

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Fidelity & Guaranty Life Insurance Company,	)	Civil Action No. 6:15-cv-04829-MGL
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER OF JUDGMENT</b>
	)	<b>WITH CONSENT</b>
Larry C. Brown, Stephanie B. Evans, and William S. Tolliver, as Personal Representative of the Estate of Larry O. Brown,	)	
	)	
	)	
Defendants.	)	
	)	

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BEFORE THE COURT is the request of Defendant William S. Tolliver, as Personal Representative of the Estate of Larry O. Brown (“Tolliver”), with the consent of Stephanie B. Evans (“Evans”), to enter judgment directing the proceeds from Fidelity & Guaranty Life Insurance (“F&G Life”) previously deposited with the Court in this action to be distributed as set forth herein and to dismiss this action.

This action commenced as an interpleader action filed by F&G Life to pay proceeds of the subject life insurance policies into the Court and to discharge F&G Life from further liability relating to the policies pursuant to Rules 22 and 67 of the Federal Rules of Civil Procedure. Defendant Larry C. Brown (“Brown”), did not respond to the Summons and Complaint and was in default. The remaining parties consented to the issuance of a Consent Order filed on June 27, 2016, the facts and findings of which are incorporated herein by reference, authorizing F&G to pay the proceeds from its life insurance policies to the Court and dismissing F&G Life with prejudice from this action.

Defendant Evans filed an Amended Answer and Cross Claim against the other defendants herein. Defendant Brown was properly served with Evans' Summons and Cross Claim, but failed to file or serve responsive pleadings and is in default as reflected by the Notice of Filing Proof of Service and Proof of Service filed with the Court on September 20, 2016. Evans and Tolliver have informed the Court that they have entered into a settlement to divide the funds from the subject policies of life insurance deposited with the Court and to resolve all claims related to this action.

THE COURT HEREBY FINDS that Brown was served with Evans' Summons and Amended Answer and Cross Claim; however, Brown has not made an appearance before this Court and is in default. By prior Consent Order filed on June 27, 2016, the Court found that Brown was also in default as to F&G Life's Complaint for Interpleader. Therefore, any potential claims of Brown to the funds from the subject policies of life insurance are barred with prejudice.

THE COURT IS FURTHER INFORMED that Evans and Tolliver have settled their disputed claims to the subject funds and that the Court should release \$18,000.00 to Tolliver or his attorney, Jennings Law Firm, LLC, with all remaining funds deposited by F&G Life to be released to Evans, or her attorney, William D. Fore, P.A.

NOW, THEREFORE, in furtherance of the pleadings and in compliance with Rule 55 of the Federal Rules of Civil Procedure, the Court hereby orders the following:

1. The Court shall make payment from the funds deposited by F&G Life to Tolliver or his attorney, Jennings Law Firm, LLC, the amount of \$18,000.00.
2. All remaining funds deposited with the Court by F&G Life in this action shall be paid to Evans or her attorney, William D. Fore, P.A.
3. This action is hereby dismissed with prejudice.

**IT IS SO ORDERED.**

s/Mary Geiger Lewis

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Hon. Mary Geiger Lewis  
United States District Judge

September 26, 2016  
Columbia, South Carolina

***CONSENT SIGNATURES ATTACHED***

**WE SO MOVE:**

JENNINGS LAW FIRM, LLC

By: s/Clayton L. Jennings  
Clayton L. Jennings (D.S.C. I.D. No. 7839)  
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*Attorney for Defendant William S. Tolliver, as  
Personal Representative of the Estate of Larry  
O. Brown*

**WE SO CONSENT:**

WILLIAM D. FORE P.A.

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*Attorney for Defendant Stephanie B. Evans*