

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS

Case No. 2020-CP-38-00086

U.S. Bank National Association, as
Trustee, as successor to U.S. Bank Trust
National Association, as Trustee, for
Conseco Finance Home Equity Loan
Trust 2001-C,

Plaintiff,

vs.

Frances L. Mack nka Frances L. Mack-
Marion,

Defendant.

ORDER DENYING
MOTION TO RECONSIDER

RECEIVED

Aug 16 2022

SC Court of Appeals

This matter comes before me upon the Defendant's motion for the court to reconsider, alter, or amend its order filed May 4, 2022, in the above-captioned action. The court was correct to deny the motion for judgment on the pleadings as to the counterclaim for violation of S.C. Code Ann. § 37-10-102 coupled with unconscionable terms of the loan or inducement of the loan by unconscionable conduct, and the Defendant does not take issue with that. The Defendant's motion concerns the court's rulings that 1) the court lacks jurisdiction, per Hambrick v. GMAC Mortgage Corp., 370 S.C. 118, 634 S.E.2d 5 (Ct. App. 2006), to hear the Defendant's claim that the note and/or mortgage at issue is unenforceable because the loan was closed through the unauthorized practice of law and 2) that the Defendant cannot prevail on the merits of that claim because of the bright-line August 8, 2011, rule of in Matrix Financial Services Corp. v. Frazer, 394 S.C. 134, 714 S.E.2d 532, 534 (2011). The Defendant contends that these rulings are incorrect and, among other things, are also inconsistent with one another. The court clarifies that these rulings are made in the alternative to one another, i.e., if the court does have jurisdiction, the claim fails on its merits due to the time limit in Matrix.

The court is bound by precedent and is not at liberty to change its ruling, regardless of whether it might have agreed or disagreed with the Defendant's arguments if they had been made on a novel issue.

Accordingly, it is therefore hereby ORDERED that the Defendant's motion to reconsider, alter, or amend the court's May 4, 2022, order is denied.


The Honorable James B. Jackson, Jr.
Master-in-Equity for Orangeburg County