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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Honorable Teasa K. Weaver
Circuit Court Judge

Appellant Case No.: 2023-000044

Aracely Sanchez, Respondent,

v.

Vanessa M. Sumpter, Appellant,

IN RE: Pennington Place Home Owners Association of York, Inc., Plaintiff,

v.

Vanessa M. Sumpter, Appellant.

RESPONDENT'S RECORD ON APPEAL

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Rock Hill, South Carolina 29732
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Attorney for Respondent

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Attorney for Appellant

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF York) SIXTEENTH JUDICIAL CIRCUIT
)
Pennington Place Home Owners Association of York, Inc.,
)
Plaintiff,)
)
vs.) CERTIFICATE OF EXEMPTION/
) WITHDRAWAL FROM ARBITRATION
Vanessa M. Sumpter,)
)
Defendant(s).)

Case Number 10-CP-46- 550

FILED-RECEIVED
2010 DEC 29 AM 11:27
DAVID HAMILTON
C.C.C.P.&G.S.
YORK COUNTY, SC

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

_____ monetary relief requested in this case exceeds $25,000.00;
_____ this is a class action;
_____ there is a substantial claim for injunction of declaratory relief requested in this case;
__X__ this case involves (*check one or more of the following*)
___ title to real estate;
_____ wills, trusts and decedents' estates;
__X__ lien foreclosure;
_____ partition;
____ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
_____ monetary relief requested in this case is unspecified but exceeds $25,000.00;
_____ this case is a companion or related to similar actions pending in other courts with which the action might be consolidated but for lack of jurisdiction or venue;
_____ this action is appellate in nature;
_____ this is a post-conviction relief matter;
_____ this is forfeiture proceeding brought by the State; or
_____ this is a contempt of court proceeding

December 28, 2010

SELLERS, HINSHAW, AYERS
DORTCH & LYONS, P.A.

By: _____
Charles E. Lyons
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050
Fax: (704) 339-0172
Attorneys for Plaintiff

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 10-CP-46- 5503

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**SUMMONS**

FILED-RECEIVED
2010 DEC 29 AM 11:27
DAVID HAMILTON
C.C.C.P.&G.S.
YORK COUNTY, SC

TO THE ABOVE NAMED: VANESSA M. SUMPTER

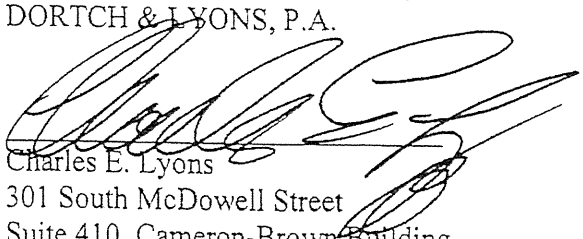
YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or to otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscribers at their office, Suite 410 Cameron-Brown Building, 301 South McDowell Street, Charlotte, North Carolina, 28204-2686, within 30 days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

IN THE EVENT YOU ARE AN INFANT OVER FOURTEEN YEARS OF AGE OR AN IMPRISONED PERSON, you are further SUMMONED and NOTIFIED to apply for the appointment of a Guardian ad Litem to represent you in this action within thirty (30) days after the service of this SUMMONS and NOTICE upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

IN THE EVENT THAT YOUR ARE AN INFANT UNDER FOURTEEN YEARS OF AGE OR ARE INCOMPETENT OR INSANE, then you and the Guardian or committee are further SUMMONED and NOTIFIED to apply for the appointment of a Guardian ad Litem to represent said infant under fourteen years of age or said incompetent or insane person within thirty (30) days after the service of this SUMMONS and NOTICE upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

YOU WILL ALSO TAKE NOTICE that pursuant to Rule 53(b) SCRCP as amended, Plaintiff will move for a general Order of Reference to the Master in Equity for York County, which Order shall, pursuant to said Rule 53(b), specifically provide that said Master in Equity is authorized and empowered to enter a final judgment in this action. If there are counterclaims requiring a jury trial, any party may file a demand under Rule 38, SCRCP, and the case may be returned to the Circuit Court.

SELLERS, HINSHAW, AYERS,
DORTCH & LYONS, P.A.

By: 

Charles E. Lyons
301 South McDowell Street
Suite 410, Cameron-Brown Building
Charlotte, NC 28204-2686
(704) 377-5050
Attorney for the Plaintiff

Charlotte, North Carolina
December 28, 2010

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 10-CP-46- 5503

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**COMPLAINT FOR FORECLOSURE JUDGMENT AND ENFORCEMENT OF EQUITABLE LIEN**

FILED-RECEIVED
2010 DEC 29 AM 11:27
DAVID HAMILTON
YORK C.P.&G.S.
YORK COUNTY, SC

The Plaintiff, complaining of the Defendant above-named would respectfully show unto this Honorable Court that:

1. The Plaintiff is a non-profit corporation organized and existing under and by virtue of the laws of South Carolina, with its principal place of business in York County, South Carolina.

2. The Defendant, Vanessa M. Sumpter, upon information and belief, is a citizen and resident of the County of York, State of South Carolina.

3. The real property as described in the Notice of Delinquent Assessments and Lien ("Notice"), which is attached hereto as Exhibit "A" and incorporated herein by reference, and which is the subject of this action, is situated and located in the County of York, State of South Carolina (the "Property").

4. The Plaintiff seeks in this action to obtain a judgment for all amounts owed by the Defendant and to obtain and enforce an equitable lien against the Property for payment of amounts adjudged due.

5. On or about October 4, 2004, Crestwood Homes, LLC and Mag Land Development, LLC caused to be filed with the Clerk of Court for York County, a Declaration of

Covenants, Conditions and Restrictions for Pennington Place Subdivision (the "Declaration") recorded in Declaration Book 6594 at Page 51.

6. The Defendant, by virtue of the purchase of the Property, is obligated to pay assessments to the Pennington Place Home Owners Association of York, Inc. (the "Association") pursuant to and in accordance with the aforementioned Declaration.

7. The Declaration provides that in the event of a default in the payment of any assessment installment when due, and if such default is not cured as specified in the Declaration, the Association shall have a lien, which shall secure payment of assessments, late fees and all costs of collection, including a reasonable attorney's fee.

8. Assessment payments due and owing pursuant to the Declaration are in default and therefore the terms of said Declaration have been breached by the Defendant.

9. The amount due under the terms of the Declaration is $996.55 (amount thirty (30) days delinquent as of October 3, 2010), together with any additional assessments or charges accruing thereafter through the date of judgment plus interest at any assessment not paid within 30 days of the due date shall bear interest from the due date at an annual rate of fifteen percent and the costs and disbursements of this action, including reasonable attorney's fees ("Debt").

10. As a result of the Defendant's failure to make payment of the assessments as provided in the Declaration, the Association filed the Notice on November 12, 2010 in the Office of the Register of Deeds for York County in Book 165, Page 26 (the "Lien").

11. The Plaintiff is the owner and holder of the Debt which is secured by the Lien for which the Declaration provides.

12. The Debt was fixed and became due, not later than November 12, 2010.

13. It is intended that each lot subject to the Declaration shall serve as security for the repayment of all debts, obligations and charges arising under its terms with respect that lot and its owner(s).

14. By virtue of the Declaration, the Debt attaches to the Property.

15. The Plaintiff is required to continue providing benefits to the Defendants under the terms of the Declaration notwithstanding the default and its remedy at law is inadequate.

16. "The Debt being foreclosed upon is not a residential mortgage loan. It is therefore not owned or guaranteed by Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, and the Debt is also not subject to the Home Affordable Modification Program."

WHEREFORE, having fully set forth its complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and that:

(1) The Plaintiff recover judgment against the Defendant for the Debt as shown by the evidence.

(2) The Property be declared subject to an equitable lien in favor of the Plaintiff which encumbers the Property and secures repayment of the judgment rendered.

(3) The Plaintiff's equitable lien be relate back to and attach to the Property as of November 12, 2010.

(4) The Property be sold under the direction of this court subject to prior taxes and assessments, to easements, restrictions and rights-of-way of record and to any other senior or superior liens or encumbrances, the equity of redemption be barred, and that the proceeds of sale be applied as follows:

First, to the costs and expenses of this action and the sale of the Property.

Second, to the payment and discharge of the amount due on Plaintiff's judgment.

(5) The Sheriff of York County, South Carolina be directed and empowered, to place the purchaser at said sale in possession of the property hereinabove described should the same become necessary.

(6) For such other and further relief as may be just and proper.

SELLERS, HINSHAW, AYERS,
DORTCH & LYONS, P.A.

By: _____

Charles E. Lyons
301 South McDowell Street
Suite 410, Cameron-Brown Building
Charlotte, NC 28204-2686
(704) 377-5050
Attorneys for the Plaintiff

Charlotte, North Carolina
December 28, 2010

State of South Carolina

Notice of Delinquent Assessments
And Lien

County of York

1. The name and address of the Association claiming a lien pursuant to its Declarations and governing documents.

Pennington Place Home Owners Association of York, Inc.
c/o Sellers, Hinshaw, Ayers, Dortch & Lyons, P. A.
Suite 410 Cameron-Brown Building
301 South McDowell Street
Charlotte, N C 28204
(704) 377-5050

201090029896
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON, CLERK OF COURTS
11-12-2010 At 09:23 a.m.
HOA LIEN 10.00
OR Vol 165 Page 26 - 26

2. The name and address of record owner(s) of the real property claimed to be subject of the lien:

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

PROPERTY ADDRESS
3052 Rocket Road
Rock Hill, SC 29732

3. The description of real property upon which lien is claimed:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, South Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 8966, at Page 207 of the York County Public Registry.

4. The Lien secures payment of $966.55 which is more than thirty (30) days past due as of October 3, 2010 together with regular and special assessments and other charges duly levied thereafter until all sums due and owing are paid in full, plus interest on $966.55 any assessment not paid within 30 days of the due date shall bear interest from the due date at an annual rate of fifteen percent and the costs of collection, including the reasonable attorneys fees incurred by Pennington Place Home Owners Association of York, Inc..

Instrument Vol Page
201090029896 OR 165 26

Dated: November 10, 2010

Pennington Place Home Owners Association of York, Inc.

BY: _____
Charles E. Lyons,
Attorney for the Association

EXHIBIT
tabbies
A

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010CP4605503

FILED-RECEIVED
2012 JUN -8 PM 2:25
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

Pennington Place Home Owners Association of York, Inc.
PLAINTIFF(S)

Vanessa M. Sumpter
DEFENDANT(S)

Submitted by: Christopher P. Gelwicks	Attorney for : ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Pennington Place Home Owners Association of York, Inc.	Vanessa M. Sumpter	$3,779.50
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: **Title abstractors and researchers should refer to the official court order for judgment details.**

~~Circuit Court Judge~~ MBE — Judge Code: 3063 — Date: 5/31/12

For Clerk of Court Office Use Only

This judgment was entered on the 8 day of June, 2012 and a copy mailed first class or placed in the appropriate attorney's box on this 8 day of June, 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Christopher D. Gelwicks, 301 South McDowell Street Suite 460 Cameron Brown Building Charlotte NC 28204

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

CLERK OF COURT

Court Reporter:

FILED - RECEIVED
2012 JUN -8 PM 2:25
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

State of South Carolina — In The Court of Common Pleas

County of York — Docket No. 10-CP-46-5503

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**MASTER IN EQUITY'S REPORT AND JUDGMENT OF FORECLOSURE SALE** (DEFICIENCY WAIVED) (NON-JURY ASSOCIATION LIEN FORECLOSURE)

Δ) Ms. Sumpter — TO: Christopher P. Gelwicks
301 South McDowell Street
Suite 410, Cameron-Brown Building
Charlotte, NC 28204-2686

Pursuant to Rule 53 SCRCP, 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 Default and Reference, a hearing was held. From the affidavits, exhibits and evidence offered and received, I find, conclude and order as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on December 29, 2010.

2. The titleholder(s) of record in and to the subject property as of the filing of the Lis Pendens in this action is Vanessa M. Sumpter, which Property is more particularly described as follows:

> All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, South Carolina, reference to which hereby is made for a more particular description.

#1

Being the same property described in the deed recorded in Deed Book 8966, at Page 207 of the York County Public Registry.

The subject property is referred to herein as the "Property."

3. The Property is subject to and encumbered by the Declaration of Covenants, Conditions and Restrictions for Pennington Place Home Owners Association of York, Inc. recorded in 6594 at Page 51 of the York County Public Registry ("Declaration".)

4. This action was commenced with the filing of a Summons and Complaint by the Plaintiff on December 29, 2010.

5. Vanessa M. Sumpter was served with process as required by Rule 4 of the South Carolina Rules of Civil Procedure as specifically set forth in the Affidavit regarding Service executed by the Sheriff and filed on January 31, 2011, as well as other returns and entries of service which appear in the court file.

6. Vanessa M. Sumpter failed to plead or otherwise defend within the time limits provided and as otherwise required by the South Carolina Rules of Civil Procedure.

7. An Order of Default and Reference was filed on May 25, 2011.

8. No Defendant is a minor or incompetent person.

9. The Plaintiff filed and served its Affidavit in Response to Temporary Restraining Order Issued by the Supreme Court of the State of South Carolina, in accordance with the Supreme Court's Administrative Order dated May 22, 2009. Vanessa M. Sumpter filed no response in accordance with said Administrative Order.

10. No Defendant is in the military service of the United States so as to be entitled to protection under the terms of the Service Members Civil Relief Act of 2003 ("Act").

11. The Plaintiff is entitled under the terms of the Declaration to recover reasonable attorney fees incurred and the plaintiff's attorney has filed an Affidavit of Attorney's Fees in support of that request which details services performed and costs incurred prior to the hearing, and expenses incurred in connection with this hearing and an estimate of services that will be required after this hearing in connection with the sale of the Property.

12. Having considered the nature, extent and difficulty of the services rendered and expected (the field of association lien foreclosures being a specialized area of practice), the time involved in reviewing the various documents, performing title searches, preparing the pleadings, attendance at the hearings and argument, the professional standing of counsel, the fee customarily charged for similar services and the beneficial results obtained for the Plaintiff, I find that the sum of $2,404.50 for Plaintiff's Attorney for services performed and anticipated to be performed until final adjudication and completion of the within action to be reasonable. In addition, I find that reasonable costs in the amount of $325.00 have been incurred to and through the date of this hearing.

13. The amount due and owing by the Defendant, levied and charged by the Association pursuant to the Declaration and with interest at the rate provided in the Declaration, and other costs and expenses of collection, including an attorney's fee is:

(a)	Association Payoff through May 21, 2012	$1,050.00
(b)	Costs of collection prior to hearing	$325.00
(c)	Attorney's Fees	$2,404.50
TOTAL DEBT		**$3,779.50**

Interest shall accrue on the Total Debt after the date of judgment of any assessment not paid within 30 days of the due date shall bear interest from the due date at an annual rate of

fifteen percent and should be added to such Total Debt to comprise the amount of Plaintiff's debt secured by the Lien.

14. Repayment of the Total Debt plus interest is secured by Plaintiff's lien as provided in the Declaration and as memorialized in the Notice of Delinquent Assessments and Lien filed in the Office of the Register of Deeds Office for York County on November 12, 2010 in Book 165, Page 26. ("Lien")

15. Plaintiff is entitled to have Judgment entered against the Defendant:

(a) adjudging the Defendant indebted to the Plaintiff in the amount of the Total Debt including attorney's fees.

(b) granting the Plaintiff equitable relief by declaring the Property of the Defendant(s) subject to the Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest, and which Lien attached to the Property as of November 12, 2010, and

(c) ordering that the Property be sold under the direction of the Court and the proceeds applied to the costs and expenses of this action and to payment of the Total Debt plus interest as prayed for in the Complaint.

16. The Plaintiff 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 unto the Plaintiff, including costs and attorney fees.

CONCLUSION OF LAW:

I, therefore, conclude that the Plaintiff should have judgment of foreclosure of the Lien and the Property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED:

1. The amount due and owing to the Plaintiff which is secured by the Lien is $3,779.50 ("Total Debt").

2. The "Total Debt" shall bear interest hereafter at the rate of any assessment not paid within 30 days of the due date shall bear interest from the due date at an annual rate of fifteen percent.

3. The Property of the Defendant located at 3052 Rocket Road, Rock Hill, SC 29732, and more particularly in Paragraph 2 above, is subject to a Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest, which lien relates back to and attaches to the Property as of November 12, 2010.

4. The Master in Equity shall give notice of the sale of the Property in satisfaction of the Lien on some convenient sales day hereafter as by law provided.

5. The Defendant shall pay to the Plaintiff, or Plaintiff's attorney, the amount of the Total Debt plus interest and the costs and expenses of sale on or before the date set for sale of the Property.

6. Should the Defendant fail to make payment in full on or before the date set for sale, the Property shall be sold by the Master in Equity, at public auction, at the Courtroom of the Master in Equity in York, South Carolina, on the following terms:

A. FOR CASH: The Master in Equity will require a deposit of fifty percent (50%) on the amount of the bid (in cash or equivalent), same to be applied on the purchase price only upon compliance with the bid. In case of non-compliance, the same will be forfeited and delivered to the Plaintiff for application to the costs and Plaintiff's debt. If the required deposit is not by the high bidder, the property may be sold to the next high bidder, subject to the deposit requirements set forth herein.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of any assessment not paid within 30 days of the due date shall bear interest from the due date at an annual rate of fifteen percent.

C. The sale shall be subject to prior mortgages, taxes and assessments, to easements, restrictions and rights-of-ways of record, and to any other senior or superior liens or encumbrances.

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

7. If Plaintiff be the successful bidder at the sale, for a sum not exceeding the amount of costs, disbursements and expenses and the Total Debt owing to the Plaintiff with interest, Plaintiff may pay to the Master in Equity only the amount of the costs, disbursements and expenses crediting the balance of the bid on the Plaintiff's indebtedness.

8. 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 Property sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale. If the Purchaser, or Purchasers, should fail to comply with the bid and the terms thereof within twenty (20) days after date of sale, then the Master in Equity may advertise the Property 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 full compliance with the high bid and the terms thereof is secured.

9. 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 Total Debt and interest, so much thereof as the purchase money will pay on the same to the Plaintiff or Plaintiff's attorney.

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

10. **IT IS FURTHER ORDERED** that in the event the successful bidder is other than the Defendants in possession herein, the Sheriff of York 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 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.

11. **IT IS FURTHER ORDERED** that each Defendant, all defendants served, and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right of title, interest and equity of redemption in the Property so sold, or any part thereof.

12. **IT IS FURTHER ORDERED** that the Deed of conveyances made pursuant to said sale shall contain the names of the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the Property at the time of filing of the Notice of Lis Pendens, and the name of the Grantee, and the Clerk of Court/RMC 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 Writ of Assistance and hearing any issues involving appraisal proceedings under Section 29-3-680 et seq., South Carolina Code of Laws (1976) as amended.

14. The Master in Equity shall direct the Register of Deeds to release of record the Lien being foreclosed, after the Order Confirming Sale and Disbursements has been executed and filed.

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

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, South Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 8966, at Page 207 of the York County Public Registry.

Property Address: 3052 Rocket Road, Rock Hill, SC 29732

TMS# 5890601035

S. JACKSON KIMBALL
MASTER IN EQUITY, YORK COUNTY

York, South Carolina

5/31, 2012 #8

201200184053
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON, CLERK OF COURTS
08-30-2012 At 12:17 pm.
DEED INT 10.00
State Tax .00
County Tax .00
OR Vol 12837 Page 71 - 74

STATE OF SOUTH CAROLINA)
) **DEED**
COUNTY OF YORK) (PUBLIC SALE)

To Whom These Presents shall concern:

I, S. Jackson Kimball, as Master in Equity for York County, in the State of South Carolina, Send Greetings:

WHEREAS, in an action in the Court of Common Pleas in York County between Pennington Place Home Owners Association of York, Inc. as Plaintiff and Vanessa M. Sumpter as Defendant(s), the Master in Equity of said County by Master in Equity's Report and Judgment of Foreclosure Sale signed on June 8, 2012 did decree that the property described should be sold by the Master in Equity for York County on the terms and for the purposes mentioned in the order granted in the case; and

WHEREAS, I, the undersigned, as Master in Equity for York County, after due advertisement of the said property for sale at public outcry, did openly and publicly, and after the matter of auction, sell the said property on July 2, 2012 for the sum of $500.00 (Five Hundred Dollars), said sum being the highest amount bid, to Pennington Place Home Owners Association of York, Inc..

NOW, KNOW ALL MEN, That I, the undersigned, as Master in Equity for York County, pursuant to the foregoing and also in consideration of the said bid paid as aforesaid by the said herein below named grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released, and by these presents do grant, bargain, and release the following described property unto the grantee,

Pennington Place Home Owners Association of York, Inc.,
its successors and assigns

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, South Carolina, reference to which hereby is made for a more particular description.

This being the same property conveyed to Vanessa M. Sumpter by Deed of Crestwood Homes, dated March 30, 2007, and recorded in the Office of the Register of Deeds for York County on April 4, 2007, in Book 8966 at Page 207.

