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Mar 07 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM HORRY COUNTY
ALAN D. CLEMMONS, MASTER-IN-EQUITY**

**Appellate Case No. 2023-001416
Lower Court Case No. 2021-CP-26-00252**

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

v.

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..... Respondents

**MOTION TO SUPPLEMENT DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL AND TO STAY THE TIME TO FILE THE RECORD ON
APPEAL AND/OR TO FILE SAME OUT OF TIME**

Appellant United States of America acting through the Rural Housing Service or
successor agency, United States Department of Agriculture (“Appellant”), hereby moves
pursuant to Rule 212(b), SCACR, to supplement the Designation of Matter to be Included
in the Record on Appeal by adding (1) Various email correspondence by and between

Appellant's counsel and the Office of the Horry County Master-in-Equity collectively attached hereto has **Exhibit A**. No Respondent Initial Brief has been filed or served contesting Appellant's Initial Brief. Appellant similarly seeks to stay the time by which Appellant is required to file the Record on Appeal or to have leave to file the same outside of time until the outcome of this Motion is determined as the Record on Appeal is due on or before March 13, 2024.

The items identified above and listed in **Exhibit A** are part of the complete record as to those matters taken under advisement from the final hearing held May 16, 2024. As such, all the materials sought for inclusion would have been within the scope of the arguments being briefed by Appellant, and, otherwise, would have been proper for inclusion in the prior Designation of Matter to be Included on Appeal filed by the Appellant. Appellant is informed and believes none of the above-named Respondents would be prejudiced by Appellant's requested supplementation.

HARRELL, MARTIN & PEACE, P.A.

s/ Taylor A. Peace, Esq.

Taylor A. Peace, Esq., S.C. Bar #100206
Jamie Anna Weller, Esq., S.C. Bar #105548
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Phone: (803) 345-3353
tpeace@hmp-law.com
jweller@hmp-law.com
Attorneys for Appellant United
States of America acting through the
Rural Housing Service or successor agency,
United States Department of Agriculture

March 7, 2024

EXHIBIT A

Jamie Weller

From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Tuesday, September 5, 2023 10:02 AM
To: Jamie Weller
Cc: Taylor Peace; Thomas Kilpatrick
Subject: RE: 2021CP2600252 and 2021CP2600144 Ruling on Motions to Reconsider

Thank you, Jamie,

Please go ahead and efile the proposed orders.

Sheri

Sheri McAllister, J.D. LL.M
Staff Attorney
Horry County Government
Office of the Master in Equity
The Honorable Alan D. Clemmons
P. O. Box 1236, Conway, South Carolina 29528
1301 Second Avenue, Conway, South Carolina 29526
Tel 843.915.7853 | Fax 843.915.6310
mcallister.sheri@horrycountysc.gov | www.horrycountysc.gov

****Please note our office closes at noon on Fridays.****

***** Also, please note that Horry County does not provide a court reporter for matters before the Master in Equity. Parties are responsible for securing court reporters for contested matters.**



From: Jamie Weller <jweller@hmp-law.com>
Sent: Tuesday, September 5, 2023 9:20 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: FW: 2021CP2600252 and 2021CP2600144 Ruling on Motions to Reconsider

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Sherri,

We apologize for the delay in getting these to you. Attached please find the proposed Orders relating to the Motions to Reconsider on the above-referenced matters. If Judge Clemmons is agreeable, we will get them e-filed today.

Yours truly,
Jamie Anna Weller, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Direct: (803) 298-2106
Mobile: (803) 429-6646
Fax: (803) 345-9171
jweller@hmp-law.com

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From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Wednesday, August 9, 2023 2:50 PM
To: Taylor Peace <tpeace@hmp-law.com>
Subject: 2021CP2600252 and 2021CP2600144 Ruling on Motions to Reconsider

Dear Taylor,

Judge Clemmons has issued a ruling on the Motions to Reconsider in the above-referenced foreclosure cases. Please prepare and efile proposed Orders to reflect the court's ruling and include the language below.

Estate of Yvonne Curtis Ingram (2021CP2600252)

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.

USDA vs. Patricia A. White (2021CP2600144)

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 its 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 February of 2008. The initial default date on this loan is March 26, 2008 and the foreclosure action was not filed until January 12, 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. Patricia A. White (2021CP2600144) of \$72,099.05 shall be reduced to \$36,049.53.

Sheri McAllister, J.D. LL.M
Staff Attorney
Horry County Government
Office of the Master in Equity
The Honorable Alan D. Clemmons
P. O. Box 1236, Conway, South Carolina 29528
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Jamie Weller

From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Sunday, July 2, 2023 11:40 AM
To: Jamie Weller
Cc: Taylor Peace; Thomas Kilpatrick
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Thank you, Jamie,

Have a safe and relaxing holiday!

Sheri

From: Jamie Weller <jweller@hmp-law.com>
Sent: Friday, June 30, 2023 11:46 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

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Good Morning Ms. McAllister,

I hope you are having a pleasant Friday morning.

Pursuant to Judge Clemmons request, attached please find the Memorandums of Law in Support of the Plaintiff's Motion to Alter or Amend for Judge Clemmons' consideration which were filed this morning. Please accept our apologies in the delay in providing these Memorandums as we wanted to provide them to the USDA's Office of General Counsel for review and approval prior to submitting them to the Court.

Please let us know if Judge Clemmons would like to schedule a hearing on this matter or if he has any questions and/or concerns.

Yours truly,
Jamie Anna Weller, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Direct: (803) 298-2106
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jweller@hmp-law.com

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Jamie Weller

From: Jamie Weller
Sent: Friday, June 30, 2023 11:46 AM
To: McAllister, Sheri
Cc: Taylor Peace; Thomas Kilpatrick
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)
Attachments: 06.30.2023 filed Memorandum of Law in Support of Motion to Alter or Amend.pdf; 06.30.2023 filed Memorandum of Law in Support of Motion to Alter or Amend.pdf

Good Morning Ms. McAllister,

I hope you are having a pleasant Friday morning.

Pursuant to Judge Clemmons request, attached please find the Memorandums of Law in Support of the Plaintiff's Motion to Alter or Amend for Judge Clemmons' consideration which were filed this morning. Please accept our apologies in the delay in providing these Memorandums as we wanted to provide them to the USDA's Office of General Counsel for review and approval prior to submitting them to the Court.

Please let us know if Judge Clemmons would like to schedule a hearing on this matter or if he has any questions and/or concerns.

Yours truly,
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Jamie Weller

From: Jamie Weller
Sent: Friday, June 2, 2023 9:53 AM
To: McAllister, Sheri
Cc: Thomas Kilpatrick; Taylor Peace
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)
Attachments: Order and Form 4 - 5.16 hrng rev 5.31.23.docx; Notice of sale - 5.16 hrng.docx; Notice of Sale.docx; Judgment Order and Form 4 rev 5.31.23.docx

Hi Sheri,

I hope you are having a wonderful Friday morning. Attached please find the Notices of Sale and Decrees which have been revised to reflect Judge Clemmons' ruling. Please let us know if Judge Clemmons' has any additional revisions, questions and/or concerns.

