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 SC Court of Appeals

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF HORRY
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-26-9457

Horry County, A Body Politic
 PLAINTIFF(S)

Aquarius Partners of
 South Carolina, LLC, et al
 DEFENDANT(S)

Submitted by: Benjamin H. Colbertson, Presiding Judge
 Attorney for: Plaintiff Defendant
 or
 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.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41, 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other

FILED
 HENRY COUNTY
 12 OCT 22 AM 11:56
 MEANING: NOT FOR FILING IN COURT

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:

Re: Rule to Show Cause - The Defendants are found to have willfully violated the prior order of this court requiring them to comply with the plaintiff's discovery requests by 8/12/2012. The plaintiff extended the response deadline until 8/15/2012; however, the defendants did not respond to discovery until 10/11/2012. Therefore, it is hereby

ORDERED, that the defendants' responsive pleadings in this case are stricken and the defendants are held in default; it is further

ORDERED, that the plaintiff is entitled to recover from the defendants attorney fees and costs incurred from 8/12/2012 until 10/11/2012 for bringing and prosecuting this Rule to Show Cause, said fees and costs to be determined at the damages hearing in this case.

ORDER INFORMATION

This order ends does not end the case.
 Additional information for the Clerk: This case is to be scheduled for a default hearing on damages.

| 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 corrected. If there is no judgment information, indicate "N/A" in one of the boxes below. | | |
| Judgment in Favor of (List amounts below) | Judgment Against (List amounts below) | Judgment Amount To be Enrolled (List amounts below) |
| N/A | N/A | \$ N/A |
| 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.

Benjamin H. Culbertson
Benjamin H. Culbertson, Circuit Court Judge

2148
Judge Code

October 19, 2012
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Phillip C. Thompson

J. Todd Kincannon

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: Dixie Eubanks