

**EXHIBIT H**

**APPELLANTS MOTION TO SET ASIDE SALE,  
MASTER'S DEED AND ORDER OF SALE AND  
DISBURSEMENT**

**October 10, 2012**

COUNTY OF CHARLESTON  
GREEN TREE SERVICING, LLC

Plaintiff,

v.

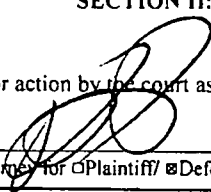
ISAIAH ULMER AND DEBORAH J. ULMER, et. al.

Defendants .

check box above indicating submitting party

CASE NO.2005-CP-10-1224

**MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET**

<u>name, S.C. Bar no. and address of plaintiff's attorney</u> Theodore Von Keller SC Bar No. Crawford & Von Keller, LLC P.O. Box 4216 Columbia, SC 29240 telephone: _____ fax: _____ e-mail: _____ other: _____		<u>name, S.C. Bar no. and address of defendant's attorney</u> Brian N. Davis S.C. Bar No.9491 Davis & Davis, LLC PO Box 31839 Charleston SC 29417 telephone:843-852-5585 fax:843-852-5586 email: _____ other: _____	
<input checked="" type="checkbox"/> <b>MOTION HEARING REQUESTED</b> (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> <b>FORM MOTION, NO HEARING REQUESTED</b> (complete SECTIONS II and III) <input type="checkbox"/> <b>PROPOSED ORDER/CONSENT ORDER</b> (complete SECTIONS II and III)			
<b>SECTION I: Hearing Information</b> Nature of Motion: <u>Motion to Set Aside Sale, Deed. Order pursuant to SCRCP 60</u> Estimated Time Needed: <u>None</u> Court Reporter Needed: <u>NO</u>			
<b>SECTION II: Motion/Order Type</b> <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">             _____            Signature of Attorney for <input type="checkbox"/> Plaintiff/ <input checked="" type="checkbox"/> Defendant         </div> <div style="text-align: center;"> <u>10-10-12</u>            _____            Date Submitted         </div> </div>			
<b>SECTION III: Motion Fee</b> <input checked="" type="checkbox"/> <b>PAID - AMOUNT:</b> <u>\$25.00</u> <input type="checkbox"/> <b>EXEMPT:</b> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____			
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____		_____ JUDGE CODE: _____ Date: _____	
<b>CLERK'S VERIFICATION</b>			
Collected by: _____ (print name)		<u>DATE FILED</u>	
<input type="checkbox"/> <b>MOTION FEE COLLECTED:</b> _____ <input type="checkbox"/> <b>CONTESTED - AMOUNT DUE:</b> _____			

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Green Tree Servicing, LLC, and )  
 Servicer for Bankers Trust )  
 Company of California, N.A., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Isaiah Ulmer, Deborah J. Ulmer, )  
 South Carolina Department of )  
 Motor Vehicles and Ford Consumer )  
 Finance Co., Inc., )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 Case No. 2005-CP-10-1224

**FILED**  
 OCT 10 PM 3:05  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

**NOTICE OF MOTION AND  
 MOTION TO SET ASIDE SALE,  
 MASTER'S DEED, and ORDER OF  
 SALE AND DISBURSEMENT.**

**TO: THEODORE VON KELLER, ESQUIRE, ATTORNEY FOR PLAINTIFF.**

**PLEASE TAKE NOTICE** that the Defendants Isaiah Ulmer and Deborah J. Ulmer (hereinafter referred to as "Defendants"), intends to move pursuant to Rule 60 of the South Carolina Rules of Civil Procedure before this Honorable Court at a date and time to be set by the Court after the expiration of ten (10) days from the service hereof, for an Order setting aside the Sale of Property owned by the Defendant on July 3, 2012, the issuance of a Master's Deed to the Plaintiff Green Tree (hereinafter referred to as "Green Tree" or "the Plaintiff Green Tree") , and the Master's Order of Sale and Disbursement of the Honorable Mikell R. Scarborough, dated July 13, 2012, and filed on or about July 18, 2012.

