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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Gordon G. Cooper, Master in Equity for Spartanburg County

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Case No. 2019-CP-42-01210

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Appellate Case No. 2019-002071

Joe Hand Promotions, Inc., ..... Appellant,

v.

Christopher Michael Ruegsegger a/k/a Chris Ruegsegger, Founders Federal Credit Union and  
Springleaf Financial Services, Defendants,

Of Which Founders Federal Credit Union is..... Respondent.

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RECORD ON APPEAL

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Leonard R. Jordan, Jr., #3221  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
ljordan@ljordanlaw.com  
Attorney for Appellant

Suzanne Taylor Graham Grigg, Esquire  
NEXSEN PRUET, LLC  
Post Office Box 2426  
Columbia, South Carolina 29202  
Phone: (803) 540-2026  
Fax: (803) 727-1440  
Email: [sgrigg@nexsenpruet.com](mailto:sgrigg@nexsenpruet.com)  
Attorneys for Respondent

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STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2019-CP-42-01210

Joe Hand Promotions, Inc., )  
Plaintiff, )  
vs. )  
Christopher Michael Ruegsegger a/k/a Chris )  
Ruegsegger, Founders Federal Credit Union )  
and Springleaf Financial Services, )  
Defendants. )

**MASTER'S ORDER AND JUDGMENT  
OF FORECLOSURE AND SALE**  
(Deficiency Judgment Waived)

Leonard R. Jordan, Jr., Esquire  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, SC 29209

Kyle A. Brannon, Esquire  
NEXSEN PRUET, LLC  
Post Office Box 2426  
Columbia, South Carolina 29202

Mr. Christopher Michael Ruegsegger  
136 W. Celestial Drive  
Greer, SC 29651

One Main Financial Services, Inc.  
(formerly Springleaf Financial  
Services)  
c/o CT Corporation System,  
Registered Agent  
2 Office Park Court, Suite 103  
Columbia, SC 29223

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure (hereinafter "SCRCP"), the above-entitled matter was referred by Order of Reference to the undersigned Master in Equity to make appropriate findings of fact and conclusions of law, with authority to enter a final judgment in the cause. Any appeal from the decision of the Master in Equity shall be directly to

the South Carolina Court of Appeals.

Pursuant to the said reference, a hearing was held, attended by the attorneys for the Plaintiff and the Defendant, Founders Federal Credit Union. From the evidence presented, I find and conclude as follows

FINDINGS OF FACT:

1. The Lis Pendens was filed in the Office of the Clerk of Court for Spartanburg County on March 29, 2019; and the Summons and Complaint were filed on March 29, 2019.

2. Personal service of the Summons and Complaint was made upon the Defendants named in this Order as is shown by the proofs of service filed herein; and all parties are properly before the Court.

3. The Defendant, Founders Federal Credit Union, filed an Answer and participated in the hearing on the merits of this case.

4. The Defendants, Christopher Michael Ruegsegger a/k/a Chris Ruegsegger and Springleaf Financial Services (now One Main Financial Services, Inc.), are in default as shown by Affidavit filed herein.

5. By virtue of the failure of the said Defendants, in default, to deny, in a responsive pleading, the averments of fact properly asserted in the Complaint, these Defendants have admitted such averments.

6. The said Defendants, in default, were notified of the time, date and place of hearing in this matter; and by virtue of their failure to participate in the hearing, these Defendants have waived the right to do so.

7. The Defendant, Springleaf Financial Services, holds a Judgment against Chris M. Ruegsegger, in the amount of \$3,721.44, which Judgment was filed in the Office of the Clerk of

Court for Spartanburg County on April 18, 2014, in Case No. 2014-CP-42-01592. By date of filing, this Judgment is in a first-lien position against the subject real property.

8. The Defendant, Founders Federal Credit Union, holds a Judgment against Chris M. Ruegsegger, in the amount of \$23,057.63 (less the proceeds from the sale of the Hyundai), which Judgment was filed in the Office of the Clerk of Court for Spartanburg County on June 4, 2014, in Case No. 2014-CP-42-0553. By date of filing, this Judgment is in a second-lien position against the subject real property.

9. The Plaintiff holds a Judgment against Upstate Recreation d/b/a Leeg's Nightclub and Chris Ruegsegger, in the amount of \$37,757.50, which was filed in the United States District Court for the District of South Carolina on February 18, 2015, in Case No. 6:13-cv-2467-TMC; and this Judgment was transcribed to Spartanburg County and filed in the Office of the Clerk for Spartanburg County on March 2, 2015, in Case No. 2015-CP-42-0942. By date of filing, this Judgment is in a third-lien position against the subject real property.

10. The Defendant, Christopher Michael Ruegsegger a/k/a Chris Ruegsegger, owns certain real property in Spartanburg County, known as 721 Jordan Creek Road, Inman, South Carolina, which is subject to (encumbered by) the liens of the aforesaid Judgments held by the Defendants, Springleaf Financial Services and Founders Federal Credit Union, and the Plaintiff.

11. With regard to the Plaintiff's Judgment, an Execution on Judgment was duly issued to the Sheriff of Spartanburg County, and the Sheriff returned the Execution on Judgment marked nulla bona.

12. The Plaintiff has established, by a preponderance of the evidence, the amount of its Judgment, and I find that the amount of its Judgment, including principal, interest at the judgment rate, and post-judgment costs and expenses, is \$39,115.09, as of July 17, 2019. Interest and court

costs after said date shall continue to accrue.

13. The Defendant, Founders Federal Credit Union, has established, by a preponderance of the evidence, the amount of its Judgment, and I find that the amount of its Judgment, is \$21,503.00, as of July 17, 2019. Interest and court costs after said date shall continue to accrue.

14. The Plaintiff has asserted that it is entitled to first-lien priority with regard to the subject real property under the equitable principle of superior diligence, because: (1) it, alone, instituted supplementary proceedings against the Defendant, Christopher Michael Ruegsegger a/k/a Chris Ruegsegger; and (2) when Mr. Ruegsegger responded to the supplementary proceedings by filing for bankruptcy protection, it, acting alone, objected to the exemption of the the subject real property from the various judgments, and it was successful in obtaining a Bankruptcy Court Order excluding the property from the discharge of the judgment liens of the Plaintiff and the creditor-Defendants.

15. The Plaintiff has presented a compelling case that it made all the effort, and sustained all the risk and expense, of bringing the subject real property before the Court, and it appears that the other judgment-creditors took no action whatsoever to preserve this asset.

16. I find that it would be unjust that the one judgment-creditor, who sustained all the risk and expense of preserving and bringing the subject real property to this court, should have to take a junior-priority position to other judgment-creditors, who have done nothing to collect their debt against this property.

17. I further find that, under the equitable principle of superior diligence,” which was announced in Ex parte Roddey, 171 S.C. 489 (1934), and which was recognized in FCX, Inc. v. Long Meadow Farms, Inc., 269 S.C. 202 (1977), the Plaintiff is entitled to a preference as a reward

for its vigilance.

18. I therefore find that, with regard to the subject real property, the Plaintiff's Judgment is entitled to a first-priority lien upon the subject real property, with the lien of the Judgment of the Defendant, Founders Federal Credit Union, to be in second position, ahead of the lien of the Judgment of the Defendant, Springleaf Financial Services, in default.

CONCLUSION OF LAW:

I, therefore, conclude that:

1. The Plaintiff is entitled to an elevated-priority as a reward for its superior diligence, and its Judgment shall have first-lien priority with regard to the subject real property.
2. The Judgment held by the Defendant, Founders Federal Credit Union, shall have second-lien priority with regard to the subject real property, junior to the lien of the Plaintiff's Judgment.
3. The Judgment held by the Defendant, Springleaf Financial Services, in default, is relegated to third-lien priority, junior to the liens of the Plaintiff's Judgment and the Judgment of the Defendant, Founders Federal Credit Union.
4. The Plaintiff should have judgment of foreclosure of its Judgment; and the subject real property should be ordered sold at public auction after due advertisement.

---

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the Defendant, Christopher Michael Ruegsegger a/k/a Chris Ruegsegger, shall, prior to the date and time of the sale of the subject property, pay to the Plaintiff, or the Plaintiff's attorney, the full amount of the Plaintiff's Judgment.
2. That on default of payment prior to the date and time of the sale, the subject real

property shall be sold by the undersigned Master in Equity, at public auction, at the Spartanburg County Courthouse, in the City of Spartanburg, County and State aforesaid, on the next convenient sales day hereafter.

3. That the Plaintiff is required to redeem the subject real property from the 2018 Tax Sale. This requirement must be accomplished and confirmed to the Court before the date of the foreclosure sale of said property. The cost of redeeming the property from the Tax Sale is to be added to the Plaintiff's judgment debt.

4. That the terms of the said sale are as follows:

a. FOR CASH: The undersigned Master in Equity shall require a deposit of 5% on the amount of the bid (in cash or equivalent) the same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within twenty (20) days the same to be forfeited and applied to the costs and then to the Plaintiff's debt. If the 5% deposit is not immediately tendered by the successful bidder, the Master in Equity may, in his discretion, cancel the sale and re-sell the property at such time on the same day as the Master in Equity may choose and announce during the initial sale.

b. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 0.21% per annum.

c. The sale shall be subject to current-year's taxes and assessments, existing easements and easements and restrictions of record.

d. Purchaser to pay for the deed and the cost of recording the deed.

5. That a personal or deficiency judgment being waived, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately.

6. That if the Plaintiff is the successful bidder at the said sale, for a sum not exceeding

the Plaintiff's judgment debt, together with additional interest and post-judgment costs and expenses (including the said taxes), it may pay to the undersigned Master in Equity only the amount of the costs and expenses, crediting the balance of the bid on the Plaintiff's judgment debt.

7. That if the Defendant, Founders Federal Credit Union, is the successful bidder at the said sale, for a sum not exceeding the aggregate of the Plaintiff's judgment debt and the said Defendant's judgment debt, it may pay to the undersigned Master in Equity only the amount of the Plaintiff's judgment debt, crediting the balance of the bid on the said Defendant's judgment debt.

8. That the undersigned Master in Equity will, by advertisement according to law, give notice of the time and place of sale and the terms thereof; and that he will execute to the purchaser, or purchasers, a deed to the subject real property sold. The Plaintiff, or any other party to this action, or any other person may become a purchaser at such sale. Upon such sale being made, should the successful bidder, or his assignee, fail to comply with the terms thereof within twenty (20) days after the date of sale, then the undersigned Master in Equity may re-advertise the subject property for sale on the next, or some other subsequent, sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured.

9. That the undersigned Master in Equity shall apply the proceeds of the sale as follows:

FIRST: To the payment of the amount of the costs and expenses of this action; and

NEXT: To the payment to the Plaintiff, or the Plaintiff's Attorney, of the amount of the Plaintiff's judgment debt, including additional interest and post-judgment costs and expenses (including the said taxes), or so much thereof as the purchase money will pay on the same; and

NEXT: To the payment to the Defendant, Founders Federal Credit Union, or the

said Defendant's Attorney, of the amount of the said Defendant's judgment debt, including additional interest and costs, or so much thereof as the purchase money will pay on the same; and

NEXT: Any surplus will be held pending further Order of this Court pursuant to Rule 71(c), SCRCP.

10. That it is further ORDERED, ADJUDGED AND DECREED that, if there are occupants of the subject real property, which persons continue in possession of the property after a deed has been issued to the purchaser, then the Sheriff of Spartanburg County is directed to eject and remove the occupants from the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued or assigns in full, quiet and peaceable possession of the subject property without delay, and to keep said successful bidder or its assigns in such peaceable possession. If the occupants of the property remain after the deed has been issued, the purchaser or assign shall, at its option, seek relief through the Magistrate's Court or serve the occupants with a Summons and Rule to Show Cause in this case to determine why the occupants should not be removed from the property.

11. That in the event that any personal property or fixtures remain on the subject real property, such property shall be deemed abandoned and may be removed and disposed of by the successful bidder or assign or agent without prior notice to the parties herein.

12. That it is further ORDERED, ADJUDGED AND DECREED that each Defendant named herein, and all persons whomsoever claiming under him or it, be forever barred and foreclosed of all right, title, interest and equity of redemption in the subject property so sold, or any part thereof.

13. That the undersigned Master in Equity shall retain jurisdiction to do all necessary acts incident to this foreclosure, including, but not limited to, the issuance of a Writ of Assistance

and disposing of any surplus funds pursuant to Rule 71(c), SCRCP.

14. That neither the Plaintiff nor its attorney warrants the condition of the title to purchaser at foreclosure sale or other third parties, who should have their own title search performed on the subject real property.

15. That it is further ORDERED, ADJUDGED AND DECREED that, if the Plaintiff or the Plaintiff's representative does not appear at the scheduled sale of the subject real property, the undersigned (or the designated sale officer) shall pull the property from sale; and in the event that the sale is nevertheless conducted, such sale will be null, void and of no force and effect. In such event, the sale will be rescheduled for the next or some subsequent sales day.

16. That the subject real property, which are ordered to be sold, is described as follows:

All that piece, parcel or lot of land, with all improvements thereon or hereafter constructed thereon, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot No. 65 on survey entitled "Stanley Glenn Cary," said plat being prepared by James V. Gregory Land Surveying, being dated June 12, 1997, and recorded August 27, 1997, in Plat Book 138 at Page 783, reference to said plat is hereby made for a more complete metes and bounds description thereof.

This being the same property conveyed to Tiffany J. Ruegsegger and Christopher Michael Ruegsegger as Joint Tenants with Rights of Survivorship and Not as Tenants in Common by deed of Petr Krasnov and Yuliya Krasnov dated May 20, 2011, and recorded in the Register of Deeds Office for Spartanburg County on May 25, 2011, in Deed Book 98-M at page 729; and being the same property conveyed to Christopher Michael Ruegsegger by Quit Claim Deed of Tiffany J. Ruegsegger dated June 2, 2017, and recorded on June 8, 2017, in the Register of Deeds Office for Spartanburg County in Deed Book 116-B at page 41.

AND IT IS SO ORDERED.



Spartanburg Common Pleas

**Case Caption:** Joe Hand Promotions, Inc. VS Christopher Michael Ruegsegger ,  
defendant, et al  
**Case Number:** 2019CP4201210  
**Type:** Master/Order/Foreclosure & Sale and Form 4

It is So Ordered

s/Judge Gordon G Cooper-3065

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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE CIRCUIT COURT

Joe Hand Promotions, Inc.,  
Plaintiff,

Case No. 2019-CP-42-01210

vs.

**ORDER GRANTING MOTION TO  
RECONSIDER, ALTER OR AMEND**

Christopher Michael Ruegsegger a/k/a Chris  
Ruegsegger, Founders Federal Credit Union  
and Spingleaf Financial Services,  
Defendants.

THIS MATTER COMES BEFORE THE COURT upon *Founders Federal Credit Union's Motion to Reconsider, Alter or Amend the Court's Order and Judgment of Foreclosure and Sale* filed in this judicial lien foreclosure action on August 2, 2019 (the "Motion") by Defendant, Founders Federal Credit Union ("Founders"), pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. In the Motion, Founders contends the Court erred in applying the doctrine of superior diligence to elevate Plaintiff Joe Hand Promotions, Inc.'s ("Joe Hand") judgment lien recorded on February 18, 2015, to first priority over Founders' judgment lien recorded on June 4, 2014, as to the subject real property (the "Subject Property"). The Court conducted a hearing on the Motion on August 27, 2019. Present at the hearing was Suzanne Taylor Graham Grigg, attorney for Founders, and Leonard R. Jordan, Jr., attorney for Joe Hand.

Based on the pleadings filed in this case, the arguments of counsel presented at the hearing, and applicable law, the Court hereby amends the *Master's Order and Judgment of Foreclosure and Sale* (the "Foreclosure Order") filed on July 24, 2019.

In the Foreclosure Order, the Court elevated Joe Hand's judgment lien on the Subject Property to first priority due to the doctrine of superior diligence. The Court ordered that the doctrine of superior diligence allowed the third-in-line judgment lien to be elevated to a first

priority lien due to the diligent efforts of Joe Hand in pursuing and protecting its lien. Based on the well-established case law, the Court erred in reprioritizing the judgment liens because those judgment liens were statutorily fixed as of the date of recording and attached to the Subject Property as of each respective date. *See FCX, Inc. v. Long Meadow Farms, Inc.*, 269 S.C. 202, 237 S.E.2d 50 (1977). In *FCX* the Supreme Court of South Carolina limited the application of superior diligence and noted:

If the [judgment debtor] had held legal title to the real estate, then, under established law, the judgments would constitute a lien upon the real estate in the order of their filing and there would be no question of priority.

*Id.* at 206, 237 S.E.2d at 52. In reversing the trial court, the Supreme Court in *FCX* held:

While recognizing the equitable principle stated in *Ex Parte Roddey*, we are of the opinion that it should be sparingly applied. The case at bar does not involve the uncovering of an unknown asset. The trial judge states in his order that ‘it can be clearly inferred that all parties in doing business with Long Meadow Farms were aware of the basic structure by which Long Meadow Farms had acquired the property of the Herlongs.’ The record indicates that FCX expended considerable sums in making current payments to the Herlongs in order to prevent forfeiture of the sales contract, and the order of the trial court gives FCX full reimbursement, prior to payment of any judgment creditor, for all sums so expended.

...

While the action of FCX in preserving this asset is to be commended, we do not feel that it is sufficient justification for granting it a preference in the payment of its judgment not otherwise sanctioned by law.

*Id.* at 208-09, 237 S.E.2d at 53.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Foreclosure Order is hereby amended to reflect the following judgment lien priorities, as were statutorily fixed as of the date of recording, and any net sale proceeds from a sale of the Subject Property should be disbursed in the following order:

1. First Priority: Springleaf Financial Services
2. Second Priority: Founders Federal Credit Union
3. Third Priority: Joe Hand Promotions, Inc

IT IS FURTHER ORDERED that the Subject Property is not an “undiscovered asset,” consists of real property that was known to the public upon search of public records, and thus the equitable doctrine of superior diligence cannot be used by Joe Hand to elevate its third-in-line judgment lien to first priority;

IT IS FURTHER ORDERED that any party advancing funds to redeem the Subject Property from the tax sale shall be reimbursed from sale proceeds prior to disbursement to judgment creditors;

IT IS FURTHER ORDERED that due to Joe Hand’s due diligence in prosecuting this case, it shall be reimbursed for its actual costs in filing this case, service of process, referral fee to the Master in Equity and publication cost of sale advertising and shall be paid from sale proceeds prior to disbursement to judgment creditors;

IT IS FURTHER ORDERED that Joe Hand’s attorney, Leonard R. Jordan, Jr., Esq. shall be awarded attorney’s fees and costs in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) and shall be paid from sale proceeds prior to disbursement to judgment creditors; and

IT IS FURTHER ORDERED that the foreclosure sale previously scheduled for September 4, 2019, is cancelled and that any party desiring to sell the Subject Property shall file a *Motion to Reset Sale* with the Court.

AND IT IS SO ORDERED.

[JUDGE’S SIGNATURE TO FOLLOW]



Spartanburg Common Pleas

**Case Caption:** Joe Hand Promotions, Inc. VS Christopher Michael Ruegsegger ,  
defendant, et al  
**Case Number:** 2019CP4201210  
**Type:** Master/Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2019-09-24 13:50:15 page 4 of 4

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE CIRCUIT COURT

Joe Hand Promotions, Inc.,  
Plaintiff,

Case No. 2019-CP-42-01210

vs.

Christopher Michael Ruegsegger a/k/a Chris  
Ruegsegger, Founders Federal Credit Union  
and Springleaf Financial Services,  
Defendants.

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION TO RECONSIDER, ALTER OR  
AMEND**

THIS MATTER COMES BEFORE THE COURT upon *Plaintiff's Motion to Reconsider, Alter or Amend the Court's Order Granting Founders Federal Credit Union's Motion to Reconsider* filed on October 3, 2019 (the "Joe Hand Motion") whereby the Plaintiff seeks the Court's reversal of the *Order Granting Motion to Reconsider, Alter or Amend* in favor of Founders Federal Credit Union ("Founders") entered on September 24, 2019 (the "Order"). The Joe Hand Motion is filed pursuant to Rule 59(e), SCRCP, and asserts that the Court erred in failing to apply the doctrine of superior diligence to elevate Plaintiff Joe Hand Promotions, Inc.'s ("Joe Hand") judgment lien recorded on February 18, 2015, to first priority over Founders' judgment lien recorded on June 4, 2014, as to the subject real property (the "Subject Property"). The Court conducted a hearing on the Joe Hand Motion on November 12, 2019. Present at the hearing was Suzanne Taylor Graham Grigg, attorney for Founders, and Leonard R. Jordan, Jr., attorney for Joe Hand.

Based on the pleadings filed in this case, the arguments of counsel presented at the hearing, and applicable law, the Court hereby grants, in part, and denies, in part, the requested relief. The Order is hereby amended as follows:

In the initial Foreclosure Order entered on July 24, 2019, the Court elevated Joe Hand's

judgment lien on the Subject Property (as defined in the Foreclosure Order) to first priority due to the doctrine of superior diligence. The Court ordered that the doctrine of superior diligence allowed the third-in-line judgment lien to be elevated to a first priority lien due to the diligent efforts of Joe Hand in pursuing and protecting its lien. Based on the well-established case law, the Court erred in reprioritizing the judgment liens because those judgment liens are statutorily fixed as of the date of recording and attach to the Subject Property as of each respective date. SC Code Ann. § 15-35-810. In *FCX, Inc. v. Long Meadow Farms, Inc.*, the Supreme Court of South Carolina limited the application of superior diligence and noted:

If the [judgment debtor] had held legal title to the real estate, then, under established law, the judgments would constitute a lien upon the real estate in the order of their filing and there would be no question of priority.

269 S.C. 202, 206, 237 S.E.2d 50, 52 (1977). In reversing the trial court, the Supreme Court in *FCX* held:

While recognizing the equitable principle stated in *Ex Parte Roddey*, we are of the opinion that it should be sparingly applied. The case at bar does not involve the uncovering of an unknown asset. The trial judge states in his order that 'it can be clearly inferred that all parties in doing business with Long Meadow Farms were aware of the basic structure by which Long Meadow Farms had acquired the property of the Herlongs.' The record indicates that FCX expended considerable sums in making current payments to the Herlongs in order to prevent forfeiture of the sales contract, and the order of the trial court gives FCX full reimbursement, prior to payment of any judgment creditor, for all sums so expended.

...  
While the action of FCX in preserving this asset is to be commended, we do not feel that it is sufficient justification for granting it a preference in the payment of its judgment not otherwise sanctioned by law.

*Id.* at 208-09, 237 S.E.2d at 53.

Furthermore, the actions and efforts of Joe Hand fail to warrant application of the

“Superior Diligence Doctrine” or the “Creditor Diligence Doctrine,” which appears to be used interchangeably. *See id.*; *see also Ex Parte Roddey*, 171 S.C. 489, 172 S.E. 866 (1934).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Foreclosure Order is hereby amended to reflect the following judgment lien priorities, as were statutorily fixed as of the date of recording, and any net sale proceeds from a sale of the Subject Property should be disbursed in the following order:

1. First Priority: Springleaf Financial Services
2. Second Priority: Founders Federal Credit Union
3. Third Priority: Joe Hand Promotions, Inc

IT IS FURTHER ORDERED that the Subject Property is not an “undiscovered asset,” consists of real property that was known to the public upon search of public records, and thus the equitable doctrine of superior diligence cannot be used by Joe Hand to elevate its third-in-line judgment lien to first priority;

IT IS FURTHER ORDERED that the efforts and actions of Joe Hand do not warrant implication of the doctrine of superior diligence;

IT IS FURTHER ORDERED that any party advancing funds to redeem the Subject Property from the tax sale shall be reimbursed from sale proceeds prior to disbursement to judgment creditors;

IT IS FURTHER ORDERED that due to Joe Hand’s due diligence in prosecuting this case, it shall be reimbursed for its actual costs in filing this case, to wit:

|                    |          |
|--------------------|----------|
| filing fees        | \$180.32 |
| title work         | \$45.00  |
| service of process | \$130.00 |
| referral fee       | \$125.00 |

|                      |          |
|----------------------|----------|
| motion fee           | \$31.74  |
| motion fee           | \$31.74  |
| reference fee (supp) | \$125.00 |
| publication costs    | \$360.00 |

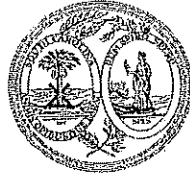
These costs shall be paid from sale proceeds, but only to the extent that a judicial sale occurs, prior to disbursement to judgment creditors;

IT IS FURTHER ORDERED that Joe Hand's attorney, Leonard R. Jordan, Jr., Esq. shall be awarded attorney's fees in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) and shall be paid from sale proceeds, but only to the extent that a judicial sale occurs, prior to disbursement to judgment creditors; and

IT IS FURTHER ORDERED that the foreclosure sale previously scheduled for September 4, 2019, is cancelled and that any party desiring to sell the Subject Property shall file a *Motion to Reset Sale* with the Court.

AND IT IS SO ORDERED.

[JUDGE'S SIGNATURE TO FOLLOW]



Spartanburg Common Pleas

**Case Caption:** Joe Hand Promotions, Inc. VS Christopher Michael Ruegsegger ,  
defendant, et al  
**Case Number:** 2019CP4201210  
**Type:** Master/Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2019-11-22 10:21:52 page 5 of 5

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE CIRCUIT COURT

Joe Hand Promotions, Inc.,  
Plaintiff,

Case No. 2019-CP-42-01210

vs.

Christopher Michael Ruegsegger a/k/a Chris  
Ruegsegger, Founders Federal Credit Union  
and Spingleaf Financial Services,  
Defendants.

**FOUNDERS FEDERAL CREDIT  
UNION'S MOTION TO RECONSIDER,  
ALTER OR AMEND THE COURT'S  
ORDER AND JUDGMENT OF  
FORECLOSURE AND SALE**

Defendant Founders Federal Credit Union ("Founders"), by and through its undersigned counsel, respectfully moves, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, for the Court to reconsider, alter or amend the Master's Order and Judgment of Foreclosure and Sale (the "Order") filed on July 24, 2019. Founders received written notice of the Court's execution of the Order on July 24, 2019. Specifically, Founders contends the Court erred in elevating Plaintiff Joe Hand Promotions, Inc.'s ("Joe Hand") judgment lien recorded on February 18, 2015, to first priority over Founders' judgment lien recorded on June 4, 2014, as to the subject real estate.

The grounds for the motion are as follows:

A. The case law on the equitable doctrine of superior diligence does not support a finding that Joe Hand's judgment lien should be elevated to first priority on the subject real estate.

None of the below-referenced South Carolina opinions addressing the equitable doctrine of superior diligence have allowed a judgment creditor to use that doctrine to elevate their lien

priority on real estate.<sup>1</sup> In *Ex parte Roddey*, 171 S.C. 489, 172 S.E. 866 (1934), the South Carolina Supreme Court recognized the superior diligence doctrine to allow a third-in-line judgment creditor to receive first priority on the proceeds derived from securities owned by the judgment debtor. *Id.* at 868. The Court held, “it must follow that Judge Stoll had authority to direct the payment of the proceeds of the sale of the debtor’s property to the judgment creditor whose diligence had discovered the property of the judgment debtor and brought it into this court.” *Id.* (emphasis added). There, the third-in-line judgment creditor was the only creditor that discovered the judgment debtor’s securities through a supplementary proceedings examination. *Id.* at 867.

Importantly, *Ex Parte Roddey* involved judgment creditors attempting to levy on personal property. Pursuant to S.C. Code Ann. § 15-39-100, “[e]xecutions shall not bind the personal property of the debtor, but personal property shall only be bound by actual attachment or levy thereon.” Conversely, pursuant to S.C. Code Ann. § 15-35-810, final judgments “shall constitute a lien upon the real estate of the judgment debtor situate in any county in this State in which the judgment or transcript thereof is entered upon the book of abstracts of judgment and duly indexed” for ten years. In short, judgment creditors can exercise diligence and race to the courthouse to attach their lien to personal property, but judgment liens on real estate are statutorily fixed at the time of recording.

The South Carolina Supreme Court next addressed the superior diligence doctrine in *FCX, Inc. v. Long Meadow Farms, Inc.*, 269 S.C. 202, 237 S.E.2d 50 (1977). This is the first of two published opinions that expressly limit *Ex Parte Roddey*. This case centered on multiple

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<sup>1</sup> The Supreme Court did touch on the superior diligence doctrine on real estate sale proceeds in *Crown Central Petroleum v. Elmwood Properties*, 244 S.C. 588, 138 S.E.2d 38 (1964); however, the judgment creditor in that case was competing against judgment liens that were obtained fraudulently. The competing judgment creditor was an entity controlled by the judgment debtor, and the judgment debtor purposefully and fraudulently had those prior judgments recorded. Those judgments were avoided under the Statute of Elizabeth. *Id.* at 595-96, 138 S.E.2d at 41. Therefore, *Crown* is very distinguishable from the instant case.

judgment creditors' attempt to recover from the judgment debtor's equitable interest in real estate. *Id.* at 205, 237 S.E.2d at 51. Prior to analyzing the superior diligence doctrine and *Ex Parte Roddey* under the facts at hand, the Supreme Court noted:

If the [judgment debtor] had held legal title to the real estate, then, under established law, the judgments would constitute a lien upon the real estate in the order of their filing and there would be no question of priority.

*Id.* at 206, 237 S.E.2d at 52.

Because judgment liens do not automatically attach to a judgment debtor's equitable interest in real estate, the Court in *FCX* faced a similar issue as in *Ex Parte Roddey*. *Id.* at 207, 237 S.E.2d at 52. The trial judge ruled that FCX, Inc. was entitled to priority by reason of its superior diligence and effort in producing and preserving the asset; Dairy Cows (another judgment creditor) appealed, and the Supreme Court reversed. *Id.* at 208-09, 237 S.E.2d at 52-53.

In reversing the trial court, the Court held:

While recognizing the equitable principle stated in *Ex Parte Roddey*, we are of the opinion that it should be sparingly applied. The case at bar does not involve the uncovering of an unknown asset. The trial judge states in his order that 'it can be clearly inferred that all parties in doing business with Long Meadow Farms were aware of the basic structure by which Long Meadow Farms had acquired the property of the Herlongs.' The record indicates that FCX expended considerable sums in making current payments to the Herlongs in order to prevent forfeiture of the sales contract, and the order of the trial court gives FCX full reimbursement, prior to payment of any judgment creditor, for all sums so expended.

...

While the action of FCX in preserving this asset is to be commended, we do not feel that it is sufficient justification for granting it a preference in the payment of its judgment not otherwise sanctioned by law.

*Id.* at 208-09, 237 S.E.2dd at 53.

Lastly, the District Court for the District of South Carolina, hearing an appeal from the Bankruptcy Court for the District of South Carolina ruled:

While in South Carolina a judgment creditor has been granted a preference over other judgment creditors where he initiates supplementary proceedings that uncover additional assets, *Ex Parte Roddey*, 171 S.C. 489, 172 S.E. 866 (1934), the South Carolina Supreme Court has admonished that such relief should be sparingly granted in a case that does not involve the uncovering of an unknown asset.

*Matter of Inter-Pac, Inc.*, 36 B.R. 488 (D.S.C. 1982).

