

# EXHIBIT C

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS )  
FOR THE NINTH JUDICIAL CIRCUIT )  
CASE NO. 2016-CP-10-2955 )

TCC OF CHARLESTON, INC. )

Plaintiff, )

vs. )

CONCORD & CUMBERLAND HPR, LEO )  
HALL, DIANE HALL, BEA H. SMITH, )  
MARGARET C. POPE, WILLIAM D. )  
FOSTER, JR., GENE G. FOSTER, )  
MATTISON J. MACGILLIVRAY, )  
TERESA MACGILLIVRAY, PAMELA L. )  
VAUGHN, NELIA A. PATRICIO, Trustee )  
of the Nelia A. Patricio Revocable Trust )  
Agreement, STUART D. REEVES, )  
EDWARD T. STROM, BARBARA K. )  
HENDERSON, JAMES R. CLARKE, )  
PAUL A. BRIM, ROBERT K. SEIDL, )  
JENNIFER M. SEIDL, ROBERT )  
KENNETH SEIDL, II, M. BERT STOREY, )  
THOMAS R. MATHER, EDWARD T. )  
STROM, 304 CONCORD & )  
CUMBERLAND, LLC, MARION M. )  
SIMPSON F/K/A MARION MOORE )  
MCDONALD SIMPSON, KATHY )  
GARDNER, GREGORY J. GARDNER, )  
FREEMAN WATERFRONT )  
PROPERTIES, LLC, JOHN FREEMAN, )  
JO-ANN COOPER, BETTY Y. SEGAL, by )  
and through her Assignee, DONALD D. )  
LEONARD, ROBERT M. LEVIN AND )  
BONITA K. LEVIN, DONALD D. )  
LEONARD, BETTY L. BEATTY, )  
MATTELLEN, LLC, AND THOMAS R. )  
DEBNAM, Trustee of the Trust Agreement )  
of Thomas R. Debnam, )

Defendants. )

**RECEIVED**  
**Mar 11 2021**  
**SC Court of Appeals**

**ORDER AWARDING ATTORNEYS’  
FEES**

In my Order, filed on February 16, 2021, I determined that Defendants were the prevailing parties of the foreclosure of mechanic’s lien cause of action filed against all Defendants by

Plaintiff. As such, Defendants are entitled to an award of their attorneys' fees. While the amount of fees and expenses to be awarded is discretionary, the question of Defendants' entitlement to fees is not. Utilities Construction Co., Inc. v. Wilson, 321 S.C. 244, 468 S.E.2d 1 (Ct. App. 1996). Defendants have now submitted their time entries and fee affidavits, and I find as follows:

In determining a reasonable attorney's fee, the court has considered the following six factors: 1) the nature, extent, and difficulty of the case; 2) the time necessarily devoted to the case; 3) the professional standing of counsel; 4) the contingency of compensation; 5) the beneficial results obtained; and 6) the customary legal fees for similar services. Jackson v. Speed, 326 S.C. 289, 486 S.E.2d 750 (1997). I have reviewed the affidavits of F. Cordes Ford, Henry Grimball, and Andrew Walden and have reviewed, in camera, detailed time records entered upon their firm's billing software. I have also reviewed the court record in this case.

1. Nature, extent and difficulty of the case.

This case presented a multi-million-dollar mechanic's lien claim and involved the potential interplay of the arbitration award in TCC's contract claim, application of the provisions of the mechanic's lien statutes, competing claims for attorney's fees, the filing of record by the plaintiff of multiple sworn statements, which it subsequently sought to retract, and hearings before the arbitration panel, circuit judge, and this court. It was complex, difficult and hotly contested.

2. The time necessarily devoted to the case.

Defendants' counsel has presented, in camera, his firm's detailed itemized records reflecting the hours each attorney or legal staff member expended upon each task as described in the narrative billing entry for each task. The hourly rate for each billing entry is included as well. Each expense is itemized upon the billing records. The total time expended by Mr. Ford, his partners, associates and professional staff, from June 22, 2016, through February 18, 2021, related

specifically to the foreclosure of mechanic's lien equals 776.70 hours. I have reviewed each time entry and the itemized costs to determine the reasonableness of the time entered and the costs incurred.

3. Professional Standing of Counsel.

The court is familiar with the professional standing of Defendants' counsel, and they are experienced, well qualified and well respected in the legal community. Attorneys practicing in this court fall upon a scale representing a wide range of experience and competence from inexperienced or minimally qualified to highly skilled advocates. Defendants' attorneys are at the top of that scale.

