

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

SEP 17 2020

APPEAL FROM DORCHESTER COUNTY
James E. Chellis, Master-in-Equity for Dorchester County
Case No. 2010-CP-18-1742

SC Court of Appeals

Appellate Case No. 2020-000561

Jaber Investments, LLC..... Appellant,

v.

Sleep King, LLC and Christopher C. Morris..... Respondent,

RECORD ON APPEAL

Kerry W. Koon
147 Wappoo Creek Drive, Ste. 203
Charleston, SC 29412
(843) 795-7000
Attorney for Appellant

Christopher C. Morris
179 Cablewynd Way
Summerville, SC 29485
Respondent

Sleep King, LLC
75 Old Trolley Road, Ste. 7
Summerville, SC 29485
Respondent

INDEX

1.	Order Denying Rule to Show Cause & Amended Order for Supplemental Proceedings filed March 3, 2020.....	1
2.	Form 4 Order in case number 2009-CP-08-0599 dated October 21, 2009.....	6
3.	Order for Entry of Default and Judgment by Default in Favor of Plaintiff Against Defendants in case number 2009-CP-08-0599 filed January 19, 2010.....	7
4.	Dorchester County Clerk of Court filing index showing judgment in favor of Appellant filed June 28, 2010 and <u>nulla bona</u> return by the Sheriff of Dorchester County on September 2, 2010.....	10
5.	Rule to Show Cause of the Honorable Diane Goodstein dated January 2, 2020....	12
6.	Appellant's Motion for Supplemental Proceedings filed December 11, 2019.....	16
7.	Proposed Amended Rule to Show Cause and Amended Order for Supplemental Proceedings filed February 4, 2020.....	18
8.	Transcript of Hearing of January 21, 2020 before the Honorable James E. Chellis..... (No testimony)	23
9.	Affidavit of Service of Rule to Show Cause dated January 14, 2020.....	37
10.	Email from the Honorable James E. Chellis to Appellant's counsel dated February 10, 2020.....	38
11.	Email from Appellant's counsel to the Honorable James E. Chellis dated February 24, 2020.....	39

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

JABER INVESTMENTS, LLC,
Plaintiff,

Versus

SLEEP KING, LLC AND
CHRISTOPHER C. MORRIS,
Defendants.

IN THE COURT OF COMMON PLEAS
EQUITY DIVISION
CIVIL CASE #: 2010-CP-18-1742

*ORDER DENYING RULE TO SHOW
CAUSE & AMENDED ORDER FOR
SUPPLEMENTAL PROCEEDINGS
(Of Hearing for supplemental proceedings
originally scheduled for 1/21/2020 @ 11 AM)*

1. The present matter pertains to a petition for supplemental proceedings brought by the Plaintiff.
2. Plaintiff procured judgment against the Defendant on October 22, 2009¹ in the amount of \$114,610.63.
3. Plaintiff transcribed this judgment in the judgment rolls for Dorchester County on June 28, 2010.
4. On September 2, 2010, the Plaintiff filed an execution against property marked "Nulla Bona" by the Sheriff of Dorchester County.
5. On December 11, 2019², Plaintiff petitioned the Honorable Diane S. Goodstein for Supplemental Proceedings requesting examination of the Defendants as to certain assets. Judge Goodstein entered a Rule to Show Cause to the Defendants directing them to appear before this Court on January 21, 2020.
6. On January 21, 2020, this Court held a hearing at which Plaintiff's attorney appeared.
7. The Defendants failed to appear.
8. Plaintiff's attorney inquired as to the process this Court followed when a Defendant failed to appear before the Court pursuant to a Rule to Show Cause³.

¹ Ten years from the Date of the judgment was October 20, 2009.

² 52 days after the expiration of the ten years from the date of the judgment.

³ My preference is to attempt to have the Respondent appear a second time. Hence, I will enter an amended Rule to Show Cause directing the Respondent appear at a subsequent date and time. If the Respondent does not appear then, I will consider a petition to hold the non-appearing respondent in contempt of court. Thus, I order a hearing specifically to determine if the Respondent should be held in contempt of court for failing to appear on two occasions. At that hearing, if the respondent fails to appear, I issue a bench warrant for respondents arrest and incarceration for contempt of court with directions that the Sheriff advise the Court when the arrest and incarceration has taken place. Thereafter, I arrange a hearing as soon as practicably possible. At that hearing I determine the contempt penalty.

9. During the hearing, Plaintiff's counsel requested the matter be continued to allow Plaintiff to request a second date and time for the Defendants to appear by order of the court for purposes of determining whether the Defendants have assets out of which this Court could enforce satisfaction of Defendants' judgment or some part of it.

10. This court agreed to continue the matter verbally for this purpose and in accord with my preference as explained in footnote 3.

11. After receiving a proposed order to set the second hearing, this Court reviewed the very recent case reported by our Supreme Court, *Gordon v. Lancaster*, 425 S.C. 386, 389, 823 S.E.2d 173, 174, 2018 WL 6072352 (2018), *reh'g denied* (Feb. 20, 2019) where the Court examines this issue: "Does a judgment's ten-year "active energy" terminate when the judgment creditor's enforcement action remains untried when the ten-year period expires, or conversely, does a judgment creditor's mere institution of the enforcement action within ten years extend that ten-year period indefinitely until trial is held and a final order is issued?" The Court held the active energy ends on the passing of the ten years. Hence, the judgment creditors mere institution of the enforcement action does not extend the judgment since its force and effect ends upon the expiration of ten years from the date of the judgment.

12. Since, in *Gordon*, the Court "decline[d] to judicially adopt an exception to the bright-line rule that a judgment expires after ten years from its enrollment," the Plaintiff's request to continue the action is denied.

