

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS  
C/A NO.: 2021-CP-26-00252

United States of America acting through the Rural Housing Service or successor agency, United States Department of Agriculture,

Plaintiff,

vs.

Ginger S. Smith, As Personal Representative of The Estate of Yvonne Curtis Ingram, Deceased; Charles Curtis Ingram; Chadwick Benjamin Ingram, and any other Heirs-at-Law or Devisees of Yvonne Curtis Ingram, deceased, their heirs, Personal Representatives, Administrators, Successors and Assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interest in the property subject of this matter; also any persons who may be in the military service of the United States of America, being a class designated as John Doe; and any unknown minors or persons under a disability being a class designated as Richard Roe,

Defendants.

**ORDER DENYING MOTION TO RECONSIDER, ALTER OR AMEND**

THIS MATTER came before the Court on motion (“Motion”) of Plaintiff United States of America, acting through the Rural Housing Service, or successor agency, United States Department of Agriculture (“Plaintiff”) pursuant to Rule 59(e) SCRPC, for an order altering or amending and/or reconsidering the Court’s rulings in its Judgment of Foreclosure and Order for Sale filed June 2, 2023.

Upon review of the Motion, Memorandum of Law filed in support thereof, affidavits, and the pleadings in this matter, the Motion is denied on the following grounds:

Upon weighing the equitable rights of the parties relating to the debt components of interest and property maintenance charges accruing over an extended period of time, the court has determined that the Plaintiff sat upon its right to commence and finalize their foreclosure action. This determination is based upon equitable principles, specifically the doctrine of unclean hands.

The court is addressing this issue *sua sponte* as a matter of public policy due to the Plaintiff's significant delay in initiating and finalizing this foreclosure. The record reflects that Plaintiff has had possession of this property for many years. Plaintiff submitted documentation for monthly maintenance expenses beginning April of 2017. The initial default date on this loan is September 2, 2016 and the foreclosure action was not filed until January 14, 2021.

I find that Plaintiffs' interest recovery shall be limited to two years from the date of default, which represents a reasonable period of time within which Plaintiffs could have brought and finalized their foreclosure actions.

Under a similar balancing analysis, I find the cost of property maintenance and other property preservation costs should be reduced to fifty percent (50%) of amounts indicated in the respective Affidavits of Debt presented to the court at the May 16, 2023 hearing. Total property maintenance/preservation costs submitted for USDA vs. the Estate of Yvonne Curtis Ingram (2021CP2600252) of \$51,590.58 shall be reduced to \$25,795.29.

**[MASTER IN EQUITY ELECTRONIC SIGNATURE PAGE TO FOLLOW]**



## Horry Common Pleas

**Case Caption:** United States Of America , plaintiff, et al VS Ginger S Smith PRS ,  
defendant, et al  
**Case Number:** 2021CP2600252  
**Type:** Master/Order/Other

So Ordered

s/Alan D. Clemmons 3088 Master in Equity