

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2008-CP-26-1265

Service Corporation of South Carolina )  
 )  
Plaintiff, )

**RECEIVER'S MONTHLY  
REPORT (FEBRUARY 2010)**

v. )

Malibu Pointe Development, LLC, )  
and Janice B. Musante, )  
 )  
Defendants. )

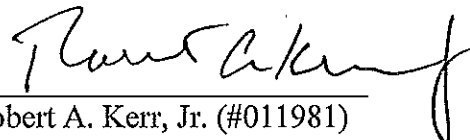
FILED  
HORRY COUNTY  
2010 MAY 10 PM 1:15  
YELANIE HUGGINS-WARR  
CLERK OF COURT

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

1. Defendant Malibu Pointe Development, LLC (“Developer”) developed a fifty-four (54) unit condominium complex in North Myrtle Beach, SC (the “Project”). The Project is subject to Plaintiff’s mortgage.
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.
3. The Receiver took the following actions during the month of February 2010:
  - a. communicated with Pinnacle Management regarding regime management and regime expenses;
  - b. communicated with potential purchasers and bulk sale interested parties;
  - c. received and reconciled January rentals and bank statements;
  - d. negotiated with potential purchasers of units;

- e. obtained favorable ruling on appeal of Horry County's assessment on Receivership units; and
  - f. communicated regularly by phone and written communications with many parties in interest.
4. Financial Statements and a bank statement for the period ending January 31, 2010 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  
May 6, 2010.

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

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2008-CP-26-1265

**CERTIFICATE OF SERVICE**

FILED  
 HORRY COUNTY  
 2010 MAY 10 PM 1:15  
 ANNE HUGHES-WARD  
 CLERK OF COURT

I, Robert A. Kerr, Jr., of full age, hereby certify as follows:

1. I am an attorney-at-law admitted to practice before this Court and am a member of the law firm of Hagood & Kerr, PA, attorneys for Defendant.

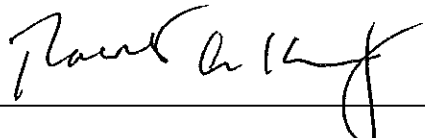
2. On May 6, 2010, I served the parties identified below with true and correct copies of the Receiver's Monthly Report (February 2010) by depositing same in a United States mailbox addressed as follows:

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.

May 6, 2010

  
 \_\_\_\_\_

9:31 AM  
03/03/10

**Malibu Pointe Receivership**  
**Reconciliation Summary**  
Bank of SC 0190032103, Period Ending 02/28/2010

	<u>Feb 28, 10</u>
Beginning Balance	130,354.98
Cleared Transactions	
Checks and Payments - 32 Items	-344,441.59
Deposits and Credits - 2 Items	247,721.03
Total Cleared Transactions	<u>-96,720.56</u>
Cleared Balance	<u>33,634.42</u>
Uncleared Transactions	
Checks and Payments - 1 Item	<u>-2,079.48</u>
Total Uncleared Transactions	<u>-2,079.48</u>
Register Balance as of 02/28/2010	<u>31,554.94</u>
New Transactions	
Checks and Payments - 1 Item	<u>-3,726.27</u>
Total New Transactions	<u>-3,726.27</u>
Ending Balance	<u><u>27,828.67</u></u>