I have copied Thomas in the event he also has any revisions, comments, questions or concerns.

Have a wonderful weekend and thank you for all of your help in these matters.

Respectfully,
Jamie Anna Weller, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
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From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Wednesday, May 31, 2023 11:05 AM
To: Taylor Peace <tpeace@hmp-law.com>; Jamie Weller <jweller@hmp-law.com>
Cc: Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Thank you, Taylor,

You will also need to include the date of default and date of filing in both orders.

Sheri

From: Taylor Peace <tpeace@hmp-law.com>
Sent: Wednesday, May 31, 2023 9:42 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>; Jamie Weller <jweller@hmp-law.com>
Cc: Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

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Hi Sheri,

Thank you for letting us know. We'll get those revised and sent over.

Thanks,

Taylor A. Peace, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Fax: (803) 345-9171
tpeace@hmp-law.com

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From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Wednesday, May 31, 2023 9:40 AM
To: Taylor Peace <tpeace@hmp-law.com>; Jamie Weller <jweller@hmp-law.com>
Cc: Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Dear Taylor,

Thank you for your email. You may include the following analysis in the proposed Orders and email them to me. I will be glad to efile them upon revision.

Upon weighing the equitable rights of the parties as related to the debt components of interest and property maintenance charges that accrued over an extended period of time while plaintiffs sat upon their rights to commence and finalize their foreclosure actions, as per equitable principles including, but not limited to, estoppel by laches, 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. Total property maintenance/preservation costs submitted for USDA vs. Patricia A. White (2021CP2600144) of \$72,099.05 shall be reduced to \$36,049.53.

Sheri

Sheri McAllister, J.D. LL.M
Staff Attorney
Horry County Government
Office of the Master in Equity
The Honorable Alan D. Clemmons
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From: Taylor Peace <tpeace@hmp-law.com>
Sent: Tuesday, May 30, 2023 12:58 PM

To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>; Jamie Weller <jweller@hmp-law.com>
Cc: Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

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Hi Sheri,

Thank you for letting us know Judge Clemmons rulings.

Since the cases were uncontested as to the debt, can Judge Clemmons provide further elaboration on the legal theory(ies) on which he is relying in striking a portion of the debt claimed to be owed? Is his ruling that the USDA didn't prove its debt, that it is subject to a statute of limitations defense, a laches defense, or some sort of estoppel defense? I'd like to revise the orders to include his analysis, and I'm not connecting the dots on how a delay in bringing the actions relates to rulings that change the debt presented at the hearings where those figures went uncontested.

Thanks,

Taylor A. Peace, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Fax: (803) 345-9171
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From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Saturday, May 27, 2023 3:21 PM
To: Jamie Weller <jweller@hmp-law.com>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Good Afternoon, Jamie,

Thank you so much for the additional information. Judge Clemmons has made a ruling for both cases. He will allow two years of interest and 50% of the preservation costs due to delays in filing the actions. Please revise the proposed Orders to indicate the dates of default and the amounts awarded per the court's ruling. In future foreclosure cases the court requests that the date of default be included in the complaint.

It is fine to email me the revised Order but I will need to receive it by June 1 so it is filed a month before the sales date in the NOS. I present the revised Order and NOS for signing and filing upon receipt.

Have a good holiday weekend and I will look forward to hearing from you.

Sheri

Sheri McAllister, J.D. LL.M
Staff Attorney
Horry County Government
Office of the Master in Equity
The Honorable Alan D. Clemmons
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From: Jamie Weller <jwteller@hmp-law.com>
Sent: Monday, May 22, 2023 10:59 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

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Hi Sherri,

Pursuant to Judge Clemmons request, I am providing the following additional information regarding the above-referenced hearings held before Judge Clemmons on May 16, 2023:

As to USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of September 2, 2016. The initial delay was due to the death of the underlying borrower on October 15, 2016 and providing the heirs an opportunity to cure the delinquency and/or complete the estate which was opened November 9, 2016 and still showing open as of May 22, 2023, a lack of funding approval for a legal referral, and the final delay was due to the pandemic.

AS to USDA v. Patricia A. White (2021CP2600144)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of March 26, 2008 and requested that we provide information relating to the prior foreclosure case fees and costs assessed to the account. The delay in the foreclosure action is due to a servicing appeal on the account following the 2009 case, lack of funding approval for legal referral, the borrower's ongoing medical issues, and the final delay was due to the pandemic. I have attached copies of the prior 2009 foreclosure action to substantiate the prior foreclosure fees and costs.

Please let me know if Judge Clemmons has any additional questions or concerns.

Yours truly,
Jamie Anna Weller, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
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Jamie Weller

From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Saturday, May 27, 2023 3:21 PM
To: Jamie Weller
Cc: Taylor Peace; Thomas Kilpatrick
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Good Afternoon, Jamie,

Thank you so much for the additional information. Judge Clemmons has made a ruling for both cases. He will allow two years of interest and 50% of the preservation costs due to delays in filing the actions. Please revise the proposed Orders to indicate the dates of default and the amounts awarded per the court's ruling. In future foreclosure cases the court requests that the date of default be included in the complaint.

It is fine to email me the revised Order but I will need to receive it by June 1 so it is filed a month before the sales date in the NOS. I present the revised Order and NOS for signing and filing upon receipt.

Have a good holiday weekend and I will look forward to hearing from you.

Sheri

Sheri McAllister, J.D. LL.M
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1301 Second Avenue, Conway, South Carolina 29526
Tel 843.915.7853 | Fax 843.915.6310
mcallister.sheri@horrycountysc.gov | www.horrycountysc.gov
Please note our office closes at noon on Fridays.



Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or its staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

From: Jamie Weller <jweller@hmp-law.com>
Sent: Monday, May 22, 2023 10:59 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Sherri,

Pursuant to Judge Clemmons request, I am providing the following additional information regarding the above-referenced hearings held before Judge Clemmons on May 16, 2023:

As to USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of September 2, 2016. The initial delay was due to the death of the underlying borrower on October 15, 2016 and providing the heirs an opportunity to cure the delinquency and/or complete the estate which was opened November 9, 2016 and still showing open as of May 22, 2023, a lack of funding approval for a legal referral, and the final delay was due to the pandemic.

AS to USDA v. Patricia A. White (2021CP2600144)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of March 26, 2008 and requested that we provide information relating to the prior foreclosure case fees and costs assessed to the account. The delay in the foreclosure action is due to a servicing appeal on the account following the 2009 case, lack of funding approval for legal referral, the borrower's ongoing medical issues, and the final delay was due to the pandemic. I have attached copies of the prior 2009 foreclosure action to substantiate the prior foreclosure fees and costs.

Please let me know if Judge Clemmons has any additional questions or concerns.

Yours truly,
Jamie Anna Weller, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Direct: (803) 298-2106
Mobile: (803) 429-6646
Fax: (803) 345-9171
jweller@hmp-law.com

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Jamie Weller

From: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Sent: Monday, May 22, 2023 11:11 AM
To: Jamie Weller
Cc: Taylor Peace; Thomas Kilpatrick
Subject: RE: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

Thank you, Jamie. I will pass this information along to Judge Clemmons.