Property Address: 3052 Rocket Road, Rock Hill, SC 29732

TMS# 5890601035

Grantee's Mailing Address: Pennington Place Home Owners Association of York, Inc.
c/o Association Management Solutions, Inc.
Alan Staten
PO Box 38809
Charlotte, NC 28278

RECORDED
YORK COUNTY
TAX ASSESSOR'S OFFICE
DATE 8-31-12
TAX MAP NO. 589-6-4.35
INITIALS CAK/TS

TOGETHER, with all and singular the hereditaments, rights, members and appurtenances whatsoever to the said property belonging or in any wise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof; and also any estate, right, title, interest, dower, possession, benefit, claim or demand therein whatsoever of all parties to the said suit and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD the said property, with its hereditaments, privileges, and appurtenances, unto the said grantee, his/her/its/their heirs/successors and assigns for their own use, benefit, and behoof, forever.

$1

IN WITNESS WHEREOF, I, the undersigned, as Master in Equity for York County, under and by virtue of the said order(s), have hereunto set my Hand and Seal the 17th day of Aug, in the year of our Lord Two Thousand 12.

SIGNED, SEALED AND DELIVERED
in the Presence of:

Mary Ann Motz)
Deborah J. Shehan)

S. JACKSON KIMBALL
MASTER IN EQUITY, YORK COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PERSONALLY APPEARED Mary Ann Motz and made oath the (s)he saw S. Jackson Kimball as Master in Equity for York County, sign, seal, and deliver the within Deed; and that deponent together with Deborah J. Shehan signed their names as witnesses thereto:

Mary Ann Motz

SWORN TO AND SUBSCRIBED before me on this 17th day of August, 2012

Deborah J. Shehan
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 6-20-21

2 2

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located at 3052 Rocket Road, Rock Hill, SC 29732, bearing York County Tax Map Number 5890601035, was transferred by S. Jackson Kimball, Master in Equity to Pennington Place Home Owners Association of York, Inc. on July 2, 2012.

3. Check one of the following: The deed is

(a) ____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.

(b) ____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockbroker, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(c) X exempt from the deed recording fee because (See Information section of affidavit): Exemption 13 - Transfer of realty subject to a lien to the lienholder pursuant to foreclosure proceedings
(If exempt, please skip items 4-7, and go to item 8 of this affidavit)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

(a) ____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.

(b) ____ The fee is computed on the fair market value of the realty which is _____.

(c) ____ The fee is computed on the fair market value of the realty as established for the property tax purpose which is _____.

5. Check Yes ____ or No ____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

(a) Please the amount listed in item 4 above here: _____

(b) Place the amount listed in item 5 above here: _____

(c) Subtract Line 6(b) from Line 6(a) and place result here: _____

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: _____.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Plaintiff.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with the Transaction

SWORN to before me this 3rd day of August, 2012

Christy Smith

Notary Public for North Carolina

My Commission Expires: 9-13-2012

Christopher P. Gelwicks
Print or Type Name Here

CHRISTY SMITH NOTARY PUBLIC MECKLENBURG COUNTY, N. C.

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred to a trust or as a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

(1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;

(2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;

(3) that are otherwise exempted under the laws and Constitution of this State or of the United States;

(4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);

(5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;

(6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;

(7) that constitute a contract for the sale of timber to be cut;

(8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;

(9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);

(10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;

(11) transferring realty in a merger or consolidation from a constituent partnership to a continuing or new partnership; and

(12) that constitute a corrective deed or quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.

(13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings.

FILED-RECEIVED
2012 AUG 22 PM 4:31
C.C.C.P. & G.S.
YORK COUNTY, SC

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 10-CP-46-5503

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**MASTER'S ORDER OF SALE AND DISBURSEMENT**

UNDER AUTHORITY of a Decree herein dated the 2nd day of July, 2012, I offered for sale to the highest bidder for cash, at public auction, the premises subjected to this suit, and I received a high bid of $500.00 (Five Hundred Dollars); and I have executed and delivered a Master's Deed to Plaintiff, and I have disbursed the funds as follows:

FUNDS RECEIVED

Deposit (Order of Reference)	$ 125.00
Costs Received by Master	$ 45.00
TOTAL RECEIVED BY MASTER	$ 170.00

DISBURSEMENTS

Deposit (Order of Reference)	$ 125.00
Master's Fees	$ 25.00
Recording Deed	$ 10.00
Fee for Lien Satisfaction	$ 10.00
TOTAL DISBURSEMENTS	$ 170.00

All of the funds having been disbursed, I hereby ORDER the file closed and the case ended.

York, S. C. 8/17, 2012

S. Jackson Kimball
Master-In-Equity

FILED-RECEIVED
2012 AUG 22 PM 4:31
KR
C.C.C.P. & S.
YORK COUNTY, SC

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 10-CP-46-5503

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**MASTER IN EQUITY'S REPORT ON SALE AND ORDER CONFIRMING SALE AND DISBURSEMENTS**

TO THE PRESIDING JUDGE OF THE COURT OF COMMON PLEAS:

1. Pursuant to the Master in Equity's Report and Judgment of Foreclosure Sale and after due notice and advertisement, I sold the subject property to the Plaintiff for the sum of $500.00 (Five Hundred Dollars) that amount being the highest bid made on sales day, .

2. The Plaintiff thereafter paid only the costs as provided in said Master in Equity's Report and Judgment of Foreclosure Sale.

3. I have executed and delivered to the said grantee a good and sufficient deed of conveyance of said property.

4. I have received and disbursed the costs as set out on the attached Statement of Disbursements.

York, South Carolina 8/17, 2012

13.00
5.50

RECORDED
YORK COUNTY
TAX ASSESSOR'S OFFICE
DATE 11-08-12
TAX MAP NO. 589-6-1-35
INITIALS CAH/TS

201200193104
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON, CLERK OF COURTS
11-08-2012 At 11:50 a.m.
DEED 10.00
State Tax 13.00
County Tax 5.50
OR Vol 13003 Page 133 - 135

[Above Space for Recording Information Only]

STATE OF SOUTH CAROLINA)
) NON-WARRANTY DEED
COUNTY OF York)

KNOW ALL MEN BY THESE PRESENTS, that, **Pennington Place Home Owners Association of York, Inc.**, (hereinafter called "Grantor"), for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid and delivered before the sealing of these presents by Grantor, the receipt of which is hereby acknowledged, has granted, bargained, sold, conveyed, transferred and released, and by these presents does grant, bargain, sell, convey, transfer and release unto the **Vanessa M. Sumpter**, whose address is 3052 Rocket Road, Rock Hill, SC 29732 (hereinafter called "Grantee") and to Grantee's successors and assigns, the following real property and all improvements and fixtures thereon:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, South Carolina, reference to which hereby is made for a more particular description.

Derivation: This being a portion of the property conveyed to Pennington Place Home Owners Association of York, Inc. by deed recorded September 30, 2012 in Record Book 12837 at Page 71.

Property Address: 3052 Rocket Road
Rock Hill, SC 29732

TMS # 5890601035

TOGETHER, with all and singular the hereditaments, rights, members and appurtenances whatsoever to the said property belonging or in any wise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof; and also any estate, right, title, interest, dower, possession, benefit, claim or demand therein whatsoever of all parties to the said suit and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TOGETHER with all and singular, the Rights, Hereditaments and Appurtenances to the said premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises aforementioned to the said

Grantee, its successors and assigns forever.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

SIGNED, SEALED and delivered in the presence of:

Pennington Place Home Owners Association of York, Inc.

André Mason
Name: André Mason
Witness No. 1

By: _____
Name: Steven L Bailey (Print)
Its: President (Title)

_____
Name: Sonya Luffman
Notary Public and Witness No. 2

STATE OF North Carolina)
)
COUNTY OF Mecklenburg)

BEFORE ME, a notary public for the County and State aforesaid, the undersigned Witness No. 1, André Mason, (Witness No. 1), appeared and made oath that (s)he saw the above-named Steven L. Bailey, who acknowledged himself to be the President of Pennington Place Home Owners Association of York, Inc., execute this instrument for the purposes set forth herein, all upon authority duly given, and that he, along with Witness No. 2, subscribed above, and in the presence of each other, witnessed the due execution thereof.

André Mason
Witness No. 1

SUBSCRIBED to before me this
day of 21st Sept, 2012.

_____
Notary Public and Witness No. 2
My Commission Expires: 10/28/15

SONYA LUFFMAN
Notary Public
Mecklenburg County
North Carolina
My Commission Expires Oct 28, 2015

[NOTARIAL SEAL]

STATE OF SOUTH CAROLINA

COUNTY OF YORK

AFFIDAVIT OF EXEMPT TRANSFER

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located in the **Pennington Place Home Owners Association of York, Inc.** and has been assigned TMS 5890601035.

3. The "value" of realty transferred calculated as provided in Code Section 12-24-30 is $4,587.93 and the recording fee to be paid under Code Section 12-24-10 is $18.50

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as the attorney of the Grantor in the deed.

5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Pennington Place Home Owners Association of York, Inc.

By: _____

Name: Christopher P. Gelardy

Its: Attorney

SWORN to before me this 29th day of October, 2012

Christy Smith

Notary Public for North Carolina

My Commission Expires: 9-13-2017

CHRISTY SMITH NOTARY PUBLIC MECKLENBURG COUNTY, N. C.

[NOTARIAL SEAL]

BK13003PG0135

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**SUMMONS**

TO THE ABOVE NAMED: VANESSA M. SUMPTER

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or to otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscribers at their office, Suite 410 Cameron-Brown Building, 301 South McDowell Street, Charlotte, North Carolina, 28204-2686, within 30 days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

IN THE EVENT YOU ARE AN INFANT OVER FOURTEEN YEARS OF AGE OR AN IMPRISONED PERSON, you are further SUMMONED and NOTIFIED to apply for the appointment of a Guardian ad Litem to represent you in this action within thirty (30) days after the service of this SUMMONS and NOTICE upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

IN THE EVENT THAT YOUR ARE AN INFANT UNDER FOURTEEN YEARS OF AGE OR ARE INCOMPETENT OR INSANE, then you and the Guardian or committee are further SUMMONED and NOTIFIED to apply for the appointment of a Guardian ad Litem to represent said infant under fourteen years of age or said incompetent or insane person within thirty (30) days after the service of this SUMMONS and NOTICE upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

YOU WILL ALSO TAKE NOTICE that pursuant to Rule 53(b) SCRCP as amended, Plaintiff will move for a general Order of Reference to the Master in Equity for York County, which Order shall, pursuant to said Rule 53(b), specifically provide that said Master in Equity is authorized and empowered to enter a final judgment in this action. If there are counterclaims requiring a jury trial, any party may file a demand under Rule 38, SCRCP, and the case may be returned to the Circuit Court.

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**COMPLAINT FOR FORECLOSURE AND ENFORCEMENT OF ASSOCIATION LIEN** (DEFICIENCY WAIVED)

The Plaintiff, complaining of the Defendants above-named would respectfully show unto this Honorable Court that:

1. The Plaintiff is a non-profit corporation organized and existing under and by virtue of the laws of South Carolina, with its principal place of business in York County, South Carolina.

2. The Defendant, Vanessa M. Sumpter, upon information and belief, is a citizen and resident of the County of York, State of South Carolina.

3. The real property as described in the Notice of Delinquent Assessments and Lien ("Notice"), which is incorporated herein by reference, and which is the subject of this action, is situated and located in the County of York, State of South Carolina (the "Property").

4. The Plaintiff seeks an adjudication of all amounts owed by the Defendants and foreclosure and enforcement of its lien against the Property which secures payment of all amounts that are adjudged due and owing to the Plaintiff, including assessments that become due and owing after the entry of judgment and before the foreclosure sale is final. Plaintiff does not and will not seek a deficiency judgment should the foreclosure sale proceeds be insufficient to pay the entire amount Plaintiff is owed.

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

5. On or about October 4, 2004, Crestwood Homes, LLC and Mag Land Development, LLC caused to be filed with the Clerk of Court for York County, an Declaration of Covenants, Conditions and Restrictions for Pennington Place Subdivision (the "Declaration") recorded in Declaration Book 6594 at Page 51.

6. The Defendants, by virtue of the purchase of the Property, are obligated to pay assessments to the Pennington Place Home Owners Association of York, Inc. (the "Association") pursuant to and in accordance with the aforementioned Declaration.

7. The Declaration provides that in the event of a default in the payment of any assessment installment when due, and if such default is not cured as specified in the Declaration, the Association shall have a lien, which shall secure payment of assessments, late fees and all costs of collection, including a reasonable attorney's fee.

8. Assessment payments due and owing pursuant to the Declaration are in default and therefore the terms of said Declaration have been breached by the Defendant(s).

9. The amount due under the terms of the Declaration is $782.50 as of January 1, 2019 ("Calculation Date"), together with any additional assessments or charges accruing thereafter through the date of sale plus interest at an annual rate of fifteen percent (15%) and the costs and disbursements of this action, including reasonable attorney's fees ("Debt").

10. As a result of the Defendants' failure to make payment of the assessments as provided in the Declaration, the Association filed a Notice of Delinquent Assessments and Lien on February 22, 2019 in the Office of the Register of Deeds for York County in Book 467; Page 491 (the "Lien").

11. The Plaintiff is the owner and holder of the Debt which is secured by the Lien for which the Declaration provides.

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

12. The Debt was fixed and became due, not later than February 22, 2019.

13. It is intended that each lot subject to the Declaration shall serve as security for the repayment of all debts, obligations and charges arising under its terms with respect that lot and its owner(s).

14. By virtue of the Declaration, the Debt and the Lien attach to the Property.

15. The Plaintiff is required to continue providing benefits to the Defendants under the terms of the Declaration notwithstanding the default and its remedy at law is inadequate.

16. "The Debt being foreclosed upon is not a residential mortgage loan. It is therefore not owned or guaranteed by Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, and the Debt is also not subject to the Home Affordable Modification Program."

WHEREFORE, having fully set forth its complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and that:

(1) The amount of the Debt due and owing to the Plaintiff be ascertained and determined by the court based on the evidence, including attorney's fees and the costs of this action.

(2) The Property be declared subject to an equitable lien in favor of the Plaintiff which encumbers the Property and secures repayment of the Debt.

(3) The Plaintiff's equitable lien relate back to and attach to the Property as of February 22, 2019.

(4) The Property be sold under the direction of this court subject to prior taxes and assessments, to easements, restrictions and rights-of-way of record and to any other senior or

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

superior liens or encumbrances, the equity of redemption be barred, and that the proceeds of sale be applied as follows:

First, to the costs and expenses of this action and the sale of the Property.

Second, to the payment and discharge of the Debt due and owing to the Plaintiff, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final.

Third, the surplus, if any, be distributed according to law.

(5) The Sheriff of York County, South Carolina be directed and empowered, to place the purchaser at said sale in possession of the property hereinabove described should the same become necessary.

(6) For such other and further relief as may be just and proper.

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF York	)	
	)	
Pennington Place Home Owners Association of York, Inc.,	)	
	)	
	)	Case Number 2019-CP-46-
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF EXEMPTION/
	)	WITHDRAWAL FROM ARBITRATION
Vanessa M. Sumpter,	)	
	)	
Defendant(s).	)	
	)	

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

_____ monetary relief requested in this case exceeds $25,000.00;
_____ this is a class action;
_____ there is a substantial claim for injunction of declaratory relief requested in this case;
__X__ this case involves (*check one or more of the following*)
___ title to real estate;
_____ wills, trusts and decedents' estates;
__X__ lien foreclosure;
_____ partition;
___ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
_____ monetary relief requested in this case is unspecified but exceeds $25,000.00;
_____ this case is a companion or related to similar actions pending in other courts with which the action might be consolidated but for lack of jurisdiction or venue;
_____ this action is appellate in nature;
_____ this is a post-conviction relief matter;
_____ this is forfeiture proceeding brought by the State; or
_____ this is a contempt of court proceeding

May 20, 2019

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina | In The Court of Common Pleas

County of York | Docket No. 2019-CP-46-

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**AFFIDAVIT OF PLAINTIFF IN RESPONSE TO TEMPORARY RESTRAINING ORDER ISSUED BY THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA**

I, Timothy G. Sellers, being first duly sworn hereby state as follows:

1. I am the attorney for the plaintiff in the above-entitled action.

2. I am familiar with the underlying facts of this case. I am authorized to execute this affidavit on behalf of the plaintiff, and I am familiar with the account referenced in the Complaint filed in this action.

3. With regard to the assessment obligations being foreclosed upon by the plaintiff as referenced in the Complaint: (1) the assessment obligation(s) is not a residential mortgage loan or any type of mortgage loan for that matter; and (2) the Home Affordable Modification Program is therefore inapplicable.

4. I hereby certify that a copy of the foregoing was served on the Defendant(s) named below, by placing a copy of the same in the United States Mail, First Class, postage prepaid and properly addressed as follows:

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

Further affiant sayeth not.

May 20, 2019

SELLERS, AYERS, DORTCH & LYONS, P.A.

Timothy G. Sellers
301 S. McDowell St.
Suite 410, Cameron-Brown Building
Charlotte, North Carolina 28204
Phone: 704-377-5050
Fax: 704-339-0172
Attorneys for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME
This the 20th day of May, 2019.

Notary Public for North Carolina
My Commission Expires: 8/1/2020

[NOTARY SEAL]

MATTHEW S. HAND
NOTARY
PUBLIC
MECKLENBURG COUNTY, NC

ELECTRONICALLY FILED - 2019 May 20 10:42 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

OFFICE OF THE SHERIFF

YORK COUNTY, SOUTH CAROLINA

1675-2A York Highway • York, SC • 29745-7430
Phone: (803) 628-3059 • www.yorkcountysheriff.com • FAX: (803) 628-3075
Kevin R. Tolson, *Sheriff*

ELECTRONICALLY FILED - 2019 Jun 25 11:56 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA
COUNTY OF YORK

___IN THE COURT OF COMMON PLEAS
___IN THE FAMILY COURT

Plaintiff(s)
PENNINGTON PLACE HOA

Case # 2019CP461766

Defendant(s)
VANESSA M SUMPTER
3052 ROCKET RD
ROCK HILL, SC 29732

The undersigned H G Wells being duly sworn, says he or she served the

SUMMONS AND COMPLAINT FOR FORECLOSURE AND ENFORCEMENT OF ASSOCIATION LIEN

✓ By personally delivering to VANESSA M SUMPTER
at _____

___ By delivering to _____ a person of suitable age and of proper discretion residing at the residence of the defendant and being a said residence at the time of service

___ By delivering to_____ personally, the _____ of the defendant corporation; and leaving with him/her copies of the same at_____.

Non-Service:

_____

At 07 : 35 A.M. /P.M. on the 28 of May, 2019 and the undersigned is not a party to this action and has no interest or connection therewith.

Deputy Sheriff _____

Sworn to before me this 28 day of May, 2019

Tawna Vinz
_____Notary public for South Carolina

My commission expires 4/23/2025

Attempts	Date	Time	Initials
	5/24/19	0737	HGW

ELECTRONICALLY FILED - 2019 Aug 22 8:24 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina | In The Court of Common Pleas

County of York | Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**AFFIDAVIT OF DEFAULT**

PERSONALLY appeared before me, the undersigned attorney, who first being duly sworn, under oath, deposes and says:

That he is one of the attorneys for the Plaintiff above-named; that the Summons and Complaint were served upon the Defendant, Vanessa M. Sumpter, on the 28th day of May, 2019 and that more than thirty (30) days have expired since such service during which time the Defendant(s), Vanessa M. Sumpter, has failed to answer, appear or otherwise plead in this cause and, consequently, said Defendant(s) is/are now in default.

Sellers, Ayers, Dortch & Lyons, P.A.
Suite 410 Cameron-Brown Building
310 South McDowell Street
Charlotte, NC 28204-2686
(704) 377-5050

By: _____
James A. Villanueva
Attorneys for the Plaintiff

SWORN TO AND SUBSCRIBED before me on this 21st day of August, 2019

_____
NOTARY PUBLIC FOR NORTH CAROLINA
My commission expires: 8/10/20

MATTHEW S. HAND NOTARY PUBLIC MECKLENBURG COUNTY, NC

ELECTRONICALLY FILED - 2019 Aug 22 9:24 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina	In The Court of Common Pleas
County of York	Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**ORDER OF DEFAULT AND REFERENCE**

It appearing that pursuant to Rule 53 S.C.R.C.P., that the parties hereto (excluding those defendants in default as shown by the annexed Affidavit of Default) have agreed and stipulated that the issues in this action be referred to a Master in Equity for York County with authority to enter a final judgment in the cause; and

IT APPEARING that the Defendant, Vanessa M. Sumpter, is now in default; and

IT FURTHER APPEARING that this is a proper matter to refer to the Master in Equity for York County:

NOW, upon motion of James A. Villanueva of the firm of Sellers, Ayers, Dortch & Lyons, P.A., attorneys for the Plaintiff, by and with the consent of the attorneys for the answering Defendant, if any,

IT IS ORDERED that the Defendant, Vanessa M. Sumpter, is, in default and that this case is referred to the Honorable Teasa Weaver as Master in Equity for York County to make findings of fact and conclusions of law; to direct entry of final judgment in this action under Rule 53 (e)(1), S.C.R.C.P.; and to hear any issues after sale or judgment including, but not limited to the issuance of the Writ of Assistance and the hearing of any issues involving appraisal proceedings under Section 29-3-360, et seq of the South Carolina Code. Any appeal from the final judgment entered by the Master in Equity shall be directly to the Supreme Court. Any judicial sale of the property which is subject of this action may be held on any day of the month

except Sunday as permitted by S.C. Code 15-39-680. The Order of the South Carolina Supreme Court dated July 1, 1985, governing Orders of Reference is adopted and made a part of this Order including all provisions relative to time limits.

