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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Marion County
Court of Common Pleas

The Honorable W. Haigh Porter, Special Referee

Case Number 2019-CP-33-00853
Appellate Case No. 2021-00340

Avatar Partners CT, LLC,Respondent,

-v-

HSGCHG Investments, LLC f/k/a Carolina
Entertainment Complex, LLC; Partners 95,
LLC; Oil Barons, Inc.; and Robert D.
Hartmann, Sr. Appellants.

RECORD ON APPEAL

VOLUME II of II

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Attorneys for Appellants

INDEX

VOLUME I

I. ORDERS AND JUDGMENTS

Order and Judgment of Foreclosure and Sale filed on March 1, 2021.1
Order of Reference filed on July 14, 2020.....22
Order Denying Motion to Dismiss filed June 30, 202024

II. PLEADINGS & MOTIONS

Appellants’ Notice of Appeal filed on April 8, 2021.....30
Appellants’ Supplemental Reply to Response to
Motion to Dismiss filed June 10, 202032
Appellants’ Reply to Response to Motion to Dismiss
filed June 8, 202035
 Exhibit A: Updated Connecticut Superior Court Case Lookup.....38
Respondent’s Response to Motion to Dismiss filed May 27, 202045
Appellants’ Motion to Dismiss filed March 20, 202048
 Exhibit A: Complaint filed in Connecticut Lawsuit53
 Exhibit B: Answer in Connecticut Lawsuit85
 Exhibit C: Connecticut Superior Court Case Lookup.....141
Appellants’ Answer filed July 14, 2020145
Respondent’s Lis Pendens, Summons and Complaint in
Civil Action No. 2019-CP-33-00853, filed December 17, 2019151

III. HEARING TRANSCRIPTS

December 14, 2020, Trial Transcript165

Respondent’s Trial Exhibits:

Exhibit 1: Commercial Promissory Note.....344
Exhibit 2: Recourse Guaranty352
Exhibit 3: Commercial Mortgage Agreement364
Exhibit 4: Assignments of Rents & Leases.....391
Exhibit 6: Assignment of Mortgage.....400
Exhibit 7: First Modification466
Exhibit 8: Second Modification477
Exhibit 10: Borrowers Statement of Account.....484
Exhibit 11: Partners 95 Income & Expense by Month487
Exhibit 12: Finkel Law letter, December 7, 2020.....491

Appellants’ Trial Exhibits:

Exhibit 1: Coldwell Banker Broker’s Opinion of Value494

VOLUME II

(continued – Coldwell Banker Broker’s Opinion of Value).....497

Exhibit 2: Permanent Stormwater System Agreement506
Exhibit 3: US Army Corps. Interim Form507
Exhibit 4: Notice of Intent510
Exhibit 5: Dept. of Army Corps. Letter, August 20, 2020.....513
Exhibit 6: DHEC Application Water/Wastewater516
Exhibit 7: DHEC Application Water/Wastewater518

IV. OTHER MATERIALS

CARES Certification filed May 29, 2020.....520

V. CERTIFICATE OF COUNSEL.....522

225 Single 2 Cottage Lots @ 20,000 ea	\$4,500,000
126 Lakefront Cottage Lots @ \$25,000 ea	\$3,780,000
39 Acres Multifamily @ \$10.00/Ft	\$19,980,000
19 Acre RV Park @ \$5.00/FT	\$3,484,000
Greenway Park 6.93 acres	\$ 0
Total	\$42,080,000

- This value is with infrastructure in place.

Property Condition:

Exterior: Excellent

Interior: Excellent

Landscaping: Excellent

Parking: Excellent

Neighborhood Data:

