

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2017-CP-10-6176

SAMANTHA L. ANTLEY.,)
)
Plaintiff,)

vs.)

DART SHELTER LLC d/b/a The)
Shelter Kitchen and Bar and)
PRESTON YELVERTON,)

Defendants.)

ORDER APPOINTING RECEIVER

RECEIVED

DEC 03 2019

SC Court of Appeals

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JULIE L. HARRIS
CLERK OF COURT

This matter arises out of a Judgment in the principal amount of \$882,025.00 against Dart Shelter, LLC d/b/a The Shelter Kitchen and Bar (“Defendant”) enrolled in the office of the Clerk of Court for Charleston County on April 19, 2019. At a motion hearing held on September 13, 2019, I granted the Plaintiff’s Motion for Appointment of Receiver, appointing Mark W. McKnight, Esquire, of the Charleston County Bar as receiver on the judgment pursuant to S.C.Code Ann. §§ 15-39-430 and 15-65-10, et seq.

IT IS ORDERED that Mark W. McKnight take possession of any and all real and personal property belonging to the Judgment Debtor including, without limitation, any land, buildings, improvements, leases, vehicles, equipment, furniture, fixtures, books, records, commissions, bank and brokerage accounts, cash on hand, deposits, choses in action and any other tangible or intangible items or documents of the Judgment Debtor (hereinafter referred to as “the Property”), and to perform the acts and functions as set forth below:

A. To continue to operate the business as an ongoing concern until this Court Orders otherwise;

B. To evaluate the business to determine if any part of the Property should be liquidated in order to satisfy the Judgment, provided, however, that no Property shall be liquidated without the Receiver first obtaining approval of the Court;

C. To evaluate the business to determine if costs, expenses, wages or distributions can be adjusted in order to satisfy the Judgment;

D. To demand and collect all fees, commissions, sales, rents and other income payable to the Judgment Debtor.

E. To engage the services of such firms, companies, persons, independent contractors, employees, agents and the like, as he deems necessary and proper, including, without limitation, accountants, managers, consultants, attorneys and the like, subject to the approval of this Court and of the Judgment Creditor, which approval shall not be unreasonably withheld.

F. To institute such suits as the Receiver may find necessary or proper with authority to obtain legal counsel of the Receiver's choice, at the expense of the receivership estate, but subject to the approval of this Court and of the Judgment Creditor, which approval shall not be unreasonably withheld.

G. To prosecute, negotiate, compromise, settle or take such other action(s) with respect to claims of the Judgment Debtor against third parties as he deems advisable, subject to the approval of the Judgment Creditor, which approval shall not be unreasonably withheld;

H. To file monthly reports with this Court certified by the Receiver as being correct. Until the receivership estate shall have funds available, the Plaintiff shall advance all costs, expenses and fees incurred by the Receiver. All costs, expenses and fees incurred by the Receiver shall be accounted for while the appeal is pending, and the court retains the authority to allocate the Receiver's costs and expenses to the final judgment.

I. To hold all funds collected in an interest bearing account until such time as this Court approves disbursement.

IT IS FURTHER ORDERED, that the Defendant and its members, officers, employees and agents fully cooperate with the Receiver and immediately turn over to the Receiver all Property described herein whether currently in its possession or control or that shall come into its possession and control after the date hereof; and it is

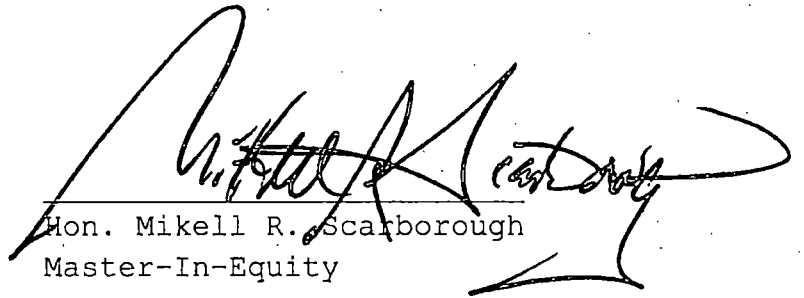
FURTHER ORDERED, that the Defendant is restrained and enjoined from converting, disposing of or transferring any Property which may constitute assets of the receivership estate, and is specifically required to protect those assets for the benefit of the receivership estate; and it is

FURTHER ORDERED, that the Receiver is entitled to a fee in the amount of Two Hundred Fifty and no/100 (\$250.00) per hour and Five percent (5%) of the gross proceeds collected for his services]; and it is

FURTHER ORDERED, that the Receiver shall act in such capacity until the Judgment Debt, together with the costs and expenses of the receivership, and interest thereon, is paid and satisfied in full or until further Order of this Court; and it is

FURTHER ORDERED, that notwithstanding the above paragraph, the Receiver may be relieved at his request at any time.

AND IT IS SO ORDERED.

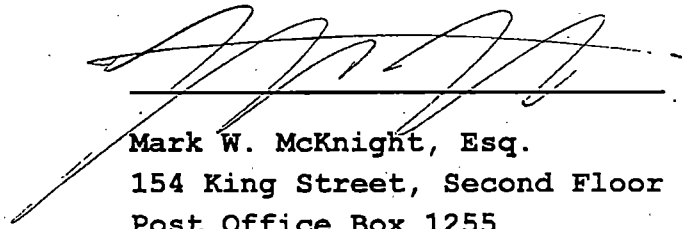


Hon. Mikell R. Scarborough
Master-In-Equity

Charleston, South Carolina

October 18, 2019

I CONSENT TO THE APPOINTMENT.



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