ELECTRONICALLY FILED - 2019 Aug 22 9:24 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2019 Aug 22 9:24 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Order/Referred to Master or Special Referee

So Ordered

s/David Hamilton, York County Clerk of Court By LBS

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**CERTIFICATE OF SERVICE BY MAIL**

I, Timothy G. Sellers, do hereby certify that I served a copy of the Order of Default and Reference along with the Notice of Hearing on the persons as listed below, by depositing same in the United States Mail, postage prepaid and addressed as follows:

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

This the 17th day of September, 2019.

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

ELECTRONICALLY FILED - 2019 Sep 17 10:51 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**NOTICE OF HEARING**

TO THE DEFENDANTS ABOVE NAMED:

PLEASE TAKE NOTICE THAT by virtue of the Order of Reference issued in the foreclosure action herein, a hearing will be held before The Honorable Teasa Weaver, as Master in Equity for York County, on **October 2, 2019**, at **3:00 p.m.** This hearing will be held at the Courtroom of the Master in Equity, located at 2 South Congress Street, Courtroom 2, York, South Carolina, 29745.

PLEASE NOTE FURTHER that we are treating this matter as an uncontested case based on your failure to plead or respond as required by law. So as not to needlessly increase attorney's fees and costs, the association will present its case at the date and time specified by affidavit and other written submissions. The association will not call witnesses to present live testimony unless you intend to appear and contest the association's right to relief. Accordingly, you are requested to notify James A. Villanueva at (704) 377-5050 at least forty-eight (48) hours before the scheduled if you intend to appear. If you fail to do so, the association may ask the court to reschedule the hearing to allow time to call witnesses and present evidence to support its claim which will inevitably and unnecessarily increase the attorney's fees and costs the association will ask the court to award.

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

ELECTRONICALLY FILED - 2019 Sep 17 10:51 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2019 Sep 25 11:22 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**RECORD OF HEARING**

York, South Carolina

October 2, 2019

Pursuant to the Order of Reference granted in the above cause of action, a hearing was held before the Honorable Teasa Weaver, as Master in Equity for York County.

Timothy G. Sellers of SELLERS, AYERS, DORTCH & LYONS, P.A. has executed and submits this Record of Hearing.

The file and its contents were reviewed by the Court, including:

(1) The Lis Pendens filed in the Office of the Clerk of Court for York County on May 20, 2019;

(2) The Summons and Complaint filed in said Clerk's Office on May 20, 2019;

(3) The Proofs and/or Acceptances of Service on file, indicating that service of the Summons and Complaint was effected upon all Defendant(s);

(4) The Affidavit of Non-Military Service indicating that the Defendant(s), Vanessa M. Sumpter, is not in the military service of the United States of America;

(5) The Affidavit of Default indicating that the Defendant(s), Vanessa M. Sumpter, is in default;

(6) The Order of Default and Reference filed August 22, 2019 wherein the above matter was referred to Teasa Weaver, as Master in Equity, with authority to enter final Judgment in the cause.

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(7) The Notice of hearing sent to the Defendant(s) and/or attorneys of record, together with the Certificate of Service and Mailing.

The Court received and filed an Affidavit from the Plaintiff's authorized agent, to prove the validity of the debt and the amount due. In addition, the Court received and filed an Affidavit from Timothy G. Sellers, Plaintiff's counsel, regarding title, attorney's fees and collection costs.

The Court noted that the Plaintiff 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 unto the Plaintiff, including costs and attorney fees.

Based on the evidence presented, the Court concluded that the Plaintiff is entitled to foreclosure of its lien with equity of redemption barred. The Court announced it would enter and file a Report and Judgment of Foreclosure and Sale so providing and thereafter the hearing was closed.

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: _____

Timothy G. Sellers
301 South McDowell Street
Suite 410
Charlotte, NC 28204-2686
(704) 377-5050
Attorneys for the Plaintiff

SWORN TO AND SUBSCRIBED before me on this 25th day of September, 2019

Sarah E Frye
Notary Public for Cabarrus

My Commission Expires: 9/17/2020

SARAH E FRYE NOTARY PUBLIC CABARRUS COUNTY, NC

ELECTRONICALLY FILED - 2019 Sep 25 11:22 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina | In The Court of Common Pleas

County of York | Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**AFFIDAVIT OF PLAINTIFF'S AUTHORIZED AGENT**

The undersigned, being first duly sworn, deposes and says that:

1. I am employed by Association Management Solutions, Inc., the duly authorized managing agent of Pennington Place Home Owners ("Association"), and I am personally familiar with the records of the Association relating to the Defendant(s) and the Property of the Defendant(s) located at 3052 Rocket Road, Rock Hill, SC 29732.

2. On January 3, 2019, prior to referral of this matter to counsel, the association, acting through its authorized agent, wrote the Defendant(s) requesting payment and warning of enforcement action. A copy of the letter is attached.

3. I have read the Complaint filed in this action and know the contents thereof to be true of my own personal knowledge except those matters alleged on information and belief, and as to those, I believe them to be true.

4. As of September 17, 2019, the total amount of assessments and other amounts duly levied and charged by the Association against the Defendant(s) and payable by the Defendants to the Association is detailed below.

Assessments and Charges Due and Delinquent

Description	Amount
Past Due Assessments	$287.50
Late Charges	$140.00
TOTAL	**$427.50**

5. The debt is secured by the Notice of Delinquent Assessments and Lien filed February 22, 2019 in Book 467; Page 491 ("Lien").

6. The Plaintiff is required to continue providing and has continued to provide benefits to the Defendant(s) under the terms of the Declaration notwithstanding the default of the Defendant(s).

SWORN TO AND SUBSCRIBED before me on this 23rd day of September, 2019

Amanda L. Sherwood
Notary Public for Association Management Solutions

My Commission Expires: February 23, 2021

AMANDA L. SHERWOOD
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires 2/23/2021

ELECTRONICALLY FILED - 2019 Sep 25 11:22 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

Pennington Place Home Owners Association of York, Inc.
c/o AMS
P.O. Box 38809
Charlotte, NC 28278

Notice Date: January 3, 2019

Vanessa M Sumpter
3052 Rocket Rd
Rock Hill, SC 29732

Vanessa M Sumpter
3052 Rocket Rd
Rock Hill, SC 29732

Property Address:
Vanessa M Sumpter
3052 Rocket Rd
Rock Hill, SC 29732

URGENT FINAL NOTICE!

STATEMENT OF ASSESSMENTS DUE AND NOTICE OF INTENT TO LIEN, FORECLOSE AND SEEK RECOVERY OF ATTORNEY FEES

THIS TWO (2) PAGE STATEMENT AND NOTICE CONTAINS IMPORTANT, TIME SENSITIVE INFORMATION ON YOUR LEGAL RIGHTS AND RESPONSIBILITIES. READ IT CAREFULLY AND ACT IMMEDIATELY.

Association:	Pennington Place Home Owners Association of York, Inc.
Property located at:	3052 Rocket Rd
Outstanding Balance Due:	$782.50
Account Number:	1281027

Statement of Assessment Amount Due

Assessments and/or other charges duly levied by the Association against your property are due and owing as of the date of this notice as follows:

Assessment - Homeowner - 2017	$212.50
Assessment - Homeowner - 2018	$275.00
Assessment - Homeowner - 2019	$275.00
Assessment - Homeowner - 2018 (Delinquent Fee)	$20.00
Total:	**$782.50**

The purpose of this communication is to collect a debt. The entire outstanding balance

ELECTRONICALLY FILED - 2019 Sep 25 11:22 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

due on your account must be paid within thirty (30) days of the date of this notice or the Association may proceed with the filing of a claim of lien and, if necessary, foreclosure.

Notice of Association's Intent to Enforce

The Association is entitled by law and pursuant to the applicable Declaration of Covenants, Conditions and Restrictions or Master Deed to enforce your obligation to pay assessments and other charges through the filing of a lien and foreclosing the lien and to recover costs and reasonable attorney's fees incurred in connection with the action taken. The Association intends to refer this matter to its attorneys for enforcement action as allowed by law unless the outstanding balance is paid in full within thirty (30) days of the date of this notice. Payment should be sent to:

Pennington Place Home Owners Association of York, Inc.
C/O Association Management Solutions, Inc.
P O Box 1319
Commerce, GA 30529

This is your final opportunity to pay your outstanding balance without attorney's fees and court costs.

If you wish to discuss a payment schedule, you must contact April Montgomery at (803) 831-7023 or amontgomery@amshoa.com within thirty (30) days of the date of this notice and before your case is referred to the attorney for action. NOTE THAT neither you nor the Association are obligated to offer or accept any proposed payment schedule. Any payment schedule accepted by the association must be in writing and will include administrative fees and costs for accepting and processing installments.

DO NOT DELAY!

You will receive no further notices before referral to the attorneys for immediate enforcement action to collect the outstanding balance, as well as all attorney's fees and costs. The minimum attorney's fees and costs you will be required to pay if the Association is forced to file a claim of lien is $300.00. Note that this Statement and Notice does not include any assessments and late fees accruing after the date hereof, which you are also responsible for paying.

If it is necessary to file a foreclosure, the fees and costs will increase considerably. After referral, all communications and correspondence, including payments to reinstate account, must be between you and the Association's attorneys, **NOT** the Association.

Board of Directors
Pennington Place Home Owners Association of York, Inc.

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ELECTRONICALLY FILED - 2019 Sep 25 11:22 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

Assessments

275.00 +
275.00 +
275.00 +
275.00 +
275.00 +
275.00 +
275.00 +
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
287.5 *

0.00

Del. Fees

20.00 +
20.00 +
20.00 +

Transaction History

Pennington Place Home Owners Association of York, Inc.

Transaction Detail : 1/1/2011 - 9/17/2019

Date: 9/17/2019
Time: 12:53 pm
Page: 1

Name: Vanessa M Sumpter **Address:** 3052 Rocket Rd

Homeowner Account: 1281027 **Homeowner Status:** At Attorney

Date	Description	Batch	Amount	Paid	Balance
	Previous Balance		$1,006.55		$ 1,006.55
01/01/2011	Assessment - Homeowner 2011	5802	260.00	-	1,266.55
01/05/2011	Assessment - Homeowner (Delinquent Fee) 2011	6611	15.00	-	1,281.55
02/03/2011	Assessment - Homeowner (Delinquent Fee) 2011	7107	15.00	-	1,296.55
03/03/2011	Assessment - Homeowner (Delinquent Fee) 2011	7684	15.00	-	1,311.55
04/03/2011	Assessment - Homeowner (Delinquent Fee) 2011	8217	15.00	-	1,326.55
05/03/2011	Assessment - Homeowner (Delinquent Fee) 2011	8839	15.00	-	1,341.55
07/25/2011	Remove 2008 Finance Charges	0	-	26.55	1,315.00
07/25/2011	Remove 2008 Late fees (9 of 10)	0	-	135.00	1,180.00
07/25/2011	Remove 2009 Late fees (11 of 12)	0	-	165.00	1,015.00
07/25/2011	Remove 2010 Late fees (4 of 5)	0	-	165.00	850.00
07/25/2011	Remove Late Fees (4 of 5 waived)	0	-	60.00	790.00
10/27/2011	Sellers Inv 409634, 10/19/11 2011	11710	1,390.00	-	2,180.00
01/01/2012	Assessment - Homeowner 2012	12021	260.00	-	2,440.00
03/29/2012	Sellers Inv 420675, 3/19/12 2012	14948	28.50	-	2,468.50
05/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	15643	20.00	-	2,488.50
06/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	16241	20.00	-	2,508.50
07/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	16999	20.00	-	2,528.50
07/05/2012	Sellers Inv 428647, 6/22/12 2012	16988	549.00	-	3,077.50
07/29/2012	Sellers Inv 430825, 7/23/12 2012	17456	160.00	-	3,237.50
08/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	17579	20.00	-	3,257.50
08/21/2012	Sellers Inv 432929, 8/15/12 2012	17924	191.00	-	3,448.50
09/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	18092	20.00	-	3,468.50
10/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	18757	20.00	-	3,488.50
11/04/2012	Assessment - Homeowner (Delinquent Fee) 2012	19326	20.00	-	3,508.50
11/19/2012	Remove Due to Acct. Reinstatement	0	-	40.00	3,468.50
11/19/2012	Check # 035071	0	-	3,468.50	-
01/01/2013	Assessment - Homeowner 2013	19469	275.00	-	275.00
02/04/2013	Assessment - Homeowner (Delinquent Fee) 2013	21465	20.00	-	295.00
03/04/2013	Assessment - Homeowner (Delinquent Fee) 2013	22225	20.00	-	315.00
03/04/2013	Collection Fee 2013	22280	15.00	-	330.00
03/11/2013	Check # 1176514975	0	-	275.00	55.00
01/01/2014	Assessment - Homeowner 2014	27661	275.00	-	330.00
02/04/2014	Assessment - Homeowner (Delinquent Fee) 2014	29615	20.00	-	350.00
03/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	30179	20.00	-	370.00
03/03/2014	Collection Fee 2014	30254	15.00	-	385.00
04/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	30910	20.00	-	405.00
04/03/2014	Collection Fees 2014	30970	30.00	-	435.00
04/21/2014	Check # 7964376	0	-	275.00	160.00
05/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	31537	20.00	-	180.00
06/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	32123	20.00	-	200.00
07/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	32690	20.00	-	220.00
08/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	33256	20.00	-	240.00
09/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	33769	20.00	-	260.00
10/03/2014	Assessment - Homeowner (Delinquent Fee) 2014	34315	20.00	-	280.00
01/01/2015	Assessment - Homeowner 2015	35167	275.00	-	555.00
01/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	36247	20.00	-	575.00
02/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	38063	20.00	-	595.00
02/03/2015	Collection Fee 2015	38138	15.00	-	610.00
03/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	38696	20.00	-	630.00
03/03/2015	Collection Fees 2015	38798	30.00	-	660.00
04/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	39569	20.00	-	680.00
05/01/2015	Check # 8829262	0	-	275.00	405.00

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Transaction History

Pennington Place Home Owners Association of York, Inc.

Transaction Detail : 1/1/2011 - 9/17/2019

Date: 9/17/2019
Time: 12:53 pm
Page: 2

Name: Vanessa M Sumpter **Address:** 3052 Rocket Rd

Homeowner Account: 1281027 **Homeowner Status:** At Attorney

Date	Description	Batch	Amount	Paid	Balance
05/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	40221	$ 20.00	$ -	$ 425.00
06/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	41030	20.00	-	445.00
07/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	41990	20.00	-	465.00
08/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	42622	20.00	-	485.00
09/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	43360	20.00	-	505.00
10/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	44013	20.00	-	525.00
11/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	44730	20.00	-	545.00
12/03/2015	Assessment - Homeowner (Delinquent Fee) 2015	45622	20.00	-	565.00
01/01/2016	Assessment - Homeowner 2016	44236	275.00	-	840.00
01/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	46400	20.00	-	860.00
02/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	48225	20.00	-	880.00
02/05/2016	Check # 4758810	0	-	275.00	605.00
03/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	48836	20.00	-	625.00
04/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	49573	20.00	-	645.00
05/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	50321	20.00	-	665.00
06/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	51097	20.00	-	685.00
07/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	52892	20.00	-	705.00
08/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	53509	20.00	-	725.00
09/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	54205	20.00	-	745.00
10/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	54763	20.00	-	765.00
11/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	55558	20.00	-	785.00
12/03/2016	Assessment - Homeowner (Delinquent Fee) 2016	56331	20.00	-	805.00
01/01/2017	Assessment - Homeowner 2017	55527	275.00	-	1,080.00
01/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	57038	20.00	-	1,100.00
02/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	57876	20.00	-	1,120.00
03/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	59536	20.00	-	1,140.00
04/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	60407	20.00	-	1,160.00
05/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	61317	20.00	-	1,180.00
06/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	62231	20.00	-	1,200.00
07/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	64050	20.00	-	1,220.00
08/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	64851	20.00	-	1,240.00
09/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	65614	20.00	-	1,260.00
10/03/2017	Assessment - Homeowner (Delinquent Fee) 2017	66350	20.00	-	1,280.00
10/27/2017	Remove collection fee #1281027	0	-	105.00	1,175.00
10/27/2017	Remove late fee #1281027	0	-	800.00	375.00
11/17/2017	Credit Card	0	-	162.50	212.50
01/01/2018	Assessment - Homeowner 2018	66067	275.00	-	487.50
04/03/2018	Assessment - Homeowner (Delinquent Fee) 2018	71653	20.00	-	507.50
01/01/2019	Assessment - Homeowner 2019	78358	275.00	-	782.50
01/31/2019	eCheck	0	-	375.00	407.50
02/03/2019	Assessment - Homeowner (Delinquent Fee) 2019	81396	20.00	-	427.50
		Total	$7,030.05	($6,602.55)	$427.50

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RE: ARACELY SANCHEZ -VS- VANESSA M. SUMPTER

APPELLANT, CASE NO. 2023-000044

PENNINGTON PLACE HOME OWNERS ASSOCIATION OF YORK, INC.

-VS- VANESSA M. SUMPTER

COMMON PLEAS CASE NO: 2019-CP-46-01766

TRANSCRIPT OF PROCEEDINGS

YORK COUNTY EQUITY COURT

OCTOBER 2, 2019

APPEARANCES: Representing the Plaintiff -

Timothy Sellers, Esquire

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE TEASA WEAVER

****

THE COURT: This is Case Number 2019-CP-46-1766, Pennington Place Home Owners Association of York versus Vanessa Sumpter.

Present for plaintiff is Mr. Tim Sellers. Also present is Ms. Vanessa Sumpter. Mr. Seller, whenever you're ready.

MR. SELLERS: Yes, ma'am. First, just so the court will be aware, Ms. Sumpter has requested, and I have given her an opportunity to look at the both the Plaintiff's Affidavit of Assessments and the Attorney's Fee Affidavit that were submitted to the court electronically before we arrived here today.

I'll just be establishing the debt, which based on the affidavit filed by - that we filed in the advance, the association's (indiscernible) through September 17, 2019, is $427.50. The cost of collection prior to the hearing of $542.06, and the attorney's fees based on the affidavit of $2,112.00 for a total debt of $3,081.56.

THE COURT: Thank you, Mr. Seller. Ms. Sumpter, you've had an opportunity to review that affidavit of debt and those documents. Do you have any questions

about those?

MS. SUMPTER: Essentially, my problem was that I had paid, and I have proof that I paid like half the debt when I was told (indiscernible), but that's okay. That's neither here nor there. Then when I went to pay it again, they had already given it to the lawyers. Once you give it to the lawyers, the fees just go up. I contacted them one time, and they gave me an amount. It was like $1,700 at that time. Well, if I'm having a hard time paying the association fees, I can't pay $1,700, not in two week's time because they give you ten days to make that payments. It's just a hardship on my end, and it just is what it is.

THE COURT: Are you going to try to continue to work that out with -

MS. SUMPTER: If I talk to the lawyers, the fees go up. I can't afford to keep - Even if I call, the fees go up so I don't know what I can work out. I have my fees just continue to go up.

THE COURT: The plaintiff is asking that those exhibits, that Affidavit of Debt, be received into evidence. Do you have any objection to the court receiving them into evidence?

MS. SUMPTER: (Indiscernible)

THE COURT: Based upon the evidence before the

Court, I do find in favor of the plaintiff in the total amount of $3,081.56.

Mr. Sellers, I believe plaintiff is requesting a sale date of November 4th.

MR. SELLERS: I believe so, Your Honor.

THE COURT: I'm going to extend that out to December 2nd. Ms. Sumpter, the sale date has been extended out to December 2nd, which gives you some time to see if you can work out something with the home owners association in the meantime.

MS. SUMPTER: Well, I mean, I still have to deal with a lawyer. There's no point. There's no association. You just deal with the lawyers at this point.

THE COURT: Yes, but there might be something that you could work out. Mr. Sellers, would you - Is she who you would talk with or your client?

MR. SELLERS: She would talk with us. Our file reflects that at one time did request a (indiscernible) which was prepared. That does not take very long. It's just as the proceeding moves along, yes, the fees have increased as well as the cost. I don't know - We have a form which I'd be happy to have my staff email to Ms. Sumpter. That is what we use for people to request approval of an installment plan arrangement.

That's in the discretion of the court. I don't know whether it would be approved or not. That's what we provide to folks. I'd be happy to provide that if she wishes to do that as opposed to getting (indiscernible).

THE COURT: Would you like -

MR. SELLERS: Would you mind telling me your email address so that I can -

MS. SUMPTER: It's vmsumpter@gmail.com. Understand that the board, the HOA board - Again, you've got to write them. You just can't email. You can't talk to them, can't - Like everything is you have to write to them and maybe they'll meet. It's just a mess.

THE COURT: Mr. Sellers, I'm going to ask you make sure that if she's requesting a statement or requesting something that you give her an answer. The board needs to give an answer to her about whether or not -

MR. SELLERS: About whether or not they're going (indiscernible).

THE COURT: Exactly.

MR. SELLERS: I'll communicate that.