Have a good Monday!

Sheri

From: Jamie Weller <jweller@hmp-law.com>
Sent: Monday, May 22, 2023 10:59 AM
To: McAllister, Sheri <Mcallister.Sheri@horrycountysc.gov>
Cc: Taylor Peace <tpeace@hmp-law.com>; Thomas Kilpatrick <tkilpatrick@murphykilpatrick.com>
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)

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AS to USDA v. Patricia A. White (2021CP2600144)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of March 26, 2008 and requested that we provide information relating to the prior foreclosure case fees and costs assessed to the account. The delay in the foreclosure action is due to a servicing appeal on the account following the 2009 case, lack of funding approval for legal referral, the borrower's ongoing medical issues, and the final delay was due to the pandemic. I have attached copies of the prior 2009 foreclosure action to substantiate the prior foreclosure fees and costs.

Please let me know if Judge Clemmons has any additional questions or concerns.

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Cc: Taylor Peace; Thomas Kilpatrick
Subject: USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252) and USDA v. Patricia A. White (2021CP2600144)
Attachments: Prior 2009 Foreclosure Case.pdf; Estate Page_Yvonne Ingram.pdf

Hi Sherri,

Pursuant to Judge Clemmons request, I am providing the following additional information regarding the above-referenced hearings held before Judge Clemmons on May 16, 2023:

As to USDA v. the Estate of Yvonne Curtis Ingram (2021CP2600252)

Judge Clemmons requested that we inquire about the delay in proceeding with the foreclosure in this matter with a default date of September 2, 2016. The initial delay was due to the death of the underlying borrower on October 15, 2016 and providing the heirs an opportunity to cure the delinquency and/or complete the estate which was opened November 9, 2016 and still showing open as of May 22, 2023, a lack of funding approval for a legal referral, and the final delay was due to the pandemic.

AS to USDA v. Patricia A. White (2021CP2600144)

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Please let me know if Judge Clemmons has any additional questions or concerns.

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Public Inquiry > Search Cases > Case Detail

Search Cases | Search Parties

Case Summary

Case No.	Status	Filed	Judicial Assistant	Assigned
2016ES2602358	Open	11/9/2016	James, Samantha	4/28/2022

Primary Parties

Name	Type	Date of Death	Address
INGRAM, YVONNE CURTIS	Deceased Person	10/15/2016	

Case Parties

Name	Type
INGRAM, YVONNE CURTIS	Deceased Person
SMITH, GINGER S	Personal Representative

Scheduled Events

no records found

Filings

no records found

Inventory

no records found	Net Worth
	Estate Value: 0.00
	Gross Value: 0.00
	Encumbrance: 0.00
	= Net Worth: 0.00

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture,

PLAINTIFF,

vs.

Patricia A. White a/k/a Patricia Ann White, and Family Services f/k/a Family Services, Inc. ,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

MASTER'S ORDER AND JUDGMENT OF FORECLOSURE AND SALE

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO:2009-CP-26-5057

DEFICIENCY WAIVED

F29-03295

TO:

Korn Law Firm, P.A.
Attorney for Plaintiff

Pursuant to Rule 53 SCRPC, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the cause.

Pursuant to the said Order of Reference a hearing was held, attended by the attorneys of record, the testimony was taken, which is reported herewith, and from the testimony and evidence, I find conclude and order as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on May 14, 2009 and an Amended Lis Pendens was filed on May 29, 2009.
2. The Summons and Complaint were filed on May 19, 2009, and amended Summons and Complaint were filed on May 29, 2009.
3. Service was made upon the Defendant(s) named in this Report as is shown by the Proof(s) of Service filed herein.
4. The Defendants and/or all attorneys of record were notified of the time, date, and place of the hearing in this matter.
5. According to the Affidavit filed herein, no Defendant in default is in the Military Service of the United States of America, as contemplated under the Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto.

FILED
HORRY COUNTY
2009 OCT 29 AM 10:28
MELANIE HUGGINS-WARD
CLERK OF COURT

6. For value received, Patricia A. White made, executed and delivered a Note dated April 26, 1983, promising thereby to pay to the order of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture the sum of Thirty-Nine Thousand Five Hundred And 00/100 Dollars (\$39,500.00), with interest at 10.750 percent per annum. Other terms and conditions are stated in the Note, which is of record herein.

7. To better secure the payment of the Note described above, the said Patricia A. White made, executed and delivered to United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture a Mortgage in writing, dated April 26, 1983, covering real property in Horry County, which is the same as that described in the Complaint. The mortgage was filed on April 26, 1983, and is of record in the Office of the Register of Deeds for Horry County in Mortgage Book 827 at page 761.

8. The above referenced instrument constitutes a purchase money mortgage with the proceeds of the loan being used to purchase the property above described.

9. Payment due on the Note has not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of the attorney herein for collection.

10. I find that since the inception of this action, plaintiff's attorney has assumed responsibility for the institution of this action and has searched and updated the title on the subject property from the date the current owner received the property or the date the mortgage was executed to the date of the filing of the Lis Pendens. He has been responsible for the preparation of the following pleadings:

1. Lis Pendens
2. Summons and Complaint
3. Affidavit of Default
4. Order of Reference
5. Notice of Hearing
6. Proposed Final Decree
7. Notice of Sale
8. Transcript of Testimony
9. Other documents as applicable pertaining to service and finalization of this action.

Additionally, he has arranged for service of process on the defendant(s), has scheduled and attended the hearing in this matter, has provided reinstatement figures to the primary defendant, if requested, and has had telephone conversations with the defendant(s), if requested. Future duties include forwarding copies of the Decree to the defendant(s), advising the defendant(s) of the date that the property will be sold, arranging and coordinating the amount to be bid by plaintiff, representation of plaintiff at sale and preparation of after sale documentation as required. Eighteen hours have been spent on this file to date.

Plaintiff's counsel anticipates spending approximately Six hours on the file after the hearing. In light of the potential liabilities inherent in a property matter, the attendant responsibilities and the size of the mortgage debt, I find that the attorney fees requested by the plaintiff in the amount of three thousand seven hundred and 00/100 (\$3,700.00) are reasonable.

11. The amount due and owing on the Note, with interest at the rate provided in the Note, and other costs and expenses of collection, including an attorney's fee, secured by the Note and Mortgage, is as follows:

(a)	Principal due as of 04/26/2008	\$ 52,304.02
(b)	Interest from 03/26/2008 through 10/06/2009 at 10.75%	\$ 8,611.16
(c)	Late charges	\$ 359.89
(d)	Appraisal fee	\$ 400.00
(e)	Subsidy Granted	\$ 37,328.38
(f)	Costs of Collections Prior to Hearing	\$ 780.00
(g)	Other charges	\$ 1,243.33
(h)	Attorney Fees	\$ 3,700.00
	TOTAL DEBT secured by Note and Mortgage, including interest to date shown	\$104,726.78

Interest for the period from the date shown in (b) above, through the date of this Judgment at the above stated rate to be added to the above stated "Total Debt" to comprise the amount of the judgment debt entered herein and interest after the date of judgment at the rate of 10.750 percent per annum (pursuant to the terms of the Note and Mortgage) on the judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by the mortgage through the date to which such interest is computed.