13. Moreover, S.C. Code Ann. § 15-39-30 (2005) provides: "Executions may issue upon final judgments or decrees at any time within ten years from the date of the original entry thereof and shall have active energy during such period, without any renewal or renewals thereof, and this whether any return may or may not have been made during such period on such executions."

14. Plaintiff's request for supplemental proceedings fails since it is 52 days after expiration of the judgment. IT IS, THEREFORE

15. ORDERED, ADJUDGED AND DECREED that Plaintiff's motion for supplemental proceedings to be continued is denied.

So, Ordered!

Electronic Signature of the Court follows:



Dorchester Common Pleas

Case Caption: Jaber Investments LLC VS Sleep King LLC , defendant, et al

Case Number: 2010CP1801742

Type: Master/Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

Electronically signed on 2020-03-03 14:48:59 page 3 of 3

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2010CP1801742

Official File Stamp: 03-03-2020 03:59:14 PM

Court: CIRCUIT COURT

Common Pleas

Dorchester

Case Caption: Jaber Investments LLC VS Sleep King LLC ,
defendant, et al

Document(s) Submitted: Order/Denying Rule to Show
Cause/Supplemental Proceedings

Filed by or on behalf of: James Chellis

Note from the Court:

Mr. Koon. Thank you for preparing the proposed Order. This gave me the opportunity to review the Gordon case. Even so, I also reviewed the time constraints of the statute. Under the latter, your petition and the proceedings were too late. Best Regards, Judge Chellis

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Kerry W. Koon for Jaber Investments LLC

Charles S. Altman for Jaber Investments LLC

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Christopher C Morris

Sleep King LLC

Certificate of Electronic Notification

Recipients

Charles Altman - Notification transmitted on 03-03-2020 03:59:24 PM.

Kerry Koon - Notification transmitted on 03-03-2020 03:59:24 PM.

JABER INVESTMENTS, LLC

SLEEP KING, LLC ET AL
MORRIS, CHRISTOPHER C

P

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT. This action came before the court to trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED. (CHECK REASON): Rule 12(b), SCRPC;
 Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other _____
- ACTION STRICKEN. (CHECK REASON): Rule 40(j), SCRPC;
 Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- THIS CASE IS REFERRED TO THE MASTER-IN-EQUITY to enter final judgment and conduct any and all proceedings before and after trial. Any appeal shall be made to the Court of Appeals or Supreme Court as provided by statute.

FILED
 2009 OCT 22 PM 1:25
 CLERK OF COURT
 BERKELEY COUNTY, SC

IT IS ORDERED AND ADJUDGED:

- See attached order; Statement of Judgment by the Court:

MOTION FOR ENTRY OF DEFAULT AND JUDGMENT BY DEFAULT AS TO DEFENDANTS FILED ATTORNEY HALVERSEN IS GRANTED. JUDGMENT FOR THE PLAINTIFF FOR MONIES OWED UNDER LEASE OF \$112792.44 AND ATTORNEY FEES IN THE AMOUNT OF \$1818.19; FORMAL ORDER TO FOLLOW.

Dated at Moncks Corner, South Carolina, this 21 day of October, 2009.
[Signature]
PRESIDING JUDGE/CLERK OF COURT

This judgment/order was entered on the 22nd day of October, 2009 and a copy mailed first class this 22nd day of October, 2009 to attorneys of record or to parties (when appearing pro se) as follows:

HALVERSEN, BRENT SOUTHER

ATTORNEY(S) FOR THE PLAINTIFF(S)
Mia Pullman
COURT REPORTER

ATTORNEY(S) FOR THE DEFENDANT(S)
Valerie Terry
CLERK OF COURT/DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
))
))
JABER INVESTMENTS, LLC)
))
Plaintiff,)
))
vs.)
))
))
SLEEP KING, LLC and)
CHRISTOPHER C. MORRIS,)
Individually)
))
Defendants)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2009-CP-08-599

FILED
2010 JAN 19 PM 5:09
CLERK OF COURT
BERKELEY

ORDER FOR ENTRY OF DEFAULT AND
JUDGMENT BY DEFAULT IN FAVOR
OF PLAINTIFF AGAINST DEFENDANTS

This matter comes before the Court on Plaintiff's Motion for an Order adjudging the Defendant Sleep King, LLC, and Christopher Morris, individually to be in default for want of appearance in this action and for a judgment against said Defendants after a hearing pursuant to Section 15-35-320 Code of Laws of South Carolina, (1976). Accordingly a hearing was held before the Court on October 20, 2009. Plaintiff's corporate representative and his attorney were in attendance. Defendants were mailed notice of the hearing. After taking testimony and reviewing exhibits, the Court finds and concludes as follows:

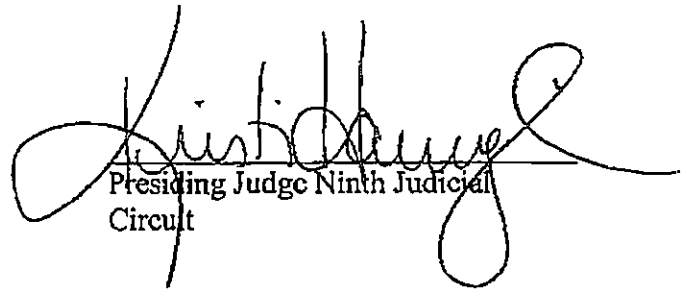
Plaintiff commenced this action seeking damages for failure to pay monies owed to it for a default on a commercial lease. The Defendants were served a copy of the Summons and Complaint and no Answer or other Appearance was filed on behalf of either Defendant. Plaintiff then moved the Court for an entry of default and judgment by default. The Defendants were notified of the hearing scheduled for hearing at 10:30 AM on October 22, 2009 at its last known mailing address. Upon the call of the case, Plaintiff and his attorney were present but each Defendant failed to appear. Based on review of the record, the Court finds that Defendants were

in default and hereby orders entry of default. Attention was then given to Plaintiff's Motion for Judgment by Default. After hearing testimony from the Plaintiff this Court finds that Plaintiff has suffered actual damages computed as follows:

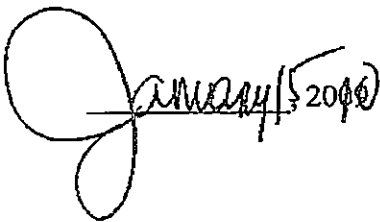
Balance Owed	\$112,792.44
Attorney's Fees	\$1,818.19
TOTAL	\$114,610.63

Now, therefore, it is ORDERED that Plaintiff be, and he hereby is, granted judgment against the Defendants Sleep King LLC and Christopher C. Morris individually, in the sum of \$114,610.63 Dollars, actual damages, with leave to enter said judgment immediately.