This case arises out of property commonly known as 1109 Brownswood Road, Johns Island, SC 29455 (the "Property"). The Defendants are the owners of the Property. On November 14, 2007, a Masters Order of Judgement and Foreclosure and Sale was filed in this case. Thereafter,

the Defendants filed for Bankruptcy Protection, and successfully completed a Chapter 13 Bankruptcy. Defendant Deborah J. Ulmer was determined to be fully disabled years ago. Due to problems with Defendant Deborah J. Ulmer receiving her disability benefits, the Defendants fell behind on their mortgage with Green Tree. After trying unsuccessfully to negotiate a mortgage modification with Green Tree, the Defendants were forced to file for Bankruptcy Protection again on April 17, 2012. Attorney D. Nathan Davis represents the Defendants in this Bankruptcy case. This Bankruptcy case was dismissed on administrative grounds and is in the process of being reopened.

The Plaintiff Green Tree scheduled a sale of the Defendants' Property for July 3, 2012. Neither the Defendants, their counsel Davis & Davis, LLC, nor their Bankruptcy Counsel, D. Nathan Davis, received notice of this sale (See Affidavit of Isaiah Ulmer attached hereto).

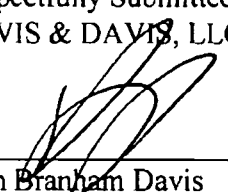
Further, this Sale was based upon a Foreclosure Order from November 14, 2007. This Order was issued prior to the Defendants's successfully completed Chapter 13 Bankruptcy, and at a time when the Defendants did not have legal counsel. As almost five (5) years had passed since that Order was issued, a new foreclosure hearing should have been held. The 2007 Order was not accurate in 2012 as to the status of the Plaintiff Green Tree's loan with the Defendants, and for this and other reasons the 2007 Order should not have been relied upon to order a Sale. Further, use of the 2007 Order may have contributed to the notice problems, as the Defendants had no legal counsel at the time the 2007 Order was issued.

Thus, based on the foregoing and all Exhibits attached hereto, the Defendant and their counsel hereby move this Honorable Court for an Order pursuant to Rule 60 of the South Carolina Rules of Civil Procedure Setting aside the Sale of Property owned by the Defendant on July 3, 2012, the

issuance of a Master's Deed to the Plaintiff Green Tree, and the Master's Order of Sale and Disbursement of the Honorable Mikell R. Scarborough, dated July 13, 2012, and filed on or about July 18, 2012. , and requiring that a full and fair Foreclosure Hearing with notice to all parties be held regarding this matter.

In support of this motion, the Defendants rely on the pleadings in this action, all Exhibits and their attachments that are a part of this Motion, and any supporting memorandum of law which may be filed separately, and any other appropriate matters which may be presented to the Court at the hearing on this motion.

Respectfully Submitted,  
DAVIS & DAVIS, LLC



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Beth Branham Davis  
S.C. Bar # 11592  
Brian N. Davis  
S.C. Bar # 9491  
P.O. Box 31839  
Charleston, SC 29417  
(843) 852-5585 telephone  
(843) 852-5586 facsimile

Charleston, South Carolina  
This 9th day of October, 2012.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Green Tree Servicing, LLC, as )  
 Servicer for Bankers Trust )  
 Company of California, N.A., )  
 )  
 PLAINTIFFS, )  
 v. )  
 )  
 Isaiah Ulmer, Deborah J. Ulmer, )  
 South Carolina Department of Motor Vehicles )  
 and Ford Consumer Finance Consumer )  
 Finance Co., Inc., )  
 )  
 DEFENDANTS. )

IN THE COURT OF COMMON PLEAS  
 OF THE NINTH JUDICIAL CIRCUIT

Case No. 2005-CP-10-1224

**AFFIDAVIT  
 OF DEFENDANT ISIAIAH ULMER  
 IN SUPPORT OF MOTION TO VACATE  
 ORDER OF SALE AND MASTER'S DEED**

FILED  
 OCT 10 PM 3:06  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

**TO: THEODORE VON KELLER, ESQUIRE, CRAWFORD & VON KELLER, LLP,  
 ATTORNEYS FOR THE PLAINTIFF**

PERSONALLY appeared before me, Isaiah Ulmer, Esquire, who being duly sworn, states as follows:

1. I am a Defendant in the above-referenced foreclosure case along with my wife, Deborah J. Ulmer.
2. We are the record owners of the real property and mobile home secured thereon that is the subject of the above-referenced foreclosure case.
3. That the Plaintiff is the holder by assignment of the Note and Mortgage for the subject property, and, upon information and belief, that Green Tree Servicing LLC is the servicer of the mortgage loan.
4. On the morning of Tuesday, September 18, 2012, I was served with paperwork by the Sheriff's Department on behalf of Green Tree Servicing LLC stating that our property had been sold and that we should move. My attorney then determined this was done pursuant to an Order from 2007 and referencing this 2005 case number. Prior to this date, I had no reason to believe that my property continued to be in jeopardy, because I had filed bankruptcy in April 2012.

5. That neither I, Isaiah Ulmer, nor my attorneys in this foreclosure case, Davis & Davis, LLC, or my bankruptcy attorney, D. Nathan Davis, have any knowledge of said order being submitted and a sale being held of our Property based on an old order from years ago. My wife, Deborah J. Ulmer is fully disabled due to physical and mental health issues, and had no knowledge of same either.

6. That I believe Green Tree has attempted to circumvent my and my attorney's participation in this process in order to achieve their goal of foreclosing our land and property, which is family land and in addition to sentimental value, has substantial equity of probably a minimum of three times the amount the Master's deed says the property was sold for recently without our or any of our attorney's receiving notice of same, and by using an old Order in order to get authority to sell our property.

7. I am gainfully employed as a landscaper contractor and have a second job at Piggly Wiggly, my wife receive's social security disability and benefits, and what has occurred is unjust and should not be allowed without notice to all of my attorneys when Greentree and its attorneys were well aware that I had filed bankruptcy in order to save my house.

8. We believe that Greentree has acted in further bad faith by selling our property when I had filed bankruptcy and by using an old Order that was not even sent to me or my attorneys so that we had any notice of what was going on prior to September 18, 2012, when the Sheriff appeared to serve papers on us.

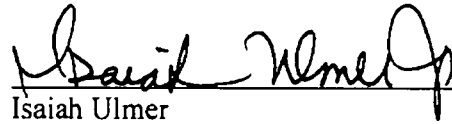
9. I believe that this is a situation where the Plaintiff has received a windfall due to my legal counsel having all been excluded from this process, as Plaintiff was aware of who was representing us in this foreclosure since 2010 when it was restarted, and who our bankruptcy attorney was in the past and current, and I believe that an old Order was used and presented to the Court to get an Order of Sale so that none of the attorneys would receive court notice and so that I would not either.

10. It appears that because no one knew this old order from years ago was being submitted after I filed bankruptcy in April 2012, my wife and I will lose our property unless this Judgment and Order are reopened and this Master's Deed set aside.

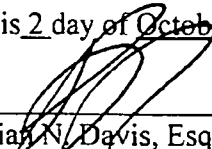
11. I hereby join my attorneys in requesting that this Judgment and Order be reopened, and this Master's Deed set aside, so that this matter can be handled fairly and equitably and with full notice and knowledge to me and all my attorneys of all happenings in this case.

12. I also believe and am asking the Court that the Plaintiff also be fined and/or punished for its obviously deceptive behavior regarding this sale and other behavior throughout the last two years, which has included harassing my wife, who has mental and physical disabilities by continuously calling our home, and by coming to our house throughout the last two years at various times and especially this summer, even after I filed bankruptcy in order to attempt to harass and intimidate us in to giving up our home and family land, which has substantial equity and sentimental value and in violation of the bankruptcy stay and attempting to circumvent federal and state laws.

FURTHER AFFIANT SAYETH NOT!

  
Isaiah Ulmer

SWORN TO BEFORE ME  
This 2 day of October 2012.

  
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Brian N. Davis, Esquire  
Notary Public for South Carolina  
My Commission Expires: 5-23-14