12. That the Defendant, Family Services f/k/a Family Services, Inc., is made a party by virtue of a Mortgage given by Patricia White, dated May 2, 2007, and recorded May 3, 2007, in Book 4896 at Page 869 in the amount of Five Thousand Eight Hundred Seventy-Five And 00/100 (\$5,875.00).

13. That the Plaintiff specifically waives its rights to a deficiency judgment in the event the sale of the real estate herein does not yield a sum sufficient to satisfy all indebtedness due to the Plaintiff, including costs and attorney fees.

14. Since a personal or deficiency judgment is being waived, the bidding will not remain open but compliance with the bid may be made immediately.

15. This Mortgage loan is not owned, securitized, or guaranteed by Fannie Mac or Freddie Mac nor is the servicer participating in the Home Affordable Modification Program.

CONCLUSION OF LAW

I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of the mortgage and the mortgaged property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. There is due to the Plaintiff on the obligation and mortgage set forth in the Complaint the sum of One Hundred Four Thousand Seven Hundred Twenty-Six And 78/100 Dollars (\$104,726.78) representing the "Total Debt" due Plaintiff as set forth supra, together with interest at the rate provided therein on the balance of principal from the date aforesaid to the date hereof.

2. The amount due in the preceding paragraph (the "Total Debt" as set forth supra and later accrued interest on the principal) shall constitute the total judgment debt due the Plaintiff and shall bear interest hereafter at the rate of 10.750% percent per annum.

3. That the Defendants liable for the aforesaid mortgage debt shall, on or before the date of sale of the property hereinafter described, pay to the Plaintiff, or Plaintiff's attorney the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

4. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the Master in Equity at public auction at the Horry County Justice Center, 1301 2nd Ave., 3rd Floor in Conway, South Carolina, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday, then and in the such event, the sales day shall be on Tuesday next succeeding such holiday), on the following terms, that is to say:

A. FOR CASH: The Master in Equity will require a deposit of Five percent (5%) on the amount of the bid (in cash or equivalent) at the time of the sale, same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within Twenty (20) days same to be forfeited and applied to the costs and Plaintiff's debt.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 10.750 percent.

C. The sale shall be subject to taxes and assessments, existing easements and easements and restrictions of record.

D. The above referenced instrument constitutes a purchase money mortgage with the proceeds of the loan being used to purchase the property above described.

E. Purchaser to pay for Deed Stamps and costs of recording the Deed.

5. If Plaintiff be the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff in full, Plaintiff may pay to the undersigned Master in Equity only the amount of the costs and expenses crediting the balance of the bid on Plaintiff's indebtedness.

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6. Personal nor deficiency judgment having been waived, the bidding will not remain open after the date of sale and compliance with the bid may be made immediately.

7. That the Master in Equity will, by advertisement according to law, give notice of the time, and place of sale, and the terms thereof; and will execute to the Purchaser, or Purchasers, a deed to the premises sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the Purchaser, or Purchasers, should fail to comply with the terms thereof within Twenty (20) days after date of sale, then the Master in Equity may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured.

8. That the Master in Equity will apply the proceeds of the sale as follows:

FIRST: To payment of the amount of the costs and expenses of this action, including any Guardian Ad Litem fee or fees of attorneys appointed under Order of Court.

NEXT: To the payment to the Plaintiff or Plaintiff's attorney, of the amount of Plaintiff's debt and interest, so much thereof as the purchase money will pay on the same.

NEXT: Any surplus will be held pending further order of the court.

9. It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder to whom the deed of conveyance has been issued subsequent to the sale is other than the Defendants in possession herein, the Sheriff of Horry County is ordered and directed to eject and remove from the premises the occupants of the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued or his assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession.

10. And it is further ORDERED, ADJUDGED AND DECREED that each Defendant and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right, title, interest and equity of redemption in the said mortgaged premises so sold, or any part thereof.

11. And it is further ORDERED, ADJUDGED AND DECREED that any prior lien that has been paid in full is hereby satisfied and cancelled of record.

12. IT IS FURTHER ORDERED that the Deed of conveyance made pursuant to said sale shall contain the names of only the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the mortgaged property at the time of filing of the Notice of Pendency of the within action, and the name of the Grantee, and the Register of Deeds is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said Deed.

13. The Master in Equity will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance.

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14. Upon issuance of a Master in Equity Report on Sale and Disbursements, the Register of Deeds is directed to release of record the mortgage lien being foreclosed, which mortgage lien is described as follows:

That Mortgage originally given to United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture by Patricia A. White, dated 04/26/1983 and recorded 04/26/1983, in Mortgage Book 827 at page 761.

15. The following is a description of the premises herein ordered to be sold:

LEGAL DESCRIPTION AND PROPERTY ADDRESS:

All and singular that certain piece, parcel or tract of land, situate, lying and being in Green Sea Township containing 0.7 acres as shown on a map by S.D. Cox Surveyors dated June 23, 1980 being specifically described as follows:


Beginning at an Iron N running N 59 degrees W 136.5' along S. C. Hwy 917; thence to the Top of Iron N running N 28 degrees 18' 20" E along the property of L. W. Paul; thence to an Iron N running S 59 degrees E 146.48' along property of L. W. Paul; thence to an Iron N running S 31 degrees W 212.03' along a 50' proposed road back to its beginning.

This being the same property conveyed to Patricia Ann White by deed of L. W. Paul Construction Company, Inc., dated April 26, 1983 and recorded April 26, 1983 in the Office of the Clerk of Court for Horry County, South Carolina in Deed Book 791 at Page 247.

3470 Highway 917 Loris, SC 29569

TMS 037-00-01-160

16. IT IS FURTHER ORDERED that if the Plaintiff or the Plaintiff's representative does not appear at the scheduled sale of the above-described property, then the sale of the property will be null, void and of no force and effect. In such event, the sale will be rescheduled for the next available sales day.


Cynthia Graham Howe
Master in Equity
For Horry County

Conway, South Carolina
October 26, 2009.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture

AFFIDAVIT OF DEBT

(NON-JURY MORTGAGE FORECLOSURE)

PLAINTIFF,

C/A NO:2009-CP-26-5057

vs.

DEFICIENCY WAIVED

Patricia A. White a/k/a Patricia Ann White, and Family Services f/k/a Family Services, Inc.,

DEFENDANT(S).

F29-03295

FILED
HORRY COUNTY
2009 OCT 29 PM 4:23
MELANIE HIGDON-SWARD
CLERK OF COURT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and swears that (s)he is an officer of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture, the Plaintiff herein, the amount of the debt, exclusive of attorney's fees and costs, is as follows:

(a)	Principal due as of 04/26/2008	\$ 52,304.02
(b)	Interest from 03/26/2008 through 10/05/2009 at 10.75%	\$ 8,611.16
(c)	Late charges	\$ 359.89
(d)	Appraisal fee	\$ 400.00
(e)	Subsidy Granted	\$ 37,328.38
(f)	Other charges	\$ 1,243.33
TOTAL DEBT		\$100,246.78

BY: Donna Harbaugh
ITS: Foreclosure Representative

State of Missouri

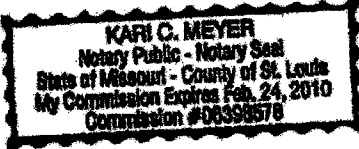
County of St. Louis

Subscribed and sworn to (or affirmed) before me on this 8 day of October, 2009, by Donna Harbaugh personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Kari Meyer

NOTARY PUBLIC FOR St. Louis

My commission expires: 2/24/2010



STATE OF SOUTH CAROLINA

COUNTY OF HORRY

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture
PLAINTIFF,

vs.

