

RECEIVED

May 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2024-000440
Case No. 2023-CP-26-02475

Nicholas F. Wilson,

Appellant,

v.

Janet P. Gochenour; Janet P. Gochenour Trustee;
James B. Parker; James B. Parker, Sr.; Mary Ann
Parker; Kenneth Gregory Moore; R&G Corp. d/b/a
Century 21 The Harrelson Group; Patton Development
SC, LLC; Flagstar Bank, N.A.; Sonia M. Raymond;
Raymond Law Firm, P.A.,

Respondents,

NOTICE OF JOINDER OF FLAGSTAR BANK, N.A.

Matthew D. Patterson
Blake T. Williams
Nelson Mullins Riley & Scarborough LLP
Post Office Box 11070
Columbia, SC 29211
(803) 799-2000

*Attorneys for Flagstar Bank, N.A., f/k/a Flagstar
Bank, FSB*

Pursuant to Rule 208(b)(6), SCACR, Respondent Flagstar Bank, N.A. (“Flagstar”) joins and adopts by reference the arguments raised in Appellant Nicholas Wilson’s brief. Appellant’s Complaint alleges that he was supposed to acquire an additional strip of land in connection with a purchase of real property that he ultimately did not receive in the deed. Appellant contends that the contract for sale was premised on a survey dated January 30, 2020 that he received, and that the subject strip of land was reflected on this survey. The closing proceeded as scheduled. Over a year later, however, Appellant learned that a second survey dated February 10, 2020 had been prepared and that this survey did not reflect the disputed strip of land. Appellant also discovered that the deed had only conveyed the smaller parcel reflected on this second survey.

Appellant’s purchase of this property was secured by a mortgage currently held Flagstar. Appellant’s Complaint named Flagstar as a defendant due to its status as an interested party. Flagstar answered and filed a counter and crossclaim for a declaratory judgment asserting that if Appellant successfully obtains title to the additional strip of land, it should be subject to Flagstar’s mortgage.

Flagstar joins in the relief requested by Appellant in his Brief of Appellant. Flagstar agrees with Appellant that the lower court erred in determining that Appellant’s claims are barred by the statute of limitations and by refusing to permit him leave to amend is pleading to assert additional facts. Therefore, Flagstar joins in Appellant’s request that the lower court’s order dismissing Appellant’s claims be reversed that that the matter be remanded for further proceedings.

In submitting this joinder, Flagstar expressly preserves, and does not waive, its rights to collect the amounts payable under the subject note and mortgage, to recover all costs, charges, and fees as permitted under the note and mortgage, and to pursue foreclosure in accordance with the note, mortgage, and applicable law.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ Blake T. Williams

Matthew D. Patterson

S.C. Bar No. 68316

E-mail: matt.patterson@nelsonmullins.com

Blake T. Williams

S.C. Bar No. 100794

E-mail: blake.williams@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Flagstar Bank, N.A.

Columbia, South Carolina

May 28, 2024

RECEIVED

May 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2024-000440
Case No. 2023-CP-26-02475

Nicholas F. Wilson,

Appellant,

v.

Janet P. Gochenour; Janet P. Gochenour Trustee;
James B. Parker; James B. Parker, Sr.; Mary Ann
Parker; Kenneth Gregory Moore; R&G Corp. d/b/a
Century 21 The Harrelson Group; Patton Development
SC, LLC; Flagstar Bank, N.A.; Sonia M. Raymond;
Raymond Law Firm, P.A.,

Respondents,

Proof of Service

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Flagstar Bank, N.A., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified, pursuant to the Supreme Court Order dated April 24, 2024, and a copy of that electronic mail will be attached to this certificate.

Document(s): **Notice of Joinder of Flagstar Bank, N.A.**

Service: **Via U.S. Mail**

James B. Parker
919 Waterton Ave.
Myrtle Beach, SC 29579

Pro Se Respondent

James B. Parker, Sr.
919 Waterton Ave.
Myrtle Beach, SC 29579

Pro Se Respondent

Mary Anne Parker
919 Waterton Ave.
Myrtle Beach, SC 29579

Pro Se Respondent

Via E-Mail

Wesley D. Few, Esquire
Wesley D. Few, LLC
PO Box 9398
Greenville, SC 29604
wes@wesleyfew.com

Attorney for Appellant Nicholas F Wilson

William J. Luse, Esquire
Law Office of William J. Luse
917 Broadway Street
Myrtle Beach, SC 29577
bill@getlusenow.com

*Attorney for Defendants Janet P. Gochenour, and Janet P. Gochenour
Trustee*

Claude T. Prevost, III, Esquire
J. Lucas Richardson, Esquire
Collins and Lacy, P.C.
1330 Lady Street
Post Office Box 12487 (29211)
Columbia, SC 29201
cprevost@collinsandlacy.com
lrichardson@collinsandlacy.com

*Attorneys for Defendants R&G Corp. d/b/a Century 21, The Harrelson
Group, and Kenneth Gregory Moore*

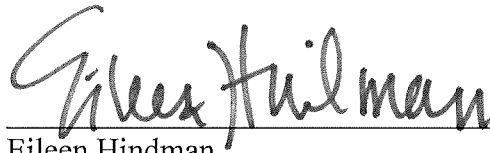
Alexander Hray, Jr., Esquire
Patton Development SC, LLC

389 E. Henry Street, Suite 107
Spartanburg, SC 29302
lex@lexhray.com

Attorney for Defendant Patton Development SC, LLC

Rhett Douglas Ricard, Esquire
R. Bruce Wallace
Maynard Nexsen
205 King Street
Suite 400
Charleston, SC 29401
RRicard@maynardnexsen.com
bwallace@maynardnexsen.com

*Attorneys for Respondents Raymond Law Firm, P.A. and Sonia M.
Raymond*

A handwritten signature in black ink that reads "Eileen Hindman". The signature is written in a cursive style with a horizontal line underneath it.

Eileen Hindman
Administrative Assistant

May 28, 2024

Eileen Hindman

From: Eileen Hindman
Sent: Tuesday, May 28, 2024 10:53 AM
To: wes@wesleyfew.com; bill@getlusenow.com; cprevost@collinsandlacy.com; lrichardson@collinsandlacy.com; lex@lexhray.com; RRicard@maynardnexsen.com; bwallace@maynardnexsen.com; Blake Williams; Matt Patterson; Meredith Keane
Subject: Nicholas F. Wilson v. Janet P. Gochenour - Case No. 2024-000440
Attachments: 2024.05.28 Flagstar - Joinder to Appellant's Brief.pdf; 2024.05.28 Flagstar - Proof of Service.pdf

Good morning,

Attached for service upon you in the above matter, please find the attached Notice of Joinder of Flagstar Bank, N.A. and Proof of Service. Pro Se parties will be served via U.S. Mail today, May 28, 2024.

Thank you.



EILEEN HINDMAN SENIOR ADMINISTRATIVE ASSISTANT
eileen.hindman@nelsonmullins.com

MERIDIAN | 17TH FLOOR
1320 MAIN STREET | COLUMBIA, SC 29201
T 803.255.9204 F 803.256.7500
NELSONMULLINS.COM