

UNITED STATES BANKRUPTCY COURT DISTRICT OF SOUTH CAROLINA		PROOF OF CLAIM		 Your Claim is Scheduled As Follows: Schedule/Claim ID: s3889 AMOUNT/CLASSIFICATION: \$351,976.62 SECURED UNKNOWN UNSECURED	
Name of Debtor: The Cliffs at Mountain Park Golf & Country Club, LLC		Case Number: 12-01225			
<small>NOTE: See reverse and attached for List of Debtors/Case Numbers/important details. Other than claims under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for Administrative Expenses arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).</small>					
Name of Creditor (the person or other entity to whom the debtor owes money or property) : Golf Agronomics Sand & Hauling, Inc.				The amounts reflected above constitute your claim as scheduled by the Debtor or pursuant to a filed claim. If you agree with the amounts set forth herein, and have no other claim against the Debtor, you do not need to file this proof of claim EXCEPT as stated below. If the amounts shown above are listed as Contingent, Unliquidated or Disputed, a proof of claim must be filed except as provided in the accompanying bar date notice. If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again. THIS SPACE IS FOR COURT USE ONLY	
Name and address where notices should be sent: 29347866900681 Golf Agronomics Sand & Hauling Koger Bradford Holcombe Bomar PA PO Box 1897 Spartanburg, SC 29304					
Creditor Telephone Number (864-594-5300) email:					
Name and address where payment should be sent (if different from above): Golf Agronomics Sand & Hauling, Inc. 2165 - 17th Street Sarasota, FL 34234 Attention: Sharen Frawley					
Payment Telephone Number (800-626-1359) email:		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number (if known): _____ Filed on: _____	
1. AMOUNT OF CLAIM AS OF DATE CASE FILED \$ <u>351,976.62</u> If all or part of your claim is secured, complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.					
2. BASIS FOR CLAIM: <u>Construction services and materials</u> <small>(See instruction #2)</small>					
3. LAST FOUR DIGITS OF ANY NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: _____		3a. Debtor may have scheduled account as: _____ <small>(See instruction #3a)</small>		3b. Uniform Claim Identifier (optional): _____ <small>(See instruction #3b)</small>	
4. SECURED CLAIM: (See instruction #4) Check the appropriate box if your claim is secured by a lien on property or a right of set off, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: Describe: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Property: \$ _____ Annual Interest Rate: _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable <small>(when case was filed)</small> Amount of arrearage and other charges, as of time case filed, included in secured claim, if any: \$ _____ Basis for Perfection: _____ Amount of Secured Claim: \$ <u>351,976.62</u> Amount Unsecured: \$ _____					
5. Amount of Claim Entitled to Administrative Expense status under 11 U.S.C. § 503(b)(9) or Priority under 11 U.S.C. § 507(a). If any part of the claim falls into one of the following categories, check the box specifying the administrative expense or priority and state the amount. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Amount entitled to priority: \$ _____ You MUST specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). </div> <div style="width: 45%;"> Amount entitled to administrative expense under 11 U.S.C. § 503(b)(9): \$ _____ <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (_____). <input type="checkbox"/> Value of goods received by the debtor within 20 days before the date of the bankruptcy filing - 11 U.S.C. § 503(b)(9). </div> </div> <div style="text-align: right; margin-top: 10px;"> Cliffs POC 00768 </div>					
<small>* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>					
6. CREDITS: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)					

7. DOCUMENTS: Attached are redacted copies of documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and definition of "redacted").
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
If the documents are not available, please explain:

DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES OR EMAIL NOT ACCEPTED) so that it is actually received on or before 4:00 pm prevailing Eastern Time on May 31, 2012 for Non-Governmental Claimants OR on or before 4:00 pm prevailing Eastern Time on August 27, 2012 for Governmental Claimants.

BY MAIL TO:
BMC Group, Inc
Attn: Cliffs Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

BY MESSENGER OR OVERNIGHT DELIVERY TO:
BMC Group, Inc
Attn: Cliffs Claims Processing
18675 Lake Drive East
Chanhassen, MN 55317

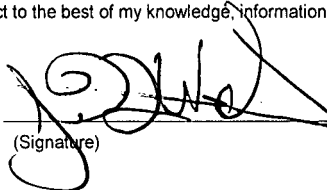
8. SIGNATURE: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor.
(Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: J. Hayes Walsh & A. Todd Darwin
Title: Attorneys
Company: Holcombe Bomar, PA
Address and telephone number (if different from notice address above):
PO Box 1897
Spartanburg, SC 29304-1897


(Signature)

May 15, 2012
(Date)

Telephone number: 864-594-5300 email: tdarwin@holcombepomar.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

LIST OF DEBTORS:

Case Name	Case Nbr
The Cliffs Club & Hospitality Group, Inc.	12-01220
CCHG Holdings, Inc.	12-01223
The Cliffs at Mountain Park Golf & Country Club, LLC	12-01225
The Cliffs at Keowee Vineyards Golf & Country Club, LLC	12-01226
The Cliffs at Walnut Cove Golf & Country Club, LLC	12-01227
The Cliffs at Keowee Falls Golf & Country Club, LLC	12-01229
The Cliffs at Keowee Springs Golf & Country Club, LLC	12-01230
The Cliffs at High Carolina Golf & Country Club, LLC	12-01231
The Cliffs at Glassy Golf & Country Club, LLC	12-01234
The Cliffs Valley Golf & Country Club, LLC	12-01236
Cliffs Club & Hospitality Service Company, LLC	12-01237

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

Golf Agronomics Sand & Hauling Inc.,)

Plaintiff(s))

CIVIL ACTION COVERSHEET

2011-CP - 23- 8082

vs.)

