

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON	)	
	)	CASE NO.: 2019-CP-25-00111
Renee S. Beach, as Personal Representative of	)	
the Estate of Mallory Beach,	)	
	)	
Plaintiff,	)	
	)	
v.	)	SECOND SUPPLEMENTAL
	)	MEMORANDUM IN SUPPORT OF
	)	PLAINTIFF'S MOTION FOR
	)	INJUNCTION AND APPOINTMENT OF
Gregory M. Parker, Inc. a/k/a Parker's	)	CO-RECEIVERS AND CO-RECEIVERS'
Corporation d/b/a Parkers 55, Luther's Rate	)	COUNSEL
and Well Done, LLC, Kristy C. Wood, James	)	
M. Wood, Richard Alexander Murdaugh,	)	
Richard Alexander Murdaugh, Jr.; Randolph	)	
Murdaugh, III, Individually and as Trustee of	)	
the Murdaugh Residence Trust 2; and The	)	
Murdaugh Residence Trust 2,	)	
	)	
Defendants.	)	
	)	

Plaintiff Renee S. Beach respectfully submits this Second Supplemental Memorandum in support of her Motion for an injunction and to Appoint Co-Receivers and Co-Receivers' Counsel in this action. Additional material facts and allegations against Defendant Richard Alexander Murdaugh ("Alex") and Defendant Richard Alexander Murdaugh, Jr. ("Buster Murdaugh") have become known since the hearing on this Motion held before the Court on Friday, October 29, 2021 which further demonstrate why an injunction and receivership are necessary to ensure that justice may be done in this case.

Additional Facts in Support of Injunction and Receivership

Two additional civil lawsuits were filed against Alex Murdaugh late in the day on October 28, 2021—the first by his brother, Randolph Murdaugh IV ("Randy Murdaugh"), and the second

by his former long-time law partner, John E. Parker (“Parker”). These new actions are briefly addressed below.

In *Randolph Murdaugh IV v. Richard Alexander Murdaugh*, CA No. 2021-CP-25-00357, (“Complaint #1” attached hereto as **Exhibit A**) Randy Murdaugh asserts that he provided Alex \$75,000 on Thursday, September 2, 2021. Randy Murdaugh alleges the \$75,000 was a loan to cover Alex’s overdrawn bank account, not a gift. Complaint #1 does not allege that the loan to Alex is evidenced by a writing nor that it is secured by any chattel, assets or a third party guaranty. Complaint #1 alleges that Alex did not affirmatively disclose his poor financial condition to Randy. The timing of this purported loan between family members is significant as the Murdaugh brothers’ law firm, Parker, Murdaugh, Peters, Eltzroth & Detrick, P.A., announced the next day, Friday, September 3, that the Firm had discovered that Alex had misappropriated funds. In addition to collection of the outstanding loan to Alex, Complaint #1 also seeks repayment of the \$15,000 Randy Murdaugh paid for Alex’s admission to a drug treatment facility.¹

In his complaint, Randy Murdaugh admits that Buster Murdaugh has already sold various assets belonging to Alex Murdaugh to pay other debts owed to Palmetto State Bank and the rehabilitation location. See Exhibit A. The status and circumstances of these “other debts” are not known. In addition, Complaint #1 alleges that Buster Murdaugh has already given Randy Murdaugh a Kubota tractor and a rotary cutter belonging to Alex to recover a portion of the amounts loaned to Alex on September 2, 2021.² Randy credited Alex’s loan by \$43,500 for the Kubota tractor and rotary cutter. As such, Complaint #1 seeks to validate Buster Murdaugh’s

¹ Dick Harpootlian twice has stated that the rehab facility was being paid by insurance. See YouTube links: 1st bond hearing: <https://youtu.be/hQ1DHiwK4Q8?t=766> ***this is being paid for by insurance, not out of his pocket"; 2nd bond hearing: <https://youtu.be/r61hIobeHb0?t=883>.