MS. SUMPTER: I appreciate that.

THE COURT: If there are any issues with that,

let me know, and I'll follow up with Mr. Sellers and his firm and make sure that you get an answer one way or another.

THE COURT: Anything further.

UNIDENTIFIED MALE VOICE: We're trying to work it out. I'm her friend. We pay our bills. We try to work it out. Like she said, we tried to pay it and then they said - She made a partial payment, which we have proof of because it came from her account. Then we tried to pay the rest of it, and they said no. I want somebody to explain to me how it can go from $400 to $3,000. Who can pay that? Who?

THE COURT: I think that's what's been established today. I understand your frustration but that's what was determined today. Hopefully, Ms. Sumpter, you can work something out. Again, that sale date is not until December 2nd. If something is worked out, you can contact the court or Mr. Sellers.

MR. SELLERS: If something is worked out, we will -

THE COURT: That's right. If you do - That's what I was going to say. I always make sure the plaintiff is aware before we remove anything from a sale. Just make sure that if anything is worked out -

MS. SUMPTER: So if it's sold and third party buys

it, then what happens in that situation?

THE COURT: It goes to the third party because the sale is final.

MR. SELLERS: Does the court need any change in the paperwork on our part with the change in the sale date?

THE COURT: No.

(HEARING CONCLUDED)

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State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**MASTER IN EQUITY'S REPORT AND JUDGMENT OF FORECLOSURE SALE** (DEFICIENCY WAIVED)

Pursuant to Rule 53 SCRCP, 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 Default and Reference, a hearing was held on October 2, 2019 attended by Timothy G. Sellers, attorney for the Plaintiff. Defendant Vanessa M. Sumpter appeared *pro se*. Exhibits filed by the Plaintiff on September 25, 2019 were received into evidence without objection, and from the evidence and other filings, I find, conclude and order as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on May 20, 2019.

2. The titleholder(s) of record in and to the subject property as of the filing of the Lis Pendens in this action is Vanessa M. Sumpter, which Property is more particularly described as follows:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

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The subject property is referred to herein as the "Property."

3. The Property is subject to and encumbered by the Declaration of Covenants, Conditions and Restrictions for Pennington Place Home Owners Association of York, Inc. recorded in 6594 at Page 51 of the York County Public Registry ("Declaration".)

4. This action was commenced with the filing of a Summons and Complaint by the Plaintiff on May 20, 2019.

5. Vanessa M. Sumpter was served with process as required by Rule 4 of the South Carolina Rules of Civil Procedure as specifically set forth in the Affidavit of Service filed by the Plaintiff, as well as other returns and entries of service which appear in the court file.

6. Vanessa M. Sumpter failed to plead or otherwise defend within the time limits provided and as otherwise required by the South Carolina Rules of Civil Procedure.

7. An Order of Default and Reference was filed on August 22, 2019.

8. No Defendant is a minor or incompetent person.

9. The Plaintiff filed and served its Affidavit in Response to Temporary Restraining Order Issued by the Supreme Court of the State of South Carolina, in accordance with the Supreme Court's Administrative Order dated May 22, 2009. Vanessa M. Sumpter filed no response in accordance with said Administrative Order.

10. No Defendant is in the military service of the United States so as to be entitled to protection under the terms of the Service Members Civil Relief Act of 2003 ("Act").

11. The Plaintiff is entitled under the terms of the Declaration to recover reasonable attorney fees incurred and the plaintiff's attorney has filed an Affidavit of Attorney's Fees in support of that request which details services performed and costs incurred prior to the hearing,

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and expenses incurred in connection with this hearing and an estimate of services that will be required after this hearing in connection with the sale of the Property.

12. Having considered the nature, extent and difficulty of the services rendered and expected (the field of association lien foreclosures being a specialized area of practice), the time involved in reviewing the various documents, performing title searches, preparing the pleadings, attendance at the hearings and argument, the professional standing of counsel, the fee customarily charged for similar services and the beneficial results obtained for the Plaintiff, I find that the sum of $2,112.00 for Plaintiff's Attorney for services performed and anticipated to be performed until final adjudication and completion of the within action to be reasonable. In addition, I find that reasonable costs in the amount of $542.06 have been incurred to and through the date of this hearing.

13. The amount due and owing by the Defendant, levied and charged by the Association pursuant to the Declaration and with interest at the rate provided in the Declaration, and other costs and expenses of collection, including an attorney's fee is:

(a)	Association Payoff through September 17, 2019 ("Calculation Date")	$427.50
(b)	Costs of collection prior to hearing	$542.06
(c)	Attorney's Fees	$2,112.00
TOTAL DEBT		$3,081.56

Interest shall accrue on the Total Debt after the date of judgment at the rate of at an annual rate of fifteen percent (15%) and should be added to such Total Debt to comprise the amount of Plaintiff's debt secured by the Lien, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

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14. Repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final is secured by Plaintiff's lien as provided in the Declaration and as memorialized in the Notice of Delinquent Assessments and Lien filed in the Office of the Register of Deeds Office for York County on February 22, 2019 in Book 467; Page 491. ("Lien")

15. Plaintiff is entitled to have Judgment entered against the Defendant(s):

(a) adjudging the Defendant(s) indebted to the Plaintiff in the amount of the Total Debt including attorney's fees.

(b) granting the Plaintiff equitable relief by declaring the Property of the Defendant(s) subject to the Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and which Lien attached to the Property as of February 22, 2019, and

(c) ordering that the Property be sold under the direction of the Court and the proceeds applied to the costs and expenses of this action and to payment of the Total Debt plus interest as prayed for in the Complaint, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final.

16. The Plaintiff 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 unto the Plaintiff, including costs and attorney fees.

CONCLUSION OF LAW:

I, therefore, conclude that the Plaintiff should have judgment allowing foreclosure of the Lien and the Property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED:

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1. The amount due and owing to the Plaintiff which is secured by the Lien is $3,081.56 ("Total Debt") plus any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

2. The "Total Debt" shall bear interest hereafter at the rate of at an annual rate of fifteen percent (15%).

3. The Property of the Defendant(s) located at 3052 Rocket Road, Rock Hill, SC 29732, and more particularly in Paragraph 2 above, is subject to a Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest and any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, which lien relates back to and attaches to the Property as of February 22, 2019.

4. The Master in Equity shall give notice of the sale of the Property in satisfaction of the Lien on some convenient sales day hereafter as by law provided.

5. The Defendant(s) shall pay to the Plaintiff, or Plaintiff's attorney, the amount of the Total Debt plus interest, any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and the costs and expenses of sale on or before the date set for sale of the Property.

6. Should the Defendant(s) fail to make payment in full on or before the date set for sale, the Property shall be sold by the Master in Equity, at public auction, at the Courtroom of the Master in Equity in York, South Carolina, on the following terms:

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), same to be applied on the purchase price only upon compliance with the bid. In case of non-compliance, the same will be forfeited and delivered to the Plaintiff for application to the costs and Plaintiff's debt. If the required deposit is not by the

high bidder, the property may be sold to the next high bidder, subject to the deposit requirements set forth herein.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of at an annual rate of fifteen percent (15%).

C. The sale shall be subject to prior mortgages, taxes and assessments, to easements, restrictions and rights-of-ways of record, and to any other senior or superior liens or encumbrances.

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

7. If Plaintiff be the successful bidder at the sale, for a sum not exceeding the amount of costs, disbursements and expenses and the Total Debt owing to the Plaintiff with interest, plus any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, Plaintiff may pay to the Master in Equity only the amount of the costs, disbursements and expenses crediting the balance of the bid on the Plaintiff's indebtedness.

8. 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 Property sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale. If the Purchaser, or Purchasers, should fail to comply with the bid and the terms thereof within twenty (20) days after date of sale, then the Master in Equity may advertise the Property 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 full compliance with the high bid and the terms thereof is secured.

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

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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 Total Debt and interest, as well as any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final, so much thereof as the purchase money will pay on the same to the Plaintiff or Plaintiff's attorney.

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

10. **IT IS FURTHER ORDERED** that in the event the successful bidder is other than the Defendants in possession herein, the Sheriff of York 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 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.

11. **IT IS FURTHER ORDERED** that each Defendant, all defendants served, and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right of title, interest and equity of redemption in the Property so sold, or any part thereof.

12. **IT IS FURTHER ORDERED** that the Deed of conveyances made pursuant to said sale shall contain the names of the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the Property at the time of filing of the Notice of Lis Pendens, and the name of the Grantee, and the Clerk of Court/RMC 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 Writ of Assistance and hearing any

issues involving appraisal proceedings under Section 29-3-680 et seq., South Carolina Code of Laws (1976) as amended.

14. The Master in Equity shall direct the Register of Deeds to release of record the Lien being foreclosed, after the Order Confirming Sale and Disbursements has been executed and filed.

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

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

TMS# 589-06-01-035

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc.
PLAINTIFF(S)

Vanessa M. Sumpter
DEFENDANT(S)

Submitted by: Timothy G. Sellers	**Attorney for :** ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP: ☐ 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:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Pennington Place Home Owners Association of York, Inc.	Vanessa M. Sumpter	$3081.56
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.

Master in Equity _____ **Judge Code** _____ **Date** _____

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For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

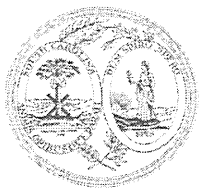
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ELECTRONICALLY FILED - 2019 Oct 03 12:57 PM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order/Foreclosure & Sale and Form 4

So Ordered

s/ Teasa K. Weaver 3084

Electronically signed on 2019-10-03 12:53:25 page 11 of 11

ELECTRONICALLY FILED - 2019 Oct 03 12:58 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

NOTICE OF MASTER IN EQUITY'S SALE
CIVIL ACTION NO. 2019-CP-46-1766

BY VIRTUE OF A DECREE of the Court of Common Pleas for York County, York, South Carolina, heretofore issued in the case of Pennington Place Home Owners Association of York, Inc., against Vanessa M. Sumpter, *et al.*, I the undersigned as Master in Equity for York County, will sell on December 2, 2019, at 11:00 a.m., at the Courtroom of the Master in Equity, York Historic Courthouse, 2 S Congress Street, York, South Carolina, to the highest bidder:

Legal Description:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

Property Address: 3052 Rocket Road, Rock Hill, SC 29732

TMS# 589-06-01-035

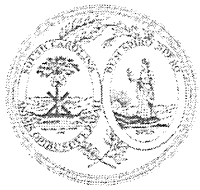
TERMS OF SALE: For cash. The purchaser to pay for recording papers, transfer taxes, fees and stamps. The successful bidder or bidders, other than the Plaintiff therein, shall deposit with the Master in Equity for York County a certified check or cash in the amount equal to five percent (5%) of the amount of bid on said premises at the sale as evidence of good faith in bidding which deposit shall be required immediately upon the acceptance of the bid. If the required deposit is posted but the remaining portion of the bid is not paid into Court as required herein, the deposit will be forfeited and applied to the costs and Plaintiff's debt. If the required deposit is not posted by the high bidder as required, the property may be sold to the next highest bidder subject to the deposit requirements set forth herein. 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. No personal or deficiency judgment being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately. The successful bidder may be required to pay interest on the amount of bid from date of sale to date of compliance with the bid at the rate of at the rate of at an annual rate of fifteen percent (15%) per annum on the amount until paid in full per annum. In the event that the deposit is posted but the full remaining bid proceeds are not paid into Court as required herein, then such person(s) making the bid shall be barred from placing any further bids at any future sale.

The sale shall be subject to prior taxes and assessments, to easements, restrictions and rights-of ways of record, and to any other senior or superior liens or encumbrances.

Should the Plaintiff, Plaintiff's attorney or agent fail to appear on sales day, the property shall not be sold, but shall be advertised and sold at some convenient sales days thereafter when the Plaintiff, Plaintiff's attorney or agent is present.

ELECTRONICALLY FILED - 2019 Oct 03 12:58 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2019 Oct 03 12:58 PM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order/Notice of Foreclosure Sale

So Ordered

s/ Teasa K. Weaver 3084

ELECTRONICALLY FILED - 2019 Oct 07 9:16 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina | In The Court of Common Pleas

County of York | Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**CERTIFICATE OF SERVICE**

I, Timothy G. Sellers, do hereby certify that a copy of the Master in Equity's Report and Judgment of Foreclosure and Sale along with the Notice of Master in Equity's Sale was served on the persons as listed below, by depositing same in the United States Mail, first class postage prepaid, at Charlotte, North Carolina, on October 8, 2019.

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

YORK COUNTY ASSESSOR
Tax Map:
589-06-01-035
Date: 12/05/2019

E H

2019053066

DEED
RECORDING FEES $15.00
STATE TAX $94.90
COUNTY TAX $40.15
PRESENTED & RECORDED:
12-04-2019 12:15:14 PM
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
BY: CHRISTY BENFIELD DEPUTY CLERK

BK: RB 17945
PG: 1 - 3

STATE OF SOUTH CAROLINA)
) TITLE UNDER ORDER OF COURT
COUNTY OF YORK)

TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, in an action in the Court of Common Pleas for York County entitled: Pennington Place Home Owners Association of York, Inc., Plaintiff(s), vs. Vanessa M. Sumpter, Defendant(s), Case Number 2019-CP46-01766, and pursuant to an Order of Judgment of Foreclosure and Sale dated October 3, 2019, it was decreed that the property hereinafter described should be sold by the Master In Equity for York County, on the terms, and for the purposes set forth in the aforementioned Order, as particularly set forth therein.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that, I, the undersigned Master In Equity for York County, pursuant to the aforementioned Order, and in consideration of the sum of Thirty-Six Thousand, Five Hundred and 00/100 Dollars ($36,500.00) to me in hand paid by Aracely Sanchez hereinafter Grantee(s), in accordance with the terms of said sale and applicable law, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto the said Grantee(s), her successors and assigns forever, the following described real estate:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

TMS# 589-06-01-035

ADDRESS OF GRANTEE(S): Post Office Box 497
York, SC 29745

TOGETHER with all and singular, the hereditaments, rights, members and appurtenances whatsoever to the said property belonging, and also any and all estate, title, interest, or claim therein whatsoever of all parties to the aforementioned action, and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD all and singular the above-described premises unto the Grantee(s) her Successors and Assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Master In Equity for York County, South Carolina, this 3rd day of December, 2019.

Signed, Sealed and delivered
in the presence of:

Witness No. 1

Printed name: ROBIN C. KEEVER

Honorable Teasa K. Weaver (SEAL)
Master-In-Equity for York County

Witness No. 2/Notary Public

Printed name: Terra Rose

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PERSONALLY APPEARED before me the undersigned witness and made oath that (s)he saw Honorable Teasa K. Weaver, as Master in Equity for York County, sign, seal and deliver the within Deed; and that deponent, together with the other witness signed their names as witnesses thereto. The subscribing witness certified to the notary under oath or by affirmation that the subscribing witness is not a party to or beneficiary of the transaction, signed the record as a subscribing witness, and witnessed the principal sign the record.

WITNESS our hands and seals on this 3RD day of DEC, 2019.

SWORN to before me this
3rd day of December, 2019.

Witness No. 1

(L.S.)
Notary Public for South Carolina

My commission expires: 2-17-2021

3083
TW

ELECTRONICALLY FILED - 2019 Dec 06 10:56 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina	In The Court of Common Pleas
County of York	Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**SUPPLEMENTAL AFFIDAVIT OF INTEREST, ADDITIONAL ASSESSMENTS AND COSTS**

The undersigned, being first duly sworn, deposes and says that:

1. She is a member of the law firm of Sellers, Ayers, Dortch & Lyons, P.A., which represents the Plaintiff in this action.

2. The Master-in-Equity's Report and Judgment of Foreclosure Sale ("Judgment") provides that interest shall accrue on the Total Debt after the date of Judgment at an annual rate of fifteen percent (15%).

3. The Judgment further provides that the Total Debt owed to the Plaintiff shall include assessments and other charges that may become due and payable after the Calculation Date and before the foreclosure sale is final ("Additional Assessments"). The amount of Additional Assessments the Association is entitled to recover from the sales proceeds is $0.00.

4. The Association has incurred publication costs in the amount of $713.09 and bidding costs in the amount of $45.00, which costs were not included in the Cost of Collection included in the Total Debt calculation in the Judgment.

5. The Association is entitled to be paid $758.09 in addition to the Total Debt calculation included in the Judgment as well as interest at at an annual rate of fifteen percent (15%).

This the 5th day of December, 2019.

SELLERS, AYERS, DORTCH & LYONS, P.A.

Cynthia Jones

Cynthia A. Jones
301 S. McDowell St.
Suite 410, Cameron-Brown Building
Charlotte, North Carolina 28204
Phone: 704-377-5050
Fax: 704-339-0172
Attorneys for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME
This the 5th day of December, 2019.

Notary Public for North Carolina
My Commission Expires: 8/10/20

[NOTARY SEAL]

MATTHEW S. HAND NOTARY PUBLIC MECKLENBURG COUNTY, NC

ELECTRONICALLY FILED - 2019 Dec 06 10:56 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2019 Dec 10 11:06 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	IN THE COURT OF COMMON PLEAS Docket No. 2019-CP-46-01766 **NOTICE OF SURPLUS FUNDS**

PLEASE TAKE NOTICE that the property subject to this action was sold at public auction and resulted in **surplus funds of $33,043.44**.

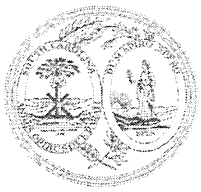
Any party to the action, or any person who had a lien on the mortgaged premises at the time of the sale, may file a claim of entitlement to the surplus funds and may have a hearing to determine such entitlement.

All claims must be verified or supported by affidavit and filed with the York County Clerk of Court within 45 days from the date of the filing of the Master's Report of Sale and Disbursement. **If your claim is not filed within the said 45-day period, your claim shall be considered abandoned and waived as to such surplus.**

Please refer to Rule 71(c) of the South Carolina Rules of Civil Procedure for further information regarding filing a claim.

JUDGE'S SIGNATURE PAGE TO FOLLOW

ELECTRONICALLY FILED - 2019 Dec 10 11:06 AM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Notice Surplus Funds

So Ordered

s/ Teasa K. Weaver 3084

ELECTRONICALLY FILED - 2019 Dec 10 11:12 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	IN THE COURT OF COMMON PLEAS Docket No. 2019-CP-46-01766 **MASTER REPORT OF SALE AND DISBURSEMENT**

The property subject to this action sold at public auction on December 2, 2019 to the highest bidder for $36,500.00. All sale proceeds have been received and a Master's Deed issued to Aracely Sanchez. Sale proceeds have been disbursed as reported herein, resulting in surplus funds. Surplus funds will be disbursed after further proceedings pursuant to Rule 71 of the South Carolina Rules of Civil Procedure.

RECEIPTS		
Full Bid on 12/2/19		$36,500.00
	Total Received:	**$36,500.00**
DISBURSEMENTS		
York County	(1% Commission)	$365.00
Clerk of Court	(Satisfaction of Lien)	$10.00
Plaintiff	(Judgment)	$3,081.56
	Total Disbursed:	**$3,456.56**
	SURPLUS	**$33,043.44**

JUDGE'S SIGNATURE PAGE TO FOLLOW

ELECTRONICALLY FILED - 2019 Dec 10 11:12 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order On Sale Of Real Estate

So Ordered

s/ Teasa K. Weaver 3084

STATE OF SOUTH CAROLINA

COUNTY OF YORK

IN THE COURT Of COMMON PLEAS

CASE NO: 2019-CP-46-01766

Pennington Place Home Owners Association of York, Inc.
Plaintiff,

vs.

Vanessa M. Sumpter
Defendant,

CLAIM OF ENTITLEMENT TO SURPLUS FUNDS

FILED-RECEIVED
2019 DEC 23 PM 4:54
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

This letter is to respectfully submit the claim of entitlement to the surplus funds resulting in the foreclosure sale of the property of 3052 Rocket Road, Rock Hill, South Carolina, 29732. I am the sole owner of the previously stated property location, until the sale.

Thank you for considering this request.

December 23, 2019

Vanessa Sumpter

Vanessa Sumpter
Email: vmsumpte@gmail.com
Mailing address: 4254 Lotts Place, Rock Hill, SC, 29732

ELECTRONICALLY FILED - 2020 Jan 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF YORK	)	CIVIL ACTION NO. 2019-CP-46-01766

Pennington Place Home Owners Association of York, Inc.,	)	
Plaintiff,	)	**VERIFIED PETITION FOR SURPLUS FUNDS**
Vs.	)	
Vanessa M. Sumpter,	)	
Defendant.	)	

Defendant, Family Trust Federal Credit Union, by and through its undersigned counsel, respectfully petitions the Court for an award of a portion of the surplus funds currently held by the Court. As grounds for this claim, Plaintiff would show the following:

1. On or about June 5, 2017, Vanessa M. Sumpter executed and delivered to Family Trust Federal Credit Union a certain Home Equity Line of Credit Plan ("Note") in writing, wherein said Vanessa M. Sumpter promised to pay to the Plaintiff the principal sum not to exceed $45,000.00, together with interest on the unpaid balance. Said principal and interest is payable in monthly installments dependent on the balance. A copy of the Note is attached hereto and is incorporated herein as Exhibit "A."

