

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Independence National Bank,

Plaintiff,

v.

Buncombe Professional Park, LLC and
David DeCarlis s/a David D. DeCarlis

Defendant(s).

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

ORDER

C/A NO.: 2010-CP-23-03860

RECEIVED

MAR 16 2020

SC Court of Appeals

The matter was before the court via conference call on February 10, 2020 in regard to Plaintiff's Motion to Enforce the Contempt Order and Defendant's Motion for Relief, both filed on February 6, 2020. Plaintiff's counsel, Aaron Angell and Defendant's counsel, Shawn French, were present on the conference call. Both Plaintiff's Motion to Enforce and Defendant's Motion for Relief were filed in reference to this Court's December 17, 2019 Order holding DeCarlis ("Defendant") in Contempt. Additionally, while on the conference call, counsel for the Plaintiff moved for a charging order to be issued against the Defendant's single member LLC "3009 Palm Blvd. LLC." Counsel for the Defendant objected and requested to be heard on the record to challenge the issuance of a Charging Order in light of a Receiver that is currently empowered by the Court to locate and seize the assets of the Defendant. See, Order filed 11/12/2019. As such, the Court declines to issue a charging order at this time in light of the ongoing receivership. In light of the record before the Court that is replete with evidence of the Defendant's extensive maneuvers in an effort to avoid the judgement herein and the willful violation of this Court's Order for Repatriation of Funds,

IT IS HEREBY ORDERED that the Defendant remains and continues to be in Contempt of Court as more fully set forth in prior Orders.

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IT IS FURTHER ORDERED that Sanctions are hereby imposed upon Defendant as set forth in the Order filed December 17, 2019.

IT IS FURTHER ORDERED that implementation of this Order and this Court's previous Order for Contempt entered on December 17, 2019 shall be held in abeyance until ALL appealed issues have been heard and resolved by the appellate courts of the State of South Carolina. If the appealed Orders relating to repatriation are upheld by the appellate courts, then this Order and the Order from December 17, 2020 shall be immediately enforced. Conversely, if the same are not affirmed and upheld, the sanctions set forth in this Order and the Order filed December 17, 2019 shall be moot, void and of no effect.

AND IT IS SO ORDERED.

JUDGE'S ELECTRONIC SIGNATURE TO FOLLOW



Greenville Common Pleas

Case Caption: Independence National Bank vs. Buncombe Professional Park Llc ,
defendant, et al
Case Number: 2010CP2303860
Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

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