AND IT IS SO ORDERED.


Presiding Judge Ninth Judicial
Circuit

Moncks Corner, S.C.


January 15, 2010

REPORT

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

FORM 4 ORDER- MOTION FOR ENTRY OF DEFAULT AND
JUDGMENT BY DEFAULT AS TO DEFENDANTS FILED BY
ATTORNEY HALVERSEN IS GRANTED. JUDGMENT FOR THE
PLAINTIFF FOR MONIES OWED UNDER LEASE OF
\$112792.44 AND ATTORNEY FEES IN THE AMOUNT OF
\$1818.19; FORMAL ORDER TO FOLLOW. (J/HARRINGTON)

THIS JUDGMENT WAS ENTERED ON THE 22 DAY OF OCTOBER,
2009 AND A COPY E-MAILED OR MAILED FIRST-CLASS THIS
26 DAY OF OCTOBER, 2009 TO ALL COUNSEL OF RECORD
AND/OR ALL PERSONS ENTITLED TO RECEIVE NOTICE.

HALVERSEN, BRENT SOUTHER
ATTORNEY AT LAW
1037 CHUCK DAWLEY BLVD, STE 200
MT PLEASANT, SC 29464

2009CP0800599
JABER INVESTMENTS, LLC
VS.
SLEEP KING, LLC ET AL



Dorchester County First Judicial Circuit Public Index



Dorchester County Home Page [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Jaber Investments LLC VS Sleep King LLC , defendant, et al					
Case Number:	2010CP1801742	Court Agency:	Common Pleas	Filed Date:	06/28/2010
Case Type:	Common Pleas	Case Sub Type:	Transcript Judg 740	File Type:	Non-Jury
Status:	Appeal	Assigned Judge:	Chellis, James E.		
Disposition:	Judgment	Disposition Date:	06/28/2010	Disposition Judge:	Clerk Of Court C P, G S, And Family Court
Original Source Doc:		Original Case #:			
Judgment Number:	2010CP1801742	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Jaber Investments LLC	Appeal/Notice of Appeal to Court of Appeals	Action		04/01/2020-11:02		
Jaber Investments LLC	NEF(03-31-2020 11:02:58 AM) Appeal/Notice of Appeal to C...	Filing		03/31/2020-11:37		
Jaber Investments LLC	NEF(03-03-2020 03:59:14 PM) Master/Order/Other	Filing		03/03/2020-15:59		
Jaber Investments LLC	Order/Denying Rule to Show Cause/Supplemental Proceedings	Order		03/03/2020-15:59	03/03/2020-15:59	
Jaber Investments LLC	NEF(02-04-2020 09:26:53 AM) Order/Order Cover Sheet \$25....	Filing		02/04/2020-09:51		
Jaber Investments LLC	Order/Order Cover Sheet \$25.00	Filing		02/04/2020-09:26		
Jaber Investments LLC	NEF(01-27-2020 04:01:38 PM) Service/Affidavit Of Service	Filing		01/27/2020-16:26		
Jaber Investments LLC	Service/Affidavit Of Service On Christopher C Morris on Chri	Filing		01/27/2020-16:01		
Jaber Investments LLC	NEF(01-02-2020 08:53:21 AM) Order/Referred to Master or ...	Filing		01/02/2020-08:53		
Jaber Investments LLC	Order/Referred to Master/Rule to Show Cause	Order		01/02/2020-08:53	01/02/2020-08:53	
Jaber Investments LLC	NEF(12-11-2019 04:32:02 PM) Motion/Other	Filing		12/12/2019-08:57		
Jaber Investments LLC	Motion/Supplemental Proceedings	Motion		12/11/2019-16:32	12/11/2019-16:32	
Jaber Investments LLC	NEF(12-11-2019 04:29:47 PM) Notice/Notice of Appearance	Filing		12/11/2019-16:30		
Jaber Investments LLC	Notice/Notice of Appearance	Filing		12/11/2019-16:29		

Jaber Investments LLC	Nulla Bona	Filing		09/02/2010-14:33		
Jaber Investments LLC	Judgment/Judgment	Judgment		06/28/2010-11:40		
Sleep King LLC	Judgment/Judgment	Judgment		06/28/2010-11:40		
Morris, Christopher C	Judgment/Judgment	Judgment		06/28/2010-11:40		
Jaber Investments LLC	Judgment/Judgment	Judgment		06/28/2010-11:40		
Jaber Investments LLC	Transcript of Judgment	Filing		06/28/2010-11:16	06/28/2010-11:16	

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
JABER INVESTMENTS, LLC,)
)
Plaintiff,)
)
v.)
)
SLEEP KING, LLC AND)
CHRISTOPHER C. MORRIS,)
)
Defendants.)
)
_____)

CIVIL CASE #: 2010-CP-18-1742

RULE TO SHOW CAUSE

IT APPEARING from the Motion of (hereinafter designated "Plaintiff") that a Judgment has been rendered against the Defendants, (hereinafter designated Defendants), and that the Defendants has property which it unjustly refuses to apply towards satisfaction of said Judgment; and,