Patricia A. White a/k/a Patricia Ann White , and Family Services f/k/a Family Services, Inc. ,
DEFENDANT(S).

F29-03295

IN THE COURT OF COMMON PLEAS

AFFIDAVIT

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2009-CP-26-5057

DEFICIENCY WAIVED

FILED
HORRY COUNTY
2009 OCT 29 AM 10:23
MEGANIE HUGGINS-WARD
CLERK OF COURT

PERSONALLY APPEARED BEFORE ME, Alan M. Stewart, Esquire, who, being first duly sworn, deposes and states that he is a member of the Korn Law Firm, P.A., and that he represents the plaintiff in the following foreclosure action:

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture vs. Patricia A. White a/k/a Patricia Ann White, and Family Services f/k/a Family Services, Inc.

Since the inception of this action, his office has assumed responsibility for the institution of this action and has searched and updated the title on the subject property from the date the current owner received the property or the date the mortgage was executed to the date of the filing of the Lis Pendens. He has been responsible for the preparation of the following pleadings:

1. Lis Pendens
2. Summons and Complaint
3. Affidavit of Default
4. Order of Reference
5. Notice of Hearing
6. Proposed Final Decree
7. Notice of Sale
8. Transcript of Testimony
9. Other documents as applicable pertaining to service and finalization of the action

Additionally, he has arranged for service of process on the defendant(s) and has scheduled and attended the hearing in this matter; has provided reinstatement figures to the primary defendant, if requested, and has had phone conversations with the defendant.

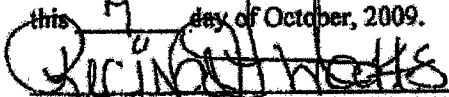
Future duties include forwarding copies of the Decree to the defendant, advising the defendant of the date that the property will be sold; arranging and coordinating the amount to be bid by plaintiff; representation of the plaintiff at the sale; and preparation of a Report on Sale and Order Confirming Sale, Deed and any other documents that may be necessary in this particular action.

Eighteen (Eighteen) hours have been spent on this file to date. We anticipate approximately Six (Six) hours after the hearing. The total debt is \$100,246.78 which does not include attorney fees. In light of the potential liabilities inherent in a property matter, the attendant responsibilities, and the size of the mortgage debt, we believe a reasonable attorney's fee would be three thousand seven hundred and 00/100 (\$ 3,700.00). Plaintiff's attorney has over twenty-five years experience in the area of mortgage foreclosure, has prosecuted more than 8,000 mortgage foreclosure actions on a statewide basis. The attorneys in the firm are members of the Mortgage Bankers of the Carolinas, the U.S. Foreclosure Network and the Commercial Law League of America.



Alan M. Stewart
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED before me
this 17 day of October, 2009.


NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 10/2/13

Notice of Sale
C/A No: 2009-CP-26-5057

BY VIRTUE OF A DECREE of the Court of Common Pleas for Horry County, South Carolina, heretofore issued in the case of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture against, Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc., I the undersigned as Master in Equity for Horry County, will sell on December 7, 2009, at 11:00 a.m., at the Horry County Justice Center, 1301 2nd Ave., 3rd Floor in Conway, South Carolina, to the highest bidder:
Legal Description and Property Address:

All and singular that certain piece, parcel or tract of land, situate, lying and being in Green Sea Township containing 0.7 acres as shown on a map by S.D. Cox Surveyors dated June 23, 1980 being specifically described as follows:

Beginning at an Iron N running N 59 degrees W 136.5' along S. C. Hwy 917; thence to the Top of Iron N running N 28 degrees 18' 20" E along the property of L. W. Paul; thence to an Iron N running S 59 degrees E 146.48' along property of L. W. Paul; thence to an Iron N running S 31 degrees W 212.03' along a 50' proposed road back to its beginning.

This being the same property conveyed to Patricia Ann White by deed of L. W. Paul Construction Company, Inc., dated April 26, 1983 and recorded April 26, 1983 in the Office of the Clerk of Court for Horry County, South Carolina in Deed Book 791 at Page 247.

3470 Highway 917 Loris, SC 29569
TMS # 037-00-01-160

TERMS OF SALE: For cash. Interest at the rate of Ten And 75/100 percent (10.75%) to be paid on balance of bid from date of sale to date of compliance. The purchaser to pay for papers and stamps, and that the successful bidder or bidders, other than the Plaintiff therein, do, upon the acceptance of his or her bid, deposit with the Master in Equity for Horry County a certified check or cash in the amount equal to five per cent (5%) of the amount of bid on said premises at the sale as evidence of good faith in bidding, and subject to any resale of said premises under Order of this Court; and in the event the said purchaser or purchasers fail to comply with the terms of sale within Twenty (20) days, the Master in Equity shall forthwith resell the said property, after the due notice and advertisement, and shall continue to sell the same each subsequent sales day until a purchaser, who shall comply with the terms of sale, shall be obtained, such sales to be made at the risk of the former purchaser. Since a personal or deficiency judgment is waived, the bidding will not remain open but compliance with the bid may be made immediately. If the Plaintiff or the Plaintiff's representative does not appear at the above-described sale, then the sale of the property will be null, void, and of no force and effect. In such event, the sale will be rescheduled for the next available sales day. Plaintiff may waive any of its rights, including its right to a deficiency judgment, prior to sale. Sold subject to taxes and assessments, existing easements and restrictions of record.


Master in Equity
For Horry County

Conway, South Carolina
October 26, 2009.
KORN LAW FIRM, P.A.
Attorney for Plaintiff

FILED
HORRY COUNTY
2009 OCT 29 AM 10:23
MELANIE HUGGINS-WARD
CLERK OF COURT

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 09-CP-26-5057__

UNITED STATES OF AMERICA

PATRICIA A. WHITE

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- See attached order. (Formal order to follow)
- Statement of Judgment by the Court:

Dated at Conway, South Carolina, this 26th day of October, 2009.

[Signature]
PRESIDING JUDGE

FILED
HORRY COUNTY
2009 OCT 29 AM 10:23
MELANIE HUGGINS-WARD
CLERK OF COURT

This judgment was entered on the _____ day of _____, 20____, and a copy mailed first class this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Korn Law Firm, PO Box 11264, Columbia, SC 29211-1264

ATTORNEY(S) FOR PLAINTIFF

Defendant is in default.

ATTORNEY(S) FOR DEFENDANT

CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

United States of America acting through the
Rural Housing Service f/k/a Farmers Home
Administration or successor agency, United
States Department of Agriculture

PLAINTIFF,

vs.

