

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Dorchester County, Master-in-Equity

1. NAME: Mr. Frederick James Newton  
BUSINESS ADDRESS: 128 South Main Street, Suite One  
Summerville, SC 29483  
E-MAIL ADDRESS: newtonfirm@bellsouth.net  
TELEPHONE NUMBER: (office): 843.851.456
2. Date of Birth: 1970  
Place of Birth: Charleston, South Carolina
3. Are you a citizen of South Carolina? Yes.  
Have you been a resident of this state for at least the immediate past five years?  
Yes
5. Family Status: Married on October 30, 1999, to LeeAnne Adair Wilkes Brown.  
Never divorced. One child.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) Clemson University, Clemson, SC. Graduated in 1992 with a Bachelor of Arts Degree in Political Science, *cum laude*, with Senior Departmental Honors. Attended 1998-1992.
  - (b) University of South Carolina, School of Law, Columbia, SC. Graduated in 1996 with a Juris Doctorate Degree. Attended 1993-96.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

South Carolina – admitted November 1996.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

Clemson University –

  - (a) Member of Residence Hall Council (1989-92)
  - (b) Resident Assistant (1990-92)
  - (c) Phi Kappa Phi, Political Science Honor Society, Golden Key (all approximately 1991-92)
  - (d) President of Political Science Honor Society (local chapter – 1991-92)



- (e) Student Court Legal Advisor (1988-90)
  - (f) (Gamma Lambda chapter – 1990-92)
  - (g) Alumni Relations Chairman 1991-92
- University of South Carolina School of Law
- (a) Member of Honor Society
  - (b) Christian Legal Society – vice
  - (c) President 2005-06, member 2003-06.

10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) New Lawyer's Oath CLE	08/02/04;
(b) MCLE Night @ the Joe	08/02/04;
(c) Keys to Successful Pre-Trial	08/18/04;
(d) Small Firm Management	08/27/04;
(e) Revised Lawyer's Oath CLE	08/27/04;
(f) 4 <sup>th</sup> Annual CLE w/ Oath	10/01/04;
(g) Workers' Compensation – Claimant	10/22/04;
(h) What Works for You	12/16/05;
(i) Gain the Edge!	12/29/05;
(j) Getting the Big Picture, Evidence – part 1	12/27/05;
(k) Getting the Big Picture, Evidence – part 2	12/27/05;
(l) Sidebar SC: Real Estate Law Update	12/30/05;
(m) Legal Issues Affecting Heirs	03/31/06;
(n) Nuts and Bolts of Family Court	04/28/06;
(o) Disaster Relief CLE	10/06/06;
(p) Rules, Rules, Rules	02/16/07;
(q) Family Court Procedural Issues	06/20/08;
(r) Training for Attorneys Appointed as GAL – Abuse/Neglect	08/01/08;
(s) Carolina Annual Seminar	09/11/08;
(t) Orientation School for Magistrates	07/20/09- 07/24/09;
(u) Orientation School for Magistrates	07/27/09- 07/31/09.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

I lectured/taught a CLE segment on Mechanic's Lien sponsored by the Charleston County Bar Association (Maritime Center).

12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) Admitted to practice before the State Courts of South Carolina in 1996;
  - (b) Also admitted to practice before the Federal District Court, District of South Carolina (2000) and Fourth Circuit Court of Appeals in (2001).
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) Associate Attorney, J. Benjamin Stevens, P.A. (now Stevens-McPhail, P.A), 1996-1999. Practice consisted largely of family court matters (60 percent); civil litigation (25 percent); real estate closings (5 percent); and criminal representation (5 percent).
  - (b) Member, Smith Collins Newton & Koontz, P.A. (now Smith & Koontz, P.A.)- 1999-2006. Practice consisted largely of civil litigation, including mechanic's liens, defective construction, and business litigation, including collections and supplemental proceedings (civil litigation – 90%). Remaining 10% consisted of business formations, real estate, and appointed DSS and other cases.
  - (c) President, Frederick J. Newton, P.A., 2006-present. General practice firm including civil litigation; family litigation; business sales and formation; family practice; real estate; limited criminal representation. If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:
  - (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.
 

