

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 Service Corporation of South Carolina, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Bahama Sands Development, LLC, )  
 Landmark Builders of South Carolina, LLC, )  
 and Janice B. Musante, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2008-CP-26-1277

**RECEIVER'S MONTHLY  
 REPORT (SEPTEMBER 2009)**

HORRY COUNTY  
 10 FEB 17 AM 10:53  
 CLERK OF COURT

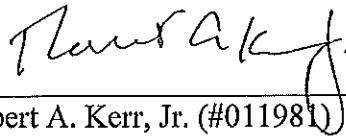
The undersigned hereby submits his report in connection with the Receivership Estate in the above captioned matter.

1. Bahama Sands Development, LLC (“Developer”) developed Bahama Sands, a ninety (90) unit condominium complex in North Myrtle Beach, SC (the “Project”).
2. By Order filed March 28, 2008 in this matter (“Receiver Order”), the undersigned, Robert A. Kerr, Jr., was appointed Receiver (“Receiver”) of the real property and improvements subject to the Plaintiff’s mortgage in this foreclosure proceeding.
3. During the month of September 2009, the Receiver took the following actions:
  - a. negotiated contracts and amendments with pre-construction contract parties and their counsel;
  - b. monitored management company and rental operation for unsold units;
  - c. communicated with regime management company, RAM, regarding various HOA issues;
  - d. reviewed and responded to requests of owners for information on HOA issues;
 and

e. communicated regularly by phone and written communications with many parties  
in interest.

4. Financial Statements and a bank statement for the period ending September 30, 2009 are  
attached as Exhibit A and B respectively.

HAGOOD & KERR, PA



Robert A. Kerr, Jr. (#011981)  
654 Coleman Boulevard  
P.O. Box 220  
Mt. Pleasant, SC 29464  
(843) 972-1000

*RECEIVER*

Mt. Pleasant, South Carolina  
February 15, 2010.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 Service Corporation of South Carolina )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Bahama Sands Development, LLC, )  
 Landmark Builders of South Carolina, LLC, )  
 and Janice B. Musante; )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2008-CP-26-1277

**CERTIFICATE OF SERVICE**

HORRY COUNTY  
 10 FEB 17 AM 10:53  
 MELANIE WATERS-HEARD  
 CLERK OF COURT

I, Kathleen B. Larson of full age, hereby certify as follows:

1. I am a Legal Assistant employed by the law firm of Hagood & Kerr, PA, attorneys for Defendant.

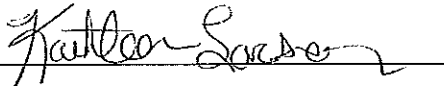
2. On February 15, 2010, I served the above-named Plaintiff with true and correct copies of the Receiver's Monthly Report (September 2009) by depositing same in a United States mailbox addressed as follows:

Richard R. Gleissner, Esq.  
 Finkel Law Firm, LLC  
 P.O. Box 1799  
 Columbia, SC 29202

Richard M. Smith, Esquire  
 McNair Law Firm  
 121 Screven Street  
 Georgetown, SC 29440

3. I certify to the best of my knowledge and belief, that the foregoing statements are true and correct.

February 15, 2010



# EXHIBIT A

9:11 AM

10/16/09

**Malibu Pointe Receivership**  
**Reconciliation Summary**  
Bank of SC 0190032103, Period Ending 09/30/2009

	<u>Sep 30, 09</u>
Beginning Balance	254,888.31
Cleared Transactions	
Checks and Payments - 18 Items	-794,314.19
Deposits and Credits - 6 Items	783,179.92
Total Cleared Transactions	<u>-11,134.27</u>
Cleared Balance	<u>243,754.04</u>
Register Balance as of 09/30/2009	243,754.04
New Transactions	
Checks and Payments - 3 Items	-26,427.03
Deposits and Credits - 1 Item	20,971.87
Total New Transactions	<u>-5,455.16</u>
Ending Balance	<u><u>238,298.88</u></u>

