.67

This fax was received by ContractOne, Inc Fax Server.



by Premier Electric Supply, Inc.
833 N PLEASANTBURG DRIVE - 29807
POST OFFICE BOX 2358 29502
GREENVILLE, SC (864) 370-4451

PICK TICKET

Page No

OFFICE

P.O. Number	Authorization	Cus. E.	Number of Locations	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/14/09
Ship Via	Order No.	Bill of Lading	Ref. No.	Ship Date	Ship From
	02486800				Gallery of Lighting
					KATHY BALL

Entered By: KJB
09/23/09 09:51

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To 607-8427 KEVIN PARIS.

Location	Quantity	Shipped	Description / Dimensions	Unit Price	Ext. Price	EA										
	6	5	DV103PER LUT**DIVA 3 WAY 1000 WATT DIMMER			EA										
	5	5	DV103PER LUT**SPO* SP 1000WATT P/O # 205954			EA										
<table border="1"> <tr> <td>Unit Price</td> <td>Ext. Price</td> <td>Sub Total</td> <td>Tax</td> <td>Total</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>							Unit Price	Ext. Price	Sub Total	Tax	Total					
Unit Price	Ext. Price	Sub Total	Tax	Total												
<table border="1"> <tr> <td>Pulled by</td> <td>Signature:</td> </tr> <tr> <td>Checked by</td> <td>Printed Name:</td> </tr> <tr> <td></td> <td>Date Picked Up:</td> </tr> </table>							Pulled by	Signature:	Checked by	Printed Name:		Date Picked Up:				
Pulled by	Signature:															
Checked by	Printed Name:															
	Date Picked Up:															

**Gallery
of Lighting**

by Holder Electric Supply, Inc.

5511 N. PLEASANTBURG DRIVE - 23607
POST OFFICE BOX 23607
GREENVILLE, SC 29602
(864) 370-4451

INVOICE

Page No 1

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P.O. Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	323325	9/25/09	NET 30 DAYS	9/14/09
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped From	Salesperson
	02486800			9/25/09	Gallery of Lighting	KATHY BALL

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To 607-8427 KEVIN PARIS

Ordered	A/O	Shipped	Our Stock #/Description/Our Part #	Unit Price	UN	Extended Price
6		6	DV103PBR LUT**DIVA 3 WAY 1000 WATT DIMMER	* 70.7400	EA	424.44
5		5	DV10PBR LUT**SPO* SP 1000WATT -----CC6	* 66.9000	EA	334.50
***** * Signed: ON FILE * Date: 09/25/09 Time: 00:00 *****						
Cash Price Avail	Sub Total	Freight	Sales Tax	Order Total	Less Deposit	Net Amount Due
	758.94		45.54	804.48		804.48

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OFFICE

P.O. Number	Authorization	Order #	Number of Cartons	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/22/09
Ship Via	Order No.	Left of Section	Prod/Co.	Ship Date	Shipped From
	01484074				Holder Electric
					KATHY BALL

Entered By: JHM
09/22/09 09:12

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Ordered	N/O	Shipped	Our Stock #/Description	Your Price	Unit Price	Extended Price
				***** Back Order Release from: Order # 484070 Dated 09/11/09 *****			
29 B1B	38		38	TM870 PS***F&S TM870 BRN 1P15A125V SW P/O # 121393		EA	
28 B1B	13		13	TM873 PS***DECORA 3POLE BROWN SWITCH P/O # 121393		EA	
	45		45	26342 PS***26342 BROWN DECORA 20A RECEPT P/O # 121393		EA	
	2		2	1200 door SW			
Total Volume	Sub Total						
532.00#	2,386.44						
Pulled by	Signature: <i>Carl A</i>			Printed Name: _____			
Checked by	Date Picked Up: 9/22/09						



by Holder Electric Supply, Inc.

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EO NUMBER	Authorization	Est #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	370477	9/24/09	NET 30 DAYS	9/22/09
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped From	Salesperson
	01484074			9/22/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ordered	B/O	Shipped	Qty Stock #/Description/Your Pack #	Unit Price	UM	Extended Price
			***** Back Order Release from: Order # 484070 Dated 09/11/09 *****			
38		38	TM870 PS***P&S TM870 BRN 1P15A125V SW	1.8100	EA	68.78
13		13	TM873 PS***DECORA 3POLE BROWN SWITCH	2.7200	EA	35.36
45		45	26342 PS***26342 BROWN DECORA 20A RECEPT	7.8400	EA	352.80
2		2	1200 PS***SWITCH DOOR AC/DC 6A120V/3A250	12.9380	EA	25.88
			***** * Signed: ON FILE * Date: 09/22/09 Time: 00:00 *****			
Cash Disc Avail	Sub Total	Freight	Sales Tax	Order Total	Less Deposit	Net Amount Due
	482.82		28.97	511.79		511.79

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Page No 1
OFFICE

Pick Number	MD16200-404218	Customer	120570	Terms	NET 30 DAYS	Drop Date	9/15/09
Ship Via	01484073	Ship To		Ship From	Holder Electric	Ship To	KATHY BALL

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
P.O. BOX 4782
GREENVILLE SC 29608-4782

Entered By: JMH
09/15/09 11:06

Location	Order #	S/O	Shipped	Order #/Description	Ship Date	Ship To	Ship From
30 ASA	2		1	***** Back Order Release from: Order # 484070 Dated 09/11/09 ***** Q115AF ITS**1P 15A ARC FAULT BREAKER P/O # 121361			

Pulled by	Checked by	Signature	Printed Name	Date Picked Up
				9/23/09

From: 8642337781 Page: 21/38 Date: 12/23/2009 1:16:12 PM



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INVOICE

Page No 1

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P.O. Number	Authorization	Cust #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	370476	9/24/09	NET 30 DAYS	9/15/09
Ship Via	Order #	Bill to Party	Prod/Co	Ship Date	Shipped From	Salesperson
	01484073			9/23/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	B/O	Shipped	Our Stock #/Description/Your Part #	Unit Price	Qty	Extended Price
2		2	***** Back Order Release from: Order # 484070 Dated 09/11/09 ***** Q115AF ITE**1P 15A ARC FAULT BREAKER ***** * Signed: ON FILE * * Date: 09/23/09 Time: 00:00 * *****	47.9900	EA	95.98
Cash On Hand Avail			Sub Total	Freight	Sales Tax	Order Total
			95.98		5.76	101.74
						Less Deposit
						Net Amount Due
						101.74

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OFFICE

P.O. Number	MD16200-404218	Authorisation	120570	Terms	NET 30 DAYS	Order Date	9/15/09
Ship Via	01484072	Order No		Ship Date		Shipped From	Holder Electric
						Salesperson	KATHY BALL

Entered By: JMH
09/15/09 09:27

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Ordered	Shipped	Qty	Stock # Description	Unit Price	Ext Price
	2	2		***** Back Order Release from: Order # 484070 Dated 09/11/09 ***** TM874 PS***P&S TM874 BRN 4-WAY		
Total Weight		339.45				
Pulled by		Signature		Date Picked Up: 9/23/09		
Checked by		Printed Name				

Gallery of Lighting

by Holder Electric Supply, Inc.

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INVOICE

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P.O. Number	Authorization	Cust #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	370475	9/24/09	NET 30 DAYS	9/15/09
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped from	Salesperson
	01484072			9/23/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	E/D	Shipped	Qty, Stock #/Description/Part #	Unit Price	LN	Extended Price
2		2	***** Back Order Release from: Order # 484070 Dated 09/11/09 ***** TM874 PS***P&S TM874 BRN 4-WAY ***** * Signed: ON FILE * * Date: 09/23/09 Time: 00:00 * *****	8.9000	E	17.80
Cash Disc Avail			Sub Total	Freight	Sales Tax	Order Total
			17.80		1.07	18.87
			Pay Deposit		Net Amount Due	
					18.87	

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PICK TICKET

Page No 1

OFFICE

PO Number	Authorization	Cost #	Market of Service	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/14/09
Ship Via	Order #	Bill of Lading	Pro/Con	Ship Date	Shipped From
	01484071				Holder Electric
					KATHY BALL

Entered By: JMH
09/14/09 11:14

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Order #	Shipped	Our Stock #	Description	Unit Price	Ext Price
				***** Back Order Release from: Order # 484070 Dated 09/11/09 *****		
28 B1B	12	12	TM870	PS***F&S TM870 BRN 1P15A125V SW	EA	
28 B1B	7	7	TM873	PS***DECORA 3POLE BROWN SWITCH	EA	
	3	3	TM874	PS***F&S TM874 BRN 4-WAY	E	
Totals: Weight: 168.00# Subtotal: 215.75 Pulled by: <i>[Signature]</i> Signature: <i>[Signature]</i> Checked by: _____ Printed Name: _____ Date Picked up: 9/23/09						



by Holder Electric Supply, Inc.

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INVOICE

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P.O. NUMBER	Authorization	Plant #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	370474	9/24/09	NET 30 DAYS	9/14/09
Ship Via	Order #	Bill of Lading	Pkg/Col	Ship Date	Shipped From	Salesperson
	01484071			9/23/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ordered	B/O	Shipped	Qty Stock #/Description/Your Part #	Unit Price	UM	Extended Price
			***** Back Order Release from: Order # 484070 Dated 09/11/09 *****			
12		12	TMS70 PS***P&S TMS70 BRN 1P15A125V SW	1.8100	EA	21.72
7		7	TMS73 PS***DECORA 3POLE BROWN SWITCH	2.7200	EA	19.04
3		3	TMS74 PS***P&S TMS74 BRN 4-WAY	8.9000	E	26.70
			***** * Signed: ON FILE * Date: 09/23/09 Time: 00:00 *****			
Cash Disc Avail		Sub Total	Freight	Sales Tax	Order Total	Less Deposit
		67.46		4.05	71.51	
						Net Amount Due
						71.51

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OFFICE

P.O. Number	Authorization	Order #	Number of Carbons	Terms	Order Date
MD16200-404218		120570		NET 30 DAYS	9/11/09
Ship Via	Order No.	Split of Lines	Product	Ship Date	Shipped From
	01480251				Holder Electric
				KATHY BALT	

Entered By: JMH
09/11/09 10:06

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
P.O. BOX 4782
GREENVILLE SC 29608-4782

Location	Order #	Ship To	Part #	Description	Unit Price	Qty	Extended Price
30 A&A	5	5	Q115AF	ITE**1P 15A ARC FAULT BREAKER P/O # 121289		EA	
	1	1	Q115	ITE**1P 15A BREAKER P/O # 121289		EA	
30 A&A	1	1	Q260	ITE**2P 60A BREAKER P/O # 121289		EA	
***** Back Order Release from: Order # 430250 Dated 09/09/09 *****							
Total Weight		Sub Total		Freight		Sales Tax	
		31.00					
Pulled by				Signature:			
Checked by				Printed Name:			
				Date Picked Up: 9/23/09			

**Gallery
of Lighting**

by Holder Electric Supply, Inc.

531 N. W. ASANTBURG (FIVE) - 29607
POST OFFICE BOX 7368 29802
GREENVILLE, SC (864) 370-4451

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P.O. Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	370473	9/24/09	NET 30 DAYS	9/11/09
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped From	Salesperson
	01480251			9/23/09	Holder Electric	HOLDER

Sold to LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	QTY	Shipped	Our Stock #/Description/Your Part #	UNIT PRICE	AMT	Extended Price
			***** Back Order Release from: Order # 480250 Dated 09/09/09 *****			
5	5		Q115AF ITE**1P 15A ARC FAULT BREAKER	47.9900	EA	239.95
1	1		Q115 ITE**1P 15A BREAKER	4.6700	EA	4.67
1	1		Q260 ITE**2P 60A BREAKER	11.1100	EA	11.11
			***** * Signed: ON FILE * Date: 09/23/09 Time: 00:00 *****			
Cash Disc Avail	Sub-total	Freight	Sales Tax	Order Total	Less Payment	Net Amount Due
	255.73		15.34	271.07		271.07

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Page No 1

OFFICE

Order Number	Authorization	Order Date	Order Status	Order Date
MD16200-404218		120570	NET 30 DAYS	9/14/09
Ship Via	Order No.	Order Date	Ship Date	Ship Via
WILL CALL	01476791			Holder Electric

Entered By: JMH
09/14/09 11:14

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P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
WILL CALL

Location	Order	Shipped	Qty	Unit Price	Ext Price
29 B3D	3	3	885	133.8600	4.01
			PS***885 *BRN RECPT		
			P/O # 121243		
28 B1B	48	48	TM870	1.8100	86.88
			PS***P&S TM870 BRN 1P15A125V SW		
			P/O # 121243		
28 B1B	23	23	TM873	2.7200	62.56
			PS***DECORA 3POLE BROWN SWITCH		
			P/O # 121243		
	7	7	TM874	8.9000	62.30
			PS***P&S TM874 BRN 4-WAY		
			P/O # 121243		

Total Weight	Sub Total	Order Total	Less Rebate	Net Amount
672.00#	215.75	12.95	228.70	228.70
Pulled by <u>CE</u>		Signature: <u>Carl D.</u>		
Checked by _____		Printed Name: _____		
		Date Picked Up: <u>9/23/09</u>		

**Gallery
of Lighting**

by Holder Electric Supply, Inc.

551 N. PINE AVE. DR. - 2ND FL.
POST OFFICE BOX 2384 20602
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INVOICE

Page No 1

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P.O. Number	Authorization	Cost #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	370472	9/24/09	NET 30 DAYS	9/14/09
Ship Via	Order #	Bill of Lading	App/Col	Ship Date	Shipped From	Salesperson
WILL CALL	01476791			9/23/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
WILL CALL

Ordered	B/B	Shipped	Qty Stock #/Description/Your Part #	Unit Price	US	Extended Price
			***** Back Order Release from: Order # 476790 Dated 09/04/09 *****			
3		3	885 PS***885 *BRN RECPT	133.8600	C	4.01
48		48	TM870 PS***P&S TM870 BRN 1P15A125V SW	1.8100	EA	86.88
23		23	TM873 PS***DECORA 3POLE BROWN SWITCH	2.7200	EA	62.56
7		7	TM874 PS***P&S TM874 BRN 4-WAY	8.9000	E	62.30

* Signed: CARL						
* Date: 09/23/09 Time: 00:00						

Cash On Hand Avail	Sub Total	Freight	Sales Tax	Order Total	Less Deposit	Net Amount Due
	215.75		12.95	228.70		228.70

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Page No 3

OFFICE

016200-404218	120570	NET 30 DAYS	9/09/09
01480250		Holder Electric	KATHY BALL

Entered By: JHR
 09/09/09 10:51

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 GREENVILLE SC 29608-4782
 Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

6	5	65BR30PROLINE GE***65WATT 130V INCANDESCENT	EA
32,245.00# Pulled by _____ Signature: _____ Checked by _____ Printed Name: _____ Date Picked Up: _____			



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OFFICE

MD16200-404218	120570	NET 30 DAYS	9/09/09
01480250		Holder Electric	KATHY BALL

Entered By: JMH
 09/09/09 10:51

Sold To LANDMARC CUSTOM HOMES
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 GREENVILLE SC 29608-4782
 Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Qty	Part	Desc	Qty	Part	Desc	Qty	Part	Desc
41	A1A	125	125	ROMEX62NMGX125	WIRE*ROMEX 125' COIL 6/2NMG			
32	B4D	3	3	PVCBL3490	CONF*ELBOW PVC 90 3/4"			
32	B5B	3	3	PVCTA34	CONF*MALE ADAPTER 3/4" PVC			
43	A	40	40	PVCCOND34	PVC*CONDUIT PVC 3/4" SCH 40			
31	B4E	10	10	1802	APP**3/4" RIGID & INC STRAP			
37	ALI	1	1	8710EJ	PEC**HEX WASHER HD-10XI KIT			
13	A7A	30	30	NM34REEL	PVC**3/4" FLEX 1000' REEL			
		6	6	NMLT75	PVC**3/4" NMLT FLEX CONN			
29	B1D	4	4	201*PS	PS***LAMPHOLDER 660W250V KEYLESS			
23	A12D	4	4	100A120V*GE	GE***GE-LAMP 100A-120V			
				04316841034				

***** Continued on Next Page *****

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Signature: _____

Printed Name: _____

Date Picked Up: _____



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Page No 1

OFFICE

MD16200-404218	120570	NET 30 DAYS	9/09/09
01480250		Holder Electric	KATHY BALL

Entered By: JMH
09/09/09 10:51

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship to LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

QTY	DESCRIPTION	QTY	DESCRIPTION	QTY	DESCRIPTION	QTY	DESCRIPTION
30	A10A	3-	Return	3-	CL250*CH CH***BREAKER 2P 50A		EA
30	A8A	1-	Return	1-	Q250 ITE**2P 50A BREAKER		EA
30	A10A	17-	Return	17-	CL120 CH***BREAKER 1P 20A ABOVE FROM 47679		EA
30	A8A	8	5	3	Q115AF ITE**1P, 15A ARC FAULT BREAKER		EA
		6	1	5	Q115 ITE**1P 15A BREAKER		EA
30	A8A	2		2	Q240 ITE**2P 40A BREAKER		EA
30	A9A	3	1	2	Q260 ITE**2P 60A BREAKER		EA
32	B3D	3		3	PVCFA34 CONF*FEMALE ADAPTER 3/4" PVC		C
13	A3A	4		4	B225R CARL*2G SWITCH BOX REMOVAL		C
13	A3C	4		4	B114R CARL*1G SWITCH BOX		C

***** Continued on Next Page *****

Pulled by _____

Checked by _____

Signature: Carl D. ChapmanPrinted Name: Carl D. ChapmanDate Picked Up: 9-9-09

Gallery of Lighting

by Holder Electric Supply, Inc.

2511 N. MILITARY AVENUE - 29601
POST OFFICE BOX 20144 29602
GREENVILLE, SC (864) 370 4451

INVOICE

Page No 3

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Order Number	Authorization	Cust #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	369251	9/14/09	NET 30 DAYS	9/09/09
Ship Via	Order #	Bill of Lading	Prod/Doc	Ship Date	Shipped from	Salesperson
	01480250			9/09/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ordered	Ship To	Shipped	Order Stock #/Description/Your Part #	Unit Price	Qty	Extended Price
6		6	65BR30PROLINE GE***65WATT 130V INCANDESCENT	1.2900	EA	7.74
***** * Signed: CARL CHAPMAN * * Date: 09/09/09 Time: 00:00 * *****						
Cash Price Avail	Subtotal	Freight	Sales Tax	Order Total	Less Deposit	Net Amount Due
	272.77		16.37	289.14		289.14

This fax was received by ContractOne, Inc Fax Server.



by Helder Electric Supply, Inc.

533 N. PLEASANT HILL RD. - 28607
 POST OFFICE BOX 2368 29602
 GREENVILLE, SC (864) 370-1451

INVOICE

Page No 2

Reprint

P.O. Number	Authorization	Cust #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	369251	9/14/09	NET 30 DAYS	9/09/09
Ship Via	Order #	Bill of Lading	Prod/Col	Ship Date	Shipped From	Saltsprayer
	01480250			9/09/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ordered	B/O	Shipped	Our Stock #/Description/Your Part #	Unit Price	Ext Price
125		125	ROMEX62NMGX125 WIRE*ROMEX 125' COIL 6/2NMG	816.0000 M	102.00
3		3	PVCEL3490 CONF*ELBOW PVC 90 3/4"	35.3600 C	1.06
3		3	PVCTA34 CONF*MALE ADAPTER 3/4" PVC	20.6400 C	.62
40		40	PVCCOND34 PVC*CONDUIT PVC 3/4" SCH 40	12.0600 C	4.82
10		10	1802 APP**3/4" RIGID & IMC STRAP	17.8000 C	1.78
1		1	8710EJ PEC**HEX WASHER HD-10X1 KIT	7.7000 EA	7.70
30		30	NM34REEL PVC**3/4" FLEX 1000' REEL	72.3700 C	21.71
6		6	NMLT75 PVC**3/4" NMLT FLEX CONN	180.2900 C	10.82
4		4	201*PS PS***LAMPHOLDER 660W250V KEYLESS	2.6400 EA	10.56
4		4	100A120V*GE GE***GE-LAMP 100A-120V 04316841034	.4900 EA	1.96

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321 N. 211 ASANTIBURG DRIVE 29607
POST OFFICE BOX 206A 29602
GREENVILLE, SC (824) 679-4451

Page No 1

Reprint

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
P.O. BOX 4782 —
GREENVILLE SC 29608-4782

This fax was received by ContractOne, Inc Fax Server.



431 N. PLEASANTBURG DRIVE - 29607
POST OFFICE BOX 2368 — 29602
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No 2

OFFICE

MD16200-404218	120570	NET 30 DAYS	9/04/09
01476790		Holder Electric	KATHY BALL

Entered By: JMM
09/04/09 16:23

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
P.O. BOX 4782
GREENVILLE SC 29608-4782

QTY	DESCRIPTION	UNIT	PRICE	TOTAL	DATE	BY
30	A6A	4	4	BR120AF		KA
				GM***BREAKER 1P 20A APCI		
30	A4A	2	2	FB136		KA
				GM***3M FB136 FIRE BLOCK (X-136)		
Total: 348.00#						
Pulled by _____				Signature: _____		
Checked by _____				Printed Name: _____		
				Date Picked Up: _____		



431 N. PLEASANTBURG DRIVE - 29807
POST OFFICE BOX 2988 - 29802
GREENVILLE, SC (864) 271-7111

PICK TICKET

Page No

OFFICE

MD16200-404218	120570	NET 30 DAYS	9/04/09
01476790	Holder Electric	KATHY BALL	

Entered By: JHM
09/04/09 14:23

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782
Phone: (864) 376-4210

Ship To LANDMARC CUSTOM HOMES -
P.O. BOX 4782
GREENVILLE SC 29608-4782

LOCATION	QTY	U/P	QTY	DESCRIPTION	UNIT PRICE	EXT
30 A4A	500		500	30641 IDE**TWISTER TAN 500PC BAG		M
29 B3D	110	3	107	885 PS***885 *BEN RECPT		C
28 B1B	70	48	22	TM870 PS***P&S TM870 BRN 1P15A125V SW		EA
28 B1B	30	23	7	TM873 PS***DECORA 3POLE BROWN SWITCH		EA
	10	7	3	TM874 PS***P&S TM874 BRN 4-WAY		E
29 B3C	10		10	1595 PS***GFCI RECFP 15A 120V 20A FEED T		EA
30 A8A	17		17	Q120 ITE**1P 20A BREAKER		EA
30 A10A	17		17	CL120 CH***BREAKER 1P 20A		EA
30 A8A	2		2	Q250 ITE**2P 50A BREAKER		EA
30 A10A	3		3	CL250*CH CH***BREAKER 2P 50A		EA
30 A8A	6		6	Q230 ITE**2P 30A BREAKER		EA

***** Continued on Next Page *****

Pulled by _____ Signature: Carl D. Chapman
Checked by _____ Printed Name: Carl D. Chapman
Date Picked Up: _____

Gallery of Lighting

by Holder Electric Supply, Inc.

500 N. PLEASANTBURG DRIVE - 28607
POST OFFICE BOX 2168 - 29602
GREENVILLE, SC (864) 370-4451

INVOICE

Page No 2

Reprint

P.O. Number	Authorization	Cust #	Invoice #	Invoice Date	Terms	Order Date
MD16200-404218		120570	368663	9/08/09	NET 30 DAYS	9/04/09
Ship Via	Order #	Att'l. of Loading	Pkg/Col	Ship Date	Shipped From	Salesperson
WILL CALL	01476790			9/04/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
WILL CALL

Ordered	QTY	Shipped	Our Stock #/Description/Your Part #	Unit Price	UM	Extended Price
4		4	BR120AF CH***BREAKER 1P 20A AFCI	32.1900	EA	128.76
2		2	FB136 3M***3M FB136 FIRE BLOCK (E-136)	3.0600	EA	6.12
***** * Signed: CARL CHAPMAN * Date: 09/04/09 Time: 00:00 *****						
Cash Price Avail	Sub Total	Freight	Sales Tax	Order Total	Less: Discount	Net Amount Due
	793.19		47.59	840.78		840.78

This fax was received by ContractOne, Inc Fax Server.



by Holder Electric Supply, Inc.

533 N. PLEASANTBURG DR. 29607
 POST OFFICE BOX 2368 29602
 GREENVILLE, SC (864) 370-4451

INVOICE

Page No 1

Reprint

P.O. Number	Authorization	Cart #	Invoice#	Invoice Date	Terms	Order Date
MD16200-404218		120570	368663	9/08/09	NET 30 DAYS	9/04/09
Ship Via	Order #	Bill of Lading	Prod/Est	Ship Date	Shipped From	Salesperson
WILL CALL	01476790			9/04/09	Holder Electric	HOLDER

Sold To LANDMARC CUSTOM HOMES
 P.O. BOX 4782
 GREENVILLE SC 29608-4782

Ship To LANDMARC CUSTOM HOMES
 WILL CALL

Ordered	S/P	Shipped	Qty Stock #/Description/Your Part #	Unit Price	UN	Extended Price
500		500	30641 IDE**TWISTER TAN 500PC BAG	99.8500	M	49.93
110	3	107	885 PS***885 *BRN RECPT	133.8600	C	143.23
70	48	22	TM870 PS***P&S TM870 BRN 1P15A125V SW	1.8100	EA	39.82
30	23	7	TM873 PS***DECORA 3POLE BROWN SWITCH	2.7200	EA	19.04
10	7	3	TM874 PS***P&S TM874 BRN 4-WAY	8.9000	E	26.70
10		10	1595 PS***GFCI RECEPT 15A 120V 20A FEED T	9.7500	EA	97.50
17		17	Q120 ITE**1P 20A BREAKER	4.6700	EA	79.39
17		17	CL120 CH***BREAKER 1P 20A	4.5900	EA	78.03
2		2	Q250 ITE**2P 50A BREAKER	11.1100	EA	22.22
3		3	CL250*CH CH***BREAKER 2P 50A	11.9300	EA	35.79
6		6	Q230 ITE**2P 30A BREAKER	11.1100	EA	66.66

Holder Electric Supply, Inc.

431 N. Pleasantburg Drive 29607
Post Office Box 2368 -- 29602
Greenville, SC
Phone: (864) 271-7111
Fax: (864) 370-4462

STATEMENT

To insure proper credit, please check items being paid and return copy with your remittance.

Service charge of 1.50% per month on
past due accounts.

Customer No.	Statement Date	Page No.
120570	12/23/09	1

LANDMARC CUSTOM HOMES
P.O. BOX 4782
GREENVILLE SC 29608-4782

[illegible]

FAXED COVER SHEET

HOLDER ELECTRIC SUPPLY INC - GALLERY OF LIGHTING
P O BOX 2368
GREENVILLE, SC 29602
864-271-7111 PHONE
864-370-4462 FAX

SEND TO: Contract One FROM: Sue Gamble

ATTENTION: Brian Johnson DATE: 12-23-09

FAX #: 970-748-1139 DIRECT PHONE #: 864-351-2555
DIRECT FAX #: 864-351-2855
EMAIL: sgamble@holderelectric.com

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please Comment
- ☐ Please Review
- ☐ For your information

Total pages, including cover: 38

Comments:

Please find attached invoices, POD's & current statement regarding Landmarc Homes for material on Bill & Sandra Vernon home.

Please let me know if you need any further information.

Please email or fax me payment information as soon as possible as to where I can clear this up.

Thank you,

Sue



The switch is on to...

MARATHON LIGHTING

INCORPORATED

Post Office Box 5316
Anderson, South Carolina 29623

864-226-6228

Toll Free 1-800-277-1028

INVOICE NO. 7-0411

DATE 11-04-2009

SOLD TO:

LANDMARC
P.O. BOX 4782

GREENVILLE, SC 29608

SHIP TO:

LANDMARC
P.O. BOX 4782

GREENVILLE, SC 29608

P.O. NO.: VERNON

NET 30 DAYS

SALESMAN JAN CLARY

STOCK NO.	DESCRIPTION	SHIPPED	BACK ORDERED	UNIT PRICE	AMOUNT
63-OL5303CB	1LT WALL LANTERN	2	0	27.90	415.80
63-OL5302CB	1LT WALL LANTERN	2	0	207.90	415.80
63-OL5313CB	2LT EXT. FLUSH MNT	1	0	124.74	124.74
63-OL53401CB	1LT EXT LANTERN	2	0	160.65	321.30
63-CL3401CB	1LT EXT LANTERN	2	0	160.65	321.30
63-OL53404CB	1LT WALL LANTERN	3	0	297.68	893.04
63-OL5300CB	1LT WALL LANTERN	1	0	103.95	103.95
63-OL5300CB	1LT FLOOD	2	0	34.95	69.90
56-P7280-TRN	FLUORESCENT CLOUD	4	0	189.00	756.00
56-P7280-TRN	FLUORESCENT CLOUD	4	0	0.00	0.00
53-VB14903CB	3LT VANITY	1	0	164.17	164.17
10-BF182	1LT FLOOD	1	0	23.65	23.65
10-DCER700B	10" EPIC FAN	1	0	377.06	377.06

RECEIVED BY:

PLEASE PAY THIS INVOICE AS
NO STATEMENT WILL BE SENT

1.2% Service Charge Added After 30 Days

TAX

TOTAL

FREIGHT

TOTAL

Shipped VIA:

acked By:

Date:

7 Pkgs.

★ ★ We Appreciate Your Business ★ ★



MARATHON LIGHTING

INCORPORATED

Post Office Box 5316
Anderson, South Carolina 29623

864-226-6228

Toll Free 1-800-277-1028

INVOICE NO. 17 15-1

DATE 04-20-89

SOLD TO:

LANDMARK
P.O. BOX 4732

GREENVILLE, SC 29608

SHIP TO:

LANDMARK
P.O. BOX 4732

GREENVILLE, SC 29608

P.O. NO.: VERNON

NET 30 DAYS

SALESMAN JAN CLARY

STOCK NO.	DESCRIPTION	SHIPPED	BAGK ORDERED	UNIT PRICE	AMOUNT
30-85/70C-1	70" CUSTOM CARVE BLADES	1	0	0.00	0.00
30-85/70C-1	GREEN PORCH				
30-85/70C-1	48" OB DOWNROD	1	0	32.00	32.00
30-85/70C-1	TRUSS KIT	1	0	59.75	59.75
30-RT52AG	52" RIATA FAN	1	0	239.09	239.09
30-85/54FD-WAL	BLADES	1	0	0.00	0.00
30-85/54FD-WAL	FAMILY ROOM				
30-85/54FD-WAL	16" DOWNROD	1	0	24.00	24.00
34-5373MBZ	2LT CEILING MOUNT	1	0	18.00	18.00
34-5373MBZ	CLUB				
34-5373MBZ	1LT HANGING BOWL	1	0	202.56	202.56
34-5373MBZ	LAUNDRY ROOM				
28-1260-15RHZ	FLUSH MOUNT	1	0	29.95	29.95
28-1260-15RHZ	PANTRY				
4259-288	MINKA FIXTURE	1	0	1172.50	1172.50
4259-288	STAIRWELL				
52-700MO-16	SAVOY FAN	1	0	255.00	255.00
52-700MO-16	BLADES	1	0	33.00	33.00
52-700MO-16	MASTER BEDROOM				
52-700MO-16	SAVOY DOWNROD	1	0	19.00	19.00
52-700MO-16	FLUSH MOUNT	2	0	34.55	69.10
52-700MO-16	MASTER CLOSET				
52-700MO-16	RICHLER VANITY	2	0	299.30	598.60

RECEIVED BY:

PLEASE PAY THIS INVOICE AS
NO STATEMENT WILL BE SENT

1.2% Service Charge Added After 30 Days

TAX

TOTAL

FREIGHT

TOTAL

Shipped VIA:

Packed By:

Date:

Pkgs.

★ ★ We Appreciate Your Business ★ ★



The switch is on for

MARATHON LIGHTING

INCORPORATED

Post Office Box 5316
Anderson, South Carolina 29623
864-226-6228
Toll Free 1-800-277-1028

INVOICE NO. 102641

DATE 11-04-2009

SOLD TO:

LANDMARK
P.O. BOX 4782

GREENVILLE, SC 29608

SHIP TO:

LANDMARK
P.O. BOX 4782

GREENVILLE, SC 29608

P.O. NO.: VERNON

NET 30 DAYS

SALESMAN JAN CLARY

STOCK NO.	DESCRIPTION	SHIPPED	BACK ORDERED	UNIT PRICE	AMOUNT
MASTER BATH					
2231DDK	KICHLER FIXTURE	1	0	139.80	139.80
MASTER BATH CHAND		1	0	145.20	145.20
63-010044	UNDERBILT WALL SWT	1	0	145.20	145.20
BASEMENT READING NICHE					
20-5N520B	52" SENTRY FAN	1	0	230.00	230.00
12-85-14PE	CH9 BLADES	1	0	0.00	0.00
BASEMENT DR					
30-DR120B	12" OILED BRONZE DOWNROD	1	0	10.00	10.00
30-CLK121H	TRILLIS-LITE KIT	1	0	58.25	58.25
15-23430-16	4LT INVERTED BOWL	1	0	395.00	395.00
BATH TABLE					
66-P7260-60RB	REC. BALLAST CHANIS	1	0	189.00	189.00
66-P7260-TWK	FLUORESCENT CLOSD	1	0	0.00	0.00
BATHROOM STORAGE					
30-CDU201AW	52" FAN WITH BOWL	1	0	00.00	00.00
30-BCD-5WB6	52" BLADES	1	0	3.00	3.00
30-DR120B	12" OILED BRONZE DOWNROD	1	0	10.00	10.00
BATHROOM					
15-B1153TR	TROY VANITY	1	0	175.77	175.77
SHOWER BATHROOM					
30-CDU201AW	52" FAN WITH BOWL	1	0	00.00	00.00
30-BCD-5AW	52" BLADES	1	0	7.00	7.00
CONTINUED NEXT PAGE					

RECEIVED BY:

PLEASE PAY THIS INVOICE AS
NO STATEMENT WILL BE SENT

* 1.2% Service Charge Added After 30 Days

Shipped VIA:

Packed By:

Date:

Pkg.

TAX	
TOTAL	
FREIGHT	
TOTAL	



THE SWITCH IS ON TO...

MARATHON LIGHTING

INCORPORATED

Post Office Box 5316
Anderson, South Carolina 29623
864-226-6228

Toll Free 1-800-277-1028

INVOICE NO. 172641

DATE 11-04-2009

SOLD TO:

LANDMARC
P.O. BOX 4792

GREENVILLE, SC 29608

SHIP TO:

LANDMARC
P.O. BOX 4792

GREENVILLE, SC 29608

P.O. NO.: VERNON

NET 30 DAYS

SALESMAN JUAN CLARY

STOCK NO.	DESCRIPTION	SHIPPED	BACK ORDERED	UNIT PRICE	AMOUNT
30-DR12AW	12" DOWNROD	1	0	10.00	10.00
THE BEDROOM					
60-1578-187	KICHLER VANITY	1	0	140.00	140.00
60-1578-187	2LT FLUSH MOUNT	2	0	19.00	38.00
CLOSETS					
25-9120B	SMOKE DETECTOR	2	0	12.50	25.00
60-1578-187	2ND FLR CEILING	1	0	47.50	47.50
60-1578-187	PUSHBUTTON	1	0	19.00	19.00
2-XTL-4-HW	BZ4LT UNDERCOUNTER BRONZE	2	0	69.00	138.00
60A15/FR	60WATT A15 FROST	76	0	2.10	159.60
60A15/CL/CAND	60 WATT CAND. TORPEDO CLEAR	10	0	5.90	59.00
60A15/CL/CAND	35WATT MR16 FROST	1	0	5.90	5.90
60A15/CL/CAND	60W CLEAR CAND. BASE	6	0	0.99	5.94
60A15/CL/CAND	32WATT TO 3500K	20	0	2.50	50.00
60A15/CL/CAND	JELLY JAR	2	0	8.50	17.00
ATTIC					

RECEIVED BY:

Sales Order # : 18004

3578

PLEASE PAY THIS INVOICE AS
NO STATEMENT WILL BE SENT

1 1/2% Service Charge Added After 30 Days

Terms : NET 30

Shipped VIA:

TAX	537.41
TOTAL	9494.23
FREIGHT	378.53
TOTAL	9872.76

ked By:

Date:

Pkgs.

★ ★ We Appreciate Your Business ★ ★



MARATHON

LIGHTING

I N C O R P O R A T E D

January 14, 2010

Bill and Sandra Vernon
122 Ridgerunner Way
Travelers Rest, SC 29690

Re: Mechanic's Lien

Mr. and Mrs. Vernon,

This letter is to notify you that a Mechanic's Lien was filed December 30, 2009 on the property designated as Lot 44 Cliffs at Mountain Park for reason of none payment.

If you have any questions or need to speak with someone in our office, please feel free to contact us at 864-226-6228.

Sincerely,

Gene Clary
President

*Need 2 mail address
near deck lights
stair glow bulb
basement glow piece*

"Lighting Products with Endurance"

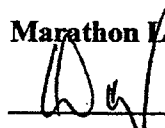
P.O. Box 5316 • Anderson, SC 29623
1505 Pearman Dairy Road • Anderson, SC 29625 • 864-226-6228 • 800-277-1028

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

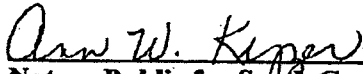
VERIFICATION

Personally appeared before me the undersigned, who, being duly sworn, deposes and says that the Notice and Certificate of Mechanic's Lien and the attached statement of account is true and correct. No part of same has been paid by discount or otherwise.

Marathon Lighting, Inc.

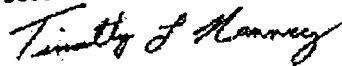
BY: ITS: President

SWORN TO before me this
29th day of December, 2009


Notary Public for South Carolina

My Commission Expires: Jan. 30, 2016

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD
2009099202 Book: M1 46 Page: 206-209
December 30, 2009 02:54:16 PM



SCHEDULE "B"
SWORN ITEMIZED STATEMENT OF ACCOUNT

December 29, 2009

The following is an itemized statement of account for the unpaid debt of Landmarc Constructors, Inc, for the dwelling that is being built at Lot 44, Cliffs at Mountain Park, Phase 1 with all just credits and payments applied to account.

Date	Invoice	Materials	Amount
11/04/2009	172641	Fixtures	9,872.76
12/17/2009	172813	Fixtures	27.42
Total			\$9,900.18

The above is a true and accurate itemized statement of account of, with all just credits and payments posted. Terms of payment specified in the invoices provide that payment terms are Net 30 days and also provide that after the terms an 18% per annum interest rate charge.



David E. Clary, President
Marathon Lighting, Inc.

Sworn to before me this 29th day of December, 2009



Notary Public for South Carolina
My Commission Expires: Jan. 30, 2016

SCHEDULE "A"

ALL that certain piece, parcel, or lot of land with all improvements thereon or hereafter constructed thereon, situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as Lot 44 Cliffs at Mountain Park, Phase 1, containing 2.16 acres, more or less as shown on that certain plat entitled "The Cliffs at Mountain Park, Phase 1, Lot 29, Lots 31 thru 42 and 44" as recorded in the Register of Deeds Office for Greenville County, South Carolina in Plat Book 1023 at Page 46, reference being hereby made to said plat for a complete and accurate metes and bounds description thereof.

ALSO: a non-exclusive right of ingress and egress on and upon Highridge Parkway to Highway 11 as shown and designated on a survey for "The Cliffs at Mountain Park, Phase 1, Lot 29, lots 31 thru 42 and 44", recorded in the Register of Deeds Office for Greenville County, in Plat Book 1023 at Page 46.

This being the same property conveyed unto the The Cliffs at Mountain Park, LLC by Waterfall Investment Group, LLC by deed dated July 14, 2006 and recorded July 14, 2006 in the Register of Deed's Office Greenville County, State of South Carolina in Deed Book 2216 at Page 573.

This property is conveyed subject to all of the terms, provisions, conditions, rights, privileges, restrictions, obligations and easements set forth in the Declaration of Covenants, Conditions and Restrictions for The Cliffs at Mountain Park, recorded in the Office of the Register of Deeds for Greenville County in Deed Book 2225 at Pages 1909 thru 1992, and as may thereafter be modified or amended.
TMS:0666.05-01-042.00



2009099202

M/LIEN

4 PGS

Book:MI 46

Page:206-209

December 30, 2009 02:54:16 PM Cons:\$0.00
 Rec:\$10.00 Cnty Tax:\$0.00 State Tax:\$0.00

**FILED IN GREENVILLE COUNTY, SC
 NOTICE AND CERTIFICATE
 OF MECHANIC'S LIEN**

**STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)**

**TO: LANDMARC CONSTRUCTORS, INC. AND SANDRA ANN VERNON AND
 BILLIE JAMES VERNON, JR., TRUSTEES, OR THEIR SUCCESSORS IN TRUST,
 UNDER THE SANDRA ANN VERNON LIVING TRUST, DATED JUNE 12, 2000**

**NOTICE IS ALSO HEREBY GIVEN that Marathon Lighting, Inc. is due the
 sum of Nine thousand, nine hundred and 18/100 (\$9,900.18) Dollars for Lot 44 Cliffs at
 Mountain Park, Phase 1, from Sandra Ann Vernon and Billie James Vernon, Jr. and
 Landmarc Constructors, Inc., a statement of a just and true account of said indebtedness,
 with all just credits given being attached hereto and made a part hereof as Schedule "C",
 together with interest from date.**

**That said debt is due the undersigned for labor performed or furnished, and/or
 for materials furnished and actually used in the erection, alteration or repair of buildings
 or structures situated on or in otherwise improving the real estate hereinafter described,
 by virtue of an agreement with, or by consent of Sandra Ann Vernon and Billie James
 Vernon, Jr. and Landmarc Constructors, Inc., or a person or persons authorized by or
 rightfully acting for said owner, or said debt is due the undersigned because such
 improvements have been authorized by said owner. That as shown by the attached
 statement, the undersigned labored on or furnished labor and materials for such
 buildings, structures or improvements within ninety (90) days of the date hereof.**

**That, by virtue thereof, by the service and filing of this notice and certificate and
 pursuant to the provisions of the statutes in such cases made and provided, the
 undersigned has and claims a lien to secure the payment of the debt so due, interest as
 alleged, a reasonable attorney's fee, and the costs of enforcing said lien upon the
 buildings or structures hereinabove mentioned and upon the following described real
 estate.**

(See attached Schedule "A")

Marathon Lighting, Inc.

**David E. Clary, President
 1505 Pearman Dairy Rd.
 Anderson, SC 29625
 (864) 226-6228**

**Greenville, South Carolina
 December 29, 2009**



Capture Date: 10/26/2009 Sequence #: 6792928143

Bank of America. ACH PAY 05350440 67-448-539		1382
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		10/23/2009
PAY TO THE ORDER OF SC StoneWorks	\$ 1,000.00	Security Features: Credits on back. ED
One Thousand and 00/100	DOLLARS	
SC StoneWorks	 AUTHORIZED SIGNATURE	
MEMO INV# 9212009-1	⑈001382⑈ ⑆053904483⑆ 223000178447⑈	

(C) E. B. Smith
 10/26/09

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
10/26/2009	006792928143	111012822	Undetermined	N		BANK OF AMERICA, NA
10/26/2009	000007400141423	53202091	Rtn Loc/BOFD	N		CAPITALBANK
10/26/2009	000007400141423	53100300	Undetermined	Y		FIRST-CITIZENS BANK

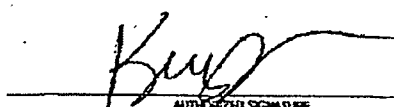
No Payee Endorsements Found

20

BOA 00165



Capture Date: 10/15/2009 Sequence #: 5992092245

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RT 05800403 67-448-539	1372 10/10/2009
PAY TO THE ORDER OF	SC StoneWorks	\$ -2,000.00	DOLLARS
Two Thousand and 00/100		DOLLARS	
SC StoneWorks		 AUTHORIZED SIGNATURE	
MEMO			
001372 0539044830 223000178447*			

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
10/15/2009	000007800771553	53202091	Rtn Loc/BOFD	N		CAPITALBANK
10/15/2009	005992092245	111012822	Undetermined	N		BANK OF AMERICA, NA
10/15/2009	008007800771553	53100300	Undetermined	Y		FIRST-CITIZENS BANK

No Payee Endorsements Found

28



Capture Date: 09/16/2009 Sequence #: 6392082417

Bank of America LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608-		Bank of America ACH NY 003004400 67-448-539	1356 9/11/2009
PAY TO THE ORDER OF	SC StoneWorks	\$ **125.00	Security Features: Details on back
One Hundred Twenty-Five and 00/100		DOLLARS	
SC StoneWorks		 AUTHORIZED SIGNATURE	
MEMO	Vernon Lighting		

⑈001356⑈ ⑆053904483⑆ 223000178447⑈

Carl H. Oyster

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
09/16/2009	000007800145355	53100300	Undetermined	Y		FIRST-CITIZENS BANK
09/16/2009	000007800145355	53202091	Rtn Loc/BOFD	N		CAPITALBANK
09/16/2009	006392082417	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

27

Bank of America



Capture Date: 11/20/2009 Sequence #: 6192209831

Bank of America. ACN RT 0230483 67-448-539		1401
LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		11/18/2009
PAY TO THE ORDER OF	SC StoneWorks	\$ 5,319.36
Five Thousand Three Hundred Nineteen and 36/100		DOLLARS
SC StoneWorks		
MEMO		AUTHORIZED SIGNATURE

⑆001401⑆ ⑆053904483⑆ 223000178447⑆

The security features of this check are as follows:
 • Microprint: The words "Bank of America" are printed in tiny letters throughout the check.
 • Security Features: The words "Bank of America" are printed in tiny letters throughout the check.
 • Watermark: A watermark of the word "AMERICA" is visible when held up to the light.
 • Color: The check is printed on high quality, color coated paper.
 • Texture: The check has a fine, woven texture.
 • Smell: The check has a fresh, clean smell.
 • Sound: The check has a crisp, clean sound.
 • Feel: The check has a smooth, clean feel.
 • Look: The check has a professional, clean look.

 DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
 ANYTHING BELOW THIS LINE WILL VOID THE CHECK

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/20/2009	000007800685419	53202091	Rtn Loc/BOFD	N		CAPITALBANK
11/20/2009	000007800685419	53100300	Undetermined	Y		FIRST-CITIZENS BANK
11/20/2009	006192209831	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

29

BOA 00178

SC Stone Works

We Rock Your World

344 Knollview Rd.
Central, SC 29630
864-207-2094

DATE: October 15, 2009
INVOICE # 10142009

Bill To: LANDMARC CUSTOM HOMES

Ship To:

VERNON JOB
CLIFFS MTN PARK

Comments or Special Instructions:

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
					Due on receipt

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	install switches and receptacles	\$ 2,500.00	\$ 2,500.00
1	install 400 amp meter base outdoor panel	900.00	900.00
1	move switch boxes over for trim(change)	500.00	500.00
1	change light boxes to can lights	900.00	900.00
1	install floor receptacle conduit and box cut in (change)	425.00	425.00
1	materials for floor box in basement	94.36	94.36
SUBTOTAL			\$ 5,319.36

yellow highlights materials

TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	
TOTAL	\$ 5,319.36

Make all checks payable to **SC Stone Works**
If you have any questions concerning this invoice, contact Chip Chapman @ 864-207-2094

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: SC STONE WORKS
344 Knollview Rd.
Central, SC 29630

PROJECT: Vernon Residence Lot 44

Payment Request Number 1 for period dated 10/15/2009

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) \$5319.36

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: \$5319.36

Less payments received to date: 0.00

Amount due this request: \$5319.36

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: SC STONE WORKS Authorized Signature: CHIP CHIPMAN

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



Capture Date: 05/11/2009 Sequence #: 7492494759

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RT 053904483 67-448-539	1307 5/1/2009
PAY TO THE ORDER OF	Rapid Electric	\$ -1,480.00	DOLLARS
One Thousand Four Hundred Eighty and 00/100		DOLLARS	
Rapid Electric			
MEMO	VERNAL INV# 102	 AUTHORIZED SIGNATURE	
⑈001307⑈ ⑈053904483⑈ 223000178447⑈			

253279277
 SC TELCO FCU
 TAYLORS, SC 29687
 MAY - 8 2009
 (864) 232-5563
 TELLER # 91

Deposit only

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
05/11/2009	6639737021	53000206	Undetermined	N		FEDERAL RES BANK OF
05/08/2009	05080916266	253279277	Rtn Loc/BOFD	Y		S C TELCO FCU
05/11/2009	007492494759	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Rapid Electric LLC*

PROJECT: *Vernon Residence Lot #241*

Payment Request Number _____ for period dated *4-9-09*

Statement of Contract Amount:

Original Contract Amount: (per Dwgs _____ dated _____)	<i>\$17,750.00</i>
Net Change by approved Change Orders:	<i>\$2,452.00</i>
Adjusted Contract Amount:	<i>\$20,409.00</i>
Value of work completed to date:	<i>\$15,264.00</i>
Less payments received to date:	<i>\$14,664.00</i>
Amount due this request:	<i>\$900.00</i>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: *[Signature]* Authorized Signature: _____

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Rapid Electric LLC.*

Water Feature

Ran 142 wire

PROJECT: *Vernon Residence Lot #44*

Payment Request Number 1 for period dated 4-9-09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs _____ dated _____) 580.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount: _____

Value of work completed to date: 580.00

Less payments received to date: _____

Amount due this request: 580.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: *Jon Davis*

Authorized Signature: _____

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

Bank of America



Capture Date: 03/16/2009 Sequence #: 7592409262

Feb 7

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NY 053004483 67-448-539	1284
PAY TO THE ORDER OF Rapid Electric		3/13/2009	\$ 14,864.00 DOLLARS
Fourteen Thousand Six Hundred Sixty-Four and 00/100			
Rapid Electric			
MEMO Vernon		 AUTHORIZED SIGNATURE	
⑈001284⑈ ⑆053904483⑆ 223000178447⑈			

253279277
 SC TELCO FCU
 GREENVILLE, SC 29601
 MAR 13 2009
 (864) 232-5553
 TELLER # 30

49458

Rapid Electric

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
03/16/2009	6330183121	53000206	Undetermined	N		FEDERAL RES BANK OF
03/13/2009	031309180837	253279277	Rtn Loc/BOFD	Y		S C TELCO FCU
03/16/2009	007592409262	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

BOA 00090

RAPID ELECTRIC

LLC

416 ELIZABETH DR.
 GREENVILLE S.C 29615
 TEL: 864 363 4965
 FAX : 864 271 6393

12-Feb-09

TO: LANDMARC

Vernon Residence "Rough"

INVOICE #101

SQUARE FEET BASE CHARGE	3.75
HOUSE SIZE	4000
TOTAL	15000.00

	COST	QTY	TOTAL
EXTRA CANS	38.00	9	342.00
EXTRA OUTLET	35.00	9	315.00
EXTRA WATER HEATER	80.00	1	80.00
EXTRA LIGHTS	33.00	11	363.00
WHIRPOOL	50.00	1	50.00
TOTAL			\$ 1,150.00
GRAN TOTAL			\$16,150.00
ROUGH 70%			\$11,305.00
TRIM 30 %			\$ 4,845.00

*NOTE: \$3.75 Square Ft. Includes ten Cans and two Ceiling Fans and all phones and cables.

*NOTE: Rapid Electric supplies all material for rough-in including Halo Cans

*NOTE: Rapid Electric will supplies Outlets and switches for the trim. Homeowner or builder, will supply all light fixtures, Can Trim, Light Bulbs, Smoke detectors and Bath Fans.

TOTAL AMOUNT DUE FOR ROUGH (70%) \$11,305.00

RAPID ELECTRIC

416 ELIZABETH DR.
GREENVILLE S.C 29615
TEL: 864 363 4965
FAX: 864 271 6393

LLC

February 12, 2009

LANDMARC

- Vernon Residence Lot 44 "Extras"

INVOICE #100

	COST	QTY	TOTAL
4" Cans:	\$48.00	9	\$432.00
Door Switch:	\$60.00	2	\$120.00
Freezer:	\$50.00	1	\$50.00
Ice Maker:	\$50.00	1	\$50.00
Step Lights:	\$65.00	5	\$325.00
Flood Lights:	\$50.00	2	\$100.00
Under Cabinets Lights:	\$50.00	2	\$100.00
Over Cabinets Lights:	\$50.00	3	\$150.00
Post light:	\$180.00	1	\$180.00
400 AMP Service:	\$1,600.00	1	\$1,600.00
Floor Receptacle	\$63.00	4	\$252.00
TOTAL			\$3,359.00

TOTAL AMOUNT DUE FOR EXTRAS \$3,359.00

LANDMARC Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: *Rapid Electric LLC*

PROJECT: *Vernon Residence Lot #44*

Payment Request Number 1 for period dated 2-12-09

Statement of Contract Amount:

Original Contract Amount: (per Dwgs _____ dated _____)	<u>\$ 17750.00</u>
Net Change by approved Change Orders:	<u>+ 1759.00</u>
Adjusted Contract Amount:	<u>* 19509.00</u>
Value of work completed to date:	<u>* 14664.00</u>
Less payments received to date:	<u>0.00</u>
Amount due this request:	<u>* 14664.00</u>

11/9/664
✓ 1284
3/13/09

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: *John Davis* Authorized Signature: _____

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

TAB 3 - ELECTRICAL



FERGUSON ENTERPRISES INC #43
575 WOODRUFF ROAD
GREENVILLE, SC 29607-3533

FAX DUPLICATE INVOICE

Deliver To: KERRI
From: Meghan Deloach
Comments: INVOICES FOR VERNON JOB
PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE
THANK YOU!

Please Contact With Questions:
864-288-0281

Invoice Number	Customer	Page
0873942	24576	1

Please refer to Invoice Number when making payment and remit to:

TOTAL DUE ---> 1326.20

FERGUSON ENTERPRISES INC #43
PO BOX 100286
ATLANTA, GA 30384-0286

Sold To:

LANDMARC CUSTOM HOMES
VERNON RESIDENCE
PO BOX 4782
GREENVILLE, SC 29608

Ship To:

LANDMARC CUSTOM HOMES
VERNON RESIDENCE
470 HIGHRIIDGE PARKWAY
LOT 44 CLIFFS @ MTN PARK

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
47	47	SCONLY	MD-15200WH-404187	JAS	VERNON - RINNAIS	10/26/2009	36712
Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount	
1	1	RR9ALSIN	9.4G INT WTR MAX BTUS 199000 NG	1102.140	EA	1102.14	
			Serial # 0906AA9743				
1	1	RWRIKF	PLBG INST KIT FIPXFP	76.230	EA	76.23	
1	1	RSTDKITVAS	STD TERM KIT F/ LS SER	72.760	EA	72.76	

Invoice Sub-Total 1251.13

Tax 75.07

TOTAL DUE ---> 1326.20

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT http://wolsley-na.com/terms_conditionsSale.html



Invoice Number	Customer	Page
0871699	24576	4

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
			FAUCET			
1	1	M7066ORB	1HDL KITC FCT W/ S/SPRY ORBR	348.038	EA	348.04
			PREP SINK			
1	1	SP-SYUKON40	*YUKON 39X22 CURVE PREP SINK ANTIQU	1274.650	EA	1274.65
1	1	SP-SSC-2089-VB	DISPOSAL FLANGE VICTORIAN BRONZE	105.000	EA	105.00
			MUST REQUEST THAT THEY			
			DRILL 3.5" HOLE FOR THE			
			DISPOSAL: WILL DO FOR NO			
			CHARGE			
			DISPOSAL			
1	1	IPROCOMPACT	3/4 HP PRO COMP GARBAGE DISP	222.691	EA	222.69
1	1	ISTS00	SINK TOP AIR SWCH & TRIM KIT	57.285	EA	57.29
1	0	ISTCORB	ORBR SINK TOP SWC		EA	0.00
			PREP FAUCET			
1	1	M5994ORB	2HDL LEV BAR FCT. *VESTIG ORBR	228.151	EA	228.15
			POTFILLER			
1	1	SHS664ORB	POT FILLER 2H LVR ORB	700.000	EA	700.00

			LAUNDRY ROOM			

			FAUCET			
1	1	K15175-F-CP	LF 1HDL KITC FCT L/ SPRAY CP	92.670	EA	92.67
			SINK			
1	1	EELGU2522WH0	26X22 OH 1B UC GRAN SINK WHIT	332.500	EA	332.50
1	1	MB132980	CAST BRS BSKT STRN WH	45.496	EA	45.50

Invoice Sub-Total	18416.59
Freight	550.00
Tax	1138.06

TOTAL DUE ---->	20104.65

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT http://wolseleyna.com/terms_conditionsSale.html



Invoice Number	Customer	Page
0871699	24576	3

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount

			SHOWER IS ALL TILE			
			SHOWER FAUCET			
1	1	KT12014-4-BN	1HDL P/BAL SHWR TRIM *FAIRFA BN	174.788	EA	174.79
			DRAIN			
1	1	MB132999	4 OD GRID W/ 33/8 CTRS PVD BN	16.443	EA	16.44
			LAVATORY			
1	1	K2905-1-96	19X16 1H LAV *FAIRMIN BISC	130.538	EA	130.54
			FAUCET			
1	1	KT12182-BN	1F 1HDL LAV FCT *FAIRFA BN	233.426	EA	233.43
1	1	KT12003-96	2HDL PLUG BTN SET *FAIRFA BISC	8.775	EA	8.78
			TOILET			
1	1	K4309-96	1.6 12 EB BOWL *CIMARR BISC ADA	220.950	EA	220.95
1	1	K4418-96	1.6 12 RI CLST TANK *CIMARR BISC	129.450	EA	129.45
1	1	K4664-96	EB PLAS CLST SEAT *BREVIA BISC	15.000	EA	15.00

			POWDER ROOM			

			TOILET			
1	1	K4295-K4	*ARCHER COMFORT HGT BOWL EB	195.773	EA	195.77
1	1	K4493-K4	*ARCHER CLST TANK	124.933	EA	124.93
1	1	K4636-K4	EB PLAS CLST SEAT *CACHET CASH	62.755	EA	62.76
			LAVATORY			
1	1	SP-AVVNRAMSAMBER	STAMBERSTONE GRANITE	437.692	EA	437.69
			WE ARE TO ORDER			
			FAUCET			
1	1	D754IRB	1HDL BATH FCT CHAN SPT & RSR	367.720	EA	367.72
1	1	M140780ORB	POP UP DRN NO O FLOW ORB	67.683	EA	67.68

			KITCHEN			

			SINK			
1	1	SP-SSC-HD64-33ANTI	HAMPTON DOUBLE 60-40-33 ANTIQUE	2368.000	EA	2368.00
1	1	SP-SSC-214-VB	3.5" STRAINER VICTORIAN BRONZE	105.000	EA	105.00
1	1	SP-SSC-2089-VB	DISPOSAL FLANGE VICTORIAN BRONZE	105.000	EA	105.00
			DISPOSAL			
1	1	IPROCMPACT	3/4 HP PRO COMP GARBAGE DISP	222.691	EA	222.69
1	1	ISTSD0	SINK TOP AIR SWCH & TRIM KIT	57.285	EA	57.29
1	0	ISTCORB	ORBR SINK TOP SWC		EA	0.00

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT http://waiseteyna.com/terms_conditionsSale.html



Invoice Number	Customer	Page
0871699	24576	2

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
1	1	DT60240BZ	1STAT UNIV SHWR	467.460	EA	467.46
			INCLUDES SHOWERHEAD			
1	1	DT60640BZ	6 FUNC 3 PORT DIV	233.730	EA	233.73
			HANDSHOWER			
1	1	DRP360038Z	BRZO SLIDE BAR HAND HELD SHW	415.450	EA	415.45
1	1	DRP360048Z	WM ELL *BRVES BBRZ	60.690	EA	60.69
			DRAIN			
1	1	MMT238TB	4 RND SHWR GRID TUBR	50.000	EA	50.00

			OFFICE BATH			

			TOILET			
1	1	K4294-0	1.6 12 EB BOWL *MEMOIR WHIT	139.613	EA	139.61
1	1	K4491-0	1.4G VC CLASSIC TANK *MEMOIR WHIT	148.538	EA	148.54
1	1	K4664-0	EB CLST SEAT W/CVR *BREVIA WHIT	18.450	EA	18.45

			PEDESTAL SINK			
1	1	K2259-8-0	27 8 LAV *MEMOIR *CLASSI WHIT	382.725	EA	382.73
1	1	K2267-0	PED ONLY *MEMOIR WHIT	151.763	EA	151.76

			FAUCET			
1	1	MT6305ORB	2HDL LAV FCT TRIM *VESTIGE ORBR	276.300	EA	276.30
1	1	M69000	2HDL W/SPRD LAV RI VLV *MPACT (PK)	65.810	EA	65.81

			DOWNSTAIRS BATH 1			

			TUB/SHOWER FAUCET			
1	1	KT12007-4-BN	1HDL LEV T&S TRIM *FAIRFA BN	205.460	EA	205.46

			TOILET			
1	1	K4309-96	1.6 12 EB BOWL *CIMARR BISC ADA	220.950	EA	220.95
1	1	K4418-96	1.6 12 RI CLST TANK *CIMARR BISC	129.450	EA	129.45
1	1	K4664-96	EB PLAS CLST SEAT *BREVIA BISC	18.450	EA	18.45

			LAVATORY			
1	1	K2210-96	17X14 VC UC LAV *CAXTON BISC	88.625	EA	88.63
			LAVATORY FAUCET			
1	1	K12265-4-BN	LF 2HDL LAV FCT W/PU *FAIRFA BN	333.180	EA	333.18
1	1	K72003-96	2HDL PLUG BTN SET *FAIRFA BISC	8.775	EA	8.78

			DOWNSTAIRS BATH #2			

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT http://woiseleyna.com/terms_conditionsSale.html



FERGUSON ENTERPRISES INC #43
575 WOODRUFF ROAD
GREENVILLE, SC 29607-3533

FAX DUPLICATE INVOICE

Deliver To: KERRI
From: Meghan DeLoach
Comments: INVOICES FOR VERNON JOB
PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE
THANK YOU!

Please Contact With Questions:
864-288-0281

Invoice Number	Customer	Page
0871699	24576	1

Please refer to Invoice Number when making payment and remit to:

TOTAL DUE ---> 20104.65

FERGUSON ENTERPRISES INC #43
PO BOX 100286
ATLANTA, GA 30384-0286

Sold To:

LANDMARC CUSTOM HOMES
VERNON RESIDENCE
PO BOX 4782
GREENVILLE, SC 29608

Ship To:

LANDMARC CUSTOM HOMES
470 HIGHRIDGE PARKWAY
LOT 44 CLIFFS AT MOUNTAIN PARK
MARIETTA, SC 29661

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
47	47	SCONLY	MD-15200-404187	JAS	VERNON RESIDENCE	10/26/2009	36712
Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount	

			MASTER BATH				

			SOAKER TUB				
1	1	SP-S837PRIMEDWHITE	68" SLIPPER PRIMED TUB WHITE	1769.230	EA	1769.23	
			FEET FOR TUB				
1	1	SP-S805-7-ORB	NOUVEAU FEET FOR TUB ORB	730.770	EA	730.77	
			FAUCET				
1	1	RAC7XTCB	CIS EXP TUB FLR MXR X H T.BR	660.750	EA	660.75	
1	1	RZA383ICB	CIS FLR PLR LEG 35 1 4 T.BR	1435.000	EA	1435.00	
			LAVATORIES				
2	2	K2339-96	20X17 18 UC LAV SINK *MEMOIR BISC	223.425	EA	446.85	
			FAUCETS				
2	2	D654587	2HDL W/SPRD LAV FCT *BRIVES BBRZ	544.460	EA	1088.92	
			TOILET				
1	1	K4294-96	1.6 12 EB BOWL *MEMOIR BISC	193.600	EA	193.60	
1	1	K4491-96	1.4G VC CLASSIC TANK *MEMOIR BISC	205.960	EA	205.96	
1	1	K4664-96	1.8 PLAS CLST SEAT *BREVIA BISC	19.680	EA	19.68	
			SHOWER - ALL TILE				

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT http://wolseleyna.com/terms_conditionsSale.html

Bank of America



Capture Date: 04/07/2009 Sequence #: 8192310199

Feb 8

Bank of America LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		1292 3/20/2009 \$ 1,577.37 DOLLARS
PAY TO THE ORDER OF Ferguson Enterprises Inc.		One Thousand Five Hundred Seventy-Seven and 37/100
MEMO Inv# 0848848 Lot 44		AUTHORIZED SIGNATURE
⑈001292⑈ ⑆053904483⑆ 223000178447⑈		

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

3-0680 7
20090807
3750700246
101 ATL-100286

2011000138
CR PAYEE ACCT
LACK RD 620
BANK OF AMERICA

From: 04/07/2009
To: 04/07/2009
Amount: \$1,577.37
Payee: Ferguson Enterprises Inc.
Account: 101 ATL-100286

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
04/07/2009	008192310199	910000022	Undetermined	N		
04/07/2009	000599001095951	11000138	Rtn Loc/BOFD	Y		BANK OF AMERICA, NA

No Payee Endorsements Found

BOA 00098

FERGUSON ENTERPRISES, INC.

575 WOODRUFF ROAD
GREENVILLE, SC 29607-3533

549

INVOICE NUMBER	CUSTOMER	PAGE
0848848	15373	1

PLEASE REFER TO INVOICE NUMBER WHEN
MAKING PAYMENT AND REMIT TO:

Please contact with Questions:
864-288-0281

FERGUSON ENTERPRISES INC #43
PO BOX 100286
ATLANTA, GA 30384-0286



00007928 01 MB 0.369 01 TR 031 FRIDCR01 000000
LANDMARC CUSTOM HOMES
PO BOX 4782
GREENVILLE, SC 29608

SHIP TO

LANDMARC CUSTOM HOMES
LOT 44 CLIFFS @ MOUNTAIN PARK
470 HIGHRIDGE PARKWAY
MARIETTA, SC 29661



SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
43	43	SC1023	MD-15200-404187	JAS	VERNON ROUGH IN	02/23/09	10 35220
ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	QTY	AMOUNT	
			***** MASTER BATH ***** SHOWER - ALL TILE UNIV T&S VLV BODY UN 6 FUNC 3 PORT DIV ROUGH DRAIN 2 - 3 PVC TILE SHWR DRN W/ SS STRN	36.960 129.430 9.825	EA EA EA	36. 129. 9.	
1	1	DR60000UNBX					
1	1	DR60600					
1	1	PF42801					
			***** DOWNSTAIRS BATH 1 ***** TUB FOR TUB/SHOWER 70X35 *CUMBERLAND SOAKER BISCUIT TILE FLANGE KIT INSTALLED BISCUIT ONE PIECE ACR RSD PNL BISCUIT DRAIN BATH DRN *CLEARF BN L/ PVC TUBE TUB/SHOWER FAUCET WM P/BAL VLV *RITTEM	752.750 107.260 203.000 104.440 67.280	EA EA EA EA EA	752. 107. 203. 104. 67.	
1	1	SP-MMT1-S78BISCUIT					
1	1	SP-MTFK3BISCUIT					
1	1	SP-MSKA06BISCUIT					
1	1	K7214-BN					
1	1	K304-K-NA					
			***** DOWNSTAIRS BATH #2 ***** SHOWER IS ALL TILE SHOWER FAUCET WM P/BAL VLV *RITTEM DRAIN 2 - 3 PVC TILE SHWR DRN W/ SS STRN	67.280 9.825	EA EA	67. 9.	
1	1	K304-K-NA					
1	1	PF42801					
				INVOICE SUB-TOTAL		1488.	
				TAX	Greenville Co.	89.	

1/12/92 11:57 AM
3/20/09

1/1292 11577
3/20/09

TAB 2 - FERGUSON ENTERPRISES



YODER'S BUILDING SUPPLIES, INC.
2353 SANDIFER BLVD
WESTMINISTER, SC 29693
PHONE: (864) 972-3003
FAX: (864) 647-8902
www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
04/29/09	1116512	1

REPRINT

Drywall

BILL TO				SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608				VERNON JOB 470 HIGHBRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608	
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PCL#		
1116512	04/29/09	LANCO022	MD-9350-404192		

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	U/M	AMOUNT
1		ISDW	INSTALLED DRYWALL PROVIDED, HUNG, AND FINISHED DRYWALL -MAIN LEVEL, GARAGE AND BASEMENT HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	13323.000	EACH	13323.00

18941

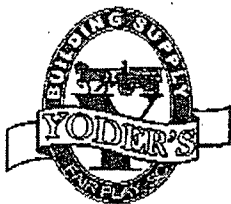
USR: 7

14:28

SALES AMOUNT	13323.00
SALES TAX	0.00
TOTAL	13323.00

BALANCE DUE





Yoder's Building Supply

P.O. Box 318
500 E Fair Play Boulevard
Fair Play, SC 29643

Ph (864) 972-3003 | Fax (864) 972-9328
Website www.GOYODERS.com

Brian Johns
1 970-748-1139

Quote Date	Quote No.	Page
03/04/2009	01081	1 / 1

Drywall Quote

Quoted to:			Quoted by:		
MAC DUNN / LANDMARC CONSTRUCTION PO BOX 4782, GREENVILLE, SC 29608			David Powell / Drywall Sales Cell 8647107518 Fax 8649729328 E-Mail dpowell@goyoders.com		
Job: Vernon Residence Greenville County, Cleveland, SC					
Quote No.	Quote Date	Expiry Date	Cust. Account	Salesman	Printed
01081	03/04/2009	04/03/2009		7	01/06/2010

#	Work area	Item Description	Qty
1	Main Level (Walls)	1/2-4X12 Regular	-
2	Main Level (Ceiling)	1/2"-4X12 Ceiling Boards	-
3	Garage (Walls)	1/2-4X12 Regular	-
4	Garage (Ceiling)	1/2"-4X12 Ceiling Boards	-
5	Basement Walls	1/2-4X12 Regular	-
6	Basement (Ceiling)	1/2-4X12 Regular	-
7	stand drywall up	Labor	1

Sales Amount	\$13,323.00
Sales Tax	\$0.00
Total	\$13,323.00

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are full covered by Workman's Compensation Insurance.

Acceptance of Proposal—The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature David Powell

Note: This proposal may be withdrawn by us if not accepted by 04/03/2009.

Signature _____

Signature _____



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS Drywall

PROJECT:

Payment Request Number 1 for period dated 4/29/09

Statement of Contract Amount:

Original Contract Amount:

(per Dwgs Elevation dated)

\$19323.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date:

\$19323.00

Less payments received to date:

0.00

Amount due this request:

\$19323.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: YODERS DRYWALL Authorized Signature: David Powell

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

Yoder Drywall

Yoder Drywall	
Total Yoders billed LandMarc for the drywall install	\$13,323.00
Total LandMarc billed the Vernons for the drywall install	\$19,323.00
Total LandMarc overbilled the Vernons for the drywall install	\$6,000.00 – 45% of total

Invoices provided by LandMarc as billing backup

Date	Amount	Signed By
4/29/09	\$19,323.00	David Powell
Total	\$19,323.00	

Quote provided by Yoder's

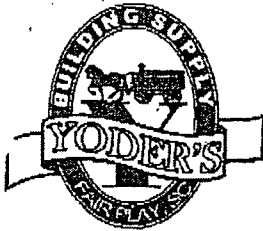
3/4/09	\$13,323.00	Quote

Invoices provided by Yoder's

4/29/09	\$13,323.00	
Total	\$13,323.00	

This shows a total of \$6,000.00 that the Vernon's were over billed by LandMarc for the drywall install.

This also shows that LandMarc had full knowledge that the drywall was to cost a total of \$13,323.00 on 3/4/09 but still billed the Vernon's \$19,323.00 on 4/29/09.



YODER'S BUILDING SUPPLIES, INC.
 2353 SANDIFER BLVD
 WESTMINISTER, SC 29693
 PHONE: (864) 972-3003
 FAX: (864) 647-8902
 www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
08/24/09	1134947	1

REPRINT

BILL TO		SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608		VERNON JOB 470 HIGHRISE PARKWAY MARIETTA SC GREENVILLE, SC 29608	
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO #
1134947	08/24/09	LANCO022	MD7206-404189

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	U/M	AMOUNT
1		ISINSUL	INSTALLED INSULATION 3RD DRAW CELLULOSE - BLOW OVERHEAD R-30 BATT - CRAWL SPACE R-19 HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	1447.000	EACH	1447.00

20263

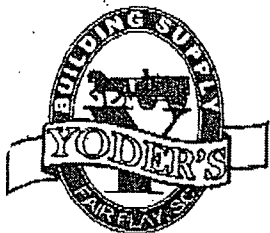
USR: 7

13:59

SALES AMOUNT	1447.00
SALES TAX	0.00
TOTAL	1447.00

BALANCE DUE





YODER'S BUILDING SUPPLIES, INC.
2353 SANDIFER BLVD
WESTMINISTER, SC 29693
PHONE: (864) 972-3003
FAX: (864) 647-8902
www.goyoders.com

INVOICE DATE	TRANS. NO	PAGE
04/16/09	1114247	1

REPRINT

BILL TO		SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608		VERNON JOB 470 HIGHRIIDGE PARKWAY MARIETTA-SC GREENVILLE, SC 29608	
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO #
1114247	04/16/09	LANCO022	MD-7206-404189

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	QTY	AMOUNT
1		ISINSUL	INSTALLED INSULATION 2ND DRAW: REINSTALL INSULATION PLUMBERS PULLED OUT = N/C SOUND PROOF: BASEMENT CEILING AND INTERIOR WALLS HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	1090.100	EACH	1090.10

18960

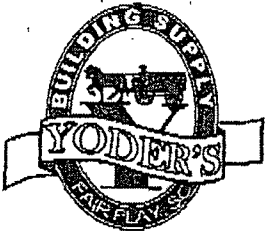
USR: 7

09:39

SALES AMOUNT	1090.10
SALES TAX	0.00
TOTAL	1090.10

BALANCE DUE





YODER'S BUILDING SUPPLIES, INC.
 2353 SANDIFER BLVD
 WESTMINISTER, SC 29693
 PHONE: (864) 972-3003
 FAX: (864) 647-8902
 www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
03/09/09	1108714	1

REPRINT

Insulation

BILL TO		SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608		VERNON JOB 470 HIGHRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608	
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO#
1108714	03/09/09	LANCO022	MD-7206-404189

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	U/M	AMOUNT
1		ISINSUL	INSTALLED INSULATION 1ST DRAW: MAIN LEVEL EXTERIOR WALLS, NON BLOWABLE CEILING, KNEE WALLS, BASEMENT DAY LIGHT WALLS, BANDS, PLTES, BASEMENT CUT OFF UNHEATED AREA, BASEMENT UNHEATED BASEMENT CEILING: BAFFLES HWY 11 TO MTN. PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	2914.000	EACH	2914.00

18786

USR: 7

13:18

SALES AMOUNT	2914.00
SALES TAX	0.00
TOTAL	2914.00

BALANCE DUE





Yoder's Building Supply

P.O. Box 318
500 E Fair Play Boulevard
Fair Play, SC 29643

Ph (864) 972-3003 | Fax (864) 972-9328
Website www.GOYODERS.com

Quote Date	Quote No.	Page
02/03/2009	00950	1 / 2

Insulation Quote

Quoted to:			Quoted by:		
MAC DUNN / LANDMARC CONSTRUCTION PO BOX 4782, GREENVILLE, SC 29608			David Powell / Insulation Sales Cell 8647107518 Fax 8649729328 E-Mail dpowell@goyoders.com		
Job: Vernon Residence Greenville County, Cleveland, SC					
Quote No.	Quote Date	Expiry Date	Cust. Account	Salesman	Printed
00950	02/03/2009	03/05/2009		T	01/06/2010

#	Work area	Item Description	Qty
1	Main Level Exterior Walls	Knauf R19 Fiberglass Insulation	-
2	Ceilings Not Accessible After Drywall	Knauf R30 Fiberglass Insulation	-
3	Knee Walls	Knauf R19 Fiberglass Insulation	-
4	Ceiling (blowable After Drywall)	Applegate R30 Cellulose Insulation 5.4"	-
5	Basement (Day Light Walls)	Knauf R19 Fiberglass Insulation	-
6	Bands and Plates	Knauf R13 Fiberglass Insulation	-
7	Basement (Cut Off Unheated Area)	Knauf R19 Fiberglass Insulation	-
8	Basement (unheated Basement Ceiling)	Knauf R19 Fiberglass Insulation	-
9	Vent Eaves	16" Card board baffle	-
10	Crawl Space	Knauf R19 Fiberglass Insulation	50
11	Basement (Ceiling For Sound)	Knauf R19 Fiberglass Insulation	-
12	Interior Walls As Noted	Knauf R13 Fiberglass Insulation	-

Sales Amount	\$5,451.10
Sales Tax	\$0.00
Total	\$5,451.10

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are full covered by Workman's Compensation Insurance.

Acceptance of Proposal—The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature David Powell

Note: This proposal may be withdrawn by us if not accepted by 03/05/2009.

Signature _____

Signature _____

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS INSULATION

PROJECT:

Payment Request Number 2 for period dated 4/16/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated) \$7814.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$7814.00

Less payments received to date: \$6251.20

Amount due this request: \$1562.80

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: YODERS INSULATION Authorized Signature: David Powell

landmarc@bellsouth.net
Phone: 864.202.3019 PO Box 4782 Greenville SC 29608 fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC. 29608
FAX: (864) 268-5254

FROM: YODERS INSULATION

PROJECT:

Payment Request Number 1 for period dated 3/27/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated)

\$7814.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date:

\$6251.20

Less payments received to date:

0.00

Amount due this request:

\$6251.20

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: YODERS INSULATION Authorized Signature: David Powell

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC. 29608

fax: 864.268.5254

*good discount
materials*

Yoder Insulation

Yoder Insulation	
Total Yoders billed LandMarc for the insulation install	\$5,451.10
Total LandMarc billed the Vernons for the insulation install	\$7,814.00
Total LandMarc overbilled the Vernons for the insulation install	\$2,362.90 - 43% of total

Invoices provided by LandMarc as billing backup

Date	Amount	Signed By
3/27/09	\$6,251.20	David Powell
4/16/09	\$1,562.80	David Powell
Total	\$7,814.00	

Quote provided by Yoder's

3/9/09	\$5,451.10	Quote

Invoices provided by Yoder's

3/9/09	\$2,914.00	
4/16/09	\$1,090.10	
8/24/09	\$1,447.00	
Total	\$5,451.10	

This shows a total of \$2,362.90 that the Vernon's were over billed by LandMarc for the insulation install.

This also shows that LandMarc had full knowledge that the insulation was to cost a total of \$5,451.10 on 3/9/09 but still billed the Vernon's \$6,251.20 on 3/27/09.



YODER'S BUILDING SUPPLIES, INC

P.O. BOX 318
 FAIR PLAY, SC 29643
 PHONE: (864) 972-3003
 FAX: (864) 972-9328
 www.goyoders.com

INVOICE DATE	TRANS. NO.	PAGE
10/22/09	1143524	1

AR Inst Sale

Customer Copy

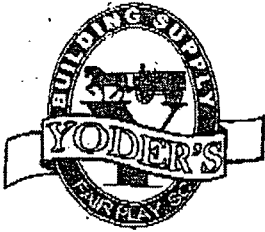
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608			VERNON JOB 470 HIGHRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608		
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO.	SHIP DATE	SALESPERSON
1143524	10/22/09	LANCO022	MD-10850-404217		PATRICK WESTBROOK

on 10th of 2nd Month

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNT PRICE	U/M AMOUNT	
1		ISSTONE	INSTALLED STONE - INSTALLED STONE ON VANITY AND STEPS - INSTALLED FLAGSTONE ON STEPS AND BUILT STEPS Total Ship Units: 1.000 EACH	1350.000	EACH	1350.00

SALES AMOUNT	1350.00
SALES TAX	0.00
TOTAL	1350.00

RECEIPT NECCESSARY FOR RETURNS



YODER'S BUILDING SUPPLIES, INC.
2353 SANDIFER BLVD
WESTMINISTER, SC 29693
PHONE: (864) 972-3003
FAX: (864) 647-8902
www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
08/25/09	1135141	1

REPRINT

BILL TO				SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608				VERNON JOB 470 HIGHRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608	
ORDER NO	ORDER DATE	CUSTOMER NO	CUSTOMER PO #		
1135141	08/25/09	LANCO022	MD4200-404233		

ORDERED	SHIP	ITEM NO	ITEM DESCRIPTION	UNIT PRICE	U/M	AMOUNT
1		ISSTONE	ORIGINAL CONTRACT DATA TOTAL CONTRACT = \$9,100.00 SUBMITTED APPLICATION FOR PAYMENT: REQUEST # 1 = \$4,550.00 SUBMITTED APPLICATION FOR PAYMENT: REQUEST # 2 = \$4,550.00 - STONE PORCH AND PATIO FLOORING JOB	0.000	EACH	0.00
1		ISSTONE	INSTALLED STONE APPLICATION FOR PAYMENT REQUEST # 2 HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	4550.000	EACH	4550.00

18633

USR: 81

12:10

SALES AMOUNT	4550.00
SALES TAX	0.00
TOTAL	4550.00

BALANCE DUE



This fax was received by ContractOne, Inc Fax Server.



YODER'S BUILDING SUPPLIES, INC

P.O. BOX 318
 FAIR PLAY, SC 29643
 PHONE: (864) 972-3003
 FAX: (864) 972-9328
 www.goyoders.com

INVOICE DATE	TRANS. NO.	PAGE
08/24/09	1135006	1

AR Inst Sale

Customer Copy

LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608			VERNON JOB 470 HIGHRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608		
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO.	SHIP DATE	SALESPERSON
1135006	08/24/09	LANC0022	MD4641-404231		PATRICK WESTBROOK
Net 2nd 10th.					

ORDERED	SHIP	ITEM NO.	ITEM DESCRIPTION	UNT PRICE	U/M	AMOUNT
1		ISSTONE	INSTALLED STONE APPLICATION FOR PAYMENT # 2 CHANGE ORDER #1 INCLUDED Total Ship Units: 1.000 EACH	25188.880	EACH	25188.88

RECEIPT NECSESSARY FOR RETURNS

SALES AMOUNT	25188.88
SALES TAX	0.00
TOTAL	25188.88

From: unknown Page: 7/9 Date: 1/8/2010 11:46:49 AM



YODER'S BUILDING SUPPLIES, INC.

2353 SANDIFER BLVD
 WESTMINISTER, SC 29693
 PHONE: (864) 972-3003
 FAX: (864) 647-8902
 www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
03/25/09	1111097	1

REPRINT

BILL TO		SHIP TO	
1111097	03/25/09	LANCO022	MD-4200-404233

Stone

ORDERED	SHIP	ITEM NO	ITEM DESCRIPTION	UNIT PRICE	U/M	AMOUNT
1		ISSTONE	INSTALLED STONE APPLICATION FOR PAYMENT: REQUEST # 1 HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	4550.000	EACH	4550.00

18633

USR: 81

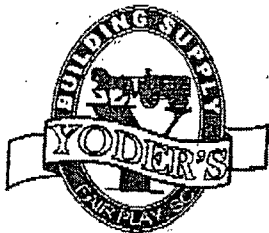
07:38

SALES AMOUNT	4550.00
SALES TAX	0.00
TOTAL	4550.00

BALANCE DUE



This fax was received by ContractOne, Inc Fax Server.



YODER'S BUILDING SUPPLIES, INC.
 2353 SANDIFER BLVD
 WESTMINISTER, SC 29693
 PHONE: (864) 972-3003
 FAX: (864) 647-8902
 www.goyoders.com

INVOICE DATE	TRANS NO	PAGE
03/25/09	1111088	1

REPRINT

BILL TO		SHIP TO	
LANDMARC CONSTRUCTION 3 PO BOX 4782 GREENVILLE, SC 29608		VERNON JOB 470 HIGHRIDGE PARKWAY MARIETTA SC GREENVILLE, SC 29608	
ORDER NO.	ORDER DATE	CUSTOMER NO.	CUSTOMER PO #
1111088	03/25/09	LANCO022	MD4641-404231

ORDERED	SHIP	ITEM NO	ITEM DESCRIPTION	UNIT PRICE	UOM	AMOUNT
1		ISSTONE	INSTALLED STONE APPLICATION FOR PAYMENT: REQUEST # 1 HWY 11 TO MTN PARK T/R INTO MTN PARK, GO STRAIGHT ABOUT 1 MILE JOB ON RIGHT.	23342.500	EACH	23342.50

18461

USR: 81

07:20

SALES AMOUNT	23342.50
SALES TAX	0.00
TOTAL	23342.50

BALANCE DUE



This fax was received by ContractOne, Inc Fax Server.

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE VENEER

PROJECT:

Payment Request Number 4 for period dated 5/10/09

Statement of Contract Amount:

Original Contract Amount: (per Dwgs <u>Elevation dated 12/2/08</u>)	<u>\$43640.00</u>
Net Change by approved Change Orders:	<u>\$5347.00</u>
Adjusted Contract Amount:	<u>\$48,987.00</u>
Value of work completed to date:	<u>\$48987.00</u>
Less payments received to date:	<u>\$44088.30</u>
Amount due this request:	<u>\$ 4898.70</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: YODERS STONE Authorized Signature: Gary Davis

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC
Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE STEPS

PROJECT:

Payment Request Number 1 for period dated 4/10/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs. Elevation dated 12/2/08) \$2500.00

Net Change by approved Change Orders: _____

Adjusted Contract Amount:

Value of work completed to date: \$2500.00

Less payments received to date: 0.00

Amount due this request: \$2500.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: YODERS STONE Authorized Signature: Gary Davis

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE PORCH FLOORING

PROJECT:

Payment Request Number 2 for period dated 4/10/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated 12/2/08) \$8500.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$8500.00

Less payments received to date: \$6800.00

Amount due this request: \$1700.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

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Subcontractor: YODERS STONE Authorized Signature: Gary Davis

Phone: 864.202.3019

landmarc@bellsouth.net
PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE VENEER

PROJECT:

Payment Request Number 3 for period dated 4/10/09

Statement of Contract Amount:

Original Contract Amount: (per Dwgs <u>Elevation dated 12/2/08</u>)	<u>\$43640.00</u>
Net Change by approved Change Orders:	<u>\$5347.00</u>
Adjusted Contract Amount:	<u>\$48,987.00</u>
Value of work completed to date:	<u>\$44088.30</u>
Less payments received to date:	<u>\$32730.00</u>
Amount due this request:	<u>\$11358.30</u>

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

I hereby certify that payments less applicable retention, have been made through the period covered by previous payments received from the contractor, to (1) all of my subcontractors and (2) for all materials and labor used in or in connection with the performance of this contract. I further certify I have complied with Federal, State, and Local Tax Laws, including Social Security Laws, Unemployment compensation laws, and Workman's Compensation laws insofar as applicable to the performance of this contract.

Subcontractor: YODERS STONE Authorized Signature: Gary Davis

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE VENEER

PROJECT:

Payment Request Number 2 for period dated 2/28/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwg. Elevation dated 12/2/08) \$43640.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$32730.00

Less payments received to date: \$20000.00

Amount due this request: \$12730.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: YODERS STONE Authorized Signature: Chip Chapman

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE COLUMNS

PROJECT:

Payment Request Number 1 for period dated 2/27/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated 12/2/08) \$5670.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$5670.00

Less payments received to date: 0.00

Amount due this request: \$5670.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: YODERS STONE Authorized Signature: Chip Chapman

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254



LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE PORCH FLOORING

PROJECT:

Payment Request Number 1 for period dated 2/27/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwg Elevation dated 12/2/08) \$8500.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$6800.00

Less payments received to date: 0.00

Amount due this request: \$6800.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: YODERS STONE Authorized Signature: Chip Chapman

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

LANDMARC

Custom Homes

Residential Subcontractor's Application for Payment

TO: LandMarc Constructors, Inc.
PO BOX 4782
Greenville, SC 29608
FAX: (864) 268-5254

FROM: YODERS STONE DIVISION
STONE VENEER

PROJECT:

Payment Request Number 1 for period dated 1/30/09

Statement of Contract Amount:

Original Contract Amount:
(per Dwgs Elevation dated: 12/2/08) \$43640.00

Net Change by approved Change Orders:

Adjusted Contract Amount:

Value of work completed to date: \$20000.00

Less payments received to date: 0.00

Amount due this request: \$20000.00

Applications for payment must be submitted on or before the 10th or 25th of each month. If application for payment received prior to the 10th then payment will be provided on the 25th, and if application for payment received on the 25th then payment will be provided on the 10th of the following month. Faxes are acceptable 24 hours a day. *Value of work completed to date* listed above must be for the work actually completed at the time this application is made. Do not request what you hope to accomplish. Do not show change orders until they have been approved. This will delay payment. All conditions are directly related to "Paid when Paid" by the owner. **ALL Workman's Compensation and General Liability Insurance Certificates MUST BE ON FILE with LANDMARC PRIOR to sending any request for payment.**

Certificate of Subcontractor

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Subcontractor: YODERS STONE Authorized Signature: Chip Chapman

landmarc@bellsouth.net

Phone: 864.202.3019

PO Box 4782 Greenville SC, 29608

fax: 864.268.5254

*no
document
when
Yoders
Signed*

Stone Veneer by Yoder's

Stone Veneer	
Total Yoders billed LandMarc for the stone veneer install	\$58,981.38
Total LandMarc billed the Vernons for stone veneer install	\$65,657.00
Total LandMarc overbilled the Vernons for stone veneer install	\$6,675.62 – 11% of total

Invoices provided by LandMarc as billing backup

Date	Amount	Signed By
1/30/09	\$20,000.00	Chip Chapman
2/27/09	\$6,800.00	Chip Chapman
2/27/09	\$5,670.00	Chip Chapman
2/28/09	\$12,730.00	Chip Chapman
4/10/09	\$11,358.30	Chip Chapman
4/10/09	\$1,700.00	Chip Chapman
4/10/09	\$2,500.00	Chip Chapman
5/10/09	\$4,898.70	Chip Chapman
Total	\$65,657.00	

Invoices provided by Yoder's

3/25/09	\$23,342.50	
3/25/09	\$4,550.00	
8/24/09	\$25,188.88	
8/25/09	\$4,550.00	
10/22/09	\$1,350.00	
Total	\$58,981.38	

This shows a total of \$6,675.62 that the Vernon's were over billed by LandMarc for the stone veneer install.