The Cliffs at Mountain Park Golf & Country Club,)
LLC; The Cliffs at Mountain Park, LLC; Wells)
Fargo Bank, National Association; The Cliffs at)
Glassy, Inc.; Waterfall Investment Group, LLC;)
Longview Land Co., LLC; HD Supply Waterworks,)
Ltd.; Smoke Oil, Inc.; Aquarius II, Inc.; Georgia)
Bridge & Dock, Inc.; Wall to Wall Golf, Inc.;)
Morgan Concrete Company; Medalist Golf, Inc.;)
and Hawkins Nursery, Inc.,)

Defendant(s))

(Please Print)

Submitted By: J. Hayes Walsh

Address: P.O. Box 1897, Spartanburg, S.C. 29304

SC Bar #: 70261

Telephone #: (864) 594-5300

Fax #: (864) 585-3844

Other:

E-mail: hwalsh@holcombebomar.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

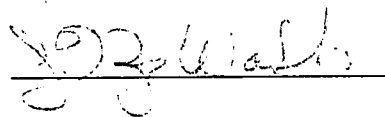
- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input checked="" type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other | | | |
| <input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of-State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) | | |

☐ Sexual Predator (510)

Submitting Party Signature:



Date: December 5, 2011

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THE THIRTEENTH JUDICIAL CIRCUIT
C.A. NO.: 2011-CP-23-8082

Golf Agronomics Sand & Hauling Inc.,)
)
Plaintiff,)

vs.)

LIS PENDENS
(Non-Jury)

The Cliffs at Mountain Park Golf &)
Country Club, LLC; The Cliffs at)
Mountain Park, LLC; Wells Fargo Bank,)
National Association; The Cliffs at)
Glassy, Inc.; Waterfall Investment Group,)
LLC; Longview Land Co., LLC;)
HD Supply Waterworks, Ltd.; Smoke Oil,)
Inc.; Aquarius II, Inc.; Georgia Bridge &)
Dock, Inc.; Wall to Wall Golf, Inc.;)
Morgan Concrete Company; Medalist)
Golf, Inc.; and Hawkins Nursery, Inc.,)
)
Defendants.)

NOTICE IS HEREBY GIVEN that an action shall be commenced by Plaintiff against the above-referenced Defendants for the foreclosure of its Notice and Certificate of Mechanic's Lien recorded September 7, 2011 in Book 62 at Page 1469, Greenville County Register of Deeds Office. The premises affected by this foreclosure were, at the time of the commencement of this action and at the time of the filing of this Lis Pendens, situated in the above-referenced county and are described as follows, to wit:

**SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN
BY REERENCE.**

HOLCOMBE BOMAR, P.A.

By: J. Hayes Walsh

Koger M. Bradford, Esq.
J. Hayes Walsh, Esq.
Post Office Drawer 1897
Spartanburg, SC 29304
(864) 594-5300
Attorneys for Plaintiff

December 5, 2011
Spartanburg, South Carolina

RECORDED IN BOOK PP2 PAGE 031

EXHIBIT A

Legal Description

Parcel 1A - PORTION OF GOLF COURSE (CAG):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 50.52 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina, in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassy, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3502

Parcel 1B - PORTION OF GOLF COURSE (WIG):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 4.85 acres, more or less, that tract containing 16.85 acres, more or less, that tract containing 11.22 acres, more or less, that tract containing 10.43 acres, more or less, that tract containing 9.23 acres, more or less, that tract containing 10.41 acres, more or less, that tract containing 13.68 acres, more or less, that tract containing 2.07 acres, more or less, that tract containing 27.68 acres, more or less, and that tract containing 0.04 acre, more or less, that tract containing 0.09 acre, more or less, and that tract containing 10.72 acres, more or less, and that tract containing 11.40 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Waterfall Investment Group, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3511

Parcel 1C - PORTION OF GOLF COURSE (CMP):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 0.86 acres, more or less, and that tract containing 0.06 acre, more or less, and that tract containing 24.41 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3514

Parcel 1D - PORTION OF GOLF COURSE (Longview):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 8.74 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3517

PARCEL 2 - GOLF MAINTENANCE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 3.62 acres, more or less, as shown in Plat Book 1102 at pages 95 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3520 and Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3523.

PARCEL 3 - GOLF PRACTICE RANGE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 11.49 acres, more or less, as shown in Plat Book 1101 at Page 55 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3524.

PARCEL 4 - WELLNESS AND TENNIS CENTER:

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 5.00 acres, more or less, on plat recorded in the Register of Deeds Office for Greenville County, State of South Carolina, in Plat Book 1101 at Page 56, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassey, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3529.

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THE THIRTEENTH JUDICIAL CIRCUIT
C.A. NO.: 2011-CP-23-8082

Golf Agronomics Sand & Hauling Inc.,)

Plaintiff,)

vs.)

SUMMONS
(Non-Jury)

The Cliffs at Mountain Park Golf &)
Country Club, LLC; The Cliffs at)
Mountain Park, LLC; Wells Fargo Bank,)
National Association; The Cliffs at)
Glassy, Inc.; Waterfall Investment Group,)
LLC; Longview Land Co., LLC;)
HD Supply Waterworks, Ltd.; Smoke Oil,)
Inc.; Aquarius II, Inc.; Georgia Bridge &)
Dock, Inc.; Wall to Wall Golf, Inc.;)
Morgan Concrete Company; Medalist)
Golf, Inc.; and Hawkins Nursery, Inc.,)

Defendants.)

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon J. Hayes Walsh, of Holcombe Bomar, P.A., Plaintiff's attorney, whose address is 100 Dunbar Street, Suite 200, (29306), Post Office Drawer 1897, Spartanburg, South Carolina 29304, an Answer to the Complaint which is herewith served upon you, within thirty (30) days after service of the Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

HOLCOMBE BOMAR, P.A.

By: J. Hayes Walsh

Koger M. Bradford, Esq.