In summary, the case law that created and subsequently limited the equitable doctrine of superior diligence holds that the doctrine should not be applied to allow a junior judgment creditor to disregard well-settled, statutorily prescribed lien priority law by voluntarily foreclosing on real estate that other judgment creditors knew about. Joe Hand knew its lien on the subject real estate was third-in-line when it decided to file this foreclosure action. This situation is directly analogous to a junior mortgage lienholder deciding to foreclose where they think the property has value over and above the first mortgage. Accordingly, for the same reasons that there is no legal basis for a junior mortgagee to elevate its priority over a first mortgage, there is similarly no such basis for a junior judgment lienholder to bypass a prior-recorded judgment against real estate.

**B. Joe Hand's pre-foreclosure actions do not trigger the superior diligence doctrine.**

Prior to bringing this foreclosure action, Joe Hand sought to execute on its judgment, initiate supplementary proceedings, and object to the judgment debtor's assertion of the homestead exemption in his Chapter 7 bankruptcy case. Founders does not dispute that Joe Hand took these actions prior to filing this foreclosure action; however, Founders asserts that none of these actions served to preserve the subject real estate. While the Supreme Court in *FCX* held that preservation of the property at issue does not entitle a judgment creditor to utilize the superior diligence doctrine to elevate its priority, Founders addresses this for the sake of completeness.

First, Joe Hand's attempts to execute on its judgment and initiate supplementary

proceedings prior to the judgment debtor's bankruptcy filing did not affect the subject real estate. See S.C. Code Ann. § 15-39-100. If Joe Hand had discovered personal property through execution and supplementary proceedings, it likely would have a better claim as to such personal property under the superior diligence doctrine.

Next, Founders does not contest that Joe Hand filed an objection to the judgment debtor's claim of the homestead exemption on the subject real estate in the judgment debtor's bankruptcy case. Joe Hand successfully obtained an order from the Bankruptcy Court sustaining its objection to the homestead exemption. However, Founders disagrees, as a matter of law, with Joe Hand's assertion that it obtained "a Bankruptcy Court Order excluding the property from the discharge of the judgment liens of the Plaintiff and the creditor-Defendants." Order ¶14. A lien on property cannot be discharged through a standard bankruptcy discharge. Only the debtor's personal liability is discharged in a Chapter 7 case. *Johnson v. Home State Bank*, 501 U.S. 78, 79 (1991) (the U.S. Supreme Court held a "bankruptcy discharge extinguishes one mode of enforcing a claim – an *in personam* action – while leaving intact another – an *in rem* action"). If the judgment debtor had filed a motion in the Bankruptcy Court to avoid the judicial liens at issue, it is very likely that he could have done so, even with just the "wild card" exemption. This is why Founders made the decision not to object to the judgment debtor's homestead exemption. Unfortunately for the judgment debtor, he did not file a motion to avoid the judicial liens. That failure is the reason why the subject real estate is still available for foreclosure, not any actions taken by Joe Hand.

NOW, THEREFORE, for these reasons, Founders respectfully moves that the Court modify the Order to find that (a) the equitable doctrine of superior diligence cannot be used by Joe Hand to elevate its third-in-line judgment lien to first priority; and (b) Founders' judgment lien in the amount of \$21,503.00 is entitled to first lien priority as to the subject real estate

pursuant to S.C. Code Ann. § 15-35-810.

s/ Kyle A. Brannon

Kyle A. Brannon (S.C. Bar # 100550)

NEXSEN PRUET, LLC

1230 Main Street, Suite 700 (29201)

Post Office Drawer 2426

Columbia, South Carolina 29202

Phone: (803) 540-2168

Fax: (803) 727-1447

Email: kbrannon@nexsenpruet.com

August 2, 2019

Columbia, South Carolina

Attorneys for Founders Federal Credit Union

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2019-CP-42-01210

Joe Hand Promotions, Inc., )  
Plaintiff, )  
vs. )  
Christopher Michael Ruegsegger a/k/a Chris )  
Ruegsegger, Founders Federal Credit Union )  
and Springleaf Financial Services, )  
Defendants. )

**PLAINTIFF'S MOTION TO  
RECONSIDER, ALTER OR AMEND  
THE COURT'S ORDER GRANTING  
FOUNDERS FEDERAL CREDIT  
UNION'S MOTION TO RECONSIDER**

Plaintiff, Joe Hand Promotions, Inc., by and through its undersigned counsel, respectfully moves, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, for the Court to reconsider, alter or amend the Order Granting Motion to Reconsider, Alter or Amend (the "Order") filed on September 24, 2019. Plaintiff contends the Master in Equity erred in amending the Master's Order and Judgment of Foreclosure and Sale, filed on July 24, 2019, to reverse his earlier decision that Plaintiff's judgment lien was entitled to an elevated-priority based upon the equitable doctrine of superior diligence.

Plaintiff lists the following specific exceptions:

1. The Master erred in finding and ordering that "the judgment liens were statutorily fixed as of the date of recording" without identifying the statute.
2. The Master erred in declaring that, "[b]ased on the well-established case law, the Court erred in reprioritizing the judgment liens," without citing any case law.
3. The Master erred in concluding that judgment liens on real property are entitled to fixed (i.e. absolute; inalterable) priority based upon the filing date, when numerous cases have held

to the contrary that, under common law and in equity,<sup>1</sup> the date of filing of a judgment can be ignored and that a judgment can be assigned a lower-priority, two examples of which are: a judgment filed before as purchase money mortgage can be subordinated to the mortgage, and a judgment, the debt upon which it was entered being antecedent to the creation of a mortgage obligation, can be subordinated to the mortgage. In other words, in equity, the court can ignore the filing dates of judgments and rearrange the priorities.

4. The Master erred in concluding (at least by implication) that *FCX, Inc. v. Long Meadow Farms, Inc.*<sup>2</sup> denies the applicability of the superior diligence doctrine to judgment liens on real property, when that case had no involvement whatsoever with real property owned by the judgment-debtor, but involved a judgment-debtor, who was a purchaser under a contract of sale (i.e. installment land contract) and held only an equitable interest in real property.

5. The Master erred in relying upon dictum in *FCX, Inc. v. Long Meadow Farms, Inc.*, which commented, without any cite of authority, that there would be no question of priority as “the judgments would constitute a lien upon the real estate in the order of their filing,” which comment was manifestly a mere dictum, as no such question was presented in that case.

6. The Master erred in failing to conclude that *Crown Central Petroleum v. Elmwood Properties*<sup>3</sup> and *In re Knight*,<sup>4</sup> cases actually involving judgment liens on real estate, were applicable as precedents in this case, particularly since the Court in these cases did not conclude that the superior diligence doctrine was inapplicable or that judgment lien priority was inalterable simply because the judgment liens were on real property.

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<sup>1</sup> An action to establish lien priorities is an action in equity.

<sup>2</sup> 269 S.C. 202, 237 S.E.2d 50 (1977)

<sup>3</sup> 244 S.C. 588, 138 S.E.2d 38 (1964)

<sup>4</sup> 2017 Bankr. LEXIS 3845, 16-00584 (S.C. 2017)

7. The Master erred in ordering, without a related finding or any citation of authority, that, as “the Subject Property is not an ‘undiscovered asset’ . . . and thus the equitable doctrine of superior diligence cannot be used.”

8. The Master erred in failing to rely upon *Freedman’s Saving & Trust Co. v. Earle*,<sup>5</sup> the United States Supreme Court case cited with approval by *Ex parte Roddey*<sup>6</sup> and *Ryttenberg B. Keels*<sup>7</sup> (“so full and satisfactory that we need only to refer to that case as containing the argument and authorities upon which we rely;” and “where the whole subject is elaborately considered”). That case made no mention of a requirement that an asset be “discovered.” Instead, *Freedman’s Saving*, a case involving an equitable interest (not real property), speaks of remedies by way of execution upon legal estates being “imitated by a corresponding analogy as to equitable estates” . . . “judgment creditor being bound to subject an equitable estate “to an execution, as if it were legal” . . . “the distinction between legal and equitable assets has ceased to be important” (clearly intertwining legal and equitable estates/assets). That case is clearly the seminal case for the grant of “a preference as the reward of his vigilance” when a judgment-creditor’s “legal diligence has **pursued the property into this court**,” and “it would ‘seem unjust that the creditor who has sustained all the risk and expense of bringing his suit to a successful termination, should in the end be obliged to divide the avails thereof with those who have slept upon their rights.’” (emphasis added)

9. The Master erred in reversing himself on Plaintiff’s entitlement to a preference under the equitable doctrine of superior diligence, after specifically making the following findings: (a) Plaintiff brought the property before the Court; (b) the other judgment-creditors took no action

<sup>5</sup> 110 U.S. 710, 4 S.Ct.226, 28 L.Ed. 301 (1884)

<sup>6</sup> 171 S.C. 489, 172 S.E. 866 (1934)

<sup>7</sup> 39 S.C. 203, 17 S.E. 441 (1893)

whatsoever to preserve this asset; and (c) it would be unjust for Plaintiff to take a junior-priority position to other judgment-creditors, who have done nothing to collect their debt against this property.

10. The Master erred in not providing for repayment of all of Plaintiff's expenses and attorney's fees incurred starting with Plaintiff's execution on its judgment.

11. The Master erred in establishing an amount of "attorney's fees and costs" (\$2,500.00), which he awarded to Plaintiff's counsel, without requesting evidence on the actual value of the services provided by Plaintiff's counsel in diligently pursuing the Subject Property and successfully preserving and bringing same to the Court.

12. The Master erred in failing to consider that, through Plaintiff's efforts alone, the Court is able to "reach property not accessible to execution" (also quoted from *Freedman's Saving*), which is absolutely this case, as but for Plaintiff's actions, all of the judgment liens would have been discharged in bankruptcy. Under these circumstances, as provided in *Freedman's Saving*, "a legal preference is acquired."

13. The Master erred in concluding that the Subject Property is subject to judgment liens with priority based solely upon the respective filing dates of the judgments when, even if that theory were applicable, an undivided one-half interest in the Subject Property would have become subject to all already-filed judgment liens simultaneously when the deed from Tiffany J. Ruegsegger conveying her undivided one-half interest to Christopher Michael Ruegsegger was subsequently recorded (June 8, 2017).

14. Defendant Founders Federal Credit Union failed to disclose to the Court that it has no intention of protecting its judgment by taking the steps necessary to pursue its interests through the foreclosure sale of the Subject Property, which will require that it, first, redeem the property

from the 2018 tax sale. All three of the judgments will be rendered worthless, if the Subject Property is not redeemed timely from the tax sale. This lack of full disclosure reflects a disingenuous position by this Defendant, which is contrary to a typical secured-creditor's debt collection strategy; and its silence in this regard should be troubling to the Court, which is trying to make decisions, which, in equity, are appropriate to the collection of the litigants' respective judgments out of the proceeds of the sale of the Subject Property.

s/Leonard R. Jordan, Jr.

Leonard R. Jordan, Jr., #3221

JORDAN LAW FIRM

211 Veterans Road, Suite D

Columbia, South Carolina 29209

(803) 726-1950 Tel

(803) 726-1951 Fax

ljordan@ljordanlaw.com

Attorney for Plaintiff

Columbia, South Carolina  
October 3, 2019

|                                            |   |                              |
|--------------------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA                    | ) |                              |
|                                            | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF SPARTANBURG                      | ) |                              |
| Joe Hand Promotions, Inc.,                 | ) |                              |
|                                            | ) |                              |
| Plaintiff,                                 | ) |                              |
|                                            | ) |                              |
| vs.                                        | ) | <b>COMPLAINT</b>             |
|                                            | ) | (Foreclosure of Judgment)    |
| Christopher Michael Ruegsegger a/k/a Chris | ) | (Non-Jury)                   |
| Ruegsegger, Founders Federal Credit Union  | ) |                              |
| and Springleaf Financial Services,         | ) |                              |
|                                            | ) |                              |
| Defendants.                                | ) |                              |

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The Plaintiff, complaining of the Defendants above-named, would respectfully show unto this Honorable Court:

1. That the Plaintiff is a Pennsylvania corporation, with its principal place of business located at 407 E. Pennsylvania Blvd., Feasterville, PA 19053-7847.

2. That the Defendant, Christopher Michael Ruegsegger a/k/a Chris Ruegsegger, is, upon information and belief, a citizen and resident of Spartanburg County, South Carolina, and is the owner of record of the subject real property, described hereinafter, which is situated and located in Spartanburg County, South Carolina.

3. That the Defendants, Founders Federal Credit Union and Springleaf Financial, are made parties herein by virtue of their respective judgments against the Defendant Ruegsegger.

4. That the real property, which is the subject of this action, is described as follows:

All that piece, parcel or lot of land, with all improvements thereon or hereafter constructed thereon, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot No. 65 on survey entitled "Stanley Glenn Cary," said plat being prepared by James V. Gregory Land Surveying, being dated June 12, 1997, and recorded August 27, 1997, in Plat Book 138 at Page 783, reference to said plat is hereby made for a more complete metes and bounds description thereof.

This being the same property conveyed to Tiffany J. Ruegsegger and Christopher Michael Ruegsegger as Joint Tenants with Rights of Survivorship and Not as Tenants in Common by deed of Petr Krasnov and Yuliya Krasnov dated May 20, 2011, and recorded in the Register of Deeds Office for Spartanburg County on May 25, 2011, in Deed Book 98-M at page 729; and being the same property conveyed to Christopher Michael Ruegsegger by Quit Claim Deed of Tiffany J. Ruegsegger dated June 2, 2017, and recorded on June 8, 2017, in the Register of Deeds Office for Spartanburg County in Deed Book 116-B at page 41.

5. That the Plaintiff is the owner and holder of a Judgment, which it recovered and filed against Upstate Recreation d/b/a Leeg's Nightclub and Chris Ruegsegger, in the principal amount of \$37,757.50, in the United States District Court for the District of South Carolina on February 18, 2015, in Case No. 6:13-cv-2467-TMC, which Judgment was transcribed to Spartanburg County and filed in the Office of the Clerk for Spartanburg County on March 2, 2015, in Case No. 2015-CP-42-0942.

6. That an Execution on Judgment was duly issued to the Sheriff of Spartanburg County, and that the Sheriff has returned the Execution on Judgment marked nulla bona.

7. That no portion of the Plaintiff's judgment has been paid; that the principal balance of the Judgment remains \$37,757.50; and that, in addition, the judgment debt includes interest, at the judgment rate, since February 18, 2015, along with the costs of execution, supplementary proceedings, bankruptcy proceedings and this action.

8. That the Plaintiff's Judgment constitutes a lien upon the subject real property.

9. That the Plaintiff has advanced, and/or may advance, certain sums for real property taxes assessed upon the subject real property, which sums should be added to the amount of its judgment debt.

10. That the Defendant, Founders Federal Credit Union, holds a Judgment against Chris M. Ruegsegger, in the amount of \$23,057.63 (less the proceeds from the sale of the Hyundai), which

Judgment was filed in the Office of the Clerk of Court for Spartanburg County on February 14, 2014, in Case No. 2014-CP-42-0553.

11. That the Defendant, Springleaf Financial Services, holds a Judgment against Chris M. Ruegsegger, in the amount of \$3,721.44, which Judgment was filed in the Office of the Clerk of Court for Spartanburg County on April 18, 2014, in Case No. 2014-CP-42-01592.

12. That to the extent any Defendant appears and claims an interest in the sales proceeds, the Plaintiff asserts that it is entitled to first priority in payment of the sales proceeds realized at foreclosure sale under the equitable principle of superior diligence, before that of any other party who may claim an interest in the sales proceeds.

13. That the Plaintiff is entitled to elevated priority because (1) it instituted supplementary proceedings against Defendant Ruegsegger, which resulted in his filing for bankruptcy protection; and (2) it, acting alone, objected to the discharge of the judgment liens against the subject real property and was successful in obtaining a Bankruptcy Court Order excluding such real property from the discharge of liens, including the liens of the Plaintiff and the creditor-Defendants.

14. That the Plaintiff is informed and believes that it is entitled to an Order declaring that its Judgment be declared to be a first lien upon the subject property; that the Plaintiff have judgment of foreclosure for the amount so found to be due and owing thereon; that the equity of redemption barred; and that the subject real property be sold at public sale, with the proceeds therefrom applied, first, to the costs of this action and, next, to the Plaintiff's judgment debt.

WHEREFORE, having fully set forth its Complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein; and

That the amount due upon the Plaintiff's Judgment be ascertained and determined under the direction of this Court, together with interests, advances and costs of collection; and

That the Plaintiff's Judgment be declared to be a first lien on the subject real property; that the Plaintiff have judgment of foreclosure for the amount so found to be due and owing thereon; that the subject real property be sold under the direction of this Court; that the equity of redemption be barred; and that the proceeds of sale be applied as follows:

First, to the costs and expenses of the within action and sale, and

Second, to the payment and discharge of the amount due on the Plaintiff's Judgment; and

Third, the surplus, if any, be distributed pursuant to Rule 71 of the South Carolina Rules of Civil Procedure; and

That the Court issue an Order directing the Sheriff to place the successful purchaser at the foreclosure sale in possession of the subject real property, if necessary; and for such other and further relief as may be just and proper.

s/Leonard R. Jordan, Jr.

Leonard R. Jordan, Jr., #3221

JORDAN LAW FIRM

211 Veterans Road, Suite D

Columbia, South Carolina 29209

(803) 726-1950 Tel

(803) 726-1951 Fax

[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)

Attorney for Plaintiff

Columbia, South Carolina  
March 29, 2019

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Joe Hand Promotions, Inc.,

Plaintiff,

vs.

Christopher Michael Ruegsegger a/k/a Chris  
Ruegsegger, Founders Federal Credit Union  
and Springleaf Financial Services,

Defendants.

IN THE CIRCUIT COURT

Case No.: 2019-CP-42-01210

**ANSWER OF  
FOUNDERS FEDERAL CREDIT  
UNION**

Founders Federal Credit Union ("Founders") hereby answers the Complaint (the "Complaint") filed by Joe Hand Promotions, Inc. (the "Plaintiff") on March 29, 2019, as follows:

1. Founders denies each and every allegation of the Complaint unless specifically admitted, modified or explained herein.
2. Founders lacks sufficient information and knowledge to respond to the allegations in Paragraphs 1 and 2 of the Complaint and, therefore, denies the same.
3. Founders admits so much of the allegations in Paragraph 3 of the Complaint stating that it holds a judgment against Chris M. Ruegsegger, a defendant named herein. Founders lacks sufficient information and knowledge to respond to all remaining allegations in Paragraph 3 of the Complaint and, therefore, denies the same.
4. No response is necessary to the allegations in Paragraph 4 of the Complaint.
5. Founders lacks sufficient information and knowledge to respond to the allegations in Paragraphs 5, 6, 7, 8 and 9 of the Complaint and, therefore, denies the same and demands strict proof thereof.

6. Founders admits so much of the allegations in Paragraph 10 of the Complaint stating that it holds a Judgment against Chris M. Ruegsegger, in the original principal amount of \$23,057.63, with said Judgment to be reduced by the net proceeds from the sale of a Hyundai automobile (the "Founders Judgment"). Said Founders Judgment was entered of record by the Office of the Clerk of Court for Spartanburg County on June 4, 2014<sup>1</sup>.

7. Founders lacks sufficient information and knowledge to respond to the allegations in Paragraph 11 of the Complaint and, therefore, denies the same.

8. Founders denies the allegations of Paragraphs 12, 13 and 14 of the Complaint.

9. Founders is informed and believes that the Founders Judgment was filed of record by the Spartanburg County Clerk of Court's Office prior to the Plaintiff's Judgment, and therefore, the Founders Judgment is superior in priority to the Plaintiff's Judgment. Founders asserts that it is entitled to priority over the Plaintiff to any proceeds realized from the sale of the subject property.

WHEREFORE, Founders prays that the Court inquire into the allegations herein, protect the priority of Founders' judgment lien against the subject property, pay any proceeds from the

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<sup>1</sup> The Plaintiff mistakenly shows the filing date of Founders' Judgment as February 14, 2014, in the Complaint.

sale of the subject property pursuant to such priority, and grant such other and further relief as the Court may deem just and proper.

May 9, 2019

Columbia, South Carolina

s/ Kyle A. Brannon

Kyle A. Brannon (S.C. Bar # 100550)

NEXSEN PRUET, LLC

1230 Main Street, Suite 700 (29201)

Post Office Box 2426

Columbia, South Carolina 29202

Phone: (803) 540-2168

Fax: (803) 727-1447

Attorneys for Defendant Founders Federal Credit  
Union

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Gordon G. Cooper, Master in Equity for Spartanburg County

Case No. 2019-CP-42-01210

RECEIVED

DEC 19 2019

SC Court of Appeals

Joe Hand Promotions, Inc., ..... Appellant,

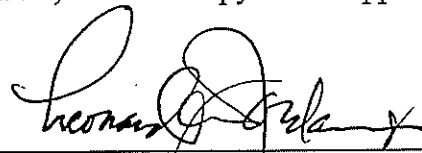
v.

Christopher Michael Ruegsegger a/k/a Chris Ruegsegger, Founders Federal Credit Union and  
Springleaf Financial Services Defendants, of whom Founders Federal Credit Union  
is..... Respondent.

NOTICE OF APPEAL

Joe Hand Promotions, Inc. appeals the Order Granting in Part and Denying in Part Plaintiff's Motion to Reconsider, Alter or Amend issued by the Honorable Gordon G. Cooper, Master in Equity for Spartanburg County, filed on November 22, 2019. A copy of the appealed Order is attached hereto.

December 19, 2019



Leonard R. Jordan, Jr.  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
ljordan@ljordanlaw.com  
Attorney for Appellant

Other Counsel of Record:  
Suzanne G. Grigg, Esquire  
NEXSEN PRUET, LLC  
Post Office Box 2426  
Columbia, South Carolina 29202



|   |                                            |   |                                          |
|---|--------------------------------------------|---|------------------------------------------|
| 1 | STATE OF SOUTH CAROLINA                    | ) |                                          |
|   |                                            | ) |                                          |
| 2 | COUNTY OF SPARTANBURG                      | ) | COURT OF COMMON PLEAS<br>2019-CP-42-1210 |
| 3 | Joe Hand Promotions, Inc.,                 | ) |                                          |
|   |                                            | ) |                                          |
| 4 | Plaintiff(s),                              | ) |                                          |
|   |                                            | ) | TRANSCRIPT OF RECORD                     |
| 5 | vs.                                        | ) |                                          |
|   |                                            | ) |                                          |
| 6 | Christopher Michael Ruegsegger a/k/a Chris | ) |                                          |
|   | Ruegsegger, Founders Federal Credit Union  | ) |                                          |
| 7 | and Springleaf Financial Services,         | ) |                                          |
|   |                                            | ) | July 17, 2019                            |
| 8 | Defendant(s).                              | ) | Spartanburg, South Carolina              |
|   |                                            | ) |                                          |

BEFORE:

**HONORABLE GORDON G. COOPER, Master-in-Equity**

APPEARANCES:

**Leonard R. Jordan, Jr., Esquire**  
 JORDAN LAW FIRM  
 211 Veterans Road, Suite D  
 Columbia, South Carolina 29209

Attorneys for Plaintiff

**Kyle A. Brannon, Esquire**  
 NEXSEN PRUET, LLC  
 Post Office Box 2426  
 Columbia, South Carolina 29202

Attorneys for Defendant, Founders Federal Credit Union

**DOROTHY HUNTSINGER**  
 Court Reporter

1 THE COURT: Alright. This is case number 2019-1210, Joe Hand Promotions  
2 versus Christopher Ruegsegger. This action was brought by Mr. Jordan.

3 MR. JORDAN: Yes, Your Honor.

4 THE COURT: When you are ready to proceed.

5 MR. JORDAN: Yes, Your Honor.

6 THE COURT: Or where are we on this case?

7 MR. JORDAN: Alright. This case is a judgment of foreclosure case, Judge. The  
8 issues basically boil down to the diligent creditor doctrine or otherwise known as a  
9 superior diligence principal.

10 THE COURT: Yeah. I'm interested in the -- that this is the equitable principal of  
11 superior diligence. I---

12 MR. JORDAN: Yes, sir.

13 THE COURT: I don't remember that one in my---

14 MR. JORDAN: Well, you know, interestingly Judge---

15 THE COURT: ---many years of equity court.

16 MR. JORDAN: Interestingly, Judge, that principal has been around for a long  
17 time. There are two cases in effect that apply with regard to this principal or doctrine, Ex  
18 Parte Roddy and FCX, Incorporated versus Long Meadow Farms. These cases go back  
19 to the 1930's as I recall and, Judge, I think this case is really pretty much a, you know, just  
20 a clear cut case of--- We wouldn't even be here today but for the due diligence of the  
21 Plaintiff in this case. We have a piece of property owned by Mr. Christopher Ruegsegger.  
22 This property is actually a fire-damaged house that is uninhabitable. Mr. Ruegsegger,  
23 individually was the judgment debtor on three judgments, the Plaintiff's judgment and the  
24 two defendants' judgments. Actually, the Springleaf Financial Services judgment it  
25 appears was filed first on April 18, 2014. Founders Federal Credit Union was filed on

1 June 4, 2014. The Plaintiff Joe Hand Promotions, Incorporated's judgment was filed on  
2 March 2, 2015. I was involved in getting the judgment in 2015 in Federal Court and was  
3 transcribed on that filing date to Spartanburg. Back in 2015, I executed on the judgment.  
4 It was returned Nulla Bona. All of that is of record in a supplementary proceedings case  
5 that I brought and we actually referred the case to Your Honor to hear the supplementary  
6 proceedings, but before we got to the point of coming to court, Mr. Ruegsegger filed for  
7 bankruptcy protection and we dismissed the other case as, of course, not needed. Judge,  
8 the -- and I've got, first of all, a couple of things to hand up, I guess. Number one is the---  
9 Here is a copy of the judgment that was filed by the Plaintiff in Spartanburg County. Here  
10 is also a copy of the Execution of Judgment which was issued to the Sheriff of  
11 Spartanburg County and returned Nulla Bona.

12 THE COURT: Alright. All of this is in the--- I think you have efiled it; correct?

13 MR. JORDAN: That should have been, Judge, in the other case that is cited as  
14 2015-CP-42-00942 which is the same--- I mean, that's the number of the judgment itself.  
15 That proceeding was not filed until March 27, 2018. Mr. Ruegsegger--- And, let me  
16 clarify, too, that you know, back in the time frame of 2014-15 when these judgments were  
17 entered, you know, we investigated as I'm sure the other two judgment creditors  
18 investigated, into the assets of the judgment debtor and this property which is 721 Jordan  
19 Creek Road, Inman, was the property owned in part only 50% interest by Mr. Ruegsegger  
20 and his wife, Tiffany. Again, the judgments are only against him, so, you know. But then  
21 around 2015 and 2016, Mr. Ruegsegger and his wife separated and ultimately divorced.  
22 As part of that, she deeded her interest in the property to him. Now he is 100% owner in  
23 the property, so that makes it a little more interesting. And then there was this fire and the  
24 fire again had made this property uninhabitable and resulted in the paying off by the  
25 insurance company of the mortgage that was on the property. So now this property is free

1 and clear and certainly not something, you know, that we would consider an uncollectible  
2 asset. But Mr. Ruegsegger then filed for bankruptcy and he claimed in the bankruptcy  
3 case that he had a homestead exemption in this property and had that position been  
4 maintained, the judgments against this property would have been negated, discharged, and  
5 we would not be here today. But, you know, somebody needed to object to that particular  
6 position by the debtor and the only party that stepped up to do that was my client and my  
7 client directed me to file an objection and I filed an objection in the Bankruptcy Court and  
8 ultimately argued the case before Judge Helen Burris over in the Bankruptcy Court and  
9 the result of that case was that the Court issued an Order sustaining an objection to  
10 homestead exemption. So, in other words, found for the creditor, Joe Hand Promotions,  
11 that the debtor was not entitled to homestead exemption. I'm going to hand up at this  
12 point in time a chronology that I have prepared showing all this stuff I've just talked  
13 about, along with the copies of my objection and the Court's Order in the Bankruptcy  
14 Court. Judge Burris, again, determined that the bankruptcy debtor was not entitled to the  
15 relief he sought which was basically to have the property freed of the three judgments and  
16 the bankruptcy debtor was ultimately discharged in bankruptcy under Chapter 7 but, again,  
17 with the determination in place that the judgments in question were not discharged. So,  
18 that is where we stand in Bankruptcy Court. That being ended, once the case was closed,  
19 then Joe Hand Promotions was interested in doing what he could to enforce its judgment  
20 against this particular property and clearly, in light of the bankruptcy, there is no other  
21 property. This is the only asset, period. And again, it was an asset that would only be here  
22 today but, you know, if someone sustained an objection with regard to the homestead  
23 exemption. So you know, once the bankruptcy case was concluded, this suit to foreclose  
24 the judgment was filed. We are here today on an Answer of Founders Federal Credit  
25 Union basically opposing the, let's call it reward, that the Plaintiff seeks to have its -- his

1 judgment promoted to be a first lien on the property. Let me start by saying the first  
2 mortgagee -- the first judgment creditor, which again is not Founders, it is the other  
3 creditor, Springleaf Financial Services, is in default, is not contesting this case whatsoever  
4 and Founders, which is in the second lien position, is contesting and, you know, our point  
5 again, Judge, is there would be nothing to contest but for the due diligence done --  
6 performed by the Plaintiff, Joe Hand Promotions. In fact, I'd like to point this out to the  
7 Court, back in the time frame in the spring of 2018, I actually approached Mr. Brannon  
8 here about joining me in objecting. I wasn't really as confident as it might seem that I  
9 would win on the objection that I filed with regard to the homestead exemption and I was  
10 actually trying to encourage him to get involved and join me. Two lawyers are often  
11 better than just one. And he indicated that his client was not interested in doing that. So,  
12 there was no support for the position that I took with regard to Joe Hand Promotions. But  
13 you know, one other important point to raise at this point in time before I forget to do it  
14 is this property has also been sold at a tax sale. The tax sale was held late last year, so the  
15 redemption period is still going on. I understand the deadline to redeem this property is  
16 December 2 of 2019, so there is time to redeem the property from the tax sale that  
17 involves taxes for 2016-2017 and of course, to redeem the property you would have to  
18 include 2018, so it's a significant amount of money under the circumstances of this  
19 property which is technically only a lot of land with a house on it that has been open to the  
20 elements for two years and has probably got a negative value. Certainly not any kind of  
21 positive value. But again, Judge, the cases involved here are the Ex Parte Roddy case  
22 which is -- it involves personal property as opposed to real property which creates other  
23 issues, but at the end of the day the Court in Roddy, and again this was a case that was ---  
24 And I've got copies of these cases. I will be happy to share them with the Court. I know  
25 you've got one, but I want to give you another one. Ex Parte Roddy. These are the two

1 cases. Ex Parte Roddy was a case from 1934 and the FCX case was a case from 1977.  
2 The Roddy case actually referred to a Supreme Court of the United States case which the  
3 case name is Freedman's Savings and Trust Company versus Earle which basically said  
4 that the creditor whose legal diligence has pursued the property into this court is entitled  
5 to a preference as a reward of his diligence and it would seem unjust that a creditor who  
6 has sustained all the risk and expense of bringing his suit to a successful termination  
7 should in the end be obliged to divide the avails thereof with those who have slept on  
8 their rights. And that is basically a good statement of this principal and/or doctrine,  
9 however you want to call it. The Court in Roddy found for the respondent that the lower  
10 Court Order would stand and that gave, you know, gave preference to a particular creditor  
11 who, you know, which had done its due diligence, you know, in a fashion where, you  
12 know, brought the case to the Court and brought the asset to the Court. Now, this other  
13 case, the FCX case involves a case of real property, but it really involves only a personal  
14 interest. It involves an equitable interest in the real property under a Contract for Sale and  
15 the Court certainly recognized this superior diligence argument under Ex Parte Roddy and  
16 discussed this principal. It did ultimately decide that because it was not a lien on real  
17 property, that the judgment creditors should all share ratably in the proceeds of the sale  
18 of the asset, but it did indicate that it recognized this superior diligence argument, but it  
19 also indicated that the principal should be sparingly applied. And, Judge, I'll close  
20 basically by saying that, you know, I just cannot imagine a case that would be more, you  
21 know, more obvious that we would not be here today if everybody had slept on their  
22 rights. Joe Hand Promotions is the only creditor, judgment creditor that basically  
23 preserved this particular asset. This asset would not be something we could come to court  
24 and claim and ask that the Court sell but for the actions of Joe Hand Promotions to  
25 preserve that debt. One final thing that I would like to make sure that the various

1 handouts that I've given you, I will ask that they be included in the evidence of this  
2 particular hearing. Thank you, Judge.

