

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
CASE NO. 2018-CP-08-00499

Bank of America, N.A.,
Plaintiff,
v.

ORDER FOR WRIT OF ASSISTANCE

Simone Lambright; The United States of America
acting by and through its agent the Secretary of
Housing and Urban Development,
Defendant(s)

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AUG 04 2022

SC Court of Appeals

This matter comes before me upon a Petition requesting that the Sheriff of Berkeley County remove peaceably or forcibly the Defendant, and all of their personal property located within or on the premises described in the Petition.

A hearing was held on June 23, 2022 via the WebEx virtual platform. Plaintiff was represented by attorney Chad Burgess. The Defendant Simone Lambright appeared and consented to the matter being heard by virtual platform.

Plaintiff referred to the contents of the file in this matter including the Order of Foreclosure, Order of Disbursements, and deed wherein Plaintiff purchased the subject real property at the foreclosure sale.

Defendant Lambright filed an affidavit in opposition to Plaintiff's request for relief and verbally presented various argument contending the foreclosure was invalid based upon improper assignments, that she was not a proper party and that the original loan lacked consideration.

The Court notes that Defendant Simone Lambright has not filed an appeal or any post trial motions to reconsider or to set aside the Order of Foreclosure. Further, Defendant Simone Lambright has filed an action directly against Plaintiff to set aside the foreclosure.

It does not appear that any of the issues raised by Defendant Simone Lambright provide any legal or factual basis to delay or prevent the issuance of a Writ of Assistance.

Upon examining the Judgment of Foreclosure and Sale issued in the above case, and upon reading the Petition, it appears to the Court that a Writ of Assistance should be issued against the above mentioned Defendant of the subject premises.

IT IS HEREBY ORDERED that the Sheriff of Berkeley County or his/her authorized deputies be and they hereby are authorized and directed to present this Order for Writ of Assistance

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to the occupant(s) of the below-referenced property, by delivering to anyone encountered who appears to be of suitable age and discretion or if no such person is encountered then by posting this Order. Thereafter, they are authorized and directed to enter upon the premises known as, 821 Tee Avenue, Pineville, SC 29468, described in the Petition and in the Judgment of Foreclosure and Sale at **any time after 1:00 p.m. on the 29 day of July, 2022**, and to either peaceably or forcibly remove the Defendant and all personal property of same located within or on the premises. If use of force is necessary, the least destructive means and use of force must be used to enter the premises and effectuate this Order for Writ. The Sheriff and deputies may look to SC Code of Laws § 27-37-160 for additional reference if necessary, although that Chapter does not govern Orders for Writs of Assistance of this type.

TMS #: 0150004086

(JUDGE'S SIGNATURE PAGE TO FOLLOW)



Berkeley Common Pleas

Case Caption: Bank Of America, N.A VS Simone Lambright , defendant, et al
Case Number: 2018CP0800499
Type: Order/Writ Of Assistance

AND IT SO ORDERED!

s/Dale E. Van Slambrook #3079