

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

Rory D. Whelehan, as Receiver,)
)
Plaintiff,)
)
vs.)
)
Royal Blue Lending House, LLC, et al,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO: 2019-CP-23-07305

RECEIVED
Mar 17 2021
SC Court of Appeals

ORDER

The matter is before the Court based upon DeCarlis’s Motion to Remand filed March 10, 2021. The same Motion was filed on November 3, 2020 by DeCarlis and was never pursued.

The Motion is denied.

The present action arises out of a judgment entered against DeCarlis on August 2, 2011 in the amount of \$493,978.13. See, 2010-CP-23-03860. Pursuant to an Order in 2010-CP-23-03860 filed October 8, 2019, wherein Plaintiff was attempting to collect the judgment debt, the Court found any number of items of fraudulent conveyances and other inappropriate efforts by Mr. DeCarlis to avoid paying the judgment debt.

In the present action (2019-CP-23-07305), upon Motion of Plaintiff in 2010-CP-23-03860, the Court appointed a receiver in an effort to collect assets toward satisfaction of the judgment. The receiver, on May 5, 2020, amended his petition to add DeCarlis and LLCs owned and/or controlled by DeCarlis. This was based upon conflicting testimony from Mr. DeCarlis, both in depositions and at hearings, that he may have owned or may not have owned significant

assets, including multiple trusts and accounts set up in his name or at his direction in various Caribbean islands.

The Court denies the latest Motion, finding as follows:

1. That virtually every Order issued by every judge in either 2010-CP-23-03860 or 2019-CP-23-07305 has been appealed by Mr. DeCarlis. There is at least a strong inference that DeCarlis is attempting to delay actions of the Court in order for the ten-year statute of limitations to collect judgments expire.

2. The Motion to Remand is untimely in that DeCarlis was added in this action on May 5, 2020 and, despite hearings since that time, has not raised the issues raised in his March 10, 2021 Motion. Further, the undersigned has authority, both as Master in Equity and as Special Circuit Court Judge, to address the issues in the lawsuits involved herein.

3. That, to the extent said Motion was timely, the Court finds that DeCarlis lacks standing in order to assert, in substance, the rights of Royal Blue Lending House, LLC¹, who may or may not have loaned over \$1,000,000.00 to DeCarlis in recent years and who may or may not hold a valid \$1,000,000.00 mortgage lien purportedly executed by DeCarlis;

4. The evidence in the record and prior Orders have established DeCarlis has a long history of lack of credibility, fraudulent transfers, and seemingly established a pattern of taking all steps and efforts he can to attempt avoidance of the underlying judgment debt.

5. The Court requests that the appellate courts in 2010-CP-23-03860 and 2019-CP-23-07305 consolidate all outstanding appeals and rule on them in an expeditious manner so at least to have the matter resolved on the record and with full analysis, as opposed to

¹ Royal Blue Lending, LLC is chartered in the Country of Nevis, a small island in the Caribbean.

the matter being ended by a technical ending of the ten-year period for collection of said judgments.

For the reasons set forth above, the Motion to Remand is denied.

JUDGE'S SIGNATURE PAGE TO FOLLOW



Greenville Common Pleas

Case Caption: Rory D Whelehan , plaintiff, et al vs. Royal Blue Lending House LLC
, defendant, et al
Case Number: 2019CP2307305
Type: Master/Order/Other

And It Is So Ordered!

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