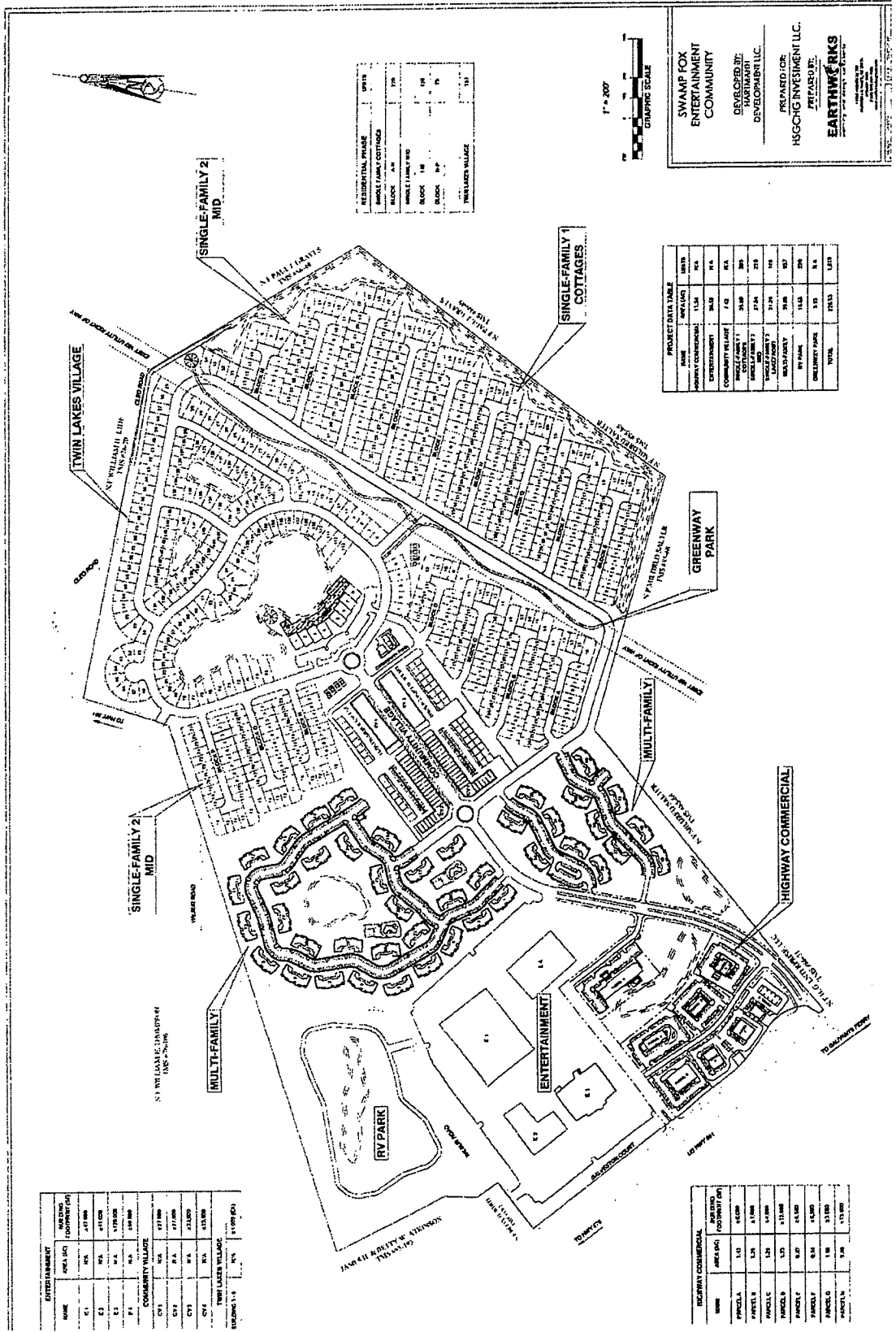
Location: Agricultural/Commercial

Surrounding Uses: Agricultural/Commercial



W. Joe McMillan, Jr

***Broker is not an appraiser and this is a Broker's opinion of market value with improvements.**



RESIDENTIAL PHASE	DP19
SINGLE FAMILY COTTAGE	178
SINGLE FAMILY 2 MID	108
SINGLE FAMILY 2 MULTI-FAMILY	113

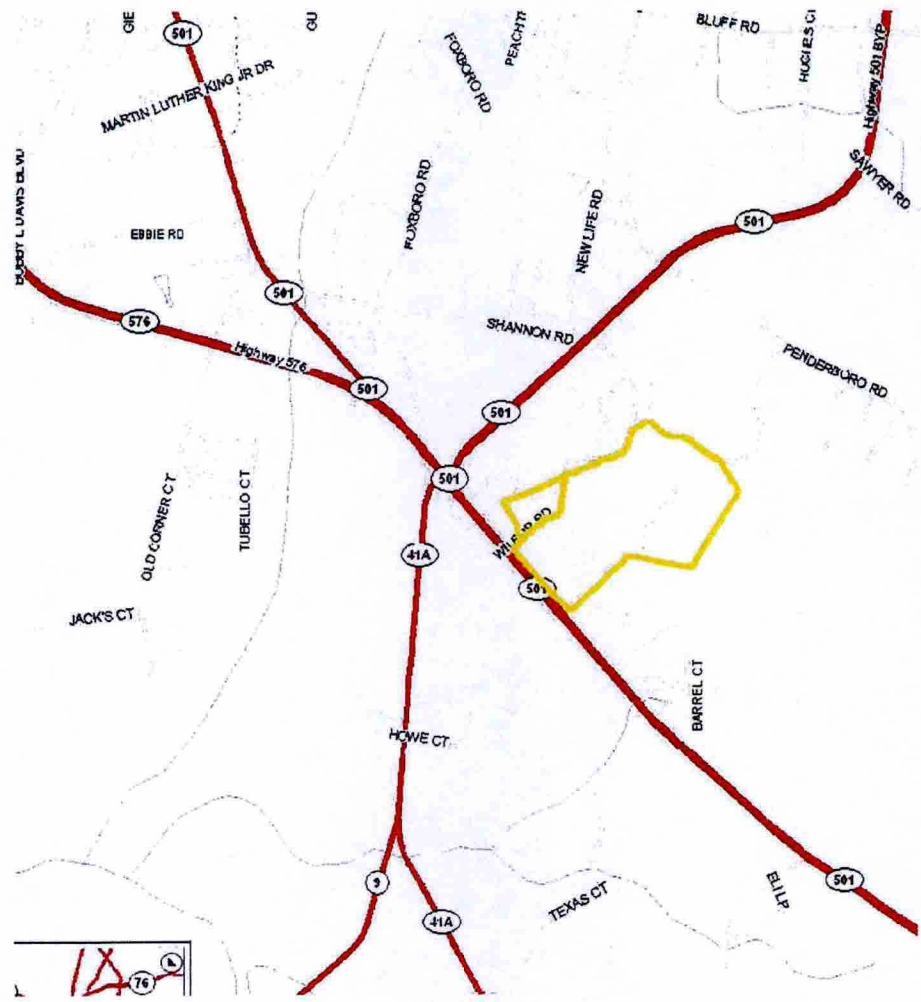
SWAMP FOX ENTERTAINMENT COMMUNITY
 DEVELOPED BY: SWAMP FOX DEVELOPMENT LLC.
 PREPARED BY: HSCOG INVESTMENT LLC.
 PREPARED BY: EARTHWORKS

PROJECT DATA TABLE	AREA (SQ. FT.)	AREA (ACRES)
TOTAL PROJECT AREA	1,152,000	26.4
RESIDENTIAL	340,000	7.8
COMMUNITY VILLAGE	210,000	4.8
COMMUNITY VILLAGE 2	270,000	6.2
COMMUNITY VILLAGE 3	270,000	6.2
RV PARK	150,000	3.4
ENTERTAINMENT	150,000	3.4
HIGHWAY COMMERCIAL	150,000	3.4
GREENWAY PARK	150,000	3.4
TOTAL	1,152,000	26.4

STATE PHASE	AREA (SQ. FT.)	AREA (ACRES)
PHASE 1	1,152,000	26.4
PHASE 2	1,152,000	26.4
PHASE 3	1,152,000	26.4
PHASE 4	1,152,000	26.4
PHASE 5	1,152,000	26.4
PHASE 6	1,152,000	26.4
PHASE 7	1,152,000	26.4
PHASE 8	1,152,000	26.4
PHASE 9	1,152,000	26.4
PHASE 10	1,152,000	26.4
PHASE 11	1,152,000	26.4
PHASE 12	1,152,000	26.4
PHASE 13	1,152,000	26.4
PHASE 14	1,152,000	26.4
PHASE 15	1,152,000	26.4
PHASE 16	1,152,000	26.4
PHASE 17	1,152,000	26.4
PHASE 18	1,152,000	26.4
PHASE 19	1,152,000	26.4
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PHASE 28	1,152,000	26.4
PHASE 29	1,152,000	26.4
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PHASE 44	1,152,000	26.4
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PHASE 47	1,152,000	26.4
PHASE 48	1,152,000	26.4
PHASE 49	1,152,000	26.4
PHASE 50	1,152,000	26.4

STATE PHASE	AREA (SQ. FT.)	AREA (ACRES)
PHASE 1	1,152,000	26.4
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PHASE 9	1,152,000	26.4
PHASE 10	1,152,000	26.4
PHASE 11	1,152,000	26.4
PHASE 12	1,152,000	26.4
PHASE 13	1,152,000	26.4
PHASE 14	1,152,000	26.4
PHASE 15	1,152,000	26.4
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PHASE 50	1,152,000	26.4