IT FURTHER APPEARING that the Plaintiff is entitled to examine the Defendants under oath concerning any assets which Defendants may own, and to locate and ascertain the financial assets of the Defendants, for the purpose of satisfying the Judgment obtained against the said Defendants, as more fully described in the attached Motion; NOW, THEREFORE, IT IS ORDERED THAT this matter be referred to the Honorable James E. Chellis, for further proceedings consistent with this Order and that the aforesaid Defendants appear before the said Master-in-Equity on the 21st day of January, 2020, at 11:00 A.M., in compliance with the said Motion and this Order, at the Honorable James E. Chellis' Office, Dorchester County Courthouse, 5200 E. Jim Bilton Blvd., St. George, South Carolina, to answer under oath concerning your assets questions propounded to Defendants by the Plaintiff; to SHOW CAUSE why your property should not be applied toward satisfaction of the judgment(s) set out in the Motion; and to SHOW CAUSE why a Receiver of your property should not be appointed, pursuant to the provisions of S.C. Code Ann. Section 15-39-430.

IT IS FURTHER ORDERED that pursuant to S.C. Code Ann. Section 15-39-390 and Rule 53 SCRPC the Master in Equity will entertain and rule upon all motions necessary to dispose of this matter,

to include but not limited to, motions to dismiss, motions to appoint Receiver, motions to continue the matter and motions to sell all or certain property of judgment debtor in satisfaction of the Plaintiff's debt and has authority to enter a Final Order, with any appeal directly to the South Carolina Supreme Court.

IT IS FURTHER ORDERED THAT COPIES OF THIS ORDER, AND THE ATTACHED MOTION, BE PERSONALLY SERVED AS PROMPTLY AS POSSIBLE ON THE AFORESAID DEFENDANTS. YOU ARE FURTHER ORDERED TO BRING WITH YOU TO THE HEARING THE FOLLOWING:

1. Current checkbooks or any accounts in the name of said Defendants, along with bank statements on said accounts for the past twelve (12) months and canceled checks on any such accounts from January 1, 2018, to present.
2. Detailed statements of Accounts received belonging to Defendants, whether or not the same may be pledged or hypothecated.
3. Any certificates of deposit, savings account passbooks, stock certificates in any publicly held or closely held corporations as well as any bonds owned by Defendants either separately or jointly held with others.
4. Any balance sheets, profit and loss statements or financial statements, audited or unaudited, prepared and issued by Defendants since January 1, 2018.
5. Certificates of title to any vehicles, mobile homes or water craft owned by Defendants either separately or jointly due to any lien on any of said vehicle or mobile homes or water craft, then in lieu thereof a written statement detailing a description of each item including year, model, serial number, present value and the amount of any lien therein shall be furnished.
6. Any Deeds, Mortgages, Notes, Contracts of Sale, and Settlement or Closing Statements relating to any real estate transactions involving Defendants since January 1, 2018.
7. Copies of any life insurance policies owned by Defendants, along with any information pertaining to any loans outstanding on any of said policies.

8. A written inventory or any items of jewelry or art owned by Defendants, including a description of each item of jewelry or art and its most appraised evaluation.

9. Any leases of realty or personally in favor of Defendants either individually, or jointly with others.

10. Any and all books, recorded, documents, or writings concerning the financial status of Defendants not herein before specified.

11. Any tax receipts, tax returned, tax supplement forms, and any and all other documents, forms, or letters filed with the United States Internal Revenue Service, or the South Carolina Tax Commission, or the Tax authority of any other state within the last five years.

Circuit Court Judge

Date: _____, 20____.
Charleston, South Carolina



Dorchester Common Pleas

Case Caption: Jaber Investments LLC VS Sleep King LLC , defendant, et al
Case Number: 2010CP1801742
Type: Order/Referred to Master or Special Referee

This Order is Hereby GRANTED!

S/ Diane S. Goodstein (2112)

Electronically signed on 2019-12-31 19:34:52 page 4 of 4

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
JABER INVESTMENTS, LLC,)
)
Plaintiff,)
)
v.)
)
SLEEP KING, LLC AND)
CHRISTOPHER C. MORRIS,)
)
Defendants.)
_____)

CIVIL CASE #: 2010-CP-18-1742

MOTION FOR SUPPLEMENTAL PROCEEDINGS

Plaintiff Jaber Investments, LLC, (hereinafter designated "Plaintiff") alleges:

1. The Plaintiff has duly recovered Judgment against the Defendants Sleep King, LLC and Christopher C. Morris, (hereinafter designated "Defendants") as is evidenced by the Judgment Rolls of this Honorable Court, in the amount of \$114,610.00 Dollars, which judgment was entered by the Court of Common Pleas for Berkeley County in case number 2009-CP-08-0599 on January 19, 2010, and which was subsequently recorded by transcripts of judgment in the County of Dorchester on June 28, 2010. The judgment together with interest at the lawful statutory rate, remains unpaid. An execution against the property of the Judgment Debtors was returned by the Sheriff unsatisfied and marked "nulla bona" on November 2, 2010, according to the attached records of the Dorchester County Clerk of Court attached hereto as Exhibit "A".

2. The Plaintiff is informed and believes that the Defendants may have property and assets which they unjustly refuses to apply toward the Satisfaction of the said Judgment.

3. The Plaintiff is of the opinion that it is entitled, therefor, to examine the Defendants under oath concerning any assets which they may own in order to locate and ascertain the financial assets of the Defendants for the purpose of satisfying the Judgment obtained against the said Defendants.

4. The Plaintiff is of the opinion that it is entitled to have the Defendants required by Subpoena to produce for inspection in advance of the aforesaid examination any and all books, records, and documents concerning the financial status of the Defendants.