This also shows that LandMarc billed the Vernon's a total of \$45,200.00 before LandMarc was even billed from Yoder's for the stone veneer, showing intent to fraud as no pre billing was necessary due to 60 day payment terms with Yoder's.

1367

Bank of America

ACH 2/17 053904483

67-448-539

10/10/2009

LANDMARC CONSTRUCTORS, INC.
P.O. BOX 4782
GREENVILLE, SC 29608

PAY
TO THE
ORDER OF

Yoders

\$ 40,270.43

Forty Thousand Two Hundred Seventy and 43/100 ***** DOLLARS

Yoders

MEMO

[Signature]
AUTHORIZED SIGNATURE

001367 053904483 223000178447

PAY TO THE ORDER OF
CAPITAL BANK
FOR DEPOSIT ONLY
YODER'S BUILDING SUPPLY, INC
6000011.

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
10/14/2009	6230289709	53000206	Undetermined	N		FEDERAL RES BANK OF
10/13/2009	006492827505	111012822	Undetermined	N		BANK OF AMERICA, NA
10/13/2009	178559296008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK

No Payee Endorsements Found



Capture Date: 06/10/2009 Sequence #: 7292643370

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH NY 00001483 67-448-539	1324
PAY TO THE ORDER OF	Yoders	6/9/2009 \$ **84,665.56 DOLLARS	Security Features. Details on Bank.
Eighty-Four Thousand Six Hundred Sixty-Five and 56/100			
Yoders			
MEMO		 AUTHORIZED SIGNATURE	
⑈001324⑈ ⑆053904483⑆ 223000178447⑈			

PAY TO THE ORDER OF
 CAPITAL BANK
 FOR DEPOSIT ONLY
 YODERS BUILDING SUPPLY, INC.
 6308011

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
06/10/2009	007292643370	111012822	Undetermined	N		BANK OF AMERICA, NA
06/11/2009	6435946863	53000206	Undetermined	N		FEDERAL RES BANK OF
06/10/2009	156180476008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK

No Payee Endorsements Found



Capture Date: 05/08/2009 Sequence #: 7292209193

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH PAY 053504463 67-448-539	1310 5/1/2009
PAY TO THE ORDER OF	Yoders	\$ **12,908.21 DOLLARS	Security Features. Check on Back.
Twelve Thousand Nine Hundred Eight and 21/100			
Yoders			
MEMO		 AUTHORIZED SIGNATURE	

⑈001310⑈ ⑆053504463⑆ 223000178447⑈

PAY TO THE ORDER OF
 CAPITAL BANK
 FOR DEPOSIT ONLY
 YODER'S BUILDING SUPPLY, INC
 6008031

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
05/08/2009	149961176008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK
05/11/2009	6338966693	53000206	Undetermined	N		FEDERAL RES BANK OF
05/08/2009	007292209193	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found

23
 BOA 00202



Capture Date: 04/03/2009 Sequence #: 6492058364

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH PAY 05300483 67-448-539	1296 4/6/2009
PAY TO THE ORDER OF	Yoders	\$ 13,276.11	Security Features. Details on back.
Thirteen Thousand Two Hundred Seventy-Six and 11/100		DOLLARS	
Yoders		 AUTHORIZED SIGNATURE	
MEMO	Vernon Job		

⑈001296⑈ ⑆053904483⑆ 223000178447⑈

PAY TO THE ORDER OF
 YODERS CONSTRUCTORS, INC.
 67-448-539

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
04/03/2009	143191196008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK
04/06/2009	6232477974	53000206	Undetermined	N		FEDERAL RES BANK OF
04/03/2009	006492058364	111012822	Undetermined	N		BANK OF AMERICA, NA

No Payee Endorsements Found



Capture Date: 10/26/2009 Sequence #: 6792507826

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RT 0530-1425 67-448-539	1383 10/23/2009
PAY TO THE ORDER OF	Yoders	\$ 22,493.27	Security features details on back.
Twenty-Two Thousand Four Hundred Ninety-Three and 27/100		DOLLARS	
Yoders		 AUTHORIZED SIGNATURE	
MEDAC			
⑈001383⑈ ⑈053904483⑈ 223000178447⑈			

PAY TO THE ORDER OF
 CAPITAL BANK
 FOR DEPOSIT ONLY
 YODER'S BUILDING SUPPLY, INC.
 6008011

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
10/26/2009	180711816008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK
10/26/2009	006792507826	111012822	Undetermined	N		BANK OF AMERICA, NA
10/27/2009	6536607175	53000206	Undetermined	N		FEDERAL RES BANK OF

No Payee Endorsements Found

28
 BOA 00196



Capture Date: 03/12/2009 Sequence #: 7192118014

1283

Bank of America.

LANDMARC CONSTRUCTORS, INC.
P.O. BOX 4782
GREENVILLE, SC 29608

ACH RPT 000004483

67-448-539

3/10/2009

PAY
TO THE
ORDER OF

Yoders

\$ **43,646.84

Forty-Three Thousand Six Hundred Forty-Six and 84/100 ***** DOLLARS

Yoders

MEMO

[Signature]
AUTHORIZED SIGNATURE

⑈001283⑈ ⑆053404483⑆ 223000178447⑈

Bank of America



Capture Date: 02/23/2009 Sequence #: 6692490848

LANDMARC CONSTRUCTORS, INC. P.O. BOX 4782 GREENVILLE, SC 29608		Bank of America. ACH RTT 03300483 67-448-539	1282 2/19/2009
PAY TO THE ORDER OF	Yoders	\$ **12,000.00	Security Features. Details on back BP
Twelve Thousand and 00/100		DOLLARS	
MEMO Yoders		 AUTHORIZED SIGNATURE	
⑈001282⑈ ⑆053904483⑆ 223000178447⑈			

PAY TO THE ORDER OF
 CAPITAL BANK
 MAY BE DEPOSITED ONLY
 FOR DEPOSIT ONLY
 CAPITAL BANK
 02/23/09

Electronic Endorsements

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
02/23/2009	006692490848	111012822	Undetermined	N		BANK OF AMERICA, NA
02/24/2009	6231492731	53000206	Undetermined	N		FEDERAL RES BANK OF
02/23/2009	135468266008011	53202091	Rtn Loc/BOFD	Y		CAPITALBANK

No Payee Endorsements Found

20

BOA 00204

	Payments on Yoder account by Landmarc Per Yoder accounting	Payments on Yoder account per Landmarc Account #8447	Check # from acct #8447	Yoder costs that Landmarc included in billing and Vernon's paid	Landmarc bill date
1/15/09				\$ 39,494.02	12/25/08
2/10/09				\$ 49,609.46	1/25/08
2/19/09		\$ (12,000.00)	Check #1282		
3/9/09				\$ 80,901.64	2/28/09
3/10/09		\$ (43,646.84)	Check #1283		
3/12/09	(\$40,283.90)				
4/3/09	(\$13,276.11)				
4/6/09		\$ (13,276.11)	Check #1296		
4/22/09				\$ 48,392.49	4/15/09
5/1/09		\$ (12,908.21)	Check #1310		
5/8/09	(\$11,368.27)				
6/2/09				\$ 55,399.98	5/15/09
6/9/09		\$ (84,665.56)	Check #1324		
6/10/09	\$ (58,340.06)				
7/22/09				\$ 20,511.75	6/30/09
8/20/09				\$ 7,928.98	7/31/09
10/8/09				\$ 11,957.11	9/25/09
10/10/09		\$ (40,270.43)	Check #1367		
10/13/09	\$ (39,652.43)				
10/23/09		\$ (22,493.27)	Check #1383		
10/26/09	\$ (15,019.70)				
11/16/09				\$ 1,478.59	11/5/09
	\$ (177,940.47)	\$ (229,260.42)		\$ 315,674.02	

4/3/09	(\$13,276.11)
5/8/09	(\$11,368.27)
6/10/09	\$ (58,340.06)
10/13/09	\$ (39,652.43)
10/26/09	\$ (15,019.70)
	<u>(\$177,940.47)</u>

Credits on account (none were given to the Vernon's)

12/30/08	\$ (779.69)
1/15/09	\$ (275.14)
1/19/09	\$ (242.03)
2/4/09	\$ (3,781.32)
5/8/09	\$ (665.17)
5/8/09	\$ (1,038.80)
5/12/09	\$ (3,557.41) original invoice #1118287 was billed to the Vernon's
	<u>\$ (10,339.56)</u>

Finance charges

2/15/09	\$ 789.88
3/15/09	\$ 260.32
4/15/09	\$ 232.34
5/15/09	\$ 1,180.34
6/15/09	\$ 1,179.65
6/26/09	\$ (232.34)
6/26/09	\$ (1,180.34)
6/26/09	\$ (1,179.65)
7/15/09	\$ 1,946.16
8/16/09	\$ 2,356.57
9/16/09	\$ 2,570.11
10/15/09	\$ 2,419.82
11/16/09	\$ 2,287.94
	<u>\$ 12,630.80</u>

Current account balance check \$ 139,047.30

Summary

Total charged at Yoders on Vernon Job account	a	\$ 314,696.53
Total billed to the Vernon's by Landmarc	b	\$ 321,030.59
Total paid to Landmarc by the Vernon's	c	\$ 315,674.02
Charges on Yoder account that were billed but not paid by Vernon's	d	\$ 5,356.57
Not included in any draw request from Landmarc	e	\$ 8,704.46
Payments by Landmarc on Yoder account per Yoder's	f	\$ 177,940.47
Credits on account	g	\$ 10,339.56
Finance charges on account	h	\$ 12,630.80
Total due to the Vernon's for overbilling from Landmarc	c-(a-e-g)	\$ 20,021.41
Total amount that is due from Landmarc to Yoder	a-f-g+h	\$ 139,047.30

38412	11.	09/16/2009	red Oak Delivery	774 Yoder	Mat	y \$	1,239.56	
38405	1138227	09/16/2009	Red Oak	774 Yoder	Material	y \$	1,903.50	
38530	1142230	10/15/2009	Red Oak	774 Yoder	Material	y \$	443.71	
38531	1144263	10/28/2009	Door HDWR	774 Yoder	Material	y \$	1,034.88	
38453	1145271	11/05/2009	Plywood/Studs/Cedar/nails/Scre	774 Yoder	Material	y \$	1,126.33	
38450	1145697	11/09/2009	Screen Door	774 Yoder	Material	y \$	1,020.06	
38454	1145698	11/09/2009	Birch Plywood	774 Yoder	Material	y \$	216.18	
38455	1145699	11/09/2009	Cabinet Hinges	774 Yoder	Material	y \$	42.40	
38451	1145700	11/09/2009	Spring hinges	774 Yoder	Material	y \$	50.78	
38460	1145920	11/10/2009	Knobs	774 Yoder	Material	y \$	336.59	These invoices were included in the last draw request that was not paid to Landmarc
38459	1145921	11/10/2009	Bath accreesories	774 Yoder	Material	y \$	130.38	
38452	1145922	11/10/2009	Cedar/Lags	774 Yoder	Material	y \$	1,489.11	
38458	1145923	11/10/2009	Shelf material	774 Yoder	Material	y \$	367.29	
38456	1146104	11/11/2009	3-4068 HC Birch Doors	774 Yoder	Material	y \$	504.92	
38457	1146901	11/17/2009	shelf-rod brackets/screen hdwr	774 Yoder	Material	y \$	72.53	
1108714		3/9/09	Insulation	774 Yoder	Subcontract		\$2,914.00	
1111088		3/25/09	Stone Veneer	774 Yoder	Subcontract		\$23,342.50	
1111097		3/35/09	Stone Veneer	774 Yoder	Subcontract		\$4,550.00	
1114247		4/16/09	Insulation	774 Yoder	Subcontract		\$1,090.10	
1116512		4/29/09	Drywall	774 Yoder	Subcontract		\$13,323.00	These are invoices that were for Insulation, Stone veneer or Drywall that were paid in full to Landmarc (Landmarc over billed for these)
1134947		8/24/09	Insulation	774 Yoder	Subcontract		\$1,447.00	
1135006		8/24/09	Stone Veneer	774 Yoder	Subcontract		\$25,188.88	
1135141		8/25/09	Stone Veneer	774 Yoder	Subcontract		\$4,550.00	
1143524		10/22/09	Stone Veneer	774 Yoder	Subcontract		\$1,350.00	
							\$ 305,992.07	

Items that were included on Yoders accounting but not included in any draw request from Landmarc

1/14/09 Fuel charge for return pickup	1100804	\$8.48	
1/21/09 Fuel charge for return pickup	1101788	\$8.48	
2/3/09 Fuel charge for return pickup	1103602	\$8.48	
2/11/09 Cedar trim	1104875	\$51.41	
5/6/09 Cedar T&G	1117372	\$3,557.41	
5/8/09 Deliver of shakes back to jobsite	1117831	\$8.48	
6/5/09 Fuel charge for delivery of material from Carolina Customs	1122440	\$8.48	
8/26/09 Deck screen	1135321	\$81.62	
9/25/09 Trim material	1139656	\$86.88	
10/15/09 Red Oak	1142228	\$243.12	
10/15/09 Red Oak	1142231	\$40.28	
10/15/09 Red Oak	1142232	\$1,054.55	
10/15/09 MDF	1142233	\$30.37	
10/20/09 Solumber Matt	1143067	\$518.61	Deck repair
10/21/09 Bituthene	1143162	\$356.03	Deck repair
10/21/09 screws	1143181	\$318.53	Deck repair
10/23/09 IPE	1143669	\$1,810.48	Deck repair
11/2/09 Plugs	1144817	\$205.91	Deck repair
11/2/09 Solumber freight charge	1144917	\$56.86	Deck repair
11/9/09 Oak	1145867	\$250.00	
		\$8,704.46	

Payments on account by Landmarc per Yoders accounting
(\$40,283.90)

3/12/09

38372	11	04/07/2009	Siding	774 Yoder	Mat	y \$	3,681.80
38375	1112/82	04/07/2009	Siding	774 Yoder	Material	y \$	113.21
38376	1112783	04/07/2009	Siding	774 Yoder	Material	y \$	4,629.66
38371	1112784	04/07/2009	Plywood	774 Yoder	Material	y \$	80.54
38383	1112785	04/07/2009	Plywood	774 Yoder	Material	y \$	228.96
38384	1113000	04/08/2009	Studs	774 Yoder	Material	y \$	67.31
38377	1113001	04/08/2009	Siding	774 Yoder	Material	y \$	419.76
38391	1113452	04/10/2009	Siding	774 Yoder	Material	y \$	962.20
38392	1113453	04/10/2009	Plywood	774 Yoder	Material	y \$	330.64
38398	1113454	04/10/2009	Studs	774 Yoder	Material	y \$	108.12
38395	1114404	04/17/2009	Siding	774 Yoder	Material	y \$	1,102.93
38396	1115080	04/22/2009	Plywood/Nails	774 Yoder	Material	y \$	302.57
38387	1115307	04/23/2009	Siding	774 Yoder	Material	y \$	1,814.89
38399	1115840	04/27/2009	IPe	774 Yoder	Material	y \$	12,812.54
38397	1115841	04/27/2009	Siding	774 Yoder	Material	y \$	687.09
38400	1115848	04/27/2009	Bronze metal bent 1"-2"	774 Yoder	Material	y \$	199.28
38388	1116192	04/28/2009	Siding	774 Yoder	Material	y \$	227.90
38389	1116895	05/01/2009	Siding	774 Yoder	Material	y \$	2,299.61
38393	1117830	05/08/2009	Deck handrail samples	774 Yoder	Material	y \$	21.73
38390	1117832	05/08/2009	Siding	774 Yoder	Material	y \$	1,076.06
38385	1117965	05/11/2009	Doors	774 Yoder	Material	y \$	1,372.59
38386	1118235	05/12/2009	Basement Trim	774 Yoder	Material	y \$	2,411.50
38394	1118287	05/12/2009	Siding/Deck rail samples	774 Yoder	Material	y \$	3,557.41
38401	1118377	05/13/2009	Shims	774 Yoder	Material	y \$	19.16
38402	1118778	05/14/2009	Plugs	774 Yoder	Material	y \$	309.26
38269	1120959	05/27/2009	Material	774 Yoder	Material	y \$	340.05
38268	1121676	06/01/2009	Interior Doors	774 Yoder	Material	y \$	1,439.48
38270	1122249	06/04/2009	Attic Stairs	774 Yoder	Material	y \$	220.48
38271	1123106	06/10/2009	Interior Trim	774 Yoder	Material	y \$	12,697.48
38449	1123760	06/15/2009	Red Oak	774 Yoder	Material	y \$	163.24
38265	1125018	06/23/2009	Exterior Doors	774 Yoder	Material	y \$	3,693.94
38267	1125019	06/23/2009	Interior Doors	774 Yoder	Material	y \$	1,957.08
38429	1127202	07/06/2009	Oak Plugs	774 Yoder	Material	y \$	10.60
38419	1127600	07/08/2009	3068 Door	774 Yoder	Material	y \$	1,041.98
38428	1128290	07/13/2009	Oak plugs/material	774 Yoder	Material	y \$	259.70
38427	1128977	07/16/2009	Delivery of Red Oak	774 Yoder	Material	y \$	220.48
38426	1128978	07/16/2009	Finish nails	774 Yoder	Material	y \$	238.50
38430	1129239	07/17/2009	Doors	774 Yoder	Material	y \$	7,199.70
38414	1129242	07/17/2009	4068 3pnl Door	774 Yoder	Material	y \$	1,495.93
38410	1129793	07/22/2009	Beam Material Pine/Spruce	774 Yoder	Material	y \$	209.99
38404	1131918	08/04/2009	Timberlock Screws/Glue	774 Yoder	Material	y \$	57.24
38408	1132023	08/04/2009	Shoe Mold/Red Oak/Cedar	774 Yoder	Material	y \$	1,085.92
38407	1132470	08/07/2009	Shoe Mold	774 Yoder	Material	y \$	249.52
38415	1132471	08/07/2009	Door Delivery	774 Yoder	Material	y \$	326.48
38417	1132472	08/07/2009	Siding	774 Yoder	Material	y \$	720.80
38416	1132526	08/07/2009	Labor	774 Yoder	Material	y \$	212.00
38409	1133967	08/18/2009	Red Oak	774 Yoder	Material	y \$	1,403.02
38403	1134505	08/21/2009	2x6 treated/T&G OSB	774 Yoder	Material	y \$	548.35
38411	1135001	08/24/2009	Red Oak Transport	774 Yoder	Material	y \$	898.88
38418	1136385	09/02/2009	2x4/screws/glue	774 Yoder	Material	y \$	268.41
38406	1137559	09/11/2009	CDX	774 Yoder	Material	y \$	68.37
38413	1137560	09/11/2009	Door HDWR	774 Yoder	Material	y \$	227.16

Record#	Ti	Date	Description/Job	Vendor	Cost Ty	Yoder Invoices
38431	1103774	01/15/2009	Shingles	774 Yoder	Material	y \$ 9,890.33
38236	1096736	01/01/2009	Framing Material	774 Yoder	Material	y \$ 3,360.39
38237	1096737	01/01/2009	Framing Material	774 Yoder	Material	y \$ 1,534.67
38238	1097302	01/01/2009	Framing Material	774 Yoder	Material	y \$ 5,932.93
38239	1097303	01/01/2009	Framing Material	774 Yoder	Material	y \$ 7,592.70
38240	1097500	01/01/2009	Framing Material	774 Yoder	Material	y \$ 2,080.36
38241	1097501	01/01/2009	Framing Material	774 Yoder	Material	y \$ 1,714.88
38242	1097502	01/01/2009	Framing Material	774 Yoder	Material	y \$ 159.58
38243	1097503	01/01/2009	Framing Material	774 Yoder	Material	y \$ 227.26
38244	1097968	01/01/2009	Framing Material	774 Yoder	Material	y \$ 2,458.94
38254	1097969	01/01/2009	Framing Material	774 Yoder	Material	y \$ 2,662.33
38245	1097970	01/01/2009	Framing Material	774 Yoder	Material	y \$ 190.80
38246	1097971	01/01/2009	Framing Material	774 Yoder	Material	y \$ 21.20
38247	1097972	01/01/2009	Framing Material	774 Yoder	Material	y \$ 248.79
38248	1097973	01/01/2009	Framing Material	774 Yoder	Material	y \$ 23.32
38249	1097974	01/01/2009	Framing Material	774 Yoder	Material	y \$ 2,698.62
38250	1097975	01/01/2009	Framing Material	774 Yoder	Material	y \$ 4,629.84
38251	1098179	01/01/2009	Framing Material	774 Yoder	Material	y \$ 1,205.01
38252	1098524	01/01/2009	Framing Material	774 Yoder	Material	y \$ 1,697.70
38253	1098525	01/01/2009	Framing Material	774 Yoder	Material	y \$ 1,054.70
38435	1098655	01/01/2009	BCI	774 Yoder	Material	y \$ 1,626.25
38436	1098659	01/01/2009	Framing Mat	774 Yoder	Material	y \$ 3,847.78
38437	1098660	01/01/2009	Framing Mat	774 Yoder	Material	y \$ 460.15
38438	1098661	01/01/2009	Hanger	774 Yoder	Material	y \$ 108.20
38439	1099092	01/01/2009	P-Lam	774 Yoder	Material	y \$ 2,024.95
38440	1099093	01/01/2009	Framing Mat	774 Yoder	Material	y \$ 1,606.43
38441	1099094	01/01/2009	Framing Mat	774 Yoder	Material	y \$ 2,274.28
38442	1099408	01/06/2009	Siding	774 Yoder	Material	y \$ 1,113.00
38443	1099409	01/06/2009	Gold screws	774 Yoder	Material	y \$ 63.07
38444	1099481	01/06/2009	Framing Mat	774 Yoder	Material	y \$ 358.64
38445	1099481	01/06/2009	Roof waterproofing	774 Yoder	Material	y \$ 1,304.10
38446	1099768	01/08/2009	Siding	774 Yoder	Material	y \$ 75.83
38447	1099895	01/08/2009	Spruce	774 Yoder	Material	y \$ 241.68
38434	1100803	01/14/2009	Siding	774 Yoder	Material	y \$ 3,628.12
38448	1101238	01/16/2009	LVL	774 Yoder	Material	y \$ 134.41
38433	1102562	01/26/2009	Siding	774 Yoder	Material	y \$ 768.50
38432	1103139	01/29/2009	Hangers	774 Yoder	Material	y \$ 83.74
38422	1103601	02/03/2009	Framing Mat	774 Yoder	Material	y \$ 230.87
38423	1104412	02/09/2009	OSB	774 Yoder	Material	y \$ 21.62
38420	1105533	02/16/2009	Shingles	774 Yoder	Material	y \$ 822.56
38421	1107376	02/26/2009	Window Package	774 Yoder	Material	y \$ 54,507.60
38424	1107377	02/26/2009	Framing Mat	774 Yoder	Material	y \$ 96.20
38425	1107378	02/26/2009	1x6 Spruce	774 Yoder	Material	y \$ 22.79
38378	1108105	03/05/2009	Framing Mat	774 Yoder	Material	y \$ 121.21
38379	1108786	03/10/2009	Siding	774 Yoder	Material	y \$ 102.08
38380	1108787	03/10/2009	siding	774 Yoder	Material	y \$ 608.44
38381	1108788	03/10/2009	Framing Mat	774 Yoder	Material	y \$ 137.75
38382	1109736	03/16/2009	Siding	774 Yoder	Material	y \$ 506.68
38373	1111779	03/31/2009	Siding	774 Yoder	Material	y \$ 9,063.85
38374	1112388	04/03/2009	siding	774 Yoder	Material	y \$ 6,821.74

12/15/2009

Customer A/R Transactions
YODER'S BUILDING SUPPLIES, INC.

Page 4

Customer code: LANCO022
Current bal: 139047.30

VERNON JOB
Previous bal: 139047.30

Date	Trans Type	Trans Number	Str	Orig Amount	Paid Amount	Open Discount Amount	Discount Date	Discount Amount
09/02/09	INVC	1136385	1	268.41	0.00	268.41		0.00
09/11/09	INVC	1137559	1	68.37	0.00	68.37		0.00
09/11/09	INVC	1137560	1	227.16	0.00	227.16		0.00
09/14/09	INVC	~~1137826~~	1	0.00	0.00	0.00		0.00
09/15/09	INVC	~~1138103~~	2	0.00	0.00	0.00		0.00
09/15/09	INVC	~~1138104~~	2	0.00	0.00	0.00		0.00
09/16/09	FINCH	91609	1	2570.11	0.00	2570.11		0.00
09/16/09	INVC	1138226	1	1239.56	0.00	1239.56		0.00
09/16/09	INVC	1138227	1	1903.50	0.00	1903.50		0.00
09/25/09	INVC	1139656	1	86.88	0.00	86.88		0.00
10/12/09	INVC	~~1141009~~	1	0.00	0.00	0.00		0.00
10/13/09	PYMNT	1367	1	-39652.43	39652.43	0.00		0.00
10/15/09	INVC	1142228	1	243.12	0.00	243.12		0.00
10/15/09	INVC	1142230	1	443.71	0.00	443.71		0.00
10/15/09	INVC	1142231	1	40.28	0.00	40.28		0.00
10/15/09	INVC	1142232	1	1054.55	0.00	1054.55		0.00
10/15/09	INVC	1142233	1	30.37	0.00	30.37		0.00
10/15/09	FINCH	101509	1	2419.82	0.00	2419.82		0.00
10/20/09	INVC	1143067	1	518.61	0.00	518.61		0.00
10/21/09	INVC	1143162	1	356.03	0.00	356.03		0.00
10/21/09	INVC	1143181	1	318.53	0.00	318.53		0.00
10/22/09	INVC	1143524	1	1350.00	0.00	1350.00		0.00
10/22/09	INVC	~~1143525~~	2	0.00	0.00	0.00		0.00
10/23/09	INVC	1143669	1	1810.48	0.00	1810.48		0.00
10/26/09	PYMNT	1383	1	-15019.70	15019.70	0.00		0.00
10/28/09	INVC	1144263	1	1034.88	0.00	1034.88		0.00
11/02/09	INVC	1144817	1	205.91	0.00	205.91		0.00
11/02/09	INVC	1144917	1	56.86	0.00	56.86		0.00
11/05/09	INVC	1145271	1	1126.33	0.00	1126.33		0.00
11/09/09	INVC	1145697	1	1020.06	0.00	1020.06		0.00
11/09/09	INVC	1145698	1	216.18	0.00	216.18		0.00
11/09/09	INVC	1145699	1	42.40	0.00	42.40		0.00
11/09/09	INVC	1145700	1	50.78	0.00	50.78		0.00
11/09/09	INVC	1145867	1	250.00	0.00	250.00		0.00
11/10/09	INVC	1145920	1	336.59	0.00	336.59		0.00
11/10/09	INVC	1145921	1	130.38	0.00	130.38		0.00
11/10/09	INVC	1145922	1	1489.11	0.00	1489.11		0.00
11/10/09	INVC	1145923	1	367.29	0.00	367.29		0.00
11/11/09	INVC	1146104	1	504.92	0.00	504.92		0.00
11/16/09	FINCH	111609	1	2287.94	0.00	2287.94		0.00
11/17/09	INVC	1146901	1	72.53	0.00	72.53		0.00
Totals				139047.30	0.00	139047.30		

12/15/2009

Customer A/R Transactions
YODER'S BUILDING SUPPLIES, INC.

Page 3

Customer code: LANCO022

VERNON JOB

Current bal: 139047.30

Previous bal: 139047.30

Date	Trans Type	Trans Number	Str	Orig Amount	Paid Amount	Open Amount	Discount Date	Discount Amount
05/08/09	INVC	1117832	1	1076.06	0.00	1076.06		0.00
05/11/09	INVC	1117965	1	1372.59	0.00	1372.59		0.00
05/12/09	INVC	1118235	1	2411.50	0.00	2411.50		0.00
05/12/09	CR M	1118285	1	-3557.41	3557.41	0.00		0.00
05/12/09	INVC	1118287	1	3557.41	0.00	3557.41		0.00
05/13/09	INVC	1118377	1	19.16	0.00	19.16		0.00
05/14/09	INVC	1118778	1	309.26	0.00	309.26		0.00
05/15/09	FINCH	51509	1	1180.34	-1180.34	0.00		0.00
05/27/09	INVC	1120959	1	340.05	0.00	340.05		0.00
06/01/09	INVC	1121676	1	1439.48	0.00	1439.48		0.00
06/04/09	INVC	1122249	1	220.48	0.00	220.48		0.00
06/05/09	INVC	1122440	1	8.48	0.00	8.48		0.00
06/10/09	INVC	1123106	1	12697.48	0.00	12697.48		0.00
06/10/09	PYMNT	1324	①	-58340.06	58340.06	0.00		0.00
06/15/09	INVC	1123760	1	163.24	0.00	163.24		0.00
06/15/09	FINCH	61509	1	1179.65	-1179.65	0.00		0.00
06/23/09	INVC	1125018	1	3693.94	0.00	3693.94		0.00
06/23/09	INVC	1125019	1	1957.08	0.00	1957.08		0.00
06/26/09	FINCH	0	1	-1179.65	1179.65	0.00		0.00
06/26/09	FINCH	0	1	-1180.34	1180.34	0.00		0.00
06/26/09	FINCH	0	1	-232.34	232.34	0.00		0.00
07/06/09	INVC	1127202	1	10.60	0.00	10.60		0.00
07/08/09	INVC	1127600	1	1041.98	0.00	1041.98		0.00
07/13/09	INVC	1128290	1	259.70	0.00	259.70		0.00
07/15/09	FINCH	71509	1	1946.16	0.00	1946.16		0.00
07/16/09	INVC	1128977	1	220.48	0.00	220.48		0.00
07/16/09	INVC	1128978	1	238.50	0.00	238.50		0.00
07/17/09	INVC	1129239	1	7199.70	0.00	7199.70		0.00
07/17/09	INVC	1129242	1	1495.93	0.00	1495.93		0.00
07/22/09	INVC	1129793	1	209.99	0.00	209.99		0.00
08/04/09	INVC	1131918	1	57.24	0.00	57.24		0.00
08/04/09	INVC	1132023	1	1085.92	0.00	1085.92		0.00
08/07/09	INVC	1132469	1	0.00	0.00	0.00		0.00
08/07/09	INVC	1132470	1	249.52	0.00	249.52		0.00
08/07/09	INVC	1132471	1	326.48	0.00	326.48		0.00
08/07/09	INVC	1132472	1	720.80	0.00	720.80		0.00
08/07/09	INVC	1132526	1	212.00	0.00	212.00		0.00
08/16/09	FINCH	81609	1	2356.57	0.00	2356.57		0.00
08/18/09	INVC	1133967	1	1403.02	0.00	1403.02		0.00
08/20/09	INVC	1134498	1	0.00	0.00	0.00		0.00
08/20/09	INVC	1134499	1	0.00	0.00	0.00		0.00
08/21/09	INVC	1134505	1	548.35	0.00	548.35		0.00
08/21/09	INVC	1134547	1	0.00	0.00	0.00		0.00
08/24/09	INVC	1134947	2	1447.00	0.00	1447.00		0.00
08/24/09	INVC	1134949	2	0.00	0.00	0.00		0.00
08/24/09	INVC	1135001	1	898.88	0.00	898.88		0.00
08/24/09	INVC	1135006	2	25188.88	0.00	25188.88		0.00
08/25/09	INVC	1135141	2	4550.00	0.00	4550.00		0.00
08/25/09	INVC	1135142	2	0.00	0.00	0.00		0.00
08/26/09	INVC	1135321	1	81.62	0.00	81.62		0.00

12/15/2009

Customer A/R Transactions
YODER'S BUILDING SUPPLIES, INC.

Page 2

Customer code: LANCO022
Current bal: 139047.30VERNON JOB
Previous bal: 139047.30

Date	Trans Type	Trans Number	Str	Orig Amount	Paid Amount	Open Discount Amount	Discount Date	Discount Amount
02/15/09	FINCH	21509	1	789.88	-789.88	0.00		0.00
02/16/09	INVC	1105533	1	822.56	-822.56	0.00		0.00
02/26/09	INVC	1107376	1	54507.60	-54507.60	0.00		0.00
02/26/09	INVC	1107377	1	96.20	-96.20	0.00		0.00
02/26/09	INVC	1107378	1	22.79	-22.79	0.00		0.00
02/26/09	INVC	1107379	1	0.00	0.00	0.00		0.00
03/05/09	INVC	1108105	1	121.21	-121.21	0.00		0.00
03/09/09	INVC	1108714	2	2914.00	-2914.00	0.00		0.00
03/09/09	INVC	1108715	2	0.00	0.00	0.00		0.00
03/10/09	INVC	1108786	1	102.08	-102.08	0.00		0.00
03/10/09	INVC	1108787	1	608.44	-608.44	0.00		0.00
03/10/09	INVC	1108788	1	137.75	-137.75	0.00		0.00
03/12/09	PYMNT	1283	1	-40283.90	40283.90	0.00		0.00
03/15/09	FINCH	31509	1	260.32	-260.32	0.00		0.00
03/16/09	INVC	1109736	1	506.68	-506.68	0.00		0.00
03/25/09	INVC	1111088	2	23342.50	-23342.50	0.00		0.00
03/25/09	INVC	1111097	2	4550.00	-4550.00	0.00		0.00
03/31/09	INVC	1111779	1	9063.85	-9063.85	0.00		0.00
04/03/09	INVC	1112388	1	6821.74	-6821.74	0.00		0.00
04/03/09	PYMNT	1296	1	-13276.11	13276.11	0.00		0.00
04/07/09	INVC	1112781	1	3681.80	-3681.80	0.00		0.00
04/07/09	INVC	1112782	1	113.21	-113.21	0.00		0.00
04/07/09	INVC	1112783	1	4629.66	-4629.66	0.00		0.00
04/07/09	INVC	1112784	1	80.54	-80.54	0.00		0.00
04/07/09	INVC	1112785	1	228.96	-228.96	0.00		0.00
04/08/09	INVC	1113000	1	67.31	-67.31	0.00		0.00
04/08/09	INVC	1113001	1	419.76	-419.76	0.00		0.00
04/10/09	INVC	1113452	1	962.20	-962.20	0.00		0.00
04/10/09	INVC	1113453	1	330.64	-330.64	0.00		0.00
04/10/09	INVC	1113454	1	108.12	-108.12	0.00		0.00
04/15/09	FINCH	41509	1	232.34	-232.34	0.00		0.00
04/16/09	INVC	1114247	2	1090.10	0.00	1090.10		0.00
04/16/09	INVC	1114249	2	0.00	0.00	0.00		0.00
04/17/09	INVC	1114404	1	1102.93	0.00	1102.93		0.00
04/22/09	INVC	1115080	1	302.57	0.00	302.57		0.00
04/23/09	INVC	1115307	1	1814.89	0.00	1814.89		0.00
04/27/09	INVC	1115840	1	12812.54	0.00	12812.54		0.00
04/27/09	INVC	1115841	1	687.09	0.00	687.09		0.00
04/27/09	INVC	1115848	1	199.28	0.00	199.28		0.00
04/28/09	INVC	1116192	1	227.90	0.00	227.90		0.00
04/29/09	INVC	1116512	2	13323.00	0.00	13323.00		0.00
04/29/09	INVC	1116513	2	0.00	0.00	0.00		0.00
05/01/09	INVC	1116895	1	2299.61	0.00	2299.61		0.00
05/06/09	INVC	1117369	1	0.00	0.00	0.00		0.00
05/06/09	INVC	1117372	1	3557.41	-3557.41	0.00		0.00
05/08/09	CR M	1117801	1	-665.17	665.17	0.00		0.00
05/08/09	CR M	1108059	1	-1038.80	1038.80	0.00		0.00
05/08/09	PYMNT	1310	1	-11368.27	11368.27	0.00		0.00
05/08/09	INVC	1117830	1	21.73	0.00	21.73		0.00
05/08/09	INVC	1117831	1	8.48	0.00	8.48		0.00

12/15/2009

Customer A/R Transactions
YODER'S BUILDING SUPPLIES, INC.

Page 1

Customer code: LANCO022

VERNON JOB

Current bal: 139047.30

Previous bal: 139047.30

Date	Trans Type	Trans Number	Str	Orig Amount	Paid Amount	Open Discount Amount	Discount Date	Discount Amount
12/15/08	INVC	1096736	1	3360.39	-3360.39	0.00		0.00
12/15/08	INVC	1096737	1	1534.67	-1534.67	0.00		0.00
12/17/08	INVC	1097302	1	5932.93	-5932.93	0.00		0.00
12/17/08	INVC	1097303	1	7592.70	-7592.70	0.00		0.00
12/18/08	INVC	1097500	1	2080.36	-2080.36	0.00		0.00
12/18/08	INVC	1097501	1	1714.88	-1714.88	0.00		0.00
12/18/08	INVC	1097502	1	159.58	-159.58	0.00		0.00
12/18/08	INVC	1097503	1	227.26	-227.26	0.00		0.00
12/22/08	INVC	1097968	1	2458.94	-2458.94	0.00		0.00
12/22/08	INVC	1097969	1	2662.33	-2662.33	0.00		0.00
12/22/08	INVC	1097970	1	190.80	-190.80	0.00		0.00
12/22/08	INVC	1097971	1	21.20	-21.20	0.00		0.00
12/22/08	INVC	1097972	1	248.79	-248.79	0.00		0.00
12/22/08	INVC	1097973	1	23.32	-23.32	0.00		0.00
12/22/08	INVC	1097974	1	2698.62	-2698.62	0.00		0.00
12/22/08	INVC	1097975	1	4629.84	-4629.84	0.00		0.00
12/23/08	INVC	1098179	1	1205.01	-1205.01	0.00		0.00
12/23/08	INVC	~~1098336~~	2	0.00	0.00	0.00		0.00
12/23/08	INVC	~~1098339~~	2	0.00	0.00	0.00		0.00
12/24/08	INVC	1098524	1	1697.70	-1697.70	0.00		0.00
12/24/08	INVC	1098525	1	1054.70	-1054.70	0.00		0.00
12/29/08	INVC	1098655	1	1626.25	-1626.25	0.00		0.00
12/29/08	INVC	1098659	1	3847.78	-3847.78	0.00		0.00
12/29/08	INVC	1098660	1	460.15	-460.15	0.00		0.00
12/29/08	INVC	1098661	1	108.20	-108.20	0.00		0.00
12/29/08	INVC	~~1098662~~	1	0.00	0.00	0.00		0.00
12/30/08	CR M	~~1098859~~	1	-779.69	779.69	0.00		0.00
12/31/08	INVC	1099092	1	2024.95	-2024.95	0.00		0.00
12/31/08	INVC	1099093	1	1606.43	-1606.43	0.00		0.00
12/31/08	INVC	1099094	1	2274.28	-2274.28	0.00		0.00
01/06/09	INVC	1099408	1	1113.00	-1113.00	0.00		0.00
01/06/09	INVC	1099409	1	63.07	-63.07	0.00		0.00
01/06/09	INVC	1099481	1	1662.74	-1662.74	0.00		0.00
01/08/09	INVC	1099768	1	75.83	-75.83	0.00		0.00
01/08/09	INVC	1099895	1	241.68	-241.68	0.00		0.00
01/14/09	INVC	1100803	1	3628.12	-3628.12	0.00		0.00
01/14/09	INVC	~~1100804~~	1	8.48	-8.48	0.00		0.00
01/15/09	CR M	~~1101131~~	1	-275.14	275.14	0.00		0.00
01/16/09	INVC	1101238	1	134.41	-134.41	0.00		0.00
01/19/09	CR M	~~1101522~~	1	-242.03	242.03	0.00		0.00
01/21/09	INVC	~~1101788~~	1	8.48	-8.48	0.00		0.00
01/26/09	INVC	1102562	1	768.50	-768.50	0.00		0.00
01/29/09	INVC	1103139	1	83.74	-83.74	0.00		0.00
02/03/09	INVC	1103601	1	230.87	-230.87	0.00		0.00
02/03/09	INVC	~~1103602~~	1	8.48	-8.48	0.00		0.00
02/04/09	INVC	~~1103774~~	1	9890.33	-9890.33	0.00		0.00
02/04/09	CR M	~~1103807~~	1	-3781.32	3781.32	0.00		0.00
02/09/09	INVC	1104412	1	21.62	-21.62	0.00		0.00
02/11/09	INVC	~~1104875~~	1	51.41	-51.41	0.00		0.00

Wiley McLane

From: landmarc@bellsouth.net
Sent: Monday, December 07, 2009 6:45 AM
To: Wiley McLane
Subject: Re: Account

Wiley,

I was in meetings all day Friday and will be in meetings today therefore I will review and advise regarding your emails as as I can.

Thank you,
Kerri

Sent via BlackBerry from T-Mobile

From: "Wiley McLane" <wiley@goyoders.com>
Date: Mon, 23 Nov 2009 10:00:07 -0500
To: LANDMARC<landmarc@bellsouth.net>
Subject: Account

Kerri,

On behalf of Yoder's, I convey our condolences for your loss of your cousin Bryce. Our prayers go out to you and your family. Please let us know if there is anything that we can do.

The two checks that you mentioned in your previous e-mail have been posted. I have attached a copy of my systems records to show when they were posted. Your account is now into 120 days. The unpaid balance of your last statement is \$200,723.85. Please advise of what your plans are for payment. I have placed your account on hold until we get this unpaid balance paid.

The only person that has called me in the past was a Bill Vernon. I have not relayed anything to him other that there was a balance on his job. He stated that he had given you guys a "rather large check"(his words). He wanted me to call him back if I did not see a payment on his job and I have not called him back.

Wiley McLane

*Yoder's Building Services
Credit Manager / Safety Director*

-----Original Message-----

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Wednesday, December 02, 2009 12:10 PM
To: landmarc@bellsouth.net
Subject: Fwd:

Attached is a copy of all the money that I have received on your account that I have in my system. Check number 1367 for \$40270.43 was received on 10/13/09. It was applied as follows:

\$39652.43 to Vernon
\$53.00 to General Purchasing
\$565.00 to Marshall

Check number 1383 for \$22493.27 was received on 10/26/09. It was applied as follows:
\$15019.70 to Vernon
\$7473.57 to Marshall

Your account has been placed on hold until I can get the balance that is outstanding on your statement. I was unable to e-mail them this time and had to mail them. I placed them in the mail on Monday so you should have it by today I would think. If you do not receive it by tomorrow, please let me know. I will plan on proceeding with the liens in hopes of getting us both paid.

Thanks,
Wiley

Wiley McLane

From: landmarc@bellsouth.net
 Sent: Thursday, December 03, 2009 8:39 AM
 To: wiley
 Subject: RE: Account

Hey Wiley,

All the monies from check number 1367 and check number 1383 were to be applied to Vernon's. The Vernon job was at \$144,874.84 on 10/24/09 and with the checks applied it would be at \$82,111.14. Patrick met with US LUMBER at the job site where he was advised that Yoders supplied the wrong drain mat for the iron wood which in turn destroyed the deck and caused it to have to be torn out and replaced. Our current cost for replacement of this deck is \$36,680.08. Please apply this credit to the Vernon's account. The deck issue has been going on since July therefore all finance charges should also be reviewed and removed from the account as needed.

In reviewing all of the payments for the Vernon's, a payment on 1/20/09 of \$24,498.33 was never applied to their account for framing material. They had the payment of \$24,498.33 on 1/20/09 plus one for \$12,000.00 on 2/19/09 that was for the total framing material of \$36,498.33. Therefore, outstanding balance on the Marshall's is \$40,386.28.

In light of this information, please review the finance charges as these adjustments would directly impact them and lower them significantly.

Your lien rights are not close to being expired but yet you are saying that you are going to file a lien on the property when the projected is scheduled to be completed next week. This would indeed delay everyone's final payment on this project.

Please advise what amount is outstanding for general purchasing or anything else besides Tolleson, Vernon, and Marshall and please let me know what this is for.

As for the Tolleson's, the lien has been filed and Yoders invoices are included in the amount that is owed to Landmarc. Once we receive that amount then Yoder's will be paid the outstanding balance. A copy of the Lien has already been mailed to Yoders.

Please email me the statement once all items have been adjusted so we can provide an accurate final bill on the project.

We are truly disappointed on how this was handled by Yoders with all of our account information disclosed to anyone that calls. A simple phone call to us would have been sufficient to resolve this. In order to reconcile our account please verify in writing with a revised billing statement the following balances:

Vernon Residence:	\$20,932.73
Tolleson Residence:	\$58,436.02
Marshall Residence	\$40,386.28

These numbers may be lower as I have also been advised that several returns have been picked up at the job site by Yoders however I do not see any credits on the Vernon's Statement.