J. Hayes Walsh, Esq.

Post Office Drawer 1897

Spartanburg, SC 29304

(864) 594-5300

Attorneys for Plaintiff

December 5, 2011

Spartanburg, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THE THIRTEENTH JUDICIAL CIRCUIT
C.A. NO.: 2011-CP-23-8082

Golf Agronomics Sand & Hauling Inc.,)
)
Plaintiff,)
)
vs.)

COMPLAINT
(Non-Jury)

The Cliffs at Mountain Park Golf &)
Country Club, LLC; The Cliffs at)
Mountain Park, LLC; Wells Fargo Bank,)
National Association; The Cliffs at)
Glassy, Inc.; Waterfall Investment Group,)
LLC; Longview Land Co., LLC;)
HD Supply Waterworks, Ltd.; Smoke Oil,)
Inc.; Aquarius II, Inc.; Georgia Bridge &)
Dock, Inc.; Wall to Wall Golf, Inc.;)
Morgan Concrete Company; Medalist)
Golf, Inc.; and Hawkins Nursery, Inc.,)
)
Defendants.)
)

The Plaintiff, complaining of the above-named Defendants, alleges and would respectfully show this Honorable Court:

1. Plaintiff is a corporation organized and existing under the laws of the State of Florida, authorized to do business in South Carolina and doing business in Greenville County, South Carolina.
2. Upon information and belief, Defendant The Cliffs at Mountain Park Golf & Country Club, LLC ("Mt. Park Golf Club"), is a limited liability company organized and existing under the laws of the State of South Carolina, doing business in Greenville County, South Carolina and is the record owner of the real property located in Greenville County, South Carolina described herein, which is the subject of this action.
3. Upon information and belief, Defendant The Cliffs at Mountain Park, LLC ("CMP"), is a limited liability company organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.

4. Upon information and belief, Defendant Wells Fargo Bank, National Association ("Wells Fargo"), is a lending institution organized and existing under the laws of the United States of America and doing business in Greenville County, South Carolina.
5. Upon information and belief, Defendant The Cliffs at Glassy, Inc. ("CG"), is a corporation organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.
6. Upon information and belief, Defendant Waterfall Investment Group, LLC ("WIG"), is a limited liability company organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.
7. Upon information and belief, Defendant Longview Land Co., LLC ("Longview"), is a limited liability company organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.
8. Upon information and belief, Defendant HD Supply Waterworks, LTD. ("HD"), is a limited partnership organized and existing under the laws of the State of Florida, authorized to do business in South Carolina and doing business in Greenville County, South Carolina.
9. Upon information and belief, Defendant Smoke Oil, Inc. ("Smoke"), is corporation organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.
10. Upon information and belief, Defendant Aquarius II, Inc. ("Aquarius") is a corporation organized and existing under the laws of one of the states of the United States and doing business in Greenville County, South Carolina.
11. Upon information and belief, Defendant Wall to Wall Golf, Inc. ("WTWG"), is a corporation organized and existing under the laws of one of the states of the United States and doing business in Greenville County, South Carolina.
12. Upon information and belief, Defendant Morgan Concrete Company ("Morgan Concrete"), is a company organized and existing under the laws of the State of Georgia, authorized to do business in South Carolina and doing business in Greenville County, South Carolina.
13. Upon information and belief, Defendant Medalist Golf, Inc. ("Medalist"), is a corporation organized and existing under the laws of the State of Georgia,

authorized to do business in South Carolina and doing business in Greenville County, South Carolina.

14. Upon information and belief, Defendant Georgia Bridge & Dock, Inc. ("Georgia Bridge"), is a corporation organized and existing under the laws of the State of Georgia.
15. Upon information and belief, Defendant Hawkins Nursery, Inc. ("Hawkins"), is a corporation organized and existing under the laws of the State of South Carolina and doing business in Greenville County, South Carolina.
16. This is an action to foreclose a Notice and Certificate of Mechanic's Lien covering real property situated in Greenville County, South Carolina, and this Court therefore has jurisdiction of this action.

FOR A FIRST CAUSE OF ACTION
(Breach of Contract)

17. Plaintiff realleges and reaffirms the prior allegations of this Complaint as if set forth herein verbatim.
18. On or about September 2010, Plaintiff and Defendant Mt. Park Golf Club negotiated and entered into an agreement wherein Plaintiff was to provide construction goods, materials and products for the construction and improvement of The Cliffs at Mountain Park Golf Course located in Greenville County, South Carolina which is owned by Mt. Park Golf Club.
19. Pursuant to their agreement from September 2010 through June 2011, Plaintiff at the direction, instruction and request of the Mt. Park Golf Club provided materials, goods and products for the construction and improvement of The Cliffs at Mountain Park Golf Course improving the real property which is owned by Mt. Park Golf Club and described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").
20. Despite due and legal demand for payment, Mt. Park Golf Club has failed and refuses to make full and prompt payment for the supplies, services, materials and labor furnished pursuant to the parties' agreement.
21. A Verified Statement of Account is attached as Exhibit "B" and incorporated herein by reference. Said itemized statement is true and correct and shows that a balance

of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars remains unpaid on this account.

22. Plaintiff is informed and believes that it is entitled to judgment against Mt. Park Golf Club in the amount of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars, plus interest, and for the reasonable costs of this action.