In the past five years, I have appeared before the Master-In-Equity for Charleston, Dorchester, Beaufort, and Berkeley Counties. Mortgage foreclosure; Motion Hearings before all of the above Masters-In-Equity.

Diane Newton v. Arthur Murray; foreclosure of equitable interest in contract for deed action – Beaufort County).

Mechanic's Lien foreclosures (including Fitts Builders v. Walker) – Dorchester County.

Debt Collection cases (Knight v. E&C, et al.); (Rinker v. Sheetrock & Stucco Services); Tax sale litigation; others – Dorchester County

Many supplemental proceeding actions in Charleston, Berkeley, and Dorchester County (representative clients, Builders FirstSource, Gale Insulation, Cohen's Drywall, ABC Supply, others).

Frequency of appearances averages approximately two appearances monthly, but has been less as of late.
15. What is your rating in Martindale-Hubbell?

Not known; I do not believe I have a rating, though I am listed. I have never paid for a subscription to the publication or solicited any ratings.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
- (a) federal: none
  - (b) state: An average of roughly twice a month, but with many matters being resolved without a hearing.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 85%;
  - (b) criminal: 5%;
  - (c) domestic: 10%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 20%;
  - (b) non-jury: 80%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel.
19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) Halter v. Hammond – jury trial – Charleston – not appealed, not reported.
  - (b) Mills v. Jackson– property dispute – litigated before MIE – Berkeley.
  - (c) Fitts Builders v. Walker – Hotly contested Mechanic’s Lien / Defective Construction matter – litigated before MIE – Dorchester.
  - (d) State Builders Commission v. Nolan – Administrative Trial.
  - (e) Holiday Inn v. Simplex- Grinnel, et al. (resolved through mediation).
- I believe these matters are significant because the matters involved a breadth of legal principles, procedures of different tribunals, and application of the law to each case.
20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).
- (a) Diversified Distributors v. Bell Appliance (2003-UP-128)
  - (b) McMasters v. Jody Charpia (2007-UP-189)
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was

reported. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).

I have not handled any direct criminal appeals. I have handled Post Conviction Relief Actions in Circuit Court.

22. Have you ever held judicial office?

Yes, I currently serve as a part-time Magistrate Judge for Dorchester County (approximately twenty hours per week).

I was appointed on April 30, 2009 for a term of office April 30, 2007 to April 30, 2011.

This Court is of limited civil jurisdiction, generally \$7,500 but with exception for Landlord/Tenant Matters and matters for possession of land; general criminal jurisdiction for crimes which carry a fine, before court costs, of \$500 or less and/or imprisonment for up to 30 days, with certain limited exceptions, such as Driving Under Suspension, Third Offense (which carries and mandatory 90 day sentence upon conviction); Jurisdiction to award restitution in criminal proceedings up to \$5,000; Territorial jurisdiction in civil and criminal matters is limited to Dorchester County.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

I do not yet have any matters which have resulted in reported cases through appeals. As we are a Summary Court and I frequently handle criminal trials, preliminary hearings, etc., I do not believe that I have issued a formal opinion in any civil matter that I would deem significant.

24. Have you ever held public office other than judicial office? No.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

I have a law firm (Frederick J. Newton, P.A.), which I operated prior to appointment as a Magistrate), and my associate and I practice law, full time for the associate, and part-time for me.

Great South Real Estate Advisors, LLC – Broker 2008 to present – I assist mainly family and friends in the sale or purchase of real property (approximately three transactions per year).

Stonewall Title, LLC – 2007 to present. This is the title agency through which I issue title insurance – First American Title Agent.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

Great South Real Estate Advisors, LLC – Broker 2008 to present – I assist mainly family and friends in the sale or purchase of real property (approximately three transactions per year).

Harbor City Real Estate Advisors, LLC – 2006-2008; Broker Associate – same duties as above.

28. Are you now an officer or director or involved in the management of any business enterprise?

I have a law firm (Frederick J. Newton, P.A.), which I operated prior to appointment as a Magistrate), and my associate and I practice law, full time for the associate, and part-time for me.