We do appreciate your help in straightening this out.
 Thanks
 Kerri

Wiley McLane

From: landmarc@bellsouth.net
Sent: Wednesday, December 02, 2009 10:21 AM
To: wiley
Subject: Account

Hey Wiley,

This is the email that I sent on Nov. 19th. Please take a look at it and advise. I have also been advised by one of my subs that my account is now on hold. Is this true? With the payments that I sent in during October as listed below should have put my account for the Vernon's back on track or close to it including the payment I was going to send prior to being advised by someone other than Yoders that my account was on hold. Please review account details along with email below and let me know. I appreciate it.

I also wanted to let you know that I have not been paid in full by the Marshall's or the Tolleson's and that all monies that I have sent to Yoders should have been applied to the Vernon's Account.

Thanks
 Kerri

EMAIL SENT ON NOV. 19th, 2009

Dear Wiley,

We have had some devastating news over the past few days so I am behind. I know I told you about our 3 yr old cousin, Bryce, who was diagnosed with Stage 3 Burkette's Lymphoma, passed away Wednesday morning. He was battling the cancer very successfully and went in on Monday to have his last round of Chemo. Something terrible went wrong and he started having seizures Tuesday morning and they stabilized him but he was still not awake again. They did a CT and they found a tremendous amount of swelling of the brain. His heart stopped early Wednesday morning. We are all confused as he was tested 3 weeks ago with a full body scan and he was fine. Please keep us in your prayers.

I was unable to sleep last night so I tried to catch up and I noticed on our most recent bill dated 10/25/09 that I do not see the 2 checks that were sent on the Vernon's account posted to their account. One dated 10/10/09 for \$40,270.43 and one dated 10/23/09 for \$22,493.27. Please advise why these are not showing on this account. I was planning on sending a check for around \$35,000 which would put us at the 60 day mark. Unless I was just way out of it last night I am concerned. Also, I have spoken to some of my subs and vendors who have had inquiries from Bryan Johnson, the Vernon's son-in-law. Please be aware that he is not part of our contract with the Vernon's. We do not have his signature on any of our documents. I do hope that if you receive a call from him that you do not disclose any of our confidential account information with him as he nor anyone is privvy to that but Marcus and myself.

Thanks
 Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Tuesday, November 17, 2009 3:41 PM
To: LANDMARC
Subject: Account

Any update on the Vernon and Tolleson jobs?

Thanks,
Wiley McLane
 Yoder's Building Services
 Credit Manager / Safety Director

Wiley McLane

From: landmarc@bellsouth.net
Sent: Thursday, November 19, 2009 2:16 PM
To: wiley@goyoders.com
Subject: Account

Dear Wiley,

We have had some devastating news over the past few days so I am behind. I know I told you about our 3 yr old cousin, Bryce, who was diagnosed with Stage 3 Burkette's Lymphoma, passed away Wednesday morning. He was battling the cancer very successfully and went in on Monday to have his last round of Chemo. Something terrible went wrong and he started having seizures Tuesday morning and they stabilized him but he was still not awake again. They did a CT and they found a tremendous amount of swelling of the brain. His heart stopped early Wednesday morning. We are all confused as he was tested 3 weeks ago with a full body scan and he was fine. Please keep us in your prayers.

I was unable to sleep last night so I tried to catch up and I noticed on our most recent bill dated 10/25/09 that I do not see the 2 checks that were sent on the Vernon's account posted to their account. One dated 10/10/09 for \$40,270.43 and one dated 10/23/09 for \$22,493.27. Please advise why these are not showing on this account. I was planning on sending a check for around \$35,000 which would put us at the 60 day mark. Unless I was just way out of it last night I am concerned. Also, I have spoken to some of my subs and vendors who have had inquiries from Bryan Johnson, the Vernon's son-in-law. Please be aware that he is not part of our contract with the Vernon's. We do not have his signature on any of our documents. I do hope that if you receive a call from him that you do not disclose any of our confidential account information with him as he nor anyone is privy to that but Marcus and myself.

Thanks
Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Tuesday, November 17, 2009 3:41 PM
To: LANDMARC
Subject: Account

Any update on the Vernon and Tolleson jobs?

Thanks,
Wiley McLane
*Yoder's Building Services
Credit Manager / Safety Director*

Wiley McLane

From: LANDMARC
Sent: Thursday, October 22, 2009 12:39 PM
To: wiley@goyoders.com
Subject: RE: Account

Hey Wiley,
Payment on the Vernon's will be mailed out tomorrow and next Friday. The Tolleson's have not paid their final bill yet and we are waiting on that.

Thanks
Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Tuesday, October 20, 2009 2:52 PM
To: LANDMARC
Subject: Account

What is the status on your account as of now?

Thanks,
Wiley McLane
Yoder's Building Services
Credit Manager / Safety Director

have been paid and FCs are appropriate. I do believe Patrick and Marcus have discussed this and I am sure he has already spoke to you.

Lastly, moving on to Keowee Bay, yes, we did not make the 6/10 payment and FCs are appropriate. We did experience a delay with billing as the owner went to a bank midway through construction so that is why the delay.

I think that does it. Let me know.

Thanks
Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Friday, June 26, 2009 7:15 AM
To: landmarc@bellsouth.net
Subject: Yoder's Statement ALL

Wiley McLane

From: LANDMARC
Sent: Friday, June 26, 2009 2:48 PM
To: wiley@goyoders.com
Subject: RE: Yoder's Statement ALL

Thanks...hope you have a great weekend too!
 Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Friday, June 26, 2009 1:51 PM
To: LANDMARC
Subject: RE: Yoder's Statement ALL

Kerri,

I have the FC taken care of now. Our billing cycle is between the 26th and 25th. Purchases between say 2/26 and 3/25 would have a due date of 5/10 on a 60 day account. Thanks for taking a look at this and I hope you have a great weekend.

Wiley

From: LANDMARC [mailto:landmarc@bellsouth.net]
Sent: Friday, June 26, 2009 1:26 PM
To: Wiley McLane
Subject: RE: Yoder's Statement ALL

Hey Wiley,
 I just wanted to thank you in advance and that I appreciate you taking the time to review the email below. If you have any questions, please let me know. Feel free to give me a call next week to discuss. My number is 864-376-4209.

Thanks again
 Kerri

From: LANDMARC [mailto:landmarc@bellsouth.net]
Sent: Friday, June 26, 2009 1:20 PM
To: 'Wiley McLane'
Subject: FW: Yoder's Statement ALL

Hey Wiley,
 In reviewing the statements, typically we pay the amount listed in the 31-60 day space on the bottom of the page for each account. However, over the past few statements, it did not seem like enough so I went ahead and put together a spreadsheet showing what items were purchased on what days in order to determine our payment per our terms. The purchases between 2/26-3/26 would be paid on 6/10 which would be 60 days from the 3/25 billing statement. The check you received for the 6/10 payment was for the Vernon's. The next set would be for purchases between 3/26-4/26 a total of \$31050.62 which would be due on 7/10 as this also would be 60 days from the 4/26 billing cycle. And then purchases made between 4/26-5/26 would be due on 8/10 and so and so forth. As this is how I understood that Dave and Patrick had it worked out. Therefore we should not have any finance charges on the Vernon's unless we are late on the 7/10 payment. Please delete 4/15 FC, 5/15 FC, and 6/15 FC. Usually due to our terms, after each billing cycle Dave had to go back into the system and deduct the FCs as the system was not set up for extended payment terms.

Also, we are having issues with collecting final payment from the Marshalls which we should have paid \$3853.02 on 6/10 and \$14402.50 would be due on 7/10. Please deduct 5/15 FC and we are aware that the amount due on 6/10 should

Wiley McLane

From: LANDMARC
Sent: Friday, June 19, 2009 9:42 AM
To: wiley@goyoders.com
Subject: RE: Account Payment

Hey Wiley,
I will take a look at the account over this weekend and get back to you next week.

Thanks
Kerri

From: Wiley McLane [mailto:wiley@goyoders.com]
Sent: Thursday, June 18, 2009 2:50 PM
To: LANDMARC
Subject: Account Payment

Good afternoon,

I received your payment of \$84665.56 (check #1324) and posted to your account. When will you be settling the balance on the statement? I am showing \$126212.59 still open and billing coming up next week. Thanks for your help.

Wiley McLane
Yoder's Building Services
Credit Manager / Safety Director

ACORD CERTIFICATE OF LIABILITY INSURANCE		OP ID MC YODER-1	DATE (MM/DD/YYYY) 06/25/09
PRODUCER Southern Risk Insurance Services, LLC PO Box 710 Anderson SC 29622 Phone: 864-231-0793 Fax: 864-231-0797		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Yoder's Building Supply, Inc. Floyd Yoder P.O. Box 318 Fair Play SC 29643		INSURERS AFFORDING COVERAGE INSURER A: Pennsylvania Lumbermens INSURER B: Bridgefield Casualty Insurance INSURER C: INSURER D: INSURER E:	NAIC # 14974 11812

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC	39Y005-04-07	12/31/08	12/31/09	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300000 MED EXP (Any one person) \$ 10000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000 Emp Ben. 1000000
A		AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS	BA 39Y005-05-08	12/31/08	12/31/09	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000 BODILY INJURY (Per person) \$
A		☒ HIRED AUTOS ☒ NON-OWNED AUTOS	BA 39Y005-05-08 BA 39Y005-05-08	12/31/08 12/31/08	12/31/09 12/31/09	BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A		EXCESS/UMBRELLA LIABILITY ☒ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☒ RETENTION \$10000	CEL 39Y005-06-08	12/31/08	12/31/09	EACH OCCURRENCE \$ 1000000 AGGREGATE \$ \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	19000649	01/01/09	01/01/10	☒ WC STATU-TORY LIMITS ☐ OTHER E.L. EACH ACCIDENT \$ 1000000 E.L. DISEASE - EA EMPLOYEE \$ 1000000 E.L. DISEASE - POLICY LIMIT \$ 1000000
A		Property Section	39Y005-04-07	12/31/08	12/31/09	BPP \$100,000
A		Equipment Floate	39Y005-04-07	12/31/08	12/31/09	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Job Name: Academic Support Facility, 10 Highpointe Blvd., Seneca, SC 29678, Job #: 2008-034. Trehel Corporation is listed as additional insured as respects general liability.

CERTIFICATE HOLDER Trehel Corporation PO Box 1707 Clemson SC 29631	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Michelle Cawley</i>

33

KENISON DUDLEY & CRAWFORD, III
ATTORNEYS AT LAW

December 17, 2009

KEVEN K. KENISON

THOMAS E. DUDLEY, III

JOHN T. CRAWFORD, JR.

M. STOKELY HOLDER

TOWNES B. JOHNSON, III

F. LEE PRICKETT, III

JAMES C. BLAKELY, JR.

Via Hand-Delivery

Sandra Ann Vernon and Billie James Vernon, Jr., Trustees, or their Successors in Trust, under the Sandra Ann Vernon Living Trust dated June 12, 2000, and as thereafter amended

Attn: T.S. Stern, Jr., Esq.
Covington Patrick Hagins Stern & Lewis
211 Pettigru Street
Greenville, SC 29601

Sandra Ann Vernon, Trustee
Attn: T.S. Stern, Jr., Esq.
Covington Patrick Hagins Stern & Lewis
211 Pettigru Street
Greenville, SC 29601

Billie James Vernon, Jr., Trustee
Attn: T.S. Stern, Jr., Esq.
Covington Patrick Hagins Stern & Lewis
211 Pettigru Street
Greenville, SC 29601

Re: Yoder's Building Supply, Inc.
Debtor: Landmarc Constructors, Inc. d/b/a Landmarc Custom Homes
Project: Lot 44, Cliffs at Mountain Park, Phase I, Travelers Rest, SC

Dear All:

This firm represents Yoder's Building Supply, Inc. ("Yoder's"). We have been retained to assist Yoder's in obtaining payment for materials which it provided to Landmarc Constructors, Inc. d/b/a Landmarc Custom Homes ("Landmarc"). Yoder's contracted with Landmarc to provide building materials by and with express consent of the owners, Sandra Ann Vernon and Billie James Vernon, Jr., Trustees, or their Successors in Trust, under the Sandra Ann Vernon Living Trust, dated June 12, 2000, and as thereafter amended, on the above-referenced project. Further, Yoder's fulfilled its obligation to Landmarc and provided all services requested on the project, but Landmarc has nonetheless refused to pay the outstanding contract balance of \$139,047.30. Pursuant to the provisions of South Carolina Code Annotated §27-1-15, demand is made upon you for the immediate payment of the sum of \$139,047.30 for materials supplied by Yoder's to Landmarc, for the above-referenced project.

In accordance with the aforesaid statute, you have forty-five (45) days from the date of this letter to make a fair and reasonable investigation of the merits of the claim and to pay such claim or whatever portion is determined to be valid. Should you fail to make an investigation, or if you otherwise unreasonably refuse to pay this claim or proper portion thereof, you may be held liable for the reasonable attorneys' fees and interest at the judgment rate from the date of this demand letter.

704 East McBee Avenue • Greenville, South Carolina 29601
Phone 864.242.4899 • Fax 864.242.4844

554 B Oristo Ridge • Edisto Beach, South Carolina 29438
Phone 843.869.1000

2775 Cruse Road • Suite 201 • Lawrenceville, Georgia 30044
Phone 770.925.9609 • Fax 770.638.3230

TAB 1 - YODERS BUILDING SUPPLY

1	Yoder's Building Supply
2	Ferguson Enterprises
3	Electrical
4	Glenco Fireplaces
5	Matt Lynn Custom Carpentry
6	LandMarc Lien
7	Southern Gutter & Siding
8	Tile Labor & Material
9	Painting
10	Building Permit
11	Green Heating and Cooling
12	Transfers for account ending in 8447
13	Checks to Brandt Rucker
14	Checks to Kerri, Gary & Marcus Dunn
15	Checks to unknown payee
16	Checks to Casade Fine Cabinetry
17	Payments to utilities
18	Other issues
19	Summary
20	
21	
22	
23	
24	
25	
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27	
28	
29	
30	
31	



1 THE UNDERSIGNED, WANDA E. FUDGE, COURT REPORTER, OFFICE OF
2 MASTER IN EQUITY FOR GREENVILLE COUNTY, SOUTH CAROLINA, DO HEREBY
3 CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE
4 TRANSCRIPT OF RECORD OF ALL OF THE PROCEEDINGS HAD AND EVIDENCE
5 INTRODUCED IN THE HEARING OF THE CAPTIONED CASE, RELATIVE TO
6 APPEAL, BEFORE THE HONORABLE CHARLES B. SIMMONS, JR., AS MASTER
7 IN EQUITY FOR GREENVILLE COUNTY, SOUTH CAROLINA, ON THE 16TH OF
8 NOVEMBER, 2011.

9 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR
10 INTEREST TO ANY PARTIES HERETO.

11 OCTOBER 1, 2012
12

13
14 Wanda E. Fudge

15 WANDA E. FUDGE, CCR

16 CERTIFIED COURT REPORTER
17
18
19
20
21
22
23
24
25

1 RECORD, THAT MY NOTEBOOK, EVERYTHING'S ADMITTED AND MR. STERN'S,
2 ALL OF HIS NOTEBOOKS AND EVERYTHING IS ADMITTED, AND EVERYTHING
3 MR. RUCKER HAS SUBMITTED, ALL OF THAT'S BEEN ADMITTED?

4 BY THE COURT: MY INTENT AND UNDERSTANDING IS EVERYTHING
5 THAT HAS A STICKER ON IT AND ITS ADMISSION DURING THIS DAY-AND-A-
6 HALF IS, IN FACT, PART OF THE RECORD. THANK YOU.

7 (WHEREUPON, THE TRIAL CONCLUDED AT 10:30 A.M. ON NOVEMBER 16,
8 2011)

9 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

1 OF WHAT'S GOING TO HAPPEN FROM HERE. I WILL TRY TO, AS QUICKLY
2 AS I CAN, SORT THROUGH THIS. BASICALLY -- AND THIS IS
3 OVERSIMPLIFICATION -- IT'S KIND OF LIKE A 3,000-PIECE JIGSAW
4 PUZZLE THAT HAS NOW KIND OF BEEN DUMPED IN MY LAP AND SAID,
5 "HERE, SIMMONS, GO PUT IT TOGETHER. YOU'VE GOT TO FIGURE OUT
6 WHICH BOXTOP IS THE CORRECT ONE." THAT'S WHAT I'M GOING TO DO.

7 WHAT I ANTICIPATE DOING IS ONCE I'VE A CHANCE TO REVIEW ALL
8 OF THE EVIDENCE AND THE TESTIMONY IS EITHER DOING AN IN-PERSON
9 CONFERENCE OR A CONFERENCE CALL WITH ALL OF THE ATTORNEYS BECAUSE
10 I DO HAPPEN TO HAVE SEVERAL QUESTIONS ALREADY. I'M SURE THERE
11 WILL BE MORE. I HOPE TO HAVE AN ORDER ISSUED WITHIN 30 DAYS.
12 WITH THANKSGIVING AND CHRISTMAS COMING ON AND THE LAWYERS'
13 SCHEDULES, I HOPE THAT'S REALISTIC. I DO UNDERSTAND, Y'ALL WANT
14 CLOSURE TO THIS, AND IT NEEDS TO GET RESOLVED. SO, I'M GOING TO
15 DO WHAT YOU HAVE ENTRUSTED ME TO DO.

16 AGAIN, I APPRECIATE ALL OF YOU CHOOSING GOOD LAWYERS IN THAT
17 THEY HAVE DONE AN OUTSTANDING JOB OF TAKING SOMETHING THAT'S
18 REMARKABLY COMPLICATED AND MAKING IT UNDERSTANDABLE, DEPENDING ON
19 WHICH PERSPECTIVE ONE WANTS TO TAKE IN THIS.

20 IF I COULD HAVE THE ATTORNEYS STAY AND GO THROUGH ALL OF THE
21 EXHIBITS WITH MY COURT REPORTER JUST TO MAKE SURE THAT THE
22 EXHIBITS ARE, IN FACT, PART OF THE RECORD AS OPPOSED TO
23 INADVERTENTLY GOING BACK TO YOUR RESPECTIVE OFFICES.

24 SO, HAVING SAID THAT, THANK YOU VERY MUCH.

25 MR. DUDLEY: JUDGE, I JUST WANT TO MAKE SURE, AGAIN, FOR THE

1 BY THE COURT: THANK YOU, SIR. YOU CAN STEP DOWN.

2 THE WITNESS: THANK YOU.

3 (WITNESS EXCUSED)

4 BY THE COURT: ANYTHING ELSE FROM THE VERNONS?

5 MR. STERN: NO, SIR.

6 BY THE COURT: ANYTHING ELSE ON BEHALF OF LANDMARC?

7 MR. RUCKER: NO.

8 MR. DUDLEY: NO, SIR.

9 BY THE COURT: ALL RIGHT. ANYTHING THEN FOR THE RECORD
10 BEFORE WE CLOSE THE RECORD?

11 MS. WRIGHT: I WOULD LIKE TO RENEW OUR DIRECTED VERDICT
12 MOTIONS WE MADE EARLIER TODAY.

13 BY THE COURT: OKAY. I'M GOING TO BE CONSISTENT AND GIVE
14 MY SAME RULING.

15 MS. WRIGHT: THANK YOU, YOUR HONOR.

16 BY THE COURT: MR. DUDLEY, ANYTHING YOU NEED ON THE RECORD?

17 MR. DUDLEY: I WANT TO RESTATE NOT ONLY MY DIRECTED VERDICT
18 ARGUMENTS THIS MORNING BUT THE ONE YESTERDAY ABOUT THE
19 APPLICATION OF THE MECHANIC'S LIEN STATUE ABOUT PAYMENTS MADE
20 AFTER THE MECHANIC'S LIEN.

21 BY THE COURT: YES, SIR. YOU'RE PROTECTED ON THE RECORD.
22 MOTION DENIED.

23 MR. RUCKER, ANY---

24 MR. RUCKER: NO MOTIONS.

25 BY THE COURT: ALL RIGHT. LET ME EXPLAIN TO THE PARTIES KIND

1 A IT WAS COUNTED AS A JOB COST, YES.

2 Q JOB COST TO WHO?

3 A MR. VERNON.

4 MR. RUCKER: NO FURTHER QUESTIONS.

5 MR. DUDLEY: I DON'T HAVE ANY QUESTIONS.

6 BY THE COURT: ANYTHING ELSE?

7 MR. STERN: I JUST HAVE ONE CLARIFICATION.

8 **REDIRECT EXAMINATION BY MR. STERN:**

9 Q THE NEW EXHIBIT THAT WE PUT IN THAT MODIFIED -- DO YOU HAVE
10 THAT IN FRONT OF YOU, MR. JOHNSON? 19, PLAINTIFFS' EXHIBIT 19?

11 A I DON'T THINK I'VE GOT A COPY OF THAT. HERE IT IS. YES.

12 Q HELP ME UNDERSTAND THIS, IT APPEARS FROM THE OLDER DOCUMENT
13 THAT TAB 12 CHANGED AS WELL. DO YOU SEE THAT?

14 A I DO.

15 Q WHAT IS THAT?

16 A THAT WAS THE TRANSFERS OUT OF THE ACCOUNT FOR 8447.

17 Q LET ME -- HELP ME UNDERSTAND -- I KNOW THAT INCREASED --
18 TELL ME WHY THAT CHANGED FROM THE PRIOR EXHIBIT THAT WAS RECEIVED
19 INTO EVIDENCE.

20 A BECAUSE THEY WERE ABLE TO ACCOUNT FOR ONE OF THE TRANSFERS.

21 Q AGAIN, THAT WAS, BASICALLY, A CREDIT GIVEN TO---

22 A CORRECT.

23 Q THAT'S ALL I HAVE. THANK YOU.

24 BY THE COURT: ANYTHING ELSE?

25 MR. RUCKER: NO, SIR.

1 A THE MAIN REASON WAS THE ACCOUNTING. LIKE I SAID, I DON'T
2 KNOW IF THEY HAPPENED AFTER DECEMBER 5TH OR 17TH, BUT IT WAS RIGHT
3 AROUND THERE.

4 Q BUT YOU'RE NOT REPRESENTING TO THE COURT THAT THESE ARE
5 INACCURATE TOTALS AND NUMBERS PROVIDED BY LANDMARC? YOUR
6 TESTIMONY, I BELIEVE, IS THAT YOU DON'T AGREE WITH THEIR
7 ACCOUNTING AND YOU THINK THEY -- THAT THE VERNONS HAVE BEEN
8 OVERBILLED, CORRECT?

9 A CORRECT.

10 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS DEFENDANTS'
11 EXHIBIT NO. 7. DO YOU RECOGNIZE THAT?

12 A IT APPEARS TO BE A JOB COST JOURNAL.

13 Q OKAY. IS THAT YOUR JOB COST JOURNAL THAT YOU'VE DONE?

14 A YES.

15 MR. RUCKER: I ASK THIS BE MOVED INTO EVIDENCE AS WELL.

16 MR. STERN: NO OBJECTION.

17 MR. DUDLEY: NO OBJECTION.

18 (JOB COST JOURNAL ENTERED INTO EVIDENCE AS DEFENDANT
19 LANDMARC'S EXHIBIT NO. 7)

20 Q ALL RIGHT. THERE'S A HIGHLIGHTED PORTION ON THERE. WHAT
21 DOES THAT INDICATE TO YOU?

22 A IT INDICATES THE SUBJECT IS ME, TRAVEL AND WALKING THE JOB.

23 Q OKAY. WERE YOU ACTUALLY PAID THAT AMOUNT OF MONEY?

24 A NO.

25 Q BUT IT WAS BILLED OR IT WAS ACCOUNTED THERE IN THE JOURNAL?

1 (PACKET OF PARTIAL LIEN WAIVERS ENTERED INTO EVIDENCE AS
2 DEFENDANT LANDMARC'S EXHIBIT NO. 6)

3 Q WHAT'S THE PARTIAL LIEN WAIVER AMOUNT ON EACH EXHIBIT AND
4 IDENTIFY THE EXHIBIT AS YOU---

5 A EXHIBIT 6 IS \$67,797.99; EXHIBIT 5 IS -- THERE ACTUALLY
6 ISN'T A LIEN WAIVER ON THE FRONT, BUT THE TOTAL BEING BILLED IS
7 \$139,510.49.

8 Q HAVE YOU SEEN THOSE DOCUMENTS BEFORE?

9 A I HAVE SEEN THE COVER SHEETS. YES.

10 Q JUST FLIP THROUGH THEM BRIEFLY TO SEE IF -- YOU DON'T HAVE
11 TO TAKE THE TIME TO DO THE MATH, BUT DO YOU RECOGNIZE
12 CONSTRUCTION RECEIPTS THAT WENT TO THIS PROJECT?

13 A I DO.

14 Q I BELIEVE YOUR TESTIMONY -- OR AT LEAST MR. VERNON'S
15 TESTIMONY YESTERDAY WAS THAT YOU INSTRUCTED HIM NOT TO PAY THOSE
16 TWO BILLS; IS THAT RIGHT?

17 A I INSTRUCTED HIM TO SEEK COUNSEL AND, I BELIEVE, BETWEEN ALL
18 OF THIS IT WAS DECIDED NOT TO, YES.

19 Q WAS IT BASED ON WHAT YOU BELIEVED WAS GOING ON BEFORE THOSE
20 BILLS CAME OR FROM THOSE BILLS THEMSELVES?

21 A THE TIMING WAS REAL CLOSE TO EACH OTHER. I'M NOT SURE IF IT
22 WAS BEFORE OR AFTER.

23 Q OKAY. SO, IT COULD HAVE BEEN BOTH? IT COULD HAVE BEEN FOR
24 WORK THAT HAPPENED PRIOR AND THEN YOU BELIEVED THEY HAD ALREADY
25 PAID SO THEY DIDN'T HAVE TO PAY THESE?

BRYAN JOHNSON--CROSS BY MR. RUCKER

1 MR. RUCKER: JUST A FEW. I'M GOING TO SHOW SEVERAL
2 DOCUMENTS TO OPPOSING COUNSEL BEFORE WE GET---

3 (PACKET OF LANDMARC'S FINANCIAL RECORDS MARKED FOR
4 IDENTIFICATION AS DEFENDANT LANDMARC'S EXHIBIT NO. 5)

5 (PACKET OF PARTIAL LIEN WAIVERS MARKED FOR IDENTIFICATION AS
6 DEFENDANT LANDMARC'S EXHIBIT NO. 6)

7 (JOB COST JOURNAL MARKED FOR IDENTIFICATION AS DEFENDANT
8 LANDMARC'S EXHIBIT NO. 7)

9 **CROSS-EXAMINATION BY MR. RUCKER:**

10 Q BRYAN, LET ME SHOW YOU WHAT'S BEEN MARKED AS DEFENDANTS'
11 EXHIBIT 5 AND DEFENDANTS' EXHIBIT 6. I BELIEVE THEY ARE ALREADY
12 IN EVIDENCE, BUT JUST FOR EASE WE'RE GOING TO GET THEM ADMITTED
13 NOW AND WE'LL JUST GO THROUGH THEM. OKAY?

14 A THAT'S FINE.

15 Q DO YOU RECOGNIZE WHAT'S IN YOUR HAND?

16 A YES. THEY ARE THE LAST TWO BILLINGS FROM LANDMARC TO THE
17 VERNONS.

18 Q AND YOU BELIEVE THOSE ARE THE TRUE BILLINGS FROM LANDMARC?

19 A I HAVEN'T REVIEWED THEM COMPLETELY, BUT IT APPEARS TO BE.
20 YES.

21 MR. RUCKER: I ASK THAT THESE BE MOVED INTO EVIDENCE.

22 MR. STERN: NO OBJECTION.

23 BY THE COURT: ALL RIGHT.

24 (PACKET OF LANDMARC'S FINANCIAL RECORDS ENTERED INTO
25 EVIDENCE AS DEFENDANT LANDMARC'S EXHIBIT NO. 5)

1 REGARDING DRYWALL AND INSULATION. DO YOU RECALL THAT?

2 A I DO.

3 Q DO YOU RECALL A DISCUSSION THAT THE ACCOUNTS COULD NOT BE
4 RECONCILED AND THAT SHE WOULD NOT AGREE A CREDIT WAS OWED BECAUSE
5 FINAL PAYMENT WASN'T RECEIVED AND THE CHANGE ORDERS WEREN'T TAKEN
6 INTO CONSIDERATION? DO YOU RECALL THAT TESTIMONY?

7 A I DO.

8 Q DO YOU BELIEVE THAT TO BE TRUE AND CORRECT?

9 A I DO NOT.

10 Q WHY NOT?

11 A ALL OF THE INFORMATION THAT I GAINED IS READILY AVAILABLE
12 THROUGHOUT THE WHOLE JOB. I DIDN'T GO THROUGH ANY SPECIAL
13 SOURCES TO GET THE INFORMATION TO RECONCILE THE ACCOUNT, AND I'M
14 NOT AWARE WHY IT WOULD BE A DIFFICULT ISSUE FOR HER TO DO IT.

15 Q FOR EXAMPLE, WE CAN GO THROUGH AND LOOK AT THE BOOK BUT WE
16 HAVE AN OVERPAYMENT ON INSULATION AND THE VERNONS PAID ONE AMOUNT
17 BUT A DIFFERENT AMOUNT WAS PAID BY LANDMARC TO YODER'S, CORRECT?

18 A CORRECT.

19 Q WE'RE TALKING ABOUT GOING BACK AS FAR AS APRIL OF '09?

20 A I BELIEVE SO.

21 Q WAS THERE ANY AMOUNT OF RECONCILIATION AT THE TIME LANDMARC
22 ISSUED THEIR CHECK TO YODER'S?

23 A NOT THAT I'M AWARE OF.

24 Q I THINK THAT'S ALL WE HAVE. THANK YOU.

25 BY THE COURT: MR. RUCKER.

1 THE WITNESS: THAT'S THE CREDIT THAT WAS GIVEN ON THE ACCOUNT
2 BY YODER'S FOR EITHER RETURNED MATERIAL OR SOMETHING ELSE, LESS
3 THAT, LESS THE INTEREST CHARGES WHICH IS BELOW, RIGHT THERE.

4 BY THE COURT: THAT'S THE \$12,730.80?

5 THE WITNESS: YES, SIR. THAT COMES OUT TO \$64,- -- I'M
6 SORRY -- \$62,000. THOSE TWO NUMBERS LESS THE \$229,000 OUT OF THE
7 VERNON ACCOUNT WOULD BE \$62,000.

8 BY THE COURT: \$62,467?

9 THE WITNESS: YES, SIR.

10 BY THE COURT: THAT NUMBER RELATES TO WHAT?

11 THE WITNESS: THE AMOUNT THAT WE FEEL HASN'T BEEN PAID ON
12 THE YODER ACCOUNT BY LANDMARC.

13 BY THE COURT: SO, YOU'RE TELLING ME THAT'S YOUR OPINION OF
14 WHAT LANDMARC OWES YODER'S?

15 THE WITNESS: YES.

16 BY THE COURT: ON THIS JOB?

17 THE WITNESS: YES.

18 BY THE COURT: ON THE VERNON JOB?

19 THE WITNESS: YES.

20 BY THE COURT: ALL RIGHT.

21 THE WITNESS: BECAUSE WE'VE PAID LANDMARC IN FULL FOR ALL OF
22 THE INVOICES THEY PROVIDED WHICH WAS THE \$314,000, PLUS SOME.

23 **CONTINUED DIRECT EXAMINATION BY MR. STERN:**

24 Q MR. JOHNSON, JUST A FEW MORE. YESTERDAY THERE WAS TESTIMONY
25 FROM MRS. DUNN REGARDING THE CALCULATION OF OVERPAYMENTS

1 A LESS THE INTEREST CHARGES AND SOME OF THE OTHER STUFF, YES.

2 Q THE \$62,000 THAT YOU CALCULATED ALSO INCLUDES THE INTEREST
3 CHARGES, CORRECT?

4 A DOES NOT.

5 Q THE \$62,000?

6 A YEAH.

7 Q REMOVE THAT AS WELL? I THOUGHT THAT WAS IN THERE?

8 A I THOUGHT IT WAS TOO, SIR.

9 BY THE COURT: THE \$62,000, TELL ME IS WHAT, AGAIN, IN YOUR
10 OPINION?

11 THE WITNESS: WHAT I DID WAS---

12 Q TELL THE COURT WHERE YOU ARE.

13 A IF YOU TAKE THIS -- GO BACK ONE PAGE, SIR. THE TOTAL RIGHT
14 ACROSS HERE, THE TOTAL BILL ON THE VERNON ACCOUNT IS \$314,696.

15 BY THE COURT: FOR THE RECORD, YOU'RE LOOKING AT TAB 1.

16 THE WITNESS: TAB 1.

17 BY THE COURT: IT IS A 4-PAGE SUMMARY. IT IS PAGE 4 OF 4
18 THAT YOU ARE REFERRING TO?

19 THE WITNESS: YES, SIR.

20 BY THE COURT: ALL RIGHT.

21 THE WITNESS: SO, THE \$314,696, I BELIEVE WAS THE AGREED
22 UPON BILLED TOTAL ON THE LANDMARC ACCOUNT FOR THE VERNONS, LESS A
23 CREDIT ON THE ACCOUNT OF \$10,339 WHICH IS TO THE RIGHT THERE, THE
24 SECOND LITTLE SUMMARY, RIGHT HERE.

25 BY THE COURT: ALL RIGHT.

1 THAT FIRST COLUMN, THE TOTAL PAYMENTS ATTRIBUTED TO THE VERNONS
2 IS THE \$177,940.47?

3 A REFERRING TO YODER'S, YES.

4 Q WHICH IS REPRESENTATIVE OF HOW THEY INCLUDED -- WHAT'S
5 INCLUDED IN THEIR LIEN CLAIM OF APPROXIMATELY \$139,000?

6 A YES, SIR.

7 Q THE SECOND COLUMN IS THE TOTAL THAT LANDMARC INTENDED TO BE
8 ALLOCATED TO THE VERNONS, CORRECT?

9 A IT'S THE TOTAL AMOUNT OF CHECKS WRITTEN TO YODER'S FROM
10 THEIR ACCOUNT, YES.

11 Q OKAY. AND THAT TOTAL IS \$229,260.42?

12 A IT IS.

13 Q HAVE YOU SHOWN ON THE SPREADSHEET THAT WE REFERRED TO AS --
14 HOW THAT AFFECTS THE AMOUNT OF THE LIEN OR YODER'S ENTITLED TO
15 PAYMENT IF THOSE PAYMENTS ARE CREDITED?

16 A THAT MATH IS ACTUALLY NOT DONE ON THIS SHEET.

17 Q DID YOU HAVE A SEPARATE SPREADSHEET ON THIS?

18 A I DID NOT.

19 Q I THOUGHT IT WAS APPROXIMATELY---

20 A IF YOU DO THE MATH, YOU TAKE THE \$315,000 MINUS THE \$229,000
21 IS \$60-SOMETHING, \$62,000.

22 Q AND THAT WOULD BE APPROXIMATELY \$62,000?

23 A YES, SIR.

24 Q BUT ALL WE DO IS TAKE THE MATH OF THE TOTAL PAYMENTS LESS
25 THE CREDITS---

1 WAS A WIRE TRANSFER ON 9/14 OF '09, VERNON RESIDENCE IN THE MEMO
2 FOR \$19,542.

3 Q MR. JOHNSON, INCLUDED IN DEFENDANTS' EXHIBIT 6 -- DO YOU
4 HAVE THAT IN FRONT OF YOU?

5 A YES, SIR.

6 Q --IS A RECAP OF PAYMENTS, WHAT I JUST USED WITH MR. MCLANE.
7 DO YOU RECALL THAT?

8 A I DO.

9 Q OKAY. IS THERE ALSO A RELATED SUMMARY THAT YOU'VE PREPARED
10 THAT'S ALSO PART OF DEFENDANTS' EXHIBIT 6?

11 A YES.

12 BY THE COURT: YOU MEAN PLAINTIFFS' EXHIBIT 6?

13 MR. STERN: PLAINTIFFS' EXHIBIT 6.

14 A THAT'S THE ACTUAL FOUR PAGES RIGHT IN FRONT OF THAT
15 SPREADSHEET.

16 Q OKAY. FIRST OFF, WITH REGARD WITH TO THE FIRST SPREADSHEET,
17 WE HAVE A COLUMN THAT YODER'S WAS CREDITED VERSUS A COLUMN OF
18 LANDMARC'S CREDITS BASED ON THE VERNONS CHECKS?

19 A YES. THE FIRST COLUMN IS ACCOUNTS SHOWED ON THE YODER'S
20 ACCOUNT PER THEIR ACCOUNTING; THE SECOND NUMBER -- THE SECOND
21 COLUMN IS CHECKS WRITTEN OUT OF THE LANDMARC ACCOUNT FOR YODER'S;
22 THE THIRD COLUMN IS JUST THE CHECK NUMBERS; THE FOURTH COLUMN IS
23 ACTUALLY AMOUNTS THAT WERE BILLED TO THE VERNONS, PAID BY THE
24 VERNONS TO LANDMARC IN THOSE DATED BILLINGS.

25 Q AND WE KNOW THAT UTILIZING THE YODER'S NUMBERS ONLY SHOWN IN

1 Q I HAVE IT. OKAY. I'M NOT SURE I KNOW WHICH ONE IT IS.
2 IT'S THIS ONE. IS THIS BASICALLY YOUR REVISION OF THE DAMAGE
3 SUMMARY BASED ON THE DUNNS -- MRS. DUNNS' TESTIMONY ABOUT THAT
4 PARTICULAR WIRE?

5 A IT IS.

6 MR. STERN: I SHOW THAT TO OPPOSING COUNSEL. YOUR HONOR, I
7 MOVE THIS DOCUMENT AS THE NEXT PLAINTIFFS' EXHIBIT.

8 (COMPILATION OF MONEY LANDMARC OWES THE VERNONS ENTERED INTO
9 EVIDENCE AS PLAINTIFFS' EXHIBIT NO. 19)

10 A FOR THE RECORD, THAT'S ACTUALLY TAB 19 IN OUR BOOK.

11 Q SO, THIS SHOULD REPLACE TAB 19 THAT'S IN DEFENDANTS' EXHIBIT
12 1 -- PLAINTIFFS' EXHIBIT 1?

13 A YES.

14 MS. WRIGHT: THAT'S PLAINTIFFS' EXHIBIT 6, MR. STERN.

15 Q PLAINTIFFS' EXHIBIT 6, EXCUSE ME.

16 A YES, SIR.

17 BY THE COURT: MR. STERN, AM I CORRECT IN THINKING THE ONLY
18 CHANGE THEN WOULD BE TAB 19 OF PLAINTIFFS' 6 WOULD BE REVISED
19 DOWNWARD BY THIS AMOUNT?

20 MR. STERN: YES, SIR, TO REFLECT MRS. DUNNS' TESTIMONY THAT
21 THERE WAS A WIRE TO MATT-LYNN THAT WE HAD NOT CREDITED IN THE
22 DAMAGES CALCULATION AMOUNT.

23 BY THE COURT: THAT AMOUNT IS WHAT?

24 THE WITNESS: \$19,3-SOMETHING, SIR. YOU HAVE THE -- NO, I
25 NEED THE CHECKS FROM YESTERDAY. YES, THEY'RE RIGHT THERE. IT

1 DUNN THAT ATTEMPTED TO OFFER REASONS WHY YOUR CALCULATION OF
2 OVERPAYMENTS WAS INCORRECT. DO YOU RECALL THAT?

3 A I DO.

4 Q ONE OF THOSE HAD TO DO WITH MATT-LYNN. DO YOU RECALL THAT?

5 A I DO.

6 Q MRS. DUNN INTRODUCED SOME CHECKS INTO EVIDENCE AND TESTIFIED
7 AS TO WIRE TRANSFERS TO MATT-LYNN THAT WEREN'T REFLECTED IN YOUR
8 CALCULATION OF OVERPAYMENT. DO YOU RECALL THAT?

9 A I DO.

10 Q DID YOU LOOK INTO THAT?

11 A I DID.

12 Q WHAT DID YOU DETERMINE?

13 A THE CHECKS THAT SHE PRODUCED YESTERDAY WERE ACTUALLY ALREADY
14 PART OF THE CALCULATION. THE WIRE TRANSFERS WERE NOT. OF THOSE
15 -- I BELIEVE THERE WERE THREE WIRE TRANSFERS. ONLY ONE OF THEM
16 NOTATED VERNON RESIDENCE ON IT.

17 Q OKAY. DID YOU FIND ANY WIRE TRANSFERS THAT MAY HAVE BEEN
18 ATTRIBUTABLE TO MATT-LYNN?

19 A I DID.

20 Q IN LOOKING AT THAT, HAVE YOU RECALCULATED WHAT YOU BELIEVE
21 TO BE THE OVERPAYMENT -- GIVEN CREDIT TO LANDMARC FOR THAT ONE
22 WIRE?

23 A I DID.

24 Q DO YOU HAVE THAT IN FRONT OF YOU?

25 A I DON'T. YOU HAVE IT.

BRYAN JOHNSON--DIRECT BY MR. STERN

1 A CORRECT.

2 Q THE OCTOBER EMAIL THAT MR. STERN ASKED YOU ABOUT, THE EMAIL
3 THAT SAYS -- THAT OCTOBER 22ND CHECK WAS SUPPOSED TO GO---

4 A RIGHT.

5 Q YOU ADMIT THAT SHOULD ALL GO TO VERNON, THAT SHOULD BE---

6 A CORRECT.

7 Q THAT'S ABOUT \$6,000?

8 A CORRECT.

9 MR. DUDLEY: THAT'S ALL I GOT.

10 BY THE COURT: ALL RIGHT. THANK YOU.

11 (WITNESS EXCUSED)

12 BY THE COURT: ALL RIGHT, MR. DUDLEY. CALL YOUR NEXT WITNESS.

13 MR. DUDLEY: THAT'S IT. THAT'S OUR CASE.

14 BY THE COURT: ALL RIGHT. ANYTHING ELSE?

15 MR. STERN: YOUR HONOR, YES, SIR, BRIEFLY, MR. JOHNSON IN
16 REPLY.

17 BY THE COURT: ALL RIGHT.

18 **BRYAN JOHNSON**, BEING PREVIOUSLY DULY SWORN, TESTIFIED AS
19 FOLLOWS:

20 BY THE COURT: JUST REMIND YOU THAT YOU ARE STILL UNDER
21 OATH, SIR. JUST FOR THE RECORD, RESTATE YOUR NAME.

22 THE WITNESS: BRYAN JOHNSON.

23 **DIRECT EXAMINATION BY MR. STERN:**

24 Q MR. JOHNSON, I'M GOING TO ASK YOU JUST A FEW QUESTIONS
25 BRIEFLY IN REPLY. YESTERDAY WE HEARD SOME TESTIMONY FROM MRS.

1 STARTED AFTER VERNON OR BEFORE? DO YOU HAVE ANY RECOLLECTION OF
2 THAT?

3 A AS BEST I CAN RECALL, IT WAS THE VERNON AND THEN THE
4 TOLLESON.

5 Q DID YOU FILE A LIEN ON THE TOLLESON CASE?

6 A YES.

7 Q TELL ME, WHEN YOU APPLY THE PAYMENT, DO YOU GO IN AND APPLY
8 -- HOW DOES YOUR SYSTEM APPLY PAYMENTS: MANUALLY OR
9 AUTOMATICALLY?

10 A YOU CAN MANUALLY OR AUTOMATICALLY DO IT.

11 Q WHAT IS YOUR RECOLLECTION OF HOW YOU DID IT ON THIS JOB?

12 A IF THERE WAS INDICATION ON THE CHECK HOW TO APPLY, I WOULD
13 HAVE TO DO IT MANUALLY.

14 Q ALL RIGHT.

15 A IF THERE WASN'T ANY INDICATION, I COULD AUTOMATICALLY
16 DISTRIBUTE THE FUNDS OVER THE OLDEST INVOICES.

17 Q YOU MEAN, THE SYSTEM DOES IT?

18 A THE SYSTEM DOES, YES.

19 Q ALL RIGHT. IF YOU HADN'T -- ARE YOU AWARE OF ANYBODY HAVING
20 90-DAY TERMS WITH YODER'S?

21 A NOT TO MY RECOLLECTION.

22 Q WOULD YOU KNOW WHAT THE LOGICAL IMPACT IS ON A 90-DAY TERM?

23 A AS FAR AS BUSINESS IMPACT?

24 Q WITH REGARDS TO YOUR LIEN, IF THE DEBT'S NOT DUE FOR 90
25 DAYS---

1 THAT JUNE 10TH CHECK YOU JUST GOT WAS FOR VERNON BECAUSE THERE WAS
2 NOTHING UNTIL DECEMBER ABOUT THIS FEBRUARY CHECK BEING MISAPPLIED
3 ACCORDING TO LANDMARC, WAS THERE?