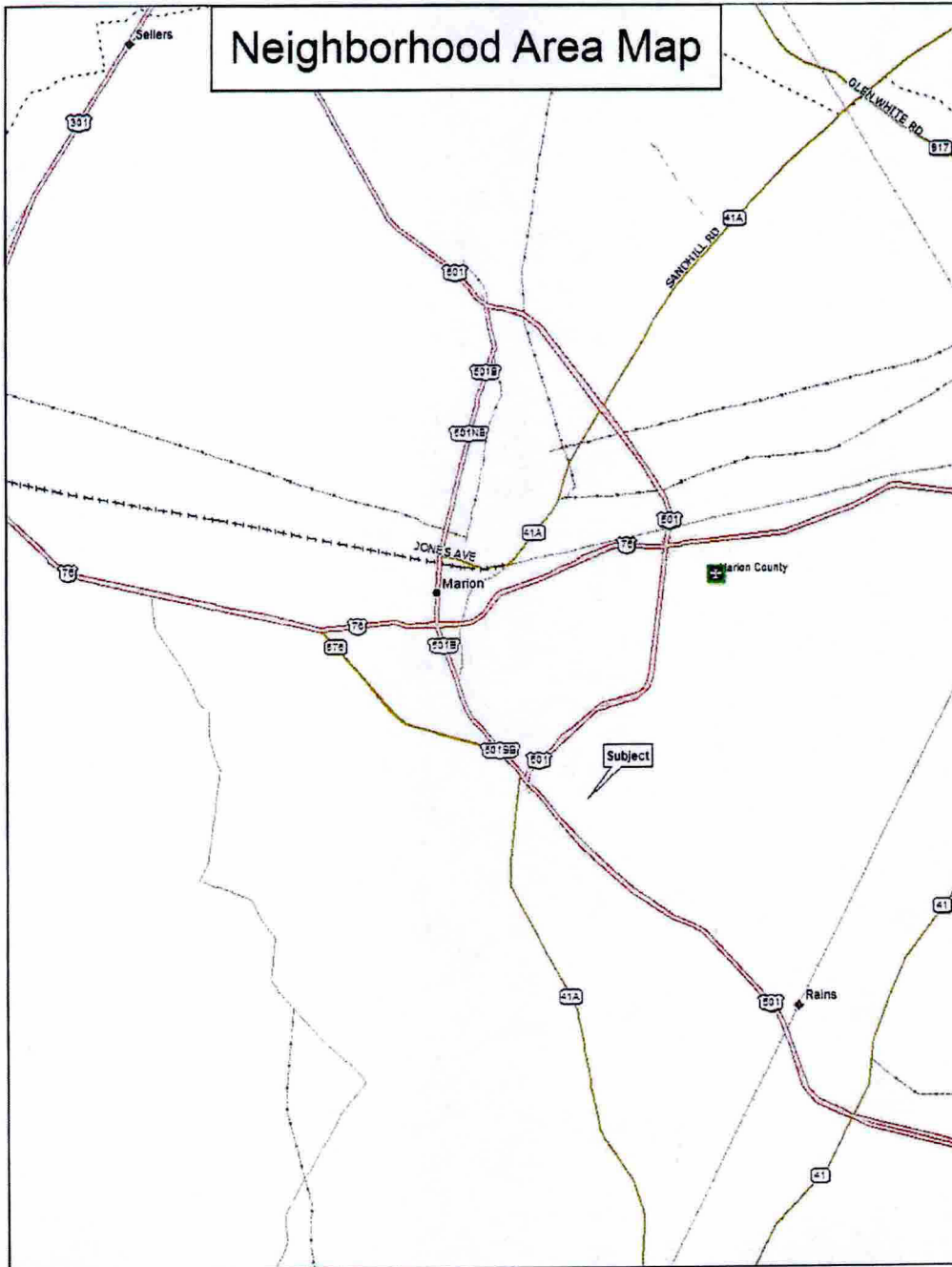
County GIS Map



County GIS Map

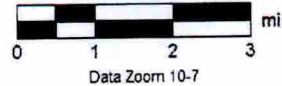


Neighborhood Area Map



DELORME
Data use subject to license.
© DeLorme, DeLorme Street Atlas USA® 2014
www.delorme.com

MN (8.4° W)



Swamp Fox Entertainment Complex
July 8th, 2017
<http://4kdroneography.com>





**McMILLAN AND
ASSOCIATES**

419 SOUTH COIT STREET
FLORENCE, SC 29501
OFFICE (843) 667-1100
FAX (843) 669-6965
CBFlorence.com

William Joe McMillan, Jr. is a native of Florence, SC and his family has owned and operated businesses in Florence since 1916.

His real estate career began in 1999 with Prudential Palmetto Realtors Columbia SC. After years as a top producer in 2006 Joey decided to move back to Florence and purchase Coldwell Banker McMillan and Associates.

In 2010 Coldwell Banker McMillan merged with Segars Realty and became Coldwell Banker Segars McMillan and Associates. This was an unprecedented move to create the largest brokerage firm to date in the Pee Dee region of South Carolina.

In 2014 McMillan purchased the Florence side of the business from his partner and still retained largest Brokerage company in the Pee Dee operating as Coldwell Banker McMillan and Associates again.

2018 brought more change when McMillan purchased Seaboard Properties of Florence. Seaboard is strictly a commercial real estate firm specializing in sales, leasing and management of commercial properties.

With Coldwell Banker McMillan and Seaboard Properties under one umbrella it sells and leases more Real Estate than any other firm in the Pee Dee.

McMillan is a Graduate of Presbyterian College. The 2010 Realtor of the Year, serves on the South Carolina association of Realtors Executive Committee, Board Chairman of Circle Park (Florence County Commission on Alcohol and Drug Abuse), Board member of the Eastern Carolina Community Foundation. Florence Kiwanis Club member and President 2018.

Member of First Presbyterian Church. Married to Lila Barber McMillan of Athens Ga. for 26 years. They have 3 sons Will lives and works in Florence. Carson (Junior at the University of Georgia) and Ross (freshman at The Citadel).

Permanent Stormwater System Maintenance and Responsibility Agreement

Under the South Carolina Stormwater Management and Sediment Reduction Act of 1991 (48-14-10, et. seq.), Regulation 72-308 requires the Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater management/Best Management Practices (BMP) facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.

The Department of Health and Control (DHEC)/Office of Ocean and Coastal Resource Management (OCRM) recommends that The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility regularly. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc.

The Landowner, its successors and assigns, hereby grant permission to the DHEC/OCRM, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever DHEC/OCRM deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. DHEC/OCRM shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

This Agreement imposes no liability of any kind whatsoever on DHEC/OCRM and the Landowner agrees to hold DHEC/OCRM harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

I accept responsibility for ownership and proper maintenance of the stormwater system (pond, swales, etc.) on the The Enclave At Swans Fox Entertainment Community site per the approved maintenance plan. I will complete any necessary repairs and/or preventive maintenance procedures in a timely manner to ensure proper functioning as a stormwater management device(s).

It is my understanding that the maintenance plan may be amended/revised at any time by DHEC/OCRM, and I will abide by any prescribed changes.

I will continue to own and maintain the pond until DHEC/OCRM is notified in writing of a transfer in ownership and maintenance responsibility. The notification will include a date for the transfer of responsibility and a letter of acceptance from the new owner.

I understand that failure to adhere to the signed maintenance agreement may result in fines of up to \$1,000.00 per day, per violation and for the institution of a court action.


Signature of Owner/Agent


HSGCHG Investments, LLC / Robert D. Hartmann Sr.
Printed Name of Owner/Agent

11/19/20
Date

50 Earningside Drive
Mailing Address

Millford, CT 06460
City/State/Zip

203-410-2666
Phone Number

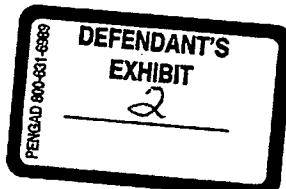

Notary Stamp/Signature/Date

11/19/20
Date



James Crandall
Notary Public
State of Florida

My Commission Expires 04/14/2024
Commission No. GG 976796
Bonded through CNA Surety



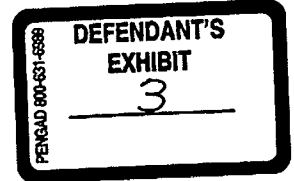
Defendants 0382



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 20-AUG-2020
ORM Number: SAC-2020-00265
Associated JDs: N/A
Review Area Location¹:
State: SC City: Marion County: Marion County
Center Coordinates of Review Area: Latitude 34.1386 Longitude -79.3688



II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Non-jurisdictional Ditch A	4221 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Non-jurisdictional Ditch A located on site was determined to be an excluded water. This feature, which is depicted as a straight blue line on the topographic map, is not a naturally occurring feature, nor does it relocate or replace a tributary. Although the NWIs depict wetlands adjacent to Ditch A, information submitted by the agent, including data forms, found no wetlands within the project boundary. This feature, which is located along the southern portion of the property, is depicted on the soil survey as being located within Foreston soil, which is non-hydric. Therefore, Ditch A was determined to be constructed out of uplands on site and provides drainage for the surrounding uplands on site.
Non-jurisdictional Pond A	1.59 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Non-jurisdictional Pond A is an excluded water based on the determination that it is a man-made pond, wholly excavated out of uplands on site. Although the NWIs depict this area as wetlands, information submitted by the agent, including data forms, found no hydric soils, hydrology or hydrophytic vegetation in this area.
Non-jurisdictional Pond B	0.28 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Non-jurisdictional Pond B is an excluded water based on the determination that it is a man-made pond wholly excavated out of uplands. The NWIs depict this area as uplands, and no potential aquatic resources are present near this pond.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: *AJD request submitted by The Earthworks Group, on behalf of HSGCHG Investments, LLC, on 20 May 2020. Additional information was received from the agent on 2 June 2020 and 2 July 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *The wetland data forms and additional information submitted by the agent are considered to be a reasonable representation of site conditions at the time of collection and are sufficient for purposes of this AJD.*

Data sheets prepared by the Corps: *N/A.*

Photographs: *(aerial and other) Photographs submitted by the agent dated 14 Jan 2020. ESRI Basemap Map Service and Google Earth aerial dated 18 Feb 2017. The aeriels and photographs depict a site that has been cleared and maintained in an herbaceous state. The northeastern portion of the site has been developed.*