FOR A SECOND CAUSE OF ACTION
(Quantum Meruit)

23. Plaintiff realleges and reaffirms the prior allegations of this Complaint as if set forth herein verbatim.
24. Plaintiff, at the special request and insistence of Mt. Park Golf Club supplied materials, goods, services and products to Mt. Park Golf Club, and conferred a benefit upon Mt. Park Golf Club.
25. Through its performance of the agreement, Plaintiff provided valuable materials and services to Mt. Park Golf Club for the improvement of the Property, and Mt. Park Golf Club has benefitted from and received the use, value and enjoyment of the materials and services and has been unjustly enriched thereby.
26. Plaintiff is informed and believes that it is entitled to judgment against Mt. Park Golf Club for the reasonable value of the materials and services provided to Mt. Park Golf Club in the improvement of the Property owned by Mt. Park Golf Club in an amount to be determined by the Court.
27. Mt. Park Golf Club has realized and retained the benefits of said materials and services, and equity requires payment to Plaintiff for the benefit so conferred in the amount of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars, plus interest, and for the reasonable costs of this action.

FOR A THIRD CAUSE OF ACTION
(Foreclosure of Mechanic's Lien)

28. Plaintiff realleges and reaffirms the prior allegations of this Complaint as if set forth herein verbatim.

29. Plaintiff, within the time required by law after it ceased to furnish labor, materials and services for such improvements on the Property, filed a Notice and Certificate of Mechanic's Lien in the Register of Deeds Office for Greenville County in Mechanic's Lien Book 62 at Page 1469 on September 7, 2011. A copy of this Notice and Certificate of Mechanic's Lien is attached as Exhibit "C" and incorporated herein by reference.
30. Exhibit A attached hereto is a description of the real property covered by the mechanic's lien which is sought to be foreclosed.
31. There is now due the Plaintiff by Mt. Park Golf Club under said mechanic's lien the sum of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars, together with interest, costs and expenses, and attorney's fees involved in the enforcement of said lien.
32. Plaintiff has duly complied with all requirements on its part for the perfection of its mechanic's lien with South Carolina Code Ann. §§ 29-5-10, et. seq., and is entitled to foreclose this mechanic's lien and to have the equity of redemption by the defendants barred in the amount provided for by law.
33. Defendant Wells Fargo is made a party to this action by virtue of a mortgage it holds on the Property. Mt. Park Golf Club executed and delivered a mortgage to Wells Fargo recorded June 9, 2010 in Mortgage Book 5081 at Page 3067, Office of the Register of Deeds for Greenville County. Defendant Wells Fargo is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.
34. Defendants CMP, CG, WIG and Longview are made parties to this action by virtue of their interest in the property, if any, pursuant to an Agreement Regarding Repurchase and Additional Purchase and Exchange Rights, recorded June 9, 2010 in Deed Book 2373 at Page 3532, Office of the Register of Deeds for Greenville County. Defendants CMP, CG WIG and Longview are named and made parties out of an abundance of caution in order to insure that their rights are not prejudiced hereby.
35. Defendant HD is made a party to this action by virtue of a Lis Pendens, Summons and Complaint filed by its legal representative to foreclose on its Notice and

Certificate of Mechanic's Lien filed against the Property, which foreclosure action was filed on October 25, 2011, Civil Action No. 2011-CP-23-7054. The Notice and Certificate of Mechanic's Lien was filed against Mt. Park Golf Club, CMP and Wells Fargo on August 18, 2011 in Mechanic's Lien Book 62 at Page 518, Office of the Register of Deeds for Greenville County. Defendant HD is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.

36. Defendant Smoke is made a party to this action by virtue of a Lis Pendens, Amended Summons and Amended Complaint filed by its legal representative to foreclose on its Notice and Certificate of Mechanic's Lien filed against the Property, which Lis Pendens and Amended Summons and Amended Complaint were filed on December 1, 2011, Civil Action No. 2011-CP-23-7243. The Notice and Certificate of Mechanic's Lien was filed against Mt. Park Golf Club, CMP, Medalist, and Wells Fargo on August 30, 2011 in Mechanic's Lien Book 62 at Page 1221, Office of the Register of Deeds for Greenville County. Defendant Smoke is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.
37. Defendant Aquarius is made a party to this action by virtue of a Notice and Certificate of Mechanics Lien filed against Mt. Park Golf Club regarding the Property on September 9, 2011 in Mechanic's Lien Book 62 at page 1594, Office of the Register of Deeds for Greenville County. Defendant Aquarius is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.
38. Defendant WTWG is made a party to this action by virtue of a Notice and Certificate of Mechanic's Lien filed against Mt. Park Golf Club, CMP, and Wells Fargo regarding the Property on September 9, 2011 in Mechanic's Lien Book 62 at Page 1610, Office of the Register of Deeds for Greenville County. Defendant WTWG is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.
39. Defendant Morgan Concrete is made a party to this action by virtue of a Notice and Certificate of Mechanic's Lien filed against Mt. Park Golf Club, CMP, and Wells

Fargo regarding the Property on September 9, 2011 in Mechanic's Lien Book 62 at Page 1620, Office of the Register of Deeds for Greenville County. Defendant Morgan Concrete is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.

40. Defendant Medalist is made a party to this action by virtue of a Notice and Certificate of Mechanic's Lien filed against Mt. Park Golf Club, Wells Fargo, HD, and Smoke regarding the Property on September 7, 2011 in Mechanic's Lien Book 62 at Page 1455, Office of the Register of Deeds for Greenville County. Defendant Medalist is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.

41. Defendant Georgia Bridge is made a party to this action by virtue of a Notice and Certificate of Mechanic's Lien filed against Mt. Park Golf Club, CMP, and Wells Fargo regarding the Property on September 9, 2011 in Mechanic's Lien Book 62 at Page 1600, Office of the Register of Deeds for Greenville County. Defendant Georgia Bridge is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.

42. Defendant Hawkins is made a party to this action by virtue of a Notice and Certificate of Mechanics Lien filed against Mt. Park Golf Club regarding the Property on October 21, 2011 in Mechanic's Lien Book 64 at Page 140, Office of Register of Deeds for Greenville County. Defendant Hawkins is named and made a party out of an abundance of caution in order to insure that its rights are not prejudiced hereby.

