

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APR 10 2020

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

SC Court of Appeals

Honorable Brian M. Gibbons, Circuit Court Judge

Appellate Case Number 2020-000021

In the Matter of the Estate of Chris Combis

George Combis, Diane Combis, and Chris Combis.....Defendants,

Of Whom, George Combis and Chris Combis are.....Appellants,

v.

Desa Ballard, as Personal Representative of the Estate of Chris Combis.....Respondent.

NOTICE OF BANKRUPTCY FILING

Subsequent to the filing of the Notice of Appeal in this case, an “Involuntary Petition Against an Individual” was filed in the United States Bankruptcy Court, Western District of North Carolina, assigned case number 20-30264 against Appellant George Combis (see petition attached hereto as Exhibit A and incorporated herein by reference). That case is currently pending against George Combis in the referenced in bankruptcy court. George Combis also is a party to this appeal. The automatic stay of 11 U.S.C. §362 is in effect. The bankruptcy petition was filed by the Respondent herein, and involves, *inter alia*, the pre-petition debt that is the subject of this appeal. Thus, plainly the appeal against Appellant George Combis is subject to the

automatic stay.

Appellant Chris Combis is not a debtor in the bankruptcy case. However, the appeal is a joint appeal, and the Order that is the subject of the appeal expressly makes the liability of the Order joint and several between Appellant George Combis and Appellant Chris Combis. Indeed, the joint and several liability is one of the errors alleged in this appeal. Thus, Appellant Chris Combis cannot proceed with his appeal without the risk of violating the automatic stay, so the entire appeal is stayed until the automatic stay is lifted.

Appellants request the Court issue a briefing schedule when the bankruptcy stay is lifted.

Respectfully submitted this the 8th day of April, 2020.

s/ Brian S. McCoy
Brian S. McCoy
MCCOY LAW FIRM, LLC
378 E. Main St.
Rock Hill, SC 29730
Phone: (803) 366-2280
bmccoy@mccoylawfirm.com
Counsel for Appellant Chris Combis

s/ Ty K. McTier
Ty K. McTier
REDDING JONES, PLLC
2907 Providence Road, Suite 303
Charlotte, NC 28211
Phone: (704) 900-2215
tmctier@reddingjones.com
Counsel for Appellant George Combis

THE STATE OF SOUTH CAROLINA
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APPEAL FROM LANCASTER COUNTY
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Honorable Brian M. Gibbons, Circuit Court Judge

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Desa Ballard, as Personal Representative of the Estate of Chris Combis.....Respondent.

PROOF OF SERVICE

I hereby certify that I served the Notice of Bankruptcy Filing by depositing a copy of same in the U.S. Mail, postage prepaid, on April 8, 2020, addressed to the Respondent's counsel of record Douglas N. Truslow, Esq., Truslow & Truslow Law Firm, P.O. Box 1465, Columbia, SC 29202.

s/ Brian S. McCoy
Brian S. McCoy

Fill in this information to identify the case:

United States Bankruptcy Court for the:
 Western District of North Carolina 

Case number (if known): _____ Chapter 7

Check if this is an amended filing

Official Form 105

Involuntary Petition Against an Individual

12/15

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-Individual* (Official Form 205). Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

Chapter 7

Chapter 11

Part 2: Identify the Debtor

2. Debtor's full name

George
First name

C.
Middle name

Combis
Last name

Suffix (Sr., Jr., II, III)

3. Other names you know the debtor has used in the last 8 years

Include any assumed, married, maiden, or trade names, or *doing business as* names.

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)

Unknown

XXX - XX - _____ OR 9 XX - XX - _____

5. Any Employer Identification Numbers (EINs) used in the last 8 years

Unknown

EIN - - - - -

EIN - - - - -



Debtor George C. Combis

Case number (if known) _____

6. Debtor's address	<p>Principal residence</p> <p><u>8707 Lake Challis Lane</u> Number Street</p> <hr/> <p><u>Charlotte</u> <u>NC</u> <u>28226</u> City State ZIP Code</p> <p><u>Mecklenburg</u> County</p>	<p>Mailing address, if different from residence</p> <p>_____ Number Street</p> <hr/> <p>_____ City State ZIP Code</p>
	<p>Principal place of business</p> <p><u>2310 N. Brevard Street</u> Number Street</p> <hr/> <p><u>Charlotte</u> <u>NC</u> <u>28206</u> City State ZIP Code</p> <p>_____ County</p>	
7. Type of business	<p><input type="checkbox"/> Debtor does not operate a business</p> <p><i>Check one if the debtor operates a business:</i></p> <p><input type="checkbox"/> Health Care Business (as defined in 11 U.S.C. § 101(27A))</p> <p><input type="checkbox"/> Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))</p> <p><input type="checkbox"/> Stockbroker (as defined in 11 U.S.C. § 101(53A))</p> <p><input type="checkbox"/> Commodity Broker (as defined in 11 U.S.C. § 101(6))</p> <p><input checked="" type="checkbox"/> None of the above</p>	
8. Type of debt	<p>Each petitioner believes:</p> <p><input checked="" type="checkbox"/> Debts are primarily consumer debts. <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."</p> <p><input type="checkbox"/> Debts are primarily business debts. <i>Business debts</i> are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.</p>	
9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Debtor _____ Relationship _____</p> <p style="margin-left: 100px;">District _____ Date filed _____ Case number, if known _____</p> <p style="margin-left: 150px;">MM / DD / YYYY</p> <p>Debtor _____ Relationship _____</p> <p style="margin-left: 100px;">District _____ Date filed _____ Case number, if known _____</p> <p style="margin-left: 150px;">MM / DD / YYYY</p>	