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Soil Survey Geographic Database (SSURGO) created 4 April 2019, and updated on 4 March 2020. The site consists of Lynn Haven sand, Foreston loamy sand, Goldsboro loamy fine sand, Pantego loam, Fuquay sand, and Osier loamy sand. Lynn Haven, Pantego, and Osier are hydric soils.*
- USFWS NWI maps: *USFWS HQ ES National Wetlands Inventory created 29 May 2012, and updated on 17 Jul 2020. According to the NWIs, this site is predominately mapped uplands. Non-jurisdictional Ditch A and Non-jurisdictional Pond A are mapped as non-wetland waters (R5UBFx and PUBHx, respectively). An area located between Ditch A and Pond A is mapped on the NWIs as palustrine wetlands (PFO1Ad); however, a data point taken in this location found non-hydric soils and no indicators of hydrophytic vegetation or hydrology.*
- USGS topographic maps: *USGS Topographic Map / 7.5 Minute Index / Marion Quad. The topographic map depicts this site as cleared uplands with a blue line intersecting the southern portion of the property.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topographic Map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer accessed on 11 AUG 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** Antecedent Rainfall Calculator data for typical year determination was calculated based on the field collection date provided on the agent's data forms (9 APR 2020). The Antecedent Rainfall Calculator data showed "wetter than normal" conditions at the time of data collection by the agent with a condition value of 18, which indicates that typical year hydrologic conditions may not be present. For this assessment, five weather stations located within a 20 mile radius were used.
- C. Additional comments to support AJD:** The project site, which consists of 105.46 acres, includes three excluded waters. Non-jurisdictional Ditch A is a man-made linear feature constructed out of uplands on site and was determined to be an Excluded Water (b)(5). Non-jurisdictional Ponds A and B are man-made ponds wholly excavated out of uplands with no potential connection to any aquatic resources. These ponds were determined to be Excluded Waters (b)(8). Based on a review of the information submitted by the agent, as well as the data sources described above, this site does not contain any jurisdictional waters.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



NOTICE OF INTENT (NOI)
For Coverage(s) of Primary Permittees
Under South Carolina NPDES General Permit
For Stormwater Discharges From Construction Activities SCR100000
 (Maintain As Part of On-Site SWPPP)

For Official Use Only

File Number: _____
 Permit Number: SCR10 _____
 Submittal Package Complete: _____

Submission of this Notice of Intent constitutes notice that the Applicant identified in Section II intends to be authorized as a Primary Permittee in the state of South Carolina under NPDES General Permit SCR100000. Fees required for review and NPDES coverage of each application type are as listed on page 2 of the Instructions.

Date: 8/26/2020

Project/Site Name: The Enclave At Swamp Fox Entertainment Community Phase 1 County: Marion

(Modification or Change of Information Only) Prior Approved NPDES Permit or File Number: _____

Do you want this project to be considered for the Expedited Review Program (ERP)? Yes or No (See Instructions)

I. Notice of Intent (NOI) Application Type(s)

A. Project (Application/Review) Type(s) (Select ALL that apply):

- New Project (Initial Notification) Ongoing Project: Permitted or Un-Permitted
 Late Notification Low Impact Development (LID) or Project Design Above Regulatory Requirements
 New Owner/Operator or Company Name Change (see Instructions, attach Form A (Transfer of Ownership))
 Major Modification: (see Instructions, attach Form B (Major Modifications))
 MS4 Project Review
 Ocean and Coastal Resource Management (OCRM) Review
 Change of Information/Other (Specify): _____

B. If Applicable, identify the entity designated as MS4 Reviewer and MS4 Operator (i.e., Lexington County, City of Greer, etc.): MS4 Reviewer _____ MS4 Operator _____

II. Primary Permittee Information

Person or Company Change of Information

If a Company, are you a Lending Institution or Government Entity?
 Company EIN (if applicable): EIN: 36-4745861

- A. Primary Permittee Name: HSGCHG Investments, LLC
 Mailing Address: 50 Eveningside Drive City: Millard State: CT Zip: 06460
 Phone: 203-410-2666 Fax: _____ Email Address: rdhr@hartmanndevelopmentllc.com
- B. Contact /ODSA Name (if different from above OR if owner is a company): Robert D. Hartmann, Sr.
 Mailing Address: same as above City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email Address: _____
- C. Property Owner Name (if different from above): _____
 Mailing Address: _____ City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email Address: _____

III. Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) Preparer Information Change of Information

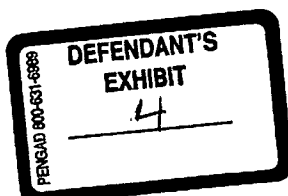
- A. C-SWPPP Preparer Name: Steven G. Strickland, P.E.
 B. Registered Professional: Engineer Landscape Architect Tier B Land Surveyor S. C. Registration #: 13603
 C. Company/Firm Name: The EARTHWORKS Group S. C. COA #: 1383
 Mailing Address: P.O. Box 201 City: Murrells Inle State: SC Zip: 29576
 Phone: 843-651-7900 Fax: _____ Email Address: sstrickland@earthworksgroup.com/esmith@earthworksgroup.com

IV. Project/Site Information

Change of Information

- A. Type of Construction Activity(ies) (Select ALL that apply):
 Commercial Industrial Institutional Mass Grading Linear Utility/Infrastructure
 Residential: Single-family Residential: Multi-family Multi-use (Commercial & Residential)
 Site Preparation (No New Impervious Area) Other (Specify) _____
- B. Site Address/Location (street address, nearest intersection, etc.) 1548 S US Hwy 501 Bypass
 City/Town (if in limits): Marion Zip Code: 29571
 Latitude: 33 ° 8 ' 21 " N Longitude: - 79 ° 22 ' 8 " W [Source]: GPS Web Site: _____
 Tax Map Number (s) (List all): 0850000001000

DHEC 2617 (10/2012)



- C. Is this site located on Indian Land? Yes No
- D. Proposed Start Date: February 15, 2021 Proposed Completion Date: February 15, 2026
- E. Disturbed Area (nearest tenth of an acre): 26.10 Total Area (acres): 248.52
- F. Modification Only: (nearest tenth of an acre): Disturbed Area: Current (Approved) Area: _____
 Disturbed Area Change (Increase Only): _____ Total Disturbed Area (After Change): _____
- G. Is this project part of a Larger Common Plan for Development or Sale (LCP)? Yes No
 LCP/ Overall Development Name: The Enclave At Swamp Fox Entertainment Community Check here if this is the First Phase.
- Previous State Permit/File Number: _____ Previous NPDES Coverage Number: SCR10
- H. Any Flooding Problems exist downstream of or adjacent to this site? Yes No (If yes, provide detailed description of flooding problems and applicable floodway/flood zone information in the C-SWPPP)
- I. Active S.C. DHEC Warning Notice, Notice to Comply or Notice of Violation for this site or LCP? Yes No
- J. List Relevant State and Federal Environmental Permits or Approvals applied for or obtained for this site (e.g., RCRA, USACOE, Nationwide, etc.). If None, list None.

- K. Any Waiver(s)/Variances/Exceptions Requested for this Project? (If yes, identify below and include Waiver Request and Justifications in the C-SWPPP for each proposed request).
- | |
|--|
| 1. Small Construction Activity Waiver(s) From NPDES permitting (Section 1.4 & Appendix B)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, identify requested waiver: <input type="checkbox"/> Rainfall Erosivity Waiver <input type="checkbox"/> TMDL Waiver <input type="checkbox"/> Equivalent Analysis Waiver |
| 2. Detention Waiver (72-302(B))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Other (Specify): _____ |

V. **Waterbody Information** (Attach additional sheet(s) as needed) Change of Information

A. Receiving Waterbody(s) (RWB) Information (List the nearest and next nearest receiving waterbodies to which the sites stormwater discharges will drain. If stormwater discharges drain to multiple waterbodies, list all such waterbodies).