43. Plaintiff is informed and believes that it is entitled to have the subject real property sold at public auction on such dates as may be determined by the Court and the proceeds derived therefrom applied toward the satisfaction of Mt. Park Golf Club indebtedness to the Plaintiff, including attorney's fees and costs incurred.

WHEREFORE, having fully set forth is Complaint, Plaintiff prays that the Court inquire into this matter and grant the Plaintiff judgment in the following particulars:

- a. For judgment against Defendant The Cliffs at Mountain Park Golf & Country Club, LLC, on the First, Second and Third Causes of Action in the amount of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars, together with interest, costs and expenses;

- b. For judgment against Defendant The Cliffs at Mountain Park Golf & Country Club, LLC, and the Property and premises described on the Third Cause of Action in the sum of Three Hundred Fifty-One Thousand Nine Hundred Seventy-Six and 62/100ths (\$351,976.62) Dollars, together with interest, costs and expenses, and a reasonable attorney's fee involved in the enforcement of the lien above-described;
- c. That Plaintiff have judgment of foreclosure of the amounts found to be due on the Third Cause of Action; that Plaintiff's mechanic's lien be declared valid; that the rights and priorities of all liens on the Property be determined; that due notice of said foreclosure be given to all proper parties; that all person claiming by, through, or under the Defendants be barred and forever foreclosed of all right, title and interest and equity of redemption in and to the said Property or any part thereof; that the subject real property be sold free and clear of all junior liens, with the proceeds from this sale going toward the satisfaction of Defendant The Cliffs at Mountain Park Golf & Country Club, LLC's indebtedness to the Plaintiff; and
- d. For such other and further relief as the Court deems just and proper.

HOLCOMBE BOMAR, P.A.

By: 

Keger M. Bradford, Esq.

J. Hayes Walsh, Esq.

Post Office Drawer 1897

Spartanburg, SC 29304

(864) 594-5300

Attorneys for Plaintiff

December 5, 2011
Spartanburg, South Carolina

EXHIBIT A

Legal Description

Parcel 1A - PORTION OF GOLF COURSE (CAG):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 50.52 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina, in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassy, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 7502.

Parcel 1E - PORTION OF GOLF COURSE (WIGH):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 4.85 acres, more or less, that tract containing 16.85 acres, more or less, that tract containing 11.22 acres, more or less, that tract containing 10.43 acres, more or less, that tract containing 9.23 acres, more or less, that tract containing 10.41 acres, more or less, that tract containing 13.68 acres, more or less, that tract containing 2.07 acres, more or less, that tract containing 27.68 acres, more or less, and that tract containing 0.04 acre, more or less, that tract containing 6.09 acre, more or less, and that tract containing 10.72 acres, more or less, and that tract containing 11.40 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Waterfall Investment Group, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 7511.

Parcel 1C - PORTION OF GOLF COURSE (CMP):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 0.86 acres, more or less, and that tract containing 0.06 acre, more or less, and that tract containing 24.41 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3514

Parcel 1D - PORTION OF GOLF COURSE (Longview):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 8.74 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3517

PARCEL 2 - GOLF MAINTENANCE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 3.02 acres, more or less, as shown in Plat Book 1102 at page 95 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3520 and Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3523.

PARCEL 3 - GOLF PRACTICE RANGE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 11.49 acres, more or less, as shown in Plat Book 1101 at Page 55 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3526.

PARCEL 4 - WELLNESS AND TENNIS CENTER:

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 5.00 acres, more or less, on plat recorded in the Register of Deeds Office for Greenville County, State of South Carolina, in Plat Book 1101 at Page 56, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassy, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3529.

EXHIBIT B

STATEMENT

Page: 1

Golf Agronomics Sand & Hauling
 2165 17th Street
 Sarasota, FL 34234
 800-542-9531 Toll Free
 941-955-4690 Fax

Statement Date: 11/29/11
 Salesperson: Robert Hamrick

THE CLIFFS @ MOUNTAIN PARK
 P.O. BOX 1549
 TRAVELERS REST, SC 29690

Customer No.: CLIFFSM

DATE	REFERENCE	DESCRIPTION	CHARGE	CREDIT	BALANCE
03/24/11	0050097-IN		2,191.42		
08/23/11		PAYMENT REF: 016825		702.38	1,489.04
03/25/11	0050275-IN		8,960.98		8,960.98
03/29/11	0050191-IN		21,038.35		
09/13/11		PAYMENT REF: 017022		4,000.00	17,038.35
04/04/11	0050370-IN		15,740.18		15,740.18
04/05/11	0050371-IN		6,505.53		6,505.53
04/09/11	0050437-IN		22,324.70		22,324.70
04/09/11	0050441-IN		13,409.36		13,409.36
04/12/11	0050580-IN		9,273.66		9,273.66
04/13/11	0050445-IN		1,325.00		1,325.00
04/13/11	0050576-IN		10,256.60		10,256.60
04/14/11	0050577-IN		8,887.80		8,887.80
04/15/11	0050578-IN		8,215.38		8,215.38
04/18/11	0050579-IN		8,876.61		8,876.61
04/19/11	0050636-IN		6,382.22		6,382.22
04/19/11	0050726-IN		1,608.50		1,608.50
04/20/11	0050637-IN		2,430.80		2,430.80
04/21/11	0050638-IN		4,980.64		4,980.64
04/25/11	0050729-IN		5,874.00		5,874.00
04/26/11	0050723-IN		5,113.49		5,113.49
04/27/11	0050724-IN		27,659.80		27,659.80
04/28/11	0050725-IN		10,166.18		10,166.18
04/28/11	0050728-IN		6,511.96		6,511.96
04/29/11	0050732-IN		5,877.83		5,877.83
04/29/11	0050772-IN		2,479.90		2,479.90
04/29/11	0050773-IN		8,985.14		8,985.14
04/29/11	0050774-IN		6,676.88		6,676.88
05/02/11	0050799-IN		15,918.52		15,918.52
05/03/11	0050800-IN		15,957.95		15,957.95
05/04/11	0050801-IN		18,032.82		18,032.82
05/05/11	0050855-IN		10,757.53		10,757.53
05/05/11	0050856-IN		2,047.98		2,047.98
05/06/11	0050857-IN		12,377.20		12,377.20
05/06/11	0051006-IN		2,018.55		2,018.55
05/06/11	0051007-IN		3,997.45		3,997.45