Patricia A. White a/k/a Patricia Ann White,
and Family Services f/k/a Family Services,
Inc.,

DEFENDANT(S).

F29-03295

IN THE COURT OF COMMON PLEAS

TRANSCRIPT OF TESTIMONY

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2009-CP-26-5057

DEFICIENCY WAIVED

FILED
HORRY COUNTY
2009 OCT 29 AM 10:23
MELANIE HUGGINS-WARD
CLERK OF COURT

Pursuant to the Order of Reference granted in the above cause of action, a hearing was held before Cynthia Graham Howe, as Master in Equity for Horry County, attended by counsel as follows:

APPEARANCES: PETER D. KORN / JOHN S. KAY / DEAN A. HAYES
ALAN M. STEWART / H. GUYTON MURRELL
JOHN B. KELCHNER / SUZANNAH HAYES
MEREDITH S. LEE

KORN LAW FIRM, P.A.
Attorneys for Plaintiff;

REPORTED BY: Regina Watts
Court Reporter

BY THE MASTER: Attorney for the Plaintiff calls attention to the filing of the Lis Pendens in the Office of the Clerk of Court for Horry County on May 14, 2009 and an Amended Lis Pendens was filed on May 29, 2009.

Attorney for the Plaintiff also calls attention to the filing of the Summons and Complaint in said Office of the Clerk of Court on May 19, 2009, and amended Summons and Complaint were filed on May 29, 2009, and to the designation of same as Civil Action Number 2009-CP-26-5057 in the Court of Common Pleas.

Attorney for the Plaintiff also calls attention to the Proof(s) of Service as to the Defendants Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc., showing that service of the Summons and Complaint was effected upon said defendants. Attorney for the Plaintiff also

calls attention to the Affidavit of Non-Military status showing to the effect that the Defendant(s) Patricia A. White a/k/a Patricia Ann White is not in the Military Service of the United States of America.

Attorney for the Plaintiff also calls attention to the Order of Reference dated August 5, 2009, wherein the above matter was referred to Cynthia Graham Howe, as Master in Equity, with authority to enter final Judgment in the cause.

It is stipulated that the signing of the Testimony by the witnesses, as required under Section 15-31-80, Code of Laws of South Carolina, 1976, is hereby waived.

WHEREUPON, ATTORNEY FOR THE PLAINTIFF, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

BY ATTORNEY FOR THE PLAINTIFF: If it pleases the Court, I represent the Plaintiff in this action.

From the original records in my possession, and from the Complaint herein, and from examination of the records of the Office of the Register of Deeds for Horry County, I find that on April 26, 1983, Patricia A. White gave a Mortgage Note unto United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture in the principal amount of Thirty-Nine Thousand Five Hundred And 00/100 (\$39,500.00) Dollars. This Note calls for repayment of the principal together with accrued interest at the rate of 10.750% percent per annum, in monthly installments of Three Hundred Sixty-Seven And 00/100 (\$367.00), commencing on August 26, 1983, until paid in full. The Note also contains provisions calling for the assessment of Attorney's Fees and Costs in the event of default and placement in the hands of an Attorney for collection.

The reverse side of the Note contains an Endorsement without recourse in favor of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture.

I would offer the original Mortgage Note into evidence as Plaintiff's Exhibit One.

MORTGAGE NOTE identified, offered and received in evidence as Plaintiff's Exhibit One.

I have next in my possession, the original Mortgage given to secure that Mortgage Note just offered into evidence and containing terms identical thereto. This instrument was given by Patricia A. White, unto United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture on April 26, 1983, and was recorded in the Office of the Register of Deeds for Horry County on April 26, 1983, in Mortgage Book 827 at Page 761. This instrument conveys the property more fully described in the Complaint.

The above referenced instrument constitutes a purchase money mortgage with the proceeds of the loan being used to purchase the property above described.

I would offer the original Mortgage into evidence as Plaintiff's Exhibit Two.

ORIGINAL MORTGAGE identified, offered and
received in evidence as Plaintiff's Exhibit Two

That the Defendant, Family Services f/k/a Family Services, Inc., is made a party by virtue of a Mortgage given by Patricia White, dated May 2, 2007, and recorded May 3, 2007, in Book 4896 at Page 869 in the amount of Five Thousand Eight Hundred Seventy-Five And 00/100 (\$ 5,875.00).

The Defendant Patricia A. White, who is the record titleholder(s) of the property sought to be foreclosed, failed and refused to make the monthly payments which became due on April 26, 2008. All subsequent payments are likewise in default. Demand has been made upon the Defendant(s) for payment of same and after demand, the payments remain in default. Upon default, the Plaintiff elected to exercise its option clearly contained in the Mortgage instruments to declare the entire remaining principal and interest due and payable. The principal balance due on the Note and Mortgage at the present time is Fifty-Two Thousand Three Hundred Four And 02/100 (\$52,304.02) Dollars. The Plaintiff has computed interest at the Contract rate of 10.750 percent per annum from March 26, 2008, which was the date of the last paid installment through October 06, 2009, and has determined this amount to be Eight Thousand Six Hundred Eleven And 16/100 (\$8,611.16) Dollars. The following is also due and owing on their account: Four Hundred and 00/100 (\$400.00) for BPO / Appraisal charges. The following is also due and owing on their account: One Thousand Two Hundred Forty-Three And 33/100 (\$1,243.33) for other charges. The following is also due and owing on their account: Thirty-Seven Thousand Three Hundred Twenty-Eight And 38/100 (\$37,328.38) for Subsidy Granted. The Plaintiff has computed the total late charges from the date of default through October 06, 2009, and has determined this amount to be Three Hundred Fifty-Nine And 89/100 (\$359.89). At this time the Plaintiff would direct the Court's Attention to the provisions of the Mortgage Note and Mortgage regarding the assessment of attorney's fees and costs and would show that it has expended the sum of Seven Hundred Eighty And 00/100 (\$780.00) by way of filing fees and service costs prior to the hearing. In addition, in view of the size of the mortgage debt and the complexity of the foreclosure action, the Plaintiff would request for its attorney the sum of Three Thousand Seven Hundred And 00/100 (\$3,700.00), as a reasonable attorney's fee pending final accounting of this case.

That the Plaintiff specifically waives its rights to a deficiency judgment in the event the sale of the real estate herein does not yield a sum sufficient to satisfy all indebtedness due to the Plaintiff, including costs and attorney fees.

Examination of the Public records of Horry County, contained in the Office of the Clerk of Court and Register of Deeds forward from the date of recording of that Mortgage sought to be foreclosed, up to and including the date and time of the filing of the Lis Pendens in this action reveals that no persons, firms or municipalities other than the parties to this action have any interest in, lien on or claim to this subject property by way of mortgage, judgment, assessment or otherwise.

The Plaintiff moves for foreclosure of its mortgage with equity of redemption barred, requesting that the proceeds of any public sale be disbursed in accordance with the prayer of the Plaintiff's Complaint and further in accordance with the law and the custom of this Court applicable thereto.

All taxes have been paid through the year 2008.

I have nothing further at this time, Your Honor.

REFERENCE ADJOURNED.

