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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

Carol A. Tolen, Special Referee

Trial Court Case No. 2012-CP-20-00132

Appellate Case No. 2021-000149

ArrowPointe Federal Credit Union..... Respondent,

v.

Jimmy Eugene Bailey; Laura Jean Bailey; and U.S. Bank National Association not in its individual capacity but solely in its capacity as Indenture Trustee for WVUE 2015-1 Defendants,

Of which U.S. Bank National Association not in its individual capacity but solely in its capacity as Indenture Trustee for WVUE 2015-1 is the Appellant.

**MOTION FOR LEAVE TO FILE A JOINT *AMICUS CURIAE* BRIEF
ON BEHALF OF THE AMERICAN LAND TITLE ASSOCIATION AND THE
PALMETTO LAND TITLE ASSOCIATION**

The American Land Title Association and the Palmetto Land Title Association jointly submit this motion for leave to file a joint *amicus curiae* brief in this case. *See* Rule 213, SCACR; *see also* Rule 240, SCACR.

The American Land Title Association (“ALTA”) is a national trade association that represents the title insurance industry. ALTA has an interest in this Court’s deliberations in this case because the recognition or rejection of the replacement mortgage doctrine will have a significant effect on the title insurance industry’s assessment of risk within South Carolina.

Moreover, an *amicus curiae* brief from ALTA is desirable because ALTA is knowledgeable about the application of the replacement mortgage doctrine in other states, as well as similar doctrines, and this information may be helpful to the Court in deciding this case. ALTA will also address the expected implications of either recognizing or rejecting the replacement mortgage doctrine.

The Palmetto Land Title Association (“PLTA”) is a South Carolina-based non-profit organization established in 1977. PLTA members include individuals and organizations involved in the title insurance industry and the real estate field, and many real estate attorneys. Among the objects and purposes of PLTA are (1) to promote the safe and efficient transfer of ownership and interest in real property within the free enterprise system; (2) to provide information and education to consumers, to those who regulate, supervise, or enact legislation affecting the land title evidencing industry, and to its members; (3) to maintain liaison with users of the products and services provided by its members and with government; and (4) to maintain high professional standards and ethics.

PLTA is interested in this case because the adoption or rejection of the replacement mortgage doctrine, and its application if adopted, will have a significant impact on the practice of real estate law in South Carolina. PLTA has particular knowledge of the South Carolina real estate industry and how real estate law impacts industry participants. Accordingly, input from PLTA will be helpful in the Court’s consideration of the matters at issue in this case.

Both ALTA and PLTA are informed that, at oral argument which took place on May 18, 2022, at least one of the Justices commented that *amicus curiae* briefs might aid the Court in its consideration of the issues in this case.

With that in mind, and given the interests of ALTA and PLTA in this case as set forth above, ALTA and PLTA move for leave to file a joint *amicus curiae* brief in this Court. ALTA

and PLTA respectfully ask that they be allowed thirty (30) days to file the joint brief from the date the Court grants leave to file an *amicus curiae* brief.

Respectfully submitted,

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