ELECTRONICALLY FILED - 2023 Sep 29 8:33 AM - GREENVILLE - COMMON PLEAS - CASE#2022CP2302736

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

C/A NO: 2022-CP-23-02736

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR RCF 2 ACQUISITION TRUST C/O U.S. BANK TRUST NATIONAL ASSOCIATION

Plaintiff

vs.

SHELTON A KIRKSEY; TUNDALIA KIRKSEY; THE UNITED STATES OF AMERICA ACTING BY AND THROUGH ITS AGENCY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; SAVANNAH POINTE HOMEOWNERS ASSOCIATION, INC.

Defendant(s)

RECEIVED
Oct 02 2023
SC Court of Appeals

ORDER AS TO DEFENDANT SHELTON A. KIRKSEY'S MOTION TO SHOW CAUSE INQUIRY WITH AFFIDAVIT

FINDINGS OF FACT

This matter comes before the Court on September 28, 2023 at 9:00 AM for the second setting of a Hearing upon the Defendant Shelton A. Kirksey's Motion to Show Cause Inquiry with Affidavit submitted to the Master of Equity's Office on September 14, 2023, and later filed with the Court on September 25, 2023, with due Notice of Hearing being made by the Court for both hearing dates of September 27, 2023 at 9:00 AM and September 28, 2023 at 9:00 AM[1], with

[1] The matter was originally scheduled for 9/27/2023 at 9:00 AM. After the hearing, Mr. Kirksey appeared at approximately 9:30 AM stating he thought the hearing was at 9:30 AM. Out of an abundance of concern for Mr. Kirksey, the matter was rescheduled and heard on 9/28/23 at 9:00 AM.

the case being properly called for hearing, and with counsel for the Plaintiff and Defendant Shelton A. Kirksey both appearing.

And upon consideration of the matters contained within the Defendant Shelton A. Kirksey's Motion to Show Cause Inquiry, the other matters filed as of record, and the arguments and evidence and testimony presented to the Court by the parties herein, the Court enters the following ORDER,

IT IS HEREBY ORDERED:

1. As stated on the record, the requests for relief and all other matters set forth and contained within the Defendant Shelton A. Kirksey's Motion to Show Cause Inquiry with Affidavit that have not previously been waived are not viable defenses or requests for relief under the laws of the State of South Carolina and are hereby denied.

2. Pursuant to the Judgment and Order of Foreclosure filed March 7, 2023 and Supplemental Judgment and Order of Foreclosure filed on August 4, 2023, the Foreclosure Sale of the subject Property continues and is set for sale on for Monday, October 2, 2023 at 11:00 AM, at the Greenville County Courthouse.

AND IT IS SO ORDERED.

JUDGE'S SIGNATURE PAGE TO FOLLOW.

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Greenville Common Pleas

Case Caption: Us Bank Trust National Association , plaintiff, et al vs. Shelton A Kirksey , defendant, et al

Case Number: 2022CP2302736

Type: Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)

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