Korn Law Firm

BY:


PETER D. KORN / JOHN S. KAY / DEAN HAYES

ALAN M. STEWART / H. GUYTON MURRELL

JOHN B. KELCHNER / SUZANNAH HAYES

MEREDITH S. LEE

Columbia, South Carolina
October 06, 2009

Notice of Sale
C/A No: 2009-CP-26-5057

BY VIRTUE OF A DECREE of the Court of Common Pleas for Horry County, South Carolina, heretofore issued in the case of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture against, Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc., I the undersigned as Master in Equity for Horry County, will sell on January 4, 2010, at 11:00 a.m., at the Horry County Justice Center, 1301 2nd Ave., 3rd Floor in Conway, South Carolina, to the highest bidder:
Legal Description and Property Address:

All and singular that certain piece, parcel or tract of land, situate, lying and being in Green Sea Township containing 0.7 acres as shown on a map by S.D. Cox Surveyors dated June 23, 1980 being specifically described as follows:

Beginning at an Iron N running N 59 degrees W 136.5' along S. C. Hwy 917; thence to the Top of Iron N running N 28 degrees 18' 20" E along the property of L. W. Paul; thence to an Iron N running S 59 degrees E 146.48' along property of L. W. Paul; thence to an Iron N running S 31 degrees W 212.03' along a 50' proposed road back to its beginning.

This being the same property conveyed to Patricia Ann White by deed of L. W. Paul Construction Company, Inc., dated April 26, 1983 and recorded April 26, 1983 in the Office of the Clerk of Court for Horry County, South Carolina in Deed Book 791 at Page 247.

3470 Highway 917 Loris, SC 29569
TMS # 037-00-01-160

TERMS OF SALE: For cash. Interest at the rate of Ten And 75/100 percent (10.75%) to be paid on balance of bid from date of sale to date of compliance. The purchaser to pay for papers and stamps, and that the successful bidder or bidders, other than the Plaintiff therein, do, upon the acceptance of his or her bid, deposit with the Master in Equity for Horry County a certified check or cash in the amount equal to five per cent (5%) of the amount of bid on said premises at the sale as evidence of good faith in bidding, and subject to any resale of said premises under Order of this Court; and in the event the said purchaser or purchasers fail to comply with the terms of sale within Twenty (20) days, the Master in Equity shall forthwith resell the said property, after the due notice and advertisement, and shall continue to sell the same each subsequent sales day until a purchaser, who shall comply with the terms of sale, shall be obtained, such sales to be made at the risk of the former purchaser. Since a personal or deficiency judgment is waived, the bidding will not remain open but compliance with the bid may be made immediately. If the Plaintiff or the Plaintiff's representative does not appear at the above-described sale, then the sale of the property will be null, void, and of no force and effect. In such event, the sale will be rescheduled for the next available sales day. Plaintiff may waive any of its rights, including its right to a deficiency judgment, prior to sale. Sold subject to taxes and assessments, existing easements and restrictions of record.


Master in Equity
For Horry County

Conway, South Carolina
December 22, 2009.
KORN LAW FIRM, P.A.
Attorney for Plaintiff

FILED
HORRY COUNTY
2009 DEC 28 PM 1:59
MELANIE HUGGINS-WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture

PLAINTIFF,

vs.

Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc., DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

SUPPLEMENTAL ORDER TO THE MASTER'S ORDER AND JUDGMENT OF FORECLOSURE AND SALE

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2009-CP-26-5057

DEFICIENCY WAIVED

F29-03295

On October 29, 2009, this Court issued the Master's Order and Judgment of Foreclosure and Sale, but the subject property was not sold. The Plaintiff now wishes to resume the foreclosure action. The Plaintiff has moved to supplement the Master's Order to reflect the adjustments in the debt figures since the Master's Order was issued.

The Total Debt secured by Note and Mortgage, including interest to date shown on the Master's Order shall be supplemented to reflect the adjustments in the debt figures since the Master's Order was issued.

IT IS ORDERED that the Master's Order and Judgment of Foreclosure and Sale of October 29, 2009 is supplemented to show the following Total Debt figures:

(a)	Principal due as of 4/26/2008	\$ 52,304.02
(b)	Interest from 3/26/2008 through 10/11/2010 at 10.75%	\$ 14,310.85
(c)	Late charges	\$ 613.93
(d)	Corporate Advance	\$ 37,328.38
(e)	BPO/Appraisal	\$ 325.00
(f)	Other charges	\$ 1,663.52
(g)	Attorney fees	\$ 3,700.00
(h)	Pre-Hearing Costs	\$ 1,068.00
	TOTAL DEBT	\$111,313.70

CLERK OF COURT
OCT 21 PM 4:05
ELANIE HUGGINS-WARD

AND IT IS SO ORDERED.

Cathie S. ...
Master in Equity
For Horry County

Conway, South Carolina
October 15, 2010.

PAID
25.00

Notice of Sale
C/A No: 2009-CP-26-5057

BY VIRTUE OF A DECREE of the Court of Common Pleas for Horry County, South Carolina, heretofore issued in the case of United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture against, Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc., I the undersigned as Master in Equity for Horry County, will sell on November 1, 2010, at 11:00 a.m. o'clock, at the Horry County Justice Center, 1301 2nd Ave., 3rd Floor in Conway, South Carolina, to the highest bidder:

Legal Description and Property Address:

All and singular that certain piece, parcel or tract of land, situate, lying and being in Green Sea Township containing 0.7 acres as shown on a map by S.D. Cox Surveyors dated June 23, 1980 being specifically described as follows:

Beginning at an Iron N running N 59 degrees W 136.5' along S. C. Hwy 917; thence to the Top of Iron N running N 28 degrees 18' 20" E along the property of L. W. Paul; thence to an Iron N running S 59 degrees E 146.48' along property of L. W. Paul; thence to an Iron N running S 31 degrees W 212.03' along a 50' proposed road back to its beginning.

This being the same property conveyed to Patricia Ann White by deed of L. W. Paul Construction Company, Inc., dated April 26, 1983 and recorded April 26, 1983 in the Office of the Clerk of Court for Horry County, South Carolina in Deed Book 791 at Page 247.

3470 Highway 917 Loris, SC 29569
TMS#: 037-00-01-160

TERMS OF SALE: For cash. Interest at the rate of 10.75 % to be paid on balance of bid from date of sale to date of compliance. The purchaser to pay for papers and stamps, and that the successful bidder or bidders, other than the Plaintiff therein, do, upon the acceptance of his or her bid, deposit with the Master in Equity for Horry County a certified check or cash in the amount equal to five per cent (5%) of the amount of bid on said premises at the sale as evidence of good faith in bidding, and subject to any resale of said premises under Order of this Court; and in the event the said purchaser or purchasers fail to comply with the terms of sale within 30 days, the Master in Equity shall forthwith resell the said property, after the due notice and advertisement, and shall continue to sell the same each subsequent sales day until a purchaser, who shall comply with the terms of sale, shall be obtained, such sales to be made at the risk of the former purchaser. Since a personal or deficiency judgment is waived, the bidding will not remain open but compliance with the bid may be made immediately. If the Plaintiff or the Plaintiff's representative does not appear at the above-described sale, then the sale of the property will be null, void, and of no force and effect. In such event, the sale will be rescheduled for the next available sales day. Plaintiff may waive any of its rights, including its right to a deficiency judgment, prior to sale. Sold subject to taxes and assessments, existing easements and restrictions of record.