Debtor George C. Combis

Case number (if known) _____

Part 3: Report About the Case

10. Venue *Check one:*
 Reason for filing in this court. Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.
 A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.
 Other reason. Explain. (See 28 U.S.C. § 1408.) _____

11. Allegations
 Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
 The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).
At least one box must be checked:
 The debtor is generally not paying such debtor's debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
 Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?
 No
 Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim	Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
	Mary Combis	Amounts owed under Order entered in NC State Court	\$ 9,500.00
	Desa Ballard, as Personal Rep. of Estate of Chris Combis	Order of Civil Contempt entered in SC Court	\$ 70,000.00
	Desa Ballard, as Successor Trustee of Trust of Chris Combis	Judgment for fees entered in NC Superior Court	\$ 54,612.50
		Total	\$ 134,112.50

If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.

Debtor George C. Combis

Case number (# known) _____

Part 4: Request for Relief

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(i).

Petitioners or Petitioners' Representative

X /s/ Mary Combis

Signature of petitioner or representative, including representative's title

Mary Combis
Printed name of petitioner

Date signed 02/28/2020
MM / DD / YYYY

Mailing address of petitioner

5820 Carmel Road
Number Street

Charlotte NC 28266
City State ZIP Code

If petitioner is an individual and is not represented by an attorney:

Contact phone _____

Email _____

Name and mailing address of petitioner's representative, if any

Name

Number Street

City State ZIP Code

Attorneys

X /s/ Robert A. Cox, Jr.

Signature of attorney

Robert A. Cox, Jr.
Printed name

Bradley Arant Boult Cummings LLP
Firm name, if any

214 N. Tryon Street, Suite 3700
Number Street

Charlotte NC 28202
City State ZIP Code

Date signed 02/28/2020
MM / DD / YYYY

Contact phone 704-534-9498 Email rcox@bradley.com

Debtor George C. Combis

Case number (if known) _____

X /s/ Desa Ballard, PR of Chris Combis estate

Signature of petitioner or representative, including representative's title

Desa Ballard, PR of Chris Combis estate

Printed name of petitioner

Date signed 02/28/2020
MM / DD / YYYY

Mailing address of petitioner

226 State Street

Number Street

Columbia SC 29169
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name _____

Number Street _____

City State ZIP Code _____

X /s/ Robert A. Cox, Jr.

Signature of Attorney

Robert A. Cox, Jr.

Printed name

Bradley Arant Boulton Cummings LLP

Firm name, if any

214 N. Tryon Street, Suite 3700

Number Street

Charlotte NC 28202
City State ZIP Code

Date signed 02/28/2020
MM / DD / YYYY

Contact phone 704-338-6057 Email rcox@bradley.com

X /s/ Desa Ballard, TE of Chris Combis Trust

Signature of petitioner or representative, including representative's title

Desa Ballard, TE of Chris Combis Trust

Printed name of petitioner

Date signed 02/28/2020
MM / DD / YYYY

Mailing address of petitioner

226 State Street

Number Street

Columbia SC 29169
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name _____

Number Street _____

City State ZIP Code _____

X /s/ Robert A. Cox, Jr.

Signature of Attorney

Robert A. Cox, Jr.

Printed name

Bradley Arant Boulton Cummings LLP

Firm name, if any

214 N. Tryon Street, Suite 3700

Number Street

Charlotte NC 28202
City State ZIP Code

Date signed 02/28/2020
MM / DD / YYYY

Contact phone 704-338-6057 Email rcox@bradley.com

McCoy Law Firm, LLC

378 E. Main Street
Rock Hill, South Carolina 29730
TEL. (803) 366-2280
FAX (803) 366-0643
bmccoy@mccoylawfirm.com

RECEIVED

APR 10 2020

SC Court of Appeals

April 8, 2020

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: *George Combis and Chris Combis v. Desa Ballard, as Personal Representative*
Case No.: 2020-000021

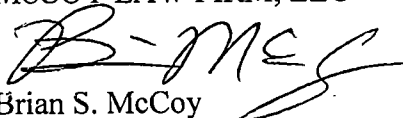
Dear Ms. Kitchings:

Enclosed please find an unbound Notice of Bankruptcy Filing, with exhibit and Proof of Service. By copy hereof, we are serving counsel of record for the Respondent.

Thank you and best regards,

Very Truly Yours,

MCCOY LAW FIRM, LLC

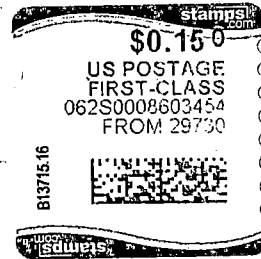

Brian S. McCoy

BSM:cjm
Enclosures

CC: Douglas N. Truslow, Esq. (with enclosures)
Ty McTier, Esq. (with enclosures)

McCoy Law Firm, LLC
378 East Main Street
Rock Hill, SC 29730

CHARLOTTE
NC 282
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APR 16 2020

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

29201-376999