1. Name of Receiving Waterbodies (RWB)	2. Distance to RWB (feet)	3. Classification of RWB
a. Nearest: Collins Creek	13,142	FW
b. Next Nearest: Catfish Creek	14,620	FW
c. Coastal Zone ONLY: Coastal Receiving Water (CRW): _____		Not Applicable
d. Other Waterbodies: _____		

B. Waters of the U.S. / State Information (Attach additional sheet(s) as needed)

Waters of the U.S. / State	1. On the site?	2. Delineated/ Identified?	3. Impacts?	4. Amount of impacts
a. Jurisdictional wetlands	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac
b. Non-jurisdictional wetlands	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac
c. Other Water(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac ___ Feet
d. Coastal Zone ONLY: Direct Critical Area	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	___ Ac ___ Feet

5. If yes for impacts in B.3, describe each impact and activity, and list all permits (e.g., USACOE Nationwide Permit, DHEC General Permit) and certifications that have been applied for or obtained for each impact:

C. S.C. Navigable Waters (SCNW) Information (Section 2.6.5) The Department will address any issues related to State Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP for activities that will NOT require a 404 permit or a 401 certification. (Attach additional sheet(s) as needed).

1. Are S. C. Navigable Waters (SCNW) on the site: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
a. If no, do not complete this question. Proceed to Section D (Impaired Waterbodies).	
b. If yes, provide the name of S.C. Navigable Waters (SCNW) on the site: _____	
2. If yes for C.1, will construction activities cross over or occur in, under, or thru the SCNW? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe SCNW activities (e.g., road crossing, sub-aqueous utility line, temporary or permanent structures, etc.) and proceed to Section C.3: _____	
3. Identify permits providing coverage of SCNW activities proposed for your site. If NONE, list none.	
Permits/Certifications	Permit or Certification No.
a. DHEC General/ Other DHEC Permit	NONE
b. USACOE 404 Permit or 401 Certification	
c. SCNW Permit	<input type="checkbox"/> All Activities or <input type="checkbox"/> Some Activities (Describe): _____
If applied for or issued, identify Date applied for or issued: _____	
d. If a SCNW Permit has NOT been applied for provide an additional plan sheet that shows plan and profile views (drawn to scale) of the SCNW and associated activities. Include a description of all proposed activities on this plan.	

DHEC 2617 (10/2012)

D. Impaired Waterbodies Information [Attach additional sheet(s) as needed]

1. 303(d) Listed Impaired Waterbodies

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4 and the Name of the Corresponding Waterbody?	b. Is this WQMS(s) listed on the <u>most current</u> 303(d) List? If No, proceed to Section 2 of this table. If Yes, complete items c thru f.	c. List the pollutant(s) identified as "CAUSES" of the impairment	d. Will any pollutants causing the impairment be present in your site's construction stormwater discharges?	e. If yes for d, list the "USE SUPPORT" impairment(s) affected by the pollutant(s) identified in c.
PD-187 Smith Swamp	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PD-097 Catfish Canal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO, ECOLI	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	

f. If yes for d above, will use of the BMPs proposed for your project ensure the site's discharges will **NOI** contribute to or cause further WQS violations for the impairment(s) listed in c? Yes No
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

2. TMDL Impaired Waterbodies

a. Name of Nearest DHEC Water Quality Monitoring Stations (WQMS)(s) that receives stormwater from your construction site and/or thru an MS4?	b. Has a TMDL(s) been developed for this WQMS(s)? If No, identify as such below and proceed to Section VI. If Yes, complete items c thru f of this table.	c. If yes for b, what pollutants are listed as "CAUSES" or causing the impairment?	d. If yes for b, has the standard been "ATTAINED" or "Fully Supported" for the impairment(s)?	e. If no for d (Not Attained), will any pollutants causing the impairment be present in your site's construction stormwater discharges?
PD-187	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PD-097	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

f. If yes for e above, are your discharges consistent with the assumptions and requirements of the TMDL(s)? Yes No
 (NOTE: If no for f, this site is NOT eligible for coverage under the CGP). See Instructions.

VI. Signatures and Certifications DO NOT SIGN IN BLACK INK! Read the Certifications below (in entirety). Provide date, printed name, and signatures below. If you are a New Owner/Operator, as Primary Permittee you must also sign and date the applicable Comprehensive SWPPP Acceptance & Compliance Agreement below.

C-SWPPP PREPARER: "One copy of the C-SWPPP, all specifications and supporting calculations, forms, and reports are herewith submitted and made a part of this application. I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended, pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000." (This should be the person identified in Section III).

Steven G. Strickland, P.E.

13603

Printed Name of C-SWPPP Preparer

Signature of C-SWPPP Preparer

S. C. Registration #

PRIMARY PERMITTEE: "I or I (on behalf of my company and its contractors and agents), as the case may be, certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I understand that DHEC enforcement actions may be taken if the terms and conditions of the C-SWPPP are not met and I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"I or I (on behalf of my company and its contractors and agents), as the case may be, also hereby certify that all land-disturbing construction and associated activity pertaining to this site shall be accomplished pursuant to and in keeping with the terms and conditions of the approved plans and SCR100000. I also certify that a responsible person will be assigned to the project for day-to-day control. I hereby grant authorization to the to S. C. Department of Health and Environmental Control (DHEC) and/or the local implementing agency the right of access to the site at all times for the purpose of on site inspections during the course of construction and to perform maintenance inspections following the completion of the land-disturbing activity." (See Section 122.22 of S.C. Reg. 61-9 for signatory authority information.) Having understood the above information, I am signing this certification as Primary Permittee to the aforementioned NPDES general permit."

HSGCHG Investments, LLC / Robert D. Hartmann Sr.

Managing Member

Printed Name of Primary Permittee

Title/Position

Signature of Primary Permittee

Date Signed

8/31/20

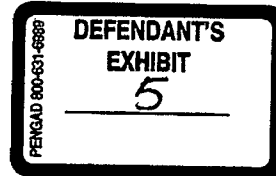


DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

August 20, 2020

Regulatory Division

Mr. Grant Gibson
The Earthworks Group
11655 Highway 707
Murrells Inlet, South Carolina 29576
ggibson@earthworksgroup.com



Dear Mr. Gibson:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2020-00265) received in our office on May 20, 2020, for a 105.46-acre site located northeast of US Highway 501, southeast of the City of Marion, Marion County, South Carolina (Latitude: 34.1386°N, Longitude: -79.3688°W). An AJD is used to indicate that the U.S. Army Corps of Engineers (Corps) has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status as waters of the United States pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 401 *et. seq.*). This AJD is issued in accordance with the definition of Waters of the United States in Corps regulations at 33 C.F.R. §328.3, as revised by the Navigable Waters Protection Rule: "Definition of Waters of the United States," 85 Fed. Reg. 22250 (April 21, 2020), which became effective on June 22, 2020.

The site is shown on the attached sketch titled "Swamp Fox Phase 1 / Jurisdictional Determination / Site – Proposed Details / CLIENT: / Robert D Hartmann Sr / LOCATION: Marion County, SC", dated July 2, 2020, and prepared by The Earthworks Group. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Forms, we conclude the site, as shown on the referenced sketch, does not contain any aquatic resources subject to regulatory jurisdiction under Section 404 of the CWA or Sections 9 and 10 of the RHA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Note that some or all of these areas may be regulated by other state or local government entities and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, or Department of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

Defendants 0389

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

In all future correspondence, please refer to file number SAC-2020-00265. If you have any questions, please contact me at (843) 365-1709, or by email at Ann.W.Eaddy@usace.army.mil.