STATEMENT

Page: 2

Golf Agronomics Sand & Hauling
2165 17th Street
Sarasota, FL 34234
800-542-9531 Toll Free
941-955-4690 Fax

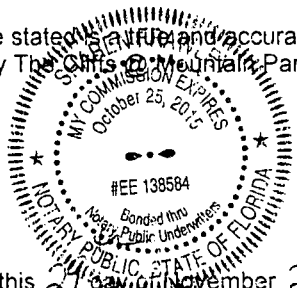
Statement Date: 11/29/11
Salesperson: Robert Hamrick

THE CLIFFS @ MOUNTAIN PARK
P.O. BOX 1549
TRAVELERS REST, SC 29690

Customer No.: CLIFFSM

DATE	REFERENCE	DESCRIPTION	CHARGE	CREDIT	BALANCE
05/09/11	0050858-IN		3,054.61		3,054.61
05/09/11	0051005-IN		832.18		832.18
05/10/11	0050930-IN		1,002.91		1,002.91
05/11/11	0050931-IN		1,003.74		1,003.74
05/12/11	0050932-IN		1,019.86		1,019.86
05/13/11	0050927-IN		3,713.35		3,713.35
05/13/11	0051002-IN		999.19		999.19
05/16/11	0051003-IN		2,001.68		2,001.68
05/17/11	0051004-IN		2,060.80		2,060.80
05/31/11	0051372-IN		4,573.77		4,573.77
06/02/11	0051300-IN		5,859.81		5,859.81
06/14/11	0051585-IN		2,922.81		2,922.81
06/15/11	0051538-IN		1,306.76		1,306.76
06/21/11	0051631-IN		3,466.62		3,466.62
08/31/11	0053165-IN		10,000.00		10,000.00

I verify that the balance stated above is an accurate accounting for that which is presently due and owing Golf Agronomics Sand & Hauling, Inc. by The Cliffs @ Mountain Park, and further, that no portion thereof has been paid.



By: [Signature]
Name: Richard G. Colyer
Title: President

SWORN to before me this 21 day of November 2011

[Signature]
Notary Public for Florida

My Commission Expires: 10/25/2015

TOTAL					351,976.62
CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	BALANCE DUE
0.00	0.00	0.00	10,000.00	341,976.62	351,976.62

EXHIBIT C



2011059743

M/LIEN
10 PGS
Page:1469-1478

September 07, 2011 02:25:33 PM
Rec:\$16.00 Cnty Tax:\$0.00 State Tax:\$0.00

FILED IN GREENVILLE COUNTY, SC

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	
Golf Agronomics Sand & Hauling Inc.,)	
)	<u>NOTICE AND CERTIFICATE</u>
Plaintiff,)	<u>OF MECHANIC'S LIEN</u>
)	
vs.)	
)	ML Filing Number.: _____
The Cliffs at Mountain Park Golf &)	
Country Club, LLC; Wells Fargo Bank,)	
National Association; HD Supply)	
Waterworks, LTD; and Smoke Oil, Inc.,)	
)	
Defendants.)	
_____)	

NOTICE IS HEREBY GIVEN:

That the undersigned does hereby file a Mechanic's Lien on behalf of the Plaintiff above-named against the real estate described below for construction goods, materials, equipment, services, products and labor furnished in the amount of Three Hundred Seventy-Five Thousand Six Hundred Eighty-Four and 25/100 Dollars (\$375,684.25), for a reasonable attorney's fee, and for the costs of this action. Said lien for construction goods, materials, equipment, services, products and labor furnished by Plaintiff and actually used in the improvements located on the real estate described herein which The Cliffs at Mountain Park Golf & Country Club, LLC, Wells Fargo Bank, National Association, HD Supply Waterworks, LTD, and Smoke Oil, Inc. (collectively "Defendants"), may now have and claim an interest in. Notice of this mechanic's lien is hereby given to said Defendants to the extent of their interests, whether fee simple or leasehold, in the subject real estate at times relevant hereto.

A verified statement of account is attached as Exhibit "A". Said materials, equipment, and/or labor were actually used in the construction and improvement of the real estate described in the attached Exhibit "B", by virtue of an agreement with, or by consent of The Cliffs at Mountain Park Golf & Country Club, LLC, or a person or persons authorized by, or rightfully acting for said companies, or by virtue of, upon information and belief, the authorization of said companies. The first item of labor or service or materials were actually furnished on March 24, 2011, and the last item of labor or service or materials was actually furnished on June 14, 2011. Less than ninety (90) days have elapsed since the date that the last materials and/or labor were furnished.

The Plaintiff is authorized and qualified to do business in the State of South Carolina and is a materialman supplier rather than a contractor.

Plaintiff has and claims a mechanic's lien upon and against any interest of the Defendants in the real property described herein, specifically including all improvements thereon, together with the interest of any and all other persons or entities having actual or record notice hereof, to the full extent permitted by law.

The legal description of the property subject to this mechanic's lien is attached as Exhibit "B" hereto and incorporated herein by reference.

See Exhibit "B" attached hereto.