3 THE COURT: The handouts you are talking about are---

4 MR. JORDAN: Are the chronology and the Judgment itself, the execution and  
5 nulla bona return and the two cases that we've discussed.

6 THE COURT: Alright. Then that would be 1, 2 and 3.

7 (TRANSCRIPT OF JUDGMENT IN THE UNITED STATES DISTRICT  
8 COURT, DISTRICT OF SOUTH CAROLINA is marked and received into evidence as  
9 Plaintiff's Exhibit 1.)

10 (EXECUTION AGAINST JUDGMENT, MARKED NULLA BONA, is marked  
11 and received into evidence as Plaintiff's Exhibit 2.)

12 (CHRONOLOGY - JOE HAND PROMOTIONS, INC., OBJECTION TO  
13 DISCHARGE OF JUDGMENT LIEN, ORDER SUSTAINING OBJECTION TO  
14 HOMESTEAD EXEMPTION are marked and received collectively into evidence as  
15 Plaintiff's Exhibit 3.)

16 THE COURT: What I will have you do, Counsel, is you will need to take those  
17 with you and efile those as trial exhibits.

18 MR. JORDAN: I will. Now, one other point that I failed to make is that my client  
19 has a debt that is from all appearances to me at least, in excess of the value of this  
20 property. This property has been assessed for tax purposes at approximately Thirty-eight  
21 thousand (\$38,000.00) Dollars, but that apparently gives some value to this house that I'm  
22 sure has no positive value and probably a significant negative value. But our debt as I  
23 calculated with interest and a laundry list of court costs that have been expended since the  
24 entry of the judgment totals Thirty-nine thousand, One hundred fifteen dollars and nine  
25 cents (\$39,115.09) and I'd ask that that also be accepted into evidence.

1 THE COURT: Alright. Then at will be 4.

2 (JUDGMENT DEBT JOE HAND PROMOTIONS, INC. is marked and received  
3 into evidence as Plaintiff's Exhibit 4.)

4 THE COURT: What is the tax---

5 MR. JORDAN: Excuse me?

6 TE COURT: --- total?

7 MR. JORDAN: The tax--- I do have that information if I can put my hands on it.  
8 I think it's in here. Judge, I could put this into evidence, too. I don't have an extra copy,  
9 but that's just --- You've got better pictures than I do. This house really had significant  
10 damage due to a fire. But, Judge, I do have information on the taxes and this is not the  
11 total redemption amount by any means, but the taxes for 2016 total due -- and I printed  
12 this off on July 16th, yesterday. Total due for 2016, Sixty-five dollars and fifty-five cents  
13 (\$65.55); total due for 2017 was One thousand, One sixty-four, forty-one (\$1,164.41); and  
14 for 2018 of One thousand, forty-one dollars and fifteen cents (\$1,041.15). Of course to  
15 redeem the property there will be some interest charged and I have no idea how much that  
16 might be, but I will hand up this information as well, Judge.

17 THE COURT: And it has not been scheduled for sale?

18 MR. JORDAN: It has sold already at a tax sale back on or around December 2 of  
19 2018. The redemption period, the one year redemption period expires December 2, 2019.  
20 So, it is still in a position where it can be redeemed from the tax sale.

21 THE COURT: Alright.

22 MR. JORDAN: Thank you, sir.

23 THE COURT: Counsel?

24 MR. BRANNON: Thank you, Your Honor. Kyle Brannon on behalf of Defendant,  
25 Founders Federal Credit Union. May it please the Court, with respect to the facts, I agree

1 with what Mr. Jordan has laid out before the Court. Two things I primarily disagree with  
2 from a legal prospective are that Joe Hand Promotions' actions in the bankruptcy, I don't  
3 necessarily agree that they preserved the property and allowed this action to proceed, and  
4 I will explain that. In addition, the doctrine -- the equitable doctrine of superior diligence,  
5 I've reviewed those same cases along with a third that I will provide to the Court and I  
6 don't believe the facts in this case fit into the one narrow instance in 1934 in which the  
7 South Carolina Supreme Court allowed the equitable doctrine of superior diligence to  
8 allow a lower judgment creditor to essentially jump priority. Your Honor, briefly, Mr.  
9 Jordan is correct that Founders' judgment against Mr. Ruegsegger was recorded in June  
10 of 2014. It was about nine months before the judgment of Joe Hand Promotions. It was  
11 a claim and delivery case on a motor vehicle after the vehicle was obtained and sold. The  
12 principal amount of that judgment is Thirteen, seven, fifty-two (13,752). Since we are  
13 talking about now over five years, there has been post-judgment interest that has accrued  
14 at 11% pursuant to the order. It was order in which the contract rate was allowed to be the  
15 post-judgment interest rate. So, since that time, another Seventy-seven, fifty (7,750) has  
16 accrued so that the total amount of our judgment all in is Twenty-one, five zero three  
17 (21,503) as of today, Your Honor. Moving to the legal perspective because again, I don't  
18 disagree with the facts as Mr. Jordan has laid them out. Looking first at the case law.  
19 The In Re Roddy opinion, again, a 1934 South Carolina Supreme Court opinoin, involves  
20 an incidence where a, I believe a second or third in line judgment creditor goes through  
21 supplementary proceedings and attaches and discovers securities owned by the judgment  
22 debtor, previously unknown to anyone that this judgment debtor owned any securities and  
23 the Supreme Court essentially ruled that this judgment creditor's diligence uncovered a  
24 previously unknown asset and that that diligence as a matter of equity entitles that  
25 judgment creditor to enjoy the rewards of that found asset. Conversely, in 1977 in the

1 FCX case which was also a South Carolina Supreme Court case that does involve real  
2 estate, it does also involve an equitable interest which I think is of lesser relevance, but  
3 the judgment creditor in that case, again, it wasn't first. And the judgment creditor there  
4 apparently expended considerable sums in making payments in order to prevent forfeiture  
5 of the property and the Court noted not extending Roddy that we recognize the equitable  
6 principle stated in Ex Parte Roddy, we are of the opinion that it should be sparingly  
7 applied. The case at bar does not involve the uncovering of an unknown asset. It can  
8 clearly be inferred that all parties in doing business with Long Meadow Farms, the  
9 judgment debtor, were aware of the basic structure by which Long Meadow Farms had  
10 acquired the property. Moving down to the next paragraph, it says that while the action  
11 of FCX in preserving this asset is to be commended, we do not feel that it is sufficient  
12 justification for granting it a preference in the payment of its judgment not otherwise  
13 sanctioned by law. Your Honor, the third case on this point is a Federal District Court  
14 case in District of South Carolina in 1982. It was an appeal from a Bankruptcy Court  
15 opinion. Your Honor, I will hand it up.

16 THE COURT: Alright.

17 MR. BRANNON: Your Honor, this is a case where, much like Joe Hand  
18 Promotions, a judgment creditor was in the midst of supplementary proceedings and the  
19 judgment debtor filed a bankruptcy proceeding and the judgment creditor claimed that he  
20 should be entitled to a secured claim in the Bankruptcy Court. The Bankruptcy Trustee  
21 objected and the judgment creditor hung their hat on the standard, I guess even in 1982  
22 it was the standard that is still what I see typically today, the Rule to Show Cause that says  
23 you can't transfer any assets and they tried to rely on that by saying our diligence allows  
24 us to have a lien on this personal property even though they hadn't gone through the  
25 process of levying, attaching that personal property. Bankruptcy Court disagreed, ruled

1 that it should be an unsecured claim and the District Court agreed. The vast majority of  
2 this opinion, until the very last paragraph, does not discuss the equitable doctrine that we  
3 are here before you today on, but they do make a very similar quote to FCX, in that right  
4 before the conclusion, it says while in South Carolina a judgment creditor has been  
5 granted a preference over other judgment creditors where he initiates supplementary  
6 proceedings that uncover additional assets, and it cites Roddy, the South Carolina  
7 Supreme Court has admonished that such relief should be sparingly granted in a case that  
8 does not involve the uncovering of an unknown asset. So, Your Honor, it's our position  
9 that this being real estate that we're here before you today on, this is not personal property  
10 where one judgment creditor can race to the courthouse, put the judgment debtor on the  
11 stand, try to find securities, motor vehicle, boat, some type of bank account and obtain an  
12 Order from Your Honor attaching, this is real estate where once the judgments are  
13 recorded they automatically attach and they are first in time, first in right like a mortgage.  
14 Joe Hand Promotions did not discover an unknown asset in this case. This property could  
15 have been found out through any public record search from 2014-15 on. It was also  
16 clearly stated in Mr. Ruegsegger's bankruptcy schedules. With respect to the bankruptcy,  
17 I can certainly appreciate the efforts Mr. Jordan went through and he's right, we did have  
18 a phone conversation about whether to object to the homestead exemption and let me  
19 explain why, after having in-depth conversations with Founders Federal, we decided not  
20 to pursue objecting to the homestead exemption and the reason is, is that the reason this  
21 property is still available to be foreclosed on is not because Joe Hand Promotions  
22 succeeded in defeating the homestead exemption. It's because Mr. Ruegsegger never filed  
23 a motion to avoid any judicial liens. Section 522 of the Bankruptcy Code requires that a  
24 debtor move the Court to strip judgment liens from property. They never did that. The  
25 Court doesn't just as a matter of law strip liens, so you've got to ask for it to be done. He

1 never did that. I've seen Chapter 7 cases where they don't do it before the discharge. A  
2 couple of years may pass and the judgment debtor says whoa, I've still got a judgment out  
3 here that could have been avoided and they go reopen the case and do it then. The reason  
4 the homestead exemption we conclude it doesn't matter is I agree with Mr. Jordan. He's  
5 not living in that property and he shouldn't have the homestead exemption, but the  
6 wildcard exemption even would allow him to strip our judgment liens. So, all Mr.  
7 Ruegsegger would have had to do is file a motion in Bankruptcy Court under the wildcard  
8 asking that all judgment liens be stripped and while the wildcard is only Six thousand  
9 (6,000) or Sixty-one hundred (6,100) I believe now, it continues to grow every two years.  
10 But the reason that is, is it's not just simply looking at the wildcard versus the value. And  
11 I apologize, Your Honor, if I'm telling you stuff you know very well. I'm sure I am. You  
12 have to add up all the liens which in this case it's Joe Hand's Thirty-seven (37), our  
13 Fourteen (14) -ish, not including interest. There is Springleaf that is about Three (3) and  
14 what's called the wildcard Six (6). That equals Sixty (60) and there's no way this property  
15 is worth Sixty (60) grand. So they could have successfully argued in Bankruptcy Court  
16 across the street that all of these liens impaired his exemption because the property isn't  
17 worth all of them combined, plus the exemption. So, that's why we concluded it's not  
18 worth the time, money and effort to go fight the homestead. We were going to lose, if he  
19 had taken the action, regardless. So, that is why we ultimately didn't fight the homestead.  
20 The reason we are here is because Mr. Ruegsegger didn't file a motion to avoid any liens  
21 and it probably would have been in his best interest to do so. And the homestead  
22 exemption argument which I can appreciate, we've fought those when we think there is  
23 value, but we've essentially decided it wasn't worth it under the law. Lastly, Your  
24 Honor--- And I do have a picture of the house just for your curiosity if you are curious,  
25 Your Honor. And we just printed this off from the County website. It's my

1 understanding it has been like that for years, probably uncovered. Mr. Jordan and I were  
2 talking about that. But in closing, our position is that Joe Hand Promotions voluntarily  
3 decided to take these actions, voluntarily decided to file this foreclosure with its eyes wide  
4 open. It would be just like a second or third mortgagee thinking I'm going to go for it and  
5 see if there's value over and above the first. In this case, I would contend we're the first.  
6 We've always been the first and the actions that have been taken don't trigger the doctrine  
7 under well settled case law. So for that reason, Your Honor, we would respectfully  
8 request that an Order selling this property state that our judgment lien be paid first in  
9 priority under the first in time rule.

10 THE COURT: Alright. Any response?

11 MR. JORDAN: Yes. Just a few comments, Judge. I'll try to be brief. The  
12 argument of Founders Federal Credit Union is basically that, you know, everybody knew  
13 that the asset even existed and therefore, you know, Joe Hand Promotions shouldn't get  
14 any, you know, special reward for doing what it did. And I admit, everybody knew this  
15 property existed. I don't have any question that that's the case, but that's not the standard.  
16 You know, the standard--- And I call your attention again to the United States Supreme  
17 Court decision that I quoted earlier that doesn't talk about, you know, locating assets or  
18 you know, doing due diligence and actually finding something that nobody else has found.  
19 It basically talks about pursuing the property into this Court, which is what Joe Hand  
20 Promotions has done, and bringing his suit to a successful termination. You know, Mr.  
21 Brannon, you know he very candidly stated that they, Founders Federal Credit Union  
22 determined that this was not worth the time, money or effort to fight it. In other words,  
23 they didn't want to go to the risk, and it is some risk, risk of legal expense and other  
24 things, to fight something but you know, especially in light of the fact that one other  
25 judgment creditor has already taken the steps to fight it and they basically, you know,

1 decide that it's not worth their time and effort. So, clearly they slept on their rights. They  
2 did nothing to bring this asset before the Court and that's exactly what the standard is. I  
3 mean, what this creditor, Joe Hand Promotions, did is bring this asset to this Court so we  
4 could discuss how we're going to liquidate this property in order to get the judgment  
5 creditor paid. And Founders Federal Credit Union and the other judgment creditor have  
6 done nothing since they originally got their judgment. They never executed on the  
7 judgment. They never did any supplementary proceedings. They didn't participate in this  
8 lawsuit in a way that you would have expected if they wanted to enforce their lien and that  
9 would be by counterclaim and cross claim to actually foreclose their judgment, but they  
10 didn't do any of that, so we are here today solely because Joe Hand Promotions has  
11 decided that it was worth its time and money and effort to basically have its judgment  
12 enforced from this particular property. Thank you, Judge.

13 THE COURT: Is there a mortgage on this property?

14 MR. JORDAN: The mortgage got paid off from the insurance proceeds from the  
15 fire damage.

16 THE COURT: Okay.

17 MR. JORDAN: Totally paid off.

18 THE COURT: So, that is not a concern.

19 MR. JORDAN: Not a concern; no, sir.

20 THE COURT: Normally the owner takes the fire proceeds and---

21 MR. JORDAN: The owner actually--- The owner and his wife actually got I think  
22 One hundred fifty thousand (\$150,000.00) Dollars from this insurance policy. They paid  
23 the mortgage. The insurance company, I'm sure, directly paid the mortgage off, but there  
24 was some probably Thirty thousand (\$30,000.00) Dollars or more that were divided up by  
25 these divorcing people. So they got, my recollection is, about Thirty thousand

1 (\$30,000.00) Dollars from the insurance company which, of course, they did not put into  
2 this property after the fire. They just moved out and left it. And the mortgage company  
3 did, by the way, satisfy the mortgage of record.

4 THE COURT: Okay. Alright. Then I will rely on the FCX versus Long Meadow  
5 Farms and based on the due diligence or superior diligence, apply that principal. And this  
6 matter -- or this property will be sold. Counsel, I want to sell it at the September sale  
7 which means that---

8 MR. JORDAN: Is that a Tuesday?

9 THE COURT: September will be Tuesday, September 3rd, but I need to have all  
10 your documents here prior to that. Let's see, the 9th is the cutoff date for the September  
11 sale.

12 MR. JORDAN: Well, I will be on vacation up until that point, so you will have it  
13 well before then.

14 THE COURT: You get it here and it will be signed. The September sale deadline  
15 is the 9th of August.

16 MR. JORDAN: No problem.

17 THE COURT: Now, it needs to be that so that the taxes can be paid on it. The  
18 taxes will become priority unless your client pays the taxes on it.

19 MR. JORDAN: Can we sell this property subject to the outstanding---

20 THE COURT: No, I will not do that.

21 MR. JORDAN: Okay. So, in other words, the tax sale has to be redeemed.

22 THE COURT: Right.

23 MR. JORDAN: Okay.

24 THE COURT: That is the way I want to set it up because I don't want any other  
25 issues as far as whoever is sitting there with a Tax Deed.

1 MR. JORDAN: Okay. Well, we will end up paying--- To redeem the property,  
2 we will end up paying the 2018 taxes even though that wasn't -- it wasn't sold for the  
3 2018, but that shouldn't be an issue. Okay.

4 THE COURT: Well, whichever needs to be done---

5 MR. JORDAN: We'll pay it.

6 THE COURT: ---to make sure, but I'm saying the unpaid taxes are the priority and  
7 then your client steps in and then I'm going to have -- or Founders will be now second  
8 position if there is any, and you will prepare the Order and provide that---

9 MR. JORDAN: I will.

10 THE COURT: ---to Counsel before you efile it. The Notice of Sale, proposed  
11 Order and the Form 4, but I do want and I'm requiring that those taxes would be a priority  
12 and be paid from the proceeds of the sale.

13 MR. JORDAN: Got you.

14 THE COURT: Alright?

15 MR. JORDAN: It will be done.

16 THE COURT: Alright, gentlemen. Prepare the Order and again, August 9th is your  
17 date. And if you will take these, and I don't know whether you want this picture to be---

18 MR. JORDAN: Do you want to put that in?

19 MR. BRANNON: No, thank you. That's okay.

20 THE COURT: I think that that's a public record anyway, so it's... Alright,  
21 gentlemen.

22 MR. BRANNON: Thank you, Your Honor.

23 THE COURT: Have a good day.

24 MR. JORDAN: These things that you just handed me, we will efile those when I  
25 efile the proposed Order?

1 THE COURT: No. Go ahead and efile those when you get back to your office  
2 and they will be--- I think you've got a selection trial exhibits.

3 MR. JORDAN: Yes, sir.

4 THE COURT: But that is what they need to be filed under.

5 MR. JORDAN: Very good.

6 THE COURT: Okay.

7 MR. JORDAN: Thank you, Judge.

8 THE COURT: Alright. Have a good day, gentlemen.

9 -- -- -- END OF RECORD -- -- --

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COPY

TRANSCRIPT OF JUDGMENT  
UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Joe Hand Promotions, Inc.,

C/A No.: 6:13-cv-2467-TMC

Plaintiff,

-vs-

2015-CP-42-0942

Upstate Recreation d/b/a Leeg's Nightclub  
and Chris Ruegsegger,

Defendants.

NAMES OF PARTIES AGAINST WHOM JUDGMENT HAS BEEN OBTAINED

Upstate Recreation d/b/a Leeg's Nightclub and Chris Ruegsegger

NAMES OF PARTIES IN WHOSE FAVOR JUDGMENT HAS BEEN OBTAINED

Joe Hand Promotions, Inc.

JUDGMENT OF COSTS

Amount of Judgment \$35,000.00

Attorney's Fees and Costs \$2,757.50

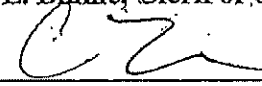
TOTAL \$37,757.50

Judgment entered effective February 18, 2015.

\*\*\*\*\*

I CERTIFY that the foregoing is a correct Transcript of Judgment entered in the  
above case.

Robin L. Blume, Clerk of Court

By: 

Deputy Clerk

February 20, 2015  
Columbia, South Carolina

2015 MAR -2 AM 11:00  
CLERK OF COURT  
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93963

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2015-CP-42-0942

Joe Hand Promotions, Inc.,  
Plaintiff,  
vs.

Upstate Recreation d/b/a Leeg's Nightclub  
and Chris Ruegsegger,  
Defendant.

**EXECUTION ON JUDGMENT**

Judgment filed on March 2, 2015, in  
the amount of \$37,757.50. Interest accrues  
from said date at the judgment rate  
(currently 7.25% annum).

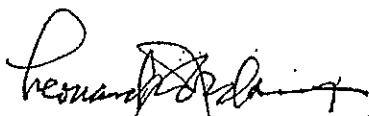
**TO THE SHERIFF OF SPARTANBURG COUNTY:**

WHEREAS, Judgment was rendered in the above-captioned action between the Plaintiff and the Defendant in favor of the Plaintiff for the amount stated above, as appears by the Judgment Roll filed in the Office of the Clerk of Court for the above-referenced County.

THEREFORE, I request that you satisfy the Judgment out of the personal property of the Defendant within your County, or if sufficient non-exempt personal property cannot be found, then out of the real property in your County belonging to the Defendant on the day when the judgment was so docketed in your County or at any time thereafter in whosoever hands this property may be, and return this Execution according to law to the Clerk of Court in this County.

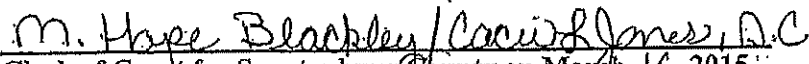
Nulla Bona and Returned to Clerk's  
Office Sunday of June 20, 15

Columbia, South Carolina  
March 12, 2015

  
Leonard R. Jordan, Jr., ID #2248  
JORDAN LAW FIRM  
4500 Fort Jackson Boulevard  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
Email: [ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)  
Attorney for the Plaintiff

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2015 MAR 16 PM 12:25  
M. HOPE BLACKLEY

Attested by:

  
Clerk of Court for Spartanburg County on March 16, 2015



CHRONOLOGY – JOE HAND PROMOTIONS, INC.

March 2, 2015 – Plaintiff's Judgment transcribed to Spartanburg County from U.S. Dist. Court  
March 16, 2015 – Execution issued (requested by Plaintiff)  
March 22, 2015 – Nulla Bona return filed  
March 27, 2018 – Petition for Supplementary Proceedings filed by Plaintiff (2015-CP-42-00942)  
March 30, 2018 – Bankruptcy filed by Christopher Michael Ruegsegger (18-01632-hb)  
May 3, 2018 – Objection to Discharge of Judgment Lien filed by Plaintiff (copy attached)  
May 22, 2018 – Proof of Claim filed by Plaintiff  
June 26, 2018 – Hearing held on Objections of Plaintiff  
July 18, 2018 – Order Sustaining Objection to Homestead Exemption filed by Plaintiff (copy attached)  
March 29, 2019 – Subject suit foreclosing judgment filed by Plaintiff  
May 28, 2019 – Affidavits (default and non-military service) filed by Plaintiff  
May 29, 2019 – Order of Reference filed

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| IN RE:                          | ) | Case No.: 18-01632-hb |
|                                 | ) |                       |
| Christopher Michael Ruegsegger, | ) | (Chapter 7)           |
|                                 | ) |                       |
| Debtor.                         | ) |                       |
| _____                           | ) |                       |

**OBJECTION TO DISCHARGE OF JUDGMENT LIEN**

TO: Christopher Michael Ruegsegger, 136 West Celestial Drive, Greer, SC 29651  
Pamela L. Tripp, Esquire, 24 Crescent Street, Lyman, SC 29365  
Randy A. Skinner, Esquire, Trustee, 300 N. Main Street, Suite 201A, Greenville, SC 29601

In accordance with Rule 3018 and Local Rule 9014-4, Joe Hand Promotions, Inc. ("Creditor"), by and through its undersigned attorney, does hereby object to the discharge of its judgment lien on Debtor's real property known as 721 Jordan Creek Road, Inman, South Carolina, 29349.

Creditor is informed and believes that Debtor does not occupy the said real property as his residence and that, therefore, he is not entitled to an exemption under S.C. Code Ann. §15-41-30 (A)(1)(a).

Columbia, South Carolina  
May 3, 2018

s/Leonard R. Jordan, Jr.  
Leonard R. Jordan, Jr., #3221  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
ljordan@ljordanlaw.com  
Attorney for Joe Hand Promotions, Inc.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

Christopher Michael Ruegsegger,

Debtor(s).

C/A No. 18-01632-HB

Chapter 7

**ORDER SUSTAINING OBJECTION  
TO HOMESTEAD EXEMPTION**

**THIS MATTER** came before the Court for hearing on June 26, 2018, to consider the Objection to Homestead Exemption filed by Creditor Joe Hand Promotions, Inc. ("Creditor").<sup>1</sup> Christopher Michael Ruegsegger filed a Response.<sup>2</sup> Leonard Jordan, Jr. appeared at the June 26, 2018 hearing on behalf of Creditor. Ruegsegger was represented by Dana Wilkinson. Creditor asserts Ruegsegger cannot claim a homestead exemption in property located on Jordan Creek Road in Inman, (Spartanburg County) South Carolina ("Jordan Creek") pursuant to S.C. Code Ann. § 15-41-30(A)(1)(a) because he does not use Jordan Creek as his residence.<sup>3</sup>

**FINDINGS OF FACT**

1. Ruegsegger and his family lived in a house at Jordan Creek for approximately six years. He previously owned the property with his spouse ("Spouse").
2. Ruegsegger left Jordan Creek with his two children in 2016 due to domestic disputes. He testified that he left out of fear for his children's safety. His Spouse remained at Jordan Creek.

<sup>1</sup> ECF Nos. 11, 12 and 14.

<sup>2</sup> ECF Nos. 18 and 19, filed May 28, 2018.

<sup>3</sup> Although the filings state Creditor objects to discharge of its judgment lien, the allegations of the pleadings and arguments at hearing clarified that Creditor's intent is not to pursue an objection to discharge pursuant 11 U.S.C. §§ 523 and/or 727. See ECF No. 11.

3. After leaving Jordan Creek, Ruegsegger and his children lived with family members for a short period of time and then moved to rental property on West Celestial Drive in Greer, South Carolina ("Celestial Drive").
4. While Spouse lived at Jordan Creek in 2016, the house there was damaged by a fire that left it uninhabitable.
5. Insurance proceeds of approximately \$150,000.00 for damage to Jordan Creek were primarily used to satisfy the mortgage lien on the property. The remainder of the proceeds were divided equally between Ruegsegger and Spouse. Ruegsegger received a net of approximately \$22,500.00 from the insurance proceeds. The money was not used to repair the house at Jordan Creek.
6. On or about June 2, 2017, Ruegsegger was awarded sole ownership of Jordan Creek as a part of a divorce decree.
7. Ruegsegger filed a voluntary Chapter 7 petition on March 30, 2018.
8. He listed his address and residence as Celestial Drive and his budget included rental expenses.
9. Ruegsegger's Schedules and Statements<sup>4</sup> indicate he is the sole owner of Jordan Creek, which he valued at \$37,300.00 with the comment "2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage."
10. Ruegsegger claimed a homestead exemption in Jordan Creek.

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<sup>4</sup>ECF No. 1, filed Mar. 30, 2018, Amended at ECF No. 10, filed Apr. 24, 2018.

11. No expenses were listed associated with ownership or use of Jordan Creek, and the budget indicates that, after payment of living expenses, no funds remain to repair Jordan Creek or pay other expenses of the property.
12. Ruegsegger's Statement of Financial Affairs states that the net insurance proceeds he received were used for housing and support of his children.
13. Ruegsegger's schedules list a judgment lien in favor of Founders Federal Credit Union. The Court's records indicate that Founders filed a claim on May 15, 2018, in the amount of \$19,191.11 resulting from a car loan deficiency judgment entered in Spartanburg County on June 3, 2014.<sup>5</sup>
14. Creditor filed a claim in the amount of \$38,486.57, secured by a judgment lien.<sup>6</sup> The judgment lien arose from allegations that Ruegsegger's former business presented a professional sporting event in an unauthorized fashion, resulting in money due to Creditor. Although the claim does not attach a copy of the judgment, it indicates the judgment was obtained in federal court and the attachments indicate an effective date, for the purposes of calculating interest, of February 19, 2015.
15. If the homestead exemption is allowed, Ruegsegger may assert it to avoid judgment liens that encumber Jordan Creek.<sup>7</sup>
16. Ruegsegger testified that Jordan Creek has a detached garage where he stores some personal and household items. He also performs minor maintenance, such as cutting the grass.

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<sup>5</sup> POC No. 1, filed May 15, 2018.

<sup>6</sup> POC No. 3, filed May 22, 2018.

<sup>7</sup> As of the date of the hearing, Debtor had not filed a Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f)(1)(A).

17. Ruegsegger has not lived at Jordan Creek since 2016, and there has been no habitable structure there since the 2016 fire. Ruegsegger asserts that his intentions have always been to return to Jordan Creek with his children after a safe, habitable structure exists on the property. He testified that family members and friends are prepared to provide funds to make necessary repairs after all liens on the property have been settled, removed or satisfied, and he is able and ready to repair and/or construct a new house at Jordan Creek at some point in the future.

18. At the time of the hearing, a portion of Jordan Creek's 2016 property taxes were unpaid and all of the 2017 property taxes were unpaid. Debtor asserted, however, that he had the funds or could access funds to pay the taxes.

#### DISCUSSION AND CONCLUSIONS OF LAW

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), and this Court may enter a final order.

Creditor argues that Ruegsegger is not entitled to a homestead exemption in Jordan Creek because he did not live at the property at the time of filing, did not live at the property at the time of the hearing, and only has a contingent intent, at best, to return to the property at some unforeseen time in the future. Ruegsegger asserts he is entitled to a homestead exemption in Jordan Creek due to his intention to return to Jordan Creek as soon as practicable.

The parties agree that the relevant exemption is S.C. Code Ann. § 15-41-30(A)(1)(a) which provides an exemption "from attachment, levy, and sale under any . . . bankruptcy proceeding [in] [t]he debtor's aggregate interest, not to exceed fifty thousand

dollars in value, in real property or personal property that the debtor or a dependent of the debtor *uses as a residence*.” S.C. Code Ann. § 15-41-30(A)(1)(a) (emphasis added).<sup>8</sup> To interpret the applicability of this statute, the Court looks to South Carolina law. *See* 4 Collier on Bankruptcy P 522.10 (16th 2018) (“For interpretation of the nature of state exemption rights in homesteads, the bankruptcy court must look to the applicable state statute and decisions interpreting it.”) (citation omitted).

Exemptions are construed liberally in favor of the debtor in an attempt to provide the “fresh start” that is the goal for a debtor at the successful closing of his bankruptcy case. *In re Vance*, 2015 WL 9261399 (Bankr. D.S.C. Dec. 17, 2015); *In re Shaffer*, 78 B.R. 783, 784 (Bankr. D.S.C. 1987); *First Citizens Bank and Trust Company, Inc. v. Blue Ox, LLC*, 812 S.E.2d 418, 422, 422 S.C. 461, 468-69 (Ct. App. 2018) (citations omitted). The burden of proving that an exemption is not properly claimed falls upon the objecting party. Fed. R. Bank. P. 4003(c).

