

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)
)
 Bonnie Brae Homeowners)
 Association, Inc.,)
)
)
 Plaintiff,)
)
)
 vs.)
)
 HOA Community Management, LLC and)
 Charlene Rice, Jeff Dumpert,)
 Tim Roach, Janine Wyman, Julie Hrobsky,)
 Jason Resotka, and Donald Peake,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 FOR THE THIRTEENTH JUDICIAL CIRCUIT

CIVIL CASE NO. 2016-CP-23-06406

**NOTICE OF MOTION AND MOTION
 FOR TEMPORARY INJUNCTION**

TO: THE ABOVE-NAMED DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, Bonnie Brae Homeowners' Association, Inc., by and through its undersigned attorney, respectfully moves this Court for an Order setting a hearing on Plaintiff's Motion for Temporary Injunction at such time and place as is convenient for the Court, but within ten (10) days if practicably possible. At such time and place as is set by the Court, Plaintiff will move this Court for a Temporary Injunction pursuant to Rule 65 of the South Carolina Rules of Civil Procedure ("SCRCP") preventing and enjoining the Defendants, their respective employees, agents, affiliates and all those in active concert or participation with the Defendants, **from holding the meeting scheduled by the Defendants on Friday February 17, 2017**, for the purpose of conducting regular and special business of the Bonnie Brae Homeowners' Association, Inc. (the "Association") including election of a new board

of directors.

Unless this Motion is granted, the Defendants and those acting in concert with the Defendants, will continue to hold themselves out to the community as being the board of directors and representatives of the Association (which they are not), and continue to act unlawfully as the board of directors and representatives of the Association, and will continue to cause irreparable harm to the Plaintiff Association and its members. The Plaintiff has already, and will continue to suffer irreparable loss, damage, and or injury as a result of the deliberate actions and or inactions of the Defendants. The Plaintiff believes that the Defendants have violated the fiduciary duty owed to the Association, among many other egregious and serious violations, and have also violated this Honorable Court's Order from January 25, 2017, which has brought further irreparable harm to the Plaintiff and will continue to do so unless this Temporary Injunction is granted by the Court.

An injunction is a drastic remedy, not to be taken lightly. And Plaintiff in this case does not. The extreme, drastic remedy of a Temporary Injunction is the only thing that will keep the Plaintiff and the members of the Association from experiencing further irreparable harm.

Based on the foregoing and the common and statutory laws of the State of South Carolina, the pleadings filed herein, affidavits, and legal memoranda that may be hereinafter filed with the Court, the Plaintiff respectfully asserts that it is entitled to a temporary injunction as set forth herein.

Plaintiff respectfully prays, and does ask this Court for and Order:

1. Granting a Temporary Injunction pursuant to Rule 65 SCRPC preventing and enjoining the Defendants, their respective employees, agents, affiliates and all those in active concert or participation with the Defendants, **from holding the meeting scheduled by**

the Defendants on February 17, 2017, for the purpose of conducting regular and special business, including the election of a new board of directors of the Bonnie Brae Homeowners' Association, Inc.; and

2. For such other and further relief that this Court may deem just and proper to protect the interests of the Plaintiff and the members of the Association during this litigation.

Respectfully submitted,

The Dodd Law Firm, LLC

s/Michael B. Dodd
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Greenville, South Carolina
February 6, 2017