4 A CORRECT.

5 Q IN FACT, OTHER THAN THAT JUNE 9TH, ONE SENTENCE THAT SAYS
6 THAT JUNE 10TH CHECK WAS SUPPOSED TO GO TO THE VERNONS AFTER YOU
7 HAD ALREADY -- YOU HAD IT POSTED. THE NEXT TIME YOU GOT ANY EMAIL
8 WAS THE DECEMBER EMAIL SAYING, "HEY, REMEMBER, NOVEMBER 19TH I
9 SENT YOU THIS EMAIL ABOUT ISSUES WITH PAYMENTS."

10 A CORRECT.

11 Q SO, TEN MONTHS GO BY -- EVERY MONTH THEY KNEW HOW THE CHECKS
12 WERE BEING APPLIED?

13 MR. STERN: YOUR HONOR, THESE -- I THOUGHT WE HAD TO DO A
14 QUESTION AND ANSWER THING, NOT A SPEECH.

15 MR. DUDLEY: OH, MY.

16 BY THE COURT: PUT A QUESTION TO IT, MR. DUDLEY.

17 MR. STERN: MY GOOD FRIEND KNOWS BETTER THAN THAT.

18 BY THE COURT: ALL RIGHT. I SUSTAIN THE OBJECTION.

19 Q DID YOU GET ANY COMPLAINTS FROM LANDMARC OTHER THAN DECEMBER
20 ABOUT HOW THE PAYMENTS WERE APPLIED?

21 A NO, NOT THAT I CAN---

22 Q THE TOLLESON/SMITH, HOW BIG A HOUSE -- PROJECT DO YOU
23 UNDERSTAND TOLLESON/SMITH WAS IN RELATIONSHIP TO THE VERNONS?

24 A I DON'T REMEMBER THE SCALE.

25 Q DO YOU KNOW WHETHER OR NOT -- IF THE TOLLESON/SMITH PROJECT

1 THE EXHIBIT NUMBER.

2 Q TAB NUMBER 1--

3 MR. DUDLEY: THIS IS EXHIBIT 6?

4 MR. STERN: YES, PLAINTIFFS' EXHIBIT 6.

5 Q PLAINTIFFS' EXHIBIT 6, TAB 1, THE SPREADSHEET THAT YOU SAID

6 MR. JOHNSON DID, YOU WERE LOOKING AT EARLIER. THAT ONE. RIGHT.

7 SO, IT WAS FAIRLY COMMON---

8 BY THE COURT: MR. DUDLEY, THERE ARE SEVERAL SPREADSHEETS

9 IN THIS EXHIBIT. SO, IF YOU WILL---

10 MR. DUDLEY: THE ONE THAT LOOKS LIKE THIS THAT MR. STERN WAS

11 ASKING HIM ABOUT, THAT HAS -- KEEP GOING, LET ME HELP YOU OUT.

12 THAT'S IT.

13 BY THE COURT: ALL RIGHT.

14 Q THE MIDDLE COLUMN -- MR. STERN WAS ASKING YOU ABOUT --

15 THERE'S A \$12,000 CHECK, THAT'S WHAT LANDMARC SAYS THEIR PAYMENTS

16 WERE, RIGHT?

17 A CORRECT.

18 Q AND THAT \$12,000 CHECK WAS A FEBRUARY CHECK, RIGHT?

19 LANDMARC SAYS THAT \$12,000 CHECK WAS SUPPOSED TO BE APPLIED TO

20 VERNON, AND THAT WAS A CHECK IN FEBRUARY, RIGHT?

21 A CORRECT.

22 Q EVERY MONTH LANDMARC GOT A RECAP OF WHAT THE RUNNING BALANCE

23 IS ON ALL OF THEIR PROJECTS, CORRECT?

24 A CORRECT.

25 Q IN JUNE, WE LOOKED AT -- JUNE 9TH, IN THE BODY OF IT IT SAID

O. WYLIE MCLANE--REDIRECT BY MR. DUDLEY

1 INDICATED IN HERE BY A FINANCE CHARGE, NOT NECESSARILY A NOTICE
2 OR ANYTHING IN THERE.

3 Q UP ON THE REMITTANCE ADVICE ON THE TOP PART, YOU'VE GOT
4 CUSTOMER "LANCOO23."

5 A UH-HUH (AFFIRMATIVE).

6 Q DOES THAT MEAN THAT THIS CUSTOMER, IN THIS CASE TOLLESON,
7 WAS LANDMARC CUSTOMER 23?

8 A CORRECT.

9 Q AND EACH JOB WOULD HAVE A DIFFERENT NUMBER?

10 A CORRECT.

11 MR. STERN: THAT'S ALL I HAVE.

12 BY THE COURT: MR. DUDLEY.

13 MR. DUDLEY: A BRIEF FOLLOW UP.

14 BY THE COURT: ALL RIGHT.

15 **REDIRECT EXAMINATION BY MR. DUDLEY:**

16 Q KEEP THE LITTLE SPREADSHEET OUT IN FRONT OF YOU. THE COLUMN
17 THAT SAYS THE CHECKS -- THAT'S WHAT LANDMARC SAYS THE CHECKS --
18 WHAT THEY CONSIDER TO BE PAYMENTS ON THE PROJECT, RIGHT?

19 A THE OTHER EXHIBIT HERE?

20 Q YES.

21 A OKAY.

22 Q THAT CAME UP TO THE \$229---

23 BY THE COURT: FOR THE RECORD, SINCE THIS IS TERRIBLY
24 COMPLICATED, WILL YOU, AT LEAST IN MY LIMITED ABILITIES, IF

25 YOU'LL MAKE SURE YOU'RE REFERRING SPECIFICALLY TO THE PAGE AND

1 PAYMENT TERMS?

2 A YES. THERE ARE 60-DAY PAYMENT TERMS.

3 Q WHY DO YOU -- OKAY, I SEE. AFTER 60 DAYS, ON THE 15TH OF THE
4 MONTH THE FINANCE CHARGES START ACCRUING?

5 A RIGHT.

6 Q OKAY. CAN YOU TELL WHETHER THIS INDICATES 90-DAY OR 60-DAY
7 PAYMENT TERMS?

8 A NO.

9 Q YOU CAN'T TELL FROM THAT ITSELF? THERE'S SOMETHING ON FILE?

10 A THAT'S SOMETHING ON FILE.

11 Q THE LAST CHECK THAT WE WENT OVER WAS OCTOBER 23RD, 2009. YOU
12 DON'T SHOW ANY PAYMENTS AFTER THAT DATE? ARE YOU BACK AT YODER'S
13 EXHIBIT 1?

14 A CORRECT. YBS-0208 IS THE PAGE THAT I'M ON.

15 Q AND THAT'S THE LAST PAYMENT RECEIVED?

16 A CORRECT, 10/26/09.

17 Q WHY WOULD YOU NOT TELL MR. VERNON THE BALANCE THAT WAS OWED?

18 A THAT'S JUST SOMETHING THAT WAS PART OF YODER'S POLICY NOT TO
19 SHARE.

20 Q ON DEFENDANTS' EXHIBIT 3, THERE'S A -- WHERE DOES THIS
21 INDICATE THAT SOME PAYMENT IS LATE?

22 A IT DOESN'T INDICATE ON HERE.

23 Q OKAY. WHERE WOULD THAT BE INDICATED?

24 A THERE IS ANOTHER PAGE ACCOMPANYING THIS ONE HERE BECAUSE
25 THERE'S NO BALANCE AMOUNT ON THIS ONE. IF IT WERE, IT WOULD BE

1 Q YOU DID UNDERSTAND?

2 A YES.

3 Q THAT YOU COULD NOT?

4 A CORRECT.

5 Q BUT YET YOU SIGNED A VERIFIED STATEMENT OF ACCOUNT SAYING
6 THAT WAS THE AMOUNT OWED BY THE VERNONS?

7 A I SIGNED WHAT THE ATTORNEY PRESENTED TO ME AS BEING OUR
8 ATTORNEY.

9 Q GOING BACK TO DEFENDANTS' EXHIBIT 3. I'M ALMOST DONE. THE
10 PAYMENT TERMS ARE SHOWN ON THE STATEMENT, ARE THEY NOT?

11 A CORRECT.

12 Q SO, UNDER CURRENT PAYMENTS ON THIS PARTICULAR ONE, IT SAYS
13 CURRENT PAYMENTS 60 AND 90 DAYS?

14 A UH-HUH (AFFIRMATIVE).

15 Q DOES THAT SUGGEST THAT THERE WERE 90 DAYS PAYMENT TERMS TO
16 YODER'S?

17 A NO.

18 Q WELL,---

19 A THIS IS, DOWN AT THE BOTTOM HERE, IT'S CURRENT WHAT HAS BEEN
20 BILLED IN THIS BILLING CYCLE, WHAT INVOICES ARE 31 TO 60 DAYS
21 OLD, 61 TO 90 DAYS OLD, AND SO FORTH.

22 Q WHEN DO YOU START ACCRUING FINANCE CHARGES?

23 A FINANCE CHARGES ARE ACCRUED ON THE 15TH OF EVERY MONTH,
24 AROUND THE 15TH.

25 Q HELP ME UNDERSTAND, DOES THAT MEAN THAT THERE ARE NOT 60-DAY

1 A CORRECT.

2 Q AND YOU INCLUDED \$12,630.80 IN FINANCE CHARGES IN THE LIEN
3 ITSELF, THE TOTAL AMOUNT OF WHICH IS \$139,047.30?

4 A CORRECT.

5 Q WHY DID YOU DO THAT?

6 A THE FINANCE CHARGES IN WITH THE LIEN?

7 Q YEAH.

8 A THAT WAS -- WHAT I DONE EXACTLY WAS PRINTED OUT THE LANDMARC
9 STATEMENT AND SENT THAT TO OUR ATTORNEY.

10 Q YOU WEREN'T AWARE THAT UNDER SOUTH CAROLINA LAW THAT IS AN
11 IMPERMISSIBLE AMOUNT TO BE INCLUDED?

12 A YES.

13 Q YOU WERE AWARE OF THAT?

14 A YES.

15 Q YOU WERE AWARE IT WAS IMPERMISSIBLE TO INCLUDE IN THE
16 MECHANIC'S LIEN FINANCE CHARGES?

17 A YES.

18 Q BUT YOU INCLUDED IT ANYWAY?

19 A I JUST PRINTED OUT THE STATEMENT, THE WAY IT WAS, THE WAY I
20 HAD IT IN MY SYSTEM, SENT THAT TO THE ATTORNEY TO FILE THE
21 MECHANIC'S LIEN ON BEHALF OF YODER'S.

22 Q BUT YOU UNDERSTOOD AT THE TIME YOU SUBMITTED THAT THAT YOU
23 CAN'T INCLUDE FINANCE CHARGES IN A MECHANIC'S LIEN UNDER SOUTH
24 CAROLINA LAW?

25 A I DID, YES.

O. WYLIE MCLANE--CROSS BY MR. STERN

1 OLDER ACCOUNT, CORRECT?

2 A CORRECT.

3 Q AND THERE'S NOTHING IN THE MEMO SECTION ON THIS CHECK --
4 AGAIN, I'M BACK IN YOUR BOOK, EXHIBIT 19.

5 A ALL RIGHT.

6 Q AND THAT CHECK IS ALSO DRAWN ON THE SAME ACCOUNT AS THE
7 OTHER VERNON CHECKS, ACCOUNT NUMBER 178447, CORRECT?

8 A CORRECT.

9 Q OKAY. SO, HELP ME UNDERSTAND WHY, BASED ON WHAT YOU'VE
10 TESTIFIED TO, WHEN YOU GOT A DIRECTION THE DAY BEFORE AS TO HOW
11 IT WAS TO BE ALLOCATED YOU DIDN'T ALLOCATE 100 PERCENT TO THE
12 VERNONS.

13 A OBVIOUSLY, IT WAS A MISTAKE ON THIS ONE.

14 Q SO, THIS SHOULD BE CREDITED IN FULL TO THE VERNONS?

15 A THIS SHOULD BE ON THE VERNONS ACCOUNT.

16 Q AS OF THIS TIME, IF I'M CORRECT, IN OCTOBER, YOU WOULD HAVE
17 -- LIEN RIGHTS WOULD HAVE EXPIRED ON SEVERAL OF THESE OLDER JOBS,
18 ISN'T THAT CORRECT?

19 Q I'M NOT SURE. I DON'T HAVE THAT IN FRONT OF ME. THAT'S A
20 POSSIBILITY. YES.

21 Q YOU INCLUDED -- YOU WERE THE PERSON -- WERE YOU EMPLOYED IN
22 DECEMBER OF '09 AT YODER'S STILL?

23 A YES.

24 Q YOU WERE THE ONE WHO SIGNED THE MECHANIC'S LIEN; IS THAT
25 CORRECT?

1 IN THE -- IT'S THIS BOOK.

2 A OKAY. SORRY, I---

3 Q YOU CAN LOOK ON WITH ME.

4 A OKAY.

5 Q I'LL REPRESENT TO YOU THAT YBS MEANS IT WAS PRODUCED BY
6 YODER'S IN THIS LITIGATION.

7 A YES.

8 Q AND THAT IS AN EMAIL FROM KERRI DUNN ON THE 22ND.

9 A OKAY.

10 Q OKAY. SHE'S TELLING YOU THAT'S ON THE VERNON ACCOUNT.

11 A OKAY.

12 Q YOU RECEIVED THAT EMAIL, DID YOU NOT?

13 A YES.

14 Q BUT YOU DID NOT ALLOCATE THE ENTIRE -- DESPITE RECEIVING
15 THAT EMAIL, YOU DIDN'T -- THE TOTAL CHECK WAS \$22,493.27 DATED
16 OCTOBER 23RD, THAT'S LANDMARC CONSTRUCTOR'S CHECK 1383.

17 A OKAY..

18 Q WHAT DO YOU SHOW AS A CREDIT TO VERNON?

19 A \$15,019.70.

20 Q SO, DESPITE THE FACT THAT MRS. DUNN SENT YOU AN EMAIL THE
21 DAY BEFORE SHE WROTE A CHECK FOR OCTOBER 23RD, EVEN WITH THAT
22 CONTEMPORANEOUS NOTIFICATION, YOU STILL ALLOCATED -- DIDN'T
23 ALLOCATE 100 PERCENT OF THAT CHECK TO THE VERNON ACCOUNT?

24 A CORRECT.

25 Q YOU ALLOCATED SOME PORTION TO VERNON, SOME PORTION TO AN

O. WYLIE MCLANE--CROSS BY MR. STERN

1 Q AND YOU ALLOCATED A PART OF IT FOR AN OLDER JOB, I GUESS,
2 WHICH WOULD BE TOLLESON, MARSHALL OR SOME OTHER PERHAPS?

3 A CORRECT.

4 Q OKAY. NOW, ISN'T IT TRUE THAT, THE DAY BEFORE, YOU RECEIVED
5 A MEMO OR AN EMAIL FROM MRS. DUNN TELLING YOU TO ALLOCATE 100
6 PERCENT OF THESE PROCEEDS TO THE VERNON JOB. DO YOU RECALL THAT?

7 A I DO NOT RECALL THAT.

8 Q BUT IN ANY CASE, YOU TESTIFIED EARLIER THAT IF THAT -- YOU
9 RECEIVED A CONTEMPORANEOUS COMMUNICATION ABOUT HOW TO ALLOCATE
10 IT, YOU WOULD FOLLOW IT?

11 A YES.

12 Q LET ME SHOW YOU -- AND THIS WAS NOT IN THE DEFENDANTS' BOOK,
13 BUT THE EMAIL OCTOBER 23RD, THIS IS AT TAB 1 OF PLAINTIFFS'
14 EXHIBIT 6, AND IT'S AN EMAIL FROM KERRI DUNN TO YOU. IT'S BATES
15 NUMBERED YBS-0220. DO YOU HAVE IT, SIR?

16 A YES.

17 Q AND I'LL READ IT, IT SAYS, "HEY, WILEY, PAYMENT ON THE
18 VERNON'S BILL WILL BE MAILED OUT TOMORROW AND NEXT FRIDAY. THE
19 TOLLESON'S HAVE NOT PAID THEIR FINAL BILL YET AND WE ARE WAITING
20 ON THAT." YOU RECEIVED THAT, DID YOU NOT, SIR?

21 A WE'RE NOT ON THE SAME---

22 Q I'LL SHOW YOU---

23 A OKAY.

24 Q DO YOU RECOGNIZE THE EMAIL? IT WAS PRINTED OUT BY YOU AND
25 WAS PRODUCED BY YODER'S. IT IS YBS-0220. I'M SORRY, IT'S BACK

1 VERNONS?

2 A CORRECT.

3 Q WHAT'S THE NEXT CHECK YOU SHOW AS BEING RECEIVED?

4 A THE NEXT PAYMENT WAS ON 10/13/2009, CHECK NUMBER 1367,
5 \$39,652.43.

6 Q AND THE CHECK THAT IS SHOWN AT EXHIBIT 19--

7 A YES.

8 Q WHAT IS SHOWN AS RECEIVED THERE?

9 A \$40,270.43.

10 Q BUT, AGAIN, NOTHING IN THE MEMO SECTION?

11 A CORRECT.

12 Q BUT YOU ALLOCATED THE BULK OF THAT TO THE VERNON JOB,
13 CORRECT?

14 A CORRECT.

15 Q AGAIN, DRAWN ON THE SAME ACCOUNT AS THE OTHER CHECKS PAYABLE
16 BY LANDMARC FOR VERNON, ACCOUNT NUMBER 178447, TRUE?

17 A CORRECT.

18 Q OCTOBER 23RD, YOU SHOW -- EXCUSE ME. WHAT IS YOUR NEXT
19 PAYMENT THAT YOU SHOW AS RECEIVED FROM LANDMARC FOR THE VERNON
20 JOB?

21 A 10/26/2009.

22 Q HOW MUCH?

23 A CHECK NUMBER 1383, \$15,019.70.

24 Q OKAY. THAT'S WHAT YOU ALLOCATED TO THE VERNON JOB, CORRECT?

25 A CORRECT.

1 THE VERNON, CORRECT?

2 A NOT NECESSARILY. IF WE SET UP THE VERNON JOB FIRST IN OUR
3 SYSTEM, THAT WOULD BE TECHNICALLY THE OLDER JOB.

4 Q BUT IN ANY CASE, ON THAT CHECK, YOU ALLOCATED PART OF IT TO
5 VERNON AND PART OF IT TO SOME OTHER ACCOUNT, CORRECT?

6 A CORRECT.

7 Q WHAT'S THE NEXT CHECK YOU SHOW?

8 A THE NEXT PAYMENT I HAVE IS DATED 6/10/2009, CHECK NUMBER
9 1324, \$58,340.06.

10 Q AND THE CHECK THAT IS PART OF YOUR EXHIBIT 19, AGAIN,
11 WRITTEN ON THE SAME ACCOUNT AS THE OTHER CHECKS FOR THE VERNON
12 JOB--

13 A CORRECT.

14 Q --WAS FOR \$84,665.56, CORRECT?

15 A CORRECT.

16 Q BUT YOU ONLY ALLOCATED A PORTION, THE AMOUNT THAT YOU
17 STATED, TO THE VERNON JOB?

18 A \$58,340.06.

19 Q OKAY. AGAIN, GIVEN YOU'VE GOT THIS PAYMENT, HOW WOULD YOU
20 KNOW UNLESS YOU HAD THE STATEMENT, TESTIFIED TO BY YOU AND BY
21 MRS. DUNN, TO ALLOCATE ANY SUM TO THE VERNON JOB RATHER THAN TO
22 THIS OLDER ACCOUNT?

23 A OLDER INVOICES PREVAIL.

24 Q ALL RIGHT, SIR. BUT, AGAIN, THERE'S NOTHING IN THE MEMO
25 SECTION, BUT YET YOU DID ALLOCATE A PORTION OF THAT TO THE

1 A YES. IT SHOULD HAVE WENT TO THE OLDER JOB.

2 Q SO, MY QUESTION IS: GIVEN YOUR TESTIMONY AND THE UNDISPUTED
3 EVIDENCE THAT THERE WAS PAST DUE BALANCES TO THIS DAY ON OTHER
4 JOBS, HOW WOULD YOU KNOW TO APPLY ANY OF THAT AT ALL TO THE
5 VERNONS?

6 A THE ONLY -- THE WAY THAT I APPLIED THAT WAS TO THE OLDER
7 INVOICES.

8 Q BUT YOU ALLOCATED SOME OF THIS TO VERNON.

9 A UH-HUH (AFFIRMATIVE).

10 Q THERE ARE BALANCES TO THIS DAY OWED BY YODER'S ON OTHER
11 JOBS, EXCUSE ME, OWED BY LANDMARC TO YODER'S ON OTHER JOBS, ISN'T
12 THAT TRUE?

13 A THE TWO OUTSTANDING JOBS THAT WE HAVE OPEN WITH LANDMARC AT
14 THIS POINT IN TIME VERSUS -- IN OUR RECORDS WERE FOR THE VERNON
15 AND THE TOLLESON JOBS.

16 Q AND TOLLESON IS OWED TO THIS DAY?

17 A CORRECT.

18 Q TOLLESON WAS OLDER THAN VERNON AS OF THIS TIME?

19 A I BELIEVE IT WAS VERNON AND THEN THE TOLLESON JOBS.

20 Q ARE YOU SURE?

21 A ACTUALLY, VERNON WAS -- I BELIEVE, LANDMARC 022 AND 023 WERE
22 THE VERNON AND THE TOLLESON JOBS.

23 Q ISN'T IT TRUE THAT THE TOLLESON JOB FINISHED IN JUNE OF '09?

24 A THAT, I CANNOT TESTIFY TO. I DO NOT REMEMBER.

25 Q IF IT FINISHED IN JUNE OF '09, IT WOULD BE AN OLDER JOB THAN

1 Q AND IT'S FOR \$12,908.21, BUT YOU ONLY CREDITED PART OF IT TO
2 THE VERNON JOB AND SOME OF IT TO OLDER ACCOUNTS, CORRECT?

3 A CORRECT.

4 Q BUT YET YOU STILL HAD BALANCES OWED ON THE MARSHALL JOB,
5 TOLLESON JOB. ANY OTHER JOBS YOU HAD BALANCES ON?

6 A TO MY KNOWLEDGE -- I DO NOT REMEMBER WITHOUT LOOKING OVER
7 THE ACCOUNTS.

8 Q BUT THERE'S NOTHING IN THE MEMO SECTION?

9 A NO.

10 Q SO, MORE LIKELY THAN NOT YOU WOULD HAVE HAD SOME STATEMENT,
11 AS MRS. DUNN TESTIFIED TO -- IS THE PROPER TERM REMITTANCE ADVICE
12 ON THAT STATEMENT, DEFENDANTS' EXHIBIT 3?

13 A UH-HUH (AFFIRMATIVE).

14 Q YOU WOULD HAVE HAD SOMETHING TO INDICATE IT WAS PART OF THE
15 VERNON ACCOUNT, CORRECT?

16 A OTHER THAN THAT WAS THE OUTSTANDING INVOICES AT THE TIME.

17 Q BUT YOU DON'T -- AS WE WILL SEE IN A MOMENT, THIS CONTINUES
18 AND THERE ARE OLDER BALANCES. IN FACT, THERE ARE EMAILS SHOWING
19 THOSE BALANCES UP UNTIL NOVEMBER 2009 ON THESE OLDER JOBS, ISN'T
20 THAT TRUE?

21 A THE EMAILS INDICATE THAT.

22 Q OKAY. SO, IF THOSE WERE THE OLDER ONES, YOU DIDN'T HAVE
23 ANYTHING IN THE MEMO SECTION, UNLESS YOU HAD THAT REMITTANCE
24 ADVICE, YOU WOULDN'T -- YOU WOULD ALLOCATE ALL OF IT TO THE OLDER
25 JOBS, CORRECT?

1 A NO.

2 Q HOW WOULD YOU KNOW THAT THAT WOULD BE -- YOU HAD BALANCES
3 OUTSTANDING ON THE MARSHALL JOB, ON THE TOLLESON JOB AT THIS
4 TIME, DID YOU NOT?

5 A YES.

6 Q HOW WOULD YOU KNOW TO CREDIT -- WHY WOULD YOU NOT CREDIT ALL
7 OF THAT TO THOSE JOBS AS OPPOSED TO THE VERNON JOB UNLESS YOU HAD
8 SOMETHING ELSE TO INDICATE THAT THAT WAS TO BE THE VERNONS?

9 A YES. THAT WOULD BE THE CASE.

10 Q BUT YOU ONLY CREDITED \$40,283.90 OUT OF THE \$43,646.84,
11 CORRECT?

12 A CORRECT.

13 Q LET'S LOOK AT THE NEXT PAYMENT THAT YOU SHOW AS BEING
14 RECEIVED.

15 A THIS WAS ON 4/3/2009, CHECK NUMBER 1296, \$13,276.11.

16 Q I BELIEVE THAT'S ONE WHERE THERE IS A STATEMENT IN THE MEMO
17 SECTION, CORRECT? IT SAYS, "VERNON JOB."

18 A CORRECT.

19 Q OKAY. NEXT PAYMENT THAT YOU SHOW RECEIVED---

20 A 5/8/2009, CHECK NUMBER 1310 FOR \$11,368.27.

21 Q OKAY. THAT CHECK FROM -- IF YOU WOULD LOOK BACK AT YOUR
22 EXHIBIT 19, THAT CHECK HAS NOTHING IN THE MEMO SECTION, CORRECT?

23 A CORRECT.

24 Q IT'S DRAWN ON THE SAME ACCOUNT AS THE OTHER CHECKS, CORRECT?

25 A RIGHT.

1 Q BUT YOU UNDERSTOOD THAT THE VERNONS -- EXCUSE ME -- THAT
2 LANDMARC HAD USED DIFFERENT ACCOUNTS FOR DIFFERENT JOBS?

3 A I HEARD THAT IN TESTIMONY YESTERDAY. YES.

4 Q OKAY. ANYWAY, THIS IS ON ACCOUNT 178447, CORRECT? THE LAST
5 FEW DIGITS---

6 A 178447, CORRECT.

7 Q OKAY. THE NEXT CHECK WE HAVE IS CHECK 1283 WHICH IS
8 CREDITED. IT'S IN THE AMOUNT OF \$43,646.84, CORRECT?

9 A CORRECT.

10 Q THERE'S NOTHING IN THE MEMO SECTION?

11 A RIGHT.

12 Q BUT YOU DID CREDIT THE SUM OF -- FROM THAT CHECK, THE SUM OF
13 \$40,283.90; IS THAT CORRECT? AS SHOWN ON -- GOING BACK AGAIN TO
14 DEFENDANTS' EXHIBIT 6.

15 A CORRECT.

16 Q IF YOU DIDN'T HAVE ANYTHING IN THE MEMO SECTION AND YOU
17 DIDN'T HAVE A TICKET, HOW WOULD YOU KNOW TO CREDIT -- FIRST OFF,
18 WHY WOULD YOU NOT CREDIT ALL OF THAT TO THE VERNON JOB AND WHY
19 WOULD YOU CREDIT JUST PART OF IT?

20 A BECAUSE IF THERE'S NOT ANYTHING SPECIFICALLY OUTLINED IN THE
21 CHECK'S MEMO SECTION, THERE'S NOT ANY KIND OF ACCOMPANYING
22 DOCUMENTATION WITH THAT CHECK, POLICY WAS TO APPLY TO THE OLDEST
23 INVOICE FIRST AND COME FORWARD.

24 Q BUT IN ANY CASE, YOU HAD TO HAVE SOMETHING TO TELL YOU TO
25 ALLOCATE THAT CHECK AT ALL TO THE VERNONS, CORRECT?

1 BY THE COURT: OKAY. THANK YOU.

2 Q WHAT MR. JOHNSON HAS DONE HERE IS SHOW ON A SPREADSHEET THE
3 DIFFERENCES BETWEEN WHAT YODER'S CONSIDERS TO BE PAYMENTS ON THE
4 VERNON ACCOUNT VERSUS WHAT LANDMARC CONSIDERS TO BE PAYMENTS ON
5 THE ACCOUNT. OKAY. IF YOU HAVE A BETTER RECORD THAT WOULD SHOW
6 YOU THE CHECKS, THEN BY ALL MEANS REFER TO THEM BUT I'LL
7 REPRESENT TO YOU THAT THIS IS IN EVIDENCE AND HAS BEEN RECEIVED
8 BY THE COURT. THERE WAS A \$12,000 CHECK, CHECK 1282 THAT---

9 A MAY I, SIR?

10 Q ABSOLUTELY, ANYTHING YOU NEED TO LOOK AT.

11 A OKAY.

12 Q AND IT'S A CHECK DATED FEBRUARY 19, 2009, YOU DON'T SHOW A
13 PAYMENT RECEIVED ON OR ABOUT THAT TIME ON VERNON.

14 A THE FIRST PAYMENT I HAD ON THE VERNON JOB SPECIFICALLY IS
15 DATED 3/12/2009, CHECK NUMBER 1283 FOR \$40,283.90.

16 Q OKAY. ALL RIGHT. I'LL SHOW YOU IN YOUR EXHIBIT BOOK THAT
17 CHECK. THIS IS TAB 19 IN YOUR BOOK. THE FIRST ONE IS A \$12,000
18 CHECK. DO YOU SEE THAT ONE?

19 A YES.

20 Q LANDMARC SAYS THAT SHOULD BE CREDITED TO THE VERNONS, BUT
21 YODER'S SAYS IT SHOULD NOT, CORRECT?

22 A CORRECT.

23 Q AND THERE'S NOTHING IN THE MEMO SECTION ON THIS CHECK,
24 CORRECT?

25 A NO, SIR.

1 THIS IS A STATEMENT BY JOB; IS THAT CORRECT?

2 A CORRECT.

3 Q AND THIS WAS WHAT LANDMARC WOULD RECEIVE FOR, IN THIS CASE,
4 THE TOLLESON JOB, BUT I WOULD GATHER THERE WOULD BE SIMILAR ONES
5 OR A SIMILAR FORM USED ON THE VERNON JOB, CORRECT?

6 A CORRECT.

7 Q AND IS IT YOUR TESTIMONY THAT THE SOLE BEING BY WHICH YOU
8 COULD ALLOCATE PAYMENTS WOULD BE EITHER THE STATEMENT OR
9 SOMETHING IN THE MEMO SECTION OF THE CHECK?

10 A THE STATEMENT OR SOMETHING IN THE MEMO SECTION..

11 Q THAT'S IT?

12 A UNLESS -- NOW, I DID HAVE SOME PEOPLE THAT DID SEND ME A
13 SPREADSHEET OR SOME KIND OF COMMUNICATION WITH -- OUTSIDE OF THAT
14 SPECIFICALLY, MAYBE A NOTE IN THERE WITH THE CHECK. I'VE HAD
15 POST-IT NOTES PUT IN THERE, BUT THERE WAS SOME TYPE OF DIRECTION.

16 Q HOW ABOUT AN EMAIL?

17 A YES.

18 Q YOU WOULD FOLLOW THAT IF YOU GOT THAT?

19 A YES, IF I HAD THAT BEFORE I HAD THE CHECK.

20 Q THANK YOU. LET ME SHOW YOU DEFENDANT'S EXHIBIT 6 AND I'M
21 REFERRING TO THE PAGE IN THERE RIGHT BEFORE -- SEVERAL PAGES
22 BACK.

23 BY THE COURT: IS THIS YODER'S EXHIBIT 6 OR TAB 6?

24 MR. STERN: NO. I'M SORRY, SIR. IT'S PLAINTIFFS' EXHIBIT
25 6. IT'S MR. JOHNSON'S BIG BOOK.

1 BE MINDFUL OF MECHANIC'S LIEN DEADLINES?

2 A YES.

3 Q HOW WOULD YOU TRACK MECHANIC'S LIEN DEADLINES ON DIFFERENT
4 JOBS?

5 A THE SYSTEM THAT WE HAD IN PLACE WAS JUST -- IT WAS BASED OFF
6 THE DATES, MY MONITORING OF THOSE ACCOUNTS AND SPECIFIC DATES.

7 Q YOU UNDERSTOOD THAT THE MATERIAL SUPPLIER/SUBCONTRACTOR HAS
8 90 DAYS FROM EITHER THE LAST DAY WORKED OR THE LAST DAY MATERIALS
9 WERE SUPPLIED TO FILE AND SERVE HIS MECHANIC'S LIEN?

10 A 90 DAYS IN SOUTH CAROLINA, 90 DAYS IN GEORGIA, 120 IN NORTH
11 CAROLINA.

12 Q OKAY. YOU'RE PRETTY KNOWLEDGEABLE ABOUT THOSE LAWS?

13 A YES, SIR.

14 Q THAT'S SOMETHING THAT'S IMPORTANT AS A CREDIT MANAGER TO
15 KNOW?

16 A YES, SIR.

17 Q YOU DON'T WANT THOSE DEADLINES TO EXPIRE?

18 A THAT'S CORRECT.

19 Q AND IF THEY DO EXPIRE, YOU HAVE TO FIND SOME OTHER MEANS BY
20 WHICH TO COLLECT THOSE FUNDS?

21 A YES, SIR.

22 Q MR. RUCKER SHOWED YOU DEFENDANT'S EXHIBIT 3, I BELIEVE.

23 A 3 AND 4.

24 Q OKAY, 3 AND 4. THIS IS, IT SAYS, "PLEASE REMIT AND SEND
25 BILLING INQUIRIES TO YODER'S, 110 KEOWEE BAY, TOLLESON JOB." SO,

1 BY THE COURT: ALL RIGHT.

2 (MARCH 9, 2011 LETTER FROM YODER'S BUILDING SUPPLY ENTERED
3 INTO EVIDENCE AS DEFENDANT LANDMARC'S EXHIBIT NO. 4)

4 Q WERE YOU TOLD -- WHY DID YOU ISSUE THESE LETTERS?

5 A THESE LETTERS HERE WERE TO UPDATE THE FILES THAT WE HAD AT
6 YODER'S, WHETHER WE HAD, YOU KNOW, A CREDIT APPLICATION ON FILE
7 OR WE DIDN'T HAVE CREDIT APPLICATIONS ON FILE. THESE LETTERS
8 WERE ISSUED TO UPDATE OUR SYSTEM AS FAR AS THE MAILING ADDRESSES,
9 SOME OF THE EMAIL ADDRESSES. WE WERE TRYING TO GET A LOT OF
10 THINGS MOVED TOWARD EMAIL AS MUCH AS POSSIBLE.

11 Q WHAT WAS THE -- THE LANGUAGE ABOUT THE PERSONAL GUARANTEE,
12 WHY WAS THAT INCLUDED?

13 A THAT WAS INCLUDED PER OUR DISCUSSION WITH THE ATTORNEY.

14 Q WITH THE ATTORNEY FOR?

15 A YODER'S.

16 Q AROUND WHEN WAS THAT?

17 A THAT WAS -- WE HAD STARTED DISCUSSING THIS BACK THE FIRST
18 PART OF THE YEAR, I BELIEVE.

19 Q JUST TELL WHAT YEAR, I'M SORRY.

20 A 2011.

21 MR. RUCKER: NO FURTHER QUESTIONS.

22 BY THE COURT: YOUR WITNESS.

23 MR. STERN: MAY IT PLEASE THE COURT.

24 **CROSS-EXAMINATION BY MR. STERN:**

25 Q MR. MCLANE, AS CREDIT MANAGER FOR YODER'S, DID YOU HAVE TO

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 BUSINESS; IS THAT RIGHT?

2 A YES.

3 Q HAD THEY WORKED WITH YOU -- Y'ALL HAVE WORKED WITH THEM, BUT
4 HAVE THEY WORKED WITH YOU IN THE PAST TO TRY TO GET THE PAYMENT
5 AS SOON AS THEY COULD GET IT FROM THE HOMEOWNER OR WHOMEVER?

6 A I WOULD ASSUME, YES. IN MY EXPERIENCE, THE ONLY THING THAT
7 I HAVE, YOU KNOW, MEMORY OF IS THE 2009 AREA.

8 Q ONE SECOND, PLEASE.

9 (MARCH 9, 2011 LETTER FROM YODER'S BUILDING SUPPLY MARKED
10 FOR IDENTIFICATION AS DEFENDANT LANDMARC'S EXHIBIT NO. 4)

11 Q WYLIE, I'M GOING TO SHOW YOU LANDMARC'S EXHIBIT NO. 4,
12 DEFENDANTS' EXHIBIT, DO YOU RECOGNIZE THAT DOCUMENT?

13 A YES.

14 Q WHAT IS IT?

15 A IT WAS AN UPDATE FOR ALL CREDIT APPLICATIONS THAT WE HAD ON
16 FILE STILL IN OUR SYSTEM AND WERE RECEIVING STATEMENTS FROM
17 YODER'S BUILDING SUPPLY.

18 Q IS THAT YOUR SIGNATURE AT THE BOTTOM?

19 A CORRECT.

20 Q IS THIS SOMETHING YOU FILLED OUT YOURSELF?

21 A YES. THIS IS SOMETHING THAT I GENERATED MYSELF FOR YODER'S,
22 ON BEHALF OF YODER'S.

23 MR. RUCKER: I MOVE THIS INTO EVIDENCE AS WELL.

24 MR. STERN: NO OBJECTION.

25 MR. DUDLEY: NO OBJECTION.

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 Q DID THEY TELL YOU WHY THEY WERE GETTING BEHIND AND WHY THEY
2 COULDN'T MAKE THE PAYMENTS?

3 A FROM WHAT I CAN REMEMBER ABOUT IT, IT WAS PART OF SOME JOBS
4 THAT THEY WERE HAVING PROBLEMS WITH COLLECTING.

5 Q GENERALLY, HOW LONG WERE YOU AT YODER'S? I MAY NOT HAVE
6 ASKED THAT ALREADY.

7 A OH, I'M SORRY. I STARTED MY TENURE THERE FEBRUARY 15, 2005.

8 Q OKAY. HOW LONG WERE YOU THERE TOTAL? ABOUT SIX YEARS, I
9 BELIEVE?

10 A YEAH, A LITTLE OVER SIX YEARS.

11 Q HAD Y'ALL HAD A PROBLEM WITH LANDMARC BEFORE?

12 A TO MY KNOWLEDGE, NO.

13 Q OKAY. I SHOULD SAY YOU. HAVE YOU HAD ANY PROBLEMS IN YOUR
14 JOB FOR YODER'S?

15 A NOT UNTIL THIS 2009 YEAR THAT I'M AWARE OF.

16 Q HAVE THERE BEEN TIMES WHEN OWNERS MAY BE LATE AND Y'ALL HAVE
17 WORKED WITH LANDMARC TO ALLOW THEM TO MAKE PAYMENTS BEFORE YOU
18 APPLIED FINANCE CHARGES OR AT LEAST BEFORE YOU BROUGHT A LIEN?

19 A YES.

20 Q WAS THAT IN 2008, 2009, DO YOU REMEMBER, OR WAS IT
21 THROUGHOUT---

22 A IT COULD HAVE BEEN POSSIBLY THROUGHOUT. I SAY THAT BASED
23 ON, YOU KNOW, WHAT I EXPERIENCED THERE.

24 Q THAT'S HOW YOU KEEP BUSINESS GOING. I MEAN, YOU HAVE TO
25 WORK WITH PEOPLE. THAT'S JUST -- ESPECIALLY IN A VOLUME

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 A OKAY. ESSENTIALLY, YOU'VE GOT NEW ACCOUNTS WHEN YOU SET
2 THOSE UP AND WITH LANDMARC SPECIFICALLY. THERE'S A TERM SECTION
3 IN THE SOFTWARE WHERE YOU SET THOSE TERMS UP. THEY COULD BE 30,
4 60, 90 DAYS, VARIOUS TERMS.

5 Q DID YOU, TO YOUR KNOWLEDGE -- AND YOU WOULD HAVE BEEN THE
6 ONE TO DO THIS AT THIS TIME -- DID YODER'S ACTUALLY SUPPLY ANY OF
7 THAT INFORMATION? DO Y'ALL PRINT THAT OUT LIKE IN RESPONSE TO
8 DISCOVERY?

9 A NO. TO MY KNOWLEDGE, NO. I WAS NOT INVOLVED WHEN LANDMARC
10 SET UP THEIR ACCOUNT. I WASN'T PART OF THE CREDIT TEAM AT THAT
11 POINT IN TIME.

12 Q AND YOU TESTIFIED THERE WASN'T A CONTRACT. SO, YOU
13 UNDERSTAND THAT THERE COULD HAVE BEEN AN AGREEMENT WITH YOUR
14 PREDECESSOR AND THE ASSUMPTION MY CLIENT WAS CONTINUING ON THOSE
15 TERMS?

16 A I CANNOT SAY THAT, YOU KNOW, TRUTHFULLY THAT THERE WASN'T
17 SOME TYPE OF COMMUNICATION TO THAT FACT. NO.

18 Q DID YOU HAVE -- FIRST OF ALL, WAS KERRI DUNN RESPONSIVE TO
19 YOU WHEN YOU HAD ISSUES? WOULD SHE EMAIL YOU BACK WITHIN A
20 REASONABLE AMOUNT OF TIME? I'M NOT SAYING THE NEXT HOUR BUT
21 REASONABLY?

22 A WITHIN SEVERAL DAYS, YES, I MEAN, YOU KNOW---

23 Q LANDMARC WAS NOT AVOIDING YOU IN ANY WAY. THEY WERE
24 RESPONSIVE?

25 A TO MY KNOWLEDGE, NO.

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 BOARD?

2 A YES.

3 Q COULD YOU FIND ANY CONTRACTS BETWEEN THEM, LONG-TERM
4 CONTRACTS, WITH YOUR COMPANY, WITH YODER'S, I MEAN?

5 A NO, SIR.

6 Q NOW, I WANT TO POINT YOUR ATTENTION BACK TO THE EXHIBIT AND
7 JUST ANNOUNCE THE EXHIBIT NUMBER FOR THE COURT, THE ONE I HANDED
8 UP TO YOU EARLIER.

9 A THIS IS EXHIBIT 3 FOR LANDMARC.

10 Q THAT'S DEFENDANT'S EXHIBIT 3. DO YOU SEE THE MARKINGS AT
11 THE BOTTOM THAT INDICATE A TIME WHEN IT'S DUE?

12 A YES.

13 Q WHERE IS THAT ON THAT PIECE OF PAPER?

14 A DOWN AT THE BOTTOM.

15 Q JUST TO BE CLEAR FOR THE COURT. THAT'S PRETTY OBVIOUS WHAT
16 IT MEANS. IF SOMEBODY LOOKED AT IT, THEY WOULD BE ABLE TO TELL?

17 A CORRECT.

18 Q YOU TESTIFIED EARLIER THAT IN YOUR SYSTEM, YOU DIDN'T SEE
19 ANYTHING THAT ALLOWED THEM TO HAVE EXTENDED AMOUNTS OF TIME TO
20 PAY; IS THAT RIGHT?

21 A THAT'S CORRECT.

22 Q WAS THAT ON THE COMPUTER OR WAS THERE A PRINTOUT DONE TO
23 SHOW THAT?

24 A NO. THAT'S ACTUALLY JUST INTERNAL -- INSIDE THE SYSTEM.

25 Q OKAY. I JUST WANT TO KNOW WHAT'S INSIDE THE SYSTEM.

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 A OTHER THAN BEING ASKED IF I WAS WILLING TO TESTIFY ABOUT
2 THIS CASE, NO.

3 Q DID YOU TALK TO HIM BEFORE YOU WERE FIRED ABOUT THE CASE?

4 A I'M ACTUALLY THE ONE THAT PUT IN FOR THE LIEN TO BE BROUGHT
5 FORTH BEFORE LANDMARC. SO, YES, THERE WAS COMMUNICATION IN MY
6 EMPLOYMENT THERE WITH HARLEY PERTAINING TO THIS CASE.

7 Q AND THAT WAS BASED ON WHAT YOU BELIEVED HAD GONE WRONG IN
8 THE NUMBERS?

9 A YES.

10 Q IS IT YOUR TESTIMONY THERE ARE NO PERSONAL GUARANTIES FROM
11 ANY OF THE DUNNS?

12 A TO MY KNOWLEDGE, I COULD NOT FIND ANY, WHATSOEVER, IN OUR
13 FILES.

14 Q DO YOU KNOW HOW LONG LANDMARC HAD BEEN IN BUSINESS, GARY
15 DUNN OR WITH MARCUS AND KERRI, HOW LONG LANDMARC HAS OPERATED
16 WITH YODER'S?

17 A THE TESTIMONY YESTERDAY, I BELIEVE, WAS TEN YEARS OR BETTER
18 WITH LANDMARC. I WOULD SAY THAT'S VALID.

19 Q WHO WAS YOUR PREDECESSOR? WHO DID YOUR JOB BEFORE YOU DID
20 IT AT YODER'S?

21 A DAVID LASH.

22 Q HOW LONG DID HE WORK THERE?

23 A HE WORKED THERE EIGHT, TEN YEARS. LET'S SEE, YEAH.

24 Q SO, LIKE I SAY, YOU HEARD THE TESTIMONY YESTERDAY. DO YOU
25 REMEMBER THAT LANDMARC WAS A CURRENT CLIENT WHEN YOU CAME ON

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 WHAT NOTEBOOK YOU FOUND THAT IN?