² It is curious without knowing more why Buster Murdaugh would not use some of these proceeds from sales of assets to pay the past due taxes on the Edisto Beach House and the 899 acres so that a minimum it could be sold for a profit.

transfer of farm equipment and its sale and to compel Alex to re-pay the remaining \$46,500 of the personal loan made on September 2.

In *John E. Parker v. Richard Alexander Murdaugh*, CA No. 2021-CP-25-00358, (“Complaint #2” attached hereto as **Exhibit B**) Parker states that he provided Alex Murdaugh with the following amounts on the following dates:

- a. \$150,000 on March 5, 2021;
- b. \$77,000 on May 19, 2021; and
- c. \$250,000 on July 15, 2021.

Parker asserts that these transfers were personal loans. There are no allegations in Complaint #2 that these transfers were secured loans, and no specific terms of the loans are presented in the complaint. Parker states that he has not yet received any assets in repayment and asks the Court in Hampton County to compel Alex (or Buster Murdaugh on his behalf) for assets totaling \$477,000 in value.

These facts as attested to Complaint #1 confirm that Buster Murdaugh and Alex are continuing to dispose of assets and cancel significant debts, with apparent preference for family members without regard to potential claims of others.³ Since March 2021, Alex Murdaugh’s family and friends have given him *at least* \$550,000 which is unaccounted for. Randy Murdaugh and Parker now seek repayment. In the absence of a receivership, the cancellation of debt and/or gifts of money will continue without regard to priority and legal justification.

These facts raise questions of *where* Alex Murdaugh spent this additional \$550,000, *to whom* has he given it, *for what* purposes, and *was any benefit received in return*. It also raises the

³ In *Virginia-Carolina Chemical Co. v. Hunter*, 84 S.C. 214, 66 S.E. 177 (1909), the South Carolina Supreme Court cited the defendant’s actions in transferring assets to his family and the likelihood that the family would use such assets ultimately for the defendant’s benefit, to the exclusion of third persons, as one of the reasons justifying an injunction and appointment of a receiver.

possibility that Alex Murdaugh really is “broke” as his attorney described during his first bond hearing. However, if Alex Murdaugh is truly broke, it seems strange that his former law partner and his brother, who likely has some intimate knowledge of Alex Murdaugh’s assets, would take the time and effort to file a lawsuit against him. If appointed, the Co-Receivers can quickly determine if Alex Murdaugh is insolvent, which would assist the parties in all of the outstanding lawsuits to determine how best to proceed in an efficient manner.

Certainly, South Carolina law and principles of equity do not support giving Buster Murdaugh and Alex more opportunities to decide to transfer money to family, friends and others to cancel alleged recent debt based on their preferences during the pendency of this litigation. Buster Murdaugh and Alex will have this opportunity if the Court declines to grant the injunction and appoint a receiver in this matter. Instead, the injunction and appointment of the Co-Receivers would ensure that an impartial party could defend the *Murdaugh v. Murdaugh* lawsuit and the *Parker v. Murdaugh* lawsuit so that justice among creditors known and currently unknown, including Plaintiff whose claims in this lawsuit necessarily will take time to be resolved.

Wrongful death lawsuits such as the instant case can be long and difficult as evidence by the age of the instant case. The time it takes Plaintiff to pursue her claims should not be an opportunity for Alex and Buster Murdaugh to continue to place assets out of her reach if she obtains a judgment. To allow Alex Murdaugh’s family and friends to be made whole on an extraordinary degree of debts incurred since Mallory Beach died while Plaintiff awaits her opportunity to prove her claims would make Plaintiff’s tragedy even more unjust. The Court can assist in ensuring that Plaintiff’s tragedy is not made even worse by appointing Co-Receivers to preserve assets. To the extent Plaintiff is not successful in obtaining a judgment against Alex

Murdaugh and/or Buster Murdaugh, Plaintiff submits that there would be no harm to them on account of the Co-Receivers acting to locate, secure and preserve the value of their assets.

Plaintiff appreciates the Court's consideration of this newly discovered information and craves further reference to her other memoranda and oral arguments already presented in support of this Motion.

Respectfully submitted,

GOODING AND GOODING, P.A.

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