✓ 3/3/10  
AK

9:31 AM

03/03/10

**Malibu Pointe Receivership**  
**Reconciliation Detail**  
 Bank of SC 0190032103, Period Ending 02/28/2010

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						130,354.98
<b>Cleared Transactions</b>						
<b>Checks and Payments - 32 Items</b>						
Check	1/14/2010	10427	Horry County Treas...	X	-4,158.95	-4,158.95
Check	1/14/2010	10431	Horry County Treas...	X	-4,158.95	-8,317.90
Check	1/14/2010	10415	Horry County Treas...	X	-4,085.44	-12,403.34
Check	1/14/2010	10419	Horry County Treas...	X	-4,085.44	-16,488.78
Check	1/14/2010	10420	Horry County Treas...	X	-4,085.44	-20,574.22
Check	1/14/2010	10413	Horry County Treas...	X	-4,011.92	-24,586.14
Check	1/14/2010	10432	Horry County Treas...	X	-4,011.92	-28,598.06
Check	1/14/2010	10405	Horry County Treas...	X	-4,011.92	-32,609.98
Check	1/14/2010	10414	Horry County Treas...	X	-4,011.92	-36,621.90
Check	1/14/2010	10410	Horry County Treas...	X	-4,011.92	-40,633.82
Check	1/14/2010	10430	Horry County Treas...	X	-3,591.83	-44,225.65
Check	1/14/2010	10426	Horry County Treas...	X	-3,591.83	-47,817.48
Check	1/14/2010	10428	Horry County Treas...	X	-3,591.83	-51,409.31
Check	1/14/2010	10425	Horry County Treas...	X	-3,591.83	-55,001.14
Check	1/14/2010	10422	Horry County Treas...	X	-3,518.31	-58,519.45
Check	1/14/2010	10421	Horry County Treas...	X	-3,518.31	-62,037.76
Check	1/14/2010	10424	Horry County Treas...	X	-3,518.31	-65,556.07
Check	1/14/2010	10418	Horry County Treas...	X	-3,518.31	-69,074.38
Check	1/14/2010	10417	Horry County Treas...	X	-3,518.31	-72,592.69
Check	1/14/2010	10423	Horry County Treas...	X	-3,518.31	-76,111.00
Check	1/14/2010	10412	Horry County Treas...	X	-3,444.79	-79,555.79
Check	1/14/2010	10407	Horry County Treas...	X	-3,444.79	-83,000.58
Check	1/14/2010	10411	Horry County Treas...	X	-3,444.79	-86,445.37
Check	1/14/2010	10406	Horry County Treas...	X	-3,444.79	-89,890.16
Check	1/14/2010	10408	Horry County Treas...	X	-3,444.79	-93,334.95
Check	1/14/2010	10429	Horry County Treas...	X	-2,100.48	-95,435.43
Check	1/14/2010	10404	Horry County Treas...	X	-1,386.32	-96,821.75
Check	2/3/2010	EFT	The Bank of South ...	X	-10.00	-96,831.75
Check	2/10/2010	Wire	The Bank of South ...	X	-244,564.58	-341,396.33
Check	2/11/2010	EFT	The Bank of South ...	X	-10.00	-341,406.33
Check	2/20/2010	10434	Hagood & Kerr, PA	X	-3,028.23	-344,434.56
Check	2/26/2010			X	-7.03	-344,441.59
<b>Total Checks and Payments</b>					<b>-344,441.59</b>	<b>-344,441.59</b>
<b>Deposits and Credits - 2 Items</b>						
Deposit	2/8/2010			X	244,564.58	244,564.58
Deposit	2/15/2010			X	3,156.45	247,721.03
<b>Total Deposits and Credits</b>					<b>247,721.03</b>	<b>247,721.03</b>
<b>Total Cleared Transactions</b>					<b>-96,720.56</b>	<b>-96,720.56</b>
<b>Cleared Balance</b>					<b>-96,720.56</b>	<b>33,834.42</b>
<b>Uncleared Transactions</b>						
<b>Checks and Payments - 1 Item</b>						
Check	1/14/2010	10416	Horry County Treas...		-2,079.48	-2,079.48
<b>Total Checks and Payments</b>					<b>-2,079.48</b>	<b>-2,079.48</b>
<b>Total Uncleared Transactions</b>					<b>-2,079.48</b>	<b>-2,079.48</b>
<b>Register Balance as of 02/28/2010</b>					<b>-98,800.04</b>	<b>31,554.94</b>
<b>New Transactions</b>						
<b>Checks and Payments - 1 Item</b>						
Check	3/1/2010	10435	Santee Cooper		-3,726.27	-3,726.27
<b>Total Checks and Payments</b>					<b>-3,726.27</b>	<b>-3,726.27</b>
<b>Total New Transactions</b>					<b>-3,726.27</b>	<b>-3,726.27</b>
<b>Ending Balance</b>					<b>-102,526.31</b>	<b>27,828.67</b>

