

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Independence National Bank,

Plaintiff,

vs.

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

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2010-CP-23-03860

CHARGING ORDER

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Jul 09 2020

SC Court of Appeals

THIS MATTER was before the court on May 29, 2020 pursuant to Receiver's Application for Charging Order filed on April 22, 2020. The hearing was held via ZOOM with Shawn French, Esq., Aaron J. Angell, Esq., and Rory Whelehan Esq. all being present and all consenting to the matter being held via ZOOM.

FINDINGS OF FACT

The following facts were introduced at the May 29, 2020 hearing:

- A) The Defendant, David DeCarlis is the single member of "3009 Palm Blvd., LLC", a South Carolina limited liability company, as confirmed by his testimony at his Court Ordered Deposition held on August 12, 2019. (Exhibit A).
- B) 3009 Palm Blvd, LLC is the sole owner of real property located at 3009 Palm Blvd, Isle of Palms, SC 29451.
- C) The beach house located at 3009 Palm Blvd. is rented through VRBO and typically accommodates renters who pay to rent the property for an entire week in the summer at peak rates and throughout the year.

- D) This Court's November 12, 2019 Order for the Appointment of a Receiver granted the Receiver with "all powers, authority, duties and obligations as is customary according to receivership under South Carolina law".
- E) The Court finds that pursuant to the Order for the Appointment of a Receiver, the Receiver has the authority to bring this application for a Charging Order in addition to the authority to file any and all civil actions, complaints, and motions, along with any and all other actions powers, authority, duties and obligations required to carry the judgment into effect pursuant to S.C. Code Ann. §15-65-10 and as is customary under South Carolina law.

CONCLUSIONS OF LAW

In light of the evidence, testimony and arguments submitted by the Parties, this Court hereby issues the following Orders

IT IS HEREBY ORDERED, the Receiver is granted with a Charging Order and lien against the Defendant's distributional interest in 3009 Palm Blvd., LLC, a single-member LLC, with payment toward the unsatisfied amount of the Judgment in favor of INB, with interest;

IT IS FURTHER ORDERED, that David DeCarlis and 3009 Palm Blvd., LLC pay to Receiver any and all distributions of 3009 Palm Blvd., LLC, accruing to David DeCarlis;

IT IS FURTHER ORDERED, that pursuant to §33-44-504(b), this Court may order a foreclosure of the lien on the Defendant's distributional interest subject to this Charging Order at any time.

AND IT IS SO ORDERED.



Greenville Common Pleas

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

And It Is So Ordered!

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