Sincerely,



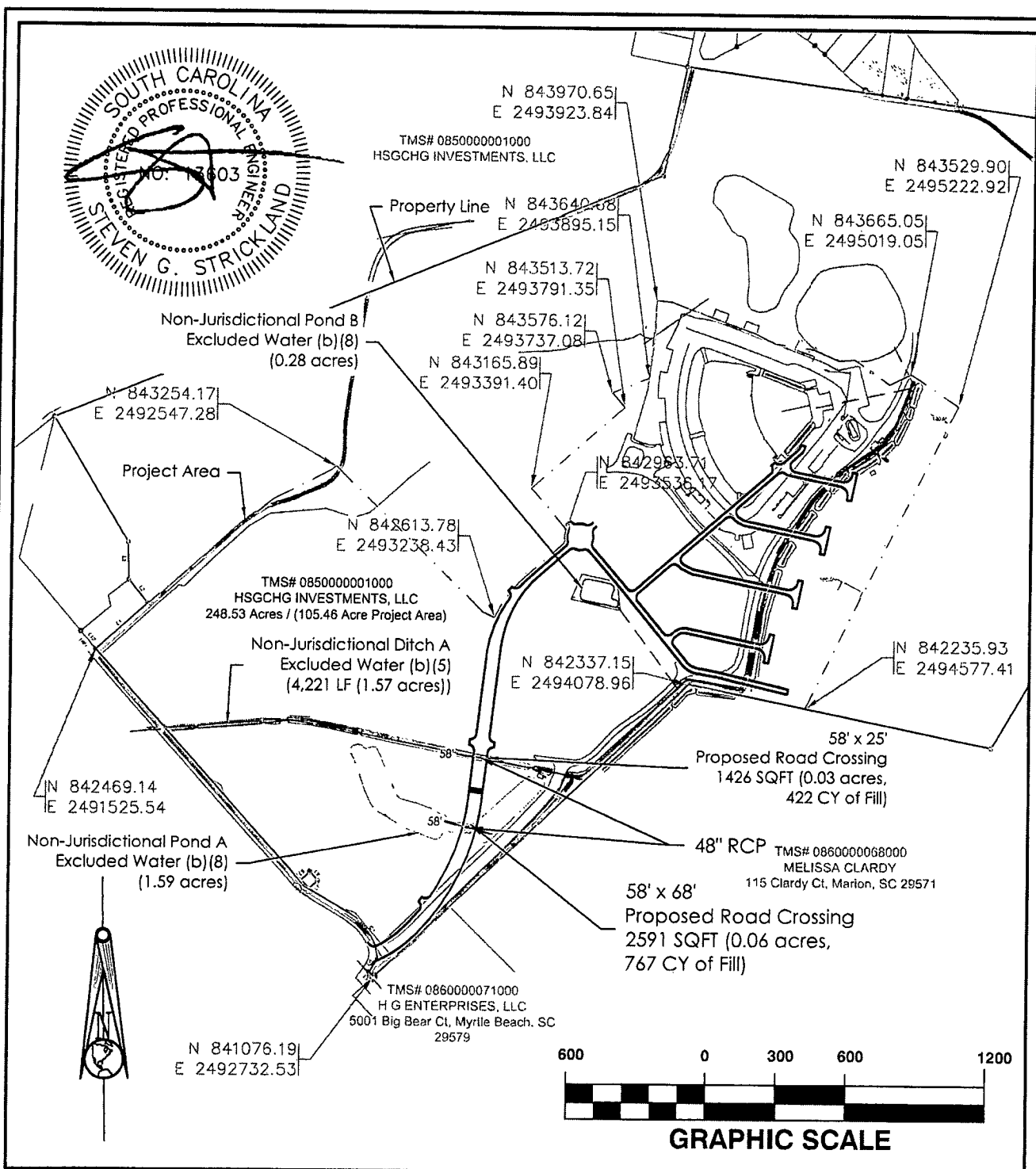
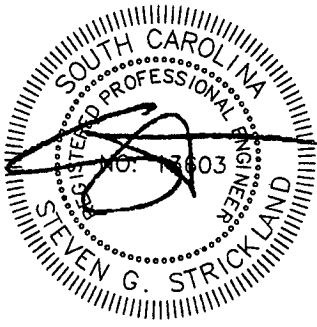
Digitally signed by
EADDY,ANN.W.136
2927133
Date: 2020.08.20
12:25:30 -04'00'

Ann Eaddy
Project Manager

Attachments:
Approved Jurisdictional Determination Form
Sketch
Notification of Appeal Options

Copy Furnished:

Mr. Robert Hartmann
HSGCHG Investments, LLC
50 Eveningside Drive
Milford, Connecticut 06460-7272
rdhsr@hartmanndevelopmentllc.com



Swamp Fox Phase 1

Jurisdictional Determination
 Site - Proposed Details
 CLIENT:
 Robert D Hartmann Sr
 LOCATION: Marion County, SC
 DATE: 07/02/20
 JOB NUMBER: 191034

DRAWN BY: GG
 REVIEWED BY: TEG
 SHEET: 2
 SCALE: 1" = 600'



11655 HIGHWAY 707
 MURRELLS INLET, SC 29576
 843.651.7900
 (FAX) 843.651.7903
 www.earthworksgroup.com



Construction Permit Application Water/Wastewater Facilities

BUREAU OF WATER

DELEGATED REVIEW PROJECT SUBMITTAL: Yes EXPEDITED REVIEW PROGRAM SUBMITTAL: Yes
SELECT ONE Water Facilities Wastewater Facilities Combined Water & Wastewater Facilities

I. Project Name: The Enclave At Swamp Fox Entertainment Community Phase 1 County: Marion

II. Project Location (street names, etc.): 1548 S US Hwy 501 Bypass, Marion, SC

III. Project Description(s): Water System: 3.489 LF of 10" PVC, 2.408 LF 8" PVC, 34 LF of 6" Water Line including 6 Fire Hydrants to serve 93 Single Family Residential Lots.

Wastewater System: _____

Project Type (A-Z): Water: A Wastewater: _____ (See instructions for the appropriate project code)

IV. Initial Owner: [Time of Application] Name/Organization: HSGCHG Investments, LLC

Address: 50 Eveningside Drive City: Milford State: CT Zip: 06460

Phone #: (203) 410-2666 E-mail (Initial Owner): rdhsr@hartmanndevelopmentllc.com

V. Final Owner: [After Construction] Name/Organization: MarCo Rural Water Company, Inc

Address: P.O. Box 1139 City: Marion State: SC Zip: 29571

Phone #: (843) 423-4680 E-mail (Final Owner): _____

VI. Entity Responsible for Final Operation & Maintenance of System:

Water System: Name: MarCo Address: P.O. Box 1139

City: Marion State: SC Zip: 29571 Phone #: (843) 423-4680 Fax #: ()

Wastewater System: Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone #: () Fax #: ()

VII. Engineering Firm: Name: The EARTHWORKS Group Address: 11655 Hwy 707

City: Murrells Inlet State: SC Zip: 29576 Phone #: (843) 651-7900 Fax #: ()

E-mail (Design Engineer): sstrickland@earthworksgroup.com/tasmith@earthworksgroup.com

VIII. Is this project: A) Part of a phased project? No Yes . If Yes, Phase 1 of 7

B) A revision to a previously permitted project? No Yes . If Yes, Permit#: _____

Date Approved: _____ Project name (if different): _____

C) Submitted based on a Schedule of Compliance or Order issued by DHEC? No Yes . Order #: _____

D) Anticipating funding by the State Revolving Fund (SRF)? No Yes .

