

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

BEATTIE B. ASHMORE, IN HIS	)	Civil Action No. 8:15-cv-_____ - JMC
CAPACITY AS COURT-APPOINTED	)	
RECEIVER FOR RONNIE GENE	)	
WILSON AND ATLANTIC BULLION	)	
AND COIN, INC.,	)	
	)	
	)	<b><u>COMPLAINT FOR</u></b>
Plaintiffs,	)	<b><u>DECLARATORY RELIEF</u></b>
	)	<b><u>AND DAMAGES</u></b>
vs.	)	
	)	
JENNIFER AND SHAWN PRESSLEY,	)	
AND SOUTHERN FIRST BANK,	)	
	)	
Defendants.	)	

The Receiver, Beattie B. Ashmore, (the “Receiver”) hereby files this Complaint and alleges as follows:

1. This is an action for Declaratory Judgment pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, as well as for money damages and other relief.
2. Plaintiff is the court appointed Receiver in In Re Receiver, 8:12-cv-2078-JMC and has been tasked by the Court with locating, managing, recouping, and distributing the assets of the Wilson-AB&C investment scheme associated with the criminal case United States v. Wilson, et al, 8:12-cr-320-JMC.
3. Upon information and belief, Defendant Jennifer Pressley is a resident of Spartanburg County, South Carolina.
4. Upon information and belief, Defendant Shawn Pressley is a resident of Spartanburg County, South Carolina.

5. Upon information and belief, Defendant Southern First Bank is a corporation organized and existing under the laws of the State of South Carolina, having a principal place of business in South Carolina and is doing business in this State and District.

6. The instant Complaint is so related to the In Re Receiver case and the underlying criminal case, United States v. Wilson, et al that it forms part of the underlying case or controversy.

### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1367(a) as it seeks to accomplish the goals set forth in the action in which the Receiver was appointed.

8. Venue is proper in the District of South Carolina.

9. This Court may declare the rights and other legal relations of the parties in this case under 28 U.S.C. §2201, and Rule 57 of the Federal Rules of Civil Procedure, because an actual and justiciable controversy exists concerning the rights of, and legal relations between Plaintiff and Defendants.

### **BACKGROUND**

10. As a result of a criminal investigation into the fraudulent investment scheme orchestrated by Ronnie Gene Wilson (“Wilson”) and Atlantic Bullion & Coin, Inc. (“AB&C”) and the entry of a criminal information against Wilson and AB&C on April 11, 2012, an Order was entered, originally by text order on June 13, 2012 and as amended on July 25, 2012, October 17, 2012, February 14, 2013 and January 13, 2015 (“Court Order”), appointing Beattie B. Ashmore as the Receiver and setting forth the duties of the Receiver to include marshaling and safeguarding the assets of Wilson and AB&C and other so defined entities (hereinafter the “AB&C Receivership Entities”)

11. The Court Order, *inter alia*, further includes the directive to bring suit for the disgorgement of profits, including specifically instituting legal proceedings against individuals who are in possession of monies that flow from the Ponzi scheme orchestrated by Wilson and AB&C. (See Court Order at 3-4.)
12. On July 30, 2012, Wilson and AB&C pled guilty to two counts of mail fraud.
13. On November 13, 2012, Wilson was sentenced to a 235 month term of imprisonment.
14. AB&C was sentenced to a five year term of probation and a fine was imposed.
15. Wilson and AB&C were ordered to pay restitution in the amount of \$57,401,009.00.
16. On August 12, 2014, Wilson was again indicted on one count of obstruction of justice related to his efforts to secrete assets from the government and court appointed Receiver.
17. On October 6, 2014, Wilson entered another guilty plea and on December 10, 2014 was sentenced to an additional term of imprisonment.

### **FACTUAL ALLEGATIONS**

18. Jennifer Wilson Pressley is the biological daughter of Ronnie Gene Wilson and Cassie Wilson.
19. Shawn Pressley is currently married to Jennifer Wilson Pressley.
20. The subject of this litigation is twofold: the legal ascertainment of possible competing interests in certain real property located on Sam Davis Road in Woodruff, South Carolina (hereinafter “Wilson Farm”) and the disgorgement of monies transferred to Jennifer and Shawn Pressley (“Pressleys”) that flowed directly from the illegal Ponzi scheme, including property transferred to the Pressleys (Pressley Parcel, as defined *infra*).
21. On December 2, 1999, Cassie Kendall Wilson purchased 59.74 acres of land located at 270 Sam Davis Road in Woodruff, South Carolina and placed the property in the name of

Cassie Wilson. Upon information and belief, the source of the money for the purchase of this parcel of land was funds drawn off the main operating account of AB&C.

22. On October 1, 2005, Cassie Wilson purchased an additional 22.27 acres of land located at 253 Sam Davis Road in Woodruff, South Carolina, combined with the earlier purchase for a total of 82.01 acres comprising the Wilson Farm. Upon information and belief, the source of the money for the purchase of this parcel of land funds originated from Wilson and/or AB&C.

23. On February 26, 2008, Cassie Wilson deeded over to the Pressleys, without adequate consideration, 6.58 acres of the land carved out of the Wilson Farm (hereinafter "Pressley Parcel"). The Pressley Parcel was to be designated as 375 Sam Davis Road in Woodruff, South Carolina.

24. In or about 2001, Cassie Wilson deeded over to her daughter and son-in-law, Chuck and Allison Schaum, without adequate consideration, 2.3 acres, also carved out of the Wilson Farm.