# The Bank of South Carolina

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

515 00001 01  
 ACCOUNT:

PAGE: 1  
 190032103 02/26/2010



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

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1  
28

\*\*\*\*\*Important Message To Our Customers\*\*\*\*\*

FUNDS AVAILABILITY POLICY: Effective February 27, 2010, the Bank's general policy is to allow you to withdraw funds deposited in your account on the first business day after the day the Bank receives your deposit. In some cases, the Bank may delay your ability to withdraw funds beyond the first business day. Then, the funds will generally be available by the second business day after the day of deposit. Funds from electronic direct deposits will be available on the day we receive the deposit.

COMMERCIAL CHECKING ACCOUNT 190032103

MINIMUM BALANCE	33,513.23	LAST STATEMENT 01/29/10	130,354.98
AVG AVAILABLE BALANCE	103,876.08	2 CREDITS	247,721.03
AVERAGE BALANCE	103,988.81	32 DEBITS	344,441.59
		THIS STATEMENT 02/26/10	33,634.42

*3/3/10*  
*JK*

----- DEPOSITS -----  
 REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT  
 02/17 3,156.45 ✓

----- OTHER CREDITS -----  
 DESCRIPTION DATE AMOUNT  
 INCOMING WIRE FROM:THE HATLEY LAW FIRM MALIBU POINTE UNIT 02/03 244,564.58 ✓  
 1206

----- CHECKS -----  

CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT
10404 02/01 1,386.32	10411 02/01 3,444.79	10418 02/01 3,518.31
10405 02/01 4,011.92	10412 02/01 3,444.79	10419 02/01 4,085.44
10406 02/01 3,444.79	10413 02/01 4,011.92	10420 02/01 4,085.44
10407 02/01 3,444.79	10414 02/01 4,011.92	10421 02/01 3,518.31
10408*02/01 3,444.79	10415*02/01 4,085.44	10422 02/01 3,518.31
10410 02/01 4,011.92	10417 02/01 3,518.31	10423 02/01 3,518.31

\*\*\* 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 0001 01  
ACCOUNT:

PAGE: 2  
190032103 02/26/2010

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



HAGOOD & KERR PA

=====

COMMERCIAL CHECKING ACCOUNT 190032103

=====

CHECKS		
CHECK #	DATE	AMOUNT
10424	02/01	3,518.31
10425	02/01	3,591.83
10426	02/01	3,591.83
10427	02/01	4,158.95
10428	02/01	3,591.83
10429	02/01	2,100.48
10430	02/01	3,591.83
10431	02/01	4,158.95
10432*	02/01	4,011.92
10434	02/22	3,028.23

(\* ) INDICATES A GAP IN CHECK NUMBER SEQUENCE

OTHER DEBITS		
DESCRIPTION	DATE	AMOUNT
WIRE TRANSFER FEE	02/03	10.00 ✓
WIRE TRANSFER FEE	02/11	10.00 ✓
OUTGOING WIRE TO: MALIBU POINT UNIT #1206	02/11	244,564.58 ✓
SERVICE CHARGE	02/26	7.03 ✓

DAILY BALANCE					
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
02/01	33,533.23	02/11	33,513.23	02/22	33,641.45
02/03	278,087.81	02/17	36,669.68	02/26	33,634.42

-- END OF STATEMENT --



Please ask us how to sign up.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10404

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$1,386.32

One Thousand Three Hundred Eighty-Six and 32/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-010 2009-13/0704 *Paul A. Kerr*

⑆010404⑆ ⑆053201872⑆0190032103⑆ ⑆0000138632⑆

10404 \$1,386.32 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10405

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$4,011.92

Four Thousand Eleven and 92/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-011 2009-13/0704 *Paul A. Kerr*

⑆010405⑆ ⑆053201872⑆0190032103⑆ ⑆0000401192⑆

10405 \$4,011.92 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10406

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$3,444.79

Three Thousand Four Hundred Forty-Four and 79/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-013 2009-13/0704 *Paul A. Kerr*