**Address: 3598 Highway 11, Travelers Rest, South Carolina 29690
Tax Map No. P/O 0666 02 01 00 601; 0662 04 01 00 400; 0662 03 01 00 602**

{END OF DOCUMENT. SIGNATURE AND NOTARY ON NEXT PAGE.}

HOLCOMBE BOMAR, P.A.

By: 

Koger M. Bradford (SC Bar No. 844)

J. Hayes Walsh (SC Bar No. 70261)

Attorneys for Plaintiff

Post Office Drawer 1897

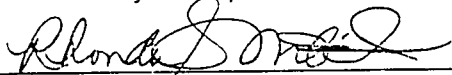
Spartanburg, SC 29304

(864) 594-5300

September 7th, 2011

Spartanburg, South Carolina

SWORN TO and subscribed before me
this 7th day of September, 2011.



Notary Public for State of South Carolina

My commission expires: 12/15/2013

{Affix Seal}

EXHIBIT "A"

STATEMENT

Page: 1

Golf Agronomics Sand & Hauling
 2165 17th Street
 Sarasota, FL 34234
 800-542-9531 Toll Free
 941-955-4690 Fax

Statement Date: 08/30/11
 Salesperson: Robert Hamrick

THE CLIFFS @ MOUNTAIN PARK
 P.O. BOX 1549
 TRAVELERS REST, SC 29690

Customer No.: CLIFFSM

DATE	REFERENCE	DESCRIPTION	CHARGE	CREDIT	BALANCE
03/24/11	0050097-IN		2,191.42		
08/23/11		PAYMENT REF: 016825		702.38	1,489.04
03/24/11	0050274-IN		12,064.63		12,064.63
03/25/11	0050275-IN		8,960.98		8,960.98
03/29/11	0050191-IN		21,038.35		21,038.35
03/31/11	0050335-IN		6,062.53		6,062.53
04/04/11	0050370-IN		15,740.18		15,740.18
04/05/11	0050371-IN		6,505.53		6,505.53
04/06/11	0050439-IN		1,738.25		1,738.25
04/09/11	0050437-IN		22,324.70		22,324.70
04/09/11	0050441-IN		13,409.36		13,409.36
04/12/11	0050580-IN		9,273.66		9,273.66
04/13/11	0050445-IN		1,325.00		1,325.00
04/13/11	0050576-IN		10,256.60		10,256.60
04/14/11	0050577-IN		8,887.80		8,887.80
04/15/11	0050578-IN		8,215.38		8,215.38
04/18/11	0050579-IN		8,876.61		8,876.61
04/19/11	0050564-IN		7,076.79		7,076.79
04/19/11	0050636-IN		6,382.22		6,382.22
04/19/11	0050726-IN		1,608.50		1,608.50
04/20/11	0050637-IN		2,430.80		2,430.80
04/21/11	0050638-IN		4,980.64		4,980.64
04/25/11	0050729-IN		5,874.00		5,874.00
04/26/11	0050723-IN		5,113.49		5,113.49
04/26/11	0050727-IN		744.32		744.32
04/26/11	0050730-IN		2,021.11		2,021.11
04/27/11	0050724-IN		27,659.80		27,659.80
04/28/11	0050725-IN		10,166.18		10,166.18
04/28/11	0050728-IN		6,511.96		6,511.96
04/29/11	0050732-IN		5,877.83		5,877.83
04/29/11	0050772-IN		2,479.90		2,479.90
04/29/11	0050773-IN		8,985.14		8,985.14
04/29/11	0050774-IN		6,676.88		6,676.88
05/02/11	0050799-IN		15,918.52		15,918.52
05/03/11	0050800-IN		15,957.95		15,957.95
05/04/11	0050801-IN		18,032.82		18,032.82

STATEMENT

Page: 2

Golf Agronomics Sand & Hauling
2155 17th Street
Sarasota, FL 34234
800-542-9531 Toll Free
941-955-4690 Fax

Statement Date: 08/30/11
Salesperson: Robert Hamrick

THE CLIFFS @ MOUNTAIN PARK
P.O. BOX 1549
TRAVELERS REST, SC 29690

Customer No.: CLIFFSM

DATE	REFERENCE	DESCRIPTION	CHARGE	CREDIT	BALANCE
05/05/11	0050855-IN		10,757.53		10,757.53
05/05/11	0050856-IN		2,047.98		2,047.98
05/06/11	0050857-IN		12,377.20		12,377.20
05/06/11	0051006-IN		2,018.55		2,018.55
05/06/11	0051007-IN		3,997.45		3,997.45
05/09/11	0050858-IN		3,054.61		3,054.61
05/09/11	0051005-IN		832.18		832.18
05/10/11	0050930-IN		1,002.91		1,002.91
05/11/11	0050931-IN		1,003.74		1,003.74
05/12/11	0050932-IN		1,019.86		1,019.86
05/13/11	0050927-IN		3,713.35		3,713.35
05/13/11	0051002-IN		999.19		999.19
05/16/11	0051003-IN		2,001.68		2,001.68
05/17/11	0051004-IN		2,060.80		2,060.80
05/31/11	0051372-IN		4,573.77		4,573.77
06/02/11	0051300-IN		5,859.81		5,859.81
06/14/11	0051585-IN		2,922.81		2,922.81
06/15/11	0051538-IN		1,306.76		1,306.76
06/21/11	0051631-IN		3,466.62		3,466.62

BALANCE \$375,684.25

I verily believe that the amount stated above is a true and accurate accounting of that which is presently due and owing Golf Agronomics Sand & Hauling, Inc. by The Cliffs at Mountain Park Golf & Country Club, LLC and further, that no portion thereof has been paid.