✓  
10/15/09  
OR

9:11 AM  
10/16/09

**Malibu Pointe Receivership  
Reconciliation Detail  
Bank of SC 0190032103, Period Ending 09/30/2009**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						254,888.31
<b>Cleared Transactions</b>						
<b>Checks and Payments - 18 Items</b>						
Check	9/2/2009	EFT	Nexity Bank	X	-76,491.78	-76,491.78
Check	9/2/2009	10386	Malibu Point HOA	X	-20,847.85	-97,339.63
Check	9/2/2009	EFT	The Bank of South ...	X	-10.00	-97,349.63
Check	9/4/2009	EFT	The Bank of South ...	X	-10.00	-97,359.63
Check	9/9/2009	WIRE	Nexity Bank	X	-170,086.69	-267,446.32
Check	9/9/2009	EFT	The Bank of South ...	X	-10.00	-267,456.32
Check	9/11/2009	EFT	The Bank of South ...	X	-10.00	-267,466.32
Check	9/14/2009	10387	Santee Cooper	X	-6,673.48	-274,139.80
Check	9/15/2009	WIRE	Nexity Bank	X	-86,659.32	-362,799.12
Check	9/15/2009	EFT	The Bank of South ...	X	-10.00	-362,809.12
Check	9/15/2009	EFT	The Bank of South ...	X	-10.00	-362,819.12
Check	9/18/2009	Wire	Nexity Bank	X	-292,449.40	-655,268.52
Check	9/18/2009	eft	The Bank of South ...	X	-10.00	-655,278.52
Check	9/21/2009	10388	Hagood & Kerr, PA	X	-7,067.70	-662,346.22
Check	9/23/2009	10389	Malibu Point HOA	X	-17,000.00	-679,346.22
Check	9/28/2009	EFT	The Bank of South ...	X	-10.00	-679,356.22
Check	9/29/2009	EFT	Nexity Bank	X	-114,947.97	-794,304.19
Check	9/29/2009	Wire	The Bank of South ...	X	-10.00	-794,314.19
<b>Total Checks and Payments</b>					<b>-794,314.19</b>	<b>-794,314.19</b>
<b>Deposits and Credits - 6 Items</b>						
Deposit	9/4/2009			X	226,586.69	226,586.69
Deposit	9/11/2009			X	88,659.32	316,246.01
Deposit	9/14/2009			X	80,536.74	375,782.75
Deposit	9/15/2009			X	292,449.40	668,232.15
Deposit	9/28/2009			X	0.00	668,232.15
Deposit	9/29/2009			X	114,947.77	783,179.92
<b>Total Deposits and Credits</b>					<b>783,179.92</b>	<b>783,179.92</b>
<b>Total Cleared Transactions</b>					<b>-11,134.27</b>	<b>-11,134.27</b>
<b>Cleared Balance</b>					<b>-11,134.27</b>	<b>243,754.04</b>
<b>Register Balance as of 09/30/2009</b>					<b>-11,134.27</b>	<b>243,754.04</b>
<b>New Transactions</b>						
<b>Checks and Payments - 3 Items</b>						
Check	10/6/2009	10390	Santee Cooper		-4,447.18	-4,447.18
Check	10/15/2009	10391	Malibu Point HOA		-1,132.00	-5,579.18
Check	10/16/2009	10392	Malibu Point HOA		-20,847.85	-26,427.03
<b>Total Checks and Payments</b>					<b>-26,427.03</b>	<b>-26,427.03</b>
<b>Deposits and Credits - 1 Item</b>						
Deposit	10/15/2009				20,971.87	20,971.87
<b>Total Deposits and Credits</b>					<b>20,971.87</b>	<b>20,971.87</b>
<b>Total New Transactions</b>					<b>-5,455.16</b>	<b>-5,455.16</b>
<b>Ending Balance</b>					<b>-16,589.43</b>	<b>238,298.88</b>

# EXHIBIT A

# The Bank of South Carolina

515 00001 01  
ACCOUNT:

PAGE: 1  
190032103 09/30/2009

P.O. BOX 538  
CHARLESTON, SC 29402  
(843) 724-1500  
www.banksc.com



HAGOOD & KERR PA  
ROBERT A KERR JR RECEIVER FOR  
MALIBU POINT DEVELOPMENT  
654 COLEMAN BLVD STE#100  
MT PLEASANT SC 29464

30  
5  
18

=====  
An Important Message for our Customers

Many of you have seen an increase in your service charge over the last few months. This increase is a result of the decline in interest rates. Service charges on your account are determined by an analysis system. We offset the expenses for services rendered on your account with an earnings credit computed for your account. We have not increased the fees we use to compute your expenses. Rather, the increase in service charges is the result of a decrease in the 91-Day U.S. Treasury Bill rate used to calculate the earnings credit. That rate dropped from 3.39% in December 2007 to 0.30% in December 2008. Although the rate has now dropped below 0.10%, we have held it at the December 2008 level for your benefit. We appreciate your business and are glad to be able to provide this assistance during these tough economic times.

