

ELECTRONICALLY FILED - 2023 Feb 06 9:05 AM - SUMTER - COMMON PLEAS - CASE#2019CP4302059

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Federal National Mortgage Association ("Fannie Mae"); a corporation organized and existing under the law of the United States of America,

PETITIONER,

Nationstar Mortgage LLC d/b/a Mr. Cooper,

PLAINTIFF,

VS.

Teresa E. Staley a/k/a Teresa Elaine Staley a/k/a Teresa Staley; John Barry Haywood; and Wanda Anne Preyer,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

CASE NO. 2019-CP-43-02059

SECOND WRIT OF ASSISTANCE

RECEIVED

DEC 06 2023

SC Court of Appeals

(191070.00420)

**THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND OTHERS (including their possessions) WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.**

This matter came before me regarding the above named Defendant(s) Teresa E. Staley or any occupant of the property located at 3730 Artesian Drive, Sumter, SC 29150, to issue a Writ of Assistance by this Court to the Sheriff of Sumter County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendant(s) Teresa E. Staley, together with any and all persons claiming under and through said Defendants, and this Writ of Assistance specifically and further authorizing the removal of all of their personal property, no matter the type, kind, or value, which is located within or on the subject premises described herein; and said judicial authorization herein shall be accomplished with the removal of said personal property to the curb.

It appears that the subject premises were sold by judicial sale held on April 4, 2022. As a result of said sale, the Plaintiff became the owner of the subject property by virtue of a Master's Deed filed in Book 1301, page 5653-5655 in the Office of the Register of Deeds for Sumter County. Therefore, Plaintiff is entitled to possession of the subject premises.

With the expiration of both the Coronavirus Aid, Relief, and Economic Security Act and subsequent federal eviction moratoriums, South Carolina Supreme Court Administration Orders 2020-04-30-02 and 2020-05-06-01 have expired by operation of law and are no longer applicable in this underlying eviction action. Additionally, and by virtue of the completion of the April 4, 2022, judicial foreclosure sale and issuance by the Court the judicial Foreclosure Deed, the mortgage that is the subject of this foreclosure action was, at that time, released by operation of law, as well as in bidding compliance with the prior Order of Judgment of Foreclosure and Sale heretofore entered by this Court as to the subject property.

Petitioner is the "Immediate Successor in Interest" as defined under the Protecting Tenants at Foreclosure Act ("PTFA"). Protecting Tenants at Foreclosure Act of 2009 §§ 701-703, Pub. L. 111-22, Div. A, Title VII §§ 701-703, as restored by Public Law 115-174, Section 304 of the Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018.

In accordance with the PTFA, and as evidenced by the Affidavit filed herein, Petitioner provided sufficient, requisite notice to Defendant(s) and any occupant(s) of potential rights that may be afforded any such Defendant(s) or occupant(s) of the subject property under the PTFA; and

No Defendant nor occupant has replied or otherwise asserted any interest in the real property (including any improvements thereon) described in the Master in Equity's Deed dated May 5, 2022, and recorded in the Office of the RMC/ROD for Sumter County in Book 1301, page 5653-5655 on May 16, 2022.

Prior to the filing of the Writ of Assistance on November 22, 2022, Defendant John Barry Heyward EL (herein captioned as John Barry Heyward) filed for relief under the United States Bankruptcy Court, District of South Carolina, in Case Number 2022-01884-dd. An Order Granting Relief from Automatic Stay was filed on October 7, 2022, and is attached hereto and incorporated by reference as Exhibit "A". Defendant John Barry Heyward EL (herein captioned as John Barry Heyward) subsequently filed a Motion to Reconsider Order Granting Relief of Automatic Stay on October 20, 2022, and that motion was denied on October 21, 2022. Attached hereto and incorporated by reference as Exhibit "B" is the Order Denying Debtors Motion to Reconsider. Therefore, Petitioner may proceed with remedies against the subject property as referenced herein.

NOW, THEREFORE,

UPON MOTION OF Scott and Corley, P.A., attorney for Petitioner,

IT IS HEREBY ORDERED that the Petitioner is entitled to recover possession of the below described property.

All that certain piece, parcel or lot(s) of land with the improvements thereon, if any, situate, lying and being in the County of Sumter, State of South Carolina, being more particularly shown and delineated as Lots 24, 25, and 26 on that certain plat of Julian B. Allen, RLS, dated October 3, 1986 and recorded in the Office of the Register of Deeds for Sumter County in Plat Book 87, Page 133. This said lot has such metes, boundaries, courses and distances as are shown on said plat, which are incorporated herein in accordance with the provisions of Section 30-5-250 of the Code of Laws of South Carolina, 1976.

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This being the same property conveyed to Teresa E. Staley by deed of Randy Springs and Sandra K. Springs, dated May 31, 2007, and recorded May 31, 2007, in Book 1080 at Page 575 in the Office of the Register of Deeds for Sumter County.

Thereafter, Teresa Staley conveyed the subject property to Willie Heyward by deed dated July 25, 2019, and recorded August 7, 2019, in Book 1258 at Page 2771; thereafter, Willie Heyward conveyed the subject property to John Barry Haywood and Wanda Anne Preyer by deed dated September 12, 2019, and recorded September 12, 2019, in Book 1259 at Page 4457 in the Office of the Register of Deeds for Sumter County.

TMS No. 2211101008

Property address: 3730 Artesian Drive, Sumter, SC 29150

IT IS FURTHER ORDERED that, upon service of a copy of this Order, the Sheriff of Sumter County, South Carolina or his authorized deputies be, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the occupant(s) of the referenced property.

ORDERED, ADJUDGED AND DECREED that the Sheriff of Sumter County is herein and hereby ordered and directed to, with whatever force necessary, eject and remove from the premises the occupants and their personal possessions from the real property located at **3730 Artesian Drive, Sumter, SC 29150** with the individuals occupying the property to be removed not before February 10, 2023.

IT IS SO ORDERED

***JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW***



**Sumter Common Pleas**

**Case Caption:** Nationstar Mortgage Llc , plaintiff, et al VS Teresa E Staley ,  
defendant, et al  
**Case Number:** 2019CP4302059  
**Type:** Order/Writ Of Assistance

And It Is So Ordered

S/ Michael M. Jordan - 3085

Electronically signed on 2023-02-03 15:51:47 page 4 of 4

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