Exemptions are determined “as of the date that a bankruptcy petition is filed.” *In re Gill*, No. 11-80976, 2011 WL 4712087, at \*2 (Bankr. M.D.N.C. Aug. 19, 2011) (citing *In re Orso*, 283 F.3d 686, 691-92 (5th Cir.2002) (“We cannot emphasize too strongly that the day on which the bankruptcy petition is filed is the ‘as of’ date for determining the applicability of exemption provisions.”)); *Dean v. LaPlaya Investments Inc.*, 319 B.R. 474, 478 (Bankr. E.D.Va. 2004) (stating that as of the petition date, “creditors’ rights are fixed (as much as possible), the bankruptcy estate is created, and the value of the debtor’s exemptions are determined.”)

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<sup>8</sup> The exemption amount is subject to adjustment pursuant to S.C. Code Ann. § 15-41-30(B). At the time of filing, the applicable homestead exemption was \$59,100.00.

“A residence is defined as ‘[p]lace where one actually lives or has his home; a person's dwelling place or place of habitation; an abode; house where one's home is; a dwelling house.’” *Jones*, 397 B.R. 765, 770–71 (Bankr. D.S.C. 2008) (quoting Black's Law Dictionary 1309 (7th ed.1999)); *In re Lafferty*, 469 B.R. 235, 244 (Bankr. D.S.C. 2012) (quoting *Lanier v. Beaman*, 394 B.R. 382, 383 (E.D.N.C. 2008) (“A residence is defined by Merriam–Webster as ‘the act or fact of dwelling in a place for some time’ and as a ‘building used as a home.’”)). “Lack of ordinary necessities, such as running water, public utilities, a septic system, and other facts indicating inhabitability provide evidence that a debtor does not intend to reside at a property.” *In re Issa*, 501 B.R. 223, 227 (Bankr. S.D.N.Y. 2013) (citing *In re Scott*, 233 B.R. 32, 41 (Bankr. N.D.N.Y. 1998)).

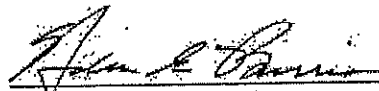
Ruegsegger argues that the Court's decision should be governed by *Holden v. Cribb*, 561 S.E.2d 634, 349 S.C. 132 (Ct.App. 2002). In that case, the South Carolina Court of Appeals examined the applicability of S.C. Code Ann. § 15-41-30 where a debtor was not actually living at his claimed homestead property because he was incarcerated for a one-year sentence. Upon release, the debtor intended to return to the property claimed. The court stated that “‘To effect a change of residence or domicile, there must be an actual abandonment of the first domicile, coupled with an intention not to return to it, and there must be a new domicile acquired by actual residence in another place or jurisdiction, with the intention of making the last acquired residence a [permanent] home.’” *Holden*, 561 S.E. 2d at 639, 349 S.C. at 140-41 (citing *Ferguson v. Employers Mut. Cas. Co.*, 254 S.C. 235, 239, 174 S.E.2d 768, 769 (1970) (alteration in original) (citation omitted)). Finding the debtor could claim his exemption, the *Holden* court commented on the obvious: “We daresay Singleton has no intent to make the detention center his permanent residence.” *Id.*

Like *Holden*, the Court believes Ruegsegger's testimony that he intends, or at least hopes, to repair Jordan Creek and make it his residence again at some unknown point in the future. However, the similarities to *Holden* end there. Ruegsegger's actions indicate that, out of necessity and in response to his children's needs, he decided to leave Jordan Creek and established a permanent residence for his family at Celestial Drive long ago, he lived there at filing, and he continues to live there. The Court cannot find in this context, and in today's mobile society, that "permanent residence" can only be interpreted to mean that a debtor intends to remain at a residence forever. Neither can the Court find that a debtor's testimony regarding intent alone is enough to overcome his actions and undisputed facts. Even construing the exemption liberally in favor of the debtor, the Court is constrained by the facts.

Ruegsegger is not in fact using Jordan Creek as his residence, he has not used Jordan Creek as a residence for quite some time, the property claimed as exempt includes no habitable residence, there is no certainty as to when he will be able to make Jordan Creek his residence and he did not repair the house with funds intended for that purpose. Ruegsegger abandoned his old residence and established a new one. Considering these facts together, the Court must find that Creditor has met its burden and the exemption cannot be claimed. Creditor's objection is sustained.

**IT IS SO ORDERED.  
FILED BY THE COURT  
07/18/2018**



  
US Bankruptcy Judge  
District of South Carolina

Entered: 07/18/2018

JUDGMENT DEBT  
JOE HAND PROMOTIONS, INC.



PRINCIPAL \$ 37,757.50

INTEREST from February 19, 2015, to July  
17, 2019, at rate of 0.21% per annum 349.53

POST-JUDGMENT COURT COSTS:

|                                           |              |
|-------------------------------------------|--------------|
| Transcript of Judgment (Federal Court)    | 11.00        |
| Transcript of Judgment (State Court)      | 10.00        |
| Execution on Judgment                     | 25.00        |
| Reference Deposit - Master in Equity      | 100.00       |
| TLO Searches                              | 10.00        |
| Service of Rule to Show Cause             | 65.00        |
| Title Abstractor's Fee                    | 275.00~      |
| Filing Lis Pendens, Summons and Complaint | 180.32       |
| Title Update                              | 45.00        |
| Service of Process                        | 130.00       |
| Reference Deposit - Master in Equity      | 125.00       |
| Motion Fee - Reference                    | <u>31.74</u> |

TOTAL as of July 17, 2019 \$ 39,115.09

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF SPARTANBURG ) COURT OF COMMON PLEAS  
2019-CP-42-1210

3 Joe Hand Promotions, Inc., )  
4 Plaintiff(s), )  
5 vs. ) **TRANSCRIPT OF RECORD**  
6 Christopher Michael Ruegsegger a/k/a Chris )  
7 Ruegsegger, Founders Federal Credit Union )  
8 and Springleaf Financial Services, )  
9 Defendant(s). ) August 27, 2019  
Spartanburg, South Carolina

10 BEFORE:

11 **HONORABLE GORDON G. COOPER, Master-in-Equity**

12 APPEARANCES:

13 **Leonard R. Jordan, Jr., Esquire**  
14 JORDAN LAW FIRM  
211 Veterans Road, Suite D  
15 Columbia, South Carolina 29209

16 Attorneys for Plaintiff

17 **Suzanne Grigg, Esquire**  
18 NEXSEN PRUET, LLC  
Post Office Box 2426  
19 Columbia, South Carolina 29202

20 Attorneys for Defendant, Founders Federal Credit Union

21  
22  
23  
24 **DOROTHY HUNTSINGER**  
25 Court Reporter

1 THE COURT: This is case number 2019-1210, Joe Hand Promotions, Inc. versus  
2 Christopher Michael Ruegsegger also known as Chris Ruegsegger, Founders Federal  
3 Credit Union and Springleaf Financial Services. This is the Motion for Reconsideration  
4 filed by Founders Federal Credit. Alright. Counsel, are you ready to proceed?

5 MS. GRIGG: Yes, Your Honor. Good morning, Your Honor. Suzanne Grigg on  
6 behalf of Founders Federal Credit Union. Before the Court today is Founders' Motion to  
7 Reconsider this Court's July 24, 2019 ruling whereby the Court elevated the Plaintiff's  
8 judgment lien position above Founders' judgment lien position and Your Honor, I will  
9 honest with you, it's never fun to argue a Motion to Reconsider, so please don't take any  
10 offense because I'm asking the Court to reconsider your prior ruling.

11 THE COURT: And you've got a lot of nerve coming in here and asking me to  
12 reconsider.

13 MS. GRIGG: (LAUGHTER) I know, I know, I know.

14 MR. JORDAN: (LAUGHTER)

15 THE COURT: I mean even a hint that I wasn't right to begin with.

16 MS. JORDAN: I know, and---

17 THE COURT: But that's alright.

18 MS. JORDAN: Mr. Brannon and I talked about that at length, especially since I'm  
19 in front of you so often on foreclosures, but we really do feel like the case law, Your  
20 Honor, that talks about superior diligence does not support the findings in the 2019 Order.  
21 If I may just briefly remind the Court of the background in this case. Founders obtained  
22 its judgment in I believe it was June of 2014 and then Joe Hand obtained its judgment  
23 about eight months later in February of 2015. There is actually another judgment held by  
24 Springleaf that predates Founders' judgment and I believe if ours was obtained in June,  
25 it was obtained maybe in February of 2014, so the priority really should have been

1 Springleaf, Founders, Joe Hand. Well according to the Court's Order, based on the  
2 doctrine of superior diligence, the Court has reversed those priorities and has put Joe  
3 Hand, Founders and then Springleaf. Again, based on the doctrine of superior diligence.  
4 Mr. -- and I'm probably going to butcher his name -- Ruegsegger, I think is fairly close.  
5 He files Chapter 7 and eventually obtains a discharge through the Chapter 7 bankruptcy  
6 case. Now Founders has to concede it did not file an execution, a Writ of Execution. It  
7 did not receive a Nulla Bona return nor did it proceed with supplemental proceedings. Joe  
8 Hand did and the Court based its -- my understanding is the Court based its ruling because  
9 they took the steps to go out and to do supplemental proceedings, and elevated their  
10 position based upon those actions, but I don't think that's what the Roddy and the FCX  
11 case support and I brought copies of those cases with me if anyone needs it. But let's talk  
12 about the cases that are important for superior diligence. So the Supreme Court of South  
13 Carolina in 1934 in the Ex Parte Roddy case establishes the doctrine of superior diligence  
14 and essentially what the Court says -- and I'd just like to read it into the record. Judgment  
15 creditor who obtains judgment and executed in seeking to subject debtor's property in  
16 hands of third party or to reach property not accessible to execution has legal preference  
17 enforceable in a court of chancery. So in Roddy, we've got two judgment creditors, one  
18 obtained in 1925, one obtained in 1927, and then the one who prevailed was obtained I  
19 believe in 1933. So the first two judgment creditors did not go through the motions of  
20 doing an execution, getting a Nulla Bona return and supplemental proceedings, but the  
21 third one obtained in 1933, they did go through that process. What they found through the  
22 supplemental proceedings process was that there was a security that was being held in  
23 New York, the state of New York. I don't know if it was a stock or a bond, but some type  
24 of security that had been given as collateral in the state of New York. And so they  
25 discovered that asset through the supplemental proceedings process. That's not what we

1 have here though, Your Honor. Here we have real estate that is known to everybody. It's  
2 recorded in the County records and I believe there is a big distinction there. The Court  
3 talks about this is personal property. The surety was -- excuse me. The security was  
4 personal property that was not accessible through an execution. Well, the real estate is  
5 accessible through an execution. All you've got to do is do an asset search and then  
6 proceed through the Sheriff's Office or, as we would typically do, file the Foreclosure of  
7 Judgment Lien. But that is completely different from discovering an asset that is unknown  
8 and really cannot be found by accessing public records in the state of South Carolina. So  
9 I think those are--- That is a big distinction with respect to the Roddy case. And the  
10 Court found in Roddy that legal preference is given when you discover an asset, but I  
11 think you've got to--- According to Roddy if you look at the facts in Roddy you've got  
12 to be careful as to what discover means and how you discover that asset. Again, if it is  
13 real estate that is known to everybody, that takes it out of the Roddy calculation. At least  
14 that is our position. The FCX case, again, which I have copies of, specifically says look,  
15 you've got to be careful and you've got to use this doctrine sparingly so what was going  
16 on in FCX and the facts of FCX are a little bit more complicated because you've got a lot  
17 more parties. But essentially what we're dealing with in FCX again is not real estate. On  
18 the face it looks like it could be real estate, but it's not real estate because it was a contract  
19 right which was deemed personal property. So it was not an actual deed that was -- that  
20 attached -- that the judgment liens attached to. It was a Contract for Deed that was being  
21 held so FCX actually from Long Meadow was assigned this contract right, started making  
22 some payments and doing that type of thing, but prior to that, Long Meadow who had  
23 been an assignee of the Contract for Deed fell on hard times financially and confessed  
24 judgment. So you've got FCX and you've got about four or five other judgment creditors  
25 who all had judgments out there. Well the Court, once taking a look--- Once the Court

1 took a look at it decided that you've got to use this doctrine sparingly and if it is real  
2 estate, there's not really a question as to priority because that is set and I believe it's on  
3 page number 2. Let me find it so I can quote it properly. So essentially what the FCX  
4 case says is where debtor owned only equitable interest in real estate by virtue of a  
5 Contract for Sale, liens of judgment creditors did not attach to the real estate at the time  
6 of the filing of the judgments. Had it been real estate, they would have attached the way  
7 they typically would in -- anytime you record a lien. So that's the difference in these  
8 cases. You've got to look at real estate versus personal property and whether it's a known  
9 or an asset that is to be discovered. Secondly, it's our position that Joe Hand's actions  
10 don't rise to the level of what is required in the Roddy and the FCX case for superior  
11 diligence. In fact, in the FCX case the Supreme Court came back and said in 1997 FCX,  
12 while you're to be commended for what you've done and for performing under this  
13 contract, you still didn't do enough and because it's not a real estate interest, it's not a  
14 legal interest in real estate, they essentially threw it out and did not allow FCX to have  
15 legal preference over the other judgment creditors. For these reasons, Your Honor, we're  
16 asking that the Court reconsider the July 24, 2019 Order.

17 THE COURT: Alright. Thank you.

18 MS. GRIGG: Thank you, Your Honor.

19 THE COURT: Counsel?

20 MR. JORDAN: Your Honor, the Roddy case, Ex Parte Roddy case which we  
21 discussed at length last time we were here, does in fact involve personal property. The  
22 FCX case does in fact involve personal property. There are a number of other cases that  
23 I could cite, but it's unimportant with regards to this argument, but most of the cases in  
24 South Carolina having to do with this doctrine of super diligence involved personal  
25 property, but not all of the cases. One of the cases which is Central Credit. The complete

1 name of that is Central Credit Petroleum versus Elmwood Properties. It is a 1964 case  
2 that is in fact cited in the Defendant's Motion. It did in fact involve real property and in  
3 that particular case the Court determined that the creditor should be afforded the priority  
4 as to the sale proceeds of the property under this doctrine and the Court in that case says  
5 had it not been for the--- Let me be clear here. This is the lower Court's finding which  
6 was affirmed by the Supreme Court of South Carolina, says ' had it not been for the  
7 activities of Crown and his diligence in pursuing the matter especially setting aside --  
8 setting the deed from Mutual to United aside and bringing in to the Court the property in  
9 question despite the efforts of Cooper in opposition, there would be no assets in the hands  
10 of Mutual with which to pay any of its creditors. Under these circumstances it is well  
11 settled we think that all claims of Crown are entitled to priority over the claims of  
12 Elmwood, citing the Ex Parte Roddy case. So Judge, it's quite evident that the Court is  
13 not limiting the application of the superior diligence doctrine to matters involving personal  
14 property. They've done it in this case, in the Crown Central case involving real property  
15 and certainly none of the other cases that involve only personal property state that they are  
16 limiting this doctrine to personal property. So I think the argument that effectively -- the  
17 fact that this property -- that the property in question is real property, it is still controlled  
18 by the theory that has been actually relied upon by South Carolina well before Ex Parte  
19 Roddy. There is a Ryttenberg case that came out in the late 1880's. It too relied, as did  
20 Ex Parte Roddy, on the United States Supreme Court case of Freedman's Savings and  
21 Trust Company versus Earle, an 1884 case which we also discussed at the last hearing, but  
22 that particular case provides that the creditor whose legal diligence has pursued the  
23 property into this Court--- And let me stop there and say you know, some of these other  
24 cases have gotten into stating discovered the property, but they rely with, you know,  
25 basically lavish praise on this -- on the argument raised in this particular case, the Supreme

1 Court -- United States Supreme Court case that it basically couldn't be stated any better,  
2 but the creditor whose legal diligence has pursued the property into this Court is entitled  
3 to a preference as the reward for his vigilance and it would seem unjust that the creditor  
4 who has sustained all the risk and expense of bringing his suit to a successful termination  
5 should in the end be obliged to divide the avails thereof with those who have slept upon  
6 their rights. In this case, Judge, that is exactly what Founders Federal Credit Union did.  
7 They actually got a judgment and that was the end of their attempts to try to collect the  
8 judgment other than filing a proof of claim in the Bankruptcy Court. They filed no  
9 Execution. They had no supplementary proceedings. They did not even participate when  
10 I requested that they do so in the Bankruptcy case to object to Mr. Ruegsegger's claim that  
11 he had homestead exemption on this property and my client, Joe Hand Promotions,  
12 Incorporated caused me to file an objection to that position that the bankrupt debtor had  
13 taken and I actually attended probably an hour long hearing in the Bankruptcy Court  
14 which resulted in the Court Order that we, I am sure made part of the case, but in the  
15 Order that was issued in the Bankruptcy Court, the Court stated if the homestead  
16 exemption is allowed, Ruegsegger may assert it to avoid judgment liens that encumber  
17 Jordan Creek and Jordan Creek is shorthand for the property that is the subject of this case  
18 which is on Jordan Creek Road. Judge, if I had not on behalf of Joe Hand Promotions  
19 filed an objection to their position on the homestead exemption and had not prosecuted  
20 that objection which resulted in the Court Order which basically sustained the objection  
21 and determined that there was no homestead exemption, if that had not been done there  
22 would be no hearing before Your Honor last time or this time. There is no property left.  
23 The Court certainly made it clear that Mr. Ruegsegger was not allowed to use that  
24 exemption as in some fashion his right to avoid the liens on this property. So that didn't  
25 happen. He got a discharge, just a standard discharge. It didn't affect this property which

1 had been you know, basically carved out. The Petition filed or the Motion filed on this  
2 59(e) motion indicated that the judgment debtor did not file a motion to avoid the judicial  
3 liens. I mean that probably would not have resulted in any difference of the outcome  
4 because the Judge by that time had already decided he had no exemption that he could  
5 apply. If there were other exemptions that he could have done, that's just, you know,  
6 that's just suspicion. I mean there is no way to know whether or not he had anything else,  
7 but he didn't bring anything to the attention of the Court that he had any other argument  
8 that would allow him to avoid having to pay the judgment debts or have the property stand  
9 as lien -- being liened by the judgments. So in this particular case, Judge, two I want to  
10 point out that Ms. Griggs indicated that we had filed an -- we had filed an Execution and  
11 supplementary proceedings and that they didn't and you know, that was really, you know,  
12 the basis of our claim that we were entitled to superior priority. That's not the basis of our  
13 claim. The basis of our claim has to do with our actions in the Bankruptcy Court. We did  
14 in fact file an Execution. We did have that returned Nulla Bona and we started  
15 Supplementary proceedings in this court, but Mr. Ruegsegger filed bankruptcy before we  
16 had the first hearing on that, so the Supplementary proceedings is not what we did to  
17 basically, you know, save or preserve this property so we could make claim against it. It  
18 was in fact what Mr. Ruegsegger did in bankruptcy and his efforts to avoid all of these  
19 liens by claiming homestead exemption and that was denied solely because of the efforts  
20 of Joe Hand Promotions. Nobody else participated. And so Judge, we are clearly in a  
21 position where we have one party, one judgment creditor doing all the work, encountering  
22 all the risk and expense of going the extra mile to try to get, you know, try to preserve its  
23 right to a judgment lien, and the other two judgment creditors did absolutely nothing and,  
24 you know, if there is any fact situation that would ever warrant the determining that  
25 because of this doctrine, the superior diligence doctrine, you know, that some extra benefit

1 or preference would be given, this is the facts that, you know, is just completely  
2 undeniable. In this case all the work was done by the Plaintiff, Joe Hand Promotions. No  
3 work was done by anybody else. I'll just throw this out as a -- for whatever it's worth.  
4 Ms. Grigg referenced the FCX case. Interestingly, in that case, the Court basically  
5 granted a first lien position to the Plaintiff in that case for attorney's fees and costs and  
6 that type of thing that would be paid before anybody else got paid and the Court did not  
7 reverse that position. All the Court basically did in that case is changed what would  
8 happen to the remaining proceeds after you paid the costs and expenses. The lower Court  
9 had indicated that it would be given to FCX in the first priority position and the Court  
10 concluded that that was not proper and that it would be applied rateably with all the other  
11 lien creditors. But that didn't change the issue about, you know, allowing FCX to recover  
12 costs and attorney's fees for what it had done. So that's just, you know, I mean it shows  
13 that the Court is not completely shutting the door when it is clear that there is no, you  
14 know, real -- let's call it effort by one creditor much more than the other creditors as we  
15 have in this case. But another concern--- Well, one more point and then I'll get to my  
16 last concern is that--- And I did not raise this last time, but I do want to point out to the  
17 Court that there is an equitable maxim that everyone knows that equity aids the vigilant  
18 and diligent and not those who slumber on their rights. And that is really what we have  
19 here. But Judge, another concern that we have too, and we brought this up last time, is  
20 that there has been a tax sale of this property and the tax sale is going to run its course as  
21 far as the redemption period around December the 1st. I believe that is the date, but don't  
22 hold me to that. Your ruling previously was that we would have -- we, the Plaintiff,  
23 would have to redeem the property from the tax sale before the sale. Now we are  
24 obviously getting to the point where, you know, we haven't done that yet under the  
25 circumstances. Obviously, Judge, you could change your decision, which we certainly

1 hope you won't. But at the end of the day, the tax sale is still looming and it's something  
2 we have to take care of in some fashion and my client is prepared to do that, but you  
3 know, obviously it needs to have some assurance that when it does so it will proceed on  
4 down the course of selling this property at foreclosure and knowing where we stand and  
5 all that has to be accomplished well before December the 1st. Thank you, sir.

6 THE COURT: Counsel, let me ask you. You cited the Collateral Credit case?

7 MR. JORDAN: That was Crown Central Production.

8 THE COURT: Is that--- I thought it was Collateral, Collateral Credit.

9 MS. GRIGG: I've got it as Crown Central Petroleum, Your Honor.

10 THE COURT: Okay.

11 MR. JORDAN: Crown Central.

12 THE COURT: I can't read my own writing here. But that involved also a setting  
13 aside of the transfer under the Statute of Elizabeth?

14 MR. JORDAN: Yes, sir. That case did have many issues including that one of  
15 transferring the---

16 THE COURT: Okay.

17 MR. JORDAN: --- or setting aside---

18 THE COURT: Setting aside the transfer.

19 MR. JORDAN: Setting aside the deed under the Statute of Elizabeth. Yes, sir.

20 THE COURT: Alright.

21 MR. JORDAN: But my point there was that it did -- that case involved real  
22 property and they are certainly not saying that real property is not, you know, subject to  
23 this same doctrine.

24 THE COURT: Counsel?

25 MS. GRIGG: Thank you. I'll be brief, Your Honor. That Crown Central case is

1 extremely important and you've got to look at how those other competing judgments were  
2 obtained. Those competing judgments were obtained fraudulently, it was held by the  
3 Court. And so sure, if you've got a bunch of judgments that were fraudulently obtained  
4 because the debtor in the matter started other entities and helped these other entities obtain  
5 judgments, the Court could see -- the Court ruled that was done fraudulently and so yes,  
6 that does -- that case does involve real estate, but it's a completely different set of facts,  
7 Your Honor. I want to go back to the FCX case and I found the quote that I was looking  
8 for. If Long Meadow Farms had held legal title to the real estate, then under established  
9 law the judgment -- judgments would constitute a lien upon the real estate in the order of  
10 their filing and there would be no question of priority. Again, it does matter whether it's  
11 personal property or real estate. FCX clearly says it from 1977, Your Honor. If the Court  
12 were to allow the July 24th Order to stand, it sets a precedence going forward and  
13 essentially overturns the property rules in the State of South Carolina. We've had a clear,  
14 well-established -- whoever gets to the courthouse first, that's the order of your judgments  
15 liens. They are going to attach, whoever gets there first. You've got a second mortgage  
16 lien holder saying think back to the recession when we had some of the larger banks not  
17 filing foreclosure actions for years and years and years. You've got HOA dues that are  
18 continuing to pile up for years and years and years. If a second mortgage holder decides  
19 oh, there is plenty of equity, I'm going to take these steps. I'm going to do what I think  
20 is required under severe diligence. We will just completely wipe out the first mortgage  
21 holder. That's not--- That's not proper, Your Honor. But that is essentially what we are  
22 -- what the 2019 Order did in this case. And I think those are all of the points that I  
23 wanted to hit, Your Honor. Thank you.

24 THE COURT: Alright. Thank you. Counsel, anything?

25 MR. JORDAN: Yes. One final thing, Judge. All of these cases involve property

1 that has been either discovered or preserved or whatever. But you know, obviously  
2 Founders really cannot reply to the fact that we would not be here today if this Plaintiff,  
3 Joe Hand Promotions, had not done what it did. We would not--- There would be  
4 nothing to be arguing over. There would be nothing to try to determine well okay, who  
5 is entitled to priority, first lien position and that type of thing. Now, I think we've kind  
6 of beat that whole point to death, but Ms. Grigg brings up, you know, the fact that a  
7 second mortgagee would foreclose a mortgage and take the -- have some kind of thought  
8 process that they have some superior diligence. I mean they can foreclose all day long,  
9 you know, and the foreclosure would be subject to the first lien, period. There is no  
10 involvement of superior diligence or anything like that. Both parties had their liens  
11 established by recording dates and you know, the property is always liened and is always  
12 available to be foreclosed on. That is completely different than in this case when the  
13 property was, you know, basically about to, you know, evade the grasp of any of these  
14 judgment creditors and but for the work done by Joe Hand Promotions, this property  
15 would not be here today for us to even argue about it.

16 THE COURT: Anything further, Counsel?

17 MS. GRIGG: Just real briefly. We're here today honestly, Your Honor, because  
18 the bankruptcy attorney failed to file a Motion to Avoid the Judicial Liens. Not speaking  
19 as to the competency of Counsel, but had I been debtor's Counsel, I'd file Motions to  
20 avoid those -- the judgment liens. That is honestly why we are here today. He had a  
21 wildcard exemption he easily could have used. He couldn't use the homestead exemption  
22 because it wasn't his home and Mr. Jordan did rightly defeat that argument, but that still  
23 is not enough to elevate their position over Founders' position. Thank you.

24 THE COURT: Let me look at these cases and I will advise as to my decision later  
25 today. Alright?

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MS. GRIGG: Thank you, Your Honor.

MR. JORDAN: Yes, sir.

THE COURT: Alright. Have a good day.

----- END OF RECORD -----

|   |                                            |   |                                                  |
|---|--------------------------------------------|---|--------------------------------------------------|
| 1 | STATE OF SOUTH CAROLINA                    | ) |                                                  |
|   |                                            | ) |                                                  |
| 2 | COUNTY OF SPARTANBURG                      | ) | COURT OF COMMON PLEAS<br>2019-CP-42-1210         |
| 3 | Joe Hand Promotions, Inc.,                 | ) |                                                  |
|   |                                            | ) |                                                  |
| 4 | Plaintiff(s),                              | ) |                                                  |
|   |                                            | ) | <b>TRANSCRIPT OF RECORD</b>                      |
| 5 | vs.                                        | ) |                                                  |
|   |                                            | ) |                                                  |
| 6 | Christopher Michael Ruegsegger a/k/a Chris | ) |                                                  |
|   | Ruegsegger, Founders Federal Credit Union  | ) |                                                  |
| 7 | and Springleaf Financial Services,         | ) |                                                  |
|   |                                            | ) |                                                  |
| 8 | Defendant(s).                              | ) | November 12, 2019<br>Spartanburg, South Carolina |
|   |                                            | ) |                                                  |

BEFORE:

**HONORABLE GORDON G. COOPER, Master-in-Equity**

APPEARANCES:

**Leonard R. Jordan, Jr., Esquire**  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209

Attorneys for Plaintiff

**Suzanne Grigg, Esquire**  
NEXSEN PRUET, LLC  
Post Office Box 2426  
Columbia, South Carolina 29202

Attorneys for Defendant, Founders Federal Credit Union

**DOROTHY HUNTSINGER**  
Court Reporter

1 THE COURT: We are here on case number 2019-1210 and this is the Plaintiff's  
2 Motion to Reconsider, Alter or Amend the Court's Order Granting Founders Federal  
3 Credit Union's Motion to Reconsider. Alright. Mr. Jordan, it's your motion.