WHEREFORE, Plaintiff prays as follows:

1. For an order requiring the Defendants to appear before the Honorable Circuit Judge or his Appointee or Referee, at some time and place to be designated in said Order to answer under oath questions propounded to her by Plaintiff;
2. For a Subpoena directing the aforesaid Defendants to produce for inspection in advance of the aforesaid examination all books, records and documents relating to the financial status of the Defendants; and
3. For such other and further relief as this Honorable Court may deem just and proper.

S/Kerry W. Koon

KERRY W. KOON

147 Wappoo Creek Drive, Ste. 203

Charleston, SC 29412

(843) 795-7000

ATTORNEY FOR PLAINTIFF

At Charleston, South Carolina
December 9, 2019

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2010CP1801742

Official File Stamp: 02-04-2020 09:26:53 AM

Court: CIRCUIT COURT

Common Pleas

Dorchester

Case Caption: Jaber Investments LLC VS Sleep King LLC ,
defendant, et al

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted: Proposed Master/Order/Other

Filed by or on behalf of: Kerry W. Koon

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Kerry W. Koon for Jaber Investments LLC

Charles S. Altman for Jaber Investments LLC

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Christopher C Morris

Sleep King LLC

Certificate of Electronic Notification

Recipients

Charles Altman - Notification transmitted on 02-04-2020 09:28:06 AM.

Kerry Koon - Notification transmitted on 02-04-2020 09:28:06 AM.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 JABER INVESTMENTS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 SLEEP KING, LLC AND)
 CHRISTOPHER C. MORRIS,)
)
 Defendants.)
)
 _____)

CIVIL CASE #: 2010-CP-18-1742

*RULE TO SHOW CAUSE &
 AMENDED ORDER FOR
 SUPPLEMENTAL PROCEEDINGS
 (Hearing for supplemental proceedings
 originally scheduled for 1/21/2020 @ 11 AM)*

IT APPEARING from the Motion of (hereinafter designated "Plaintiff") that a Judgment has been rendered against the Defendants, (hereinafter designated Defendants), and that the Defendants has property which it unjustly refuses to apply towards satisfaction of said Judgment; and,

IT APPEARING that by Order of the Honorable Diane F. Goodstein, the Defendants were ordered to appear before the undersigned Master-in-Equity on January 21, 2020 at 11:00 a.m., however, at such date and time, neither of the Defendants so appeared despite proof of service of the Rule to Show Cause; and

IT FURTHER APPEARING that the Plaintiff is entitled to examine the Defendants under oath concerning any assets which Defendants may own, and to locate and ascertain the financial assets of the Defendants, for the purpose of satisfying the Judgment obtained against the said Defendants, as more fully described in the attached Motion;

NOW, THEREFORE, IT IS ORDERED THAT this matter be rescheduled before the Honorable James E. Chellis, for further proceedings consistent with this Order and that the aforesaid Defendants appear before the said Master-in-Equity on the 12th day of March, 2020, at 10:00 A.M., in compliance with the said Motion and this Order, at the Honorable James E. Chellis' Office, Dorchester County Courthouse, 5200 E. Jim Bilton Blvd., St. George, South Carolina, to answer under oath concerning your assets questions propounded to Defendants by the Plaintiff; to SHOW CAUSE why your property should

not be applied toward satisfaction of the judgment(s) set out in the Motion; and to SHOW CAUSE why a Receiver of your property should not be appointed, pursuant to the provisions of S.C. Code Ann. Section 15-39-430.

IT IS FURTHER ORDERED that pursuant to S.C. Code Ann. Section 15-39-390 and Rule 53 SCRCP the Master in Equity will entertain and rule upon all motions necessary to dispose of this matter, to include but not limited to, motions to dismiss, motions to appoint Receiver, motions to continue the matter and motions to sell all or certain property of judgment debtor in satisfaction of the Plaintiff's debt and has authority to enter a Final Order, with any appeal directly to the South Carolina Supreme Court.

IT IS FURTHER ORDERED THAT COPIES OF THIS ORDER, AND THE ATTACHED MOTION, BE PERSONALLY SERVED AS PROMPTLY AS POSSIBLE ON THE AFORESAID DEFENDANTS. YOU ARE FURTHER ORDERED TO BRING WITH YOU TO THE HEARING THE FOLLOWING:

1. Current checkbooks or any accounts in the name of said Defendants, along with bank statements on said accounts for the past twelve (12) months and canceled checks on any such accounts from January 1, 2018, to present.
2. Detailed statements of Accounts received belonging to Defendants, whether or not the same may be pledged or hypothecated.
3. Any certificates of deposit, savings account passbooks, stock certificates in any publicly held or closely held corporations as well as any bonds owned by Defendants either separately or jointly held with others.
4. Any balance sheets, profit and loss statements or financial statements, audited or unaudited, prepared and issued by Defendants since January 1, 2018.
5. Certificates of title to any vehicles, mobile homes or water craft owned by Defendants either separately or jointly due to any lien on any of said vehicle or mobile homes or water craft, then in lieu thereof a written statement detailing a description of each item including year, model, serial number, present value and the amount of any lien therein shall be furnished.

6. Any Deeds, Mortgages, Notes, Contracts of Sale, and Settlement or Closing Statements relating to any real estate transactions involving Defendants since January 1, 2018.

7. Copies of any life insurance policies owned by Defendants, along with any information pertaining to any loans outstanding on any of said policies.

8. A written inventory or any items of jewelry or art owned by Defendants, including a description of each item of jewelry or art and its most appraised evaluation.

9. Any leases of realty or personally in favor of Defendants either individually, or jointly with others.

10. Any and all books, recorded, documents, or writings concerning the financial status of Defendants not herein before specified.

11. Any tax receipts, tax returned, tax supplement forms, and any and all other documents, forms, or letters filed with the United States Internal Revenue Service, or the South Carolina Tax Commission, or the Tax authority of any other state within the last five years.