Carlynn ...
Master in Equity
For Horry County

KORN LAW FIRM, P.A.
Attorney for Plaintiff
1300 Pickens Street
Columbia, SC 29211

CLERK OF COURT
OCT 21 PM 4:05
HORRY COUNTY

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

09 03295

AFFIDAVIT OF PROOF STATEMENT OF ACCOUNT AS TO:

Borrower's Name(s): Patricia A White
RD Loan Number(s): 6272226

STATE OF MISSOURI
COUNTY OF ST LOUIS

Personally appeared before me the undersigned authority, Kathy Dawe, Foreclosure Representative, Rural Development (RD) who upon oath deposes and says that she is an employee of the United States Department of Agriculture, an agency of the United States of America, and further states as follows:

1. That affiant is the RD Officer charged with legal custody of the accelerated RD loan file.
2. That affiant has personally reviewed Patricia A White borrower Rural Development's accelerated RD loan account and file, and according to the records maintained and kept in this office, the borrower(s) as of October 11, 2010, owe(s) the unpaid balance of \$108,253.70 which includes principal, interest accrued to date and other pending fees and charges to the account as provided by the loan instruments and applicable law. Interest continues to accrue at the rate of \$15.40 per day as provided by the loan instruments. The payment is due the 26th of every month and is currently delinquent for April 26, 2008 through October 11, 2010.
3. The account is delinquent as of October 11, 2010 in the amount of \$28,737.18.
4. (i) The Note(s) and Mortgage(s) are not owned, securitized or guaranteed by Federal National Mortgage Association (Fannie Mae) or Federal Home Loan Mortgage Corporation (Freddie Mac); (ii) RD is not a servicer participating in the Home Affordable Modification Program (HMP); and (iii) the Note(s) and Mortgage(s) are not subject to modification under the HMP.

Breakdown of the unpaid balance:

Loan Number		<u>6272226</u>
Principal Balance	\$	52,304.02
Interest	\$	14,310.85
Total Subsidy Granted	\$	37,328.38
Escrow	\$	0.00
Late Charges	\$	613.93
Fees Assessed	\$	3,371.52
Appraisal Costs	\$	325.00
Escrow Credits	\$	0.00
TOTAL	\$	<u>108,253.70</u>

ANNE HUGGINS-WARD
CLERK OF COURT
COUNTY
AUG 21 PM 4:05

Affiant has personal knowledge of the above-stated facts, is competent to testify to same, and declares that the foregoing is true and correct.

Kathy Dawe
Kathy Dawe
Foreclosure Representative
St. Louis, MO
Rural Development
United States Department of Agriculture

Sworn to and subscribed before me this 10th day of September 2010

[Signature]
Notary Public for Missouri
My commission Expires: 05-2012



STATE OF SOUTH CAROLINA
COUNTY OF HORRY
United States of America acting through the Rural
Housing Service f/k/a Farmers Home
Administration or successor agency, United States
Department of Agriculture
PLAINTIFF,
vs.

Patricia A. White a/k/a Patricia Ann White and
Family Services f/k/a Family Services, Inc.,
DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

AFFIDAVIT

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2009-CP-26-5057

DEFICIENCY WAIVED

F29-03295

PERSONALLY APPEARED BEFORE ME, Alan M. Stewart, Esquire, who, being first duly sworn, deposes and states that he is a member of the Korn Law Firm, P.A., and that he represents the plaintiff in the following foreclosure action:

United States of America acting through the Rural Housing Service f/k/a Farmers Home Administration or successor agency, United States Department of Agriculture vs. Patricia A. White a/k/a Patricia Ann White and Family Services f/k/a Family Services, Inc. Since the inception of this action, his office has assumed responsibility for the institution of this action and has searched and updated the title on the subject property from the date the current owner received the property or the date the mortgage was executed to the date of the filing of the Lis Pendens. He has been responsible for the preparation of the following pleadings:

1. Lis Pendens
2. Summons and Complaint
3. Affidavit of Default
4. Order of Reference
5. Notice of Hearing
6. Proposed Final Decree
7. Notice of Sale
8. Transcript of Testimony
9. Other documents as applicable pertaining to service and finalization of the action


Additionally, he has arranged for service of process on the defendant(s) and has scheduled and attended the hearing in this matter; has provided reinstatement figures to the primary defendant, if requested, and has had phone conversations with the defendant, if requested.

Future duties include forwarding copies of the Decree to the defendant, advising the defendant of the date that the property will be sold; arranging and coordinating the amount to be bid by plaintiff; representation of the plaintiff at the sale; and preparation of a Report on Sale and Order Confirming Sale, Deed and any other documents that may be necessary in this particular action.

CLAUDE PUGHENIS-WARD
CLERK OF COURT
OCT 21 PM 4:05

COURTY

The total debt is \$107613.70, which does not include attorney fees. In light of the potential liabilities inherent in a property matter, the attendant responsibilities, and the size of the mortgage debt, we believe a reasonable attorney's fee would be three thousand seven hundred and 00/100 (\$3,700.00). Plaintiff's attorney has over twenty-five years experience in the area of mortgage foreclosure, has prosecuted more than 8,000 mortgage foreclosure actions on a statewide basis. The attorneys in the firm are members of the Mortgage Bankers of the Carolinas, the U.S. Foreclosure Network and the Commercial Law League of America



Alan M. Stewart
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED before me
this 13 day of September, 2010.



NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 10-02-2013

RECEIVED

Mar 07 2024

SC Court of Appeals



L.K. "Trey" Harrell, III
Jeremy C. Martin
M. Alan Peace **
Taylor A. Peace
Erik T. Norton
Jamie Anna Weller
George "Mick" Lusk, III

Robert W. Dibble, Jr. *
William Jennings (Bill) Buchanan *
Donald W. Tyler *
Thomas B. Jackson, III **

*Of Counsel
**Certified Mediator/Arbitrator

March 7, 2024

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: United States of America, acting through the Rural Housing Service or successor agency, United States Department of Agriculture, Appellant v. 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, Respondents
Appellate Case No. 2023-001416
Our File Number: 2518.28507/TAP

Dear Ms. Kitchings:

Enclosed please find our Motion to Supplement Designation of Matter to be Included in the Record on Appeal and to Stay the Time to File the Record on Appeal and/or to File Same Out of Time. We are providing our \$50.00 motion filing fee a copy of same by regular mail.

Mailing Address: Post Office Box 1000, Chapin, South Carolina 29036
Physical Address: 135 Columbia Avenue, Chapin, South Carolina 29036
Telephone: 803-345-3353 • Fax: 803-345-9171
harrellmartinpeace.com

Please let me know if you have any questions and/or concerns. Your assistance is greatly appreciated.

Respectfully,

HARRELL, MARTIN & PEACE, P.A.



Jamie Anna Weller

Enclosure