4 MR. JORDAN: Thank you, Your Honor. I'll have to say this is a first of basically  
5 having three hearings to get to the point where we want to be, but certainly anxious to go  
6 forward and get this over with. The motion of the Plaintiff sets forth a total of I think  
7 fourteen different exceptions to the Order that was filed back in September. I would like  
8 to kind of keep it -- you know, go through the various points in chronological order the  
9 best I can on this matter. The first, actually the first two exceptions have to do with  
10 comments made in the Order that were basically conclusory points, very vague as to what  
11 they were actually speaking about. The first item had to do with the fact that the Order  
12 said the judgment liens were statutorily fixed as of the date of recording, but here was no  
13 indication of the statute or statutes involved. I think I know which statutes they are,  
14 Judge, but I really don't want to be guessing about them and I think the Order should be  
15 clear with regard to the statutory requirements or the statutory law in question. The same  
16 point basically goes to the -- in number two that the Order indicated that based on well-  
17 established case law, the Court erred in reprioritizing the judgment liens. Again, there is  
18 no case law indicator cited in the Court's Order that says what that particular conclusion  
19 stated. I will say that the Order itself does refer to one case and that is the FCX case. My  
20 recollection is that is the only case cited in the Order and that case effectively quotes the  
21 particular part from that Order, from that case that says if the judgment debtor had held  
22 legal title to the real estate then under established law the judgments would constitute a  
23 lien upon the real estate in the order of their filing and there should be no question of  
24 priority. The problem with quoting from that particular case is that that case did not  
25 involve real property at all. It was an equitable lien in question and the quoted language

1 from that case was merely dictum. I certainly wouldn't expect either party to have any  
2 comment on that because it had nothing to do with the question before the Court and the  
3 Court in FCX actually, you know, raised or cited in the decision the case of Crown Central  
4 Petroleum, which was a case that did in fact involve real property. So basically, I'm  
5 asking for the Court to, in its Final Order, cite the case law that actually stands for the  
6 conclusion reached in the Order. My research indicated that there is no such case around  
7 and, again, I take that wording from the Court's Order to mean that, you know, because  
8 some case law says that -- and there is some statutory law, of course, that says a judgment  
9 is given priority based upon the filing date and you know, I stipulate to the Court that  
10 that's what the statutes that I have found say. But the Court has also found on numerous  
11 occasions that that really can be ignored. The Court in Atlas Supply versus Davis, a 1979  
12 case, indicated that a judgment that had been filed prior to a mortgage lien was not given  
13 -- was not going to be afforded priority over that mortgage. There was discussion  
14 regarding an antecedent debt and that type of thing in that case. And then two other cases,  
15 South Carolina Federal Savings Bank versus San-A-Bel Corporation in 1992 and  
16 SunTrust Bank versus Bryant in 2011. Both of those cases had to do with basically  
17 shifting the priorities so that it wasn't -- so that a judgment, vis-a-vis a mortgage that was  
18 recorded later, its priority would be behind the mortgage. In other words, there were  
19 purchase money mortgages in that particular case which again, altered the statutorily  
20 established priority. So in conclusion on that point, it is clear that in equity the Court can  
21 make a change based on any reason the Court wants to make it, effectively. That if the  
22 judgment for some reason is not entitled to priority, is going to switch the priority in favor  
23 of some other judgment or other lien that is entitled to priority. The Court's Order  
24 indicated that a judgment can be assigned a lower priority or, in those two cases a  
25 judgment can be assigned a lower priority. So I guess in summary on that particular point,

1 the filing date is not absolute. It is not the exclusive way to look at when the priority of  
2 judgments are determined. So that's the case there, but then going back to the FCX case  
3 and the quote that I read earlier, you know, that is clearly misleading. Not only is it  
4 dictum, but it basically seems to imply that the Court is determining that that is the only  
5 way to determine priority of the judgment is to look at the filing date and therefore, the  
6 filing date of one judgment being earlier than the other, then that judgment would have  
7 a priority over that judgment. Again, based on a more recent case than the FCX case, that  
8 is clearly not the case. Now looking at it another way is that the FCX Court had an  
9 opportunity to explain their comment that seems to imply that the recording time of a  
10 judgment against real property is effectively absolute. You know, why didn't they come  
11 up with a comment that the doctrine in question, superior diligence doctrine or the diligent  
12 creditor doctrine, whatever it might be called, that originated in the Ex Parte Roddy case  
13 and actually before that, you know, why not say at that point if they wanted to, and again,  
14 you know, more dictum involved, but why wouldn't they say that the doctrine itself does  
15 not apply to judgments against real property? I mean, that seems to be the implication of  
16 your Order and the judgments do not apply to real property period, and that is not what  
17 FCX said. FCX could have said it, but didn't say it. FCX was aware of the Crown  
18 Central Petroleum case which effectively granted a special priority to a judgment creditor  
19 on real estate and you know, it mentioned the case but didn't pursue it any farther. So in  
20 effect, the FCX case is really not the controlling case here and that's kind of where we are.  
21 It could have easily said that real property and judgments against real property are outside  
22 the scope of this doctrine, but they didn't say that. I'd point out too, that the Roddy Court  
23 didn't say that. The cases that followed Roddy in that regard, including Crown Central  
24 Petroleum and also including a bankruptcy case of In Re Knight, both of them indicated  
25 that--- In Re Knight, by the way, is a 2017 case. Indicated that the Riley doctrine is still

1 controlling of all. Both of those cases involved real property and neither one of the cases  
2 said that real property is outside of the scope of this doctrine. To the contrary. I mean,  
3 they evaluated the cases based on the fact that the doctrine could be applied based on the  
4 facts. In the In Re Knight case they effectively decided against the Bankruptcy Trustee.  
5 In other words, denying special priority, but they basically claimed in that case that the  
6 creditor involved did not -- the one they are basically claiming that didn't pursue due  
7 diligence to protect their interest and therefore the Bankruptcy Trustee would be entitled  
8 to priority, they are basically saying that creditor actually didn't sleep on their rights. They  
9 did what they should have done. So that particular case is I think, evidence as recently as  
10 2017 that that doctrine applies to real property judgments. That's really what we've got  
11 here, Judge. I mean there is--- Going to the next point in my list of exceptions, the  
12 judgment indicated--- Your Order indicated that the subject property is not an  
13 undiscovered asset and there is no requirement of being an undiscovered asset. I'll tell  
14 you. On LexisNexis I went through all of these cases to find out when the first time  
15 discovered and unknown assets and that type of thing came about and the first time that  
16 unknown asset was mentioned was the FCX case. I cannot find that it was mentioned  
17 since then. So that particular part of the Court Order that talks about the fact that in this  
18 particular case the Plaintiff is pursuing a property that everybody knew about, that is  
19 irrelevant. I mean the undiscovered asset point of view, like I say, just came up in the one  
20 case, FCX. In two cases, the Ryttenberg versus Keels case which I mentioned in one of  
21 the last two hearings, and also the United States Supreme Court case of Freedman's  
22 Saving, both of them involved personal property. Both of them mention nothing about  
23 real property, but they also mention nothing about discovery. Apparently, that whole idea  
24 about being discovered or being not discovered is something created by the FCX case for  
25 reasons of their own. Primarily, I guess, to decide in favor of the prevailing party. The

1 issue is what does discover mean -- or discovery mean? And if you go to the statute  
2 having to do with supplementary proceedings, and I've got a copy of that here somewhere.  
3 The statute in question, Judge is Section 15-39-310. The interesting thing is that the title  
4 of this statute -- and this statute goes back to way long ago, 1919 it looks like. Maybe  
5 before. Here is an 1870 date. The title of this statute is Order for Discovery of Property.  
6 I guess that is maybe where that whole thing came about is, you know, the actions of a  
7 party to discover property that they can then get the Court to assist that particular creditor  
8 in recovery. Interestingly, the statute itself does not mention the word discover or  
9 discovery or anything like that. What apparently is meant by the word discovery is to  
10 require the debtor to appear and answer concerning his property. It's kind of like  
11 consistent with interrogatories and requests for production. You're just doing discovery.  
12 That doesn't mean you don't know about what you're asking about. You just want the  
13 debtor to confirm it and that's what you are doing here in the discover point of view is that  
14 the party, the creditor which is doing due diligence is trying to get this case before the  
15 Court, get this property before the Court. They done an execution. The execution was  
16 returned Nulla Bona, as is normally the case. They want the debtor, through  
17 supplementary proceedings to answer concerning his property. In this case, the Plaintiff  
18 did file for supplementary proceedings, but we didn't have supplementary proceedings  
19 actually because the debtor, Mr. Ruegsegger, filed for bankruptcy. We've been through  
20 the issue with the bankruptcy and all of that but, you know, the point of the Roddy case  
21 and the point of the statute that I just offered into evidence is that discover or discovery  
22 means to answer concerning assets. It doesn't have anything to do with uncovering assets.  
23 You know, this is not like Perry Mason in most cases where you go in to examine a debtor  
24 on a supplementary proceedings hearing and have him just gush out what nobody knew  
25 before. You know, in this particular case though, you know, I am assuming and assuming

1 is a bad thing to do , but I'm assuming that the three judgment creditors were aware that  
2 Mr. Ruegsegger owned real property, the property in question, the subject property we are  
3 here to discuss. He owned that property and he in fact owned the property with his wife.  
4 His wife owned a half interest. He owned a half interest. Lived in the house. They had  
5 a huge mortgage on the house. In fact, the mortgage itself exceeded the purchase price  
6 for the property. I'll give you a--- I'll offer into evidence here a copy of the deed. This  
7 is the deed into the Ruegseggers, Tiffany and Christopher Ruegsegger. This deed was  
8 recorded in 2011 and the two mortgages that are ahead of the Plaintiffs--- The two  
9 judgment that are ahead of the Plaintiff's judgment were filed in 2014 during the time that  
10 this deed was effective and during the time that the property was owned jointly by the  
11 Ruegseggers. Plaintiff's judgment was filed in 2015, so it was behind the other two  
12 judgments. At that point in 2014 and 2015 we have a piece of property that is worth I  
13 think logically less than the mortgage and the mortgage which I mentioned earlier, the  
14 mortgage principal balance was Ninety-seven thousand, Nine hundred and twenty-seven  
15 (\$97,927.00) dollars versus the purchase price recited in the deed of Eighty-nine thousand,  
16 Five hundred (\$89,500.00) Dollars, so effectively there is no equity in the property, not  
17 even considering the homestead exemption that they would have. The homestead  
18 exemption would probably amount to One hundred and ten thousand (\$110,000.00)  
19 Dollars. So if you would look at this from the standpoint of the judgment creditors trying  
20 to determine whether or not they are interested in this property and assuming that all three  
21 of them even knew about the property, nobody would have gone against this property in  
22 2014-15 and into 16 and maybe even beyond 16. And what happened though in 2016 is  
23 the house was very severely damaged by fire and Mr. and Ms. Ruegsegger and their  
24 children had to vacate the premises. Let me offer the next thing into evidence first. I've  
25 got a copy here of the mortgage that I mentioned earlier and a Mortgage Satisfaction. The

1 mortgage Satisfaction was filed August 9, 2016. Okay. So based on the fire and the  
2 insurance claim for fire damage, the mortgage got paid off and they satisfied their lien.  
3 So at this point in time, 2016, the property is effectively no longer encumbered by a  
4 mortgage so now it's starting to look like there is some potential for equity, but the  
5 situation is do the Mr. Ruegseggers' together still live in the property? Okay. I mean, that  
6 is something that you are not going to know by researching records in the courthouse. I'm  
7 going to state as a fact that there is certainly no position that, you know, if through  
8 constructive knowledge you knew something, that's not knowledge. I mean, we're talking  
9 about actually knew something. And you know, the two judgment creditors -- there is  
10 absolutely no evidence that the two judgment creditors prior in time to the Joe Hand  
11 Promotions judgment, there is no evidence whatsoever that they knew anything about this  
12 in 2016, 2017, 2018. They did nothing. They filed no execution. They filed no  
13 supplementary proceedings. Mr. Ruegsegger files bankruptcy and they do nothing in the  
14 bankruptcy case. I don't think they filed a proof of claim. They certainly didn't do  
15 anything to object to Mr. Ruegsegger's claim that he had homestead exemption on this  
16 property. So, you know, the evidence to me is overwhelming that these two creditors just  
17 didn't care. They weren't going to do anything to try to protect or preserve their  
18 judgment. Basically it was left to the Plaintiff to do that. Now, my final point--- Here  
19 is a Quit Claim Deed from Tiffany Ruegsegger to Christopher Michael Ruegsegger. This  
20 was filed--- This deed was filed June 8, 2017. Now, as I determined during the  
21 bankruptcy case that I was working on, the Ruegseggers got divorced and Ms. Ruegsegger  
22 deeded him her half interest. So now, instead of having a lien on a half interest in  
23 property, the three judgment creditors have a lien on a full interest in the property. So the  
24 next issue is okay, when did their interest in the property switch from a half interest to a  
25 full interest? I think it's clear upon the recording of the deed that I just offered that that

1 deed reflects the half interest that they did not have a claim to or a lien upon was then put  
2 in Mr. Christopher Ruegsegger's name and then at that point, simultaneously the  
3 judgments attached to that interest. They had attached priority wise back in 2014 and  
4 2015 only to Mr. Ruegsegger's half interest. In June of 2017 they attached simultaneously  
5 to Mr. Ruegsegger's newly acquired half interest. So you've got a half interest  
6 encumbered by -- already previously encumbered by the judgments when they were filed.  
7 You've got the next half interest would be simultaneously claimed lien wise by these  
8 creditors. The purpose of the Plaintiff in this case, Joe Hand Promotions, to bring this  
9 matter to the Court was they wanted to collect their judgment debt. Nobody else was  
10 making any effort to collect their judgment debt. Based on the Roddy case and the other  
11 cases, you know, the idea was okay, we are going to do the due diligence that nobody else  
12 is doing. We're going to be vigilant and diligent in doing what needs to be done to collect  
13 our debt and if the other parties are not going to do anything, they shouldn't be entitled  
14 to anything and that's the mind set that the Plaintiff had in going forward with the  
15 objection in the Bankruptcy Court that resulted in the Judge ruling that the homestead  
16 exemption did not apply and so therefore, the Court's ruling basically is that the  
17 judgments, all the judgments, any lien against the real property was unaffected by the  
18 homestead exemption. So at that point in time, that is 2018 that we are talking about, the  
19 Court made that decision. Again, no participation by either of the prior judgment creditors  
20 and all of this. All of the work was done by my client, primarily me, to seek a recourse  
21 against this property. By that time, 2018, we had filed our execution request and request  
22 for a hearing on supplementary proceedings and we've done -- we did all the right things  
23 to get this thing -- to get this property before the Court and importantly, that included  
24 preserving this property from being a loss, total loss by any adverse decision in the  
25 Bankruptcy Court. You know, I think it's pretty logical that if nobody had done anything

1 of course, there wouldn't have been probably a decision whatsoever having to do with the  
2 homestead exemption and since the debtor had claimed it, the debtor would get it and it  
3 would be an over and done issue and none of the judgment liens here would have any  
4 property -- and I'm talking about this debtor -- has no other property to go against. So you  
5 know, basically these things, the ownership change, the paying off of the mortgage, the  
6 elimination of the claim for homestead exemption, all of that. All of that was not -- was  
7 done by or was known by Joe Hand Promotions and there's certainly no evidence that  
8 anybody else had any knowledge of it and if they did have any knowledge of it, I think it's  
9 clear based on memoranda filed already by the Founders' attorneys, you know, they  
10 consciously decided not to do anything about it. So at this stage Judge, the--- And I do  
11 want to put in something that I--- The last, maybe the first hearing I put into evidence---  
12 Yes, this is July 17th. I put in evidence a chronology regarding the things that Joe Hand  
13 Promotions did to protect its interest and I will hand this up again. It's already in evidence  
14 as I understand it. But it appears that I failed to put into evidence a chronology that I had  
15 prepared that had to do with Founders Federal Credit Union and I hand that up. But  
16 basically, you know, what they did, you know, they filed a judgment and effectively the  
17 next involvement they had was they filed an Answer in this particular case. Okay. I mean  
18 they basically done nothing. No execution. No supplementary proceedings. No  
19 participation in the Bankruptcy and, you know, no suit, counterclaim in this suit to get the  
20 relief that the Plaintiff wants. You know, they basically just kind of you know, followed  
21 along at that stage. So that, you know, I mean really the whole key here is that no asset  
22 would be available to be discussed today and I could go back to the Roddy case where  
23 basically in the Roddy case they are talking about not discovering assets or uncovering  
24 assets. They are talking about pursuing assets to the Court. That's the wording, pursue  
25 the asset of a property to the Court. And that is what we did here. We didn't discover

1 anything. We discovered changes in the ownership and the liens on the property and we  
2 did something about it. But you know, Founders Federal Credit Union and the other  
3 judgment creditors have never participated in this thing. I mean it's kind of to me,  
4 ridiculous that that creditor would be given the time of day, much less give them first lien  
5 priority. I want to quote the maxim here. Equity aids the vigilant and the diligent and not  
6 those who slumber on their rights. Founders Federal Credit Union slumbered on its rights.  
7 Joe Hand Promotions did anything but slumber on its rights. I cannot imagine a factual  
8 situation which would be more compelling than this one. This Court originally ruled that  
9 we were entitled to first lien special priority and then reversed itself again, based on FCX  
10 and I don't think FCX is the proper authority for any kind of decision in this regard with  
11 regard to real property because that case didn't involve that. Now, final thing--- Let me  
12 make sure. Final thing is what I learned after the last Order was issued is that Founders  
13 Federal has no interest in protecting their interest even after obtaining the Order that  
14 granted them first lien priority or effectively first lien priority because the first mortgage  
15 is very small. They are doing nothing. They've made it absolutely clear that their only  
16 desire to be involved here is to make sure that the Court does not make a ruling that is  
17 somehow going to set a bad precedent. You know, at the end of the day, you know one  
18 of these two creditors is going to file an appeal and there will be some precedent set  
19 whether it's a bad precedent or not, but I think the Court of Appeals is going to have an  
20 opportunity to weigh in on this. We are in equity here. They are not trying to get any  
21 equity done. They are not trying to protect their interest in any kind of asset. To the  
22 contrary they've made it clear that they are not going to do anything, especially--- A big  
23 concern of mine personally is the fact that there has been a tax sale of this property. I  
24 brought this up at the first hearing. The redemption period is pretty much near the end.  
25 It's about three weeks I think before the property has to be redeemed in which case if it's

1 not redeemed of course the property goes away for all of the parties and all of the effort  
2 that I have made and my client has made to get to this point to try to preserve this property  
3 is basically negated because the property is lost for good. So that is the concern and  
4 Founders Federal has indicated they are not interested in protecting their interest by  
5 redeeming the property from the tax sale. They don't really even care about going to sale  
6 on this property. They have no intention of doing that. So the only party interested in this  
7 real property at all is the Plaintiff, Joe Hand Promotions. So I would say that since the  
8 Plaintiff and I are willing to go forward with redeeming the property from the tax sale in  
9 order to preserve this property even longer, it would I think be just an absolute waste if  
10 the party doing all the work, taking all the risk, expending all the money, is not going to  
11 get any benefit in equity for all their work. Now, one final point is that the FCX case and  
12 other cases have involved or ordered that the moving party would be entitled to get full  
13 reimbursement for its costs and attorney's fees and Your Honor has previously ruled that  
14 an attorney's fee would be awarded and I would just ask that the Court consider the work  
15 done on this case which I have itemized here to the best of my ability, a total of 48.5 hours  
16 and we have costs which now total One thousand, Four hundred forty-five dollars and  
17 sixty-three cents (\$1,445.63). I will hand up a statement of that. If the Court is inclined  
18 to grant attorney's fees to reimburse -- and the word is in full -- the moving party or the  
19 diligent party, you know, that reimbursement ought to be reflective of the actual work  
20 done by the Plaintiff and the expenses incurred by the Plaintiff to get to this point. Judge,  
21 I think that is all that I want to say other than I would ask that everything I've handed up  
22 to you be accepted into evidence and I think to make it clear, I think we had four exhibits  
23 in the first hearing, so we would probably start with Plaintiff's 5.

24 MS. GRIGG: I object to any new evidence that is handed up today that was not  
25 handed up at the first hearing, Your Honor. The deed, the mortgage, they are all public

1 record. He could have gotten those before. He shouldn't be allowed to bring them in  
2 now on his Motion to Reconsider when a Motion to Reconsider has already been argued.

3 THE COURT: I will sustain that objection to those matters being entered as  
4 exhibits to this motion.

5 MR. JORDAN: Now, Your Honor, my only response to that would have to do  
6 with the report I put in with regard to my time and my costs. In the Order you issued last  
7 time is the first time that we had any indication that the Court was willing to grant  
8 attorney's fees as well as costs in this case. I guess that is obviously brand new  
9 information that I never -- we never even discussed it that this was a potential part of the  
10 Order of the Court until I saw a draft of the Order. So you know, I would certainly ask  
11 that the Court reconsider its ruling just now with regard to that particular itemized list of  
12 services as well as costs because again, this is absolutely something that came up after the  
13 last hearing.

14 MS. GRIGG: Your Honor, may I respond to that?

15 THE COURT: Yes.

16 MS. GRIGG: The case law clearly indicates that the attorneys in the past had  
17 sought fees and costs, even when they did not prevail on the creditor diligence, so Mr.  
18 Jordan should have known that that would have been an issue that could have come up at  
19 the last hearing and he could have submitted an Affidavit at that point in time.

20 THE COURT: Let me think about that a minute. Mr. Jordan, are you---

21 MR. JORDAN: I'm not through yet.

22 THE COURT: I thought you concluded.

23 MR. JORDAN: No, sir.

24 THE COURT: I'm sorry. I didn't mean to cut you off.

25 MR. JORDAN: Are you waiting on me, Judge?

1 THE COURT: Yes.

2 MR. JORDAN: Okay. I thought you said you were going to think about that a  
3 little while.

4 THE COURT: Well, yes.

5 MR. JORDAN: Okay.

6 THE COURT: And that may be today, it may be---

7 MR. JORDAN: I understand, I understand. Again, my only point on that Judge,  
8 is that that matter of the amount of attorney's fees or amount of time invested in this case,  
9 that was never before Your Honor. You know, I had no idea that a decision by the Court  
10 in that respect with regard to granting attorney's fees would be included in the Order.  
11 Okay. Now, one other point, too, is that if the Plaintiff in this case redeems the property  
12 from the tax sale, pays the taxes, is entitled to get reimbursed for the taxes as well as the  
13 costs involved and whether those are Twenty-five hundred (\$2,500.00) Dollars or  
14 whatever the attorney's fees might be. I would ask that the Order include a provision that  
15 the Plaintiff does not have to submit the amount of its bid before, you know, getting  
16 money right back. In a typical foreclosure action where if the Plaintiff bids, it gets a  
17 credit for the amount of its judgment debt. I mean, that's really, I think, important that the  
18 Court Order indicate that the Plaintiff gets a credit for the things that it has paid so that  
19 it is simply not paying money into the Court to turn around in a couple weeks later and get  
20 a check to reimburse him for that amount. Okay. Obviously any bid over and above the  
21 amounts we are talking about would be money that would have to be paid into the Court,  
22 but that is no different than a mortgage foreclosure scenario. So I ask that the Court  
23 include a provision with regard to that circumstance. Finally Judge, I am receiving bills  
24 from the newspaper with regard to the advertising of the Notice of Sale in this case. I  
25 don't want to get on the bad side of the newspaper, but at the end of the day, I don't feel

1 any responsibility for paying that and there will be no money to pay it if this property goes  
2 to sale and there is not enough money to pay it. So, you know, that will be obviously a  
3 problem to be dealt with.

4 THE COURT: And what is the amount of that publication?

5 MR. JORDAN: Three hundred Sixty (\$360.00) Dollars. I mean, if the Plaintiff  
6 is inclined to bid at the -- to redeem the property from the tax sale and to bid at a sale, you  
7 know, we will certainly include that money in the bid, but at this point in time, we will  
8 wait and see what the final Order looks like to make a decision as to whether or not we  
9 will actually be participating and it certainly does us no real good, I don't think, to bid  
10 when all we're going to do is get the costs back we will have to advance. Thank you,  
11 Judge.

12 THE COURT: Counsel?

13 MS. GRIGG: Thank you, Your Honor. There are a number of issues, Your  
14 Honor, to address, but I do want to start with Paragraph 14 in Mr. Jordan's Motion  
15 because when I first read it, I was honestly and frankly offended by it. The implication  
16 or the suggestion that Founders failed to disclose anything is just inaccurate. We never  
17 sought relief to sell this property. We never requested any type of relief to sell the  
18 property. We never intimated that we had any desire to sell this property. Founders, being  
19 prudent with its members' money, looked at the issue, saw there was no value in it above  
20 the tax amount that is due, above the amount due to the first judgment creditor, there was  
21 no value in it to get to Founders' judgment, moreover to Joe Hand's. It is our belief that  
22 that is the position of the law. That's the state of the law in South Carolina. Why do we  
23 think that? Section 15-35-810 says that judgments attach as liens when they are recorded  
24 in the county where the property is located. Pure and simple. That's what the statute says.  
25 If I failed to include it in my draft Order, I apologize. I thought that was a given. But just

1 so we're clear 15-35-810. I've got copies if the Court needs a copy. I've got a copy for  
2 Mr. Jordan if he'd like it. I'm happy to hand those up. The problem for Mr. Jordan and  
3 for Joe Hand Promotions is that all of the case law he cited does not support this Court  
4 reversing the September 24, 2019 Order. Let's talk about the Knight case that he cited  
5 in his Motion. What happened in the Knight case? That is a Chapter 7 Trustee case.  
6 Judge Burris was the Judge in that matter. Bob Anderson, as the Trustee, filed certain  
7 adversary proceedings to bring some property back into the Bankruptcy estate because  
8 those properties had been allegedly fraudulently conveyed. That was a Statute of  
9 Elizabeth issue. He was successful in obtaining a Consent Order or a Settlement Order  
10 from the people that he had to sue, the Defendants, and he did bring property into the  
11 estate. So he filed an action, brought property back into the estate. What did Judge  
12 Burris do with that? She said Mr. Anderson, even though you've done these things, the  
13 Doctrine of Creditor Diligence doesn't entitle you to jump Apex's judgment to the tune  
14 of --- I believe Apex had two judgments if my memory serves. One to the tune of One  
15 and a half million (\$1,500,000.00) Dollars and a second one to the tune of Five hundred  
16 thousand (\$500,000.00) Dollars. Bob Anderson, who I dearly care for, said Your Honor,  
17 let's ignore the priorities. Let's ignore the recordation dates. Let me jump their  
18 judgments because of what I've done. Judge Burris looked it and said look, Apex didn't  
19 have to do anything else. They recorded their judgments. In fact, I'd like to quote Judge  
20 Burris' Order for the Court, if you don't mind, just so that we are clear. Apex's liens were  
21 perfected upon transcription of the judgment in Saluda County, giving public notice of the  
22 liens. It cites 15-35-810 that I've just quoted. No further action was required of Apex to  
23 perfect or preserve its lien on the Saluda property. That's all it had to do. All it had to  
24 do. So it's very interesting to me that the Plaintiff cites to the Knight case because the  
25 Knight case, while it may not have clearly said superior diligence is not an applicable

1 theory when you deal with real estate, it goes a step further. It says we have a Trustee who  
2 actually did a lot of work with respect to bringing that asset into the case, but we're not  
3 going to allow Mr. Anderson to trump the judgments that were already of record and she  
4 denied the Notice of Sale free and clear of all liens. So that's with respect to the Knight  
5 case. The Roddy case I find very interesting because in Roddy the Plaintiff wants to pick  
6 and choose the pieces of Roddy that it likes, but ignore the pieces of Roddy that it doesn't  
7 care for. Roddy is replete with talk about discovered an asset, discovered asset. So what  
8 happened in Roddy? I know we've gone over this case ad nauseam, so I apologize. But  
9 in Roddy, the third-in-line judgment creditor did supplemental proceedings. He  
10 discovered an asset that was not in the County records. It was not recorded of title in the  
11 County records. It was a security that was being held in New York. So Roddy says  
12 you've got to discover an asset. It has to be a discovered asset. In the hands of a third  
13 party or not subject to execution and not subject to execution is really important because  
14 the property that we're talking about was certainly subject to execution. It was not hidden.  
15 It was clearly titled in Mr. Ruegsegger's name in this County. So Roddy is a very  
16 important case. Why did I rely on FCX? Because that's the only case that's on point.  
17 While FCX does not specifically deal with real estate, it could not be clearer that had it  
18 dealt with real estate, they would have never gotten to any further analysis because the  
19 Court clearly says if Long Meadow Farms had held legal title to real estate, then under  
20 established law the judgment would constitute a lien upon the real estate in the order of  
21 their filing and there would be no question of priority. I understand that the Plaintiff has  
22 a desire to collect its judgment, but just because you have a desire, Your Honor, doesn't  
23 mean that you get to upend the priorities in the line of judgments that come before you.  
24 Mr. Jordan handed up the supplemental proceedings statute. Let me see if I can find it.  
25 Yes, right here. So what's interesting about this statute? When do you get to examine

1 a witness on the stand? After you've gotten a Nulla Bona return. When do you get the  
2 Nulla Bona return? After you've sent it to the Sheriff's Department to search the County  
3 records. That's how it happens. You send it to the Sheriff's Department. The Sheriff's  
4 Department is supposed to search the County records, give you a call if they find any real  
5 property that's in the County. I've had the Sheriff's Department call me when they found  
6 cars in the County. That's great, but they're supposed to search the County records. Now  
7 whether they do or not, that is an argument for a different day, but that's what they are  
8 supposed to do. So you don't get to the supplementary proceedings for discovery of the  
9 assets until you search the County records. A lot has been made about the Crown Central  
10 case because it actually did involve real property. Crown Central is easily distinguishable  
11 because it also involved judgments that were obtained fraudulently and collusively. That's  
12 not the situation we have here. It's just not. In fact, in *In Re Knight*, Judge Burris  
13 specifically pointed out that the Crown Central case involved some fraudulent activity,  
14 fraudulent conduct and this case, as in the Knight case, there's just none there. And in  
15 a footnote, Judge Burris also talks about how personal property is treated different from  
16 real property and executions against personal property are treated differently from real  
17 property. She noted that difference, Your Honor, and I think it's an important difference.  
18 Early on in Mr. Jordan's argument he talked about a purchase money mortgage. Of  
19 course, a judgment can't attach to property unless the person owns the property. I think  
20 we can all agree on that. A person doesn't own the property unless they go out and get a  
21 purchase money mortgage from someone and then of course the judgment is going to  
22 come after the purchase money mortgage. That just makes sense. It is not even brought  
23 into the estate or before the Court before that mortgage is granted by that lender, so it  
24 makes sense for that lender's mortgage to have priority over a judgment even though it  
25 predates. So yes, there are certain exceptions, but these facts don't fall into one of the

1 exceptions. Your Honor, I think I'm going to rest with that. I certainly don't have a  
2 problem if somebody comes forward and redeems the property -- if Joe Hand comes  
3 forward and redeems the property from the tax sale, moves forward with the foreclosure  
4 sale, they get reimbursed the taxes that they expended. I don't have an issue with that.  
5 I do have an issue with them continuing to try to upend the priorities in this case, re-  
6 prioritize the judgment liens because the law just is not there to support it. Thank you,  
7 Your Honor.

8 THE COURT: Alright. Mr. Jordan?

9 MR. JORDAN: Briefly, Your Honor. In Re Knight, a 2017 bankruptcy case, you  
10 know, is the case that did not mention the judgments against real property are outside the  
11 scope of diligent creditors -- creditor doctrine. You know, as I had previously stated, you  
12 know, the creditor in that case, the Trustee in performing all this due diligence, did not  
13 prevail for one reason and one reason only. Because Apex, the judgment creditor who had  
14 a lien prior to the Trustee had done everything that it was capable of doing to preserve and  
15 protect its judgment interest. That's the reason that the Court decided in favor of Apex  
16 as against the Bankruptcy Trustee. The comment about, you know, not subject to  
17 execution, quoting from Roddy, you know, again until 2016 or 2017 and really until 2018  
18 when the Bankruptcy Court ruled on it, you know, this property was not subject to  
19 execution. There was a homestead exemption on this property. If the Sheriff's Office had  
20 found out and obviously if he searched the records as Ms. Grigg indicates, that is the  
21 routine procedure, they would have found out that Mr. Ruegsegger had an interest in real  
22 property in Spartanburg County. They returned the Execution Nulla Bona and did not  
23 mention the property whatsoever and the logical reason for that is because it was  
24 something -- it was an interest in property that could not be reached in execution because  
25 of the homestead exemption, if not also because of an outstanding mortgage. So, you

1 know, I'm still interested in what the established law is that is somehow relied upon by  
2 the FCX Court to say what it said which was, you know, totally dictum, had nothing to do  
3 with the outcome of the case. You know, certainly shouldn't be something that would  
4 constitute precedent going forward. One final thing, Judge. It is, you know, I mean it is  
5 easy to say that of course purchase money mortgages have priority, but I call to Your  
6 Honor's attention and recollection about a case somewhat right on point here. SunTrust  
7 Bank versus Bryant which I have mentioned earlier, which Your Honor actually ruled on  
8 in favor of the judgment lien having priority over the purchase money mortgage. So from  
9 that perspective it is not, you know, an assured outcome that a purchase money mortgage  
10 will be given special priority. But, you know, I will just bring that up. That is all I've got,  
11 Judge.

12 MS. GRIGG: Just briefly, Your Honor. In the Knight case, Judge Burris does not  
13 mention that Apex needed--- In fact, she says Apex didn't need to do anything else.  
14 They transcribed their judgment. That's all they needed to do. There is no evidence---  
15 She specifically says there is no evidence that they slept on its rights. They did exactly  
16 what Founders has done in the case. They recorded their judgment. They obtained the  
17 judgment. They recorded it. That's all that was needed to be done. I request that the  
18 Court look at the diligent creditor doctrine section of the Knight case. To me it is clear.  
19 I'm not sure what else we could have done. My second point, property is subject to  
20 execution regardless of whether there is a mortgage on it or not. Regardless of whether  
21 there is a homestead exemption or not. Property in the County is subject to execution. It's  
22 the defendant's -- at that point in time, the judgment debtor's position to come in and to  
23 defend it with a homestead exemption, but property in the County is subject to execution.  
24 It has to be up to the judgment creditor to decide whether it makes sense to go forward  
25 with an execution. Then finally, I have not seen the SunTrust case. It was not mentioned

1 in the Motion, but again that seems to go back to the argument I've been making that dates  
2 actually matter. When a judgment lien is filed, it actually matters, Your Honor. I have  
3 nothing further.