3. Contingency of Compensation.

Defendants' counsel is not working on a contingent fee basis, so this factor is not applicable.

4. Beneficial Results Obtained.

Defendants' counsel succeeded in defeating the lien claim where the contractor had obtained an arbitration award in excess of \$2,000,000.00 against the HPR. Opposing counsel had presented to the Panel of Arbitrators an attorney's fee affidavit seeking fees of approximately \$900,000.00 in 2019, and if the plaintiff had prevailed upon its lien claim, its fees to date likely would have exceeded \$1,000,000.00 over and above its unpaid contract claim. The unit owner Defendants' condominiums are now free of liens, and they do not face the prospect of owing additional attorney's fees to the plaintiff. These results are very beneficial to Defendants.

5. Fees Customarily Charged in Similar Cases.

The hourly rates and tasks performed in defense of this case are within the range of fees charged by comparable attorneys for comparable services. The total fees sought by Defendants'

counsel, \$262,080.00, is substantially less than the fees sought by plaintiff's counsel in connection with the arbitration award. Further, it is apparent from the time sheets, that Defendants' counsel billed their clients a reduced fee off of their standard rate and are only seeking reimbursement on the reduced fee.

Based upon the foregoing factors, I have determined that Defendants are entitled to a reasonable attorney's fees in the sum of \$250,000.00 together with costs in the amount of \$553.70, for a total award of attorneys' fees and costs of \$250,553.70.

IT IS SO ORDERED.

February \_\_, 2021

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The Honorable Mikell R. Scarborough  
Master-In-Equity



Charleston Common Pleas

**Case Caption:** Tcc Of Charleston Inc VS Concord And Cumberland Llc , defendant,  
et al  
**Case Number:** 2016CP1002955  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

TCC OF CHARLESTON, INC.

CONCORD AND CUMBERLAND HPR, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a 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.  See Page 2 for additional information.
- 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;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
CONCORD & CUMBERLAND HPR, LEO HALL, DIANE HALL, BEA H. SMITH, MARGARET C. POPE, WILLIAM D. FOSTER, JR., GENE G. FOSTER, MATTISON J. MACGILLIVRAY, TERESA MACGILLIVRAY, PAMELA L. VAUGHN, NELIA A. PATRICIO, Trustee of the Nelia A. Patricio Revocable Trust Agreement, STUART D. REEVES, EDWARD T.	TCC OF CHARLESTON, INC.	\$250,553.70

**RECEIVED**  
**Mar 11 2021**  
 SC Court of Appeals

STROM, BARBARA K. HENDERSON, JAMES R. CLARKE, PAUL A. BRIM, ROBERT K. SEIDL, JENNIFER M. SEIDL, ROBERT KENNETH SEIDL, II, M. BERT STOREY, THOMAS R. MATHER, EDWARD T. STROM, 304 CONCORD & CUMBERLAND, LLC, MARION M. SIMPSON F/K/A MARION MOORE MCDONALD SIMPSON, KATHY GARDNER, GREGORY J. GARDNER, FREEMAN WATERFRONT PROPERTIES, LLC, JOHN FREEMAN, JO-ANN COOPER, BETTY Y. SEGAL, by and through her Assignee, DONALD D. LEONARD, ROBERT M. LEVIN AND BONITA K. LEVIN, DONALD D. LEONARD, MATTELLEN, LLC, AND THOMAS R. DEBNAM, Trustee of the Trust Agreement of Thomas R. Debnam,		
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

\_\_\_\_\_  
**Circuit Court Judge**

\_\_\_\_\_  
**Judge Code**

\_\_\_\_\_  
**Date**

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_ day of \_\_\_\_\_, 2021 and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_ day of \_\_\_\_\_, 2021 to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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**FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE**  
**(Instructions for Information Only-Not to be filed with Form 4C)**

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section “For the Clerk of Court Office Use Only” should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through “Circuit Court Judge” and indicate “Arbitrator” in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title “Circuit Court Judge” below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the “Judgment Amount To Be Enrolled” box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.



Charleston Common Pleas

**Case Caption:** Tcc Of Charleston Inc VS Concord And Cumberland Llc , defendant,  
et al  
**Case Number:** 2016CP1002955  
**Type:** Order/Form 4

So Ordered

s/Mikell R. Scarborough 3062