E) Crossing a water body (e.g., river, creek)? No Yes . If Yes, Name of waterbody: _____

IX. Are Standard Specifications approved by DHEC being used on this project? No Yes . If Yes:

Water: Date Approved: 15 Jan 1997 Approved for whom: The EARTHWORKS Group

Wastewater: Date Approved: 12 Nov 1996 Approved for whom: The EARTHWORKS Group

X. Wastewater Systems: A) Type: Domestic Process (Industrial) Combined (Domestic & Process)

B) Average Design Flow 1. Project: _____ GPD 2. Treatment system: _____ GPD

C) Sewers or Pretreatment 1. Name of facility (e.g., POTW) treating the wastewater: _____

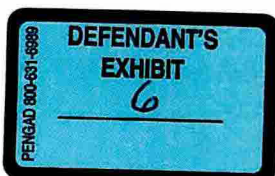
2. NPDES/ND Number of facility in Item #1: _____

Treatment Systems 3. Date Preliminary Engineering Report (PER) approved: _____

4. NPDES/ND application submitted? No Yes . If Yes, Date: _____

Disposal Sites 5. Effluent Disposal Site (Description): _____

6. Sludge Disposal Site (Description): _____



XI. Water Systems: Project located within city limits? No Yes
Public water system providing water. Name: MarCo Rural Water System #: 33WS002
New water system (including master meter)? No Yes . If Yes, System name: _____

XII. Type of Submittal: Complete Section A (Standard) or Section B (Delegated Review Program - DRP).
A) Standard Submittal *must* include the following:
 1. A transmittal letter outlining the submittal package.
 2. The original construction permit application, properly completed, with one (1) copy.
 3. Three (3) sets of signed and sealed plans and one (1) set of construction specifications. Specifications may be omitted if approved standard specifications are on file with DHEC. Four (4) sets of plans are required for a combined submittal, if the project includes a wastewater treatment facility.
 4. One (1) set of the appropriate design calculations. WASTEWATER: Design flow (based on R.61-67, Appendix A), pump station calc's. and pump curve. WATER: Recent flow test from a location near the tie-on site, design calc's. indicating pressure maintained in the distribution system during max. instantaneous demand, fire flow and flushing velocities achieved. Number/types of service connections, well record form, pumping test results, etc.
 5. Three (3) copies of a detailed 8 1/2" x 11" location map, separate from the plans.
 6. Two (2) copies of construction easements unless the project owner has the right of eminent domain.
 7. A letter(s) from the entity supplying water and/or providing wastewater treatment stating their willingness and ability to serve the project, (state the flow, number of lots, etc.), including pretreatment permits, if applicable.
 8. A letter(s) from the entity agreeing to be responsible for the operation and maintenance (O&M) of the systems.
 9. Application fee enclosed \$_____. (Refer to Instructions).
 10. WATER SYSTEMS: a) A letter from the local government which has potable water planning authority over the area, if applicable, in which the project is located, stating project consistency with water supply service plan for area.
b) For wells, four (4) copies of a well head protection area inventory.
c) For new wells, a viability demonstration is required in accordance with Regulation 61-58.1.B.(4).
Note: Other approvals may include 208 (wastewater only) and OCRM CZC Certification, and navigable waterway permitting. To expedite the project review, the 208 and OCRM CZC Certification may be included with the project submittal.

B) DRP submittal *must* include the following:
 1. A transmittal letter, signed by the professional engineer representing the DRP entity, noting this is a DRP submittal. The letter should state that the project has been reviewed and complies with R.61-58 and/or R.61-67.
 2. The original construction permit application, properly completed, with one (1) copy.
 3. Two (2) sets of the signed and sealed plans.
 4. One (1) set of the appropriate design calculations. WASTEWATER: Same information as required under Section XII.A.4. above. WATER: Same information as required under Section XII.A.4. above.
 5. One (1) copy of a detailed 8 1/2" x 11" location map, separate from the plans.
 6. Two (2) copies of construction easements, unless the project owner has the right of eminent domain.
 7. DHEC's OCRM CZC Certification (for water and/or wastewater facilities, in the eight coastal counties).
 8. DHEC's Water Quality permit or conditions for placement in navigable waters, and other Agency approvals.
 9. WASTEWATER SYSTEMS: a) A letter of acceptance from the entity providing the treatment of the wastewater that includes the specific flow and, when applicable, the specific number of lots being accepted.
b) A letter from the organization agreeing to be responsible for the O&M of the wastewater system.
c) The 208 Plan certification from the appropriate Council of Governments (designated 208 areas), or from DHEC on the non-designated 208 areas.
 10. WATER SYSTEMS: A letter from the local government which has potable water planning authority over the area, if applicable, in which the project is located, stating project consistency with water supply service plan for area.
 11. Fee of \$75 for water and \$75 for wastewater (\$150 if combined).
Note: The DRP entity should ensure that a copy of the final approved plans are returned to the design engineer.

XIII. Construction plans, material and construction specifications, the engineering report including supporting design data and calculations are herewith submitted and made a part of this application. I have placed my signature and seal on the engineering documents submitted, signifying that I accept responsibility for the design of this system, and that I have submitted a complete administrative package.
Engineer's Name (Printed): Steven G. Strickland, P.E. Signature: _____
S.C. Registration Number: 13603 Registered Professional Engineer

XIV. Prior to final approval, I will submit a statement certifying that construction is complete and in accordance with the approved plans and specifications, to the best of my knowledge, information and belief. This certification will be based upon periodic observations of construction and a final inspection for design compliance by me or a representative of this office who is under my supervision.
Engineer's Name (Printed): Steven G. Strickland, P.E. Signature: _____
S.C. Registration Number: 13603 Registered Professional Engineer

XV. I hereby make application for a permit to construct the project as described above. I have read this application and agree to the requirements and conditions and agree to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.
Owner's Name (Printed): HSCHG Investments, LLC / Robert D. Hartman Sr. Signature: _____
Owner's Title: Managing Member Date: 9/8/2020

DHEC 1970 (09/2016)



Construction Permit Application Water/Wastewater Facilities

BUREAU OF WATER

DELEGATED REVIEW PROJECT SUBMITTAL: Yes EXPEDITED REVIEW PROGRAM SUBMITTAL: Yes

SELECT ONE Water Facilities Wastewater Facilities Combined Water & Wastewater Facilities

I. Project Name: The Enclave At Swamp Fox Entertainment Community Phase 1 County: Marion

II. Project Location (street names, etc.): 1548 S US Hwy 501 Bypass, Marion, SC

III. Project Description(s): Water System:

Wastewater System: 3,900 LF of 8" PVC Forcemain, 3,373 LF of 8" PVC Sewer Line including 16 Manholes to serve 93 Single Family Residential Lots.

Project Type (A-Z): Water: Wastewater: B (See instructions for the appropriate project code)

IV. Initial Owner: [Time of Application] Name/Organization: HSGCHG Investments, LLC

Address: 50 Eveningside Drive City: Milford State: CT Zip: 06460

Phone #: (203) 410-2666 E-mail (Initial Owner): rdhsr@hartmanndevelopmentllc.com

V. Final Owner: [After Construction] Name/Organization: Grand Strand Water & Sewer Authority

Address: P.O. Box 2368 City: Conway State: SC Zip: 29528

Phone #: () E-mail (Final Owner):

VI. Entity Responsible for Final Operation & Maintenance of System:

Water System: Name: Address:

City: State: Zip: Phone#: () Fax#: ()

Wastewater System: Name: Grand Strand Water & Sewer Authority Address: P.O. Box 2368

City: Conway State: SC Zip: 29528 Phone#: (843) 443-8200 Fax#: ()

VII. Engineering Firm: Name: The EARTHWORKS Group Address: 11655 Hwy 707

City: Murrells Inlet State: SC Zip: 29576 Phone #: (843) 651-7900 Fax #: ()

E-mail (Design Engineer): sstrickland@earthworksgroup.com/tasmith@earthworksgroup.com

VIII. Is this project: A) Part of a phased project? No Yes If Yes, Phase 1 of 7

B) A revision to a previously permitted project? No Yes If Yes, Permit#:

Date Approved: Project name (if different):

C) Submitted based on a Schedule of Compliance or Order issued by DHEC? No Yes Order #:

D) Anticipating funding by the State Revolving Fund (SRF)? No Yes

E) Crossing a water body (e.g., river, creek)? No Yes If Yes, Name of waterbody:

IX. Are Standard Specifications approved by DHEC being used on this project? No Yes If Yes:

Water: Date Approved: Approved for whom:

Wastewater: Date Approved: 12 Nov 1996 Approved for whom: The EARTHWORKS Group

X. Wastewater Systems: A) Type: Domestic Process (Industrial) Combined (Domestic & Process)

B) Average Design Flow 1. Project: 27,900 GPD 2. Treatment system: GPD

C) Sewers or Pretreatment 1. Name of facility (e.g., POTW) treating the wastewater: Marion Treatment Facility