4 THE COURT: Mr. Jordan, anything else?

5 MR. JORDAN: Nothing, Your Honor.

6 THE COURT: As to the previously entered Order--- Well, let me back up. I  
7 did not find that the facts in this case supported an implementation of the superior  
8 diligence doctrine to have the Joe Hand Promotions, Inc. judgment jump over in priority  
9 and that was the reason that I did not find that the superior diligence doctrine, as Mr.  
10 Jordan had pled, applied. So I will not reverse that part of it, but I will amend the Order  
11 as to the items requested by Mr. Jordan as far as what statute relates to the filing. I  
12 thought that was a go without saying, that judgments are entitled to priority by the  
13 recording. Ms. Grigg, I am going to ask you to do the Order in this case and amend the  
14 Order to provide that the statutory provision that I've relied on was the recording statute  
15 that you cited, 15-35-810. I did not -- was not going to disturb that statutory provision by  
16 calling into play the superior diligence doctrine. The issue as to attorney's fees, that was  
17 an equitable decision on my part to award those off of the, kind of the top of the -- any  
18 assets -- or not assets, the sale of the assets. But again, if the taxes are advanced and any  
19 costs relating to the taxes, they will be included in that priority position and, if the  
20 property is sold and Joe Hand Promotions, Inc. does bid, they will be entitled to a credit  
21 bid for the amount of the taxes paid, the costs associated with the taxes and that Three  
22 hundred sixty (\$360.00) Dollar publication fee. Other than those particular amendments  
23 to that Order, and the allowing of this -- the proposed attorney's fees and costs, I will not  
24 allow that to be submitted as evidence in this hearing. So other than those amendments  
25 of clarification, the Order previously entered will remain the same.

1 MS. GRIGG: Your Honor, may I clarify one thing?

2 THE COURT: Yes.

3 MS. GRIGG: So with respect to the fees and costs, we will keep the attorney fees  
4 and costs at Twenty-five hundred (\$2,500.00) Dollars, the taxes advanced and any costs  
5 associated with the advancement of those taxes.

6 THE COURT: Right.

7 MS. GRIGG: And then the Three hundred sixty (\$360.00) Dollar publication cost.

8 THE COURT: Right.

9 MS. GRIGG: Okay. I just wanted to make sure.

10 THE COURT: And those will be off the top and they will also be a credit to Joe  
11 Hand Promotions in the event Joe Hand Promotions decides to bid on the property at the  
12 sale, so that will be a part they would not have to come up with.

13 MR. JORDAN: Your Honor, you had I believe in your Order and I can't pull it  
14 out right now, also provided for reimbursements of the costs of this suit to the Plaintiff.

15 THE COURT: Let me look at the Order.

16 MS. GRIGG: It does, Your Honor. It shall be reimbursed for its actual costs in  
17 filing this action, service of process, referral fee to the Master in Equity, and publication  
18 costs of the sale advertising.

19 THE COURT: Okay.

20 MS. GRIGG: So I will just maintain that language if that suits the Court.

21 THE COURT: Well, and why don't we be specific as to those costs that are  
22 reimbursable because that will be a part of the credit bid as well.

23 MR. JORDAN: The costs and the attorney's fees, the Twenty-five hundred  
24 (\$2,500.00) Dollars?

25 THE COURT: The Twenty-five hundred (\$2,500.00) Dollars and the costs that

1 I'm going to go over right now.

2 MR. JORDAN: Will be part of the credit bid?

3 THE COURT: Yes. Or they will be -- come off the top of any, if a third-party, as  
4 I see it and I'm only using this -- I'm not allowing it as evidence, but I'm going over it  
5 because I don't have any other document to use. The filing and the Lis Pendens is One  
6 hundred Eighty dollars and Thirty-two cents (\$180.32); a title update of Forty-five  
7 (\$45.00) Dollars; service of process, One hundred Thirty (\$130.00) Dollars; the reference  
8 fee of One hundred Twenty-five (\$125.00) Dollars; motion fee of Thirty-one dollars and  
9 seventy-four cents (\$31.74); and the Thirty-one dollars and seventy-four cents (\$31.74)  
10 for the Motion to Reconsider. So those are the actual--- Let's see.

11 MS. GRIGG: And we need to add the publication cost of Three hundred Sixty  
12 (\$360.00) Dollars.

13 THE COURT: Of Three hundred Sixty (\$360.00) Dollars, right. I see another  
14 reference deposit of One hundred (\$100.00) Dollars.

15 MR. JORDAN: That would have been for the--- I don't know.

16 THE COURT: There should only be one. There should be a filing fee and then the  
17 reference which is One hundred (\$100.00) Dollars, plus that---

18 MR. JORDAN: We had the supplementary proceeding, Judge. That would have  
19 been a different case number.

20 THE COURT: Alright. So the One hundred (\$100.00) Dollars for that reference  
21 and the Twenty-five (\$25.00) Dollars on the execution. So those would be the total costs  
22 that would be--- When I say costs, let's be specific about the actual costs that are going  
23 to be included in the -- either the credit bid or the reimbursement off the top.

24 MS. GRIGG: Okay. So we have a foreclosure reference fee of One hundred  
25 Twenty-five (\$125.00) Dollars on the judgment lien and then we have another reference

1 fee for the supplemental proceedings.

2 THE COURT: Right.

3 MS. GRIGG: Reference fee of One hundred (\$100.00) Dollars, plus Twenty-five  
4 (\$25.00) Dollars.

5 THE COURT: Right.

6 MS. GRIGG: Okay. Just want to make sure I'm clear.

7 THE COURT: Rather than say costs, let's be specific.

8 MS. GRIGG: Certainly.

9 THE COURT: And then we will clarify or--- I thought it was clear, but it's  
10 obviously not as far as the statutory provision that I relied on. Then that takes care of it.

11 MS. GRIGG: Thank you very much, Your Honor.

12 THE COURT: Alright. And then if you will provide Mr. Jordan a copy of the  
13 draft.

14 MS. GRIGG: Certainly.

15 THE COURT: And when it's ready--- The only thing that should be is the total  
16 of the costs. The rest of it is pretty...

17 MS. GRIGG: Pretty simple.

18 THE COURT: Right.

19 MS. GRIGG: I'll be happy to make those changes. I'll try to get that to you in the  
20 next day or two.

21 THE COURT: Alright.

22 MR. JORDAN: Thank you, sir.

23 THE COURT: Alright. Have a good day.

24 --- -- END OF RECORD --- --

25

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|-----------------------------------------------|---|-----------------------------------|
| STATE OF SOUTH CAROLINA                       | ) | IN THE COURT OF COMMON PLEAS      |
|                                               | ) | CASE NO.: 2015-CP-42-0942         |
| COUNTY OF SPARTANBURG                         | ) |                                   |
| Joe Hand Promotions, Inc.                     | ) |                                   |
|                                               | ) |                                   |
| Plaintiff,                                    | ) |                                   |
|                                               | ) |                                   |
| vs.                                           | ) | <b>PETITION FOR SUPPLEMENTARY</b> |
|                                               | ) | <b>PROCEEDINGS</b>                |
| Upstate Recreation d/b/a Leeg's Nightclub and | ) |                                   |
| Chris Ruegsegger,                             | ) |                                   |
|                                               | ) |                                   |
| Defendants.                                   | ) |                                   |

---

The Plaintiff, Joe Hand Promotions, Inc., respectfully alleges:

1. That heretofore on March 2, 2015, it recovered and filed a Judgment against the Defendants, Upstate Recreation d/b/a Leeg's Nightclub and Chris Ruegsegger, in the amount of \$37,757.50.
2. That an Execution on Judgment was duly issued to the Sheriff of Spartanburg County, and that the Sheriff has returned the Execution on Judgment marked nulla bona.
3. That \$0.00 has been paid against the judgment debt, and there is still due and owing on the Judgment a principal balance of \$37,757.50.
4. That the judgment debt includes interest on the said principal balance from and after March 2, 2015, at the judgment rate(s).
5. That it is informed and believes that the Defendant, Chris Ruegsegger, has or may have, assets, not exempt from levy, which the said Defendant unjustly refuse to apply toward the judgment debt.
6. That it is further informed and believes that it is entitled to have an examination of the Defendant, Chris Ruegsegger, in supplementary proceedings to ascertain and discover any and

all property and assets, real, personal or mixed, wheresoever situated, belonging to him or in which he could claim an interest, either solely or in conjunction with any person, firm, corporation or other entity, any or all of which is or should be applied by the Court to the payment of the judgment debt.

7. That it is further informed and believes that a Receiver should be appointed to marshal and liquidate the said Defendant's assets identified in such proceedings in furtherance of the collection of the Plaintiff's judgment debt.

WHEREFORE, THE PLAINTIFF PRAYS:

1. That the Court inquire into the matters alleged herein;
2. That the Court issue its Rule to Show Cause to the Defendant, Chris Ruegsegger, and such Orders granting the relief to which the Plaintiff may be entitled;
3. That the costs of this action be added to the judgment debt; and
4. For such other and further relief as may be just and proper.

Columbia, South Carolina  
March 27, 2018

s/ Leonard R. Jordan, Jr.  
Leonard R. Jordan, Jr., ID #3221  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
Email: [ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)  
Attorney for the Plaintiff

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2015-CP-42-0942

Joe Hand Promotions, Inc. )  
Plaintiff, )  
vs. )  
Upstate Recreation d/b/a Leeg's Nightclub and )  
Chris Ruegsegger, )  
Defendants. )

**RULE TO SHOW CAUSE**

**TO: THE DEFENDANT, CHRIS RUEGSEGGER:**

It appearing that a Judgment has been rendered in favor of the Plaintiff against the Defendants, Upstate Recreation d/b/a Leeg's Nightclub and Chris Ruegsegger, that an Execution on Judgment has been issued, that a nulla bona return has been made to the Execution on Judgment, and that the Plaintiff is entitled to examine the Defendant, Chris Ruegsegger, under oath concerning any assets which he may own and to locate and ascertain the financial assets of the said Defendant for the purpose of satisfying the Judgment, upon Petition for Supplementary Proceedings filed by the Plaintiff, attached hereto, it is

ORDERED that you, Chris Ruegsegger, appear before the undersigned, as Master in Equity for Spartanburg County, on Tuesday May 8<sup>th</sup>, 2018, at 9:30 A.M., in the Spartanburg County Courthouse, 180 Magnolia Street, Third Floor, Suite 900, Spartanburg, South Carolina, then and there to answer under oath concerning your assets; TO SHOW CAUSE why your properties should not be applied toward the satisfaction of the Judgment described in the attached Petition for Supplementary Proceedings; and TO SHOW CAUSE why a RECEIVER of your properties should not be appointed, pursuant to the provisions of §15-39-430, Code of Laws

Masters Cost Paid  
Date 4-2-18 5  
\$100.00 ck# 2983

of South Carolina, 1976, as amended.

IT IS, FURTHER, ORDERED that you, Chris Ruegsegger, respond in writing to the said Attorney for the Plaintiff, answering fully and completely each of the items requested in the ATTACHED LIST, which is made a part of this Order. You are hereby required to send your response to the Plaintiff's attorney no less than ten (10) days prior to the scheduled show cause hearing.

IT IS, FURTHER, ORDERED THAT YOU, CHRIS RUEGSEGGER, ARE HEREBY RESTRAINED, PENDING THE HEARING, FROM DISPOSING OF ANY PROPERTY (REAL OR PERSONAL) EXCEPT IN THE ORDINARY COURSE OF BUSINESS.

AND IT SO ORDERED.

---

Gordon G. Cooper  
Master in Equity for Spartanburg County

Spartanburg, South Carolina  
April 6<sup>th</sup>, 2018



Spartanburg Common Pleas

**Case Caption:** Joe Hand Promotions Inc VS Upstate Recreation DBA , defendant, et al  
**Case Number:** 2015CP4200942  
**Type:** Rule To Show Cause

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2018-04-06 10:06:18 page 3 of 3

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

DISTRICT OF SOUTH CAROLINA

Case number (if known) \_\_\_\_\_

Chapter you are filing under:

- ☒ Chapter 7  
☐ Chapter 11  
☐ Chapter 12  
☐ Chapter 13

☐ Check if this an amended filing

**Official Form 101**

**Voluntary Petition for Individuals Filing for Bankruptcy**

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint* case—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Identify Yourself**

**About Debtor 1:**

**About Debtor 2 (Spouse Only in a Joint Case):**

**1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

**Christopher**

First name

**Michael**

Middle name

**Ruegsegger**

Last name and Suffix (Sr., Jr., II, III)

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

**2. All other names you have used in the last 8 years**

Include your married or maiden names.

**3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)**

xxx-xx-0686

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

**About Debtor 1:**

**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

☒ I have not used any business name or EINs.

Include trade names and doing business as names

Business name(s)

EINs

**About Debtor 2 (Spouse Only in a Joint Case):**

☐ I have not used any business name or EINs.

Business name(s)

EINs

**5. Where you live**

**136 West Celestial Drive  
Greer, SC 29651**

Number, Street, City, State & ZIP Code

**Spartanburg**

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

**If Debtor 2 lives at a different address:**

Number, Street, City, State & ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.  
Explain. (See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.  
Explain. (See 28 U.S.C. § 1408.)

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

**Part 2: Tell the Court About Your Bankruptcy Case**

7. The chapter of the Bankruptcy Code you are choosing to file under *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*
- ☒ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- 
8. How you will pay the fee ☒ I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
- 
9. Have you filed for bankruptcy within the last 8 years?
- ☒ No.
- ☐ Yes.
- |                |            |                   |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
- 
10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?
- ☒ No
- ☐ Yes.
- |                |                                        |
|----------------|----------------------------------------|
| Debtor _____   | Relationship to you _____              |
| District _____ | When _____ Case number, if known _____ |
| Debtor _____   | Relationship to you _____              |
| District _____ | When _____ Case number, if known _____ |
- 
11. Do you rent your residence?
- ☐ No. Go to line 12.
- ☒ Yes. Has your landlord obtained an eviction judgment against you?
- ☒ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Debtor 1 Christopher Michael Ruegsegger

Case number (if known)

**Part 3: Report About Any Businesses You Own as a Sole Proprietor****12. Are you a sole proprietor of any full- or part-time business?**☒ No.

Go to Part 4.

☐ Yes.

Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State &amp; ZIP Code

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

☒ No.

I am not filing under Chapter 11.

☐ No.

I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes.

I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☒ No.☐ Yes.

What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State &amp; Zip Code

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**

**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

**About Debtor 1:**

*You must check one:*

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

- ☐ **Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

- ☐ **Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

- ☐ **Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

**About Debtor 2 (Spouse Only in a Joint Case):**

*You must check one:*

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

- ☐ **Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

- ☐ **Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

- ☐ **Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

**Part 6: Answer These Questions for Reporting Purposes**

|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16. What kind of debts do you have?                                                                                                                                   | 16a. Are your debts 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."                                                                                                                                 |
|                                                                                                                                                                       | <input type="checkbox"/> No. Go to line 16b.<br><input checked="" type="checkbox"/> Yes. Go to line 17.                                                                                                                                                                                                                      |
|                                                                                                                                                                       | 16b. Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.                                                                                                                         |
|                                                                                                                                                                       | <input type="checkbox"/> No. Go to line 16c.<br><input type="checkbox"/> Yes. Go to line 17.                                                                                                                                                                                                                                 |
|                                                                                                                                                                       | 16c. State the type of debts you owe that are not consumer debts or business debts                                                                                                                                                                                                                                           |
|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
| 17. Are you filing under Chapter 7?                                                                                                                                   | <input type="checkbox"/> No. I am not filing under Chapter 7. Go to line 18.<br><br><input checked="" type="checkbox"/> Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors? |
| Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors? | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes                                                                                                                                                                                                                                                       |
|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
| 18. How many Creditors do you estimate that you owe?                                                                                                                  | <input checked="" type="checkbox"/> 1-49<br><input type="checkbox"/> 50-99<br><input type="checkbox"/> 100-199<br><input type="checkbox"/> 200-999                                                                                                                                                                           |
|                                                                                                                                                                       | <input type="checkbox"/> 1,000-5,000<br><input type="checkbox"/> 5001-10,000<br><input type="checkbox"/> 10,001-25,000                                                                                                                                                                                                       |
|                                                                                                                                                                       | <input type="checkbox"/> 25,001-50,000<br><input type="checkbox"/> 50,001-100,000<br><input type="checkbox"/> More than 100,000                                                                                                                                                                                              |
|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
| 19. How much do you estimate your assets to be worth?                                                                                                                 | <input checked="" type="checkbox"/> \$0 - \$50,000<br><input type="checkbox"/> \$50,001 - \$100,000<br><input type="checkbox"/> \$100,001 - \$500,000<br><input type="checkbox"/> \$500,001 - \$1 million                                                                                                                    |
|                                                                                                                                                                       | <input type="checkbox"/> \$1,000,001 - \$10 million<br><input type="checkbox"/> \$10,000,001 - \$50 million<br><input type="checkbox"/> \$50,000,001 - \$100 million<br><input type="checkbox"/> \$100,000,001 - \$500 million                                                                                               |
|                                                                                                                                                                       | <input type="checkbox"/> \$500,000,001 - \$1 billion<br><input type="checkbox"/> \$1,000,000,001 - \$10 billion<br><input type="checkbox"/> \$10,000,000,001 - \$50 billion<br><input type="checkbox"/> More than \$50 billion                                                                                               |
|                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                              |
| 20. How much do you estimate your liabilities to be?                                                                                                                  | <input type="checkbox"/> \$0 - \$50,000<br><input type="checkbox"/> \$50,001 - \$100,000<br><input checked="" type="checkbox"/> \$100,001 - \$500,000<br><input type="checkbox"/> \$500,001 - \$1 million                                                                                                                    |
|                                                                                                                                                                       | <input type="checkbox"/> \$1,000,001 - \$10 million<br><input type="checkbox"/> \$10,000,001 - \$50 million<br><input type="checkbox"/> \$50,000,001 - \$100 million<br><input type="checkbox"/> \$100,000,001 - \$500 million                                                                                               |
|                                                                                                                                                                       | <input type="checkbox"/> \$500,000,001 - \$1 billion<br><input type="checkbox"/> \$1,000,000,001 - \$10 billion<br><input type="checkbox"/> \$10,000,000,001 - \$50 billion<br><input type="checkbox"/> More than \$50 billion                                                                                               |

**Part 7: Sign Below**

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Christopher Michael Ruegsegger

Christopher Michael Ruegsegger

Signature of Debtor 1

Signature of Debtor 2

Executed on March 29, 2018

MM / DD / YYYY

Executed on

MM / DD / YYYY

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Pamela L. Tripp

Signature of Attorney for Debtor

Date

March 29, 2018

MM / DD / YYYY

Pamela L. Tripp #9566

Printed name

Law Office of Pamela Lee Tripp

Firm name

24 Crescent StreetLyman, SC 29365-1605

Number, Street, City, State &amp; ZIP Code

Contact phone 864-469-4871

Email address

trippbklaw@icloud.com#9566 SC

Bar number &amp; State

**Fill in this information to identify your case:**

Debtor 1 Christopher Michael Ruegsegger  
First Name Middle Name Last Name

Debtor 2  
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF SOUTH CAROLINA

Case number  
 (if known) \_\_\_\_\_

☐ Check if this is an amended filing

**Official Form 106Sum**

**Summary of Your Assets and Liabilities and Certain Statistical Information**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

**Part 1: Summarize Your Assets**

**Your assets**  
 Value of what you own

1. **Schedule A/B: Property** (Official Form 106A/B)

1a. Copy line 55, Total real estate, from Schedule A/B..... \$ 37,300.00

1b. Copy line 62, Total personal property, from Schedule A/B..... \$ 12,577.15

1c. Copy line 63, Total of all property on Schedule A/B..... \$ 49,877.15

**Part 2: Summarize Your Liabilities**

**Your liabilities**  
 Amount you owe

2. **Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 106D)

2a. Copy the total you listed in Column A, *Amount of claim*, at the bottom of the last page of Part 1 of Schedule D... \$ 108,984.57

3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 106E/F)

3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of Schedule E/F..... \$ 0.00

3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of Schedule E/F..... \$ 7,674.00

Your total liabilities \$ 116,658.57

**Part 3: Summarize Your Income and Expenses**

4. **Schedule I: Your Income** (Official Form 106I)

Copy your combined monthly income from line 12 of Schedule I..... \$ 3,510.00

5. **Schedule J: Your Expenses** (Official Form 106J)

Copy your monthly expenses from line 22c of Schedule J..... \$ 3,510.00

**Part 4: Answer These Questions for Administrative and Statistical Records**

6. Are you filing for bankruptcy under Chapters 7, 11, or 13?
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. What kind of debt do you have?
- ☒ Your debts are primarily consumer debts. *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

Debtor 1 Christopher Michael Ruegsegger

Case number (if known)

8. From the *Statement of Your Current Monthly Income*: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 678.67

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

|                                                                                                                              | Total claim     |
|------------------------------------------------------------------------------------------------------------------------------|-----------------|
| From Part 4 on <i>Schedule E/F</i> , copy the following:                                                                     |                 |
| 9a. Domestic support obligations (Copy line 6a.)                                                                             | \$ <u>0.00</u>  |
| 9b. Taxes and certain other debts you owe the government. (Copy line 6b.)                                                    | \$ <u>0.00</u>  |
| 9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)                                          | \$ <u>0.00</u>  |
| 9d. Student loans. (Copy line 6f.)                                                                                           | \$ <u>0.00</u>  |
| 9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.) | \$ <u>0.00</u>  |
| 9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)                                       | +\$ <u>0.00</u> |
| 9g. Total. Add lines 9a through 9f.                                                                                          | \$ <u>0.00</u>  |

**Fill in this information to identify your case and this filing:**

|                                                                           |                                       |             |           |
|---------------------------------------------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                                                  | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                                                           | First Name                            | Middle Name | Last Name |
| Debtor 2                                                                  |                                       |             |           |
| (Spouse, if filing)                                                       | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: <u>DISTRICT OF SOUTH CAROLINA</u> |                                       |             |           |
| Case number _____                                                         |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 106A/B**  
**Schedule A/B: Property**

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In**

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☒ Yes. Where is the property?

1.1

**136 W Celestial Drive**

Street address, if available, or other description

**Greer** **SC** **29651-0000**

City State ZIP Code

**Spartanburg**

County

What is the property? Check all that apply

- ☒ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other \_\_\_\_\_

Who has an interest in the property? Check one

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another \_\_\_\_\_

Other information you wish to add about this item, such as local property identification number:

**2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage**

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

|                                       |                                       |
|---------------------------------------|---------------------------------------|
| Current value of the entire property? | Current value of the portion you own? |
| <b>\$37,300.00</b>                    | <b>\$37,300.00</b>                    |

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

**Fee simple**

☐ Check if this is community property (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

**\$37,300.00**

**Part 2: Describe Your Vehicles**

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

☐ No

☒ Yes

3.1 Make: **Nissan**  
Model: **Altima**  
Year: **2009**  
Approximate mileage: **124000**  
Other Information:

**KBB Private Party Value**

Who has an interest in the property? Check one

☒ Debtor 1 only

☐ Debtor 2 only

☐ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

☐ Check if this is community property  
(see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property?

Current value of the portion you own?

**\$5,141.00**

**\$5,141.00**

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories  
Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

☒ No

☐ Yes

5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>

**\$5,141.00**

**Part 3:** Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?  
Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No

☒ Yes. Describe.....

**Bedroom furniture**

**\$200.00**

**household goods and furniture**

**\$1,500.00**

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No

☒ Yes. Describe.....

**household electronics**

**\$350.00**

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

☒ No

☐ Yes. Describe.....

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

☒ No

☐ Yes. Describe.....

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

**10. Firearms**

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

☐ No

☒ Yes. Describe.....

**Taurus G2 Compact**

**\$200.00**

**11. Clothes**

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

☐ No

☒ Yes. Describe.....

**used clothing**

**\$200.00**

**12. Jewelry**

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

☐ No

☒ Yes. Describe.....

**misc jewelry**

**\$50.00**

**13. Non-farm animals**

Examples: Dogs, cats, birds, horses

☒ No

☐ Yes. Describe.....

**14. Any other personal and household items you did not already list, including any health aids you did not list**

☒ No

☐ Yes. Give specific information.....

**15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here .....**

**\$2,500.00**

**Part 4: Describe Your Financial Assets**

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own?  
Do not deduct secured claims or exemptions.

**16. Cash**

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☐ No

☒ Yes.....

**Cash**

**\$20.00**

**17. Deposits of money**

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No

☒ Yes.....

Institution name:

**17.1. Checking**

**Bank of America**

**\$2,800.00**

**17.2. Savings**

**Bank of America**

**\$16.15**

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known) \_\_\_\_\_

**18. Bonds, mutual funds, or publicly traded stocks**

*Examples: Bond funds, investment accounts with brokerage firms, money market accounts*

☒ No

☐ Yes.....

Institution or issuer name:

**19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture**

☒ No

☐ Yes. Give specific information about them.....

Name of entity:

% of ownership:

**20. Government and corporate bonds and other negotiable and non-negotiable instruments**

*Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.

*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.

☒ No

☐ Yes. Give specific information about them

Issuer name:

**21. Retirement or pension accounts**

*Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans*

☒ No

☐ Yes. List each account separately.

Type of account:

Institution name:

**22. Security deposits and prepayments**

Your share of all unused deposits you have made so that you may continue service or use from a company

*Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others*

☒ No

☐ Yes. ....

Institution name or individual:

**23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)**

☒ No

☐ Yes.....

Issuer name and description.

**24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.**

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No

☐ Yes.....

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

**25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit**

☒ No

☐ Yes. Give specific information about them...

**26. Patents, copyrights, trademarks, trade secrets, and other intellectual property**

*Examples: Internet domain names, websites, proceeds from royalties and licensing agreements*

☒ No

☐ Yes. Give specific information about them...

**27. Licenses, franchises, and other general intangibles**

*Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses*

☒ No

☐ Yes. Give specific information about them...

Money or property owed to you?

Current value of the  
portion you own?  
Do not deduct secured  
claims or exemptions.

**28. Tax refunds owed to you**

☒ No

☐ Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known) \_\_\_\_\_

**29. Family support**

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☐ No

☒ Yes. Give specific information.....

Debtor's x-wife is ordered by Family Court to pay debtor \$105/week child support. Debtor has received only four weekly payments this year to date.

Child Support

\$2,100.00

**30. Other amounts someone owes you**

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No

☐ Yes. Give specific information..

**31. Interests in insurance policies**

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

☒ No

☐ Yes. Name the insurance company of each policy and list its value.

Company name:

Beneficiary:

Surrender or refund value:

**32. Any interest in property that is due you from someone who has died**

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No

☐ Yes. Give specific information..

**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment**

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No

☐ Yes. Describe each claim.....

**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**

☒ No

☐ Yes. Describe each claim.....

**35. Any financial assets you did not already list**

☒ No

☐ Yes. Give specific information..

**36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....**

\$4,936.15

**Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**

**37. Do you own or have any legal or equitable interest in any business-related property?**

☒ No. Go to Part 6.

☐ Yes. Go to line 38.

**Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**

If you own or have an interest in farmland, list it in Part 1.

**46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?**

☒ No. Go to Part 7.

☐ Yes. Go to line 47.

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known) \_\_\_\_\_

**Part 7:** Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

☒ No

☐ Yes. Give specific information.....

54. Add the dollar value of all of your entries from Part 7. Write that number here .....

**\$0.00**

**Part 8:** List the Totals of Each Part of this Form

|                                                                  |                    |                                                 |
|------------------------------------------------------------------|--------------------|-------------------------------------------------|
| 55. Part 1: Total real estate, line 2 .....                      |                    | <b>\$37,300.00</b>                              |
| 56. Part 2: Total vehicles, line 5                               | <b>\$5,141.00</b>  |                                                 |
| 57. Part 3: Total personal and household items, line 15          | <b>\$2,500.00</b>  |                                                 |
| 58. Part 4: Total financial assets, line 36                      | <b>\$4,936.15</b>  |                                                 |
| 59. Part 5: Total business-related property, line 45             | <b>\$0.00</b>      |                                                 |
| 60. Part 6: Total farm- and fishing-related property, line 52    | <b>\$0.00</b>      |                                                 |
| 61. Part 7: Total other property not listed, line 54             | <b>\$0.00</b>      |                                                 |
| 62. Total personal property. Add lines 56 through 61...          | <b>\$12,577.15</b> | Copy personal property total <b>\$12,577.15</b> |
| 63. Total of all property on Schedule A/B. Add line 55 + line 62 |                    | <b>\$49,877.15</b>                              |

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 106C**

**Schedule C: The Property You Claim as Exempt**

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

1. Which set of exemptions are you claiming? *Check one only, even if your spouse is filing with you.*

☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)

☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

| Brief description of the property and line on <i>Schedule A/B</i> that lists this property                                                                                                                                              | Current value of the portion you own<br>Copy the value from <i>Schedule A/B</i> | Amount of the exemption you claim<br><i>Check only one box for each exemption.</i>                                                             | Specific laws that allow exemption    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 136 W Celestial Drive Greer, SC<br>29651 Spartanburg County<br>2016 house fire total loss; Detached<br>garage 20 x 20; Current tax value<br>\$37,300; Homeowner's insurance<br>paid off mortgage<br>Line from <i>Schedule A/B</i> : 1.1 | \$37,300.00                                                                     | <input checked="" type="checkbox"/> \$37,300.00<br><input type="checkbox"/> 100% of fair market value, up to<br>any applicable statutory limit | S.C. Code Ann. §<br>15-41-30(A)(1)(a) |
| Bedroom furniture<br>Line from <i>Schedule A/B</i> : 6.1                                                                                                                                                                                | \$200.00                                                                        | <input checked="" type="checkbox"/> \$200.00<br><input type="checkbox"/> 100% of fair market value, up to<br>any applicable statutory limit    | S.C. Code Ann. §<br>15-41-30(A)(3)    |
| household goods and furniture<br>Line from <i>Schedule A/B</i> : 6.2                                                                                                                                                                    | \$1,500.00                                                                      | <input checked="" type="checkbox"/> \$1,500.00<br><input type="checkbox"/> 100% of fair market value, up to<br>any applicable statutory limit  | S.C. Code Ann. §<br>15-41-30(A)(3)    |
| household electronics<br>Line from <i>Schedule A/B</i> : 7.1                                                                                                                                                                            | \$350.00                                                                        | <input checked="" type="checkbox"/> \$350.00<br><input type="checkbox"/> 100% of fair market value, up to<br>any applicable statutory limit    | S.C. Code Ann. §<br>15-41-30(A)(3)    |

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

| Brief description of the property and line on Schedule A/B that lists this property                                                                                                                       | Current value of the portion you own<br><small>Copy the value from Schedule A/B</small> | Amount of the exemption you claim<br><small>Check only one box for each exemption</small>                                                         | Specific laws that allow exemption                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Taurus G2 Compact</b><br>Line from Schedule A/B: 10.1                                                                                                                                                  | <u>\$200.00</u>                                                                         | <input checked="" type="checkbox"/> <u>\$200.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit   | S.C. Code Ann. § 15-41-30(A)(7) funded from unused homestead exemption |
| <b>used clothing</b><br>Line from Schedule A/B: 11.1                                                                                                                                                      | <u>\$200.00</u>                                                                         | <input checked="" type="checkbox"/> <u>\$200.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit   | S.C. Code Ann. § 15-41-30(A)(3)                                        |
| <b>misc jewelry</b><br>Line from Schedule A/B: 12.1                                                                                                                                                       | <u>\$50.00</u>                                                                          | <input checked="" type="checkbox"/> <u>\$50.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit    | S.C. Code Ann. § 15-41-30(A)(4)                                        |
| <b>Cash</b><br>Line from Schedule A/B: 16.1                                                                                                                                                               | <u>\$20.00</u>                                                                          | <input checked="" type="checkbox"/> <u>\$20.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit    | S.C. Code Ann. § 15-41-30(A)(7) funded from unused homestead exemption |
| <b>Checking: Bank of America</b><br>Line from Schedule A/B: 17.1                                                                                                                                          | <u>\$2,800.00</u>                                                                       | <input checked="" type="checkbox"/> <u>\$2,800.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | S.C. Code Ann. § 15-41-30(A)(7) funded from unused homestead exemption |
| <b>Savings: Bank of America</b><br>Line from Schedule A/B: 17.2                                                                                                                                           | <u>\$16.15</u>                                                                          | <input checked="" type="checkbox"/> <u>\$16.15</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit    | S.C. Code Ann. § 15-41-30(A)(7) funded from unused homestead exemption |
| <b>Child Support: Debtor's x-wife is ordered by Family Court to pay debtor \$105/week child support. Debtor has received only four weekly payments this year to date.</b><br>Line from Schedule A/B: 29.1 | <u>\$2,100.00</u>                                                                       | <input checked="" type="checkbox"/> <u>\$2,100.00</u><br><input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit | S.C. Code Ann. § 15-41-30(A)(11)(d)                                    |

3. Are you claiming a homestead exemption of more than \$160,375?  
(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

☒ No

☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?