2 A THIS IS--

3 MR. DUDLEY: THAT'S MY NOTEBOOK.

4 A DEFENDANT/3RD PARTY PLAINTIFF YODER'S BUILDING SUPPLY. THIS
5 IS EXHIBIT 1. IT IS PAGE 4, YBS-0208.

6 Q NOW, YOU GENERATED THIS DOCUMENT, DIDN'T YOU?

7 A CORRECT.

8 Q IF THERE -- THIS IS JUST WHERE WE ARE. IF THERE WAS AN
9 ERROR, OPERATOR ERROR, IF YOU MADE A MISTAKE IT WOULD INDICATE ON
10 HERE, RIGHT?

11 A ON THIS PARTICULAR JOB---

12 Q RIGHT.

13 A YES.

14 Q SO, IF YOU MISTOOK, IF YOU MISAPPLIED, JUST ACCIDENTALLY
15 MISAPPLIED, IT WOULD HAVE SHOWED UP ON HERE OR MIGHT NOT -- THERE
16 MIGHT BE FEES OUT THERE THAT DID NOT SHOW UP ON HERE, RIGHT?

17 A YES.

18 Q HOW DO YOU REMEMBER WHAT HAPPENED WITH THE JOB? IS IT
19 SOLELY GOING OFF OF THE PAPERWORK THAT'S IN FRONT OF YOU?

20 A YES, ESSENTIALLY, THAT AND THE COMMUNICADE THAT WE JUST
21 EXPLORED.

22 Q YOU'RE TALKING ABOUT THE EMAILS BACK AND FORTH?

23 A YES.

24 Q HAVE YOU TALKED TO HARLEY YODER SINCE YOU WERE FIRED ABOUT
25 THIS CASE IN ANY WAY?

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 CHECKS ALONE, STUBS AS WELL IF THEY WERE INCLUDED IN WITH THE
2 PAYMENT.

3 Q BUT YOUR TESTIMONY IS IF STUBS WERE INCLUDED IT WOULD BE
4 APPLIED OR SHOULD HAVE BEEN APPLIED TO THE STUB?

5 A YES.

6 Q AND IF THERE WAS NOTHING ON THE CHECK BUT THERE WAS
7 SOMETHING ON THE STUB, YOU WOULD THEN APPLY IT TO WHAT WAS ON THE
8 STUB?

9 A CORRECT.

10 Q OKAY. DID YOU MAIL BACK COPIES OF THIS TO YOUR CLIENTS, OF
11 THE STUBS?

12 A NO.

13 Q WAS IT THE POLICY OF YODER'S NOT TO MAIL THEM BACK?

14 A CORRECT.

15 Q THIS WAS FOR IN-HOUSE DIRECTION OF WHERE THE MONEY WAS
16 SUPPOSED TO GO; IS THAT CORRECT?

17 A YES.

18 Q YOU -- GIVE ME ONE SECOND. THERE'S A LOT OF MATERIAL TO GO
19 THROUGH.

20 A OKAY.

21 Q ALL RIGHT. WILEY, HOW MUCH ARE YOU TESTIFYING IS OWED ON
22 THE VERNON JOB, ACCORDING TO YOU, BY LANDMARC?

23 A AS OF THE 17TH OF NOVEMBER, 2009 A GRAND TOTAL OF
24 \$139,047.30.

25 Q JUST FOR THE COURT'S -- TO HELP THE COURT, CAN YOU IDENTIFY

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 Q OF 2011?

2 A CORRECT.

3 MR. RUCKER: YOUR HONOR, MAY I APPROACH THE WITNESS?

4 BY THE COURT: CERTAINLY.

5 Q I WANT TO SHOW YOU A DOCUMENT. NOW, YOU RECOGNIZE AT LEAST
6 THE TOP LANGUAGE OF THE DOCUMENT?

7 A YES.

8 Q I'M JUST GOING TO HAVE IT MARKED REAL QUICK SO I DON'T
9 FORGET TO DO THAT.

10 A OKAY.

11 (YODER'S BUILDING SUPPLIES, INC. INVOICE DATED SEPTEMBER 25,
12 2009 MARKED FOR IDENTIFICATION AS DEFENDANT LANDMARC'S EXHIBIT
13 NO. 3)

14 Q ALL RIGHT. LOOKING AT DEFENDANTS' NO. 3, WHAT DO YOU FIND
15 ON THE TOP OF THAT SHEET OF PAPER?

16 A IT IS THE CUSTOMER CODE FOR THIS SPECIFIC JOB: 023,
17 LANCO023, SPECIFICALLY FOR 110 KEOWEE BAY, TOLLESON JOB.

18 Q EARLIER YOU TESTIFIED---

19 MR. RUCKER: WELL, I ASK THIS BE MOVED INTO EVIDENCE.

20 MR. STERN: NO OBJECTION.

21 (YODER'S BUILDING SUPPLIES, INC. INVOICE DATED SEPTEMBER 25,
22 2009 ENTERED INTO EVIDENCE AS DEFENDANT LANDMARC'S EXHIBIT NO. 3)

23 Q EARLIER YOU TESTIFIED Y'ALL DON'T USE STUBS. YOU JUST LOOK
24 AT THE CHECK. DOES THIS CHANGE YOUR VIEW?

25 A NO. I DID NOT -- IT WAS NOT MY TESTIMONY THAT I LOOKED AT

O. WYLIE MCLANE--CROSS BY MR. RUCKER

1 Q DID YOU EVER RECEIVE ANY BACKUP FROM KERRI DUNN ABOUT THE
2 DECK BACK CHARGE?

3 A NO.

4 Q DID YOU EVER ASK HER FOR IT?

5 A NO.

6 Q WHY DID -- WHAT WAS YOUR UNDERSTANDING OF THE DECK?

7 A MY UNDERSTANDING WHEN IT WAS EVER BROUGHT TO MY ATTENTION
8 ABOUT PROBLEMS WITH MATERIALS OUT ON THE JOB, I ALWAYS CONFERRED
9 WITH THE SALESMAN BUT IT WAS WITH THE SALESMAN FOR THE RESOLUTION
10 OF THAT MATTER. I DIDN'T ACTUALLY GO IN AND ISSUE ANY TYPE OF
11 CREDITS THERE ON THE SYSTEM UNLESS I WAS DIRECTED BY HARLEY TO DO
12 SO WHICH WAS VERY RARE.

13 Q WE TALKED ABOUT THE CREDIT MEMO, THE SALESPERSON WAS THE ONE
14 THAT DID THAT?

15 A IT WAS THE SALESMAN'S RESPONSIBILITY ON THAT.

16 Q THAT'S ALL I HAVE. THANK YOU, WILEY.

17 BY THE COURT: YOUR WITNESS.

18 MR. RUCKER: MAY IT PLEASE THE COURT.

19 **CROSS-EXAMINATION BY MR. RUCKER:**

20 Q WILEY, WHERE DO YOU WORK NOW?

21 A CURRENTLY, I'M UNEMPLOYED.

22 Q WERE YOU TERMINATED FROM YODER'S?

23 A YES.

24 Q WHEN WAS THAT?

25 A AUGUST 5TH OF THIS YEAR.

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 Q DID YOU EVER RECEIVE ANY BACKUP FROM KERRI DUNN ABOUT THE
2 DECK BACK CHARGE?

3 A NO.

4 Q DID YOU EVER ASK HER FOR IT?

5 A NO.

6 Q WHY DID -- WHAT WAS YOUR UNDERSTANDING OF THE DECK?

7 A MY UNDERSTANDING WHEN IT WAS EVER BROUGHT TO MY ATTENTION
8 ABOUT PROBLEMS WITH MATERIALS OUT ON THE JOB, I ALWAYS CONFERRED
9 WITH THE SALESMAN BUT IT WAS WITH THE SALESMAN FOR THE RESOLUTION
10 OF THAT MATTER. I DIDN'T ACTUALLY GO IN AND ISSUE ANY TYPE OF
11 CREDITS THERE ON THE SYSTEM UNLESS I WAS DIRECTED BY HARLEY TO DO
12 SO WHICH WAS VERY RARE.

13 Q WE TALKED ABOUT THE CREDIT MEMO, THE SALESPERSON WAS THE ONE
14 THAT DID THAT?

15 A IT WAS THE SALESMAN'S RESPONSIBILITY ON THAT.

16 Q THAT'S ALL I HAVE. THANK YOU, WILEY.

17 BY THE COURT: YOUR WITNESS.

18 MR. RUCKER: MAY IT PLEASE THE COURT.

19 **CROSS-EXAMINATION BY MR. RUCKER:**

20 Q WILEY, WHERE DO YOU WORK NOW?

21 A CURRENTLY, I'M UNEMPLOYED.

22 Q WERE YOU TERMINATED FROM YODER'S?

23 A YES.

24 Q WHEN WAS THAT?

25 A AUGUST 5TH OF THIS YEAR.

1 Q OKAY. LOOK AT EXHIBIT 9, SECOND PARAGRAPH TALKS ABOUT --
2 YOU WERE RESPONDING AGAIN ABOUT THE TWO CHECKS BUT YOU'RE
3 INDICATING THEIR ACCOUNT IS NOW INTO 120 DAYS, THAT THERE WERE
4 INVOICES THAT WERE 120 DAYS OLD THAT LANDMARC HAD NOT PAID?

5 A YES.

6 Q AND THE NEXT LINE INDICATES THAT ON ALL OF THE LANDMARC
7 ACCOUNTS WITH YODER'S THERE WAS ABOUT \$200,000 OWED?

8 A CORRECT.

9 Q THE NEXT PARAGRAPH TALKS ABOUT A CONVERSATION WITH BILL
10 VERNON. DO YOU REMEMBER MR. VERNON CALLING YOU SOMETIME IN LATE
11 NOVEMBER?

12 A VAGUELY, YES.

13 Q WHAT DID YOU TELL HIM?

14 A I TOLD HIM THAT I WASN'T ALLOWED TO SAY ANYTHING
15 SPECIFICALLY OTHER THAN THERE WAS AN AMOUNT OWED.

16 Q DID YOU TELL HIM THAT LANDMARC OWED YOU \$100,000?

17 A NO.

18 Q DO YOU HAVE ANY EXPLANATION AS TO WHY MR. VERNON WOULD HAVE
19 THAT RECOLLECTION?

20 A WHETHER HE GOT IT MIXED UP OR CONFUSED, I'M NOT REAL SURE AS
21 TO WHAT THAT WAS. THE ONLY THING THAT I DID INDICATE WAS THERE
22 WAS A BALANCE ON THAT VERNON JOB.

23 Q TWO WEEKS LATER, MR. VERNON DID GET THE DEMAND LETTER THAT
24 SAID THERE WAS \$139,000 OWED ON HIS LANDMARC ACCOUNT?

25 A I BELIEVE SO.

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 A BECAUSE THAT WAS OUR POLICY IF NO INDICATION WHATSOEVER
2 ABOUT THE MONEY BEING APPLIED WERE MADE SPECIFICALLY FOR THE
3 CHECK.

4 Q AND WE LOOKED AT THAT CHECK, AND THAT CHECK DIDN'T HAVE
5 ANYTHING IN THE MEMO SECTION, RIGHT?

6 A CORRECT.

7 Q LOOK AT EXHIBIT 7. ARE YOU THERE?

8 A YES.

9 Q IN DECEMBER, DO YOU REMEMBER RECEIVING -- LOOK AT EXHIBIT 6,
10 SHE HAD WRITTEN YOU A LETTER ABOUT APPLYING SOME PAYMENTS? IN
11 DECEMBER SHE WAS REMINDING YOU OF THE NOVEMBER EMAIL?

12 A CORRECT.

13 Q AND YOU RESPONDED TO HER IN EXHIBIT 7, DIDN'T YOU?

14 A YES.

15 Q AND EXPLAINED HOW YOU BROKE THAT OUT?

16 A UH-HUH (AFFIRMATIVE).

17 Q WHY DID YOU BREAK IT OUT THAT WAY?

18 A THE REASON I BROKE IT OUT WAS THERE WAS NO INDICATION AS TO
19 WHERE TO APPLY THE MONEY; THEREFORE, THESE WERE THE OUTSTANDING,
20 THE OLDEST INVOICES.

21 Q AND WITH REGARDS TO THE EMAIL EVEN IN NOVEMBER ABOUT IT,
22 THAT'S STILL A MONTH AFTER THE PAYMENT HAD BEEN RECEIVED, SHE'S
23 TELLING YOU HOW TO DIRECT IT A MONTH AFTER THE PAYMENT HAD BEEN
24 RECEIVED, RIGHT?

25 A YES.

1 LANDMARC ON ALL OF THE YODER'S ACCOUNTS, RIGHT?

2 A CORRECT.

3 Q THIS WAS JUNE. AND IF YOU LOOK AT EXHIBIT 19, THAT'S THEIR
4 PAYMENTS. LOOK AT THAT \$84,000 CHECK, IF YOU TURN TO 19, LET'S
5 JUST GET THE DATE OF THAT CHECK. LOOK AT EXHIBIT 19. HAVE YOU
6 FOUND THE DATE OF THE \$84,000 CHECK? IT'S JUNE 9TH.

7 A \$84,665.56.

8 Q THAT CHECK WAS JUNE 9TH?

9 A CORRECT.

10 Q OKAY. SO, ON JUNE 18TH, YOU SENT THEM A LETTER ABOUT -- GO
11 BACK TO EXHIBIT 3. YOU RECEIVED -- YOU WERE TELLING THEM, "I
12 POSTED THIS AMOUNT."

13 A CORRECT.

14 Q ALL RIGHT. LET'S MOVE FORWARD TO EXHIBIT 4. IN THE MIDDLE
15 THERE'S AN EMAIL THAT SHE SENT TO YOU IN JUNE TELLING YOU ABOUT
16 HOW SHE WANTED THE PAYMENTS -- SHE SAID THE 6/10 PAYMENT WAS FOR
17 THE VERNONS.

18 A YES.

19 Q THAT WAS ALMOST TWO WEEKS, 16 DAYS AFTER THE CHECK HAD BEEN
20 RECEIVED BY Y'ALL, RIGHT?

21 A CORRECT.

22 Q YOU APPORTIONED IT -- THE BULK OF IT WENT TO VERNONS BUT THE
23 OTHER PART WENT TO PAY FOR MARSHALL AND SOME OTHER STUFF, RIGHT?

24 A CORRECT.

25 Q WHY DID YOU DO IT THAT WAY?

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 A NOT ME PERSONALLY. USUALLY IT WAS THE SALESMEN INVOLVED,
2 BUT THERE WAS A CREDIT ISSUED OR MEMO ISSUED.

3 Q AND THAT'S A CRM OR THE CREDIT MEMOS?

4 A CORRECT.

5 Q ALL RIGHT. WAS THERE EVER A TIME WHERE YOU DEDUCTED FINANCE
6 CHARGES AND ISSUED A CREDIT MEMO?

7 A I DEDUCTED FINANCE CHARGES, YES---

8 Q ON THIS ONE.

9 A I WOULD HAVE TO GO THROUGH EACH ONE.

10 Q OKAY. IF YOU DON'T -- I MEAN, THE DOCUMENT SPEAKS FOR
11 ITSELF, THOSE MATCH UP. OKAY.

12 A OKAY.

13 Q ALL RIGHT. AND THE FINANCE CHARGES, THAT'S A PART OF THE
14 AGREEMENT THAT YOU HAVE WITH THEM, THAT YOU HAVE SO MANY DAYS TO
15 PAY FOR LABOR AND MATERIALS AND IF NOT, THERE'S A FINANCE CHARGE
16 FOR THAT?

17 A YES.

18 Q FOR LABOR AND MATERIALS?

19 A YES.

20 Q ALL RIGHT.. LOOK AT EXHIBIT 3. IS THIS AN EMAIL FROM JUNE
21 2009?

22 A YES.

23 Q IT'S THE SECOND ONE. AND THE FIRST LINE, YOU SAID YOU
24 RECEIVED THE PAYMENT AND YOU POSTED IT, AND THEN IN THE SECOND
25 LINE IT SAYS AFTER THAT PAYMENT THERE'S STILL \$126,000 OWED BY

1 SECOND AND TALK ABOUT GLOBALLY HOW TO LOOK AT IT.

2 A OKAY.

3 Q YOU'VE GOT TRANSACTION TYPE, INV, THAT'S AN INVOICE.

4 A CORRECT.

5 Q YOU'VE GOT THE INVOICE NUMBER OR THE TRANSACTION NUMBER TO
6 THE RIGHT?

7 A RIGHT.

8 Q AND THEN THE ORIGINAL AMOUNT COLUMN, THAT'S THE AMOUNT OF
9 THE INVOICE?

10 A UH-HUH (AFFIRMATIVE).

11 Q AND THEN THE PAID AMOUNT, WHEN A PAYMENT CAME IN, YOU WOULD
12 DEDUCT THAT PAYMENT FROM THAT INVOICE AND THEN ON THE OPEN AMOUNT
13 IT WOULD BE ZERO IF IT WAS PAID IN FULL?

14 A CORRECT.

15 Q IF A PAYMENT DID NOT COME IN FOR THAT INVOICE, WOULD THE
16 OPEN AMOUNT THEN REFLECT THE AMOUNT OF THAT INVOICE?

17 A YES.

18 Q IT DOESN'T KEEP A RUNNING TOTAL, DOES IT?

19 A NO.

20 Q BUT THEN THE \$139,000 IS THE TOTAL OF THE OPEN AMOUNT
21 COLUMN?

22 A UH-HUH (AFFIRMATIVE). YES. I APOLOGIZE.

23 Q OKAY. SOMETIMES IF YOU SENT THE WRONG EQUIPMENT OR
24 MATERIALS, THAT IS, OR YOU HAD A CREDIT BECAUSE THEY ORDERED TOO
25 MUCH OR WERE REDELIVERING, DID YOU ISSUE A CREDIT MEMO?

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 Q IF YOU WOULD, IN MY NOTEBOOK, JUST A COUPLE QUESTIONS, IN
2 THE WITNESS NOTEBOOK, EXHIBIT 1, CAN YOU IDENTIFY WHAT THIS
3 DOCUMENT IS?

4 A YES. THIS IS ALL OF THE TRANSACTIONS IN AND OUT ON THE
5 VERNON JOB.

6 Q WITH LANDMARC?

7 A CORRECT.

8 Q IT INDICATES THE INVOICE IS OUT -- IS IT NOT ONLY FOR LABOR
9 AND MATERIALS BUT ALSO THE DRYWALL, INSULATION AND STONE?

10 A YES. THIS REPORT RIGHT HERE IS ALL INCLUSIVE. THIS
11 ACTUALLY CAME FROM THEIR TRANSACTION REPORT IN THE SYSTEM, THE
12 ACCOUNTING SOFTWARE.

13 Q AND THEN THE LAST PAGE, IT SAYS THE AMOUNT DUE IS
14 \$139,047.30? THE VERY LAST PAGE OF EXHIBIT---

15 A \$139,047.30, THAT'S CORRECT.

16 Q THAT'S THE AMOUNT YOU FILED YOUR LIEN FOR, THAT'S THE LIEN
17 AMOUNT?

18 A I BELIEVE THAT IS CORRECT.

19 Q NOW, IS THERE ALSO INCLUDED IN THERE SOME FINANCE CHARGES ON
20 THERE TOO?

21 A YES. THERE ARE FINANCE CHARGES INCLUSIVE -- WITH THIS
22 \$139,047.30 TOTAL.

23 Q AND THAT'S BECAUSE OF LATE PAYMENTS?

24 A CORRECT.

25 Q NOW, EARLY ON, WHEN WE SEE THERE'S SOME -- LET'S JUST TAKE A

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 Q DID KERRI DUNN EVER CALL YOU ABOUT CHECKS ARRIVING FROM
2 LANDMARC AND HOW THEY WERE TO BE APPLIED?

3 A NO, NOT THAT I CAN RECALL.

4 Q DID SHE EVER CALL YOU OR GET EMAILS AFTER PAYMENTS HAD BEEN
5 POSTED AND TELL YOU HOW TO -- HOW SHE WANTED TO APPLY THEM?
6 AFTER YOU HAD RECEIVED THOSE CHECKS FROM LANDMARC AND YOU POSTED
7 IT, DID SHE EVER CALL OR EMAIL YOU AND SAY, "OH, THIS CHECK WAS
8 SUPPOSED TO GO TO A CERTAIN ACCOUNT"?

9 A I HAVE HAD TIMES WHEN THERE WERE EMAILS COME TO ME AFTER I
10 POSTED THE PAYMENT.

11 Q POSTING IT IS -- THE MONEY'S IN THE BANK AND THAT REDUCES
12 THE TOTAL DEBT. WHY COULDN'T YOU JUST GO INTO YOUR SYSTEM AND
13 JUST CHANGE IT?

14 A BECAUSE THERE'S A CHANCE OF -- I DON'T KNOW EXACTLY HOW TO
15 SAY IT -- CORRUPTION THAT COULD BE INVOLVED IN THAT.

16 Q BY WHO?

17 A BY THE CONTRACTORS BY THE ACCOUNTS THAT WE HAD SET UP.

18 Q WHAT DO YOU MEAN BY THAT?

19 A WELL, I MEAN, IF I APPLIED A PAYMENT AND YOU COME BACK
20 SEVERAL MONTHS LATER AND TELL ME THAT IT'S MISAPPLIED AND I GO IN
21 AND CHANGE THAT, OUR LIEN RIGHTS AND EVERYTHING -- YODER'S
22 PROTECTION, IN GENERAL, IS DIMINISHED.

23 Q DID YOU EVER MAKE A DECISION TO APPLY A PAYMENT TO PROTECT
24 YODER'S LIEN RIGHTS DESPITE WHAT LANDMARC TOLD YOU?

25 A NO.

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 FROM LANDMARC?

2 A NO.

3 Q HOW DO YOU KNOW THAT YOU DIDN'T RECEIVE THE PAYMENT STUBS
4 FROM LANDMARC BY THE WAY?

5 A BECAUSE IT WAS MY PRACTICE, IF IT WAS NOT INDICATED ON -- IF
6 IT WAS INDICATED ON THE CHECK, THAT IS WHERE I APPLIED THE
7 MONIES, TO THOSE SPECIFIC JOBS. IF THE TABS WERE SENT IN, THE TOP
8 PORTION OF THE STATEMENT, IF THEY WERE SENT IN, THAT'S WHERE I
9 APPLIED IT. IF NOTHING WHATSOEVER WAS SENT IN WITH THE CHECK, IT
10 WAS JUST MONIES FOR THE CHECK, IT WAS APPLIED TO THE OLDEST
11 INVOICE FIRST.

12 Q IS THAT YODER'S POLICY?

13 A YES. THAT'S THE WAY I WAS TRAINED TO DO IT.

14 Q EVERY MONTH YODER'S, WHEN YOU SENT OUT BILLS FOR MATERIALS,
15 YOU SENT OUT A RUNNING BALANCE PER SUB-ACCOUNT?

16 A CORRECT. THERE IS A MASTER STATEMENT THERE INDICATING THE
17 TOTAL AMOUNT DUE TO YODER'S. BEHIND THAT, THEIR SUB ACCOUNT --
18 THE WAY WE'VE GOT THEM CLASSIFIED, THERE'S A MASTER ACCOUNT --
19 SUB ACCOUNTS ARE JUST THE JOBS AFTER THE MASTER ACCOUNT THERE,
20 AND THEY INDICATE A BREAKDOWN OF THE MASTER.

21 Q SO, EACH MONTH, YOUR CLIENT, LANDMARC OR WHOEVER, WOULD KNOW
22 HOW YOU APPLIED THE PREVIOUS MONTH'S PAYMENT?

23 A CORRECT.

24 Q AND COULD CALL YOU ABOUT IT?

25 A UH-HUH (AFFIRMATIVE).

1 A HE DIDN'T SPECIFICALLY INDICATE ANY TERMS ON ANY OF THE
2 CLIENTS THAT WE HAD; HOWEVER, IT WAS IN THE SYSTEM WHAT THEIR
3 CREDIT TERMS WERE.

4 Q DID YOU UNDERSTAND THEIR CREDIT TERMS WERE 60 TO 90 DAYS?

5 A NO.

6 Q DO YOU REMEMBER LANDMARC HAVING SEVERAL HOUSES GOING ON IN
7 2008, 2009? IF I SAID THE NAMES, DO YOU THINK THAT WOULD HELP
8 YOU REFRESH YOUR RECOLLECTION?

9 A IT WOULD HELP JOG MY MEMORY, YES.

10 Q OTHER THAN VERNON, THERE WAS THE TOLLESON/SMITH PROJECT?

11 A CORRECT.

12 Q AND THEN MARSHALL?

13 A UH-HUH (AFFIRMATIVE).

14 Q WAS CLANCY, IS THAT ANOTHER ONE THAT WAS GOING ON DURING
15 THAT TIME PERIOD?

16 A POSSIBLY. I DON'T RECALL IT RIGHT OFF THE BAT, NO.

17 Q HOW DID YOU APPLY -- WHEN CHECKS CAME IN FROM LANDMARC, HOW
18 DID YOU APPLY THE PAYMENTS TO THE INVOICES THAT LANDMARC HAD WITH
19 YODER'S?

20 A WHEN A PAYMENT CAME IN, A LOT OF THE TIMES THE INDICATION OF
21 THE WAY THE APPLICATION WAS TO BE MADE WAS MADE ON THE CHECK
22 ITSELF, IN THE MEMO SECTION. HOWEVER, ON OUR STATEMENTS AT THE
23 VERY TOP, THERE IS A SECTION CUT OFF AT THE TOP OF THAT STATEMENT
24 TO INDICATE WHERE THE PAYMENT IS TO BE MADE.

25 Q DO YOU EVER REMEMBER RECEIVING THESE PAYMENTS -- THE STUBS

O. WYLIE MCLANE--DIRECT BY MR. DUDLEY

1 BY THE COURT: ANYTHING ELSE, MR. DUDLEY?

2 MR. DUDLEY: NO, SIR.

3 BY THE COURT: THANK YOU, SIR. YOU ARE FREE TO GO.

4 THE WITNESS: THANK YOU.

5 (WITNESS EXCUSED)

6 MR. DUDLEY: YODER'S CALLS WYLIE MCLANE.

7 **O. WYLIE MCLANE**, BEING FIRST DULY SWORN, TESTIFIED AS
8 FOLLOWS:

9 BY THE COURT: COME AROUND AND HAVE A SEAT, PLEASE, SIR.

10 (COMPLIES) IF YOU'LL STATE YOUR FULL NAME.

11 THE WITNESS: OLIVER WYLIE MCLANE.

12 **DIRECT EXAMINATION BY MR. DUDLEY:**

13 Q WYLIE, YOU USED TO WORK FOR YODER'S?

14 A CORRECT.

15 Q AND YOU WORKED AS A CREDIT MANAGER?

16 A I DID.

17 Q 2009, 2010?

18 A YES.

19 Q DID YOU WORK WITH LANDMARC DURING THAT TIME PERIOD?

20 A YES.

21 Q ALL RIGHT. WHEN YOU TOOK OVER AS CREDIT MANAGER, DAVID LASH
22 (PHONETIC) RETIRED, DIDN'T HE?

23 A CORRECT.

24 Q ALL RIGHT. DID HE EVER INFORM YOU WHAT THE PAYMENT TERMS
25 WERE FOR LANDMARC?

1 INSULATION?

2 A I BELIEVE SO.

3 Q DID YOU EVER INDICATE THAT THE COST WOULD BE -- TO LANDMARC
4 WOULD BE ANYTHING OTHER THAN THE \$5,451?

5 A NO, SIR.

6 Q DID YOU EVER SUPPLY A QUOTE FOR THE INSULATION IN THE AMOUNT
7 OF \$7,814 AS SHOWN ON THE MARCH 27, 2009 BILL FROM LANDMARC TO
8 THE VERNONS?

9 A I WOULDN'T -- I WOULD HAVE NOT -- NO. I HAVE NOT.

10 Q OKAY. SAME QUESTION WITH REGARD TO THE DRYWALL. AGAIN, ON
11 DEFENDANTS' EXHIBIT -- EXCUSE ME -- PLAINTIFFS' EXHIBIT 6,
12 DRYWALL QUOTE, \$13,323--

13 A YES, SIR.

14 Q --WAS THIS SOMETHING THAT WAS PREPARED BY PEOPLE UNDER YOU?

15 A YES, SIR.

16 Q OKAY. AND THE TOTAL AMOUNT OF THAT QUOTE IS \$13,323?

17 A I BELIEVE THAT'S CORRECT. YES, SIR.

18 Q ATTACHED TO THAT IS A BILL FROM YODER'S FOR \$13,323. DO YOU
19 REMEMBER YODER'S EVER CHARGING TO LANDMARC ANY AMOUNT GREATER
20 THAN WHAT THIS INVOICE SHOWS?

21 A NO.

22 Q DID YOU EVER SUPPLY A QUOTE TO LANDMARC FOR DRYWALL IN THE
23 AMOUNT OF \$19,323?

24 A I'M NOT AWARE OF IT. NO, SIR.

25 Q THANK YOU.

1 WAS DAMAGED. YEAH.

2 Q DO YOU INSPECT THE MAT BEFORE IT GOES OUT?

3 A NO, SIR.

4 MR. RUCKER: NO FURTHER QUESTIONS.

5 MR. STERN: VERY BRIEFLY.

6 **CROSS-EXAMINATION BY MR. STERN:**

7 Q MR. WESTBROOK, YOU'RE IN OUTSIDE SALES FOR YODER'S?

8 A YES, SIR.

9 Q DID YOU BY CHANCE -- WERE YOU INVOLVED IN THE PREPARATION OF
10 ESTIMATES FOR THE INSULATION SUPPLIED BY YODER'S TO THE JOB OR TO
11 THE DRYWALL?

12 A I WAS -- I GOT PEOPLE TO GO AND DO IT. NO, I DID NOT
13 ACTUALLY DO THE ESTIMATING. WE HAD -- PEOPLE THAT WORK FOR US
14 WOULD GO DO THE ESTIMATE, BUT I DIDN'T ACTUALLY DO THE ESTIMATE.

15 Q ARE EITHER MR. YODER OR MR. MCLANE MORE KNOWLEDGEABLE ABOUT
16 THAT PROCESS THAN YOU?

17 A HARLEY MIGHT BE. I MEAN, I CAN DO ESTIMATES BUT I DID NOT
18 DO -- WE HAD EXPERTS WHO WOULD GO OUT AND QUOTE THE JOBS FOR ME.

19 Q WOULD YOU REVIEW THE ESTIMATES BEFORE THEY WERE SOLD?

20 A YES.

21 Q JUST VERY BRIEFLY THEN, IN DEFENDANTS' (SIC) EXHIBIT 6, I
22 WOULD LIKE TO SHOW YOU THIS TAB UNDER INSULATION, THERE'S AN
23 ESTIMATE, INSULATION QUOTE. THIS IS IN DEFENDANTS' EXHIBIT 6
24 UNDER INSULATION AND I'LL REFER TO INSULATION QUOTE DATED
25 FEBRUARY 3, 2009, \$5,451.10. WAS THAT THE ESTIMATE FOR THE

1 Q ARE YOU AWARE IF THERE HAVE BEEN RECALLS DUE ON THESE DRAIN
2 MATS?

3 A NO, SIR.

4 Q DO YOU KNOW THAT -- DO YOU KNOW IF THE MATERIALS COME UNDER
5 LAWSUITS BECAUSE OF THIS?

6 A I DO NOT.

7 Q IT IS YOUR TESTIMONY THAT YOU WERE TOLD BY SOMEONE FROM
8 LANDMARC THERE WAS AN ISSUE WITH THE DRAIN MAT?

9 A IT WASN'T WITH THE DRAIN MAT. IT WAS WITH THE MATERIAL ON
10 TOP, THE WOOD ON TOP OF THE DRAIN MAT.

11 Q WHEN WERE YOU TOLD ABOUT THIS BY A REPRESENTATIVE OF
12 LANDMARC?

13 A I DON'T REMEMBER THE DATE. I REALLY -- IT WAS---

14 Q AND I'M NOT BEING TOUGH ON YOU. WAS IT EARLY SUMMER OF
15 2009?

16 A I WOULD SAY IT WAS LATER. IT WAS MORE -- I BELIEVE IT WAS
17 MORE TOWARD LATE SUMMER, AUGUST, SEPTEMBER. I'M GUESSING BUT I
18 THINK IT WAS LATER.

19 Q YOU DID, IN FACT, SEND -- YODER'S SENT A REPLACEMENT MAT; IS
20 THAT RIGHT?

21 A I BELIEVE WE REPLACED THE MAT AND THE IRONWOOD BECAUSE, I
22 BELIEVE, WHEN THEY TORE THE OLD OFF OR THE -- YOU KNOW, IT WAS
23 DAMAGED. I DO BELIEVE THAT'S CORRECT.

24 Q THE MATERIAL WAS DAMAGED?

25 A I DON'T THINK -- WELL, THE WOOD WAS NOT -- THE MAT, ITSELF,

1 Q DID THEY EVER EXPLAIN TO YOU WHAT WAS WRONG WITH THE DRAIN
2 MAT?

3 A NO.

4 Q THANK YOU. THAT'S ALL THE QUESTIONS I HAVE.

5 MR. RUCKER: MAY IT PLEASE THE COURT.

6 **CROSS-EXAMINATION BY MR. RUCKER:**

7 Q PATRICK, YOU WORK FOR YODER'S NOW?

8 A YES, SIR.

9 Q HOW LONG HAVE YOU WORKED FOR THEM CONTINUOUSLY?

10 A ALMOST EIGHT YEARS.

11 Q WHAT'S YOUR EDUCATIONAL BACKGROUND?

12 A I HAVE A B.S. IN WOOD PRODUCTS AND AN M.S. IN FORESTRY FROM
13 CLEMSON.

14 Q JUST TO BE SURE I UNDERSTAND, AND FOR THE COURT'S
15 EDIFICATION, WHAT'S A DRAIN MAT DO?

16 A IT'S MATERIAL UNDERNEATH THE PRODUCT THAT ALLOWS THE WATER
17 TO ESCAPE FROM A DECK, AND IT WAS A WATERPROOFING MEMBRANE.
18 ACTUALLY, SEALED THE DECK AND ALLOWED THE WATER TO LEAVE THE---

19 Q OKAY. WHAT'S THE MATERIAL THAT'S USED?

20 A THE DECKING MATERIAL?

21 Q NO, THE DRAIN MAT. THE DRAIN MAT'S THE ISSUE.

22 A I DON'T REMEMBER THE NAME OF THE PRODUCT AND -- I DON'T
23 REMEMBER THE TECHNICAL NAME OF IT.

24 Q DO YOU CONSIDER YOURSELF AN EXPERT ON DRAIN MATS?

25 A NO, SIR.

1 Q LET ME ASK YOU THIS, TELL ME -- TELL THE COURT WHAT YOU
2 RECALL THE ENTIRE SCOPE OF ALL CONVERSATIONS YOU HAD WITH ANYONE
3 WITH LANDMARC ABOUT THE DECK.

4 A THEY HAD SAID THEY WERE HAVING PROBLEMS WITH THE DECK---

5 Q MARC DID?

6 A MARC DID.

7 Q ALL RIGHT.

8 A I WENT UP TO LOOK AT IT, AND IT WAS CLEARLY A WATER ISSUE.
9 I MEAN, THERE WAS MOISTURE, THE BOARDS WERE CUPPING. THEY TOOK
10 THE DECK OFF AND THEY FOUND -- I DIDN'T EVER SEE IT, BUT I WAS
11 TOLD THAT THEY FOUND ISSUES WITH THE MAT BEING PLUGGED. AND THAT
12 WAS REALLY -- THEY DID REPLACE PART OF THE DECK. THEY DID NOT
13 REPLACE THE WHOLE DECK, AND I HELPED THEM WITH THE REPLACING OF
14 THAT DECK.

15 Q DID HE EVER TELL YOU THAT IT WAS YODER'S FAULT OR YODER'S
16 MATERIALS FAULT THAT REQUIRED THEM TO REPLACE THE DECK?

17 A NO. I DON'T REMEMBER -- NO.

18 Q WERE YOU EVER SHOWN ANY INFORMATION ABOUT WHAT LANDMARC
19 CLAIMED THAT THEY SPENT TO REBUILD THE DECK?

20 A NO.

21 Q DID THEY EVER ASK YOU TO PAY FOR THAT? DID THEY ASK YOU?

22 A NO.

23 Q DID THEY EVER ASK YOU TO TALK TO THE MANUFACTURER'S REP FOR
24 THE DRAIN MAT?

25 A NO.

1 BY THE COURT: THANK YOU, SIR.

2 MR. DUDLEY: BUT I WANTED TO---

3 BY THE COURT: IN FACT, I WOULD CONSIDER THAT ON THE LATE
4 SIDE.

5 IF YOU'LL STATE YOUR FULL NAME, PLEASE, SIR.

6 THE WITNESS: PATRICK ELLIOTT WESTBROOK.

7 **DIRECT EXAMINATION BY MR. DUDLEY:**

8 Q PATRICK, WHERE DO YOU WORK?

9 A YODER'S BUILDERS.

10 Q WHAT'S YOUR POSITION?

11 A OUTSIDE SALES.

12 Q DID YOU WORK WITH LANDMARC ON THE VERNON PROJECT?

13 A I DID.

14 Q REALLY, THE ONLY ISSUE, HOW DID YOU KNOW WHAT MATERIALS
15 NEEDED TO BE DELIVERED FOR THE DECK ON THE VERNON PROJECT?

16 A MARC HAD ASKED ME TO SUPPLY THE DECK MATERIAL.

17 Q AND HE TOLD YOU WHAT HE WANTED?

18 A YES.

19 Q THERE WAS AN ISSUE ABOUT A DRAIN MAT. HOW DID -- HAD YOU
20 USED THAT DRAIN MAT BEFORE?

21 A WE HAD AND HE HAD ASKED ME TO DO IT THE SAME WAY IT WAS DONE
22 ON THE OTHER JOB.

23 Q DID MARC EVER TELL YOU THAT THERE WAS A PROBLEM WITH ANY OF
24 THE MATERIAL ON THE DECK?

25 A HE HAD ASKED ME TO LOOK AT IT.

1 EXHIBIT 21 AS A TOTAL OF THE YODER'S, NOT ONLY LABOR AND
2 MATERIALS BUT ALSO -- NOT ONLY THE MATERIALS BUT THE LABOR FOR
3 THE DRYWALL, STONE AND THE INSULATION, THEY SAID THERE'S \$324,000
4 THAT WAS GENERATED, BILLED BY YODER'S. IF YOU LOOK AT EXHIBIT 19,
5 WHICH IS ALL OF THE PAYMENTS THEY CLAIM THEY MADE TO YODER'S ON
6 THE VERNON PROJECT WAS \$229,000, THAT'S A DIFFERENCE OF \$95,000.
7 THAT'S UNDISPUTED, EITHER \$75,000 OR \$95,000 THAT LANDMARC OWES
8 YODER'S ON THE VERNON JOB. THE LAST THING IS THERE'S NO EVIDENCE
9 AS TO THE DECK WAS A VALID BACK CHARGE.

10 AND THAT'S OUR -- WE'RE ENTITLED TO JUDGMENT ON THOSE CAUSES
11 OF ACTION.

12 BY THE COURT: AT THIS STAGE, I'M GOING TO -- I HAVE NO
13 HESITATION IN SAYING YODER'S IS OWED SOMETHING BY SOMEBODY, BUT
14 I'M GOING TO DENY THE MOTION.

15 MR. DUDLEY: YES, SIR. I CALL PATRICK WESTBROOK.

16 I AM GOING TO ENSURE SUCCESS TODAY. WE WILL GET DONE BEFORE
17 5:00.

18 BY THE COURT: YOU AND I HAVE VERY DIFFERENT DEFINITIONS OF
19 SUCCESS.

20 **PATRICK E. WESTBROOK**, BEING FIRST DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 BY THE COURT: I WOULD SHOOT FOR 11:00, MR. DUDLEY. MY
23 EXPECTATION BASED UPON WHAT YOU REPRESENTED TO ME AT THE CLOSE OF
24 TRIAL---

25 MR. DUDLEY: IT WILL BE 11:00.

1 MS. WRIGHT: THANK YOU, YOUR HONOR. THAT CONCLUDES OUR
2 DIRECTED VERDICT MOTIONS.

3 BY THE COURT: ALL RIGHT, MR. DUDLEY.

4 MR. DUDLEY: JUDGE, BEFORE I PUT MY FIRST WITNESS UP, I DO
5 HAVE A DIRECTED VERDICT ALSO AS TO LANDMARC'S CLAIMS -- THIS IS
6 FOR THE BREACH OF CONTRACT, EXHIBIT 8, THEY ADMIT THAT AS A
7 MINIMUM THERE'S \$20,000 OWED YODER'S ON THE VERNON PROJECT. THAT
8 ESTABLISHES THE BREACH OF CONTRACT.

9 THERE IS ALSO AN ADMISSION -- EXHIBIT 21 IS A DOCUMENT THEY
10 GENERATED, THE AMOUNT THAT WAS PAID BY THE VERNONS TO YODER'S --
11 TO LANDMARC BUT NOT PAID TO YODER'S IS \$75,807.86. THAT'S THEIR
12 DOCUMENT. THEY ADMITTED THAT. THAT WAS THEIR CALCULATION. THEY
13 ADMIT THAT WAS MONEY PAID BY THE VERNONS AND NOT PAID TO SUBS.
14 THAT'S A VIOLATION OF 29-7-10 WHICH WE HAVE AN ALLEGATION FOR,
15 AND THAT'S UNDISPUTED.

16 IT'S ADMITTED ALSO THERE WAS NO WRITTEN CONTRACT FOR THAT IF
17 PAID CLAUSE AND THAT'S -- CASE LAW, THOSE ARE DISFAVORED AND NOT
18 ENFORCEABLE.

19 THE 27-1-15 DEMAND LETTER, THEY ADMIT GETTING IT. THEIR
20 EXHIBIT 8 ADMITS THEY OWE THE MONEY. THEY DIDN'T PAY IT. WE'RE
21 ENTITLED TO ATTORNEY'S FEES AND PREJUDGMENT INTEREST BASED ON 27-
22 1-15.

23 THE LAST BIT IS -- THERE ARE TWO PARTS TO THE LAST BIT. NOT
24 ONLY LOOKING AT A MINIMUM, IT'S UNDISPUTED THEY SAID THAT THEY
25 OWED YODER'S \$75,000 ON THEIR EXHIBIT 21, IF YOU ALSO TAKE

1 MS. WRIGHT: AND THEN FINALLY WE WOULD MOVE FOR A DIRECTED
2 VERDICT UNDER THE COUNTERCLAIM OF UNJUST ENRICHMENT. THAT'S AN
3 EQUITABLE REMEDY. AND WE HAVE ESTABLISHED IN OUR TESTIMONY THEY
4 HAVE UNCLEAN HANDS. THEY ARE NOT ENTITLED TO THAT REMEDY. SO,
5 WE WOULD ASK THEIR COUNTERCLAIM OF UNJUST ENRICHMENT BE DENIED.

6 BY THE COURT: MR. RUCKER, WHAT'S THE BASIS FOR THE UNJUST
7 ENRICHMENT CLAIM?

8 MR. RUCKER: WELL, FRANKLY, JUST AS A MATTER OF TRADE CRAFT.
9 THE MECHANIC'S LIENS, IF -- AS WE GO FORWARD IN TRIALS, IN MY
10 EXPERIENCE, IF THERE ARE TECHNICAL ISSUES WITH THE MECHANIC'S
11 LIEN OR NOTICE, WE CAN RELY BACK ON THE UNJUST ENRICHMENT CLAIM,
12 THAT WE HAVE ADDED VALUE TO THE PROPERTY. WE CERTAINLY HAVE. IT
13 IS A VALID CLAIM. WHEN IT COMES TIME FOR A VERDICT TODAY, THAT
14 MAY BE SET OFF BY WHAT GOES ON WITH THE OTHER CLAIMS. BUT WE
15 BELIEVE WE'VE SHOWN THAT WE PROVIDED SERVICES AND THEY TOOK FULL
16 ADVANTAGE OF THIS, AND THEY HAVE NOT PAID US FOR IT. SO, WE WANT
17 THE FULL VALUE OF WHAT WE DID WORK ON.

18 MS. WRIGHT: THIS IS AN EXPRESS CONTRACT, JUDGE. THEY'RE
19 NOT ENTITLED TO THAT. WE HAVE EXPRESS TERMS IN OUR CONTRACT.
20 THEY HAVE NOT MET THAT.

21 MR. STERN: YOUR HONOR, AS AN ALTERNATIVE REMEDY TO A BREACH
22 OF CONTRACT, SO YOU CAN'T HAVE---

23 BY THE COURT: I UNDERSTAND. THAT MAY BE MORE, FROM MR.
24 RUCKER'S STANDPOINT, INTO AN ELECTION ISSUE. I'M GOING TO GRANT
25 THE MOTION ON UNJUST ENRICHMENT.

