

The Plaintiff is the owner of the subject property because it purchased the property at the June 7, 2023, foreclosure sale and recorded the deed in the Register of Deeds Office, Berkeley County in Deed Book 4608 at Page 987.

Upon Motion of the Plaintiff, IT IS ORDERED that the Movant is entitled to recover possession of the below described property:

Land Situated in the County of Berkeley in the State of SC

ALL that certain piece, parcel or lot of land located in 2nd St. Johns Parish, County of Berkeley, State of South Carolina, shown and designated as a portion of Lot "B-1" containing 2.325 acres, more or less, as shown on a plat entitled "SUBDIVISION SURVEY OF 6.417-AC. CREATING LOTES "A-1", "A-2", "B-1", "B-2" and "C-1" OWNED BY DAVID WOODARD 2ND ST. JOHNS PARISH-CROSS BERKELEY COUNTY, SOUTH CAROLINA", made by Robert J. Sample dated July 9, 2001, revised August 6, 2001, duly recorded in the ROD Office for Berkeley county in Plat Cabinet P, page 302-E, reverence to said plat is hereby made for a more full and complete description thereof. This parcel is being added to the original Lot B-1 to make it a total acreage of 2.325 acres, more or less.

Being the same property conveyed to MARY WESTBROOKS by GLENN G. JOHN, by deed dated December 2, 2005 and recorded December 5, 2005 of record in Deed Book 5200, Page 320, in the County Clerk's Office.

Parcel No. 042-00-03-110
Property Address: 2492 Ranger Drive
Cross, SC 29436

IT IS FURTHER ORDERED that, if all occupants have not vacated the premises on or before October 16, 2023, the Sheriff of Berkeley County, South Carolina or his authorized deputies be and are hereby directed and authorized to enter upon the aforescribed property, by force if the same be necessary, at a time and date to be determined by the Sheriff or his deputies, and seize the said property and to remove therefrom any and all such persons including the Occupants who may be occupying the same, together with all their possessions, and to put the Movant in full, peaceful and quiet possession of the property without delay, and thereafter make immediate Return to the undersigned showing how this Order has been executed. Any personal property removed must be done so as not to cause a public nuisance. All valid tenant rights pursuant to Protecting Tenants at Foreclosure Act of 2009 shall be protected.

SIGNATURE PAGE TO FOLLOW

RECEIVED
Oct 02 2023
SC Court of Appeals



Berkeley Common Pleas

Case Caption: Bank Of America, N.A. VS Mary Westbrooks , defendant, et al
Case Number: 2018CP0802131
Type: Order/Writ Of Assistance

AND IT SO ORDERED!


s/Dale E. Van Slambrook #3079

Schultz was incarcerated in the FBOP from July 27th of 2022 till June 2, 2023 and records of mail from the FBOP and the affidavit of service was sent to her address and not to the FBOP for Mrs. Schultz to be served her notice of court hearing **South Carolina Rules of Civil Procedure § 15-9-510**, S.C. Code, 1976 states Service on imprisoned persons or persons confined in a state hospital or similar institution, in or out of this State, shall be made by delivering a copy of the summons and complaint to the confined person personally; and service shall be made by the sheriff of the county in which the person is imprisoned or confined. In cases of persons imprisoned, and patients in a state hospital or similar institution, personal service of process may be made by the superintendent of the institution or by the director of the prison system or by assistants duly designated by the superintendent or the director in writing for the purpose of making service of process, instead of the sheriff. The superintendent or the director or their designated assistants shall not be entitled to any costs therefore. Service on confined or imprisoned persons shall also conform to the provisions of § 15-9-510, S.C. Code, 1976.

Fact 2SEC. 702. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY. (a) In General- In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to-- (1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant-- (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph

.Aubrey Schultz and Kadeem Gaddist both have a written lease that is filed with Berkeley County courts and were not giving their rights as bona fide tenants even when their lease was presented to Bank of America and proof of that will be attached to appeal. Aubrey Schultz and Kadeem Gaddist both fall under all the rules to the PTFA and we are afforded their rights as tenants.

September 25, 2023


s/ Aubrey
Schultz and
Kadeem
Gaddist
2492 Ranger dr
Cross South Carolina 29436
843-964-4756
Appellants

other counsel of record
Bell Carrington Price and
Gregg LLC
2100 South Bridge Pkwy