=====  
COMMERCIAL CHECKING ACCOUNT 190032103  
=====

		LAST STATEMENT 08/31/09	254,888.31	✓
MINIMUM BALANCE	178,386.53	5 CREDITS	783,179.92	✓
AVG AVAILABLE BALANCE	310,642.88	18 DEBITS	794,314.19	✓
AVERAGE BALANCE	312,660.77	THIS STATEMENT 09/30/09	243,754.04	✓

10/17/09  
[Signature]

REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT  
09/15 60,536.74 ✓

----- OTHER CREDITS -----  
DESCRIPTION DATE AMOUNT  
WIRE TRANSFER INCOMING 09/04 226,586.69 ✓  
WIRE TRANSFER INCOMING 09/11 88,659.32 ✓  
WIRE TRANSFER INCOMING 09/15 292,449.40 ✓  
WIRE TRANSFER INCOMING 09/28 114,947.77 ✓

\*\*\* CONTINUED \*\*\*



Personal Service with a Capital E.

Please ask us how to sign up.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

# The Bank of South Carolina

515 00001 01  
ACCOUNT:

PAGE: 2  
190032103 09/30/2009

P.O. BOX 538  
CHARLESTON, SC 29402  
(843) 724-1500  
www.banksc.com



HAGOOD & KERR PA

=====

COMMERCIAL CHECKING ACCOUNT 190032103

=====

----- CHECKS -----					
CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
10386	09/08	20,847.85	10388	09/22	7,067.70
10387	09/17	6,673.48	10389	09/25	17,000.00

----- OTHER DEBITS -----		
DESCRIPTION	DATE	AMOUNT
WIRE FEE	09/02	10.00
WIRE TRANSFER OUTGOING	09/02	76,491.78
WIRE FEE	09/04	10.00
WIRE FEE	09/09	10.00
WIRE TRANSFER OUTGOING	09/09	170,086.69
WIRE FEE	09/11	10.00
WIRE FEE	09/15	10.00
WIRE FEE	09/15	10.00
WIRE TRANSFER OUTGOING	09/15	88,659.32
WIRE FEE	09/18	10.00
WIRE TRANSFER OUTGOING	09/18	292,449.40
WIRE FEE	09/28	10.00
WIRE FEE	09/29	10.00
WIRE TRANSFER OUTGOING	09/29	114,947.97

----- DAILY BALANCE -----					
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
09/02	178,386.53	09/11	302,668.00	09/22	260,774.24
09/04	404,963.22	09/15	566,974.82	09/25	243,774.24
09/08	384,115.37	09/17	560,301.34	09/28	358,712.01
09/09	214,018.68	09/18	267,841.94	09/29	243,754.04

- END OF STATEMENT -



Please ask us how to sign up.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr PA DATE 9 209  
 PREPARED BY Bellu  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr PA DATE 9 209  
 PREPARED BY Bellu  
 CUSTOMER SIGNATURE [Signature] 76491.78  
 DESCRIPTION/REMARKS  
**OUTGOING WIRE** 047  
Malibu Point  
 0190032103  
 0190032103  
 1540 2000 0190032103 047 70007649178

0 \$10.00 09/02/2009

0 \$76,491.78 09/02/2009

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr Robert Kerr DATE 9 409  
 PREPARED BY Bellu  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire Fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr PA DATE 9 9 09  
 PREPARED BY Bellu  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

0 \$10.00 09/04/2009

0 \$10.00 09/09/2009

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr PA DATE 9 9 09  
 PREPARED BY Bellu  
 CUSTOMER SIGNATURE [Signature] 170086.69  
 DESCRIPTION/REMARKS  
**OUTGOING WIRE** 047  
Malibu Point  
 0190032103  
 1540 2000 0190032103 047 70017008669

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr DATE 9 11 09  
 PREPARED BY [Signature]  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Incoming Wire Fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

0 \$170,086.69 09/09/2009

0 \$10.00 09/11/2009

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr DATE 9 15 09  
 PREPARED BY [Signature]  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire Fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr DATE 9 15 09  
 PREPARED BY [Signature]  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire Fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

0 \$10.00 09/15/2009

0 \$10.00 09/15/2009

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr DATE 9 15 09  
 PREPARED BY [Signature]  
 CUSTOMER SIGNATURE [Signature] 88659.32  
 DESCRIPTION/REMARKS  
**OUTGOING WIRE** 047  
Malibu Point  
 0190032103  
 1540 2000 0190032103 047 70008865932