1 ASSURED THE PLAINTIFFS ALL SUPPLIERS AND SUBCONTRACTORS HAD BEEN
2 PAID IN FULL, AND THAT'S NOT TRUE.

3 THE DEFENDANTS KNEW THE REPRESENTATIONS WERE FALSE AS SHOWN
4 BY THE DEPOSITION TESTIMONY OF MRS. DUNN ON PAGE 26, LINES 16
5 THROUGH 25 WHEN SHE SAID THE PARTIAL LIENS WAIVERS PREPARED BY
6 HERSELF AND MR. DUNN, THEY WERE ACCURATE, AND THE PLAINTIFFS
7 COULD RELY UPON THEM.

8 THE DEFENDANTS INTENDED THE PLAINTIFFS RELY UPON THEM WHEN
9 THEY WERE SENT AS PART OF THE BILL TO THE VERNONS. THE PLAINTIFFS
10 WERE IGNORANT OF THE FALSITY OF THE PARTIAL LIEN WAIVERS. THEY
11 RELIED UPON THEM AND PAID THE SUMS THROUGH NOVEMBER 2009, AGAIN,
12 AS TESTIFIED BY MRS. DUNN IN HER DEPOSITION.

13 THE PLAINTIFFS HAD ENTERED INTO A CONTRACT WITH THE
14 DEFENDANTS AND HAD A RIGHT TO RELY ON THE REPRESENTATIONS, AND
15 THEY WERE DAMAGED BY THE COST THE MECHANIC'S LIENS PUT ON THE
16 PROPERTY, THE COST OF BONDING OFF THOSE LIENS, AND THE ATTORNEY'S
17 FEES AND COSTS ASSOCIATED WITH THIS ACTION IN AN EFFORT TO
18 RECOVER THEIR DAMAGES. BECAUSE OF THE DEFENDANTS' BREACH, WE HAD
19 NO ALTERNATIVE BUT TO FIRE THE DEFENDANTS.

20 WE ARE ASKING THIS COURT FOR A DIRECTED VERDICT ON THEIR
21 COUNTERCLAIM OF BREACH OF CONTRACT.

22 BY THE COURT: I'M GOING TO DENY THAT.

23 MS. WRIGHT: THANK YOU.

24 BY THE COURT: ALL OF THOSE ARE WONDERFULLY VALID FACTUALLY
25 CONTESTED CLAIMS.

1 THE LIEN IS ALSO SET OFF BY THE AMOUNT IT OVERBILLED
2 PLAINTIFFS FOR SUMS DUE TO SUPPLIERS AND SUBCONTRACTORS. THE
3 DEFENDANTS CLAIM THEIR LIEN WAS BROUGHT TO PAY SUPPLIERS AND
4 SUBCONTRACTORS; HOWEVER, MR. JOHNSON TESTIFIED YESTERDAY THAT
5 THOSE SUPPLIERS AND SUBCONTRACTORS WERE TAKEN CARE OF BY THE
6 PLAINTIFF.

7 AND WE WOULD ASK THAT THE PLAINTIFFS BE DECLARED THE
8 PREVAILING PARTY UNDER STATUTE 29-5-10.

9 BY THE COURT: I'M GOING TO DENY YOUR MOTION ON THAT GROUND.

10 MS. WRIGHT: THANK YOU, YOUR HONOR. WE WOULD ALSO MOVE A
11 DIRECTED VERDICT ON LANDMARC'S BREACH OF CONTRACT COUNTERCLAIM IN
12 THAT THE DEFENDANT FIRST BREACHED HIS CONTRACT WITH US AND
13 OVERBILLED FOR INVOICES, FALSIFIED INVOICES AND PERFORMED
14 SUBSTANDARD WORK.

15 THE PLAINTIFF HAS PROVEN FRAUD BY LANDMARC PARTICULARLY AS
16 TO THE PARTIAL LIEN WAIVERS AND WITH THE OVERBILLING OF FALSIFIED
17 INVOICES. THE DEFENDANTS REPRESENTED TO THE PLAINTIFFS WITH ITS
18 PARTIAL LIEN WAIVERS THAT SUPPLIERS AND SUBCONTRACTORS HAD BEEN
19 PAID IN FULL. THE DEFENDANTS NEVER INFORMED THE PLAINTIFFS OF
20 ANY SUBSTANDARD WORK BY SUBCONTRACTORS OR ANY DEFICIENT MATERIALS
21 BY SUPPLIERS. ALL OF THESE LIENS WERE SIGNED BY MARCUS DUNN.

22 DEFENDANTS' REPRESENTATIONS WERE FALSE AS IS PROVEN BY THE
23 FOUR MECHANIC'S LIENS THAT WERE PLACED ON THIS PROPERTY
24 INDICATING THERE WERE AT LEAST FOUR SUBCONTRACTORS AND SUPPLIERS
25 WHO WERE NOT PAID. THESE REPRESENTATIONS ARE MATERIAL FOR THEY

1 WE BASED THAT ON KERRI DUNN'S TESTIFYING THAT SHE DID NOT
2 RECONCILE THE VERNON ACCOUNT EVEN THOUGH SHE HAD ACCESS TO
3 RECORDS FROM SUPPLIERS AND SUBCONTRACTORS. WE ALSO BASED THAT ON
4 MR. DUNN'S TESTIMONY WHEN HE FIRST SAID THAT PLAINTIFFS OWED
5 AROUND \$139,000, THEN HE TESTIFIED THEY OWED AROUND \$46,000, AND
6 THEN HE'S TESTIFIED THAT HE IS AFTER BOTH AMOUNTS. THIS INDICATES
7 HE DOES NOT KNOW WHAT, IF ANYTHING, THE PLAINTIFFS ACTUALLY OWE.

8 THE LIEN IS ALSO FOR AN AMOUNT THAT IS NOT ACTUALLY DUE
9 UNDER THE LIEN SUCH AS FOR THE BUILDER'S FEE. THEN MR. JOHNSON
10 TESTIFIED TO NUMEROUS OTHER BILLINGS BY LANDMARC ON THE VERNON
11 PROJECT WHICH SHOWS THE VERNONS HAVE ACTUALLY PAID LANDMARC MORE
12 THAN WHAT IS DUE.

13 AS STATUTE 29-5-100 STATES, "THE LIEN IS NOT INVALIDATED BY
14 AN INACCURATE STATEMENT OF ACCOUNT UNLESS THE PERSON FILING THE
15 CERTIFICATE HAD WILFULLY AND KNOWINGLY CLAIMED MORE THAN IS DUE."
16 IT IS OUR ARGUMENT THAT LANDMARC HAS KNOWINGLY AND WILFULLY
17 CLAIMED MORE THAN WHAT IS DUE. THEREFORE, WE ASK THIS COURT TO
18 DISSOLVE LANDMARC'S MECHANIC'S LIEN.

19 BY THE COURT: I'M GOING TO DENY YOUR MOTION ON THAT GROUND.

20 MS. WRIGHT: THANK YOU, YOUR HONOR. WE WOULD ALSO MOVE A
21 DIRECTED VERDICT ON THE FORECLOSURE OF THE MECHANIC'S LIEN
22 COUNTERCLAIM BROUGHT BY LANDMARC. THE DEFENDANTS HAVE FAILED TO
23 PROVE THE PLAINTIFFS OWE THEM ANY MONEY. THE LIEN IS SET OFF BY
24 THE AMOUNT THE PLAINTIFFS HAVE HAD TO PAY TO REPAIR SHODDY WORK
25 DONE BY THE DEFENDANTS.

(WHEREUPON, THE TRIAL RESUMED ON NOVEMBER 16, 2011 AT 9:00 A.M.)

BY THE COURT: NOW, I'M ASSUMING BY THE FACT THAT WE'RE ALL
HERE, LINED UP AND READY TO GO THAT SETTLEMENT IS NOT WITHIN THE
REALM OF---

MR. DUDLEY: UNFORTUNATELY, YES, SIR.

BY THE COURT: OKAY. ALL RIGHT. YOU CAN CALL YOUR FIRST
WITNESS.

MS. WRIGHT: MAY IT PLEASE THE COURT, MAY I MAKE A MOTION
FOR A DIRECTED VERDICT, YOUR HONOR?

BY THE COURT: CERTAINLY.

MS. WRIGHT: FIRST OFF, IF I MAY, YOUR HONOR, I WOULD LIKE
TO MOVE THAT THE DEPOSITION TESTIMONY GIVEN BY KERRI DUNN, THAT
TRANSCRIPT BE ADMITTED INTO THE RECORD. WE NEGLECTED TO DO THAT
YESTERDAY, AND WE APOLOGIZE.

BY THE COURT: ANY OBJECTION, GENTLEMEN?

MR. RUCKER: NO OBJECTION.

(DEPOSITION OF KERRI DUNN DATED MARCH 18, 2011 ENTERED INTO
EVIDENCE AS PLAINTIFFS' EXHIBIT NO. 18)

BY THE COURT: ALL RIGHT.

MS. WRIGHT: FIRST, PLAINTIFFS MOVE FOR A DIRECTED VERDICT
ON THE DISSOLUTION OF DEFENDANT LANDMARC'S MECHANIC'S LIEN. WE
BASED IT ON CODE ANNOTATED 29-5-90 THAT STATES "THE PARTY FILING
THE LIEN MUST GET A JUST AND TRUE STATEMENT OF ACCOUNT OF THE
LIEN." WE FEEL THAT LANDMARC'S LIEN IS NOT VALID BECAUSE IT DOES
NOT PROVIDE A JUST AND TRUE STATEMENT OF ACCOUNT.

EXHIBITS (CONTINUED)

	<u>ID</u>	<u>EV</u>
DY-27 LANDMARC BUSINESS ECONOMY ACCOUNT		3
DY-28 LICENSE INFORMATION ON BRYAN JOHNSON & CONTRACT ONE		3
DY-29 BREAKDOWN OF YODER'S INVOICES		40

EXHIBITS (CONTINUED)

	<u>ID</u>	<u>EV</u>
DY-6 EMAILS DATED DECEMBER 2, 2009		323
DY-7 EMAIL DATED DECEMBER 2, 2009		323
DY-8 EMAIL DATED DECEMBER 3, 2009		3
DY-9 EMAIL DATED DECEMBER 7, 2009		324
DY-10 CHANGE ORDER ON GARAGE FLOOR EPOXY PAINT		3
DY-11 FAXED LETTER DATED DECEMBER 11, 2009 FROM JEFFREY H. GRAY		50
DY-12 DECEMBER 11, 2009 LETTER		51
DY-13 DEMAND LETTER DATED DECEMBER 14, 2009		110
DY-14 LETTER DATED DECEMBER 29, 2009		3
DY-15 LETTER DATED JANUARY 29, 2010		3
DY-16 LETTER DATED DECEMBER 31, 2009		3
DY-17 YODER'S A/R REPORT ON MARSHALL & TOLLESON/SMITH PROJECTS		3
DY-18 ACCOUNTING ON VERNON RESIDENCE		3
DY-19 COPIES OF CHECKS AND QUICKBOOKS REPORT		198
DY-20 SPREADSHEET		124
DY-21 LANDMARC PAY ANALYSIS		48
DY-22 LANDMARC ACCOUNTS ON VERNON PROJECT		91
DY-23 LANDMARC RECORDS ON OHD ACCOUNT #8418		91
DY-24 LANDMARC RECORDS ON TOLLESON/SMITH ACCOUNT		91
DY-25 LANDMARC RECORDS ON MARSHALL ACCOUNT		92
DY-26 YBI PROJECT CONTROL SOLUTIONS ACCOUNT		92

EXHIBITS (CONTINUED)

	<u>ID</u>	<u>EV</u>
P-11 EMAIL DATED DECEMBER 3, 2009		3
P-12 EMAILS DATED DECEMBER 7, 2009		3
P-13 LETTER DATED DECEMBER 31, 2009		3
P-14 LANDMARC A/R TRANSACTIONS		3
P-15 5 CHECKS WITH DEPOSIT SLIPS		174
P-16 P & L JOB BUDGET COMPARISON	182	183
P-17 MECHANIC'S LIEN DOCUMENTS		224
P-18 ORIGINAL DEPOSITION OF KERRI DUNN		302
P-19 COMPILATION OF MONEY OWED THE VERNONS		356
DL-1 CHANGE ORDER LOG	202	203
DL-2 FOUR PAGES OF COPIES OF CHECKS	209	210
DL-3 YODER'S BUILDING SUPPLIES, INC. INVOICE	326	326
DL-4 MARCH 9, 2011 LETTER FROM YODER'S	333	334
DL-5 LANDMARC'S FINANCIAL RECORDS	362	362
DL-6 PARTIAL LIEN WAIVERS	362	363
DL-7 JOB COST JOURNAL	362	364
DY-1 A/R REPORT OF YODER'S ON VERNON PROJECT		199
DY-2 GREENVILLE COUNTY RECORDS		52
DY-3 EMAIL DATED JUNE 19, 2009		321
DY-4 EMAIL DATED JUNE 26, 2009		322
DY-5 EMAIL REGARDING MEETING ON 11/30/09		3

I N D E X (CONTINUED)

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
O. WYLIE MCLANE				
MR. DUDLEY	315		350	
MR. RUCKER		325		
MR. STERN		334		
BRYAN JOHNSON				
MR. STERN	354		365	
MR. RUCKER		362		

EXHIBITS

	<u>EV</u>
P-1 CONSTRUCTION AGREEMENT	5
P-2 CHANGE ORDERS (18 PAGES)	9
P-3 PARTIAL LIEN WAIVERS (11 PAGES)	12
P-4 LETTER DATED DECEMBER 11, 2009	15
P-5 GREENVILLE COUNTY RECORDS	17
P-6 NOTEBOOK ON VERNON HOUSE	65
P-7 EMAILS REGARDING ACCOUNT PAYMENT (1 PAGE)	3
P-8 EMAILS REGARDING YODER'S STATEMENT (1 PAGE)	3
P-9 EMAILS REGARDING LANDMARC ACCOUNT (1 PAGE)	3
P-10 EMAIL DATED DECEMBER 2, 2009	3

INDEX

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
BILL J. VERNON, JR.				
MS. WRIGHT	4		59	
MR. RUCKER		21		
MR. DUDLEY		35		
BRYAN JOHNSON				
MS. WRIGHT	63		126	
MR. RUCKER		101		
MR. DUDLEY		110		
MARCUS DUNN				
MR. RUCKER	135		201	
MR. STERN		154		205
MR. DUDLEY		183		
KERRI L. DUNN				
MR. RUCKER	207			
MR. STERN		222		294
MR. DUDLEY		252		
PATRICK E. WESTBROOK				
MR. DUDLEY	309			
MR. RUCKER		311		
MR. STERN		313		

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Kerri Dunn

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Yoder's Building Supply, Inc.

Wanda E. Fudge, CCR
Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
2010-CP-23-564

Bill J. Vernon, Jr. and Sandra
Vernon,

Plaintiff,

vs.

Landmarc Constructors, Inc. d/b/a)
Landmarc Custom Homes, Marcus Dunn)
and Yoder's Building Supply, Inc.,)

Defendants.)

TRANSCRIPT OF TESTIMONY

Yoder's Building Supply, Inc.,)

Third-Party Plaintiff,)

vs.)

Sandra Ann Vernon and Billie James)
Vernon, Jr., Trustees, or their)
Successors in trust, under the)
Sandra Ann Vernon Living Trust,)
Dated June 12, 2000, and as)
Thereafter amended, Gary Dunn,)
Individually and Kerri Dunn,)
Individually,)

November 16, 2011
Greenville, South Carolina

B E F O R E:

HONORABLE CHARLES B. SIMMONS, JR., MASTER IN EQUITY

1 THE UNDERSIGNED, WANDA E. FUDGE, COURT REPORTER, OFFICE OF
2 MASTER IN EQUITY FOR GREENVILLE COUNTY, SOUTH CAROLINA, DO HEREBY
3 CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE
4 TRANSCRIPT OF RECORD OF ALL OF THE PROCEEDINGS HAD AND EVIDENCE
5 INTRODUCED IN THE HEARING OF THE CAPTIONED CASE, RELATIVE TO
6 APPEAL, BEFORE THE HONORABLE CHARLES B. SIMMONS, JR., AS MASTER
7 IN EQUITY FOR GREENVILLE COUNTY, SOUTH CAROLINA ON THE 15TH OF
8 NOVEMBER, 2011.

9 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR
10 INTEREST TO ANY PARTIES HERETO.

11 OCTOBER 1, 2012

12
13
14 Wanda E. Fudge

15 WANDA E. FUDGE, CCR

16 CERTIFIED COURT REPORTER
17
18
19
20
21
22
23
24

1 IT'S BEEN A LONG DAY, REST WELL. SETTLEMENT IS ALWAYS A GOOD
2 THING. IF YOU CAN'T SETTLE, THAT'S FINE. I'LL DO MY JOB AND
3 I'LL ISSUE AN ORDER, AND THEN I'LL MOVE ON TO OTHER CASES AND TO
4 OTHER LAWYERS. BUT I WILL TELL YOU, BASED ON MY YEARS ON THE
5 BENCH, IF YOU CAN COME UP, EVEN IN THE SAME BALLPARK, NOW IS THE
6 TIME.

7 THAT'S ALL I'M GOING TO SHARE WITH YOU. HOPEFULLY, EVERYBODY
8 REST WELL. SEE YOU AT 9:00 IN THE MORNING. THERE'S SUPPOSED TO
9 BE SOME BAD WEATHER. SO, PLAN ACCORDINGLY.

10 MR. DUDLEY: THANK YOU, SIR.

11 BY THE COURT: AND THE COURTROOM WILL BE LOCKED.

12 THE COURTROOM WILL BE OPEN, MR. FRAZIER, ABOUT 8:30 IN THE
13 MORNING?

14 THE BAILIFF: YES, SIR.

15 BY THE COURT: OKAY. THANK YOU VERY MUCH.

16 (WHEREUPON, THE TAKING OF TESTIMONY CONCLUDED ON NOVEMBER 15,
17 2011 AT 5:45 P.M.)

18 -----END OF REQUESTED TRANSCRIPT OF TESTIMONY-----
19
20
21
22
23
24
25

1 MR. DUDLEY: HE IS, YES, SIR.

2 BY THE COURT: I WOULD STRONGLY ENCOURAGE EACH OF YOU THIS
3 EVENING OR IN THE MORNING IN THE FRESHNESS OF A NEW DAY TO COME
4 BACK A LITTLE BIT EARLY, TALK WITH YOUR ATTORNEYS ABOUT: WHAT IS
5 THE ABSOLUTE BEST I CAN DO TO TRY TO RESOLVE THIS CASE? BECAUSE
6 AS YOU KNOW, YOU'VE LIVED WITH THIS CASE. IT'S COMPLICATED.
7 IT'S CONVOLUTED. TO USE A NON-LEGAL PHRASE, IT'S A MESS. IT'S
8 JUST A MESS.

9 MY JOB WILL BE TO TAKE ALL OF THIS MESS AND COME UP WITH A
10 COURT ORDER. AND IF ONE OR MORE OF YOU DISAGREE WITH IT, WHICH
11 HAS CERTAINLY HAPPENED BEFORE, YOUR NEXT STEP IS AN APPEAL TO
12 COLUMBIA IN OUR APPELLATE COURTS. YOU'RE PROBABLY LOOKING AT 12
13 TO 18 MONTHS AND SIGNIFICANT ADDITIONAL ATTORNEY'S FEES AND
14 COSTS. AND I NOTE FROM TALKING WITH THE ATTORNEYS, I DON'T KNOW
15 WHAT THE SETTLEMENT NEGOTIATIONS HAVE BEEN; ALTHOUGH, I DO KNOW
16 THAT Y'ALL HAVE BEEN RIGHT FAR APART.

17 ONE OF THE OTHER ISSUES THAT, OBVIOUSLY, ALL OF YOU ARE
18 AWARE OF IS WHOEVER IS DEEMED TO BE THE PREVAILING PARTY, THE
19 OTHER SIDE HAS TO PAY SOME, IF NOT ALL, OF THEIR ATTORNEY'S FEES.
20 I CAN'T EVEN GUESS BASED ON -- Y'ALL HAVE CHOSEN VERY FINE
21 LAWYERS. THERE'S BEEN A LOT OF EXPENSES. SO, NOT ONLY WILL MY
22 DECISION RESULT IN A MONEY AWARD, IT WILL ALSO RESULT,
23 NECESSARILY, IN SIGNIFICANT ATTORNEY'S FEES BEING ASSESSED
24 AGAINST THE NON-PREVAILING PARTY.

25 SO, I THINK, I, IN GOOD FAITH, HAVE AN OBLIGATION TO SAY,

1 BY THE COURT: ANY OTHER QUESTIONS?

2 MR. RUCKER: NOTHING ELSE.

3 BY THE COURT: ALL RIGHT. THANK YOU, MRS. DUNN. YOU CAN
4 STEP DOWN.

5 (WITNESS EXCUSED)

6 BY THE COURT: ANYTHING ELSE ON BEHALF OF THE DUNNS?

7 MR. RUCKER: THAT'S OUR CASE.

8 BY THE COURT: ALL RIGHT. MR. DUDLEY, HOW MANY WITNESSES
9 DO YOU ANTICIPATE?

10 MR. DUDLEY: THREE. PATRICK WESTBROOK WILL BE ABOUT 15
11 MINUTES. HE'S A SHORT -- VERY NARROW ISSUE ON THE DECK. WYLIE
12 MCLANE, 45 MINUTES TO AN HOUR; AND HARLEY YODER, MAYBE 30
13 MINUTES. THAT'S IT.

14 BY THE COURT: IS THAT LAWYER TIME OR IS THAT REAL TIME?

15 MR. DUDLEY: MY TIME. I HAVE NO IDEA WHAT THEY'RE GOING
16 TO ASK.

17 BY THE COURT: I KNOW OUR HOUR-AND-A-HALF FOR THE DUNNS TOOK
18 ABOUT FOUR HOURS.

19 MR. RUCKER: NOT MY FAULT.

20 BY THE COURT: I'M NOT ASSIGNING ANY BLAME. ALL RIGHT. WHAT
21 WE'LL DO IS WE'LL START BACK AT 9:00 IN THE MORNING AND,
22 OBVIOUSLY, GET THE CASE RESOLVED, HOPEFULLY, BEFORE THE LUNCH
23 BREAK.

24 LET ME TAKE JUST A MINUTE FOR MR. VERNON, AND TO THE DUNNS
25 -- I DON'T KNOW YOU BUT I'M ASSUMING YOU MIGHT BE MR. YODER.

1 THAT'S IN DEFENDANTS' EXHIBIT 6 AT TAB 1, AND THAT REFLECTS THE
2 BILLING OF 3/23. ARE YOU WITH ME?

3 A YEAH.

4 Q LINE 6, PAGE 186, "SO TRUSTING MY MATH HERE, AND IF YOU
5 DON'T, FEEL FREE TO USE THAT CALCULATOR, WOULD YOU AGREE
6 THAT THE VERNONS ARE OWED A REFUND?"

7 "ANSWER: NO."

8 "QUESTION: AND WHY IS THAT?"

9 "YODER'S DID THE DRYWALL, BUT YODER'S HAD NO INSURANCE TO DO
10 THE DRYWALL. AND PER THE CONTRACT, WE HAD TO HAVE ANYONE
11 OUT ON THE JOB SITE HAD TO HAVE INSURANCE, SO WE HAD TO
12 INSURE YODER'S TO DO THIS."

13 "WAS THAT AN ARRANGEMENT BETWEEN YOU AND YODER'S?"

14 A MY HUSBAND---

15 Q "ANSWER: NO. I ASKED THEM FOR INSURANCE, AND THEY SAID THEY
16 DIDN'T HAVE IT. SO I HAD TO INSURE THEM BEFORE I LET THEM
17 ON THE JOB SITE."

18 DID I READ THAT CORRECTLY?

19 A I BELIEVE, YES.

20 Q AND NOTHING IN THERE OR ON EACH PAGE AFTER THAT IS THERE
21 ANYTHING ABOUT AN ESTIMATE, CHANGE ORDERS OR ANYTHING ELSE TO
22 EXPLAIN THE DISCREPANCY BETWEEN WHAT WAS COLLECTED BY LANDMARC
23 FROM THE VERNONS AND PAID TO YODER'S, ISN'T THAT RIGHT?

24 A YES.

25 MR. STERN: THAT'S ALL.

1 Q IT IS. OKAY. AND YOU WERE ASKED IN YOUR DEPOSITION ABOUT
2 THE DISCREPANCIES. DO YOU RECALL THAT? THIS WAS ON MARCH 18,
3 2011.

4 A IT'S BEEN A WHILE.

5 Q IT'S BEEN A WHILE. ISN'T IT FAIR TO SAY YOU SAID NOTHING
6 ABOUT THAT DISCREPANCY BEING EXPLAINED BY CHANGE ORDERS?

7 A WAS THAT---

8 Q I'LL READ YOUR DEPOSITION TESTIMONY. LET'S DO IT. I'M AT
9 PAGE 185, LINE 18. I'M GOING TO READ MY QUESTION -- OR MS.
10 WRIGHT'S QUESTION -- AND YOUR ANSWER. ARE YOU WITH ME?

11 A WHAT LINE NUMBER?

12 Q LINE 18: "QUESTION: SO WE HAVE THE AMOUNT DUE IN THIS
13 REQUEST, \$19,323; IS THAT CORRECT?"

14 "ANSWER: YES."

15 THAT'S REFERRING TO EXHIBIT 36 IN FRONT OF YOU IN
16 DEFENDANTS' EXHIBIT 1, RIGHT?

17 A YES.

18 Q I'LL GO ON. "THIS IS FOR THE PERIOD APRIL 29, 2009. SO ARE
19 WE AGREED THIS WOULD FALL UNDER THE PARTIAL LIEN WAIVERS
20 THAT WE AGREED YOU HAD BEEN PAID IN FULL BY THE VERNONS?"

21 "ANSWER: YES."

22 GO OVER TO THE NEXT PAGE. "IF YOU TAKE A LOOK AT THE NEXT
23 PAGE, WHICH IS AN INVOICE FROM YODER'S, AND YOU'LL NOTICE
24 THERE THAT THEIR BALANCE, THEY'RE SAYING, IS \$13,323?"

25 I'LL STOP YOU AGAIN AND REFER YOU TO THE YODER'S INVOICE AND

1 Q BOTH MR. JOHNSON AND THEN YOU HAD THE OPPORTUNITY TO BE
2 EXAMINED ON THE DIFFERENCE BETWEEN WHAT YOU SELECTED FROM THE
3 VERNONS, THE \$19,323 VERSUS THE INVOICES THAT YODER'S SUBMITTED
4 TO YOU WAS FOR THE SAME WORK WHICH THE \$13,323. DO YOU RECALL
5 THAT?

6 A YES.

7 Q IT WAS YOUR EXPLANATION TODAY THAT THAT DISCREPANCY COULD BE
8 EXPLAINED BY THE PROSPECTIVE CHANGE ORDERS?

9 A COULD BE, YES.

10 Q COULD ALSO BE EXPLAINED BY -- IS THIS WHERE THE OFFICE WAS
11 INVOLVED AS WELL?

12 A COULD BE. IT'S ESTIMATED.

13 Q ANYTHING ELSE THAT WOULD EXPLAIN THAT DISCREPANCY?

14 A NO.

15 Q DO YOU RECALL YOUR DEPOSITION?

16 A YES, SOMEWHAT.

17 Q I'LL READ IT TO YOU BUT---

18 A IS IT IN THIS ONE UP HERE, THIS ONE?

19 Q YES, MA'AM.

20 A DO YOU KNOW WHAT PAGE?

21 Q YOU HAVE THE ORIGINAL. FIRST, I'LL REFER YOU TO THE SECTION
22 IN THERE THAT TALKS ABOUT EXHIBIT 36. IF YOU COULD CONFIRM FOR
23 ME THAT EXHIBIT 36 IS THE SAME DOCUMENT THAT I SHOWED YOU AS PART
24 OF PLAINTIFFS' EXHIBIT 6, IN THE BIG BOOK.

25 A YES, IT IS.

1 JOBS.

2 A THEY HAD THE MEMO TO APPLY IT TO THE MARSHALLS OR THEY JUST
3 CHOSE TO?

4 Q NO. YOU HAD -- YOU DID NOT PUT ANYTHING IN THE MEMO SECTION,
5 AND THAT'S WHAT THEY APPLIED IT TO BECAUSE IT WAS---

6 A BUT THEY HAD THE STUB.

7 Q WELL, I DON'T KNOW IF THEY DO OR NOT. THAT SHOULD---

8 BY THE COURT: IF Y'ALL WANT TO ARGUE, MR. DUDLEY, Y'ALL
9 CAN DO THAT OUTSIDE. IF YOU HAVE ANYMORE RELEVANT QUESTIONS AS
10 TO THE ISSUES---

11 MR. DUDLEY: NO, I'M DONE.

12 BY THE COURT: WE'VE PLOWED THIS UNTIL THERE'S NOT A WHOLE
13 LOT OF MULE LEFT TO PLOW.

14 MR. DUDLEY: WE ARE DONE.

15 MR. RUCKER: NO REDIRECT.

16 BY THE COURT: THANK YOU. ANY OTHER QUESTIONS, MR. STERN?

17 MR. STERN: YES, SIR, JUST BRIEFLY.

18 **RECROSS EXAMINATION BY MR. STERN:**

19 Q MA'AM, WOULD YOU TURN BACK TO DEFENDANTS' EXHIBIT 6, THE
20 DRYWALL SECTION?

21 A BEAR WITH ME JUST A MINUTE.

22 MR. DUDLEY: PLAINTIFFS' EXHIBIT?

23 Q PLAINTIFF'S EXHIBIT 6, YES, UNDER THE DRYWALL SECTION UNDER
24 YODER'S.

25 A YES.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 YODER'S CONTENDED WAS OWED ON EACH ONE OF THOSE PROJECTS AND YOU
2 DIDN'T RAISE ANYTHING ABOUT IT UNTIL ONE TIME IN JUNE AND THEN
3 LATER IN DECEMBER WHEN EVERY MONTH YOU KNEW, EVERY MONTH, THE
4 FIRST CHECK -- THE \$12,000 THAT YOU CONTEND -- LET'S EVEN GO BACK
5 TO JANUARY, THE JANUARY CHECK THAT DOESN'T EVEN SHOW UP IN YOUR
6 QUICKBOOKS ACCOUNT, YOU KNEW FOR ALMOST A YEAR AND YOU DIDN'T
7 CATCH IT?

8 A I DIDN'T CATCH IT. THAT'S CORRECT.

9 Q EVERY MONTH IT SHOWED IT, AND YOU HAD YOUR QUICKBOOKS AND
10 YOU COULD HAVE FIXED IT BY PUTTING THE MEMO SECTION AND YOU CHOSE
11 NOT TO DO IT?

12 A THEY WERE APPLYING THEM. THEY GOT \$229,000. THEY WERE
13 DOING IT CORRECTLY. THEY WERE USING THE STUBS OR HOW WOULD THEY
14 KNOW TO APPLY IT? AND WHY IS IT ONLY \$1,000 FROM A \$42,000
15 CHECK?

16 Q YOU---

17 A HOW DID THEY CHOOSE HOW MUCH TO DO? THEY HAD THE STUBS.

18 Q WELL, YOU HAD A LOT OF -- YOU HAD OTHER INVOICES -- YOU HAD
19 OTHER BILLS OUT -- IN FACT, AS OF THIS TIME, IN APRIL '09, THE
20 MARSHALL JOB WAS DONE, THE TOLLESON/SMITH JOB WAS STILL GOING.
21 IF THEY GOT PAID ON THE TOLLESON/SMITH JOB, THE ONLY OTHER
22 PROJECT TO APPLY IT TO WAS THE MARSHALL. THAT'S THE ONLY ONE
23 THAT WAS OUT THERE, AND THAT'S THE ONLY ONE THEY CREDITED IT TO?

24 A AND THEY RECEIVED THE MEMO---

25 Q IT WASN'T LIKE THEY HAD 10 OR 11 JOBS. YOU WERE DOWN TO 2

KERRIL L. DUNN-CROSS BY MR. DUDLEY

1 VERNON JOB AND IF YOU LOOK AT EXHIBIT 1, 100 PERCENT OF THAT
2 PAYMENT WAS APPLIED TO VERNON. ALL RIGHT.

3 THE NEXT ONE IS IN MAY, THERE WAS A \$12,000 PAYMENT, AND IF
4 YOU LOOK BACK AT EXHIBIT 1 IN MAY, MAY 8TH, ALL BUT ABOUT \$1,000
5 OF THAT PAYMENT WAS APPLIED TO VERNON.

6 A SO, WE'RE SKIPPING THE APRIL 6TH PAYMENT?

7 Q WELL, WE JUST DID. THE APRIL 6TH PAYMENT, 100 PERCENT OF
8 THAT ONE WAS APPLIED TO THE VERNON JOB.

9 A OH, I THOUGHT YOU SAID THE MARCH 10TH.

10 Q AND ALL BUT \$1,000 OF THE MAY WAS APPLIED TO THE VERNON JOB.
11 IN JUNE, THE \$84,000, ALL BUT ABOUT \$26,000 WAS APPLIED TO THE
12 VERNON JOB. AND THEN THE LAST---

13 A SO, WHY DID YODER'S CHOOSE? I'M NOT SUPPOSED TO ASK
14 QUESTIONS.

15 Q BECAUSE YOU DIDN'T SPECIFY IT IN YOUR MEMO SECTION.

16 A BUT THEY STILL WERE SHIPPING MATERIAL TO ME, AND THEY WERE
17 STILL KEEPING UP WITH MY ACCOUNT, AND THEY DIDN'T ASK ABOUT IT.

18 Q AS WERE YOU. YOU WANT TO BLAME THEM--

19 A SAME THING, SAME THING.

20 Q --THAT'S FINE. YOU WANT TO BLAME THEM BUT YOU COULD HAVE
21 CORRECTED IT TOO AND YOU CHOSE NOT TO.

22 A THEY HAD THE STUBS.

23 Q BUT THE ONE CHECK THAT YOU HAD QUOTED -- THE ONE CHECK THAT
24 YOU HAD QUOTED, 100 PERCENT OF THAT WENT ON THE VERNON JOB, 100
25 PERCENT. AND EVERY MONTH, EVERY MONTH, YOU HAD A RECAP OF WHAT

1 DOOR, AND YOU GOT A CREDIT FOR A MAN DOOR YOU SAID WAS NEVER
2 DELIVERED. THAT'S IN ONE OF THE EXHIBITS WE LOOKED AT.

3 A OKAY.

4 Q YOU SENT THAT IN JANUARY. SO, YOU'VE GOT THESE TWO ISSUES.

5 A OKAY.

6 Q THE LAST THING, HAVE YOU DONE AN ANALYSIS -- WHEN YOU TALKED
7 WITH -- THIS WHOLE ISSUE OF PAYMENT, THAT THINGS WERE MISAPPLIED
8 -- AND THIS IS THE LAST THING I'M GOING TO DO. IF YOU'LL LOOK AT
9 EXHIBIT 1 WHICH IS THE RECAP OF ALL OF THE CHARGES BACK AND
10 FORTH. I WANT YOU TO TURN TO EXHIBIT 1, AND I WANT YOU TO GO TO
11 EXHIBIT 19?

12 A EXHIBIT 1 IN THE SAME BOOK?

13 Q YEAH, MY BOOK. HOLD YOUR HAND ON EXHIBIT 1 AND FLIP TO 19.
14 THE FIRST CHECK YOU HAVE IS \$12,000 ON FEBRUARY 19TH, AND IF YOU
15 LOOK AT FEBRUARY -- STRIKE THAT -- THE FIRST PAYMENT -- SO NONE
16 OF THAT \$12,000 IN THAT FIRST PAYMENT THAT YOU'RE CONTENDING WAS
17 GOING TO YODER'S WAS APPLIED TO THE VERNON PROJECT, RIGHT?

18 A IN 2008, '09, AND FEBRUARY 2009, THERE WAS AN AMOUNT OWED TO
19 YODER'S THAT WE FOUND OUT.

20 Q LOOK AT THE NEXT ONE, THE MARCH 10TH PAYMENT, \$43,000. IF
21 YOU FLIP BACK TO EXHIBIT 1, \$40,283.90 OF THE \$43,000 WAS APPLIED
22 TO THE VERNON PROJECT.

23 A OKAY.

24 Q ALL BUT ABOUT THREE. SO, LOOK AT THE NEXT PAYMENT IN APRIL.
25 THIS WAS THE ONE WE LOOKED AT, THIS IS THE ONE THAT WAS CODED

1 A CORRECT.

2 Q YOU ADMIT THAT THERE WAS A LOT OF MONEY THAT TRANSFERRED,
3 PAYMENTS GOT MADE OUT OF THE DIFFERENT ACCOUNTS; THAT WHEN MONEY
4 CAME IN FROM THE VERNONS, THAT MONEY GOT TRANSFERRED TO OTHER
5 ACCOUNTS? YOU TRANSFERRED THE MONEY ONCE IT WENT INTO THE
6 VERNONS' ACCOUNT---

7 A IF I WASN'T PAID AND THEN I HAD TO REIMBURSE ANOTHER
8 ACCOUNT, THAT COULD BE WHY THE TRANSFERRED OCCURRED.

9 Q THAT'S -- OKAY. ALL RIGHT. AND THEN THE LAST -- NOT MY LAST
10 -- EXHIBIT 28 -- EXHIBIT 29, ALL OF THE INVOICES FOR MATERIALS
11 THAT YOU BILLED TO THE VERNONS ON EXHIBIT 29, THESE CAME FROM THE
12 PAY APPLICATIONS YOU SUBMITTED TO THE VERNONS BECAUSE THEY HAD
13 THE VERNON BATES NUMBERS ON THE BOTTOM OF THEM.

14 A ISN'T THAT FROM DECEMBER?

15 Q HUH? THEY START IN DECEMBER, THEY END IN NOVEMBER. YES.
16 THERE'S NO---

17 A YOU DON'T HAVE ANY IN THE DECEMBER---

18 Q THAT'S RIGHT. THERE'S NOTHING -- WELL, THERE'S NOTHING IN
19 THERE FOR MATERIALS.

20 A OKAY.

21 Q BUT THE DECK YOU DON'T HAVE ANY ISSUES TO OFFSET NOT ONLY
22 THE MATERIALS BUT, LIKE, THE \$58,000 THAT WAS CHARGED FOR THE
23 STONE, AND THE DRYWALL AND THE INSULATION?

24 A WELL, THE FRONT DOOR, THERE'S A CREDIT---

25 Q WELL, YOU GOT TWO CREDITS. YOU GOT A CREDIT FOR THE FRONT

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 A YES.

2 Q YOU DON'T HAVE ANY -- THIS IS NOT SIGNED BY YODER'S, IS IT?

3 YOU WERE AUTHORIZED TO TYPE THAT GENTLEMAN'S NAME IN, RIGHT?

4 A CORRECT.

5 Q YOU DON'T HAVE ANY WRITTEN CONTRACTS WITH YODER'S THAT SAY
6 THAT LANDMARC WILL ONLY PAY YODER'S AND YODER'S WAS ONLY ENTITLED
7 TO PAYMENT IF THE OWNER PAYS THEM. YOU DON'T HAVE ANYTHING IN
8 WRITING SIGNED BY SOMEBODY AT YODER'S TO THAT EFFECT?

9 A THAT WAS JUST OUR STANDARD PRACTICE WITH YODER'S.

10 Q BUT YOU DON'T HAVE ANYBODY'S -- IT'S NOT SIGNED IN WRITING,
11 IS IT?

12 A NO.

13 Q ON THIS JOB OR ANY OTHER JOBS? THAT'S JUST NOT---

14 A I DON'T BELIEVE SO.

15 Q WELL, WHAT I'LL DO TO SAVE TIME IS THAT IN EXHIBIT -- I'M
16 GOING TO ASK YOU, MRS. DUNN, IF YOU'LL LOOK AT EXHIBIT 22. THERE
17 ARE TWO THINGS THAT I WANT TO DEAL WITH. I'VE GOT IN EXHIBIT 22,
18 I'VE GOT EXERPTS FROM YOUR BANK RECORDS THAT WERE SUBPOENAED IN
19 THE TOLLESON/SMITH CASE.

20 A OKAY.

21 Q AND I HAVE -- AND YOU DO NOT DISPUTE THAT IN THEIR BANK
22 RECORDS IF YOU MOVED, IF YOU TRANSFERRED MONEY IN BETWEEN THESE
23 ACCOUNTS -- BECAUSE IT'S YOUR CONTENTION THAT IT DIDN'T MATTER IF
24 YOU TRANSFERRED MONEY IN BETWEEN THESE ACCOUNTS, IT'S JUST HOW
25 YOU DID IT? YOU WERE UNDER NO OBLIGATION TO DO IT?

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 BEFORE THE DECK ISSUE EVER CAME UP?

2 A MY HUSBAND DIDN'T APPROVE THEM, CORRECT.

3 Q SO, THAT START -- YOUR NONPAYMENT FOR YODER'S STARTED IN MAY
4 BEFORE THE DECK ISSUE EVER AROSE?

5 A WELL, THERE'S GOING TO BE OTHER ISSUES. WE'RE JUST TALKING
6 ABOUT THE DECK RIGHT NOW.

7 Q THAT'S THE ONLY ONE WE KNEW ABOUT. ALL RIGHT. SO, LOOK AT
8 THE LAST PAGE, YOU SAID ON YOUR DOCUMENTS THAT YOU WERE PAID BY
9 THE OWNER AND NOT PAID TO YODER'S WAS \$75,807.86. DID I READ
10 THAT CORRECTLY?

11 A CORRECT.

12 Q THAT'S WHAT YOUR ANALYSIS SHOWS THAT YOU WERE PAID BY THE
13 VERNONS AND YOU DID NOT PAY YODER'S \$75,000?

14 A WELL, THESE PAY APPLICATIONS, CORRECT.

15 Q RIGHT. QUICKLY, TURN TO THE RIGHT, UNDER THE EXHIBIT TAB 1,
16 UNDER THE STONE, YODER'S STONE IN THE PLAINTIFFS' NOTEBOOK, BIG
17 NOTEBOOK.

18 A UH-HUH (AFFIRMATIVE).

19 Q UNDER STONE, THERE'S THAT LANDMARC RESIDENTIAL PAY
20 APPLICATION.

21 A CORRECT.

22 Q NOW, RIGHT BEFORE THE BOLD PRINT, IT SAYS, "ALL CONDITIONS
23 ARE DIRECTLY RELATED TO PAYMENT PAID BY THE OWNER." DO YOU SEE
24 THAT? "ALL CONDITIONS ARE DIRECTLY RELATED TO PAYMENT PAID BY
25 THE OWNER."

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 OUT AND YOU HAD ALL OF THE YODER'S INVOICES, AND THE AMOUNTS AND
2 IN THE FAR RIGHT COLUMN WAS WHETHER OR NOT Y'ALL HAD PAID YODER'S
3 OR YOU HAD NOT PAID YODER'S, RIGHT?

4 A CORRECT.

5 Q AND YOU DID THIS POST-MECHANIC'S LIEN AND ALL OF THAT OTHER
6 STUFF, RIGHT? THIS WAS DONE IN JANUARY OF 2010 OR SOMETIME
7 LATER, RIGHT?

8 A I BELIEVE SO.

9 Q FLIP FORWARD WITH ME TO THE PAGE THAT STARTS -- THE TOP OF
10 THE PAGE SAYS 5/15/2009 AND THIS IS -- ARE YOU THERE?

11 A I'M NOT THERE. 5/15, THE DATE ON THE LEFT SIDE?

12 Q FLIP FORWARD FOUR PAGES, IT WOULD BE THE FOURTH PAGE.

13 A 5/15/2009, YES.

14 Q IT LOOKS LIKE YOUR PAY APPLICATION NUMBER 7, DO YOU SEE
15 THAT?

16 A YES, I DO.

17 Q SO, THE FIRST TIME -- THE COLUMN OUT TO THE RIGHT NOW TALKS
18 THAT Y'ALL HAD NOT PAID YODER'S FOR THESE INVOICES?

19 A CORRECT.

20 Q YOU START GOING DOWN, THE MAJORITY OF -- MAY WAS NOT PAID,
21 LET'S GO TO THE NEXT PAGE. NONE OF THOSE HAVE BEEN PAID, RIGHT?

22 A CORRECT.

23 Q THE NEXT ONE, NONE OF THOSE HAVE BEEN PAID, RIGHT?

24 A CORRECT.

25 Q SO, YOU STOPPED PAYING YODER'S ON INVOICES BACK IN MAY,

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1 A YES. THEY HAD DISCLOSED THAT TO THE VERNONS.

2 Q EVEN AS OF JANUARY YOU'RE STILL HOLDING THIS, AND YOU WANT
3 TO SAY THAT \$22,000 SHOULD GO---

4 A \$24,000.

5 Q I'M SORRY, \$24,000 OUGHT TO GO AGAINST VERNON, BUT IN YOUR
6 MARCH RECAP, YOUR QUICKBOOKS ISN'T SHOWING THAT YOU THOUGHT THAT
7 \$24,000 OUGHT TO GO TO VERNON, RIGHT?