☐ No

☐ Yes

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

Official Form 106D

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

**1. Do any creditors have claims secured by your property?**

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

**Part 1: List All Secured Claims**

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Column A<br>Amount of claim<br>Do not deduct the<br>value of collateral.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Column B<br>Value of collateral<br>that supports this<br>claim | Column C<br>Unsecured<br>portion<br>if any |                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------|-------------------|
| <b>2.1 Badcock Home Furnishings</b><br>Creditor's Name<br><br><b>805-A Wade Hampton Blvd</b><br><b>Greer, SC 29650</b><br>Number, Street, City, State & Zip Code<br><br>Who owes the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only<br><input type="checkbox"/> Debtor 1 and Debtor 2 only<br><input type="checkbox"/> At least one of the debtors and another<br><input type="checkbox"/> Check if this claim relates to a community debt<br><br>Opened <b>10/17</b> Last <b>Active 03/18</b><br>Date debt was incurred<br><br>Last 4 digits of account number <b>2498</b> | Describe the property that secures the claim:<br><b>Bedroom furniture</b><br><br>As of the date you file, the claim is: Check all that apply.<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Nature of lien. Check all that apply.<br><input type="checkbox"/> An agreement you made (such as mortgage or secured car loan)<br><input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien)<br><input type="checkbox"/> Judgment lien from a lawsuit<br><input checked="" type="checkbox"/> Other (including a right to offset) <b>Purchase Money Security</b> | <b>\$1,282.00</b>                                              | <b>\$200.00</b>                            | <b>\$1,082.00</b> |

|                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                    |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|
| <b>2.2 Founders Federal Credit Union</b><br>Creditor's Name<br><br><b>737 Plantation Rd.</b><br><b>Lancaster, SC 29720</b><br>Number, Street, City, State & Zip Code<br><br>Who owes the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only | Describe the property that secures the claim:<br><b>136 W Celestial Drive Greer, SC 29651 Spartanburg County 2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage</b><br><br>As of the date you file, the claim is: Check all that apply.<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Nature of lien. Check all that apply.<br><input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) | <b>\$23,057.63</b> | <b>\$37,300.00</b> | <b>\$23,057.63</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

First Name Middle Name Last Name

- ☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt
- ☐ Statutory lien (such as tax lien, mechanic's lien)  
☒ Judgment lien from a lawsuit  
☐ Other (including a right to offset)

Date debt was incurred 6/4/14 Last 4 digits of account number 0553

**2.3 Joe Hand Promotions Inc**

Creditor's Name

**407 E. Pennsylvania Blvd  
 Feasterville, PA  
 19053-7847**

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

**136 W Celestial Drive Greer, SC  
 29651 Spartanburg County  
 2016 house fire total loss; Detached  
 garage 20 x 20; Current tax value  
 \$37,300; Homeowner's Insurance  
 paid off mortgage**

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed  
 Nature of lien. Check all that apply.  
☐ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☒ Judgment lien from a lawsuit  
☐ Other (including a right to offset)

\$37,757.50 \$37,300.00 \$457.50

Who owes the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

Date debt was incurred 3/2/15 Last 4 digits of account number 0942

**2.4 ONE MAIN FINANCIAL**

Creditor's Name

**PO BOX 6042  
 SIOUX FALLS, SD  
 57117-6042**

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

**136 W Celestial Drive Greer, SC  
 29651 Spartanburg County  
 2016 house fire total loss; Detached  
 garage 20 x 20; Current tax value  
 \$37,300; Homeowner's Insurance  
 paid off mortgage**

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed  
 Nature of lien. Check all that apply.  
☐ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☒ Judgment lien from a lawsuit  
☐ Other (including a right to offset)

\$3,721.44 \$37,300.00 \$3,721.44

Who owes the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

Date debt was incurred 2013 Last 4 digits of account number 1592

**2.5 Professional Finance**

Creditor's Name

**PO Box 811  
 Spartanburg, SC 29304**

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

**2009 Nissan Altima 124000 miles  
 KBB Private Party Value**

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

\$7,197.00 \$5,141.00 \$2,056.00

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

First Name Middle Name Last Name

Who owes the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☐ Judgment lien from a lawsuit  
☒ Other (including a right to offset)

Purchase Money Security

Opened  
11/16 Last

Date debt was incurred Active 03/18

Last 4 digits of account number 0830

2.6 **SOUTH CAROLINA  
DEPARTMENT OF  
REVENUE**  
Creditor's Name

**PO BOX 12265  
COLUMBIA, SC  
29211-2265**

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

**136 W Celestial Drive Greer, SC  
29651 Spartanburg County  
2016 house fire total loss; Detached  
garage 20 x 20; Current tax value  
\$37,300; Homeowner's insurance  
paid off mortgage**

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated

☒ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)  
☒ Statutory lien (such as tax lien, mechanic's lien)  
☐ Judgment lien from a lawsuit  
☒ Other (including a right to offset)

sales tax from closed business LLC - debtor disputes  
personal liability

\$35,000.00

\$37,300.00

\$35,000.00

Who owes the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

Date debt was incurred 2012

Last 4 digits of account number 9626

2.7 **World Finance  
Corporation**  
Creditor's Name

**108 Frederick St  
Greenville, SC 29607**

Number, Street, City, State & Zip Code

Describe the property that secures the claim:

**household goods and furniture**

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)  
☐ Statutory lien (such as tax lien, mechanic's lien)  
☐ Judgment lien from a lawsuit  
☒ Other (including a right to offset)

Non-Purchase Money Non-Possessory Security

\$969.00

\$1,500.00

\$0.00

Who owes the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim relates to a community debt

Opened  
11/13 Last

Date debt was incurred Active 05/14

Last 4 digits of account number 9001

**\$108,984.57**

Debtor 1 **Christopher Michael Ruegsegger**

First Name

Middle Name

Last Name

Case number (if know) \_\_\_\_\_

Add the dollar value of your entries in Column A on this page. Write that number here:  
If this is the last page of your form, add the dollar value totals from all pages.  
Write that number here:

\$108,984.57

**Part 2: List Others to Be Notified for a Debt That You Already Listed**

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

☐

Name, Number, Street, City, State & Zip Code  
**Kyle Aaron Brannon, Esquire**  
**PO Drawer 2426**  
**Columbia, SC 29202**

On which line in Part 1 did you enter the creditor? 2.2

Last 4 digits of account number \_\_\_\_\_

☐

Name, Number, Street, City, State & Zip Code  
**Leonard R. Jordan, Jr., Esquire**  
**4500 Fort Jackson Blvd**  
**Columbia, SC 29209**

On which line in Part 1 did you enter the creditor? 2.3

Last 4 digits of account number \_\_\_\_\_

☐

Name, Number, Street, City, State & Zip Code  
**SPRINGLEAF FINANCIAL SERVICES**  
**3720 Boiling Springs Rd, Ste K**  
**Boiling Springs, SC 29316**

On which line in Part 1 did you enter the creditor? 2.4

Last 4 digits of account number 5270

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 106E/F**

**Schedule E/F: Creditors Who Have Unsecured Claims**

**12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

**Part 1: List All of Your PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims against you?

☒ No. Go to Part 2.

☐ Yes.

**Part 2: List All of Your NONPRIORITY Unsecured Claims**

3. Do any creditors have nonpriority unsecured claims against you?

☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.

☒ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

Total claim

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4.1 | <b>AmShier Collection Srv</b><br>Nonpriority Creditor's Name<br><b>4524 Southlake Parkway</b><br><b>Ste 15</b><br><b>Hoover, AL 35244</b><br>Number Street City State Zip Code<br>Who incurred the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only<br><input type="checkbox"/> Debtor 1 and Debtor 2 only<br><input type="checkbox"/> At least one of the debtors and another<br><input type="checkbox"/> Check if this claim is for a community debt<br>Is the claim subject to offset?<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes | Last 4 digits of account number <b>4508</b><br>When was the debt incurred? <b>Opened 04/15 Last Active 02/15</b><br>As of the date you file, the claim is: Check all that apply<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Type of NONPRIORITY unsecured claim:<br><input type="checkbox"/> Student loans<br><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims<br><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts<br><input checked="" type="checkbox"/> Other. Specify <b>Collection Attorney Synovus Bank</b> | <b>\$412.00</b> |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

4.2

**Blue Ridge Urology**

Nonpriority Creditor's Name

**402 Memorial Drive Ext  
Greer, SC 29651**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **4411****\$105.00****Opened 04/15 Last Active**When was the debt incurred? **05/14**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Medical Debt Blue Ridge Urol**

4.3

**Cash N Go Title Loans**

Nonpriority Creditor's Name

**249 E Blackstock Rd  
Spartanburg 29301**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **0686****\$1,500.00**When was the debt incurred? **2014-2015**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **title loan repossessed vehicle 3 years ago**

4.4

**Greenville Financial Svc**

Nonpriority Creditor's Name

**620 Congaree Rd Ste E  
Greenville, SC 29607**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **1537****\$1,205.00****Opened 11/13 Last Active  
03/14**

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **personal unsecured loan**

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4.5 | <b>Healthcare Receivables</b><br>Nonpriority Creditor's Name<br><b>318 Nancy Lynn Lane</b><br><b>Ste 21</b><br><b>Knoxville, TN 37919</b><br>Number Street City State Zip Code<br>Who incurred the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only<br><input type="checkbox"/> Debtor 1 and Debtor 2 only<br><input type="checkbox"/> At least one of the debtors and another<br><input type="checkbox"/> Check if this claim is for a community debt<br>Is the claim subject to offset?<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes | Last 4 digits of account number <b>0492</b><br>When was the debt incurred? <b>Opened 11/16 Last Active 12/15</b><br>As of the date you file, the claim is: Check all that apply<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Type of NONPRIORITY unsecured claim:<br><input type="checkbox"/> Student loans<br><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims<br><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts<br><input checked="" type="checkbox"/> Other. Specify <b>Collection Attorney Greenville Health System-2uaob</b> | <b>\$566.00</b> |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4.6 | <b>I C System Inc</b><br>Nonpriority Creditor's Name<br><b>444 Highway 96 East</b><br><b>P.O. Box 64378</b><br><b>St. Paul, MN 55164</b><br>Number Street City State Zip Code<br>Who incurred the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only<br><input type="checkbox"/> Debtor 1 and Debtor 2 only<br><input type="checkbox"/> At least one of the debtors and another<br><input type="checkbox"/> Check if this claim is for a community debt<br>Is the claim subject to offset?<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes | Last 4 digits of account number <b>9855</b><br>When was the debt incurred? <b>Opened 10/17</b><br>As of the date you file, the claim is: Check all that apply<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Type of NONPRIORITY unsecured claim:<br><input type="checkbox"/> Student loans<br><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims<br><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts<br><input checked="" type="checkbox"/> Other. Specify <b>Collection Attorney Charter Communications</b> | <b>\$377.00</b> |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4.7 | <b>Jefferson Capital Systems, LLC</b><br>Nonpriority Creditor's Name<br><b>Po Box 7999</b><br><b>Saint Cloud, MN 56302</b><br>Number Street City State Zip Code<br>Who incurred the debt? Check one.<br><input checked="" type="checkbox"/> Debtor 1 only<br><input type="checkbox"/> Debtor 2 only<br><input type="checkbox"/> Debtor 1 and Debtor 2 only<br><input type="checkbox"/> At least one of the debtors and another<br><input type="checkbox"/> Check if this claim is for a community debt<br>Is the claim subject to offset?<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes | Last 4 digits of account number <b>4003</b><br>When was the debt incurred? <b>Opened 12/17 Last Active 04/15</b><br>As of the date you file, the claim is: Check all that apply<br><input type="checkbox"/> Contingent<br><input type="checkbox"/> Unliquidated<br><input type="checkbox"/> Disputed<br>Type of NONPRIORITY unsecured claim:<br><input type="checkbox"/> Student loans<br><input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims<br><input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts<br><input checked="" type="checkbox"/> Other. Specify <b>Factoring Company Account Verizon Wireless</b> | <b>\$577.00</b> |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

4.8

**Managed Recovery Sys**

Nonpriority Creditor's Name

**301 Mills Av  
Greenville, SC 29605**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **0641****\$35.00****Opened 01/15 Last Active**When was the debt incurred? **07/14**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Medical Debt Equipped For Li**

4.9

**Medical Data Systems I**

Nonpriority Creditor's Name

**2120 15th Ave  
Vero Beach, FL 32960**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **2422****\$84.00****Opened 11/13 Last Active**When was the debt incurred? **11/12**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Collection Attorney Greenville Memorial Hospital**

4.10

**Motolease, Llc**

Nonpriority Creditor's Name

**10866 Wilshire Blvd.  
Los Angeles, CA 90024**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **6914****\$0.00****Opened 8/31/17 Last Active**When was the debt incurred? **2/26/18**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☒ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Stolen ATV Feb 15, 2018 - Insurance paid off loan**

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

4.1  
1**OneMain**

Nonpriority Creditor's Name

**Attn: Bankruptcy****601 Nw 2nd St****Evansville, IN 47708**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **0686****\$1,000.00**When was the debt incurred? **2015**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **unsecured personal loan**4.1  
2**Revmd Partners Llc**

Nonpriority Creditor's Name

**1111 Pasquinelli Dr Ste****Westmont, IL 60559**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **1715****\$127.00**When was the debt incurred? **Opened 05/16**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Collection Attorney Greenville Hospital**4.1  
3**Revmd Partners Llc**

Nonpriority Creditor's Name

**1111 Pasquinelli Dr Ste****Westmont, IL 60559**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number **1916****\$70.00**When was the debt incurred? **Opened 06/16**

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Collection Attorney Greenville Hospital**

Debtor 1 Christopher Michael Ruegsegger

Case number (if know)

4.1  
4**Revmd Partners Llc**Nonpriority Creditor's Name  
**1111 Pasquinelli Dr Ste  
Westmont, IL 60559**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another
- ☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
- ☐ Yes

Last 4 digits of account number **2716****\$98.00**When was the debt incurred? **Opened 09/16**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
- ☐ Unliquidated
- ☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
- ☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- ☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Collection Attorney Greenville Hospital**4.1  
5**Revmd Partners Llc**Nonpriority Creditor's Name  
**1111 Pasquinelli Dr Ste  
Westmont, IL 60559**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another
- ☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
- ☐ Yes

Last 4 digits of account number **2617****\$103.00**When was the debt incurred? **Opened 06/17**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
- ☐ Unliquidated
- ☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
- ☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- ☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Collection Attorney Greenville Hospital**4.1  
6**S C Telco Federal Cr**

Nonpriority Creditor's Name

**Po Box 26869  
Greenville, SC 29616**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another
- ☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
- ☐ Yes

Last 4 digits of account number **0100****\$47.00**When was the debt incurred? **Opened 11/11 Last Active  
4/01/12**

As of the date you file, the claim is: Check all that apply

- ☐ Contingent
- ☐ Unliquidated
- ☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
- ☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
- ☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Deposit Related**

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know)

4.1  
7

**TekCollect Inc**

Nonpriority Creditor's Name

Last 4 digits of account number **6661**

**\$1,368.00**

**Po Box 1269  
Columbus, OH 43216**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only

☐ Debtor 2 only

☐ Debtor 1 and Debtor 2 only

☐ At least one of the debtors and another

☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No

☐ Yes

When was the debt incurred? **Opened 10/14 Last Active 04/14**

As of the date you file, the claim is: Check all that apply

☐ Contingent

☐ Unliquidated

☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans

☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims

☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Collection Attorney Chadwell Orthod**

**Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name and Address

**Chadwell Orthodontics  
705 Squires Point  
Duncan, SC 29334**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.17** of (Check one):

☐ Part 1: Creditors with Priority Unsecured Claims

☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**CHARTER COMMUNICATIONS  
ATTENTION: CASH MANAGEMENT  
4670 E. FULTON, SUITE 102  
ADA, MI 49301-8409**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.6** of (Check one):

☐ Part 1: Creditors with Priority Unsecured Claims

☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**GREENVILLE HEALTH SYSTEM  
Patient Services  
255 Enterprise Boulevard, Ste. 250  
Greenville, SC 29615**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.5** of (Check one):

☐ Part 1: Creditors with Priority Unsecured Claims

☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**VERIZON WIRELESS BANKRUPTCY  
ADMIN.  
500 TECHNOLOGY DRIVE  
SUITE 550  
Weldon Spring, MO 63304**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.7** of (Check one):

☐ Part 1: Creditors with Priority Unsecured Claims

☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

|                          |                                                                             | Total Claim |             |
|--------------------------|-----------------------------------------------------------------------------|-------------|-------------|
| Total claims from Part 1 | 6a. Domestic support obligations                                            | 6a. \$      | <b>0.00</b> |
|                          | 6b. Taxes and certain other debts you owe the government                    | 6b. \$      | <b>0.00</b> |
|                          | 6c. Claims for death or personal injury while you were intoxicated          | 6c. \$      | <b>0.00</b> |
|                          | 6d. Other. Add all other priority unsecured claims. Write that amount here. | 6d. \$      | <b>0.00</b> |

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if know) \_\_\_\_\_

Total  
claims  
from Part 2

6e. **Total Priority.** Add lines 6a through 6d.

6e. \$ 0.00

6f. **Student loans**

6f. \$ Total Claim 0.00

6g. **Obligations arising out of a separation agreement or divorce that you did not report as priority claims**

6g. \$ 0.00

6h. **Debts to pension or profit-sharing plans, and other similar debts**

6h. \$ 0.00

6i. **Other.** Add all other nonpriority unsecured claims. Write that amount here.

6i. \$ 7,674.00

6j. **Total Nonpriority.** Add lines 6f through 6i.

6j. \$ 7,674.00

**Fill in this information to identify your case:**

Debtor 1 **Christopher Michael Ruegsegger**  
First Name Middle Name Last Name  
Debtor 2  
(Spouse if, filing) First Name Middle Name Last Name  
United States Bankruptcy Court for the: **DISTRICT OF SOUTH CAROLINA**  
Case number  
(if known)

☐ Check if this is an amended filing

**Official Form 106G**

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?  
☒ No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.  
☐ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B:Property* (Official Form 106 A/B).
2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease  
Name, Number, Street, City, State and ZIP Code

State what the contract or lease is for

2.1  
Name  
Number Street  
City State ZIP Code

2.2  
Name  
Number Street  
City State ZIP Code

2.3  
Name  
Number Street  
City State ZIP Code

2.4  
Name  
Number Street  
City State ZIP Code

2.5  
Name  
Number Street  
City State ZIP Code

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 106H  
Schedule H: Your Codebtors**

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- ☒ No  
☐ Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- ☒ No. Go to line 3.  
☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

**Column 1: Your codebtor**  
Name, Number, Street, City, State and ZIP Code

**Column 2: The creditor to whom you owe the debt**  
Check all schedules that apply:

3.1

Name \_\_\_\_\_  
Number \_\_\_\_\_ Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

- ☐ Schedule D, line \_\_\_\_\_  
☐ Schedule E/F, line \_\_\_\_\_  
☐ Schedule G, line \_\_\_\_\_

3.2

Name \_\_\_\_\_  
Number \_\_\_\_\_ Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

- ☐ Schedule D, line \_\_\_\_\_  
☐ Schedule E/F, line \_\_\_\_\_  
☐ Schedule G, line \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor 1 Christopher Michael Ruegsegger

Debtor 2  
(Spouse, if filing) \_\_\_\_\_

United States Bankruptcy Court for the: DISTRICT OF SOUTH CAROLINA

Case number  
(If known) \_\_\_\_\_

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

**Schedule I: Your Income**

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Employment**

**1. Fill in your employment information.**

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

How long employed there?

Debtor 1

- ☒ Employed
- ☐ Not employed

misc part-time

Patriot Pest Management

5150 A Wade Hampton Blvd  
Taylors, SC 29687

3 years

Debtor 2 or non-filing spouse

- ☐ Employed
- ☐ Not employed

**Part 2: Give Details About Monthly Income**

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.

3. Estimate and list monthly overtime pay.

4. Calculate gross income. Add line 2 + line 3.

For Debtor 1

For Debtor 2 or non-filing spouse

2. \$ 1,000.00 \$ N/A

3. +\$ 0.00 +\$ N/A

4. \$ 1,000.00 \$ N/A

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

|                                                                                                                                                                                                                                                                                                                                                                                                         | For Debtor 1 | For Debtor 2 or non-filing spouse      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------|
| 4. Copy line 4 here                                                                                                                                                                                                                                                                                                                                                                                     | \$ 1,000.00  | \$ N/A                                 |
| <b>5. List all payroll deductions:</b>                                                                                                                                                                                                                                                                                                                                                                  |              |                                        |
| 5a. Tax, Medicare, and Social Security deductions                                                                                                                                                                                                                                                                                                                                                       | \$ 0.00      | \$ N/A                                 |
| 5b. Mandatory contributions for retirement plans                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 5c. Voluntary contributions for retirement plans                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 5d. Required repayments of retirement fund loans                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 5e. Insurance                                                                                                                                                                                                                                                                                                                                                                                           | \$ 0.00      | \$ N/A                                 |
| 5f. Domestic support obligations                                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 5g. Union dues                                                                                                                                                                                                                                                                                                                                                                                          | \$ 0.00      | \$ N/A                                 |
| 5h. Other deductions. Specify:                                                                                                                                                                                                                                                                                                                                                                          | \$ 0.00      | \$ N/A                                 |
| 6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.                                                                                                                                                                                                                                                                                                                                       | \$ 0.00      | \$ N/A                                 |
| 7. Calculate total monthly take-home pay. Subtract line 6 from line 4.                                                                                                                                                                                                                                                                                                                                  | \$ 1,000.00  | \$ N/A                                 |
| <b>8. List all other income regularly received:</b>                                                                                                                                                                                                                                                                                                                                                     |              |                                        |
| 8a. Net income from rental property and from operating a business, profession, or farm<br>Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.                                                                                                                                                         | \$ 0.00      | \$ N/A                                 |
| 8b. Interest and dividends                                                                                                                                                                                                                                                                                                                                                                              | \$ 0.00      | \$ N/A                                 |
| 8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive<br>Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.                                                                                                                                                                                               | \$ 0.00      | \$ N/A                                 |
| 8d. Unemployment compensation                                                                                                                                                                                                                                                                                                                                                                           | \$ 0.00      | \$ N/A                                 |
| 8e. Social Security                                                                                                                                                                                                                                                                                                                                                                                     | \$ 1,629.00  | \$ N/A                                 |
| 8f. Other government assistance that you regularly receive<br>Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.<br>Specify:                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 8g. Pension or retirement income                                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00      | \$ N/A                                 |
| 8h. Other monthly income. Specify: <u>daughters' social security income</u>                                                                                                                                                                                                                                                                                                                             | \$ 881.00    | \$ N/A                                 |
| 9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.                                                                                                                                                                                                                                                                                                                                             | \$ 2,510.00  | \$ N/A                                 |
| 10. Calculate monthly income. Add line 7 + line 9.<br>Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.                                                                                                                                                                                                                                                                        | \$ 3,510.00  | \$ N/A                                 |
| 11. State all other regular contributions to the expenses that you list in <i>Schedule J</i> .<br>Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.<br>Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in <i>Schedule J</i> .<br>Specify: |              | \$ 0.00                                |
| 12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income.<br>Write that amount on the <i>Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data</i> , if it applies                                                                                                                                           |              | \$ 3,510.00<br>Combined monthly income |
| 13. Do you expect an increase or decrease within the year after you file this form?<br><input checked="" type="checkbox"/> No.<br><input type="checkbox"/> Yes. Explain:                                                                                                                                                                                                                                |              |                                        |

Fill in this information to identify your case:

Debtor 1 Christopher Michael Ruegsegger

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF SOUTH CAROLINA

Case number \_\_\_\_\_  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Do not state the dependents names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Daughter

5

☐ No

☒ Yes

Daughter

9

☐ No

☒ Yes

☐ No

☐ Yes

☐ No

☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☐ No ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

**Your expenses**

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 1,050.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known) \_\_\_\_\_

|                                                                                                                                                                          |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|----------|----|--|----|----------|
| <b>6. Utilities:</b>                                                                                                                                                     |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 6a. Electricity, heat, natural gas                                                                                                                                       | 6a. \$                                                                                                                                                                                                     | 180.00   |          |          |    |  |    |          |
| 6b. Water, sewer, garbage collection                                                                                                                                     | 6b. \$                                                                                                                                                                                                     | 0.00     |          |          |    |  |    |          |
| 6c. Telephone, cell phone, Internet, satellite, and cable services                                                                                                       | 6c. \$                                                                                                                                                                                                     | 100.00   |          |          |    |  |    |          |
| 6d. Other. Specify: _____                                                                                                                                                | 6d. \$                                                                                                                                                                                                     | 0.00     |          |          |    |  |    |          |
| <b>7. Food and housekeeping supplies</b>                                                                                                                                 | 7. \$                                                                                                                                                                                                      | 700.00   |          |          |    |  |    |          |
| <b>8. Childcare and children's education costs</b>                                                                                                                       | 8. \$                                                                                                                                                                                                      | 840.00   |          |          |    |  |    |          |
| <b>9. Clothing, laundry, and dry cleaning</b>                                                                                                                            | 9. \$                                                                                                                                                                                                      | 38.00    |          |          |    |  |    |          |
| <b>10. Personal care products and services</b>                                                                                                                           | 10. \$                                                                                                                                                                                                     | 30.00    |          |          |    |  |    |          |
| <b>11. Medical and dental expenses</b>                                                                                                                                   | 11. \$                                                                                                                                                                                                     | 20.00    |          |          |    |  |    |          |
| <b>12. Transportation.</b> Include gas, maintenance, bus or train fare.<br>Do not include car payments.                                                                  | 12. \$                                                                                                                                                                                                     | 200.00   |          |          |    |  |    |          |
| <b>13. Entertainment, clubs, recreation, newspapers, magazines, and books</b>                                                                                            | 13. \$                                                                                                                                                                                                     | 7.00     |          |          |    |  |    |          |
| <b>14. Charitable contributions and religious donations</b>                                                                                                              | 14. \$                                                                                                                                                                                                     | 0.00     |          |          |    |  |    |          |
| <b>15. Insurance.</b><br>Do not include insurance deducted from your pay or included in lines 4 or 20.                                                                   |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 15a. Life insurance                                                                                                                                                      | 15a. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 15b. Health insurance                                                                                                                                                    | 15b. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 15c. Vehicle insurance                                                                                                                                                   | 15c. \$                                                                                                                                                                                                    | 60.00    |          |          |    |  |    |          |
| 15d. Other insurance. Specify: _____                                                                                                                                     | 15d. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| <b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20.<br>Specify: _____                                                            |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 16. \$                                                                                                                                                                   |                                                                                                                                                                                                            | 0.00     |          |          |    |  |    |          |
| <b>17. Installment or lease payments:</b>                                                                                                                                |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 17a. Car payments for Vehicle 1                                                                                                                                          | 17a. \$                                                                                                                                                                                                    | 285.00   |          |          |    |  |    |          |
| 17b. Car payments for Vehicle 2                                                                                                                                          | 17b. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 17c. Other. Specify: _____                                                                                                                                               | 17c. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 17d. Other. Specify: _____                                                                                                                                               | 17d. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| <b>18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).</b> |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 18. \$                                                                                                                                                                   |                                                                                                                                                                                                            | 0.00     |          |          |    |  |    |          |
| <b>19. Other payments you make to support others who do not live with you.</b>                                                                                           |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 19. \$                                                                                                                                                                   |                                                                                                                                                                                                            | 0.00     |          |          |    |  |    |          |
| <b>20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>                                                         |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 20a. Mortgages on other property                                                                                                                                         | 20a. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 20b. Real estate taxes                                                                                                                                                   | 20b. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 20c. Property, homeowner's, or renter's insurance                                                                                                                        | 20c. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 20d. Maintenance, repair, and upkeep expenses                                                                                                                            | 20d. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 20e. Homeowner's association or condominium dues                                                                                                                         | 20e. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| 21. Other: Specify: _____                                                                                                                                                | 21. +\$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |
| <b>22. Calculate your monthly expenses</b>                                                                                                                               |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 22a. Add lines 4 through 21.                                                                                                                                             | <div style="border: 1px solid black; padding: 5px;"> <table border="0"> <tr> <td>\$</td> <td>3,510.00</td> </tr> <tr> <td>\$</td> <td></td> </tr> <tr> <td>\$</td> <td>3,510.00</td> </tr> </table> </div> |          | \$       | 3,510.00 | \$ |  | \$ | 3,510.00 |
| \$                                                                                                                                                                       |                                                                                                                                                                                                            |          | 3,510.00 |          |    |  |    |          |
| \$                                                                                                                                                                       |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| \$                                                                                                                                                                       | 3,510.00                                                                                                                                                                                                   |          |          |          |    |  |    |          |
| 22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2                                                                                     |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 22c. Add line 22a and 22b. The result is your monthly expenses.                                                                                                          |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| <b>23. Calculate your monthly net income.</b>                                                                                                                            |                                                                                                                                                                                                            |          |          |          |    |  |    |          |
| 23a. Copy line 12 (your combined monthly income) from Schedule I.                                                                                                        | 23a. \$                                                                                                                                                                                                    | 3,510.00 |          |          |    |  |    |          |
| 23b. Copy your monthly expenses from line 22c above.                                                                                                                     | 23b. -\$                                                                                                                                                                                                   | 3,510.00 |          |          |    |  |    |          |
| 23c. Subtract your monthly expenses from your monthly income.<br>The result is your <i>monthly net income</i> .                                                          | 23c. \$                                                                                                                                                                                                    | 0.00     |          |          |    |  |    |          |

**24. Do you expect an increase or decrease in your expenses within the year after you file this form?**  
For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here: \_\_\_\_\_

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

Official Form 106Dec

**Declaration About an Individual Debtor's Schedules**

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person \_\_\_\_\_ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Christopher Michael Ruegsegger  
Christopher Michael Ruegsegger  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date March 29, 2018

Date \_\_\_\_\_

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse if, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 107**

**Statement of Financial Affairs for Individuals Filing for Bankruptcy**

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Give Details About Your Marital Status and Where You Lived Before**

**1. What is your current marital status?**

- ☐ Married  
☒ Not married

**2. During the last 3 years, have you lived anywhere other than where you live now?**

- ☐ No  
☒ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1 Prior Address:

721 Jordan Creek Rd  
Inman, SC 29349

Dates Debtor 1  
lived there

From-To:  
2011-2016

Debtor 2 Prior Address:

☐ Same as Debtor 1

Dates Debtor 2  
lived there

☐ Same as Debtor 1  
From-To:

**3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory?** (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington and Wisconsin.)