MISCELLANEOUS DEBIT TRANSACTION FORM  
 ACCOUNT NAME Hagood + Kerr PA DATE 9 18 09  
 PREPARED BY [Signature]  
 CUSTOMER SIGNATURE [Signature] 10.00  
 DESCRIPTION/REMARKS  
Wire Fee 058  
 0190032103  
 1540 2000 0190032103 058 70000001000

0 \$88,659.32 09/15/2009

0 \$10.00 09/18/2009

MISCELLANEOUS DEBIT TRANSACTION FORM

ACCOUNT NAME *Hagood & Kerr PA* DATE *9/18/09*

PREPARED BY *K. Kash*

CUSTOMER SIGNATURE *R. Search* 292,449.40

DESCRIPTION/REMARKS  
*Malibu Point OUTGOING WIRE* 047

0190032103

15401 2000 0190032103 047 0029244940

MISCELLANEOUS DEBIT TRANSACTION FORM

ACCOUNT NAME *Hagood & Kerr PA* DATE *9/28/09*

PREPARED BY *Beck*

CUSTOMER SIGNATURE *Beck* 10.0

DESCRIPTION/REMARKS  
*Wire Fee* 058

0190032103

15401 2000 0190032103 058 0000001000

0 \$292,449.40 09/18/2009

0 \$10.00 09/28/2009

MISCELLANEOUS DEBIT TRANSACTION FORM

ACCOUNT NAME *Hagood & Kerr* DATE *9/29/09*

PREPARED BY *Beck*

CUSTOMER SIGNATURE *Beck* 10.00

DESCRIPTION/REMARKS  
*Wire Fee* 058

0190032103

15401 2000 0190032103 058 0000001000

MISCELLANEOUS DEBIT TRANSACTION FORM

ACCOUNT NAME *Hagood & Kerr* DATE *9/29/09*

PREPARED BY *Beck*

CUSTOMER SIGNATURE *Beck* 114,947.97

DESCRIPTION/REMARKS  
*OUTGOING WIRE Malibu Point* 047

0190032103

15401 2000 0190032103 047 0011494797

0 \$10.00 09/29/2009

0 \$114,947.97 09/29/2009

MALIBU POINT DEVELOPMENT  
PO BOX 119  
MOUNT PLEASANT, SC 29512

The Bank of South Carolina  
10388

09/08/2009

PAY TO THE ORDER OF *Malibu Point HOA* \$20,847.85

Twenty Thousand Eight Hundred Forty Seven and 85/100 DOLLARS

MEMO  
Malibu Point HOA  
1033 44th Avenue, North  
Suite 202  
PO Box 70550  
Myrtle Beach, SC 29572  
September HOA

*Paul A. King*

1010388 105320187240190032103

MALIBU POINT DEVELOPMENT  
PO BOX 119  
MOUNT PLEASANT, SC 29512

The Bank of South Carolina  
10387

09/17/2009

PAY TO THE ORDER OF *Santa Cooper* \$6,673.48

Six Thousand Six Hundred Seventy Three and 48/100 DC

MEMO  
Santa Cooper  
P.O. Box 188  
Moncks Corn, SC 29431-0188

*Paul A. King*

1010387 105320187240190032103

10386 \$20,847.85 09/08/2009

10387 \$6,673.48 09/17/2009

MALIBU POINT DEVELOPMENT  
PO BOX 119  
MOUNT PLEASANT, SC 29512

The Bank of South Carolina  
10388

09/22/2009

PAY TO THE ORDER OF *Hagood & Kerr, PA* \$17,067.70

Seventeen Thousand Sixty Seven and 70/100 DOLLARS

MEMO  
Hagood & Kerr, PA  
654 Coleman Blvd.  
Suite 100  
Mt Pleasant, SC 29464  
Master # 3204

*Paul A. King*

1010388 105320187240190032103

MALIBU POINT DEVELOPMENT  
PO BOX 119  
MOUNT PLEASANT, SC 29512

The Bank of South Carolina  
10389

09/25/2009

PAY TO THE ORDER OF *Malibu Point HOA* \$17,000.00

Seventeen Thousand and 00/100 DOLLARS

MEMO  
Malibu Point HOA  
1033 44th Avenue, North  
Suite 202  
PO Box 70550  
Myrtle Beach, SC 29572  
Reserve Reserve Account

*Paul A. King*

1010389 105320187240190032103

10388 \$17,067.70 09/22/2009

10389 \$17,000.00 09/25/2009