Honorable James E. Chellis
Dorchester County Master-in-Equity

Date: _____, 2020.
_____, South Carolina

1 STATE OF SOUTH CAROLINA
2 COUNTY OF DORCHESTER
3 JABER INVESTMENTS, LLC,
4 Plaintiff,
5 vs. CASE NO. 2010-CP-18-1742
6 SLEEP KING, LLC, AND CHRISTOPHER C. MORRIS,
7 Defendant.

8
9 HEARING BEFORE: JUDGE JAMES E. CHELLIS
10 DATE: January 21, 2020
11 TIME: 11:12 AM
12 LOCATION: Dorchester County Courthouse
5200 E. Jim Bilton Blvd.
13 St. George, SC
14 REPORTED BY: MARIE MCCOLLUM, Court Reporter

15 A. WILLIAM ROBERTS, JR., & ASSOCIATES

16 Fast, Accurate & Friendly

17
18 Charleston, SC Hilton Head, SC Myrtle Beach, SC
(843) 722-8414 (843) 785-3263 (843) 839-3376

19
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1 APPEARANCES OF COUNSEL:

2 ATTORNEYS FOR PLAINTIFF

3 JABER INVESTMENTS, LLC:

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5 BY: KERRY W. KOON

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10 kerrykoon@hotmail.com

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(INDEX AT REAR OF TRANSCRIPT)

1 THE COURT: This is in the matter of
2 Jaber, J-A-B-E-R, Investments, LLC, Plaintiff,
3 versus Sleep King, LLC, and Christopher C. Morris
4 individually, the Defendants.

5 We're here today on a petition for
6 supplemental proceedings that was brought by
7 Plaintiff's counsel, Mr. Kerry W. Koon, Esquire, of
8 the Charleston County Bar.

9 The claim for supplemental proceedings
10 arises out of a judgment that was entered in
11 Berkeley County on -- reading from a file that
12 Mr. Koon gave me -- entered January 19th, 2010; is
13 that correct?

14 MR. KOON: Yes, sir.

15 THE COURT: All right. My calculation
16 of the ten-year judgment date would have the right
17 for the judgment to have active energy through
18 today, based on the fact that the 19th occurred on
19 a holiday -- a Sunday. The following day was also
20 a federal holiday, Martin Luther King's day.

21 And today is the first day after the
22 date on which the judgment would have run its
23 course. And Mr. Koon is here for purposes of a
24 supplemental proceeding to ascertain whether or not
25 the Defendant, Sleep King or Christopher Morris,

1 has any assets that can be evaluated for purposes
2 of satisfaction of a judgment debt.

3 Mr. Koon, I'll be glad to hear from you
4 at this time.

5 MR. KOON: Your Honor, Mr. Morris,
6 individually on behalf of Sleep King, was served
7 on -- let's see -- looks like December 31st of
8 2019. Evidently he fails to appear unless Your
9 Honor would have somebody call his name outside the
10 courtroom door.

11 THE COURT: Okay.

12 MR. KOON: I'm not sure. And I'd ask
13 the Court for some guidance as to what kind of
14 order you might issue to require him to appear and
15 what sanctions there might be for his failure to
16 appear, and ask Your Honor to enter the Court's
17 customary order in these circumstances, and let's
18 see if we can't get him in here.

19 THE COURT: All right. Let me tell you
20 what I customarily do --

21 MR. KOON: Yes, sir.

22 THE COURT: -- in matters of
23 supplemental proceedings where the responding
24 defendant does not appear. I normally will
25 reschedule the supplemental proceeding hearing

1 first. And if he doesn't appear at the second
2 supplemental hearing, then -- he or anybody on his
3 behalf doesn't appear, I would consider entering a
4 third date at which time we would consider whether
5 or not he should be held in contempt of court for
6 failing to appear if he didn't appear.

7 So basically I give you two shots and
8 then a third shot which is specifically designed
9 for the purpose of determining whether or not he
10 should be held in contempt of court.

11 MR. KOON: Understood. Would you like
12 me to prepare an order or you have a form order
13 that you like to use?

14 THE COURT: I don't think I have a form
15 order. You can simply -- when you get back to your
16 office, if you would -- here's what I'll do: I'll
17 enter a Form 4 that states that Defendant did not
18 show and that -- are you going to ask for another
19 hearing? Is that your intention?

20 MR. KOON: Yes, sir.

21 THE COURT: All right. So this matter
22 will be continued for purposes of a second hearing.
23 You'll need to contact my office, Mr. Koon, and get
24 a date for the second hearing, and we will file --
25 what you'll need to do is file a proposed order for

1 the second hearing.

2 MR. KOON: A proposed order similar to
3 the first supplemental proceedings order?

4 THE COURT: Yes. It's just an amended
5 order for supplemental proceedings to be held on a
6 certain date, and she'll give you the date we have
7 available. You will serve both the original order
8 and -- along with the amended order. I prefer that
9 you use the sheriff of Dorchester County to serve
10 this individual.

11 Are you certain that he lives in
12 Dorchester County, because I believe Sleep King
13 might be in Berkeley County.

14 MR. KOON: Well, I do believe he does.
15 I have a home address for him, Cableswynd Way in
16 Summerville. And I did -- I'm not sure I could
17 find the paperwork, but I did check that -- check
18 the deed to that property, and it appears to be in
19 Dorchester County. That's Mr. Morris's address
20 that -- there are several Sleep King locations, at
21 least one of which is in Dorchester County.