- ☒ No  
☐ Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 106H).

**Part 2 Explain the Sources of Your Income**

**4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?**

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- ☐ No  
☒ Yes. Fill in the details.

From January 1 of current year until  
the date you filed for bankruptcy:

| Debtor 1                                                      | Debtor 2                                                      |
|---------------------------------------------------------------|---------------------------------------------------------------|
| Sources of income<br>Check all that apply.                    | Sources of income<br>Check all that apply.                    |
| Gross income<br>(before deductions and<br>exclusions)         | Gross income<br>(before deductions<br>and exclusions)         |
| <input type="checkbox"/> Wages, commissions,<br>bonuses, tips | <input type="checkbox"/> Wages, commissions,<br>bonuses, tips |
| <input type="checkbox"/> Operating a business                 | <input type="checkbox"/> Operating a business                 |

\$0.00

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

| Debtor 1                                                                                                                                                                                                       |                                                    | Debtor 2                                                                                                    |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Sources of income<br>Check all that apply.                                                                                                                                                                     | Gross income<br>(before deductions and exclusions) | Sources of income<br>Check all that apply.                                                                  | Gross income<br>(before deductions and exclusions) |
| <b>For last calendar year:</b><br><b>(January 1 to December 31, 2017)</b><br><input checked="" type="checkbox"/> Wages, commissions, bonuses, tips<br><input type="checkbox"/> Operating a business            | <b>\$12,220.00</b>                                 | <input type="checkbox"/> Wages, commissions, bonuses, tips<br><input type="checkbox"/> Operating a business |                                                    |
| <b>For the calendar year before that:</b><br><b>(January 1 to December 31, 2016)</b><br><input checked="" type="checkbox"/> Wages, commissions, bonuses, tips<br><input type="checkbox"/> Operating a business | <b>\$10,175.00</b>                                 | <input type="checkbox"/> Wages, commissions, bonuses, tips<br><input type="checkbox"/> Operating a business |                                                    |

5. Did you receive any other income during this year or the two previous calendar years? Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security; unemployment; and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- ☐ No  
☒ Yes. Fill in the details.

| Debtor 1                                                                                |                                                                     | Debtor 2                             |                                                    |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------|----------------------------------------------------|
| Sources of income<br>Describe below.                                                    | Gross income from each source<br>(before deductions and exclusions) | Sources of income<br>Describe below. | Gross income<br>(before deductions and exclusions) |
| From January 1 of current year until the date you filed for bankruptcy: Social Security | \$4,854.00                                                          |                                      |                                                    |
| For last calendar year: (January 1 to December 31, 2017) Social Security                | \$20,736.00                                                         |                                      |                                                    |
| For the calendar year before that: (January 1 to December 31, 2016) Social Security     | \$30,995.00                                                         |                                      |                                                    |

**Part 3: List Certain Payments You Made Before You Filed for Bankruptcy**

6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?  
☐ No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425\* or more?

- ☐ No. Go to line 7.  
☐ Yes List below each creditor to whom you paid a total of \$6,425\* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

\* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

☒ Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.  
 During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

- ☒ No. Go to line 7.  
☐ Yes List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

| Creditor's Name and Address | Dates of payment | Total amount paid | Amount you still owe | Was this payment for ... |
|-----------------------------|------------------|-------------------|----------------------|--------------------------|
|-----------------------------|------------------|-------------------|----------------------|--------------------------|

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?  
*Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.*

☒ No

☐ Yes. List all payments to an insider.

| Insider's Name and Address | Dates of payment | Total amount paid | Amount you still owe | Reason for this payment |
|----------------------------|------------------|-------------------|----------------------|-------------------------|
|----------------------------|------------------|-------------------|----------------------|-------------------------|

8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?  
 Include payments on debts guaranteed or cosigned by an insider.

☒ No

☐ Yes. List all payments to an insider

| Insider's Name and Address | Dates of payment | Total amount paid | Amount you still owe | Reason for this payment<br>Include creditor's name |
|----------------------------|------------------|-------------------|----------------------|----------------------------------------------------|
|----------------------------|------------------|-------------------|----------------------|----------------------------------------------------|

**Part 4: Identify Legal Actions, Repossessions, and Foreclosures**

9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?  
 List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

☐ No

☒ Yes. Fill in the details.

| Case title<br>Case number                                  | Nature of the case | Court or agency                                                                 | Status of the case                                                                                                      |
|------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Chris Ruegsegger vs. Tiffany Ruegsegger<br>2016-DR-42-1590 | Divorce            | Family Court Spartanburg County<br>180 Magnolia Street<br>Spartanburg, SC 20306 | <input type="checkbox"/> Pending<br><input type="checkbox"/> On appeal<br><input checked="" type="checkbox"/> Concluded |

10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?  
 Check all that apply and fill in the details below.

☒ No. Go to line 11.

☐ Yes. Fill in the information below.

| Creditor Name and Address | Describe the Property | Date | Value of the property |
|---------------------------|-----------------------|------|-----------------------|
|                           | Explain what happened |      |                       |

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

☒ No

☐ Yes. Fill in the details.

| Creditor Name and Address | Describe the action the creditor took | Date action was taken | Amount |
|---------------------------|---------------------------------------|-----------------------|--------|
|---------------------------|---------------------------------------|-----------------------|--------|

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

☒ No

☐ Yes

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

**Part 5: List Certain Gifts and Contributions**

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

☒ No

☐ Yes. Fill in the details for each gift.

| Gifts with a total value of more than \$600 per person | Describe the gifts | Dates you gave the gifts | Value |
|--------------------------------------------------------|--------------------|--------------------------|-------|
| Person to Whom You Gave the Gift and Address:          |                    |                          |       |

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

☒ No

☐ Yes. Fill in the details for each gift or contribution.

| Gifts or contributions to charities that total more than \$600       | Describe what you contributed | Dates you contributed | Value |
|----------------------------------------------------------------------|-------------------------------|-----------------------|-------|
| Charity's Name<br>Address (Number, Street, City, State and ZIP Code) |                               |                       |       |

**Part 6: List Certain Losses**

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

☐ No

☒ Yes. Fill in the details.

| Describe the property you lost and how the loss occurred | Describe any insurance coverage for the loss<br>Include the amount that insurance has paid. List pending insurance claims on line 33 of <i>Schedule A/B: Property</i> .                                                                                                                       | Date of your loss | Value of property lost |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------|
| house fire total loss                                    | Insurance paid \$150,000, less 105,000 mortgage payoff. Debtor and x-wife received 45,000. In divorce order debtor received the lot and \$22,500 of the insurance proceeds. Debtor obtained full custody of the two minor children and used the funds on housing and support of his children. | 2016              | \$150,000.00           |
| Stolen ATV                                               | insurance paid off loan and reimbursed debtor \$8200 (paid attorney fees and ordinary bills and living expenses)                                                                                                                                                                              | 2/15/08           | Unknown                |

**Part 7: List Certain Payments or Transfers**

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?  
Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

☐ No

☒ Yes. Fill in the details.

| Person Who Was Paid<br>Address<br>Email or website address<br>Person Who Made the Payment, if Not You | Description and value of any property transferred | Date payment or transfer was made | Amount of payment |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------|-------------------|
| Law Office of Pamela Lee Tripp<br>24 Crescent St<br>Lyman, SC 29365                                   | attorney fee and court filing fee                 |                                   | \$1,835.00        |

Debtor 1 Christopher Michael Ruegsegger

Case number (if known)

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?  
Do not include any payment or transfer that you listed on line 16.

- ☐ No  
☐ Yes. Fill in the details.

| Person Who Was Paid<br>Address | Description and value of any property<br>transferred | Date payment<br>or transfer was<br>made | Amount of<br>payment |
|--------------------------------|------------------------------------------------------|-----------------------------------------|----------------------|
|--------------------------------|------------------------------------------------------|-----------------------------------------|----------------------|

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?  
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- ☐ No  
☐ Yes. Fill in the details.

| Person Who Received Transfer<br>Address | Description and value of<br>property transferred | Describe any property or<br>payments received or debts<br>paid in exchange | Date transfer was<br>made |
|-----------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------|---------------------------|
|-----------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------|---------------------------|

Person's relationship to you

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- ☐ No  
☐ Yes. Fill in the details.

| Name of trust | Description and value of the property transferred | Date Transfer was<br>made |
|---------------|---------------------------------------------------|---------------------------|
|---------------|---------------------------------------------------|---------------------------|

**Part 8:** List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?  
Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☐ No  
☐ Yes. Fill in the details.

| Name of Financial Institution and<br>Address (Number, Street, City, State and ZIP<br>Code) | Last 4 digits of<br>account number | Type of account or<br>instrument | Date account was<br>closed, sold,<br>moved, or<br>transferred | Last balance<br>before closing or<br>transfer |
|--------------------------------------------------------------------------------------------|------------------------------------|----------------------------------|---------------------------------------------------------------|-----------------------------------------------|
|--------------------------------------------------------------------------------------------|------------------------------------|----------------------------------|---------------------------------------------------------------|-----------------------------------------------|

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☐ No  
☐ Yes. Fill in the details.

| Name of Financial Institution<br>Address (Number, Street, City, State and ZIP Code) | Who else had access to it?<br>Address (Number, Street, City,<br>State and ZIP Code) | Describe the contents | Do you still<br>have it? |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------|--------------------------|
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------|--------------------------|

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- ☐ No  
☐ Yes. Fill in the details.

| Name of Storage Facility<br>Address (Number, Street, City, State and ZIP Code) | Who else has or had access<br>to it?<br>Address (Number, Street, City,<br>State and ZIP Code) | Describe the contents | Do you still<br>have it? |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------|--------------------------|
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------|--------------------------|

Debtor 1 Christopher Michael Ruegsegger

Case number (if known)

**Part 9: Identify Property You Hold or Control for Someone Else**

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- ☐ No  
☐ Yes. Fill in the details.

Owner's Name  
 Address (Number, Street, City, State and ZIP Code)

Where is the property?  
 (Number, Street, City, State and ZIP Code)

Describe the property

Value

**Part 10: Give Details About Environmental Information**

For the purpose of Part 10, the following definitions apply:

- *Environmental law* means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- *Site* means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- *Hazardous material* means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- ☐ No  
☐ Yes. Fill in the details.

Name of site  
 Address (Number, Street, City, State and ZIP Code)

Governmental unit  
 Address (Number, Street, City, State and ZIP Code)

Environmental law, if you  
 know it

Date of notice

25. Have you notified any governmental unit of any release of hazardous material?

- ☐ No  
☐ Yes. Fill in the details.

Name of site  
 Address (Number, Street, City, State and ZIP Code)

Governmental unit  
 Address (Number, Street, City, State and ZIP Code)

Environmental law, if you  
 know it

Date of notice

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☐ No  
☐ Yes. Fill in the details.

Case Title  
 Case Number

Court or agency  
 Name  
 Address (Number, Street, City,  
 State and ZIP Code)

Nature of the case

Status of the  
 case

**Part 11: Give Details About Your Business or Connections to Any Business**

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

☒ No. None of the above applies. Go to Part 12.

☐ Yes. Check all that apply above and fill in the details below for each business.

Business Name

Describe the nature of the business

Employer Identification number

Address

(Number, Street, City, State and ZIP Code)

Name of accountant or bookkeeper

Do not include Social Security number or ITIN.

Dates business existed

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

☒ No

☐ Yes. Fill in the details below.

Name

Date Issued

Address

(Number, Street, City, State and ZIP Code)

**Part 12: Sign Below**

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Christopher Michael Ruegsegger

Christopher Michael Ruegsegger

Signature of Debtor 1

\_\_\_\_\_  
Signature of Debtor 2

Date March 29, 2018

Date \_\_\_\_\_

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

☒ No

☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of Person \_\_\_\_\_. Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

**Fill in this information to identify your case:**

|                                         |                                       |             |           |
|-----------------------------------------|---------------------------------------|-------------|-----------|
| Debtor 1                                | <b>Christopher Michael Ruegsegger</b> |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| Debtor 2<br>(Spouse If, filing)         |                                       |             |           |
|                                         | First Name                            | Middle Name | Last Name |
| United States Bankruptcy Court for the: | DISTRICT OF SOUTH CAROLINA            |             |           |
| Case number<br>(if known)               |                                       |             |           |

☐ Check if this is an amended filing

**Official Form 108**

**Statement of Intention for Individuals Filing Under Chapter 7**

12/15

If you are an individual filing under chapter 7, you must fill out this form if:

- ☒ creditors have claims secured by your property, or
- ☒ you have leased personal property and the lease has not expired.

You must file this form with the court within 30 days after you file your bankruptcy petition or by the date set for the meeting of creditors, whichever is earlier, unless the court extends the time for cause. You must also send copies to the creditors and lessors you list on the form.

If two married people are filing together in a joint case, both are equally responsible for supplying correct information. Both debtors must sign and date the form.

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 your name and case number (if known).

**Part 1: List Your Creditors Who Have Secured Claims**

1. For any creditors that you listed in Part 1 of Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D), fill in the information below.

| Identify the creditor and the property that is collateral                                                                                      | What do you intend to do with the property that secures a debt?                                                      | Did you claim the property as exempt on Schedule C? |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Creditor's name: <b>Badcock Home Furnishings</b>                                                                                               | <input type="checkbox"/> Surrender the property.                                                                     | <input type="checkbox"/> No                         |
| Description of property: <b>Bedroom furniture</b>                                                                                              | <input type="checkbox"/> Retain the property and redeem it.                                                          | <input checked="" type="checkbox"/> Yes             |
| securing debt:                                                                                                                                 | <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> .                       |                                                     |
|                                                                                                                                                | <input checked="" type="checkbox"/> Retain the property and [explain]:<br><b>Keep and make payments</b>              |                                                     |
| Creditor's name: <b>Founders Federal Credit Union</b>                                                                                          | <input type="checkbox"/> Surrender the property.                                                                     | <input type="checkbox"/> No                         |
| Description of property: <b>136 W Celestial Drive Greer, SC 29651 Spartanburg County</b>                                                       | <input type="checkbox"/> Retain the property and redeem it.                                                          | <input checked="" type="checkbox"/> Yes             |
| securing debt: <b>2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage</b> | <input type="checkbox"/> Retain the property and enter into a <i>Reaffirmation Agreement</i> .                       |                                                     |
|                                                                                                                                                | <input checked="" type="checkbox"/> Retain the property and [explain]:<br><b>avoid lien using 11 U.S.C. § 522(f)</b> |                                                     |
| Creditor's name: <b>Joe Hand Promotions Inc</b>                                                                                                | <input type="checkbox"/> Surrender the property.                                                                     | <input type="checkbox"/> No                         |

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

name:

☐ Retain the property and redeem it.

☒ Yes

Description of property **136 W Celestial Drive Greer, SC 29651 Spartanburg County**

☐ Retain the property and enter into a *Reaffirmation Agreement*.

securing debt: **2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage**

☒ Retain the property and [explain]:

avoid lien using 11 U.S.C. § 522(f)

Creditor's name: **ONE MAIN FINANCIAL**

☐ Surrender the property.

☐ No

☐ Retain the property and redeem it.

☐ Retain the property and enter into a *Reaffirmation Agreement*.

☒ Yes

Description of property **136 W Celestial Drive Greer, SC 29651 Spartanburg County**

☒ Retain the property and [explain]:

securing debt: **2016 house fire total loss; Detached garage 20 x 20; Current tax value \$37,300; Homeowner's insurance paid off mortgage**

avoid lien using 11 U.S.C. § 522(f)

Creditor's name: **Professional Finance**

☐ Surrender the property.

☒ No

☐ Retain the property and redeem it.

☒ Retain the property and enter into a *Reaffirmation Agreement*.

☐ Yes

Description of property **2009 Nissan Altima 124000 miles**  
securing debt: **KBB Private Party Value**

☐ Retain the property and [explain]:

Creditor's name: **World Finance Corporation**

☐ Surrender the property.

☐ No

☐ Retain the property and redeem it.

☐ Retain the property and enter into a *Reaffirmation Agreement*.

☒ Yes

Description of property **household goods and furniture**  
securing debt:

☒ Retain the property and [explain]:

avoid lien using 11 U.S.C. § 522(f)

**Part 2: List Your Unexpired Personal Property Leases**

For any unexpired personal property lease that you listed in Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G), fill in the information below. Do not list real estate leases. Unexpired leases are leases that are still in effect; the lease period has not yet ended. You may assume an unexpired personal property lease if the trustee does not assume it. 11 U.S.C. § 365(p)(2).

**Describe your unexpired personal property leases**

**Will the lease be assumed?**

Lessor's name:

☐ No

Description of leased Property:

☐ Yes

Lessor's name:

☐ No

Description of leased Property:

☐ Yes

Lessor's name:

☐ No

Description of leased Property:

☐ Yes

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

Lessor's name:

☐ No

Description of leased

☐ Yes

Property:

Lessor's name:

☐ No

Description of leased

☐ Yes

Property:

Lessor's name:

☐ No

Description of leased

☐ Yes

Property:

Lessor's name:

☐ No

Description of leased

☐ Yes

Property:

**Part 3: Sign Below**

Under penalty of perjury, I declare that I have indicated my intention about any property of my estate that secures a debt and any personal property that is subject to an unexpired lease.

X /s/ Christopher Michael Ruegsegger  
Christopher Michael Ruegsegger  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Date March 29, 2018

Date \_\_\_\_\_

Fill in this information to identify your case:

Debtor 1 Christopher Michael Ruegsegger  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: District of South Carolina  
Case number \_\_\_\_\_  
(if known)

Check one box only as directed in this form and in Form 122A-1Supp:

- ☒ 1. There is no presumption of abuse
- ☐ 2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).
- ☐ 3. The Means Test does not apply now because of qualified military service but it could apply later.
- ☐ Check if this is an amended filing

Official Form 122A - 1  
Chapter 7 Statement of Your Current Monthly Income

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income

1. What is your marital and filing status? Check one only.

- ☒ Not married. Fill out Column A, lines 2-11.
- ☐ Married and your spouse is filing with you. Fill out both Columns A and B, lines 2-11.
- ☐ Married and your spouse is NOT filing with you. You and your spouse are:
- ☐ Living in the same household and are not legally separated. Fill out both Columns A and B, lines 2-11.
- ☐ Living separately or are legally separated. Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 707(b)(2)(A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

|                                                                                                                                                                                                                                                                                                                                                                                              | Column A<br>Debtor 1 | Column B<br>Debtor 2 or<br>non-filing spouse |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------|
| 2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).                                                                                                                                                                                                                                                                                       | \$ 678.67            | \$                                           |
| 3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.                                                                                                                                                                                                                                                                                         | \$ 0.00              | \$                                           |
| 4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3. | \$ 0.00              | \$                                           |
| 5. Net income from operating a business, profession, or farm                                                                                                                                                                                                                                                                                                                                 |                      |                                              |
|                                                                                                                                                                                                                                                                                                                                                                                              | Debtor 1             |                                              |
| Gross receipts (before all deductions)                                                                                                                                                                                                                                                                                                                                                       | \$ 0.00              |                                              |
| Ordinary and necessary operating expenses                                                                                                                                                                                                                                                                                                                                                    | -\$ 0.00             |                                              |
| Net monthly income from a business, profession, or farm                                                                                                                                                                                                                                                                                                                                      | \$ 0.00              | Copy here -> \$ 0.00                         |
| 6. Net income from rental and other real property                                                                                                                                                                                                                                                                                                                                            |                      |                                              |
|                                                                                                                                                                                                                                                                                                                                                                                              | Debtor 1             |                                              |
| Gross receipts (before all deductions)                                                                                                                                                                                                                                                                                                                                                       | \$ 0.00              |                                              |
| Ordinary and necessary operating expenses                                                                                                                                                                                                                                                                                                                                                    | -\$ 0.00             |                                              |
| Net monthly income from rental or other real property                                                                                                                                                                                                                                                                                                                                        | \$ 0.00              | Copy here -> \$ 0.00                         |
| 7. Interest, dividends, and royalties                                                                                                                                                                                                                                                                                                                                                        | \$ 0.00              | \$                                           |

Debtor 1 **Christopher Michael Ruegsegger**

Case number (if known)

|                                                                                                                                                                                                                                                                                                                                                                                                                              | Column A<br>Debtor 1                                 | Column B<br>Debtor 2 or<br>non-filing spouse                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------|
| 8. <b>Unemployment compensation</b><br>Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:<br>For you _____ \$ <b>0.00</b><br>For your spouse _____ \$ _____                                                                                                                                                                                 | \$ <b>0.00</b>                                       | \$ _____                                                                   |
| 9. <b>Pension or retirement income.</b> Do not include any amount received that was a benefit under the Social Security Act.                                                                                                                                                                                                                                                                                                 | \$ <b>0.00</b>                                       | \$ _____                                                                   |
| 10. <b>Income from all other sources not listed above.</b> Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total below.<br>_____<br>_____<br>Total amounts from separate pages, if any. | \$ <b>0.00</b><br>\$ <b>0.00</b><br>+ \$ <b>0.00</b> | \$ _____<br>\$ _____<br>\$ _____                                           |
| 11. <b>Calculate your total current monthly income.</b> Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.                                                                                                                                                                                                                                                                   | \$ <b>678.67</b>                                     | \$ _____ = \$ <b>678.67</b><br><small>Total current monthly income</small> |

**Part 2: Determine Whether the Means Test Applies to You**

12. **Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11 \_\_\_\_\_ Copy line 11 here=>

\$ **678.67**

Multiply by 12 (the number of months in a year)

x 12

12b. The result is your annual income for this part of the form

12b. \$ **8,144.04**

13. **Calculate the median family income that applies to you.** Follow these steps:

Fill in the state in which you live.

SC

Fill in the number of people in your household.

4

Fill in the median family income for your state and size of household.

13. \$ **75,946.00**

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

14. **How do the lines compare?**

14a. ☒ Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse.* Go to Part 3.

14b. ☐ Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2.* Go to Part 3 and fill out Form 122A-2.

**Part 3: Sign Below**

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

X /s/ **Christopher Michael Ruegsegger**

**Christopher Michael Ruegsegger**  
Signature of Debtor 1

Date **March 29, 2018**

MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Debtor 1 Christopher Michael Ruegsegger

Case number (if known) \_\_\_\_\_

### Current Monthly Income Details for the Debtor

#### Debtor Income Details:

Income for the Period 09/01/2017 to 02/28/2018.

#### Line 2 - Gross wages, salary, tips, bonuses, overtime, commissions

Source of Income: Patriot Pest Management

Income by Month:

|                    |         |            |
|--------------------|---------|------------|
| 6 Months Ago:      | 09/2017 | \$1,018.00 |
| 5 Months Ago:      | 10/2017 | \$1,018.00 |
| 4 Months Ago:      | 11/2017 | \$1,018.00 |
| 3 Months Ago:      | 12/2017 | \$1,018.00 |
| 2 Months Ago:      | 01/2018 | \$0.00     |
| Last Month:        | 02/2018 | \$0.00     |
| Average per month: |         | \$678.67   |

## Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

### This notice is for you if:

**You are an individual filing for bankruptcy,**  
and

**Your debts are primarily consumer debts.**  
*Consumer debts* are defined in 11 U.S.C.  
§ 101(8) as "incurred by an individual  
primarily for a personal, family, or  
household purpose."

### The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under  
one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan  
for family farmers or  
fishermen

Chapter 13 - Voluntary repayment plan  
for individuals with regular  
income

**You should have an attorney review your  
decision to file for bankruptcy and the choice of  
chapter.**

### Chapter 7: Liquidation

|       |                        |
|-------|------------------------|
| \$245 | filing fee             |
| \$75  | administrative fee     |
| +     | \$15 trustee surcharge |
| \$335 | total fee              |

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

---

## Chapter 11: Reorganization

---

|   |         |                    |
|---|---------|--------------------|
|   | \$1,167 | filing fee         |
| + | \$550   | administrative fee |
|   | \$1,717 | total fee          |

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

### Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

#### Chapter 12: Repayment plan for family farmers or fishermen

|   |       |                    |
|---|-------|--------------------|
|   | \$200 | filing fee         |
| + | \$75  | administrative fee |
|   | \$275 | total fee          |

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

#### Chapter 13: Repayment plan for individuals with regular income

|   |       |                    |
|---|-------|--------------------|
|   | \$235 | filing fee         |
| + | \$75  | administrative fee |
|   | \$310 | total fee          |

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

**Warning: File Your Forms on Time**

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:  
[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure)

**Bankruptcy crimes have serious consequences**

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

**Make sure the court has your mailing address**

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

**Understand which services you could receive from credit counseling agencies**

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:  
[http://justice.gov/ust/eo/hapcpa/ccde/cc\\_approved.html](http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html)

In Alabama and North Carolina, go to:  
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

United States Bankruptcy Court  
District of South Carolina

In re Christopher Michael Ruegsegger

Debtor(s)

Case No.

Chapter 7

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

|                                                       |    |                 |
|-------------------------------------------------------|----|-----------------|
| For legal services, I have agreed to accept           | \$ | <u>1,500.00</u> |
| Prior to the filing of this statement I have received | \$ | <u>1,500.00</u> |
| Balance Due                                           | \$ | <u>0.00</u>     |

2. \$ 335.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

4. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

**Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.**

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding, conversion to other chapters in bankruptcy, amendments to petitions, schedules, statements, plans and other documents filed with the court, future motions to be filed on behalf of debtor, objections to claims filed by creditors, appeals, other services as listed on the retainer agreement.**

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

March 29, 2018

Date

/s/ Pamela L. Tripp

Pamela L. Tripp #9566

Signature of Attorney

Law Office of Pamela Lee Tripp

24 Crescent Street

Lyman, SC 29365-1605

864-469-4871 Fax: 864-469-4866

trippbklaw@icloud.com

Name of law firm

LOCAL OFFICIAL FORM 1007-1(b) TO SC LBR 1007-1

United States Bankruptcy Court  
District of South Carolina

In re Christopher Michael Ruegsegger Debtor(s) Case No. \_\_\_\_\_  
Chapter 7

**CERTIFICATION VERIFYING CREDITOR MATRIX**

The above named debtor, or attorney for the debtor if applicable, hereby certifies pursuant to South Carolina Local Bankruptcy Rule 1007-1 that the master mailing list of creditors submitted either on computer diskette, electronically filed via CM/ECF, or conventionally filed in a typed hard copy scannable format which has been compared to, and contains identical information to, the debtor's schedules, statements and lists which are being filed at this time or as they currently exist in draft form.

Master mailing list of creditors submitted via:

- (a) \_\_\_\_\_ computer diskette  
(b) \_\_\_\_\_ scannable hard copy  
(number of sheets submitted \_\_\_\_\_)  
(c) X electronic version filed via CM/ECF

Date: March 29, 2018

/s/ Christopher Michael Ruegsegger  
Christopher Michael Ruegsegger  
Signature of Debtor

Date: March 29, 2018

/s/ Pamela L. Tripp  
Signature of Attorney  
Pamela L. Tripp #9566  
Law Office of Pamela Lee Tripp  
24 Crescent Street  
Lyman, SC 29365-1605  
864-469-4871 Fax: 864-469-4866  
Typed/Printed Name/Address/Telephone  
#9566 SC  
District Court I.D. Number

STATE OF SOUTH CAROLINA

QUIT CLAIM DEED

TO ALL WHOM THESE PRESENTS MAY COME:

NOW, KNOW ALL MEN BY THESE PRESENTS, TIFFANY J. RUEGSEGGER, that I the said Grantor, for and in consideration of the premises and also in consideration of the sum of Ten (\$10.00) Dollars to me in hand paid at and before the sealing and delivery of these presents, and the Family Court Order, by CHRISTOPHER MICHAEL RUEGSEGGER (the receipt whereof is hereby acknowledged) have remised, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto CHRISTOPHER MICHAEL RUEGSEGGER, his heirs and assigns:

All of her interest in all that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot No. 65 on survey entitled "Stanley Glenn Cary" said plat being prepared by James V. Gregory Lan Surveying, being dated June 12, 1997 and recorded August 27, 1997 in Plat Book 138 at Page 783, reference to said plat is hereby made for a more complete mets and bounds description thereof.

This being the same property conveyed to Tiffany J. Ruegsegger and Christopher Michael Ruegsegger by deed of Petr Krasnov and Yuliya Krasnov dated May 20, 2011 and recorded on May 25, 2011 in Deed Book 98-M, Page 729, Spartanburg County Records.

TMS: 6-05-00-003.05

Grantee's Address: 136 West Celestial Drive, Greer, SC 29651

TOGETHER with all singular the rights, members, hereditaments and appurtenance to the said premises belonging or in anywise incident or appertaining;

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Grantee, his heirs and assigns, forever so that I the said Grantor nor my heirs, nor any other person or persons, claiming under me or them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

DEE-2017-26866



DEE BK 116-B PG 41-43

EXEMPT

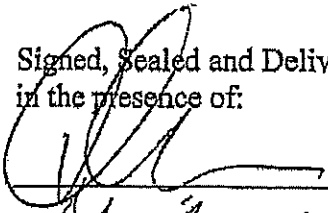
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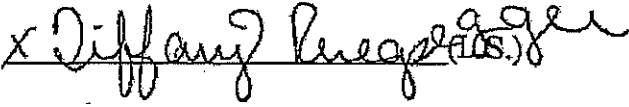
Recording Fee: \$10.00

Office of REGISTER OF DEEDS, SPARTANBURG, S.C.  
Dorothy Earle, Register Of Deeds

Witness my hand and seal this 2<sup>nd</sup> day of June, 2017 of the  
Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered  
in the presence of:

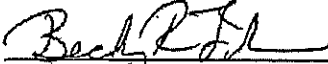
  
\_\_\_\_\_  
Sheila Lee Fisher

x   
\_\_\_\_\_  
Tiffany Nease

THE STATE OF SOUTH CAROLINA    )  
COUNTY OF SPARTANBURG        )

I, Becky Fisher, Notary Public for South Carolina, do hereby certify  
that the Grantor(s) personally appeared before me this day and acknowledged the due execution  
of the foregoing instrument.

Witness my hand and official seal this 2nd day of June, 2017.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: 7-16-23

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Gordon G. Cooper, Master in Equity for Spartanburg County

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Case No. 2019-CP-42-01210

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Appellate Case No. 2019-002071

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CERTIFICATE OF MAILING

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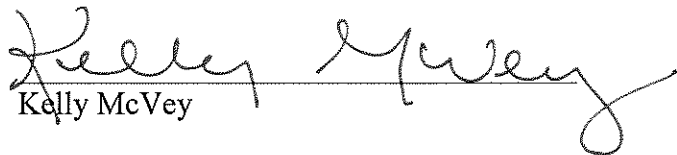
**RECEIVED**

**Jun 24 2020**

**SC Court of Appeals**

I, Kelly McVey, of Jordan Law Firm, attorney for the Appellant, Joe Hand Promotions, Inc., hereby certify that I have this 24<sup>th</sup> day of June, 2020, served a copy of the attached Record on Appeal upon Suzanne G. Grigg, Esquire, attorney for the Respondent, Founders Federal Credit Union, by mailing a copy thereof, postage prepaid, directed to the address indicated below:

Suzanne G. Grigg, Esquire  
NEXSEN PRUET, LLC  
Post Office Box 2426  
Columbia, South Carolina 29202

  
Kelly McVey