8 A I MISSED IT JUST LIKE YODER'S MISSED SOME OF THEIR STUFF.

9 Q ALL RIGHT. FLIP FORWARD AGAIN AND WE'RE GOING TO -- THIS IS
10 ANOTHER -- THE COURT WILL READ THIS ON ITS OWN TIME.

11 BY THE COURT: IF I CAN DO THAT, WE DON'T NEED TO ADDRESS IT
12 AND WE CAN MOVE ON IN YOUR LIGHTNING ROUND THAT'S BEEN GOING AN
13 HOUR.

14 MR. DUDLEY: YES, SIR.

15 Q YOU REFER TO THE \$24,000 PAYMENT AGAIN IN A LETTER TO THEM
16 ON DECEMBER 31ST?

17 A AND I STILL HAVEN'T GOTTEN ANYTHING BACK FROM YODER'S ON MY
18 LETTER OF MY CREDIT OF MY \$24,000.

19 Q YOU STILL HAVEN'T SENT THEM ANYTHING EITHER?

20 A THEY DIDN'T SEND ME ANYTHING.

21 Q THAT'S RIGHT. LET'S LOOK AT 21 REAL QUICK. EXHIBIT 21 IS
22 WHAT YOU AND YOUR HUSBAND GENERATED, RIGHT?

23 A YES.

24 Q NOW, LOOKING AT IT, YOU HAVE A RECAP OF WHAT WAS PAID, BUT
25 THEN WHAT YOU DID IS ALL OF THE PAY APPLICATIONS -- AND YOU WENT

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 Q -- THEN YOU'RE GOING TO OWE A YEAR OF FINANCE CHARGES ON
2 THAT MARSHALL, THE \$24,000 ON THAT MARSHALL THAT GOT MOVED IN
3 DECEMBER?

4 A I DON'T OWE ON THE MARSHALL.

5 Q HUH?

6 A THE JOB'S OVER.

7 Q DID YOU SETTLE -- YOU SETTLED WITH THEM, DIDN'T YOU, AND GOT
8 SOME MONEY?

9 A WITH THE MARSHALLS?

10 Q WITH THE MARSHALLS.

11 A I DON'T REMEMBER.

12 Q THE HORTON FIRM WAS INVOLVED IN THAT CASE?

13 A I GUESS.

14 Q YOU GOT ABOUT A \$37,000 SETTLEMENT CHECK ON THAT ONE, DIDN'T
15 YOU?

16 A HONESTLY, I DON'T KNOW THE AMOUNT.

17 Q BECAUSE IT WAS A BANK DRAFT YOU PUT IN THE VERNON ACCOUNT,
18 DIDN'T YOU?

19 A OKAY.

20 Q WE'LL FIND THAT HERE IN A FEW MINUTES. HERE'S THE FRONT
21 DOOR, THE MAIN DOOR AND THAT'S IT. THIS IS YOUR BEST -- THIS IS
22 WHAT YOU CONTEND IS YOUR BEST ANALYSIS OF HOW YOU THINK YODER'S,
23 THAT SHOULD BE REFLECTED IN VERNON?

24 A THE INFORMATION---

25 Q THIS IS YOUR BEST -- THIS IS YOUR NEXT---

1 Q IF YOU DEDUCT IT FROM VERNON, APPLY IT TO VERNON, IT'S GOING
2 TO MAKE THE MARSHALL ACCOUNT GO UP, RIGHT?

3 A I REALLY WANT TO FOCUS ON THE VERNON ACCOUNT BUT, OKAY, THE
4 MARSHALL ACCOUNT.

5 Q WELL, YOU'VE GOT IT DOWN HERE BECAUSE YOU'RE -- THE TOLLESON
6 ACCOUNT, THAT'S SEPARATE. YOU AGREE THAT THAT NUMBER -- BECAUSE
7 THAT'S WHAT -- ULTIMATELY, YODER'S FILED A LIEN ON TOLLESON FOR
8 THE EXACT AMOUNT YOU SAID THEY WERE OWED. YOU DIDN'T DISPUTE
9 THAT?

10 A NO. I THINK THAT POSSIBLY THEY SHOULD HAVE BEEN OWED MORE.

11 Q OKAY. THE MARSHALL ACCOUNT---

12 A BUT I DID NOT DISPUTE THE TOTAL---

13 Q THE MARSHALL ACCOUNT, THE \$24,000 CHECK FROM JANUARY, IF WE
14 APPLY IT TO VERNON, THEN IT MAKES THE MARSHALL ACCOUNT GO UP. IN
15 FACT, IN YOUR DEPOSITION, YOU AGREE THAT IF WE TOOK THE JANUARY
16 PAYMENT OFF OF MARSHALL AND APPLIED IT TO VERNON, YOU WOULD OWE
17 FINANCE CHARGES DATING BACK TO JANUARY OF '09 FOR THE MARSHALL
18 ACCOUNT, RIGHT?

19 A FOR THE MARSHALL ACCOUNT?

20 Q RIGHT.

21 A IF YOU TOOK IT OFF FOR NO REASON.

22 Q IF YOU TAKE THE JANUARY PAYMENT THAT YODER'S APPLIED TO
23 MARSHALL AND APPLIED IT TO VERNON, LIKE YOU SAID YOU SHOWED IN
24 DECEMBER--

25 A YES.

1 Q OKAY. YOU GOT -- AND REALLY, SINCE DECEMBER 3RD, YOU DON'T
2 HAVE ANY NEW INFORMATION. YOU'RE TRYING TO RESTATE THESE THINGS,
3 RIGHT?

4 A I'M GOING BACK THROUGH--

5 Q YOU'RE BREAKING IT DOWN.

6 A --I'M TRYING TO JUST BREAK IT DOWN EVEN MORE FOR WILEY.

7 Q ALL RIGHT. BALANCE AS OF 10/24, \$144,000. YOU WROTE THAT,
8 RIGHT?

9 A YES. THAT AGREES WITH THE PREVIOUS---

10 Q AND THEN THERE'S THE \$40,000 AND THE \$22,000 OF WHICH ALL
11 BUT \$7,500 WENT TOWARDS THE ACCOUNT AT THAT POINT. THAT'S
12 \$82,000 IS WHAT YOU SAY IT SHOULD BE AT THAT POINT?

13 A CORRECT.

14 Q AGAIN, ALL OF THAT DECK MATERIAL, THE REPLACEMENT WAS
15 \$36,000 BUT YOU STILL -- THERE'S NOTHING THAT'S ATTACHED AS THE
16 BACKUP FOR THAT, RIGHT? YOU'RE JUST SAYING IT AGAIN.

17 A LISTING MORE INFORMATION TO THEM, CORRECT.

18 Q WELL, THAT'S THE SAME NUMBER AS YOUR DECEMBER 3RD.

19 A YES, IT IS.

20 Q THERE'S NOTHING -- ALL RIGHT. THEN YOU TALK ABOUT THAT
21 JANUARY 20TH PAYMENT. YOU SAY THAT'S A CREDIT. THAT OUGHT TO GO
22 AGAINST WHAT---

23 A YES.

24 Q SO, IF YOU TAKE THE \$24,000 AND ADD IT TO VERNON -- WELL---

25 A \$39,000.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 A THERE'S NO DATE.

2 Q IT SAYS THAT FRIDAY TOO. DID YOU GET IT ON THAT FRIDAY?

3 WHEN DID YOU GET IT?

4 A LET'S JUST SAY WE GOT IT ON THE 11TH. I DON'T KNOW.

5 Q NOW, ON THE 13TH IS WHEN YOU GOT THE LIEN FROM YODER'S.

6 EXHIBIT 13, I'M SORRY, NOT ON THE 13TH. EXHIBIT 13, YOU GOT A
7 DEMAND LETTER AND YOU GOT NOTICE THAT A MECHANIC'S LIEN HAD BEEN
8 FILED?

9 A YES.

10 Q NOW, PLEASE GO TO 21.

11 A DO I NEED TO KEEP THE FINGER---

12 Q NO. I KEEP GOING BACK. I'M GOING TO FINISH UP A COUPLE OF
13 THINGS AND THEN I'M GOING -- I WANT TO GET TO 21 SO BAD I CAN'T
14 SEE STRAIGHT. SO, WE NEED TO JUST GO FORWARD. ON THE 14TH -- ON
15 EXHIBIT 14, YOU SENT OUT A LETTER TO EVERYBODY SAYING, WE'RE NO
16 LONGER WORKING ON THE VERNON'S JOB. THEY'RE NOT AUTHORIZED TO
17 CHARGE ANYTHING, RIGHT?

18 A CORRECT.

19 Q FLIP FORWARD TO 15, EXHIBIT 15.

20 A OKAY.

21 Q ON EXHIBIT 15 ON JANUARY 29, YOU'RE SENDING A LETTER TO
22 WILEY KIND OF TRYING TO AGAIN ADJUST THIS -- TRYING TO RECONCILE
23 THIS NUMBER. YOU'RE STILL TRYING TO ADJUST---

24 A STILL TRYING TO FIND -- I'M FINDING OUT MORE INFORMATION AS
25 I GO WITH MORE INFORMATION.

1 THE LANDMARC ACCOUNTS TO YODER'S, RIGHT? DID I READ THAT
2 CORRECTLY?

3 A I SEE THAT RIGHT THERE. RIGHT.

4 Q NOW, THE BOTTOM OF IT SAYS, THE ONLY PERSON -- BECAUSE
5 YOU RAISED THIS ISSUE ABOUT TALKING WITH THE VERNONS. "THE
6 ONLY PERSON THAT HAS CALLED ME IN THE PAST WAS A BILL VERNON. I
7 HAVE NOT RELAYED ANYTHING TO HIM THERE WAS ANYTHING OTHER THAN A
8 BALANCE ON THE JOB. HE STATED THAT HE HAD BEEN GIVING YOU GUYS A
9 RATHER LARGE CHECK. HE WANTED ME TO CALL HIM BACK IF I DIDN'T
10 SEE A PAYMENT ON HIS JOB. I'VE NOT CALLED HIM BACK." THAT'S
11 WILEY'S EMAIL TO YOU IN NOVEMBER, RIGHT?

12 A YES. HE DISCLOSED TO THE VERNONS THAT THERE WAS A BALANCE
13 ON THE JOB AND THERE WASN'T. IT WAS MISINFORMATION.

14 Q DECEMBER 7TH, YOU SAID AT THE TOP PART, YOU SENT THIS EMAIL
15 AND SAID, LOOK, I WAS IN A MEETING ALL DAY. I'M GOING TO GET
16 BACK -- YOU WERE SENDING THIS IN RESPONSE TO HIS NOVEMBER 23RD
17 EMAIL?

18 A OKAY, I WAS.

19 Q YOU HADN'T GOTTEN BACK WITH HIM AT THIS POINT. FLIP FORWARD
20 TO EXHIBIT -- WE'LL LOOK AT 11 AND 12 AND -- THIS PART THROUGH
21 HERE. YOU GOT THESE LETTERS FROM JEFF GRAY. YOU GOT THE FIRST
22 LETTER, EXHIBIT 11, AT 5:00 ON A FRIDAY, RIGHT?

23 A MY HUSBAND DID, YES.

24 Q RIGHT. AND THEN YOU GOT THE OTHER LETTER ON MONDAY, EXHIBIT
25 12?

1 Q ALL RIGHT. THE STUB -- ALL RIGHT. NOW, LET'S CONTINUE ON.
2 WE'RE MAKING GOOD GROUND. ALL RIGHT. LOOK AT EXHIBIT 21. THIS
3 IS A DOCUMENT, YOU TESTIFIED IN YOUR DEPOSITION THAT YOU AND YOUR
4 HUSBAND GENERATED, RIGHT?

5 A CORRECT.

6 Q SO, AT LEAST AS OF WHENEVER THIS DOCUMENT WAS GENERATED --
7 IT WAS GENERATED AFTER THE MECHANIC'S LIEN WAS FILED, RIGHT?
8 ACTUALLY, YOU KNOW WHAT, BEFORE EXHIBIT 21, I NEED TO FINISH UP
9 ON THIS -- THE EMAILS BACK AND FORTH ABOUT -- WE WERE AT 8,
10 RIGHT?

11 A I DON'T KNOW.

12 Q WE WERE ON EXHIBIT 8. THE WAY YOU ARRIVED AT THAT \$20,000
13 WAS OWED IS YOU TOOK THE \$24,000 CHECK AND THE \$36,000 ON THE
14 DECK AND YOU SUBTRACTED THAT FROM THE \$82,000 AND YOU CAME UP
15 WITH THE \$20,000?

16 A IN CONJUNCTION WITH THE CREDIT FOR THE MAN DOOR AND THE
17 CREDIT FOR THE---

18 Q THAT'S NOT ON HERE BUT, OKAY, I'LL TAKE YOUR WORD FOR IT.

19 A OKAY. ALL RIGHT.

20 Q SO, LET'S GO FORWARD ON IT. NOW, YOU'RE SAYING THAT ALL YOU
21 GOT AFTER YOU GOT THIS EMAIL WAS A MECHANIC'S LIEN. FLIP TO THE
22 NEXT PAGE, EXHIBIT 9. PRIOR TO ALL OF THIS LITANY OF DECEMBER
23 2ND AND 3RD, YOU WERE TOLD, YOU GOT AN EMAIL FROM WILEY ABOUT YOUR
24 ACCOUNT BEING PUT ON HOLD, I'M SORRY, THAT YOUR ACCOUNT WAS 120
25 DAYS PAST DUE, RIGHT? AND THAT YOU WERE OWED \$200,723 ON ALL OF

1 Q AND THAT'S IT.

2 A IT HAPPENS. I MEAN, THAT HAPPENS.

3 Q SO, HERE'S THE THING.

4 A YODER'S MADE A LOT.

5 Q IN QUICKBOOKS YOU DON'T HAVE THIS CHECK, THIS \$24,000 CHECK
6 THAT'S CODED TO VERNON, AND YOU COULD JUST PULL THIS OUT OF THIN
7 AIR AND SAY, THIS SHOULD HAVE BEEN APPLIED FOR YODER'S AND NOT
8 VERNON OR NOT MARSHALL BECAUSE THERE'S NO DOCUMENTATION AND NOT
9 EVEN ANYTHING IN YOUR QUICKBOOKS ACCOUNT THAT SAYS THE JANUARY
10 PAYMENT SHOULD HAVE BEEN APPLIED TO VERNON. YOU HAVE NOTHING
11 OTHER THAN YOUR STATEMENT AND AN EMAIL.

12 A THEY SHOULD HAVE STUBS.

13 Q AND YOUR QUICKBOOKS ACCOUNTS DON'T REFLECT THAT WHEN YOU
14 WERE SENDING THAT STUB OUT AND THAT PAYMENT OUT THAT YOU WERE
15 WANTING THAT CHECK TO BE APPLIED TO VERNON. IT DOESN'T DO THAT,
16 DOES IT?

17 A THE STUB PUTS IT ON THE VERNON---

18 Q YOUR QUICKBOOKS ACCOUNT THAT WAS SUPPOSED TO BE KEEPING
19 TRACK OF THE COSTS THAT YOU WERE CHARGING TO THE VERNONS DOESN'T
20 REFLECT THAT PAYMENT.

21 A BUT YODER'S SHOULD HAVE.

22 Q YOUR QUICKBOOKS ACCOUNT DOESN'T, DOES IT?

23 A BUT YODER'S SHOULD HAVE.

24 Q AND YODER'S IS SUPPOSED TO READ YOUR MIND?

25 A NO. THEY GOT THE STUB.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 \$24,498.33 DOES NOT SHOW UP ON THE LANDMARC QUICKBOOKS ACCOUNT AS
2 A PAYMENT TO YODER'S FOR THE MARSHALL ACCOUNT OR DOES IT?

3 A IT DOES NOT.

4 Q DOES IT SHOW UP AS A PAYMENT TO VERNON -- A PAYMENT TO
5 YODER'S ON THE LANDMARC QUICKBOOKS ACCOUNT FOR THE VERNON
6 PROJECT? LOOK AT EXHIBIT 19.

7 A NO, BECAUSE I HAD JUST FOUND OUT THAT IT WAS A PROBLEM.

8 Q WOO, WOO, WAIT A MINUTE. IN DECEMBER YOU FOUND OUT THIS WAS
9 A PROBLEM. EXHIBIT 19, THIS QUICKBOOKS REGISTRY IS MARCH 1,
10 2010, THREE MONTHS LATER.

11 A YES, BUT UNTIL I GET INFORMATION FROM YODER'S ON WHAT
12 THEY'VE DONE, I DON'T WANT TO CHANGE ANY DOCUMENTS IN MY
13 COMPUTER. I WANT YODER'S TO TELL ME WHAT THEY DID. THAT WAS WHY
14 I ASKED THE QUESTION.

15 Q THE WAY THIS CHECK IN JANUARY GOT CODED, THE WAY YOU HAD TO
16 KEEP ACCOUNTING FOR IT IN YOUR QUICKBOOKS FILE, THE WAY YOU KEPT
17 TRACK OF HOW ALL YOUR PAYMENTS AND ALL YOUR COSTS WERE INCURRED,
18 YOU HAD TO CODE THAT CHECK IN YOUR QUICKBOOKS ACCOUNT THAT YOU
19 HAVEN'T PROVIDED -- YOU DON'T HAVE ANYTHING HERE TODAY ON; THAT
20 IN JANUARY YOU HAD TO APPLY THAT AS A PAYMENT THAT WAS MADE TO
21 YODER'S FOR THE VERNON ACCOUNT IN JANUARY AND YOU DIDN'T DO IT,
22 AND THEN IN MARCH OF 2010 WHEN YOU SAID I DIDN'T WANT TO CHANGE
23 MY COMPUTER SYSTEM, YOU STILL DIDN'T HAVE THAT \$24,000 CHECK
24 CODED AS GOING TO VERNON?

25 A I MADE AN ERROR.

1 Q I'M SORRY. IN DECEMBER, YOU'RE SENDING AN EMAIL THAT IN
2 JANUARY THAT THERE WAS -- THAT IN JANUARY OF '09 THERE WAS A
3 PAYMENT THAT WAS MISAPPLIED?

4 A I SENT AN EMAIL IN DECEMBER OF 2009--

5 Q RIGHT.

6 A --TALKING ABOUT A PAYMENT IN 2009, NOT IN 2008.

7 Q YEAH. I DON'T KNOW WHAT YOU'RE TALKING ABOUT.

8 A RIGHT HERE.

9 Q IT'S BEEN NINE, TEN MONTHS SINCE YOU GOT A STATEMENT FROM
10 THE VERNONS -- FROM YODER'S SAYING HOW THAT JANUARY 20, 2009
11 CHECK GOT APPLIED, AND DECEMBER 3RD IS THE FIRST TIME YOU'RE
12 COMPLAINING ABOUT IT?

13 A WELL, AFTER I SAW THAT THE CREDIT WAS DONE WRONG AND THEN I
14 SAW THAT THEY WERE MISAPPROPRIATING THE VERNONS' FUNDS--

15 Q MISAPPLYING.

16 A --I GOT VERY CONCERNED. MISAPPLIED. SORRY. I GOT VERY
17 CONCERNED SO I STARTED TO GO BACK THROUGH ALL OF MY STATEMENTS.
18 I HADN'T HAD A PROBLEM WITH YODER'S IN THE PAST. SO, NOW I
19 STARTED TO REALLY DISSECT WHAT THEY WERE DOING, AND I NOTICED
20 THAT THIS CHECK DOESN'T HAVE THE MARSHALL RESIDENCE LISTED ON IT.
21 SO, IT SHOULD HAVE BEEN APPLIED TO THE VERNON---

22 Q WHY NOT---

23 A BECAUSE WHEN I TOLD YODER'S, I THOUGHT THAT THEY WOULD APPLY
24 IT THERE.

25 Q SO, I WANT TO MAKE SURE I HAVE THIS CORRECT. SO, THIS

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 YOUR ACCOUNT. DO YOU SEE THAT?

2 A I DO.

3 Q NOW, IF YOU CAN, LET'S GO TO EXHIBIT 27 -- NOT EXHIBIT 27.

4 IT'S EXHIBIT 25. GO TO EXHIBIT 25. AND WHILE YOU'RE PULLING, GO

5 TO THE VERY LAST PAGE OF EXHIBIT 25. IT'S A CHECK. THIS IS

6 DECEMBER. THIS IS DECEMBER.

7 A THE LAST CHECK IS JANUARY?

8 Q YEAH. WELL, LET ME -- BEFORE I GET TO THAT.

9 A OKAY.

10 Q THIS IS IN DECEMBER, YOU'RE WRITING, THIS IS THE FIRST TIME

11 THIS \$24,000 CHECK HAS BEEN MADE -- YOU'VE RAISED THAT AS AN

12 ISSUE. THIS IS THE FIRST TIME YOU'VE RAISED IT AS AN ISSUE?

13 A I'M AT TAB 25.

14 Q YOU'RE AT TAB 25.

15 A AND I'M ON THE LAST---

16 Q VERY LAST CHECK, THAT'S A CHECK, \$24,498.33, JANUARY 20TH,

17 WAS WRITTEN OFF OF THE MARSHALL ACCOUNT, 8269. IF YOU LOOK AT

18 THE OTHER BACKUP DATA -- IN FACT, LOOK AT THE PAGE PRIOR TO THAT.

19 THE 8269 ACCOUNT WAS A CHECK TO YODER'S ON DECEMBER 22ND. IT SAID

20 MARSHALL RESIDENCE.

21 A IT HAS MARSHALL RESIDENCE ON THERE.

22 Q 8269 WAS THE MARSHALL ACCOUNT, CORRECT?

23 A WHEN APPLICABLE.

24 Q BUT YOU'RE SAYING NOW IN DECEMBER--

25 A JANUARY.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 Q NEXT DAY. 8:30 IN THE MORNING. SECOND SENTENCE, "THE
2 VERNON JOB WAS AT \$144,874.84 AS OF OCTOBER 24TH." AS FOR ALL OF
3 THE MONEY THAT WAS CHARGED TO THE VERNONS ON THEIR PROJECT, OF
4 THE \$300,000 ON YODER'S, HALF OF THAT MONEY WAS STILL OWED IN
5 OCTOBER; IS THAT CORRECT?

6 A IT SAYS THAT THE ACCOUNT WAS DOWN TO \$82,000 AFTER THEY
7 APPLIED THE CHECKS.

8 Q AFTER. ALL RIGHT. BUT AS OF OCTOBER 24TH, YOU WROTE THEM
9 SAYING YOU'RE CONFIRMING THAT THE VERNON JOB WAS AT \$144,000 OWED
10 TO YODER'S AS OF OCTOBER 24TH?

11 A BUT IN THE SAME SENTENCE, IT SAYS AND WITH THE CHECK
12 APPLIED, IT WOULD BE \$82,111.84.

13 Q THAT'S RIGHT. THAT'S RIGHT. AFTER THE CHECKS THAT CAME IN
14 AS OF THAT DATE, IT WAS DOWN TO \$82,000?

15 A CORRECT.

16 Q SO, NOW, WE'RE GOING TO TALK ABOUT -- THE REST OF THIS
17 LETTER IS HOW YOU THINK THAT THAT SHOULD GET DOWN TO \$20,000.
18 THE SECOND PARAGRAPH -- IN THAT FIRST PARAGRAPH WAS THE
19 \$36,680.08 THAT YOU NEVER SUPPLIED INFORMATION FOR?

20 A THAT PATRICK SAID WAS THE WRONG DRAIN.

21 Q BUT YOU ASKED TO BE CREDITED FOR BUT YOU'VE NEVER PROVIDED
22 BACKUP?

23 A NEVER GOT THE CREDIT.

24 Q YEAH. THAT'S RIGHT. THE NEXT PARAGRAPH TALKS ABOUT A
25 PAYMENT ON JANUARY 20TH OF \$24,498.33 THAT WAS NEVER APPLIED TO

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 OR INACCURATE?

2 A IT WOULD BE INACCURATE.

3 Q WELL, I KNOW YOU DISAGREE. AT LEAST ON THE VERNON LANDMARC
4 ACCOUNT, \$39,652.43 WAS APPLIED AS A PAYMENT IN OCTOBER WITH A
5 \$40,000 CHECK, CORRECT? YOU DON'T DISPUTE THAT?

6 A THEY APPLIED A PARTIAL OF IT. CORRECT.

7 Q ALL BUT \$600. ON THE NEXT CHECK, THE \$22,000 CHECK, THEY
8 APPLIED \$7,400 OF IT TO MARSHALL AND THE BALANCE -- WHAT IS THAT?

9 A \$15,000.

10 Q \$15,000 WENT ON THE VERNON. YOU DON'T DISPUTE -- WE LOOKED
11 AT -- WE CAN GO LOOK AT YODER'S---

12 A IT'S JUST BEEN APPLIED WRONG.

13 Q DO WHAT?

14 A IT'S BEEN APPLIED WRONG.

15 Q A PORTION OF IT?

16 A YES.

17 Q BUT THERE WAS A -- THE MAJORITY OF IT WAS APPLIED CORRECTLY
18 IN YOUR MIND? YOU'RE ONLY COMPLAINING ABOUT \$7,900 OF \$60,000
19 THAT WAS APPLIED?

20 A YES, BECAUSE ON THAT NOVEMBER 19TH EMAIL THAT I TOLD WILEY ON
21 DECEMBER 2ND, I'M ADDRESSING ALL OF THE ISSUES THAT HE'S
22 DISCUSSING ON HIS DECEMBER 2ND AT 12:10 P.M. EMAIL.

23 Q GO TO EXHIBIT 8, PLEASE. THIS IS YOUR EMAIL TO WILEY,
24 RIGHT, DECEMBER 3RD?

25 A YES.

1 -- EXHIBIT 6 WAS A DECEMBER 2ND EMAIL REFERENCING THE NOVEMBER
2 19TH EMAIL, RIGHT?

3 A CORRECT.

4 Q LOOK AT THE NEXT PAGE. ACTUALLY, IT'S THE SAME DAY, LATER
5 THAT DAY. WILEY SENT YOU A RESPONSE. HE'S TELLING YOU HOW HE
6 POSTED THOSE TWO ACCOUNTS. OF THE \$40,000 CHECK, ABOUT, I DON'T
7 KNOW, \$600 WAS USED FOR OTHER THAN THE VERNONS. ONLY \$600 OF THE
8 \$40,000 CHECK WENT TO OTHER LANDMARC ACCOUNTS, RIGHT?

9 A YOU'RE LOOKING AT THE INFORMATION ON DECEMBER 2ND AT 12:10
10 P.M. SENT TO ME?

11 Q YEAH. IT'S CALLED EXHIBIT 7. DO YOU SEE THAT?

12 A YES.

13 Q RECEIVED YOUR ACCOUNT -- "CHECK NUMBER 1367 FOR \$40,270.43
14 WAS RECEIVED ON OCTOBER 13TH, IT WAS APPLIED AS FOLLOWS." SO,
15 OTHER THAN \$53 FOR LANDMARC'S GENERAL PURCHASING AND \$565 TO
16 MARSHALL, THE BALANCE OF THAT \$40,000 CHECK WENT TO THE VERNON
17 ACCOUNT FOR LANDMARC, RIGHT?

18 A IT WASN'T ALL -- THEY STILL DIDN'T GIVE THE CORRECT AMOUNT
19 TO THE VERNONS. IS THAT WHAT YOU'RE SAYING, THAT THEY DID?

20 Q NO. I'M SAYING THAT YOU WERE INFORMED ON DECEMBER 2ND, MR.
21 MCLANE TOLD YOU OF THE \$40,000 CHECK, THERE WAS ONLY ABOUT \$600
22 OF THAT \$40,000 CHECK THAT WAS NOT APPLIED TO THE LANDMARC VERNON
23 ACCOUNT, CORRECT? DO I READ THAT CORRECTLY?

24 A OF CHECK NUMBER 1367, THAT'S CORRECT.

25 Q YOU'VE GONE BACK TO SEE WHETHER OR NOT THAT THAT IS ACCURATE

1 SEND OUT A PAYMENT TOMORROW, AND THAT'S THE OCTOBER 23RD PAYMENT
2 OF \$22,000. IF YOU LOOK BACK IN THE OTHER EXHIBIT, YOU DID. YOU
3 SENT OUT A \$22,000 CHECK THAT -- LATER IN OCTOBER, RIGHT?

4 A OKAY.

5 Q THEN IN YOUR EMAIL ON OCTOBER 22ND, YOU SAID YOU'RE GOING TO
6 SEND ONE ON NEXT FRIDAY.

7 A OKAY.

8 Q YOU DIDN'T DO THAT, DID YOU?

9 A NO. I SENT IT ON -- I DID NOT GET PAID.

10 Q BECAUSE OCTOBER 23RD WAS THE LAST TIME YOU PAID YODER'S ON
11 THE VERNON PROJECT?

12 A YES. WE HAD THE DECK DISCREPANCY AND THE AMOUNT THAT WAS
13 OWED TO YODER'S WAS SIMILAR IF YOU DO ALL OF THE NUMBERS. SO,
14 I'M NOT GOING TO PAY THEM UNTIL WE GET THE DECK FIGURED OUT.
15 LIKE, I MEAN, SOMETHING IN WRITING FROM THEM TELLING ME YES, OR
16 NO, OR WHY WOULD HAVE BEEN NICE.

17 Q THAT WHOLE DECK THING HAD BEEN GOING ON FOR A COUPLE MONTHS
18 NOW, BUT YOU JUST HADN'T SEEN FIT TO SEND ALL OF THE
19 DOCUMENTATION TO BACK IT UP?

20 A THEY DIDN'T ASK ME FOR IT. THEY NEVER EVEN SAID NO.

21 Q SO, THE FACT THAT THEY HADN'T GIVEN YOU THAT CREDIT NEVER
22 PROMPTED YOU TO MAYBE TAKE THE INITIATIVE TO SEND THEM THE
23 INFORMATION?

24 A WELL, I KEPT ON EMAILING THEM.

25 Q I'LL -- LET'S KEEP MOVING. ALL RIGHT. LET'S GO TO THE NEXT

1 A CORRECT.

2 Q THERE WAS ONE OCTOBER 10TH AND OCTOBER 23RD. YOU WERE TELLING
3 HIM HOW THOSE WERE TO BE POSTED.

4 A I WAS CONFIRMING HOW THOSE WERE TO BE POSTED.

5 Q YOU SAID YOU WERE GOING TO SEND ANOTHER CHECK FOR AROUND
6 \$35,000. YOU NEVER DID THAT, DID YOU?

7 A I DIDN'T GET PAID, NO.

8 Q FROM THE VERNONS?

9 A CORRECT.

10 Q SO, YOU HAD -- YOU WERE TALKING ABOUT THE \$40,000 CHECK AND
11 THE \$22,000 CHECK THAT WERE SENT IN OCTOBER. YOU CAN LOOK BACK
12 TO 19. WE ALREADY SAID NEITHER OF THOSE CHECKS HAD VERNON
13 RESIDENCE IN THE MEMO SECTION, DID THEY?

14 A NO. THEY HAD THE STUB.

15 Q THIS IS ON THE 19TH. A MONTH AFTER THOSE CHECKS WERE SENT IN
16 OCTOBER, YOU'RE TELLING HIM THOSE WERE SUPPOSED TO GO TO VERNON?

17 A I'M CONFIRMING THAT HE SHOULD HAVE PUT THEM THERE. CORRECT.

18 Q YOU KNOW WHAT, WHILE WE -- MR. STERN ASKED YOU ABOUT AN
19 EMAIL ON THIS SAME THING. YOU CAN LOOK AT -- KEEP THAT RIGHT
20 WHERE IT IS. TURN 90 DEGREES TO THE RIGHT AND PULL OUT THEIR
21 LARGE EXHIBIT. GO TO EXHIBIT 1 AND GO TO BATES NUMBER YBS-0220.

22 A YBS-0220?

23 Q YEP. SEE IT?

24 A YES, I DO.

25 Q THIS IS YOUR EMAIL ON OCTOBER 22ND. YOU SAID YOU'RE GOING TO

1 DECK ISSUE HAPPENS SUMMER OF THAT TIME PERIOD, RIGHT?

2 A UH-HUH (AFFIRMATIVE).

3 Q JUNE -- THE DECK PERIOD, IS THE FIRST TIME YOU HAD AN EXCUSE
4 TO WITHHOLD MONEY FROM YODER'S, RIGHT?

5 A THAT'S WHEN WE DID WITHHOLD---

6 Q THAT'S THE FIRST TIME YOU HAD A REASON TO WITHHOLD MONEY
7 FROM THEM, WAS WHEN THE DECK ISSUE HAD OCCURRED?

8 A CORRECT.

9 Q NOW, WE'RE IN DECEMBER AND YOU'RE SENDING TO HIM -- BECAUSE
10 HE'S ASKED YOU ON NOVEMBER 17TH, "ANY UPDATES ON THE VERNON AND
11 TOLLESON JOBS?" BECAUSE YOU WERE BEHIND ON BOTH OF -- YOU OWED
12 THEM MONEY ON BOTH JOBS, RIGHT?

13 A WHAT TAB ARE WE ON? I'M SORRY.

14 Q EXHIBIT 6.

15 A OKAY.

16 Q THIS EMAIL EXCHANGE STARTS AT THE BOTTOM, NOVEMBER 17TH, HE'S
17 SENDING YOU AN EMAIL.

18 A OKAY.

19 Q THEN ON DECEMBER 3RD, YOU'RE ATTACHING -- "HEY, HERE'S THE
20 EMAIL I SENT YOU ON NOVEMBER 19TH." DO YOU SEE THAT?

21 A YODER'S SAID THEIR COMPUTERS CRASHED.

22 Q YOU TALKED ABOUT THE UNFORTUNATE THING WITH YOUR COUSIN.

23 AND THEN IN THE SECOND PARAGRAPH YOU PUT DOWN THERE ABOUT SOME
24 PAYMENTS THAT YOU SENT IN OCTOBER. THERE WERE TWO PAYMENTS IN
25 OCTOBER, RIGHT?

1 Q LET'S LOOK -- THIS IS JUNE 26TH. FLIP BACK TO 19 SO WE CAN
2 SEE THE DATE OF THAT \$84,000 PAYMENT. ARE YOU LOOKING AT EXHIBIT
3 19?

4 A OKAY.

5 Q AN \$84,000 CHECK WAS SENT BY Y'ALL ON JUNE 9TH. IT LOOKS
6 LIKE IT WAS POSTED -- IF YOU LOOK AT THE BOTTOM OF IT BECAUSE
7 THIS IS FROM YOUR BANK, HOW IT CLEARED THE BANK -- ON JUNE 11TH IN
8 THAT TIME PERIOD. DO YOU SEE THAT?

9 A UH-HUH (AFFIRMATIVE).

10 Q SO, JUNE 9TH, YOU SENT THE CHECK, NOTHING ABOUT VERNON ON THE
11 MEMO SECTION, RIGHT? AT THIS POINT, THERE'S NO EMAILS SAYING HOW
12 TO DIRECT IT.

13 A THEY HAD THE STUBS.

14 Q HE WRITES YOU ON JUNE 18TH SAYING, "HEY, I GOT THAT, I POSTED
15 IT TO YOUR ACCOUNT." YOU GOT BACK TO HIM ON THE 26TH. DO YOU SEE
16 THAT?

17 A YES.

18 Q MIDDLE OF THE WAY, MR. STERN REFERRED YOU TO IT, IT SAYS,
19 "THE CHECK YOU RECEIVED FOR THE 6/10 PAYMENT WAS FOR THE
20 VERNONS." THAT'S 16 DAYS AFTER YOU SENT THE CHECK, RIGHT?

21 A YES, JUST CONFIRMING TO HIM.

22 Q BUT YOUR TESTIMONY, YOU DIDN'T HAVE TO PUT ANYTHING IN THE
23 MEMO SECTION BECAUSE IT CAME WITH SOME STUB?

24 A YEAH.

25 Q OKAY. NOW, LET'S FLIP FORWARD TO EXHIBIT 6. THAT'S JUNE.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 Q YOU DID NOT DO IT. NOW, IF YOU WILL, TURN TO EXHIBIT -- TAB
2 3 IN MY NOTEBOOK. ARE YOU THERE?

3 A I AM.

4 Q ON JUNE 18TH, WILEY'S WRITING YOU, NOT YOUR WRITING HIM.
5 WILEY'S WRITING YOU, JUNE 18TH, RECEIVED \$84,000 CHECK AND IT'S
6 POSTED TO YOUR ACCOUNT. WHEN WILL WE BE GETTING THE BALANCE?
7 THAT'S ON THE 18TH. HE'S ASKING YOU HOW TO APPLY IT. DO YOU SEE
8 THAT?

9 A WELL, HE'S ALREADY POSTED IT TO MY ACCOUNT. HE'S ALREADY
10 APPLIED IT TO THE VERNONS.

11 Q THAT'S RIGHT. HE'S ASKING -- THIS IS YOUR PAYMENT AND IT'S
12 POSTED TO YOUR ACCOUNT. I'M SORRY. I RECEIVED IT AND I POSTED
13 IT TO YOUR ACCOUNT. THEN YOU -- I MISSPOKE ON THAT. YOU SENT AN
14 EMAIL BACK THAT YOU WERE GOING TO GET BACK TO HIM ON THAT.

15 A WELL, HE ASKED ME ABOUT THE BALANCE ON THE ACCOUNT, NOT
16 ABOUT THAT.

17 Q THAT'S RIGHT. I BLEW IT. I MISSTATED IT. THE DOCUMENT
18 SPEAKS FOR ITSELF. HE SAID HE RECEIVED IT; HE POSTED IT. "WHEN
19 ARE WE GOING TO RECEIVE THE BALANCE? YOU WROTE BACK AND SAID,
20 "I'LL GET BACK WITH YOU IN A DAY."

21 A CORRECT.

22 Q TURN TO EXHIBIT 4. JUNE 26TH YOU GOT BACK TO HIM ABOUT THAT.
23 "HEY, WE'RE REVIEWING IT. THIS IS HOW THE PAYMENTS SHOULD BE
24 MADE." THIS IS YOUR RESPONSE TO HIS EARLIER EMAIL, RIGHT?

25 A CORRECT.

KERRI L. DUNN-CROSS BY MR. DUDLEY

1 A HUH-HUH (AFFIRMATIVE).

2 Q IF YOU LOOK AT ALL OF THE CHECKS, ALL BUT ONE -- TAKE A
3 SECOND TO LOOK AT THEM -- ALL OF THE CHECKS IN EXHIBIT 19, IF
4 YOU'LL TAKE A SECOND TO LOOK AT THEM.

5 A OKAY.

6 Q TAKE A SECOND TO LOOK AT THE EXHIBITS, EXHIBIT 19.

7 A ALL OF THE CHECKS?

8 Q ALL OF THE CHECKS.

9 A OKAY, I'M SORRY.

10 Q THE ONLY CHECK THAT IS CODED OR HAS YODER'S AT THE BOTTOM
11 LEFT HAND CORNER IS CHECK 1296 ON APRIL 6TH FOR \$13,000 AND SOME
12 CHANGE.

13 A OKAY. SO, WHY DO I ONLY OWE YODER'S \$139,000 AND NOT
14 \$229,000. HOW DID THEY KNOW TO APPLY THEM TO THE RIGHT ACCOUNT
15 THEN?

16 Q THAT'S THE COOL THING ABOUT IT. I'M ASKING QUESTIONS AND
17 YOU GET TO ANSWER THEM.

18 A SORRY.

19 Q AND I'LL LEAD YOU THROUGH THAT. BELIEVE ME, YOUR QUESTION
20 WILL BE ANSWERED.

21 SO, YOU COULD HAVE PUT, LIKE YOU DID ON THAT ONE CHECK FOR
22 \$13,000 IN THE BOTTOM LEFT-HAND CORNER, VERNON RESIDENCE, ON ALL
23 OF THE OTHER CHECKS FOR \$229,000 AND YOU CHOSE NOT TO DO THAT OR
24 YOU DIDN'T DO THAT?

25 A DID NOT DO THAT.

1 OF THOSE ON THE TOTAL AMOUNT THAT LANDMARC MAY OWE YODER'S? YOU
2 JUST DIDN'T LIKE HOW THEY WERE BROKEN OUT?

3 A I DIDN'T GET CREDIT CORRECTLY.

4 Q BUT YOU DON'T -- AGAIN, MAKE SURE I DON'T -- BEFORE I LEAVE
5 THIS. YOU HAVE NOT -- YOU HAVE NO EVIDENCE THAT YODER'S TOOK A
6 CHECK FROM YOU AND DID NOT CREDIT THE LANDMARC VARIOUS ACCOUNTS?

7 A THEY DIDN'T PUT IT ON THE RIGHT ONE.

8 Q THAT'S RIGHT. YOU DIDN'T LIKE -- YOU PUT IT IN MARSHALL AS
9 TO THE VERNONS. BUT IF YOU PUT IT IN MARSHALL, THAT REDUCES THE
10 AMOUNT THAT LANDMARC OWES GLOBALLY; YOU THOUGHT IT SHOULDN'T HAVE
11 GONE ON MARSHALL, IT SHOULD HAVE GONE ON VERNON, RIGHT?

12 A PREVIOUSLY, THE STUB ACCOUNTED FOR WHERE IT SHOULD GO. SO,
13 THAT'S HOW YODER'S DID SINCE 2006.

14 Q LET'S TALK ABOUT THAT. YOU AGREE AND YOUR HUSBAND TESTIFIED
15 THAT ONE -- DON'T TAKE MY WORD FOR IT. LOOK AT 19 REAL QUICK.

16 A 19 IN YOUR BOOK?

17 Q EXHIBIT 19 IN MY NOTEBOOK. THE LAST PAGE OF EXHIBIT 19 IS
18 YOUR QUICKBOOKS ACCOUNT ACCOUNTING FOR ALL OF THE PAYMENTS THAT
19 YOU CONTEND YOU PAID YODER'S ON THE VERNON JOB.

20 A THIS LAST PAGE IS THE VERNON---

21 Q I'M SORRY. THE SECOND TO THE LAST -- IT'S LANDMARC REGISTER
22 QUICKREPORT.

23 A OKAY. YES. THIS ONE.

24 Q THAT'S ALL OF WHAT YOU CONTEND, AS OF MARCH 1, 2010, THAT
25 LANDMARC HAD PAID ON THE VERNON JOB: \$229,260.42, CORRECT?

1 Q AND YOU TRACKED THAT IN YOUR QUICKBOOKS ACCOUNT?

2 A IN THE QUICKBOOKS ACCOUNT, YES.

3 Q THEN YOU WOULD KIND OF RECONCILE THAT. WHEN THE MONTHLY
4 STATEMENTS WOULD COME, YOU WOULD CALL WILEY ABOUT THAT?

5 A ON THE YODER'S, YES.

6 Q NOW, THE OTHER -- SO, YOU HAD THE DECK AS AN ISSUE. WHEN WE
7 TALK ABOUT THE GROSS AMOUNT OWED ON THE VERNON JOB TO YODER'S,
8 THE DECK IS AN ISSUE?

9 A CORRECT.

10 Q BUT YOU HAVE NOT PROVIDED ANY BACKUP FOR THAT. BUT YOU
11 CONTEND \$36,000 WAS THERE, BUT THERE'S NO BACKUP. THE OTHER ONE
12 WAS A FRONT DOOR CREDIT YOU WERE ASKING FOR, RIGHT?

13 A CORRECT.

14 Q AND A MAN DOOR YOU'RE SAYING WAS NEVER DELIVERED?

15 A CORRECT.

16 Q THE ONLY OTHER ISSUE ON THE YODER'S VERNON ACCOUNT WAS HOW
17 PAYMENTS WERE APPLICATED, RIGHT?

18 A MISAPPROPRIATED, YES.

19 Q WELL, THEN---

20 A MISAPPLIED.

21 Q BECAUSE YOU CANNOT SHOW ANY EVIDENCE WHERE A PAYMENT DID NOT
22 DEBIT YOUR ACCOUNT. IT REDUCED THE DEBT THAT YOU OWED YODER'S.

23 A NOT ON THE RIGHT PROJECT.

24 Q NOT ON THE PROJECT. YOU ADMIT TO ME ALL OF THE CHECKS THAT
25 CAME IN -- YOU'VE GONE BACK AND LOOKED -- YOU GOT CREDIT FOR ALL

Section 2 of 3

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Master in Equity

Appellate Case No. 2012-211971

Bill J. Vernon, Jr. and Sandra
Vernon,

Respondents,

v.

Landmarc Constructors, Inc.,
d/b/a Landmarc Custom
Homes, Marcus Dunn, and
Yoder's Building Supply, Inc.
Defendants,

Of whom Landmarc
Constructors d/b/a
Landmarc Custom
Homes and Marcus
Dunn are Appellants,

Yoder's Building Supply, Inc.,

Third Party Plaintiff,

v.

Sandra Ann Vernon and Billie
James Vernon, Jr. Trustees, or
their successors in trust, under
the Sandra Ann Vernon
Living Trust, Dated June 12,
2000, as thereafter amended,
Gary Dunn, individually, and
Kerri Dunn, individually,

Third Party
Defendants.

RECORD ON APPEAL