22 THE COURT: Yes. I understand that. I
23 was just making sure --

24 MR. KOON: Yes, sir.

25 THE COURT: -- because I know that the

1 Sleep King operation -- let me just say I know this
2 because I practiced law in Dorchester County for 36
3 years --

4 MR. KOON: Right.

5 THE COURT: -- 36-and-a-half years. I
6 recall during those days seeing a Sleep King in the
7 area that just runs along the line between
8 Charleston and Berkeley Counties in North
9 Summerville, and I couldn't tell you whether the
10 business itself was in Dorchester County or
11 Berkeley County.

12 But if you're comfortable that
13 Mr. Morris resides in Dorchester County by virtue
14 of the deed you say you located --

15 MR. KOON: Yes, sir.

16 THE COURT: -- I'm happy to have the
17 hearing for you. If you feel like he's been --
18 he's moved to a different location -- that's why I
19 want you to have a sheriff serve him. I want to
20 make sure he's in Dorchester County.

21 MR. KOON: Yes, sir. I'll be glad to
22 do that.

23 THE COURT: And so at any rate, what
24 you'll do is you'll file an amended hearing --
25 amended order for supplemental proceeding with a

1 new date, personally serve that along with a copy
2 of the original order for supplemental proceedings
3 that I guess would have been entered by either
4 Judge Goodstein or Judge Murphy; is that right?

5 MR. KOON: Judge Goodstein signed it
6 initially, Your Honor.

7 THE COURT: Okay. That's fine. But
8 now it's in my court, so I can sign it.

9 MR. KOON: I'm sorry?

10 THE COURT: It's in my court, so I can
11 sign it now.

12 MR. KOON: Oh, okay. Good.

13 THE COURT: Do you understand what I'm
14 saying?

15 MR. KOON: Yes, sir.

16 THE COURT: All right. That's --

17 MR. KOON: Do I need to send it to you
18 or just file electronically and --

19 THE COURT: You'll file it
20 electronically as a proposed order for supplemental
21 proceedings. Try to get a date from my
22 secretary --

23 MR. KOON: I'll do that before I leave.

24 THE COURT: -- before you file it,
25 though.

1 Are you familiar with how to file for
2 the Master?

3 MR. KOON: You know, I'm not sure that
4 I am in Dorchester County.

5 THE COURT: Well, it's the same as
6 in -- it should be the same as in Charleston.

7 MR. KOON: Yes.

8 THE COURT: But there is a -- when you
9 file a proposed order in the Master's Court, you
10 have to utilize the drop-down menu of -- in the
11 general drop-down menu with the identification and
12 the type of instrument that you're filing with the
13 court, there is a section that deals with the
14 Master. And it's Master, forward slash, other,
15 forward slash, order. Something like that. So
16 you'll file it that way.

17 MR. KOON: I have to --

18 THE COURT: There may be a supplemental
19 proceeding order, which would be fine. Just use
20 that.

21 MR. KOON: Yes, sir.

22 THE COURT: There's a whole section in
23 the drop-down menu that -- it starts with the word
24 Master. Okay. And that's how you get it to my
25 court and any Master's court --

1 MR. KOON: Right.

2 THE COURT: -- for that matter across
3 the state.

4 MR. KOON: I'll have to confess that
5 I'm not much of e-filer, but I've got somebody who
6 knows it pretty good.

7 THE COURT: Well, I think if you just
8 put those words down, they'll find a way to that
9 section in the drop-down menu.

10 Do you understand what I mean by a
11 drop-down menu?

12 MR. KOON: I think so.

13 Where is your administrative office
14 because I've got a check I need to drop off, and I
15 can ask about it --

16 THE COURT: You can give it to me. You
17 can give that to me, and I'll hand it up to her.

18 MR. KOON: Do we want to have
19 Mr. Morris's name called outside the courthouse?

20 THE COURT: Sure. Let's do that before
21 we go any further.

22 Mr. Marvin?

23 THE BAILIFF: Yes, sir?

24 THE COURT: Will you step up here,
25 please, sir?

1 THE BAILIFF: Yes, sir.

2 THE COURT: Before we conclude the
3 matter, I want to double check that Mr. Christopher
4 C. Morris or anybody associated with Sleep King,
5 LLC, is not in the hallway. Or if there is another
6 court going on, could you have his name announced
7 in there to make sure he's not sitting around here
8 waiting.

9 Mr. Koon?

10 MR. KOON: Yes, sir?

11 THE COURT: The check you've written is
12 for -- doesn't have a number included in the
13 middle.

14 MR. KOON: I'm sorry. What did I do?

15 THE COURT: I'm not sure that's the
16 correct math. Hold on a second. I need to check
17 it.

18 We can go off the record.

19 (A recess transpired.)

20 THE COURT: That concludes the matter.
21 Waiting on a report from the bailiff.
22 Here he comes.

23 THE BAILIFF: Struck out.

24 THE COURT: Nobody by that name is
25 located in the courthouse section, right?

1 THE BAILIFF: Both courtrooms, there is
2 nobody in there.

3 THE COURT: It appears that Mr. Morris
4 did not show nor anybody for Sleep King, LLC.

5 That concludes the matter. Thank you
6 very much.

7 (This hearing was concluded at 11:26
8 AM.)

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CERTIFICATE OF REPORTER

I, Marie McCollum, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 2nd day of April, 2020 at Charleston County, South Carolina.



Marie McCollum,
Court Reporter
My Commission expires
November 8, 2027

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Page Line

CERTIFICATE OF REPORTER 13 1

REQUESTED INFORMATION INDEX

(No Information Requested)

E X H I B I T S

(No Exhibits Proffered)

AFFIDAVIT OF SERVICE

State of South Carolina

County of Dorchester

Common Pleas Court

Case Number: 2010-CP-10-18-1742 Court Date: 1/21/2019 11:00 am

Plaintiff:
JABER INVESTMENTS, LLC

vs.