2. In order to secure the payment of the Note according to the terms and conditions thereof, on June 5, 2017, Vanessa M. Sumpter made, executed, and delivered to Family Trust Federal Credit Union a certain Real Estate Future Advance Mortgage ("Mortgage") covering the subject property described in this foreclosure action. The Mortgage was signed, witnessed and probated; and thereafter the Mortgage was recorded on June 9, 2017 in the Office of the Register of Deeds for York County in Book 16418 at Page 333. A copy of said Mortgage is attached hereto and incorporated herein as Exhibit "B."

3. As of January 24, 2020, there is due on said mortgage:

Principal amount	$43,873.22
Interest through 1/24/2020	$152.05
Total Amount due as of 1/24/2020	**$44,025.27**

WHEREFORE, Defendant Family Trust Federal Credit Union respectfully requests that it be awarded the entire amount of the surplus funds ($33,043.44) to be applied to the indebtedness under the mortgage as of the date the funds are distributed.

SHERPY & JONES, P.A.

By: s/Christy C. Jones
Christy C. Jones
S.C. Bar No. 69434
Post Office Box 5977
Columbia, South Carolina 29250
(803) 356-3327
Attorneys for FAMILY TRUST Federal Credit Union

January 17, 2020

ELECTRONICALLY FILED - 2020 Jan 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2020 Jan 21 12:26 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEASE
	)	CASE NO. 2019-CP-46-01766
COUNTY OF YORK	)	
Pennington Place Homeowners Association of York, Inc.,	)	
Plaintiff,	)	
vs.	)	**VERIFIED CLAIM ON SURPLUS FUNDS**
Vanessa M. Sumpter;	)	
Defendants	)	

Pennington Place Homeowners Association of York, Inc., by and through its undersigned counsel, submits this claim of entitlement to the surplus funds generated in the above captioned action. In support of this claim, the Association shows the court the following:

1. The name of the claimant is **Pennington Place Homeowners Association of York, Inc.** ("Association").

2. Vanessa M. Sumpter, Defendant, was and remains indebted to the Association for homeowners association assessments duly levied under the Declaration of Covenants, Conditions and Restrictions for Pennington Place Subdivision recorded in Book 6594 Page 51 of the York County Public Registry ("Declaration").

3. Article V, Section 5.2 of the Declaration provides that "...such charges as may be levied by the Association against any Lot, together with interest, costs of collection and reasonable attorney's fees, shall be a continuing lien upon the Lot against which each such assessment or charge is made."

4. On October 3, 2019 a Master in Equity's Judgment of Foreclosure and Sale ("Judgment") was filed in the above captioned action.

5. Paragraph 1 of the order portion of the Judgment provides the Plaintiff is owed the Total Debt "plus any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final."

6. Paragraph 3 of the order portion of the Judgment provides the Lien secures repayment of the "Total Debt plus interest and any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final...."

ELECTRONICALLY FILED - 2020 Jan 21 12:26 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

7. Paragraph 9 of the order portion of the Judgment provides the sale proceeds will be disbursed first to the payment of costs and expenses of the action and next to the payment of the Total Debt "as well as any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final...."

8. During the foreclosure in the above captioned action, Plaintiff, by and through its undersigned counsel, filed a Supplemental Affidavit of Additional Assessments and Costs on December 6, 2019 ("Supplemental Affidavit") which detailed an additional $758.09 in assessments and costs incurred during the foreclosure action over and above the amount of the Total Debt as set forth in the Judgment.

9. The Supplemental Affidavit sets out the specific amounts of the additional assessments and costs incurred.

10. Article V Section 5.8 of the Declaration provides the Association "or its agent or representative, may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Lot to which the assessment relates, and interest, costs and reasonable attorney's fees for such action or foreclosure shall be added to the amount of such assessment to the extent allowed by law."

11. In addition to the fees and costs set forth in the Supplemental Affidavit, the Plaintiff has or will incur additional attorney fees in the amount of $418.00 representing the fees and costs in connection with the pursuit of this claim and an additional $500.00 in attorney fees if attendance at a hearing is required.

12. The Association seeks recovery of $758.09 together with additional attorney's fees and costs in the amount of $418.00 representing the fees and costs the Association has or will incur in connection with the pursuit of this claim and an additional $500.00 in attorney fees if attendance at a hearing is required.

WHEREFORE, the Pennington Place Home Owners Association of York, Inc. submits this claim for entitlement to surplus funds and respectfully requests the entry of a court order disbursing $758.09 plus additional attorney's fees and costs in the amount of $418.00 plus an additional $500.00 if a hearing is held, for the disbursement of proceeds as requested.

This the 21 day of January, 2020.

PENNINGTON PLACE HOME OWNERS ASSOCIATION OF YORK, INC.

By: Cynthia Jones
Cynthia A. Jones, Attorney for the Association

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

Cynthia A. Jones personally appeared before me this day and verified that the representations and statements contained herein are true and correct.

This the 21 day of January, 2020.

Notary Public
Print Name: Matthew S. Hand
My Commission Expires: 8/10/20

[NOTARIAL SEAL]

MATTHEW S. HAND NOTARY PUBLIC MECKLENBURG COUNTY, NC

ELECTRONICALLY FILED - 2020 Jan 21 12:26 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

Certificate of Service by Mail

I, Matthew S. Hand, administrative assistant to Cynthia A. Jones, do hereby certify that I have served a copy of this Verified Claim on Surplus Funds in the above foreclosure action by mailing a copy of the same by United States Mail, postage prepaid at Charlotte, North Carolina, where there is regular communication by mail, on January 21, 2020 to:

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

Name: Matthew S. Hand

ELECTRONICALLY FILED - 2020 Jan 21 12:26 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2020 Jan 29 8:38 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc., PLAINTIFF, vs. Vanessa M. Sumpter, DEFENDANT(S).	IN THE COURT OF COMMON PLEAS CASE NO. 2019-CP46-01766 **NOTICE OF HEARING** (SURPLUS FUNDS)

PLEASE TAKE NOTICE that a **hearing regarding the disposition of surplus funds** will be held before Teasa K. Weaver, Master in Equity of York County, at the date, time and place listed below.

DATE: Tuesday, February 18, 2020

TIME: 4:00 PM

PLACE: York County Historic Courthouse
Courtroom 2
2 South Congress Street
York, South Carolina

SURPLUS: $33,043.44

JUDGE'S SIGNATURE PAGE TO FOLLOW

ELECTRONICALLY FILED - 2020 Jan 29 8:38 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Notice/Notice of Hearing

So Ordered

s/ Teasa K. Weaver 3084

RE: ARACELY SANCHEZ -VS- VANESSA M. SUMPTER

APPELLANT, CASE NO. 2023-000044

PENNINGTON PLACE HOME OWNERS ASSOCIATION OF YORK, INC.

-VS- VANESSA M. SUMPTER

COMMON PLEAS CASE NO: 2019-CP-46-01766

TRANSCRIPT OF PROCEEDINGS

YORK COUNTY EQUITY COURT

FEBRUARY 18, 2020

THIS TRANSCRIPT WAS PREPARED FROM AN AUDIO RECORDING

PROVIDED BY THE COURT

APPEARANCES: Representing the Plaintiff -
Timothy Sellers, Esquire

Representing Family Trust -
Christi Jones (phonetic)

BEFORE THE HONORABLE TEASA WEAVER

****

THE COURT: Case Number 2019-CP-46-01766, Pennington Place Home Owners Association versus Vanessa Sumpter. This is a hearing regarding the disposition of surplus funds.

Present for plaintiff is Mr. Tim Sellers and Cynthia Jones. Present for claimants, Family Trust -

MS. JONES: That's correct, Your Honor.

THE COURT: Christi Jones. Ms. Sumpter is present. (Indiscernible).

We'll start with plaintiff's claim which initially there was supplemental affidavits and then additional costs.

MR. SELLERS: Yes, Your Honor. We filed also Initial verified claim to the surplus to detail in More specificity what our claim is which is relatively small. We have additional assessments which accrued after the calculation in our judgment of $758.09. Then we're also asking for attorney's fees in preparing and pursuing the surplus which are allowed under our documents for $418.00 and then we're asking for $500.00 for appearing at the hearing. So the total is $1,676.09. We talked to Ms. Jones. I believe she

doesn't have an objection to that claim. I have not talked to Ms. Sumpter. So that's our position, Your Honor. If you have any questions, I'm happy to answer them.

THE COURT: Ms. Jones, is that correct?

MS. JONES: That's correct from our point of view, Your Honor.

THE COURT: Ms. Sumpter, any objections.

MS. SUMPTER: Well, the amount that we (indiscernible) was over the amount that was actually owed in the first place. I felt like they got their money on the (indiscernible). That documentation is to kind of show you the progression of the cost.

THE COURT: Ms. Sumpter, they are entitled to the $713.09. That's the publication costs. They're entitled to the cost of the sale. They also had a $45.00 bidding fee. That's also a cost of the sale that they are entitled to. The other two, the $418.00 -- Mr. Sellers you said that's additional attorney's fees?

MR. SELLERS: Yes, Your Honor, for the time spent in actually preparing everything for the surplus claim. We put it in separately because sometimes we don't have to appear for a hearing, and we have an additional $500.00 for appearing at the hearing for the

total of 1,676.09.

THE COURT: Ms. Sumpter, is your objection to those attorney's fees they're requesting?

MS. SUMPTER: Yes.

THE COURT: The only question I have, Mr. Sellers, is that according to the order it says I find that the sum of $2,920 (indiscernible) anticipated to be performed until competition of -

MR. SELLERS: It was in connection with the Foreclosure and the sale and the things that we could expect. We, of course, we had no idea that it would produce a surplus. When it did, additional time was required, and that's what's reflected in the amounts that we have before the court.

THE COURT: I grant the publication and bidding fee. I want to think about the attorney's fees. Ms. Sumpter, I note your objection. I want to think about the additional $418.00 for filing the surplus claim and $500.00 for appearing at this hearing.

THE COURT: Ms. Jones, Family Trust is requesting the remainder.

MS. JONES: That's correct, Your Honor. We have a note dated June 5th, 2017, to Ms. Sumpter for $45,000, a mortgage of the same date, June 5th, 2017, recorded June 9th, 2017. There's a total amount due

on that mortgage of $44,025.27. So our position would be whatever portion goes - does not go to the HOA should go to the credit union toward satisfaction of that mortgage debt.

THE COURT: Thank you, Ms. Jones. Any objection to that Ms. Sumpter?

MS. SUMPTER: I don't have any objections to that at all.

THE COURT: Right now, I initially order the publication and bidding costs for plaintiff are awarded. I am taking the attorney's fees under advisement. If the are granted, the attorney's fees, or not, whatever remains would be applied towards the Family Trust Loan.

MS. SUMPTER: I understand.

(HEARING CONCLUDED)

2020-05-06-01 (Amended by Order 2020-05-12-01) (Amended by Order 2020-07-23-01) (Rescinded by Order 2022-09-12-01)

The Supreme Court of South Carolina

RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms

ORDER

The federal Coronavirus Aid, Relief, and Economic Security Act was adopted into law March 27, 2020. The Act includes provisions for a nationwide moratorium on some, but not all, eviction and foreclosure actions.

I FIND it is appropriate to ensure that evictions and foreclosures filed in the trial courts of this State comply with the protections provided in the Coronavirus Aid, Relief, and Economic Security Act for certain tenants and homeowners.

Therefore, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that any party pursuing an eviction or foreclosure in a trial court of this State must submit to the court a signed, original Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.

IT IS FURTHER ORDERED that magistrate courts statewide shall not issue a writ or warrant of ejectment in an eviction action until the party pursuing the eviction has complied with the provisions of this Order.

IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.

IT IS FURTHER ORDERED that the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions (SCCA256B) form, and the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Foreclosures (SCCA256A) form are approved for use in the trial courts of this State effective as of the date of this Order.

This Order is effective immediately.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

ELECTRONICALLY FILED - 2020 May 18 9:59 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	IN THE COURT OF COMMON PLEAS Docket No. 2019-CP-46-01766 **ORDER TO DISBURSE SURPLUS FUNDS**

Pursuant to Rule 71(b) of the South Carolina Rules of Civil Procedure ("SCRCP"), a Master's Report of Sale was filed on December 10, 2019 showing the foreclosure sale of the subject property resulted in surplus funds in the amount of $33,043.44. Notice of Surplus Funds was served upon the parties and the following claims were filed within the 45-day filing period.

Plaintiff filed a verified claim on December 6, 2019, amended on January 21, 2020 requesting a total of $1,676.00, including publication costs of $758.09, and additional attorney's fees of $918.00. Plaintiff also requested post judgment interest at 15% per annum which totals $75.98.

Vanessa Sumpter timely filed a claim on December 23, 2019 requesting all funds.

Family Trust Credit Union ("Family Trust"), a lienholder at the time of sale, timely filed a verified claim on January 20, 2020, requesting funds in the amount of $44,025.27 pursuant to a note and mortgage executed and delivered by Sumpter regarding the property sold pursuant to this action.

Following the 45-day filing period, this matter was scheduled to be heard on February 18, 2020 for the Court to accept proof of claims to surplus funds according to Rule 71(c) SCRCP. Present at the hearing were Timothy G. Sellers and Cynthia A. Jones, attorneys for Plaintiff. Defendant Vanessa Sumpter appeared *pro se.* Family Trust was represented by Christy C. Jones. No other claimants appeared.

At the hearing, Sumpter objected to Plaintiff's claim. Pursuant to the judgment filed on October 3, 2019, Plaintiff was awarded attorney's fees for "service performed and anticipated to be performed until final adjudication and completion of the within action". I find this language includes matters regarding surplus, and deny Plaintiff's claim for additional attorney's fees.

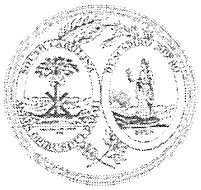
Plaintiff's request for publication cost and interest is granted. No objections were made regarding Family Trust's claim.

Therefore, it is ordered that surplus funds in the amount of $834.07 be disbursed to Plaintiff, with the remainder of $32,209.37 to Family Trust.

JUDGE'S SIGNATURE PAGE TO FOLLOW

ELECTRONICALLY FILED - 2020 May 18 9:59 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2020 May 18 9:59 AM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order Surplus Funds

So Ordered

s/ Teasa K. Weaver 3084

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
)
)

Aracely Sanchez)
3175 Chester Hwy)
York, SC 29745 Plaintiff(s) 803-371-0064)
VS.)
)
)

Vanessa M. Sumpter)
)
Defendant(s))

1150
CIVIL CASE NUMBER

IN THE MAGISTRATE COURT

AFFIDAVIT AND APPLICATION FOR NOTICE TO QUIT PREMISES

RECEIVED
APR 0 1 2022

I, Aracely Sanchez, Plaintiff do swear and affirm that I am the owner of the premises located within the jurisdiction of Catawba/Ebenezer Magistrate, which are further described as; *(address and description of premises)*

3052 Rocket Rd
Rock Hill SC 29732

I further state that the above Defendant(s) is/are in possession of such premises without my consent or warrant of the law; and, that Defendant(s) has/have refused and neglected to vacate the same, after requested to do so.

I therefore, apply to the Court, in accordance with S.C. Code of Laws, Section 15-67-610, to serve a notice on such trespasser(s) to quit the premises.

I swear or affirm the above to be true to the best of my knowledge.

Date: 04/01/22

Aracely Sanchez
Plaintiff /Plaintiff's Attorney

Sworn and subscribed before me
This 1st day of April, 2022

Notary Public
My Commission Expires: 2/1/32

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Aracely Sanchez
3175 Chester Hwy
York, SC 29745

NOTIFICATION OF NON-SERVICE

RE: Aracely Sanchez Vs Vanessa M Sumpter

PLAINTIFF(S) DEFENDANT(S)

CASE NUMBER: 2022CV4610301150

Please be advised that your civil action has been returned from the York County Sheriff's Department/Constable/Process Server with non-service for the following reason(s):

- ☐ Defendant does not reside in York County
- ☒ Defendant no longer resides at given address
- ☐ Defendant is deceased
- ☐ Defendant's address is unknown
- ☐ Vacant Lot
- ☐ Apartment number or lot number required
- ☐ Defendant never home
- ☐ Unable to serve after five or more attempts
- ☐ Restraining Orders - There is NOT a fee of $10 to attempt service at a new address.
- ☐ Other: _____

Please note that **the Court must receive any new address within 90 days** from the date of this letter with a fee of $10 to attempt service at the new address. Should no new address be supplied within the number of days stated above, this action will be dismissed and you will be required to re-file for further action. Please submit any new information to the below address or fax to the number shown.

Catawba/Ebenezer Magistrate
1070 Heckle Blvd., Suite 2100
Rock Hill, SC 29732
Phone: (803) 909-7600
Fax: (803) 909-7606
April 25, 2022

MV17

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE'S COURT
	)	
COUNTY OF YORK	)	
	)	CASE NUMBER: 2450
Aracely Sanchez	)	
3175 Chester Hwy	)	
York, South Carolina 29745,	)	
	)	
Plaintiff,	)	AFFIDAVIT AND APPLICATION
	)	FOR NOTICE TO QUIT PREMISES
vs.	)	
	)	
Any and all occupants of the property	)	
3052 Rocket Road	)	
Rock Hill, South Carolina 29732,	)	
	)	
Defendant(s).	)	

COURT COPY

RECEIVED
JUL 6, 2022

PLAINTIFF ALLEGES AND WOULD SHOW UNTO THE COURT:

Plaintiff is the owner of the property identified as Lot 27 Pennington Place Subdivision, Phase II, which is also known as 3052 Rocket Road, Rock Hill, South Carolina 29732.

Plaintiff purchased this property at a foreclosure sale wherein Vanessa M. Sumpter was the Defendant. Following the foreclosure sale, Vanessa M. Sumpter continued to reside in the property.

The Plaintiff attempted to bring an eviction proceeding against Vanessa M. Sumpter, which eviction proceeding was dismissed due to Covid-19 Restrictions.

On April 1, 2022, the Plaintiff initiated an action to quit premises against Vanessa M. Sumpter. The Plaintiff was informed that Vanessa M. Sumpter no longer resided at the address of 3052 Rocket Road, Rock Hill, South Carolina.

Thereafter, the Plaintiff went to the property and found unknown people living in the property. She was threatened by the occupants with a baseball bat whereupon she quickly left the premises.

The Plaintiff does not know the identify or names of the people residing in the property and is unable to determine their identities and names without the assistance of this Court.

The Plaintiff requests that this Court issue a notice to quit premises naming as Defendants, any and all occupants of the property located at 3052 Rocket Road, Rock Hill, South Carolina.

COURTESY COPY

Therefore the Plaintiff applies to the Court, in accordance with Section 15-67-610, South Carolina Code of Laws to serve a notice on such trespassers to quit the premises.

Thomas B. Roper, SC Bar 4908
1721 Ebenezer Road, Suite 295
Rock Hill, South Carolina 29732
803-327-1123
roperlaw@comporium.net
Attorney for the Plaintiff

RECEIVED
JUL 6 , 2022

SWORN to before me this
5 day of June, 2022.

Notary Public for South Carolina
My Commission Expires: 10/21/24

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE'S COURT
	)	
COUNTY OF YORK	)	
	)	COURT COPY
Aracely Sanchez	)	CASE NUMBER: _____
3175 Chester Hwy	)	
York, South Carolina 29745,	)	
	)	
Plaintiff,	)	VERIFICATION OF
	)	AFFIDAVIT AND APPLICATION
	)	FOR NOTICE TO QUIT PREMISES
vs.	)	
	)	
Any and all occupants of the property	)	
3052 Rocket Road	)	
Rock Hill, South Carolina 29732,	)	
	)	
Defendant(s).	)	

PERSONALLY appeared before me, Aracely Sanchez, who first being duly sworn, deposes and says that she is the Plaintiff in the above-entitled action; that she has read the foregoing Affidavit and Application for Notice to Quit Premises and knows the contents thereof; that the same is true of her own knowledge except for those matters stated herein to be based upon information and belief and as to those she believes them to be true.

Aracely Sanchez

Aracely Sanchez

SWORN to before me this
5 day of June, 2022.

Notary Public for South Carolina
My Commission Expires: 10/21/26

THOMAS B. ROPER
Attorney at Law
Suite 295
Village Oaks Professional Park
1721 Ebenezer Road
Rock Hill, S.C. 29732

Mail To:
1721-14 Ebenezer Road
Rock Hill, S.C. 29732

(803) 327-1123
Fax (803) 327-5458

July 5, 2022

COURT COPY

The Honorable Tracy Lanora Bomar-Howze
Catawba/Ebenezer Magistrate
1070 Heckle Boulevard
Rock Hill, South Carolina 29732

RE: Aracely Sanchez vs. Any and all occupant of the property located at 3052 Rocket Road, Rock Hill, South Carolina 29732

Dear Judge Bomar-Howze:

Enclosed herewith please find the originals and one copy each of the Affidavit and Application for Notice to Quit Premises and Verification. Please look over and if found to be in order, sign the Notice to Quit Premises. I am also enclosing my check for the fee for service. I have enclosed a return envelope for the return of the clocked copies.

I understand that six days after service, if no hearing has been requested, we can file a Writ of Assistance if the occupants are still in the residence.

Please do not hesitate contacting me should you have any questions.