GOLF AGRONOMICS SAND & HAULING, INC.
By: [Signature]
Name: Richard G. Colyer
Title: President

SWORN to before me this 30th day of August 2011
Sharen L. Frawley
Notary Public for Florida
My Commision Expires: 10/25/11

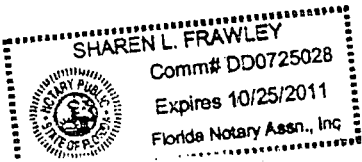


EXHIBIT "B"

EXHIBIT "B"

Legal Description

Parcel 1A - PORTION OF GOLF COURSE (CAG):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 50.52 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina, in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassy, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3502

Parcel 1B - PORTION OF GOLF COURSE (WIG):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 4.85 acres, more or less, that tract containing 16.85 acres, more or less, that tract containing 11.22 acres, more or less, that tract containing 10.43 acres, more or less, that tract containing 9.23 acres, more or less, that tract containing 10.41 acres, more or less, that tract containing 13.68 acres, more or less, that tract containing 2.07 acres, more or less, that tract containing 27.68 acres, more or less, and that tract containing 0.04 acre, more or less, that tract containing 0.09 acre, more or less, and that tract containing 10.72 acres, more or less, and that tract containing 11.40 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Waterfall Investment Group, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3511

Parcel 1C - PORTION OF GOLF COURSE (CMP):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 0.86 acres, more or less, and that tract containing 0.06 acre, more or less, and that tract containing 24.41 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3514

Parcel 1D - PORTION OF GOLF COURSE (Longview):

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as that tract containing 8.74 acres, more or less, as shown on survey recorded in the Office of the Register of Deeds for Greenville County, State of South Carolina in Plat Book 1102 at pages 95-96, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County, South Carolina on June 9, 2010 in Book 2373, Page 3517

PARCEL 2 - GOLF MAINTENANCE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 3.02 acres, more or less, as shown in Plat Book 1102 at pages 93 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3520 and Deed from Longview Land Co., LLC to The Cliffs at Mountain Park Golf & Country Club, LLC recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3523.

PARCEL 3 - GOLF PRACTICE RANGE:

ALL that piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 11.49 acres, more or less, as shown in Plat Book 1101 at Page 55 and recorded in the Register of Deeds Office for Greenville County, State of South Carolina, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Mountain Park, LLC to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3526.

PARCEL 4 - WELLNESS AND TENNIS CENTER:

ALL that certain piece, parcel or lot of land with all improvements thereon or hereafter constructed thereon situate, lying and being in the County of Greenville, State of South Carolina, being shown and designated as 5.00 acres, more or less, on plat recorded in the Register of Deeds Office for Greenville County, State of South Carolina, in Plat Book 1101 at Page 56, reference to said plat is hereby made for a more complete metes and bounds description thereof.

Derivation: Deed from The Cliffs at Glassy, Inc. to The Cliffs at Mountain Park Golf & Country Club, LLC dated June 1, 2010 and recorded in the Office of the Register of Deeds for Greenville County on June 9, 2010 in Book 2373 at page 3529.

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD
2011059743 Book: M1 62 Page: 1469-1478
September 07, 2011 02:25:33 PM

Timothy J. Kavanagh



Holcombe Bomar, P.A.

100 Dunbar Street, Suite 200
Spartanburg, SC 29306
P.O. Box 1897
Spartanburg, SC 29304

phone (864) 594-5300
fax (864) 585-3844

www.holcombebomar.com

William U. Gunn
Koger M. Bradford
Perry D. Boulter
William B. Darwin, Jr.
Robert M. Barrett
Ginger D. Goforth
W. McElhane White
A. Todd Darwin
J. Hayes Walsh
Nathaniel P. Mark
Joshua T. Thompson
Kyle T. Clelland
Neville Holcombe, 1902-1983
Horace L. Bomar, 1912-1994

May 15, 2012

Via Federal Express 952-404-5700

BMC Group, Inc.
Attention: Cliffs Claims Processing
18675 Lake Drive East
Chanhassen, MN 55317

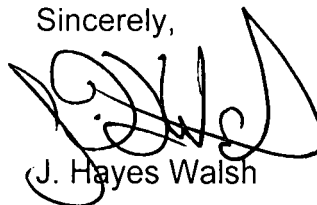
Re: Golf Agronomics Sand & Hauling, Inc., Creditor
The Cliffs at Mountain Park Golf & Country Club, LLC, Debtor
Case No. 12-01225
Our File No. 12033

Dear Sir or Madam:

Enclosed please find an original and one (1) copy of the Proof of Claim to be filed on behalf of Golf Agronomics Sand & Hauling, Inc. as Creditor in Bankruptcy Case No. 12-01225. Please also find enclosed a return envelope for your use in returning a clocked copy as acknowledgment of this filing.

Thank you.

Sincerely,



J. Hayes Walsh

/rsm

Enclosures

cc: Golf Agronomics Sand & Hauling, Inc.

From: (864) 594-5313
Rhonda Mitchell
HOLCOMBE BOMAR, P.A.
100 DUNBAR STREET

Origin ID: SPAA



SPARTANBURG, SC 29306

Ship Date: 17MAY12
ActWgt: 3.0 LB
CAD: 1424755/INET3250

Delivery Address Bar Code



Ref # GASH 12033
Invoice #
PO #
Dept #

SHIP TO: (952) 404-5700

BILL SENDER

Attention: Cliffs Claims Processing
BMC GROUP, INC.
18675 LAKE DR E

CHANHASSEN, MN 55317

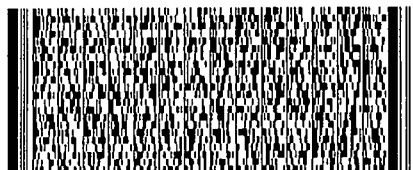
FRI - 18 MAY A1
PRIORITY OVERNIGHT

TRK# 7935 7739 3706
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MAY 18 2012
BMC GROUP



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After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
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3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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