Defendant:
SLEEP KING, LLC AND CHRISTOPHER C. MORRIS

For:
Kerry W. Koon, Esq.
147 Wappoo Creek Drive, Suite 203
Charleston, SC 29412

Received by PROCESS SERVICE, INC. to be served on CHRISTOPHER C. MORRIS, 179 CABLEWYND WAY, SUMMERVILLE, SC 29485.

I, Bob Clair, being duly sworn, depose and say that on the 14th day of January, 2020 at 3:57 am, I:

PERSONALLY served by delivering a true copy of the RULE TO SHOW CAUSE, ELECTRONICALLY SIGNED ON 12/31/2019 7:34 PM, MOTION FOR SUPPLEMENTAL PROCEEDINGS to: CHRISTOPHER C. MORRIS at the address of: SLEEP KING, 75 OLD TROLLEY RD. STE 7, SUMMERVILLE, SC 29485.

Description of Person Served: Age: 40, Sex: M, Race/Skin Color: W, Height: 5'10", Weight: 180, Hair: LIGHT BROWN, Glasses: N

I am over eighteen and have no interest in the above action.

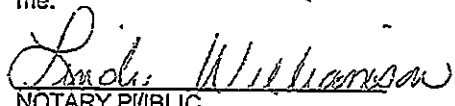


Bob Clair
Process Server

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

Our Job Serial Number: LEX-2020000021

Subscribed and Sworn to before me on the 15th day of January, 2020 by the affiant who is personally known to me.



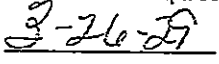
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Commission Expires:



Jaber Investments LLC VS Sleep King LLC , defendant, et al

James Chellis <JChellis@dorchestercountysc.gov>

Mon 2/10/2020 3:44 PM

To: kerrykoon@hotmail.com <kerrykoon@hotmail.com>

Mr. Koon,

After review of the proposed order for amended supplemental proceedings, I am of the opinion that the only recourse to proceed with at this time is to hold a Rule hearing to determine why the defendants should not be held in contempt for failing to comply with Judge Goodstein's RTSC.

Please prepare a proposed order for this purpose and I will gladly consider it.

My decision is to discontinue the Supplemental Proceeding is based on *Gordon v. Lancaster*, 425 S.C. 386, 823 S.E.2d 173, 2018 WL 6072352 (2018), *reh'g denied* (Feb. 20, 2019). I commend that case to you for further appreciation of my position.

I will decline the proposed order currently before me for the reasons stated in *Gordon*.

Please call me if you have any questions. Or, if you do not want me to hold a contempt hearing please let me know.

Hope you are doing well,

Judge James E. Chellis
Master in Equity
Dorchester County
5200 East Jim Bilton Blvd.
St. George, Sc 29477

Telephone: Bus: (843) 795-7000
Fax: (843) 762-5276

KERRY W. KOON
Attorney at Law
147 Wappoo Creek Drive
Wappoo Centre, Suite 203
Charleston, South Carolina 29412

February 24, 2020

Honorable James E. Chellis
Dorchester County Master-in-Equity's Office
5200 E. Jim Bilton Blvd.
St. George, SC 29477

RE: Jaber Investments, LLC v. Sleep King, LLC and Christopher C. Morris
Case #: 2010-CP-18-1742

Dear Judge Chellis,

I am writing to ask you to reconsider your determination not to issue an order re-scheduling the supplemental proceedings in the above referenced matter, originally scheduled for January 21, 2020. Thank you for your reference to the Gordon v. Lancaster case. I have reviewed the same and suggest that, as your Honor would be able to issue an order of execution at the hearing but for the Defendant's failure to appear, under the limited facts of this case, such an order would be appropriate at a re-scheduled hearing, as it would relate back to the hearing held within the period of active energy of the Plaintiff's judgment.

I would appreciate it if you would re-consider and sign the order I previously submitted, or if not, hold a hearing so that the parties could place their positions on record.

Thank you for your consideration in this matter.

With kindest personal regards, I am

Very truly yours,


Kerry W. Koon

KWK:mm

Re: Jaber Investments LLC VS Sleep King LLC , defendant, et al

Kerry Koon <kerrykoon@hotmail.com>

Tue 2/25/2020 9:47 AM

To: James Chellis <JChellis@dorchestercountysc.gov>

📎 1 attachments (25 KB)

Master in Equity_Judge Chellis_2.24.2020.pdf;

Judge Chellis, please see attached letter requesting re-consideration of you decision not to issue the order of continuance in the above matter. Thank you for your consideration of this matter. Kerry.

From: James Chellis <JChellis@dorchestercountysc.gov>

Sent: Monday, February 10, 2020 3:43 PM

To: kerrykoon@hotmail.com <kerrykoon@hotmail.com>

Subject: Jaber Investments LLC VS Sleep King LLC , defendant, et al

Mr. Koon,

After review of the proposed order for amended supplemental proceedings, I am of the opinion that the only recourse to proceed with at this time is to hold a Rule hearing to determine why the defendants should not be held in contempt for failing to comply with Judge Goodstein's RTSC.

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Hope you are doing well,

Judge James E. Chellis
Master in Equity
Dorchester County
5200 East Jim Bilton Blvd.
St. George, Sc 29477

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

SEP 17 2020

APPEAL FROM DORCHESTER COUNTY
James E. Chellis, Master-in-Equity for Dorchester County
Case No. 2010-CP-18-1742

SC Court of Appeals

Appellate Case No. 2020-000561

Jaber Investments, LLC.....Appellant,

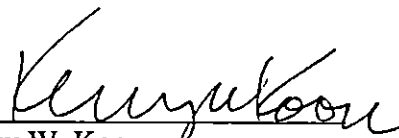
v.

Sleep King, LLC and Christopher C. Morris.....Respondent,

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

September 15, 2020


Kerry W. Koon
147 Wappoo Creek Drive, Ste. 203
Charleston, SC 29412
(843) 795-7000
Attorney for Appellant