

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

**RECEIVED**

JUL 13 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.

ATTORNEYS for Independence National Bank:

Aaron Angell  
200 N. Main St  
Greenville, SC 29601

Kevin Malony  
212 Newberry Street NW  
Aiken, SC 29801

Christopher Jones  
650 E. Washington Street  
Greenville, SC 29601

RECEIVER: Rory Whelehan, Esq  
200 North Main Street  
Suite 301-D  
Greenville, SC 29601

- 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)



JULY 9, 2020

**VIA US MAIL**

DANETTE HANKS

OFFICE OF THE MASTER IN EQUITY  
305 EAST NORTH STREET, SUITE 313  
GREENVILLE, SC 29601

**RE: INDEPENDENCE NATIONAL BANK V. DECARLIS 2010-CP-23-3860**

Dear Mrs. Hanks,

Please provide me with a transcript of the hearing in the matter of Independence National Bank v. Decarlis which was heard on May 29, 2020 via Zoom. Please let me know the cost and I will forward that to you.

Sincerely,

Shawn M. French, Sr.

CC: File  
Aaron Angel  
Kevin Maloney  
Christopher Jones  
Rory Whelehan  
SC Court of Appeals  
SC Court Administration

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Master-in-Equity

Charles B. Simmons, Jr., Master in Equity

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Case No. 2010-CP-23-3860

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Independence National Bank,

Respondent,

v.

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

Of who, David Decarlis is the Appellant.

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Proof of Service

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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal on the below parties on July 9, 2020.

Aaron Angell  
200 N. Main St  
Greenville, SC 29601

Kevin Malony  
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I also certify that I served the Request for Court Transcript on the Office of Court Administration on July 9, 2020 at 1220 Senate Street, Suite 200, Columbia, SC 29201.

July 9, 2020

/s/Shawn M. French, Sr.

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