2. NPDES/ND Number of facility in Item #1: SC0046230

Treatment Systems 3. Date Preliminary Engineering Report (PER) approved:

4. NPDES/ND application submitted? No Yes If Yes, Date:

Disposal Sites 5. Effluent Disposal Site (Description):

6. Sludge Disposal Site (Description):

DHEC 1970 (09/2016)

www.scdhec.gov/homeandenvironment/water

See Reverse Side



Defendants 0366

XI. **Water Systems:** Project located within city limits? No Yes
 Public water system providing water. Name: _____ System #: _____
 New water system (including master meter)? No Yes . If Yes, System name: _____

XII. **Type of Submittal:** Complete Section A (Standard) or Section B (Delegated Review Program - DRP).
 A) Standard Submittal *must* include the following:
 1. A transmittal letter outlining the submittal package.
 2. The **original** construction permit application, properly completed, with one (1) copy.
 3. Three (3) sets of signed and sealed plans and one (1) set of construction specifications. Specifications may be omitted if approved standard specifications are on file with DHEC. Four (4) sets of plans are required for a combined submittal, if the project includes a wastewater treatment facility.
 4. One (1) set of the appropriate design calculations. **WASTEWATER:** Design flow (based on R.61-67, Appendix A), pump station calc's. and pump curve. **WATER:** Recent flow test from a location near the tie-on site, design calc's. indicating pressure maintained in the distribution system during max. instantaneous demand, fire flow and flushing velocities achieved. Number/types of service connections, well record form, pumping test results, etc.
 5. Three (3) copies of a detailed 8 1/2" x 11" location map, separate from the plans.
 6. Two (2) copies of construction easements unless the project owner has the right of eminent domain.
 7. A letter(s) from the entity supplying water and/or providing wastewater treatment stating their willingness and ability to serve the project, (state the flow, number of lots, etc.), including pretreatment permits, if applicable.
 8. A letter(s) from the entity agreeing to be responsible for the operation and maintenance (O&M) of the systems.
 9. Application fee enclosed \$ _____. (Refer to Instructions).
 10. **WATER SYSTEMS:** a) A letter from the local government which has potable water planning authority over the area, if applicable, in which the project is located, stating project consistency with water supply service plan for area.
 b) For wells, four (4) copies of a well head protection area inventory.
 c) For new wells, a viability demonstration is required in accordance with Regulation 61-58, I.B.(4).
Note: Other approvals may include 208 (wastewater only) and OCRM CZC Certification, and navigable waterway permitting. *To expedite the project review, the 208 and OCRM CZC Certification may be included with the project submittal.*

B) DRP submittal *must* include the following:
 1. A transmittal letter, signed by the professional engineer representing the DRP entity, noting this is a DRP submittal. The letter should state that the project has been reviewed and complies with R.61-58 and/or R.61-67.
 2. The **original** construction permit application, properly completed, with one (1) copy.
 3. Two (2) sets of the signed and sealed plans.
 4. One (1) set of the appropriate design calculations. **WASTEWATER:** Same information as required under Section XII.A.4. above. **WATER:** Same information as required under Section XII.A.4. above.
 5. One (1) copy of a detailed 8 1/2" x 11" location map, separate from the plans.
 6. Two (2) copies of construction easements, unless the project owner has the right of eminent domain.
 7. DHEC's OCRM CZC Certification (for water and/or wastewater facilities, in the eight coastal counties).
 8. DHEC's Water Quality permit or conditions for placement in navigable waters, and other Agency approvals.
 9. **WASTEWATER SYSTEMS:** a) A letter of acceptance from the entity providing the treatment of the wastewater that includes the specific flow and, when applicable, the specific number of lots being accepted.
 b) A letter from the organization agreeing to be responsible for the O&M of the wastewater system.
 c) The 208 Plan certification from the appropriate Council of Governments (designated 208 areas), or from DHEC on the non-designated 208 areas.
 10. **WATER SYSTEMS:** A letter from the local government which has potable water planning authority over the area, if applicable, in which the project is located, stating project consistency with water supply service plan for area.
 11. Fee of \$75 for water and \$75 for wastewater (\$150 if combined).
Note: The DRP entity should ensure that a copy of the final approved plans are returned to the design engineer.

XIII. Construction plans, material and construction specifications, the engineering report including supporting design data and calculations are herewith submitted and made a part of this application. I have placed my signature and seal on the engineering documents submitted, signifying that I accept responsibility for the design of this system, and that I have submitted a complete administrative package.
 Engineer's Name (Printed): Steven G. Strickland, P.E. Signature: _____
 S.C. Registration Number: 13603 Registered Professional Engineer

XIV. Prior to final approval, I will submit a statement certifying that construction is complete and in accordance with the approved plans and specifications, to the best of my knowledge, information and belief. This certification will be based upon periodic observations of construction and a final inspection for design compliance by me or a representative of this office who is under my supervision.
 Engineer's Name (Printed): Steven G. Strickland, P.E. Signature: _____
 S.C. Registration Number: 13603 Registered Professional Engineer

XV. I hereby make application for a permit to construct the project as described above. I have read this application and agree to the requirements and conditions and agree to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.
 Owner's Name (Printed): HSGCHG Investments, LLC / Robert D. Hartmann Sr. Signature: _____
 Owner's Title: Managing Member Date: 8/31/20

DHEC 1970 (09/2016)

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Avatar Partners CT, LLC,

PLAINTIFF,

vs.

HSGCHG Investments, LLC f/k/a Carolina Entertainment Complex, LLC; Partners 95, LLC; Oil Barons, Inc.; and Robert D. Hartmann, Sr.,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

C/A NO: 2019-CP-33-00853

CERTIFICATION OF COMPLIANCE WITH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (Foreclosures)

My name is:

Magalie A. Creech.

I am the Plaintiff or an authorized agent of the Plaintiff in the foreclosure case described at the top of this page. I am capable of making this certification. The facts stated in the certification are within my personal knowledge and are true and correct.

1. Verification:

Pursuant to the South Carolina Supreme Court Administrative Orders 2020-04-30-02 and 2020-05-06-01 and based upon the information provided by the Plaintiff and/or its authorized servicer as maintained in its case management/database records, the undersigned makes the following certifications:

Plaintiff is seeking to foreclose upon the following property:

1548 S HWY 501 Bypass (Carolina Amphitheatre) Marion, South Carolina 29571

I verify that this property and specifically the mortgage loan subject to this action:

is NOT a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act.

is a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act. Specifically, the foreclosure moratorium cited in Section 4022(c)(2) of the CARES Act has expired as of May 18, 2020, and the property and mortgage are not currently subject to a forbearance plan as solely defined in Sections 4022(b) and (c) of the CARES Act.

Please identify which database or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan:

I hereby certify that I have reviewed the loan servicing records and case management/data base records of the Plaintiff or its authorized mortgage servicer, in either digital or printed form, and that this mortgage loan is not currently subject to a forbearance plan as solely defined in Sections 4022(b) and (c) of the CARES Act. Pursuant thereto, I certify that the facts stated in this Certification are within my personal knowledge, excepting those matters based upon my information and belief as to the said loan servicing records and case management/data base records of the Plaintiff or mortgage servicer, and to those matters I believe them to be true. See, Rule 11(c), SCRCP; *BB&T of South Carolina v. Fleming*, 360 S.C. 341, 601 S.E.2d 540 (2004).

2. Declaration:

I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

By: Magalie A. Creech (SC Bar 78855)
FINKEL LAW FIRM LLC
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Fax (866) 800-7954
mcreech@finkellaw.com
Attorneys for Plaintiff

Dated: May 29, 2020

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Oct 19 2021

SC Court of Appeals

CERTIFICATE OF COUNSEL

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

CALLISON TIGHE & ROBINSON, LLC

/s/ Louis H. Lang

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September 29, 2021