Sincerely,

Thomas B. Roper

TBR/eb
Enclosures
cc: client

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE COURT
	)	CIVIL CASE NUMBER
COUNTY OF YORK	)	
		Case No. 2022-CV-46-10302456
Aracely Sanchez,	)	
	)	
Plaintiff,	)	
	)	RETURN TO NOTICE TO VACATE
-vs-	)	(Vanessa Sumpter)
	)	
Any and all occupants of the Property Vanessa Sumpter,	)	HEARING REQUESTED
	)	
Defendants.	)	
	)	

TO: CATAWBA EBENZER MAGISTRATE COURT
THOMAS B. ROPER, ESQ.

Now comes Vanessa Sumpter, former title owner and occupant of the property which is subject to this Notice to Vacate 3052 Rocket Road, Rock Hill, South Carolina 29732, and respectfully petitions this court for a hearing in this matter. In support, defendant would show the following :

1. The address 3052 Rocket Road is the primary residence of the defendant Vanessa Sumpter, who acquired title and took occupancy in year 2007.

2. Plaintiff acquired title under order of court at foreclosure auction of HOA liens in case no. 2019-CP-46-1766 *Pennington Place Home Owners Association of York, Inc. vs. Vanessa Sumter*, said deed dated December 3, 2019 and recorded December 4, 2019 at Book 17945 at Pages (1)-(3), attached as Exhibit-A.

3. Defendant's interest in title, possession and occupancy is superior to that of the Plaintiff by virtue of Defendant Vanessa Sumpter's standing as beneficial user and mortgagee under valid first and second mortgages upon the property.

4. Standing. Defendant holds inferior title to the interests of the Plaintiff by virtue of not having received warranty deed arising out of the above action, inclusive of failure to petition the Circuit Court for Writ of Ejectment.

ACTION FOR RESTRAINING ORDER
TEMPOARY AND PENDENT LITE RELIEF

1. This filing is the THIRD attempt by Plaintiff filed and served upon defendant. where Plaintiff has failed to avail themselves of assistance by and through the Court of Common Pleas.

2. Defendant Vanessa Sumpter has challenged title of the Plaintiff by virtue of action for quiet title filed in the Court of Common pleas and requests this action be STAYED or DISMISSED.

3. Defendant Sumter seeks an Order Restraining and Enjoining Defendant from further interference with Defendant's occupancy pending resolution of these matters before this court and the Court of Common Pleas.

WHEREFORE, defendant Vanessa Sumter requests a hearing before this court and that no Writ of Ejectment issue as against the defendant and her family, who have occupied the home as primary residence since the date of

Respectfully submitted.

J. Cameron Halford, Esq.
HALFORD LAW FIRM, LLC
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
803-619-4177
e-mail: cam@halfordlaw.net
e-mail: kasey@halfordlaw.net

CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for the defendant Vanessa Sumpter in the above matter and that I did on July 7, 2022 serve a copy of the foregoing Reply and Return to the Plaintiff's Notice to Vacate by U.S. mail, postage prepaid, addressed to attorney for Plaintiff at the following address:

Thomas B. Roper, Esq.
1721-14 Ebenezer Road
Rock Hill, South Carolina 29732

J. Cameron Halford, Esq.
HALFORD LAW FIRM, LLC
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
803-619-4177
e-mail: cam@halfordlaw.net
e-mail: kasey@halfordlaw.net

STATE OF SOUTH CAROLINA

COUNTY OF YORK

2022CV4610302450
CIVIL CASE NUMBER

ORDER OF DISPOSITION

Aracely Sanchez
1721-14 Ebenezer Road
C/O Tom Roper Atty
Rock Hill, SC 29732

PLAINTIFF(S)

Vs

Any & All Occupants Of The Property
3052 Rocket Road
Rock Hill, SC 29732

DEFENDANT(S)

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
- ☒ Dismissed Lack of jurisdiction
- ☐ Default Judgment
- ☐ Find for the Plaintiff for Summons and Complaint (Transcript of Judgment will be issued ten (10) days from the court date.)
- ☐ Find for the Plaintiff for Claim and Delivery (Pick Up Order issued the day of court.)
- ☐ Find for Defendant
- ☐ Transferred to another Court

On, , the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of $_____, plus filing fees of $_____, for a total of $_____.

IT SO ORDERED

JUDGE

Catawba/Ebenezer Magistrate
1070 Heckle Blvd., Suite 2100
Rock Hill, SC 29732
Phone: (803) 909-7600
Fax: (803) 909-7606

July 14, 2022

MVI9

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
Aracely Sanchez,	)	
	)	
Petitioner,	)	
v.	)	
	)	
Vanessa M. Sumpter,	)	
	)	PETITION FOR WRIT OF ASSISTANCE
Respondent,	)	IN THE ALTERNATIVE
	)	A RULE TO SHOW CAUSE
IN RE:	)	
	)	
Pennington Place Home Owners Association of York, Inc.,	)	
	)	
Plaintiff,	)	
vs,	)	CASE NO.: 2019-CP-46-01766
	)	
Vanessa M. Sumpter,	)	
	)	
Defendant.	)	

FILED-RECEIVED
2022 JUL 26 PM 4: 21
D/B/B HAMILTON
C.P. & GS
YORK COUNTY, SC

The Petitioner hereby requests the Court to issue a Writ of Assistance, or in the alternative a Rule to Vacate or Show Cause, for the ejectment of the Respondent and all persons claiming under her from the subject property for the following reasons:

1. This Court issued a Judgment of Foreclosure and Sale on October 3, 2019 and sold the property to the highest bidder at public auction.

2. The Petitioner was the successful bidder at the foreclosure sale.

3. The undersigned issued its Title Under Order of Court dated December 3, 2019, recorded December 4, 2019, in Record Book 17945 at page 1, in the Office of the Clerk of Court for York County, South Carolina.

4. The proceedings in regard to the foreclosure action are preserved in the Office of the Clerk of Court and Office of Register of Deeds for York County, South Carolina.

5. The Respondent, Vanessa M. Sumpter, or any and all others claiming through her, continue to occupy the subject premises and have within the premises certain items of personal property and furniture which they have failed and refuse to remove even though they have been informed that the property is now owned by the Petitioner.

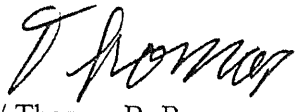
6. The Petitioner is informed and believes that as the successful bidder at the foreclosure sale, she is entitled to possession of the subject property sold in accordance with the Judgment of Foreclosure and Sale.

7. The Court reserved jurisdiction to issue a Writ of Assistance or otherwise decreed that in the event the successful bidder at the foreclosure sale is other than the Respondent in possession, that the County Sheriff remove all occupant(s) from the property and to place the successful bidder, or its assigns, in permanent peaceable possession of the subject property; or, further decreed that, if furnishings, fixtures, or other items are left at the subject property after all occupant(s) have been removed or have voluntarily vacated the premises, the Petitioner, or her heirs, are authorized to consider the property as abandoned and remove the property to the public street or highway, or remove it by some other means.

8. The Petitioner is entitled to a Writ of Assistance to remove the Respondent and any and all occupants, tenants and other persons whomsoever claiming under them, and all of their possessions, from the subject premises, and to put the Petitioner in full, quiet and peaceable possession of the premises, and to keep the Petitioner in such possession.

WHEREFORE, the Petitioner prays that this Court issue a Writ of Assistance ordering and directing the Sheriff of York County to eject and remove the Respondent and any and all

persons whoever claiming under her, and all of their possessions, from the premises; or, in the alternative for a Rule to Show Cause as to why they should not be ejected.



S / Thomas B. Roper
Thomas B. Roper, SC BAR 4908
1721 Ebenezer Road
Rock Hill, South Carolina 29732
803-327-1123 telephone
roperlaw@comporium.net
Attorney for the Petitioner

Rock Hill, South Carolina

ELECTRONICALLY FILED - 2022 Jul 26 4:36 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
Aracely Sanchez,	)	
	)	
Petitioner,	)	
v.	)	
	)	
Vanessa M. Sumpter,	)	ORDER AND
	)	RULE TO SHOW CAUSE
Respondent,	)	
	)	
IN RE:	)	
	)	
Pennington Place Home Owners Association of York, Inc.,	)	
	)	
Plaintiff,	)	CASE NO.: 2019-CP-46-01766
vs,	)	
	)	
Vanessa M. Sumpter,	)	
	)	
Defendant.	)	

TO: VANESSA M. SUMPTER, AND ANY AND ALL OTHER TENANTS OR OCCUPANTS CLAIMING UNDER SAID RESPONDENT:

IT APPEARING that you or those claiming under you continue to reside at the dwelling located at 3052 Rocket Road, Rock Hill, South Carolina, 29732 in York County, based upon the Petition for Writ of Assistance filed with this Court, it is

ORDERED that you appear before the undersigned on the date and at the time and place shown below and then and there show cause, if any you can, why a Writ of Assistance should not be issued by this Court ordering and directing the York County Sheriff to remove, peaceably or

by force the Respondent as well as any and all persons claiming under the Respondent and all personal property located within or on the subject premises described in the Petition.

Place of Hearing: 2 South Congress Street, York, South Carolina 29745

Date of Hearing: August 10, 2022

Time of Hearing: 2:30 P.M.

Teasa K. Weaver, York County
Master in Equity

York, South Carolina
Date: 7/26/2022

ELECTRONICALLY FILED - 2022 Jul 26 4:36 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
THE SIXTEENTH JUDICIAL CIRCUIT

ARACELY SANCHEZ,
Plaintiff(s):
VS.

AFFIDAVIT OF SERVICE

CASE NO. 2019-CP-46-01766

VANESSA M. SUMPTER,
Defendant(s):

Personally appeared before me the undersigned, who being sworn says that he/she served:

VANESSA M. SUMPTER,
with

ORDER AND RULE TO SHOW CAUSE,

☐ by personal delivery to him/her.

☒ by delivery to MICHAEL AGURS ROOMMATE relationship

☐ by delivery to _____, at their place of employment.

Process Server for Bernard Investigations, LLC and leaving him/her, copies of the same at:

3052 ROCKET ROAD, ROCK HILL, SOUTH CAROLINA

on the 27TH day of JULY, 2022

and that the deponent is not a party to this action, and is over age of eighteen.

Sworn to before me this 28TH
day of JULY, 20 22

RITA V. BOND
Notary Public for South Carolina
My Commission Expires JANUARY 19, 2026

SCOTT P. BERNARD
PROCESS SERVICE
BERNARD INVESTIGATIONS, LLC
PO BOX 16
ROCK HILL, SC 29731

ELECTRONICALLY FILED - 2022 Jul 28 1:23 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2022 Aug 17 11:10 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
Aracely Sanchez,	)	
	)	
Petitioner,	)	
v.	)	
	)	
Vanessa M. Sumpter,	)	
	)	WRIT OF ASSISTANCE
Respondent,	)	
	)	
IN RE:	)	
	)	
Pennington Place Home Owners Association of York, Inc.,	)	
	)	2019-CP-46-01766
Plaintiff,	)	
vs,	)	
	)	
Vanessa M. Sumpter,	)	
	)	
Defendant.	)	

TO THE SHERIFF OF YORK COUNTY, SOUTH CAROLINA:

This matter is before me on August 10, 2022, upon Petition of the Petitioner who seeks an order directing the Sheriff to eject the Respondent who still occupies and remains in possession of the subject property as well as any and all tenants and other occupants who claim under the Respondent. Present at the hearing were the Petitioner, her attorney, Thomas B. Roper, the Respondent, her attorney, J. Cameron Halford and Anthony Ailer, a tenant of the Respondent.

After reviewing the Petition, the Order of Foreclosure filed in this case, hearing testimony from the Petitioner and Respondent, considering arguments of counsel and other matters which have been brought to my attention, I find and conclude that:

ELECTRONICALLY FILED - 2022 Aug 17 11:10 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

1. By Order of Judgment of Foreclosure and Sale dated October 3, 2019, in Case Number 2019-CP-46-01766, this Court reserved jurisdiction to issue a Writ of Assistance or otherwise decreed that in the event the successful bidder at the foreclosure sale is other than the Respondent in possession, that the County Sheriff remove the occupant(s) from the property and to place the successful bidder or her heirs, successors or assigns, in permanent peaceable possession of the subject property; or, further decreed that, if furnishings, fixtures, or other items are left at the subject property after the occupant(s) have been removed or have voluntarily vacated the premises, the Petitioner, or her assigns, are authorized to consider the property as abandoned and remove the property to the public street or highway, or remove it by some other means.

2. The Petitioner was the successful bidder at the foreclosure sale, has fully complied with the terms of her bid and has been issued a deed to the property.

3. The Respondent and others occupying under the Respondent still occupy and remain in possession of the subject property. Personal property, apparently belonging to the Respondent or other occupiers, remains at the subject property which has the address of 3052 Rocket Road, Rock Hill, South Carolina 29732 in York County.

NOW, THEREFORE, it is

ORDERED that the Respondent and those claiming under her, shall vacate the subject property no later than **12 o'clock noon on September 12, 2022**, and you, finding the Respondent and any others still occupying the subject property after that date, shall forthwith, or as soon as practicable thereafter, by force if the same be necessary, seize the subject property, eject and remove from the subject property the Respondent who still occupies and remains in possession of the subject property as well as any and all tenants and other persons claiming under the said

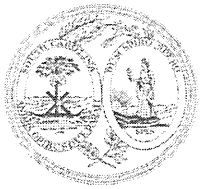
Respondent who still occupy the subject property or their assigns in full, quiet and peaceable possession of the subject property without delay, and keep the Petitioner or her assigns in full, peaceful and quiet possession of the subject property without delay and thereafter make immediate return to the undersigned showing how this Order has been executed. As the undersigned has granted the Respondent thirty-three (33) days from the date of this hearing before the Writ of Assistance is to be effective, the Sheriff is directed to comply with this Writ of Assistance on the date and time set forth above and not grant the Respondent additional time before vacating the property.

AND IT IS SO ORDERED.

[SIGNATURE PAGE TO FOLLOW]

ELECTRONICALLY FILED - 2022 Aug 17 11:10 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2022 Aug 17 11:10 AM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc , plaintiff, et al VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Order/Writ Of Assistance

So Ordered

s/ Teasa K. Weaver 3084

ELECTRONICALLY FILED - 2022 Aug 25 2:42 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK	IN THE COURT OF COMMON PLEAS SIXTEENTH JUDICIAL CIRCUIT
Aracely Sanchez, Petitioner, v. Vanessa M. Sumpter, Respondent, IN RE: Pennington Place Home Owners Association of York, Inc., Plaintiff, v. Vanessa M. Sumpter, Defendant.	Case No. 2019-CP-46-01766 DEFENDANT NOTICE OF MOTION AND MOTION FOR RECONSIDERATION SCRCP 59(e)

TO: THOMAS ROPER, ATTORNEY FOR ARACELY SANCHEZ

PLEASE TAKE NOTICE that Defendant Vanessa Sumpter through her undersigned counsel here moves, at such time and place as is convenient for the court, but not sooner than ten (10) days from the date of service of this motion, for entry of an Order pursuant to Rule 59(e), SCRCP, to amend, reconsider, or otherwise set aside the August 17, 2022 Order of the Master in Equity Court ("Order") requiring that Defendant Sumpter vacate or be set out from the property 3052 Rocket Road, Rock Hill, South Carolina 29732 .

Respectfully submitted,

J. Cameron Halford LLC
/s/ J. Cameron Halford
4609 Charlotte Highway, Suite (3)
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

August 25, 2022
Lake Wylie, South Carolina

ELECTRONICALLY FILED - 2022 Aug 25 2:42 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

ELECTRONICALLY FILED - 2022 Aug 25 2:42 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
Aracely Sanchez,	)	
Petitioner,	)	
	)	Case No. 2019-CP-46-01766
v.	)	
Vanessa M. Sumpter,	)	DEFENDANT SUMPTER MEMORANDUM
	)	(MOTION FOR RECONSIDERATION)
Respondent,	)	
	)	SCRCP 59(e)
IN RE:	)	
Pennington Place Home Owners Association of York, Inc.,	)	
Plaintiff,	)	
v.	)	
Vanessa M. Sumpter,	)	
Defendant.	)	

Defendant Vanessa Sumpter here files the following Memorandum in Support of Reconsideration by the court of the August 17, 2022 Order to Vacate or be set out under Writ of Assistance issued to Sanchez, and would respectfully show the following for reconsideration:

BACKGROUND

Petitioner Aracely Sanchez is the successful purchaser from a HOA foreclosure arising out foreclosure of a lien. By Order of Judgment of Foreclosure and Sale dated October 3, 2019 in a HOA Lien foreclosure matter brought by Pennington Place Home Owners Association of York County, Sanchez acquired title to 3052 Rocket Road. Sanchez paid $36,500 for the property. Sanchez took deed to the property subject to first and second mortgage liens existing on the property by Wells Fargo Bank and Family Trust Credit Union. Defendant Sumpter and a tenant

ELECTRONICALLY FILED - 2022 Aug 25 2:42 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

have occupied the property continuously since this court issued title to Sanchez. The dwelling has served as primary owner occupied residence of Vanessa Sumpter since year 2007 purchase.

STANDARD OF REVIEW
Rule 59(e)

"The purpose Rule 59(e), SCRCP, to alter or amend judgment[,] is to request the trial judge to "reconsider matters properly encompassed in a decision on the merits." Collins Music Co, Inc. v. IGT, 353 S.C. 559, 562, 579 S.E.2d 524, 525 (Ct. App. 2002) (citations omitted). "[I]t is proper to view a Rule 59(e) motion not only as a vehicle to request the trial court "alter or amend the judgment," but also as a vehicle to seek "reconsideration" of issues and arguments. A motion under Rule 59(e) has long been viewed as "motion for reconsideration" despite the absence of the words from the rule. Consequently, a party usually is allowed to ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented." Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 21-22, 602 S.E.2d 772, 778-779 (2004) (citations omitted).

ARGUMENT

1. **Sanchez testimony August 17, 2022:**

Sanchez acknowledged in sworn testimony she had the assistance of a professional realtor and attorneys, and that she had driven by the property after obtaining foreclosure deed. Sachez cites the Covid-19 pandemic as reason for delay in filing for possession, yet Sanchez failed to comply with Supreme Court administrative orders regarding evictions applicable to magisterial and circuit courts. Sanchez later files an eviction against "occupant"[1] believing Sumter has vacated the property. Sanchez acknowledges that she took title to the property subject to the first and second mortgage liens, owed by Sumter. It is Sanchez' position that *when sold*, these liens can be

[1] Defendant Sumpter incorporates by reference all documents admitted as exhibits on August 17, and supplements the same with the attached Exhibits (A) through (D) of this motion and memorandum.

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extinguished or paid off. Sanchez testified that her address is not 3025 Rocket Road, and that she resides elsewhere, her objective being to sell the property. Public record evidences that Sanchez' primary residence is as attached in Exhibit-A (Sanchez deed). Sumpter argues this court should vacate its Order under Writ of Assistance as Sanchez' deed is inferior to the equitable interests held by Sumter as assignee of her mortgage holders Wells Fargo (Exhibit-B) and Family Trust (Exhibit-C). Moreover, both Sanchez and Pennington Place failed to comply with the Supreme Court Administrative Order (Exhibit-D).

2. Defendant Sumpter equitable interest and possession post foreclosure.

Sumter argued at trial that she continues to hold possession and beneficial interest to the property superior to the title of Sanchez, and that her title is superior to that of the petitioner. Sumter argued she occupies the home, still, as assignee of the mortgage holders The lien of the mortgage holders was not challenged or extinguished by the Pennington foreclosure action. Exhibit-B to this action is the first position mortgage lien. Exhibit-C is the second position mortgage lien. Sanchez acknowledges in sworn testimony she took deed to the property subject to these liens, whereby Sumpter continued to hold beneficial interest, possession and occupancy of the home after foreclosure judgment of October 3, 2019.

Sumpter does not dispute this court's authority and reservation of jurisdiction to issue a Writ of Assistance under continuing jurisdiction. Sumpter does, however, under this Rule 59(e) motion request that the court ascertain whether Sanchez complied with the Administrative Order 2020-05-06-01 governing evictions and foreclosures, and respectfully asserts both Petitioner Sanchez and Pennington Place HOA neglected to do so, rendering the foreclosure, eviction attempts, and Writ of Assistance void. As such, Sumpter respectfully seeks that the court vacate its Writ of Assistance, until and unless the Order is complied with.

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3. **Sanchez failure to seek relief as to Foreclosure Order October 3, 2019 or Deed issued December, 2019.**

Sanchez did not seek reconsideration or relief from the foreclosure judgment and order dated October 3, 2019 under Rule 59 or Rule 60 SCRCP. The court's order did not adjudicate the liens of record of Sumpter's mortgagee(s). The liens are superior to the equitable title and interest held by Sanchez. Defendant Sumpter occupies the residence, which has always been her home. Sumpter testified that she does so as assignee of the mortgage holders, and that her interest is therefore superior to that of Sanchez, who acquired title by court order under a lien foreclosure. The Pennington foreclosure was not foreclosure of a purchase money mortgage under typical foreclosure proceedings. It was foreclosure of a judicial creditor lien. As such, Sanchez acquired interest from the Master in Equity court of only bare legal title, absent superior equitable interest of the lien holders; and defendant Sumter as assignee of possession and beneficial interest thereunder. Sumter argues that the Order of the court should therefore be vacated, or subject to reconsideration, whereby Sumter agrees to post reasonable bond. Plaintiff's Rule 60 motion for relief from judgment is filed or will be filed subsequent to this motion.

