

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

Founders Federal Credit Union,

Plaintiff,

vs.

Richard O. Gardner, III,

Defendant.

IN THE CIRCUIT COURT

Case No. 2022-CP-29-01298

ORDER OF REFERENCE

RECEIVED

Jun 20 2023

SC Court of Appeals

THIS MATTER COMES BEFORE THE COURT upon the Plaintiff's *Notice of Motion and Motion for Order of Reference* (the "Motion to Refer") filed by the Plaintiff on March 20, 2023, seeking to refer the case to a special referee. The Honorable Brian M. Gibbons presided over a hearing on the Motion to Refer on April 26, 2023. In attendance at the hearing were Suzanne Graham Grigg, attorney for Founders Federal Credit Union and J. Martin Foster, attorney for Defendant Gardner. Based on the arguments of counsel and pleadings filed herein, the Court finds and orders as follows:

IT APPEARING that, pursuant to Rule 53(b), SCRPC, an action for foreclosure of a judgment lien may be referred to a master in equity or special referee, by order of a circuit court judge or the clerk of court,

IT FURTHER APPEARING that the above-entitled action is a judgment lien foreclosure action against real property located in Lancaster County, South Carolina, and it is a proper matter to be referred to a Special Referee for Lancaster County. Special Referees frequently preside over judgment lien foreclosure actions as they are more familiar with the process of foreclosure actions.

IT FURTHER APPEARING that Plaintiff's Motion to Refer seeks to refer this action to a Special Referee for Lancaster County, to make appropriate findings of fact and conclusions of law, with authority to dispose of all issues and enter a final judgment in the cause and directing that any appeal from the decision of the Special Referee shall be made directly to the South Carolina Court of Appeals is hereby granted.

IT IS HEREBY ORDERED that the above-entitled action be, and the same hereby is, referred to The Honorable S. Jackson Kimball, Special Referee for Lancaster County, South Carolina to: take testimony and to direct entry of final judgment in this action under Rule 53(b), SCRCF, and all matters arising from or reasonably related to such action. The Special Referee shall retain jurisdiction to perform all necessary acts incident to this foreclosure including, but not limited to, issuance of a writ of assistance; issuance of a rule to show cause; and the hearing of issues involving appraisal proceedings under S.C. Code Ann. § 29-3-360 (1976), *et seq.* Further, the Special Referee shall retain jurisdiction to hear any action contesting the validity of the foreclosure action or sale or any motions pursuant to South Carolina Rules of Civil Procedure including, but not limited to, Rule 60(b).

Any appeal from the final judgment entered by the Special Referee shall be directly to the South Carolina Court of Appeals, pursuant to Rule 203(d)(1), SCACR, effective June 1, 1999.

AND IT IS SO ORDERED.

Brian M. Gibbons
Circuit Court Judge



Lancaster Common Pleas

Case Caption: Founders Federal Credit Union VS Richard O. Gardner III

Case Number: 2022CP2901298

Type: Order/Referred to Master or Special Referee

So Ordered

s/Brian M. Gibbons #2168 Circuit Judge