25. At the time of the appointment of the Receiver the Wilson Farm consisted of approximately 73 acres located at 270 and 253 Sam Davis Road in Woodruff, South Carolina (original 82+ acres less the acreage deeded to the children).

26. Beginning in or about March 2008, the Pressleys began construction of a single family dwelling (hereinafter "Pressley Home") on what the Pressleys believed was the Pressley Parcel.

27. Upon information and belief, Wilson used approximately \$125,000.00 in monies that flowed from the Ponzi scheme to start and partially complete construction of the Pressley Home. Mr. Pressley acknowledged in a deposition that all of the money from Wilson was

used to construct a portion of the Pressley Home.

28. To accomplish the completion of the construction, the Pressleys obtained a loan from Greenville First Bank k/n/a Southern First Bank (the “Bank”) in the amount of \$120,000.00. In exchange, the Bank was given a mortgage on the real property described in detail at Spartanburg County Register of Deed book 4108, page 702. At the time of the mortgage, the Pressleys and the Bank believed the home and corresponding recorded mortgage was on the Pressley Property.

29. On or about August 29, 2013, the Receiver commissioned a full survey of the Wilson Farm from Adtech Surveying, Inc. At that time, it was discovered that the Pressley Home was not built on the Pressley Parcel but rather on the Wilson Farm which is real property currently held by the Receiver.

30. The Receiver desires, in accordance with the Court Order, to sell the Wilson Farm. However, at this time, it appears the Pressley Home is built on the Wilson Farm and a dispute exists as to whether the Pressley Home is in fact built on the Pressley Parcel or the Wilson Farm.

31. As such, the Receiver asks the Court to declare that the Pressley Home is built on the Wilson Farm, not the Pressley Parcel, and as such, that the Receiver, is by virtue of its legal role in this matter and the underlying Receiver matter, the legal owner of the Pressley Home and the real property upon which the Pressley Home is built. Further, the Receiver asks the Court to declare the mortgage recorded by the Bank is on the 6.58 acre Pressley Parcel, not the Wilson Farm.

32. In addition, the Pressley’s received approximately \$10,000.00 in funds that flowed from the Ponzi scheme as reflected in Exhibit A attached to the Receiver’s Complaint.

**COUNT ONE**  
**DECLARATORY JUDGMENT REGARDING LEGAL OWNERSHIP OF REAL  
PROPERTY UPON WHICH THE PRESSLEY HOME IS BUILT**

33. Plaintiff incorporates by reference Paragraphs 1 through 32 above as if set forth fully herein.

34. There is an actual and justiciable controversy between Plaintiff and Defendants concerning the identity of legal ownership of the real property where the Pressley Home is built.

35. The dispute over the location of the Pressley Home creates legal uncertainty and impacts the Receiver's ability to fulfill its obligations under the Court Order.

36. Judgment on this issue by the Court serves a useful purpose in clarifying and settling the legal ownership of the real property upon which the Pressley Home is built.

37. As such, the Receiver asks the Court to declare that the Pressley Home is built upon the Wilson Farm and the Receiver has clear title to sell the Wilson Farm, to include the Pressley Parcel.

**COUNT TWO**  
**UNJUST ENRICHMENT AGAINST PRESSLEYS**

38. Plaintiff alleges and incorporates herein by reference each and every allegation set forth in the preceding paragraphs, as if fully repeated herein.

39. Defendants Jennifer and Shawn Pressley, as daughter and son-in-law of Wilson, were direct recipients of non-gratuitous benefits from Wilson-AB&C in that they received monies, real property and/or benefits that flowed directly from the criminal Ponzi scheme.

40. Payments or transfers of real property to or for the benefit of Defendants Jennifer and Shawn Pressley were made from the investments of other victims or from proceeds of monies

obtained through the Ponzi scheme.

41. Defendants Jennifer and Shawn Pressley have retained the benefit of these payments, property and/or benefits to the detriment of other investors and the AB&C Receivership Entities.

42. It would be inequitable for Defendants Jennifer and Shawn Pressley to retain these benefits.

43. Defendants have been unjustly enriched and should repay Plaintiff \$135,000.00 and be ordered to transfer by quitclaim deed the Pressley Parcel to the Receiver for the ultimate benefit of distribution to the Court-approved victims of the Ponzi scheme.

WHEREFORE, Plaintiff prays for a Declaratory Judgment declaring the Receiver to be the legal owner of the real property upon which the Pressley Home is built, an award of actual damages in the amount of \$10,000.00, and transfer of the legal ownership in the Pressley Parcel to the Receiver, interest as allowed by law, consequential and incidental damages in amount to be determined by the trier of fact, and for its costs, reasonable attorneys' fees, and such other and further relief as the Court may deem just and proper. In doing so, Plaintiff prays for a declaration that the mortgage of Southern First does not affect the Wilson Farm where the Pressley Home is situated.

In the alternative, Plaintiff prays for an award of actual damages in the amount of \$135,000.00, transfer of the legal ownership in the Pressley Parcel to the Receiver, interest as allowed by law, consequential and incidental damages in an amount to be determined by the trier of fact, and for its costs, reasonable attorneys' fees, and such other and further relief as the Court may deem just and proper.

Respectfully submitted,

***THE TOLLISON LAW FIRM, P.A.***

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October 6, 2015  
Greenville, South Carolina