Great South Real Estate Advisors, LLC – Broker 2008 to present – I assist mainly family and friends in the sale or purchase of real property (approximately three transactions per year).

Stonewall Title, LLC – 2007 to present. This is the title agency through which I issue title insurance – First American Title Agent.

Term of service for all of the above is open-ended and will continue until dissolution or transfer/sale of any of the above.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

I do not believe that any of the business relationships I have now would likely result in a conflict of interest, though I would obviously not hear any litigation involving them.

My prior law firm attachments would be revealed to any and all parties appearing in a case including the involvement of the prior firm. I would recuse myself upon request, and do so *sua sponte* if I believed I could not be impartial.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

I was charged in 1986 (at the age of 16) with possession of alcohol by a minor (one beer). The charge was issued in Colleton County and I paid a small fine (\$68.00, I believe), and did not go to trial. (A youthful indiscretion, the result of peer pressure, for which I pray forgiveness).

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?  
No. My law firm did receive a Small Claims Court Complaint, which was dismissed, with prejudice, two days after filing. This was the result of a misunderstanding, was not against me personally, and I will be happy to give further details to anyone regarding this.
36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.  
August 11, 2009 – 44 cents for postage.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf?  
No, and I am not aware of any such contact.

44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) South Carolina Bar, 1996 to present.
  - (b) South Carolina Bar Construction Law Section, 2002 to present.
  - (c) Charleston County Bar Association, 1999 to present.
47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Member, Summerville Presbyterian Church
  - (b) Member, County Bar Association
  - (c) Tiger Cub Den Leader, Pack 843, Cub Scouts, Pinewood Preparatory School
  - (d) Leadership Council; Pack 843, Cub Scouts, Pinewood Preparatory School
48. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
- I believe that I have the temperament, common sense, and abilities to excel in the position of Master-In-Equity. If seated, I will ensure timely hearings, and provide prompt Orders and Judgments. I believe that my education and professional experience would provide a solid foundation for me to build upon as I execute the duties of Master-In-Equity. I also believe that I have the proper demeanor for a judicial officer. I am confident in my qualifications and in my abilities.
49. References:
- (a) Mr. Brian Mitchum  
First Citizens Bank  
218 S. Main St.  
Summerville, SC 29483  
(843.871.9200)
  - (b) Mr. Bernard Warshaw  
230 Overhill Dr.  
Walterboro, SC 29488  
(843.549.7404)
  - (c) Mrs. Jody Wilhelm  
108 Greene St.



Summerville, SC 29485  
(843.821.2150)

(d) Drew P. McPhail, DC  
1009 Sterling Lane  
Summerville, SC 29483  
(843.670.4057)

(e) John N. Couch, CPA  
209 S. Main Street  
Summerville, SC 29483  
(843.873.6800)

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Frederick James Newton

Date: August 13, 2009

**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**

**Master-in-Equity**  
**(New Candidate)**

Full Name: Frederick James Newton  
Business Address: 128 South Main Street, Suite One  
Summerville, SC 29483  
Business Telephone: 843.851.4565

1. Do you plan to serve your full term if appointed? Yes.
2. If appointed, do you have any plans to return to private practice one day? If appointed, I may return to private practice full time, unless I serve as a judge until retirement.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
I believe that *ex parte* communications must be avoided, with each party given notice and the right to appear. If approached inappropriately I would politely explain that I cannot discuss the matter with them outside of the presence of the other party(ies). Circumstances where such communication might be tolerated could be in areas of scheduling and other administrative processes, but I would, ideally, rely on a staff person for these matters. Other circumstances where such communications might be tolerated might be an emergency restraining order or some other protective measure, but I do not believe this would arise in the duties of the office I seek.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?  
My philosophy on recusals is to recuse myself in all matters where I feel that I may not be able to be objective, or matters which my hearing might give the appearance of a possible impropriety. If, after disclosure, the parties do not object to my hearing a matter, I might then hear the matter, but only if there was no doubt in my mind of my objectivity. In sum and in practical effect, my philosophy would likely result in my recusing myself from matters involving lawyer-legislators, former associates, and former law partners.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would give that party a great deal of deference, and would recuse myself by granting the motion. Otherwise, I would not be avoiding the appearance of impropriety, at least in the perception of the party requesting the recusal.

7. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I do not, as a rule, accept gifts from persons outside of my family. Since becoming a Magistrate Judge, I have accepted only the hospitality of a fellow Judge, at a social gathering which all Magistrate Judges in the county and the staff of the offices were invited to attend. I have also eaten dinner at the home of friends.

8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

If I became aware of such misconduct, I would report it to the Office of Disciplinary Counsel, which I believe is my duty as an attorney and as a Judge. If I did not have personal knowledge of the alleged misconduct, I would be certain I had sufficient information to make me reasonably certain the alleged misconduct actually occurred.

9. Are you affiliated with any political parties, boards or commissions that would need to be evaluated if you are appointed? No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? No.

11. If appointed, how would you handle the drafting of orders?

After careful and due deliberation, I would either draft an order myself, or send a letter to all counsel asking the attorney for the party I believed prevailed to draft a proposed order for my consideration and circulate it at the same time and in the same manner it is submitted to me to all counsel and/or *pro se* parties.

I believe that all orders should be executed and entered as soon as possible after hearing of the matter. I would endeavor to have all orders issued within thirty (30) days of the conclusion of a hearing, if not sooner. Further, routine orders such as defaults in liquidated damages cases should be signed promptly upon presentment and not allowed to accumulate.

12. If appointed, what method would you use to ensure that you and your staff meet deadlines?

I would use Case Management and Outlook or a similar computer program to ensure timely completion of tasks, and a paper "tickler" system as a back-up. I would also personally maintain an action list and ensure that all matters are completed in a timely manner.

13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I am not a judicial activist. In my opinion, it is the duty of judges to interpret the law and rule accordingly, and not to engage in judicial constructions of policy.

14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

I plan to volunteer to participate through Court Administration in schools and seminars for continuing legal education and training of lawyers and other judges. If appointed, I also intend to have an orientation meeting with all members of the local bar and the public invited to educate them about the role of the Master-in-Equity's office and the procedures of the court for setting trials and other matters are explained. I would educate members of the bar and the public that they may not let cases languish, and trial must be had as expeditiously as possible. Further, I would again serve as a moot court judge for the Charleston School of Law annual competition in the hopes that the experience may help future lawyers become better lawyers once they begin practice.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not believe my judicial office will strain my personal relationships. I have a very stable marriage, I am married to the love of my life, and have a wonderful son, both of whom are completely supportive of me. Further, I do not see any potential strain to my relationships with friends and other relatives. Lastly, all relatives and friends would be made aware that my relationship with them gives them no special treatment from the court.

16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

17. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No, and if appointed, I would promptly divest myself of interest in parties likely to appear before me, and have my wife do the same. If an extended family member held such a *de minimis* interest, I would disclose this and recuse myself if requested, or do so *sua sponte* if I felt I could not be completely impartial.

18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.

19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.

20. What do you feel is the appropriate demeanor for a judge? I believe that a judge should be respectful to all persons at all times, and must

conduct himself in a manner that is not arrogant or condescending to any person. I believe that this duty applies twenty-four hours a day, and seven days a week. A judge and his conduct are often the only representations of the entire judicial system seen by the public.

21. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day? Application on these rules is seven days a week, twenty-four hours a day.
22. Do you feel that it is ever appropriate to be angry with a member of the public appearing before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant?  
No. I believe that you may be firm with persons appearing before you and ensure that they comply with rules of the court. It is never permissible to act in anger against a litigant or attorney, and if tested and I believed that I was becoming angry, I would recess, collect myself, and proceed by continuing to act in all manners respectfully to the litigant or attorney.
23. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? To date, the only expense I have incurred is the cost of a postage stamp to send my letter of intention (44 cents).
24. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No.
25. Have you sought or received the pledge of any legislator prior to this date? No.
26. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
27. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
28. Have you contacted any members of the Judicial Merit Selection Commission? No.
29. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

s/ Frederick J. Newton

Sworn to before me this 13<sup>th</sup> day of August, 2009.

Notary Public for S.C.

My Commission Expires: 04-14-2018