

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

IN RE: RECEIVER FOR ) CIVIL ACTION NO. 8:12-cv-2078-JMC  
RONNIE GENE WILSON AND )  
ATLANTIC BULLION & COIN, INC. )

Response to Petition to Acquire Asset of Atwell Family Trust

Comes now counsel for Respondent, Mark Chastain, Trustee for the Atwell Family Trust, and files this response to Receiver's Petitioner to acquire the Property located at 508 Motor Boat Road, Greenville, South Carolina (the "Property") free and clear of liens and encumbrances. The Property is the family home of Darlene Atwell, Donna Atwell and Charles E. Atwell's parents, and, upon their death, has been the residence of Mr. Atwell's sister, Donna Sue Atwell at all times. Ms. Donna Atwell has paid all mortgage payments on the house at all times since her mother's death. While it is true that Tracy Neily, borrowed against the home, Ms. Donna Atwell continued to make even those mortgage payments. In January of 2012, Ms. Donna Atwell learned that Ms. Neily had borrowed against the home on a commercial note with a balloon payment for the full outstanding amount being due immediately. Ms. Donna Atwell could not make the balloon payment and the bank foreclosed. The Property was set to be auctioned in July, 2012. As a last resort to preserve her family home, Ms. Donna Atwell, along with the newly named Trustee, Mr. Chastain, executed a Promissory Note in favor of Troy Grant, secured by a mortgage on the Property. It was the only option available to Mr. Chastain and Ms. Donna Atwell to save the Property from public auction. Neither Mr. Chastain nor Ms. Donna Atwell had knowledge at the time of a receiver having been named or of any potential claim against the Property. The Trustee had not been involved in any previous dealings with Ron Wilson or any of the activities that are the subject of the Receiver's current actions.

Contrary to the Petition filed by counsel for the Receiver, Mr. Ed Atwell resided at the Property only for a period of time following several heart surgeries so that Ms. Donna Atwell could take care of him. Ms. Donna Atwell has paid all taxes on the Property, all mortgage payments on the property, all maintenance on the property and any and all additional expenses associated with the property. In fact, the Property would have been sold in the 2012 foreclosure action if not for Ms. Donna Atwell intervening to assist in securing funding to pay off the previous balance owed under the commercial loan and mortgage pledged by Tracy Neily and then Trustee, Herman Cox. Ms. Donna Atwell and Mr. Chastain have acted at all times in good faith and have had no involvement in the scheme that is the basis for this action. Mr. Chastain maintains that Ms. Donna Atwell had an equity interest in the Property in addition to that granted to Mr. Grant as security for the funds loaned by him to secure the Property. Mr. Chastain, Ms. Atwell and Mr. Grant are independent individuals, completely innocent of any wrongdoing and/or knowledge of the wrongful activities. Documents were provided to counsel for the Receiver documenting the previous foreclosure action that necessitated the execution of the current Promissory Note with

Mr. Grant, as well as all payments and expenses paid by Ms. Donna Atwell to maintain the Property.

Respondent respectfully request that the Court deny Receiver's request to acquire legal control of the Property and recognize the equity interest Ms. Donna Atwell has by virtue of her maintenance of the Property, the mortgage appropriately granted to Mr. Grant in preservation of the Property and the impartial independent actions taken by the current Trustee in protection of the Property. Respondent further submits that any equity in the Property after the Promissory Note is paid, is properly and equitably Ms. Donna Atwell's.

Respectfully submitted,

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