⑆010406⑆ ⑆053201872⑆0190032103⑆ ⑆0000344479⑆

10406 \$3,444.79 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10407

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$3,444.79

Three Thousand Four Hundred Forty-Four and 79/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-014 2009-13/0704 *Paul A. Kerr*

⑆010407⑆ ⑆053201872⑆0190032103⑆ ⑆0000344479⑆

10407 \$3,444.79 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10408

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$3,444.79

Three Thousand Four Hundred Forty-Four and 79/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-015 2009-13/0704 *Paul A. Kerr*

⑆010408⑆ ⑆053201872⑆0190032103⑆ ⑆0000344479⑆

10408 \$3,444.79 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10410

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$4,011.92

Four Thousand Eleven and 92/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-017 2009-13/0704 *Paul A. Kerr*

⑆010410⑆ ⑆053201872⑆0190032103⑆ ⑆0000401192⑆

10410 \$4,011.92 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10411

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$3,444.79

Three Thousand Four Hundred Forty-Four and 79/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-020 2009-13/0704 *Paul A. Kerr*

⑆010411⑆ ⑆053201872⑆0190032103⑆ ⑆0000344479⑆

10411 \$3,444.79 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10412

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$3,444.79

Three Thousand Four Hundred Forty-Four and 79/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-021 2009-13/0704 *Paul A. Kerr*

⑆010412⑆ ⑆053201872⑆0190032103⑆ ⑆0000344479⑆

10412 \$3,444.79 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10413

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$4,011.92

Four Thousand Eleven and 92/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-022 2009-13/0804 *Paul A. Kerr*

⑆010413⑆ ⑆053201872⑆0190032103⑆ ⑆0000401192⑆

10413 \$4,011.92 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO Box 229  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10414

02/01/2010

**PAY TO THE ORDER OF** Horry County Treasurer \$4,011.92

Four Thousand Eleven and 92/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 158-04-31-023 2009-13/0804 *Paul A. Kerr*

⑆010414⑆ ⑆053201872⑆0190032103⑆ ⑆0000401192⑆

10414 \$4,011.92 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10426

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 3,591.83

Three Thousand Five Hundred Ninety One and 83/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-050 2009-134097A

⑆0000359183⑆

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10427

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 4,158.95

Four Thousand One Hundred Fifty Eight and 95/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-052 2009-134097A

⑆0000415895⑆

10426 \$3,591.83 02/01/2010

10427 \$4,158.95 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10428

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 3,591.83

Three Thousand Five Hundred Ninety One and 83/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-055 2009-134105A

⑆0000359183⑆

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10429

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 2,100.48

Two Thousand One Hundred and 48/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-060 2009-134105A

⑆0000210048⑆

10428 \$3,591.83 02/01/2010

10429 \$2,100.48 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10430

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 3,591.83

Three Thousand Five Hundred Ninety One and 83/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-063 2009-134105A

⑆0000359183⑆

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10431

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 4,158.95

Four Thousand One Hundred Fifty Eight and 95/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-064 2009-134105A

⑆0000415895⑆

10430 \$3,591.83 02/01/2010

10431 \$4,158.95 02/01/2010

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10432

02/01/2010

PAY TO THE ORDER OF Horry County Treasurer \$ 4,011.92

Four Thousand Eleven and 92/100 DOLLARS

Horry County Treasurer  
PO Box 1737  
Conway, SC 29528

MEMO TMS# 156-04-31-018 2009-134076A

⑆0000401192⑆

**MALIBU POINT DEVELOPMENT**  
PO BOX 219  
MOUNT PLEASANT, SC 29528

*The Bank of South Carolina* MEMBER FDIC 10434

02/22/2010

PAY TO THE ORDER OF Hagood & Kerr, PA \$ 3,028.23

Three Thousand Twenty Eight and 23/100 DOLLARS

Hagood & Kerr, PA  
654 Columbia Blvd.  
Suite 100  
Mt Pleasant, SC 29568

MEMO 01/31/2010

⑆0000302823⑆

10432 \$4,011.92 02/01/2010

10434 \$3,028.23 02/22/2010