4. **Sanchez's filings and the foreclosure fail to comply with Administrative Order of the Supreme Court relating to foreclosures and evictions 2020-05-06-01.**

The 2020-05-06-01 Administrative Order of Chief Justice Donald Beaty has not been complied with in Sanchez' magisterial court filings of record, nor the Pennington foreclosure in this case prior to order under petitioner's writ of assitance. The defendant therefore respectfully asserts the eviction and set out should *terminate as void* where Sanchez and Pennington Place both failed to comply with Supreme Court mandate. As expressly set forth by the Administrative Order:

:

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> **IT IS ORDERED** that any party pursuing an eviction or foreclosure in a trial court of this State must submit to the court a signed, original Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.

Sumpter respectfully avers that the foreclosure judgment is void where the Administrative Order was not complied with in either court. As such, the court should vacate its Order against Defendant Sumter mandating she vacate or be set out by law enforcement.

CONCLUSION

Based on the foregoing, the Master in Equity Court should reconsider its August 17, 2022 Order mandating defendant vacate or otherwise be set out by the York County Sheriffs department as legally void and in violation of the Supreme Court Administrative Order 202-05-06-01. Alternatively, this court should alter or amend its judgment by permitting Plaintiff to post suitable bond while title to the property is litigated as between Sumter and Sanchez. 3052 Rocket Road is the primary residence of the Plaintiff, and the Order to Vacate or be set out thru Writ of Assistance is unduly harsh and ignores that the underlying foreclosure Order is void, where Sanchez has failed in both the magistrate court and master in equity court to certify compliance properly prior to proceeding in court for Eviction or Writ of Assistance.

Respectfully submitted,

/s./ J. Cameron Halford

HALFORD LAW FIRM, LLC
J. Cameron Halford
S.C. Bar Id. 17184
4609 Charlotte Highway, Suite (3)
Lake Wylie, S.C. 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

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INSTRUMENT 201500311436 OR VOL 15106 PAGE 292

201500311436
Filed for Record in
YORK COUNTY, SC
DAVID HAMILTON
08-28-2015 At 08:16 am.
MORTGAGE 25.00
State Tax .00
County Tax .00

WHEN RECORDED, RETURN TO:
FIRST AMERICAN TITLE INSURANCE CO.
1100 SUPERIOR AVENUE, SUITE 200
CLEVELAND, OHIO 44114
NATIONAL RECORDING

Prepared By: **Samanthajo Haessig**
WELLS FARGO BANK, N.A.

2701 WELLS FARGO WAY, 2ND FLOOR,
MINNEAPOLIS, MN 554088000

[Space Above This Line For Recording Data]

MORTGAGE

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "**Security Instrument**" means this document, which is dated **AUGUST 14, 2015** together with all Riders to this document.
(B) "**Borrower**" is **VANESSA M SUMPTER**

Borrower is the mortgagor under this Security Instrument.
(C) "**Lender**" is **WELLS FARGO BANK, N.A.**

Lender is a **NATIONAL ASSOCIATION**
organized and existing under the laws of **THE UNITED STATES**

0387430671

Lender's address is 101 NORTH PHILLIPS AVENUE, SIOUX FALLS, SD 57104

Lender is the mortgagee under this Security Instrument.
(D) "**Note**" means the promissory note signed by Borrower and dated AUGUST 14, 2015
The Note states that Borrower owes Lender ONE HUNDRED THIRTY ONE THOUSAND TWO AND 00/100 Dollars
(U.S. $*******131,002.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than SEPTEMBER 01, 2045
(E) "**Property**" means the property that is described below under the heading "Transfer of Rights in the Property."
(F) "**Loan**" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.
(G) "**Riders**" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

☐ Adjustable Rate Rider	☐ Condominium Rider	☐ Second Home Rider
☐ Balloon Rider	☒ Planned Unit Development Rider	☐ 1-4 Family Rider
☐ VA Rider	☐ Biweekly Payment Rider	☐ Other(s) [specify]

(H) "**Applicable Law**" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.
(I) "**Community Association Dues, Fees, and Assessments**" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.
(J) "**Electronic Funds Transfer**" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.
(K) "**Escrow Items**" means those items that are described in Section 3.
(L) "**Miscellaneous Proceeds**" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.
(M) "**Mortgage Insurance**" means insurance protecting Lender against the nonpayment of, or default on, the Loan.
(N) "**Periodic Payment**" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.
(O) "**RESPA**" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

YORK COUNTY, SC	
2017022726	MORTGAGE
RECORDING FEES	$10.00
STATE TAX	$0.00
COUNTY TAX	$0.00
06-09-2017	12:36:47 PM
BK:RB 16418	PG:333-335

State of South Carolina

COUNTY OF York

REAL ESTATE FUTURE ADVANCE MORTGAGE

Whereas, the said Vanessa M. Sumpter (Mortgagor) in and by that certain open-end credit agreement bearing date the 5th day of June, 20 17, stand firmly held and bound unto FAMILY TRUST FEDERAL CREDIT UNION, P.O. Box 10233, Rock Hill, South Carolina, 29731 (mortgagee), for such existing indebtedness and all future advances for an amount not exceeding the maximum principal amount of $ 45,000.00 plus interest thereon, attorney's fees, court costs, and any payments by the mortgagee for insurance, taxes, or repairs, and pursuant to the terms of that aforesaid open-end agreement;

NOW, KNOW ALL MEN, That the Mortgagor, in consideration of the aforesaid debt, and in order to secure the payment thereof, and of any other and further sums for which the Mortgagor may be indebted to the Mortgagee at any ne for advances made to or for his account by the Mortgagee, and also in consideration of the further sum of the Three Dollars ($3.00) to the Mortgagor in hand well and truly paid by the Mortgagee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the Mortgagee, its successors and assigns.

Together with all singular rights, members, hereditaments, and appurtenances to the same belonging in any way incident or appertaining, and all of the rents, issues, and profits which may arise or be had therefrom, and including all heating, plumbing, and lighting fixtures now or hereafter attached, connected or fitted thereto in any manner; it being the intention of the partied hereto that all fixtures and equipment, other than usual household furniture, be considered a part of the real estate

TO HAVE AND TO HOLD, all and singular the said premises unto Mortgage, its heirs, successors and assigns, forever.

The Mortgagor convenants that it is lawfully seized of the premises hereinabove described in fee simple absolute, that it has good right and is lawfully authorized to sell, convey or encumber the same, and that the premises are free and clear of all liens and encumbrances except as provided herein. The Mortgagor further convenants to warrant and forever defend all and singular the said premises unto the Mortgagee forever, from and against the Mortgagor and all persons whomsoever lawfully claiming the same or any part thereof.

The Mortgagor further convenants and agrees as follows

(1) That this mortgage shall secure the Mortgagee for such further sums as may be advanced hereafter, at the option f the Mortgagee, for the payment of taxes, insurance premiums, public assessments, repairs or other purposes pursuant to the convenants herein. This mortgage shall also secure the Mortgagee for any further loans, advances, readvances or credits that may be made hereafter to the Mortgagor by the Mortgagee so longs as the total indebtedness thus secured does not exceed the original amount shown on the face hereof. All sums so advanced shall bear interest at the same rate as the mortgage debt, subject to change from time to time

(2) That it will keep the improvements now existing or hereafter erected on the mortgaged property insured as may be required fro time to time by the Mortgagee against loss by fire and any other hazards specified by Mortgagee, in an amount not less than the mortgage debt, or in such amounts as may be required by the Mortgagee, and in companies acceptable to it, and that all such policies and renewals thereof shall be held by the Mortgagee, and have attached thereto loss payable clauses in favor or , and in form acceptable to the Mortgagee, and that it will pay all premiums therefore when due, and that it does hereby assign to the Mortgagee the proceeds of any policy insuring the mortgaged premises and does hereby authorize each insurance company concerned to make payment for a loss directly to the Mortgagee, to the extent of the balance owing on the Mortgagee debt, whether due or not.

(3) That it will keep all improvements now existing or hereafter erected in food repair, and in the case of construction loan, that I will continue construction until completion without interruption, and should it fail to do so, the Mortgagee may, at its option, enter upon said premises, make whatever repairs necessary, including the completion of any construction work underway, and charge the expenses far such repairs or the completion of such construction to the mortgage debt.

(4) That it will pay, when due, all taxes, public assessments, and other governmental or municipal charges, fines or other impositions against the mortgaged premises. That it will comply with all governmental and municipal laws and regulations affecting the mortgages premises

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
Aracely Sanchez,	)	
	)	
Petitioner,	)	
	)	Case No. 2019-CP-46-01766
v.	)	
	)	
Vanessa M. Sumpter,	)	DEFENDANT SUMTER MOTION FOR
	)	RELIEF FROM FORECLOSURE
Respondent,	)	ORDER
	)	
IN RE:	)	OCTOBER 13, 2019
Pennington Place Home Owners	)	
Association of York, Inc.,	)	
	)	RULE 60(b)(5)
Plaintiff,	)	SCRCP
	)	
v.	)	
	)	
Vanessa M. Sumpter,	)	
	)	
Defendant.	)	
	)	

TO: THOMAS ROPER, ESQ. – ATTORNEY FOR ARACELY SANCHEZ
TIM G. SELLERS, ATTORNEY FOR PENNINGTON PLACE HOA

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the Master in Equity Court for York County pursuant to Rule 60 SCRCP for relief from Order of Foreclosure seeking the same be vacated pursuant to the Administrative Order of the Supreme Court 2020-05-06-01, attached as Exhibit-#1. The prior foreclosure Order of this court is attached as Exhibit-#2. The foreclosure deed to third party Sanchez, is attached as Exhibit-#3.

The foreclosure deed in this case arises out of an HOA lien/assessment foreclosure, as evidenced by the Certificate of Exemption filed within the record at May 20, 2019. The foreclosure

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was filed on October 3, 2019.[1] By Order of the Master in Equity, the property was sold to third party purchaser Sanchez on December 19, 2019. The foreclosure deed issued to Sanchez file against occupants for eviction in the York County magistrate court, which declined jurisdiction. Petitioner Sanchez through counsel petitioned this court for Writ of Assistance as against Defendant Sumter and tenants occupying the property by and through defendant Sumter. This court heard the matter involving the Writ of Ejectment and issued an Order requiring defendant Sumter to vacate, or face set out from the property on or before September 12, 2022.

STANDARD OF REVIEW
SCRCP 60

A party may move for relief from judgment pursuant to Rule 60(b)(5) SCRCP where it is no longer equitable that the judgment have prospective application. Rule 60(b)(5) SCRCP. The rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. During the pendency of an appeal, leave to make the motion must be obtained from the appellate court.

ARGUMENT

The administrative order is applicable to magistrate courts in eviction matter. Plaintiff respectfully avers the Affidavit of non-HAMP eligibility in this case filed October 3, 2019 does not comply with required Certification mandated by the Supreme Court under the Coronavirus Aid, Relief, and Economic Stability Act. The affidavit merely accurately recites this is not a mortgage foreclosure, and confirms this foreclosure arises from a HOA lien matter instead.

[1] The Administrative Order of the Supreme Court is filed May 6, 2020, some seven (7) months after the Pennington foreclosure complaint is filed.

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Pursuant to the Order of Justice Beaty, any party pursuing an eviction or foreclosure in a trial court of this state must submit to the court a signed, original Certification of Compliance. The record evidences this was not done prior to foreclosure of the HOA lien in this case. Exhibit-#4. As such, Plaintiff respectfully argues the judgment is void and should be vacated, no longer to have prospective application inclusive of the Writ of Ejectment petition issued by the court in this case.

CONCLUSION

This foreclosure action went to judgment before the court without compliance with the Administrative Order of the Supreme Court 2020-05-06-01. The record in the case reflects no filing in Compliance with the Supreme Court Order by either Pennington , who sought foreclosure of an HOA lien and judgment, nor by Sanchez seeking Writ of Assitance and Ejectment before the Master in Equity and the magistrate courts.[2] Pursuant to the Administrative Order, the judgment of the court is void and should be vacated by the Master in Equity Court.

Respectfully submitted,

/s./ J. Cameron Halford
J. CAMERON HALFORD, LLC
4609 Charlotte Highway, Suite (3)
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

[2] Defendant Sumter incorporates by reference all exhibits admitted by the court on August 10, 2022 including the magistrate court pleadings filed by petitioner.

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CERTIFICATION OF SERVICE

I hereby Certify that I have this 25th day of August, 2022 served a copy of the foregoing Rule 60 SCRCP Motion for Relief and Motion to Vacate prior October 3, 2019 Order of the court upon counsel for the parties by electronic filing /e-mail and U.S. mail as set forth below:

(E-mail only)
Thomas Roper, Esq.
1721 Ebenezer Road, Suite 295
Rock Hill, South Carolina 297342
Attorney for Aracely Sanchez

(U.S. mailing)
Tim G. Sellers, Esq.
Sellers Hinshaw Ayers Dortch & Lyons
301 S. McDowell Street, Suite 410
Charlotte, North Carolina 28204

Respectfully submitted,

HALFORD LAW FIRM, LLC
/s/. J. Cameron Halford
4609 Charlottte Highway, Suite 3
Lake Wylie, South Carolina 29732
(803) 831-2738

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EXHIBIT 1

ELECTRONICALLY FILED - 2019 May 21 10:46 PM - YORK - COMMON PLEAS - CASE# 2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF York	)	
	)	
Pennington Place Home Owners Association of York, Inc..	)	
	)	
	)	Case Number 2019-CP-46-
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF EXEMPTION/
	)	WITHDRAWAL FROM ARBITRATION
Vanessa M. Sumpter,	)	
	)	
Defendant(s).	)	
	)	

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

_____ monetary relief requested in this case exceeds $25,000.00;
_____ this is a class action;
_____ there is a substantial claim for injunction of declaratory relief requested in this case;
__X__ this case involves (*check one or more of the following*)
- ___ title to real estate;
- _____ wills, trusts and decedents' estates;
- __X__ lien foreclosure;
- _____ partition;

____ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
_____ monetary relief requested in this case is unspecified but exceeds $25,000.00;
_____ this case is a companion or related to similar actions pending in other courts with which the action might be consolidated but for lack of jurisdiction or venue;
_____ this action is appellate in nature;
_____ this is a post-conviction relief matter;
_____ this is forfeiture proceeding brought by the State; or
_____ this is a contempt of court proceeding

May 20, 2019

SELLERS, AYERS, DORTCH & LYONS, P.A.

By: s/Timothy G. Sellers
Timothy G. Sellers (SC Bar #9076)
Email: tsellers@sellersayers.com
Sellers, Ayers, Dortch & Lyons, P.A.
301 S. McDowell Street, Suite 410
Charlotte, NC 28204
Phone: (704) 377-5050)
Fax: (704) 339-0172
Attorney for the Plaintiff

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EXHIBIT 2

ELECTRONICALLY FILED - 2019-12-12 12:47 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**MASTER IN EQUITY'S REPORT AND JUDGMENT OF FORECLOSURE SALE** (DEFICIENCY WAIVED)

Pursuant to Rule 53 SCRCP, 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 Default and Reference, a hearing was held on October 2, 2019 attended by Timothy G. Sellers, attorney for the Plaintiff. Defendant Vanessa M. Sumpter appeared *pro se*. Exhibits filed by the Plaintiff on September 25, 2019 were received into evidence without objection, and from the evidence and other filings, I find, conclude and order as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on May 20, 2019.

2. The titleholder(s) of record in and to the subject property as of the filing of the Lis Pendens in this action is Vanessa M. Sumpter, which Property is more particularly described as follows:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

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The subject property is referred to herein as the "Property."

3. The Property is subject to and encumbered by the Declaration of Covenants, Conditions and Restrictions for Pennington Place Home Owners Association of York, Inc. recorded in 6594 at Page 51 of the York County Public Registry ("Declaration".)

4. This action was commenced with the filing of a Summons and Complaint by the Plaintiff on May 20, 2019.

5. Vanessa M. Sumpter was served with process as required by Rule 4 of the South Carolina Rules of Civil Procedure as specifically set forth in the Affidavit of Service filed by the Plaintiff, as well as other returns and entries of service which appear in the court file.

6. Vanessa M. Sumpter failed to plead or otherwise defend within the time limits provided and as otherwise required by the South Carolina Rules of Civil Procedure.

7. An Order of Default and Reference was filed on August 22, 2019.

8. No Defendant is a minor or incompetent person.

9. The Plaintiff filed and served its Affidavit in Response to Temporary Restraining Order Issued by the Supreme Court of the State of South Carolina, in accordance with the Supreme Court's Administrative Order dated May 22, 2009. Vanessa M. Sumpter filed no response in accordance with said Administrative Order.

10. No Defendant is in the military service of the United States so as to be entitled to protection under the terms of the Service Members Civil Relief Act of 2003 ("Act").

11. The Plaintiff is entitled under the terms of the Declaration to recover reasonable attorney fees incurred and the plaintiff's attorney has filed an Affidavit of Attorney's Fees in support of that request which details services performed and costs incurred prior to the hearing,

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and expenses incurred in connection with this hearing and an estimate of services that will be required after this hearing in connection with the sale of the Property.

12. Having considered the nature, extent and difficulty of the services rendered and expected (the field of association lien foreclosures being a specialized area of practice), the time involved in reviewing the various documents, performing title searches, preparing the pleadings, attendance at the hearings and argument, the professional standing of counsel, the fee customarily charged for similar services and the beneficial results obtained for the Plaintiff, I find that the sum of $2,112.00 for Plaintiff's Attorney for services performed and anticipated to be performed until final adjudication and completion of the within action to be reasonable. In addition, I find that reasonable costs in the amount of $542.06 have been incurred to and through the date of this hearing.

13. The amount due and owing by the Defendant, levied and charged by the Association pursuant to the Declaration and with interest at the rate provided in the Declaration, and other costs and expenses of collection, including an attorney's fee is:

(a)	Association Payoff through September 17, 2019 ("Calculation Date")	$427.50
(b)	Costs of collection prior to hearing	$542.06
(c)	Attorney's Fees	$2,112.00
TOTAL DEBT		$3,081.56

Interest shall accrue on the Total Debt after the date of judgment at the rate of at an annual rate of fifteen percent (15%) and should be added to such Total Debt to comprise the amount of Plaintiff's debt secured by the Lien, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

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14. Repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final is secured by Plaintiff's lien as provided in the Declaration and as memorialized in the Notice of Delinquent Assessments and Lien filed in the Office of the Register of Deeds Office for York County on February 22, 2019 in Book 467; Page 491. ("Lien")

15. Plaintiff is entitled to have Judgment entered against the Defendant(s):

(a) adjudging the Defendant(s) indebted to the Plaintiff in the amount of the Total Debt including attorney's fees.

(b) granting the Plaintiff equitable relief by declaring the Property of the Defendant(s) subject to the Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and which Lien attached to the Property as of February 22, 2019, and

(c) ordering that the Property be sold under the direction of the Court and the proceeds applied to the costs and expenses of this action and to payment of the Total Debt plus interest as prayed for in the Complaint, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final.

16. The Plaintiff 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 unto the Plaintiff, including costs and attorney fees.

CONCLUSION OF LAW:

I, therefore, conclude that the Plaintiff should have judgment allowing foreclosure of the Lien and the Property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED:

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1. The amount due and owing to the Plaintiff which is secured by the Lien is $3,081.56 ("Total Debt") plus any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

2. The "Total Debt" shall bear interest hereafter at the rate of at an annual rate of fifteen percent (15%).

3. The Property of the Defendant(s) located at 3052 Rocket Road, Rock Hill, SC 29732, and more particularly in Paragraph 2 above, is subject to a Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest and any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, which lien relates back to and attaches to the Property as of February 22, 2019.

4. The Master in Equity shall give notice of the sale of the Property in satisfaction of the Lien on some convenient sales day hereafter as by law provided.

5. The Defendant(s) shall pay to the Plaintiff, or Plaintiff's attorney, the amount of the Total Debt plus interest, any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and the costs and expenses of sale on or before the date set for sale of the Property.

6. Should the Defendant(s) fail to make payment in full on or before the date set for sale, the Property shall be sold by the Master in Equity, at public auction, at the Courtroom of the Master in Equity in York, South Carolina, on the following terms:

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), same to be applied on the purchase price only upon compliance with the bid. In case of non-compliance, the same will be forfeited and delivered to the Plaintiff for application to the costs and Plaintiff's debt. If the required deposit is not by the

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high bidder, the property may be sold to the next high bidder, subject to the deposit requirements set forth herein.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of at an annual rate of fifteen percent (15%).

C. The sale shall be subject to prior mortgages, taxes and assessments, to easements, restrictions and rights-of-ways of record, and to any other senior or superior liens or encumbrances.

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

7. If Plaintiff be the successful bidder at the sale, for a sum not exceeding the amount of costs, disbursements and expenses and the Total Debt owing to the Plaintiff with interest, plus any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, Plaintiff may pay to the Master in Equity only the amount of the costs, disbursements and expenses crediting the balance of the bid on the Plaintiff's indebtedness.

