

**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)

**REPLY TO RESPONDENT MARK CHASTAIN’S RESPONSE TO RECEIVER’S PETITION TO
ACQUIRE ASSET OF ATWELL FAMILY TRUST FREE AND CLEAR OF LIENS AND
ENCUMBRANCES**

Comes now counsel for the Receiver, Beattie B. Ashmore, appointed by this Court pursuant to an Order filed on July 25, 2012, thereafter replaced and superseded by Order filed on October 17, 2012, and further replaced and superseded by Order filed on February 14, 2013 (the “Court Order”), and submits this Reply to the Response to the Receiver’s Petition to Acquire Asset of Atwell Family Trust Free and Clear of Liens and Encumbrances (“Petition”). In the Petition, the Receiver is seeking full and exclusive legal ownership and control of certain real property with improvements thereon located at 508 Motor Boat Club Road in Greenville, South Carolina 29611, titled in the name of Atwell Family Trust (an entity listed in this aforementioned Court Order), being more particularly described on Exhibit A attached to the Petition (“Property”), and further to ascertain the validity of and amount owed on a Promissory Note from the Atwell Family Trust to Troy Grant currently secured by a mortgage on the Property. (See Petition Exh. A, ECF Doc. 104).

On August 19, 2014, Kim Thomason, as counsel for Mark Chastain, Trustee for the Atwell Family Trust, filed a Response to the Receiver’s Petition (“Response”). As stated previously, the Atwell Family Trust is a Receivership entity and therefore it would be inappropriate for Mrs. Thomason to make an appearance on its behalf. Atwell Family Trust is currently under the exclusive control and authority of the Receiver, and Mr. Chastain and Mrs. Thomason have no

authority to act on its behalf. Further, Mr. Chastain has no reason to make an appearance in this matter and no reason to take any position adverse to the Trust or the Receiver.

The positions articulated in the Response offered by counsel seem to further the interests only of Donna Sue Atwell. However, Donna Sue Atwell is neither represented by Mrs. Thomason nor believed to be a beneficiary of the Atwell Family Trust. If Donna Sue Atwell would like to appear before the Court and claim an interest in the Property, she is free to do so, either pro se or via by counsel.

With that being said, the Receiver is interested in unraveling all of the allegations and assertions made in the Response and all the transactions surrounding the Property. Investigation has revealed that an approximately \$40,000.00 payoff was made regarding a prior lien on the Property and the payoff was made from Mrs. Thomason's IOLTA account. The monies obtained for the payoff may or may not be the subject of the mortgage noted in the Receiver's Petition which lists Troy Grant as the mortgagee. However, of significance, the principal of the current loan secured by the Property was \$60,000.00, approximately \$20,000.00 more than the payoff.

The Receiver respectfully asks the Court to allow the Receiver to conduct full discovery to ascertain the truth of the alleged facts and to order the production of all documents related to the payoff of the note with Plantation Federal Bank, and the loan proceeds from Troy Grant, including, but not limited to the check conveying the funds and the use of those funds that exceed the payoff of the previous lien. The undersigned counsel has written Mrs. Thomason seeking production of the documents and information referenced herein. (See Exhibit A).

Respectfully submitted,

THE TOLLISON LAW FIRM, P.A.

/s/L. Walter Tollison, III

L. Walter Tollison, III

Federal Bar No. 4117

Walt.tollison@thetollisonlawfirm.com

24 Vardry Street, Suite 203

Greenville, South Carolina 29601

Phone: (864) 451-7038

Fax: (864) 451-7591

Attorney for the Receiver

August 29, 2014
Greenville, South Carolina

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IN RE:RECEIVER FOR) Civil Action No. 8:12-cv-2078-JMC
RONNIE GENE WILSON AND)
ATLANTIC BULLION & COINC, INC) CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 29th day of August, 2014, I did cause Pam R. Osborne to furnish via United States Mail a true and correct copy of Reply to Respondent Mark Chastain’s Response to Receiver’s **Petition to Acquire Asset of Atwell Family Trust Free and Clean of Liens and Encumbrances** in the above matter, to the parties listed below at the following addresses:

Mark Chastain
Capital Solutions
2655 Dallas Highway, Suite 630
Marietta, GA 30064

Troy D. Grant
2513 North Highway 11
West Union, SC 29696

Kimberly T. Thomason
Truluck Thomason, LLC
522 North Church Street
Greenville, SC 29601

Respectfully submitted,

THE TOLLISON LAW FIRM, P.A.

/s/L. Walter Tollison, III
L. Walter Tollison, III
Federal Bar No. 4117
Walt.tollison@thetollisonlawfirm.com
24 Vardry Street, Suite 203
Greenville, South Carolina 29601
Phone: (864) 451-7038
Fax: (864) 451-7591

Attorney for the Receiver

August 29, 2014
Greenville, South Carolina