8. 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 Property sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale. If the Purchaser, or Purchasers, should fail to comply with the bid and the terms thereof within twenty (20) days after date of sale, then the Master in Equity may advertise the Property 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 full compliance with the high bid and the terms thereof is secured.

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

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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 Total Debt and interest, as well as any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final, so much thereof as the purchase money will pay on the same to the Plaintiff or Plaintiff's attorney.

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

10. **IT IS FURTHER ORDERED** that in the event the successful bidder is other than the Defendants in possession herein, the Sheriff of York 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 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.

11. **IT IS FURTHER ORDERED** that each Defendant, all defendants served, and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right of title, interest and equity of redemption in the Property so sold, or any part thereof.

12. **IT IS FURTHER ORDERED** that the Deed of conveyances made pursuant to said sale shall contain the names of the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the Property at the time of filing of the Notice of Lis Pendens, and the name of the Grantee, and the Clerk of Court/RMC 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 Writ of Assistance and hearing any

issues involving appraisal proceedings under Section 29-3-680 et seq., South Carolina Code of Laws (1976) as amended.

14. The Master in Equity shall direct the Register of Deeds to release of record the Lien being foreclosed, after the Order Confirming Sale and Disbursements has been executed and filed.

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

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

TMS# 589-06-01-035

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ELECTRONICALLY FILED - 2022 Oct 03 12:42:57 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc.
PLAINTIFF(S)

Vanessa M. Sumpter
DEFENDANT(S)

Submitted by: Timothy G. Sellers	**Attorney for :** ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	**Judgment Against (List name(s) below)**	**Judgment Amount To be Enrolled (List amount(s) below)**
Pennington Place Home Owners Association of York, Inc.	Vanessa M. Sumpter	$3081.56
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.

Master in Equity _____ **Judge Code** _____ **Date** _____

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For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

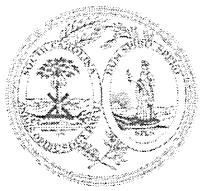
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ELECTRONICALLY FILED - 2019 Oct 03 12:53:57 PM - YORK - COMMON PLEAS - CASE#2019CP4601766



York Common Pleas

Case Caption:	Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter
Case Number:	2019CP4601766
Type:	Master/Order/Foreclosure & Sale and Form 4

So Ordered

s/ Teasa K. Weaver 3084

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EXHIBIT 3

YORK COUNTY ASSESSOR
Tax Map:
589-06-01-035
Date: 12/05/2019

E H

2019053066

DEED
RECORDING FEES $15.00
STATE TAX $94.90
COUNTY TAX $40.15
PRESENTED & RECORDED:
12-04-2019 12:15:14 PM
BK: RB 17945
PG: 1 - 3
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
BY: CHRISTY BENFIELD DEPUTY CLERK

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STATE OF SOUTH CAROLINA)
) **TITLE UNDER ORDER OF COURT**
COUNTY OF YORK)

TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, in an action in the Court of Common Pleas for York County entitled: Pennington Place Home Owners Association of York, Inc., Plaintiff(s), vs. Vanessa M. Sumpter, Defendant(s), Case Number 2019-CP46-01766, and pursuant to an Order of Judgment of Foreclosure and Sale dated October 3, 2019, it was decreed that the property hereinafter described should be sold by the Master In Equity for York County, on the terms, and for the purposes set forth in the aforementioned Order, as particularly set forth therein.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that, I, the undersigned Master In Equity for York County, pursuant to the aforementioned Order, and in consideration of the sum of Thirty-Six Thousand, Five Hundred and 00/100 Dollars ($36,500.00) to me in hand paid by Aracely Sanchez hereinafter Grantee(s), in accordance with the terms of said sale and applicable law, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto the said Grantee(s), her successors and assigns forever, the following described real estate:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

TMS# 589-06-01-035

ADDRESS OF GRANTEE(S): Post Office Box 497
York, SC 29745

TOGETHER with all and singular, the hereditaments, rights, members and appurtenances whatsoever to the said property belonging, and also any and all estate, title, interest, or claim therein whatsoever of all parties to the aforementioned action, and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD all and singular the above-described premises unto the Grantee(s) her Successors and Assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Master In Equity for York County, South Carolina, this 3rd day of December, 2019.

Signed, Sealed and delivered
in the presence of:

Robin L Kleece — Teasa K Weaver (SEAL)

Witness No. 1 — Honorable Teasa K. Weaver
Master-In-Equity for York County

Printed name: Robin C. Kleece

Terra Rose

Witness No. 2/Notary Public

Printed name: Terra Rose

ELECTRONICALLY FILED - 2022 Aug 25 4:45 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

PERSONALLY APPEARED before me the undersigned witness and made oath that (s)he saw Honorable Teasa K. Weaver, as Master in Equity for York County, sign, seal and deliver the within Deed; and that deponent, together with the other witness signed their names as witnesses thereto. The subscribing witness certified to the notary under oath or by affirmation that the subscribing witness is not a party to or beneficiary of the transaction, signed the record as a subscribing witness, and witnessed the principal sign the record.

WITNESS our hands and seals on this 3RD day of DEC, 2019.

SWORN to before me this
3rd day of December, 2019.

Witness No. 1

(L.S.)
Notary Public for South Carolina

My commission expires: 2-17-2021

ELECTRONICALLY FILED - 2022 Aug 25 4:45 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

3 of 3

ELECTRONICALLY FILED - 2022 Aug 25 4:45 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

EXHIBIT 4

FILED ELECTRONICALLY IN YORK COUNTY, SOUTH CAROLINA - 2019 Aug 26 10:45 AM - YORK - COMMON PLEAS - CASE# 2019CP4601766

State of South Carolina | In The Court of Common Pleas

County of York | Docket No. 2019-CP-46-

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant(s).	**AFFIDAVIT OF PLAINTIFF IN RESPONSE TO TEMPORARY RESTRAINING ORDER ISSUED BY THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA**

I, Timothy G. Sellers, being first duly sworn hereby state as follows:

1. I am the attorney for the plaintiff in the above-entitled action.

2. I am familiar with the underlying facts of this case, I am authorized to execute this affidavit on behalf of the plaintiff, and I am familiar with the account referenced in the Complaint filed in this action.

3. With regard to the assessment obligations being foreclosed upon by the plaintiff as referenced in the Complaint: (1) the assessment obligation(s) is not a residential mortgage loan or any type of mortgage loan for that matter; and (2) the Home Affordable Modification Program is therefore inapplicable.

4. I hereby certify that a copy of the foregoing was served on the Defendant(s) named below, by placing a copy of the same in the United States Mail, First Class, postage prepaid and properly addressed as follows:

Vanessa M. Sumpter
3052 Rocket Road
Rock Hill, SC 29732

Further affiant sayeth not.

May 20, 2019

SELLERS, AYERS, DORTCH & LYONS, P.A.

Timothy G. Sellers
301 S. McDowell St.
Suite 410, Cameron-Brown Building
Charlotte, North Carolina 28204
Phone: 704-377-5050
Fax: 704-339-0172
Attorneys for Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME
This the 20th day of May, 2019.

Notary Public for North Carolina
My Commission Expires: 8/10/20

[NOTARY SEAL]

MATTHEW S. HAND
NOTARY
PUBLIC
MECKLENBURG COUNTY, NC

ELECTRONICALLY FILED -- 2020 May 20 10:45 AM -- YORK -- COMMON PLEAS -- CASE# 2019CP4601786

2022-09-12-01

The Supreme Court of South Carolina

RE: Rescission of Orders Regarding Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosure Forms

ORDER

Pursuant to Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the

- May 6, 2020 Order titled *RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosure Forms*,
- May 12, 2020 Order titled *RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Foreclosures (SCCA Form 256A)*, and
- July 23, 2020 Order titled *RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions (SCCA Form 256B)*

are hereby rescinded.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
September 12, 2022

estherbeckley@comporium.net

From: Krecek, Robin <Robin.Krecek@yorkcountygov.com>
Sent: Tuesday, September 20, 2022 9:12 AM
To: 'Tom Roper'; 'J Cameron Halford'
Cc: estherbeckley@comporium.net; ccj@sherpy-jones-law.com; 'Cynthia Jones'
Subject: RE: 2019CP4601766; Pennington v Sumpter; Sanchez v Sumpter

Hi,

It appears that we are confirmed for Thursday, October 13, 2022 at 2:30 PM. Please notice the parties and file proof. The courtroom is equipped with an audio recording device, however, you may have a court reporter appear, at your expense. Thank you.

Respectfully,

Robin

Robin Krecek, ACP, SCCP
Court Manager
Master in Equity
York County Government

Physical Address
York County Courthouse
2 S Congress Street, 2nd Floor
York, SC 29745

Mailing Address
P.O. Box 627
York, SC 29745

Robin.Krecek@yorkcountygov.com
Phone: 803-628-3930

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message. "Any information provided on this email, including any attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

ELECTRONICALLY FILED - 2022 Sep 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	Case No. 2019-CP-46-01766
Aracely Sanchez,	)	
	)	NOTICE OF HEARING
Petitioner,	)	
	)	
v.	)	
	)	
Vanessa M. Sumpter	)	
	)	
Respondent,	)	
	)	
IN RE:	)	
Pennington Place Home Owners	)	
Association of York, Inc.	)	
	)	

TO: THOMAS ROPER, ATTORNEY FOR ARACELY SANCHEZ:

YOU WILL TAKE NOTICE that a Hearing in this action has been scheduled before the Master in Equity Court for York County, at the time, date and location listed below. Defendants are noticed to appear and take part as they deem advisable and proper:

Location / Court:	Hon. Teasa K. Weaver Master in Equity Courtroom, 2nd floor 2 Congress Street, York, South Carolina 29745
Date:	October 13, 2022
Time:	2:30 p.m.

Respectfully submitted,

J. CAMERON HALFORD, LLC

/s/ J. Cameron Halford
S.C. Bar Id. 17184
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

ATTORNEY FOR RESPONDENT

September 20, 2022

ELECTRONICALLY FILED - 2022 Sep 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for Respondent Vanessa M. Sumpter in the above case and that I did serve a copy of the forgoing Notice of Hearing on the attorney for Defendant Aracely Sanchez via electronic filing and United States Mail as follows:

Thomas B. Roper, Esquire
1721 Ebenezer Road, Suite 295
Rock Hill, South Carolina 29732
Attorney for Aracely Sanchez

J. CAMERON HALFORD, LLC

/s/ J. Cameron Halford
S.C. Bar Id. 17184
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

ELECTRONICALLY FILED - 2022 Sep 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	Case No. 2019-CP-46-01766
Aracely Sanchez,	)	
	)	NOTICE OF HEARING
Petitioner,	)	
	)	
v.	)	
	)	
Vanessa M. Sumpter	)	
	)	
Respondent,	)	
	)	
IN RE:	)	
Pennington Place Home Owners	)	
Association of York, Inc.	)	
	)	

TO: TIMOTHY SELLERS, ATTORNEY FOR PENNINGTON PLACE HOME OWNERS ASSOCIATION OF YORK, INC.:

YOU WILL TAKE NOTICE that a Hearing in this action has been scheduled before the Master in Equity Court for York County, at the time, date and location listed below. Plaintiff is noticed to appear and take part as they deem advisable and proper:

Location / Court:	Hon. Teasa K. Weaver Master in Equity Courtroom, 2nd floor 2 Congress Street, York, South Carolina 29745
Date:	October 13, 2022
Time:	2:30 p.m.

Respectfully submitted,

J. CAMERON HALFORD, LLC

/s/ J. Cameron Halford
S.C. Bar Id. 17184
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

ATTORNEY FOR RESPONDENT

September 20, 2022

ELECTRONICALLY FILED - 2022 Sep 20 11:36 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for Respondent Vanessa M. Sumpter in the above case and that I did serve a copy of the forgoing Notice of Hearing on the attorney for Plaintiff Pennington Place Home Owners Association of York, Inc via electronic filing and United States Mail as follows:

Timothy Sellers, Esquire

301 S. McDowell Street, Suite 410
Charlotte, North Carolina 28204
Attorney for Place Home Owners Association of York, Inc

J. CAMERON HALFORD, LLC

/s/ J. Cameron Halford
S.C. Bar Id. 17184
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw. net

ELECTRONICALLY FILED - 2022 Oct 12 4:25 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
Aracely Sanchez.	)	
	)	
Petitioner.	)	
v.	)	
	)	AFFIDAVIT OF
Vanessa M. Sumpter.	)	ARACELY SANCHEZ
	)	
Respondent.	)	
	)	
IN RE:	)	
	)	
Pennington Place Home Owners Association of York. Inc.,	)	
	)	
Plaintiff.	)	
vs.	)	CASE NO.: 2019-CP-46-01766
	)	
Vanessa M. Sumpter.	)	
	)	
Defendant.	)	

Personally appeared before me, Aracely Sanchez, who first being sworn, deposes and says:

1. I am the Petitioner in this action.

2. The Writ of Assistance signed by the Honorable Teasa K. Weaver on August 17, 2022, required the Defendant, Vanessa M. Sumpter, to vacate the property located at 3052 Rocket Road, Rock Hill, South Carolina on or before 12:00 noon on September 12, 2022.

3. I went to the house on September 13, 2022 and found that the Defendant and any others claiming under or through her had vacated the premises.

4. I found the property to be totally trashed. The Defendant had removed the all the appliances from the kitchen, removed all of the light fixtures except for the ceiling fan with a

light in the kitchen. the lock from the garage door and even took the wooden boards off of the back deck. There was trash and debris throughout the entire house and yard. I have attached to this affidavit. pictures which reflect the condition of the house as I found it.

WITNESS my hand and seal this 12th day of October. 2022.

Aracely Sanchez.
Aracely Sanchez

SWORN to before me this
12th day of October, 2022.

Notary Public for South Carolina
My Commission Expires: 10/21/26

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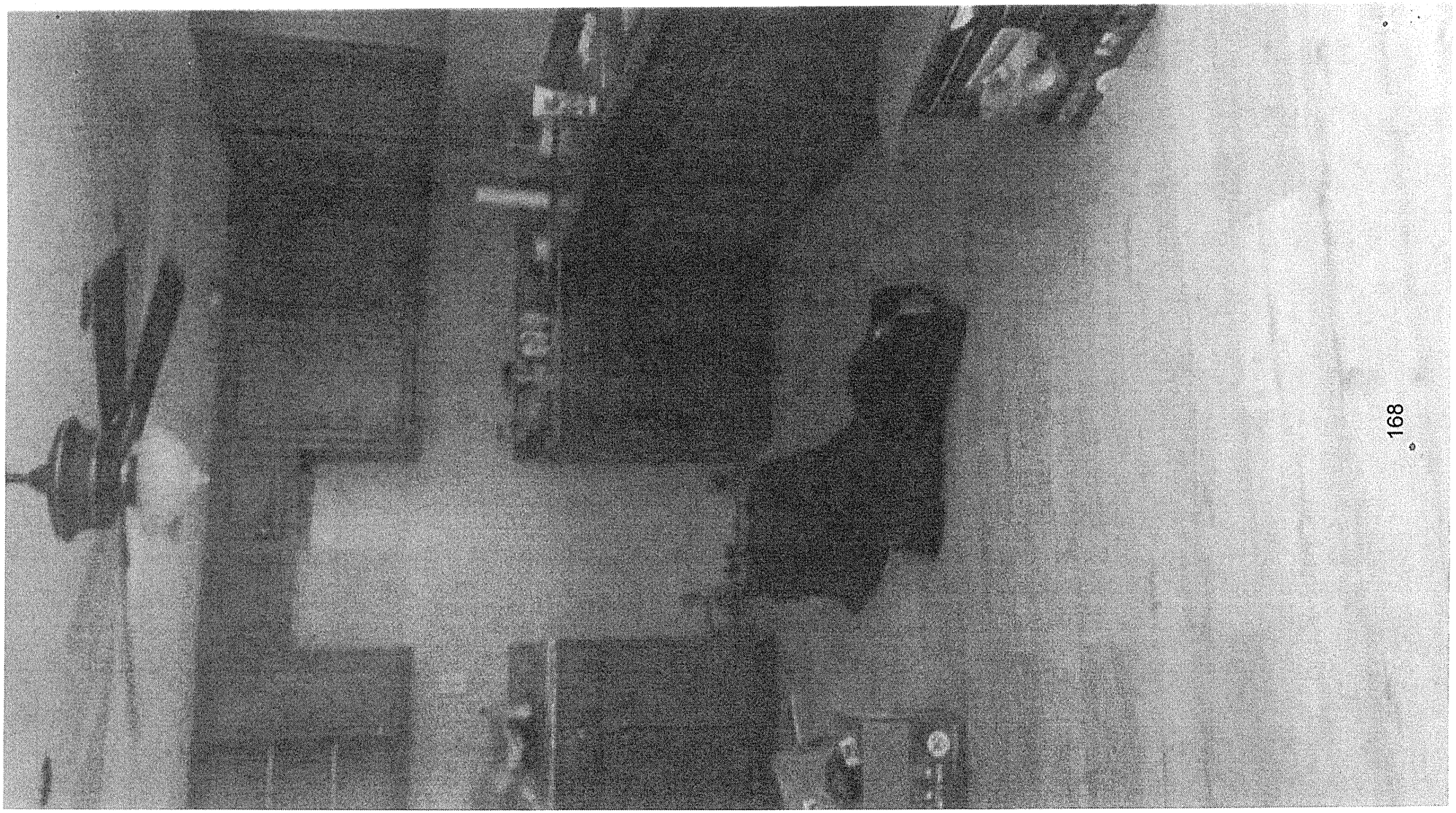
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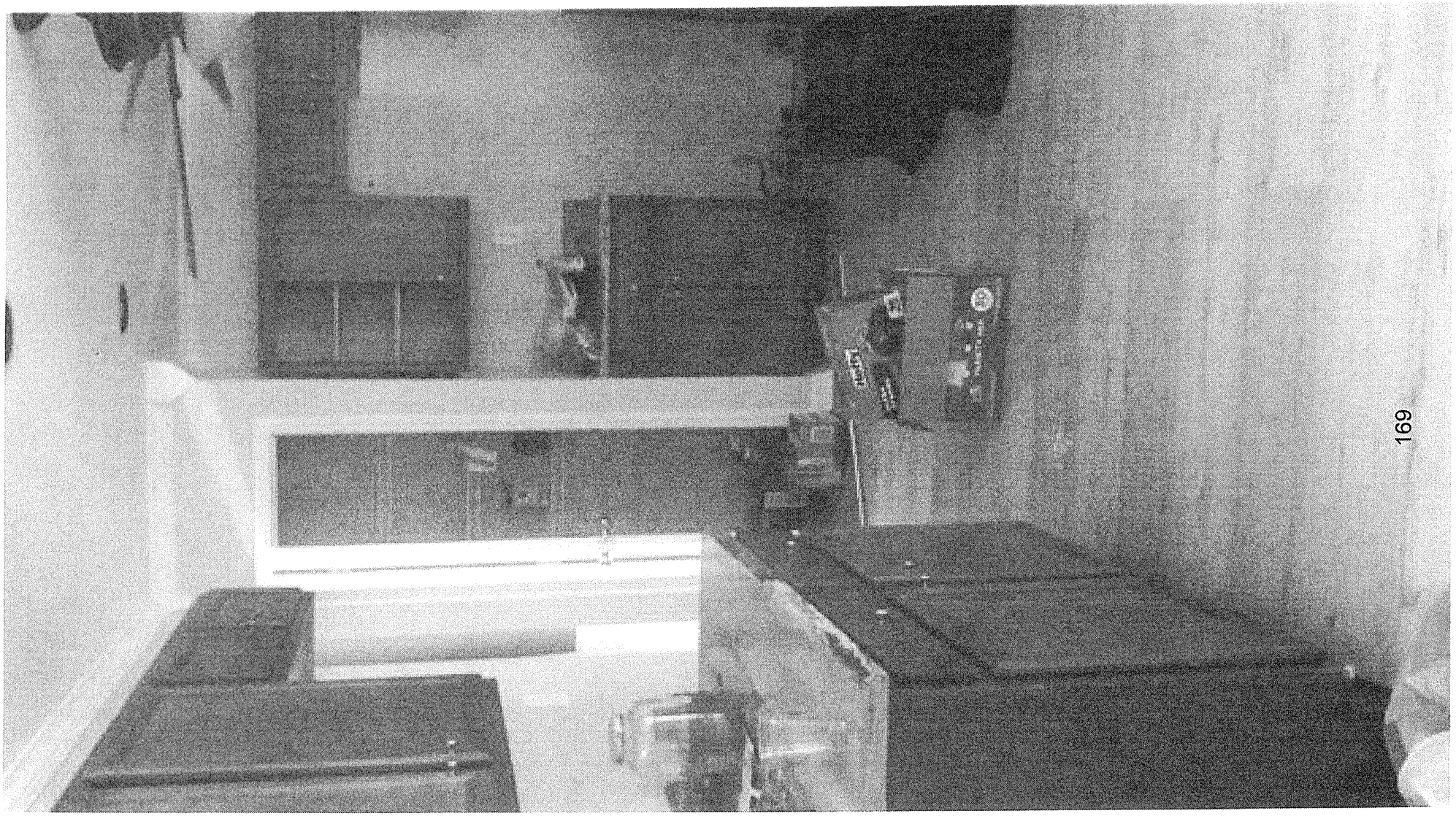
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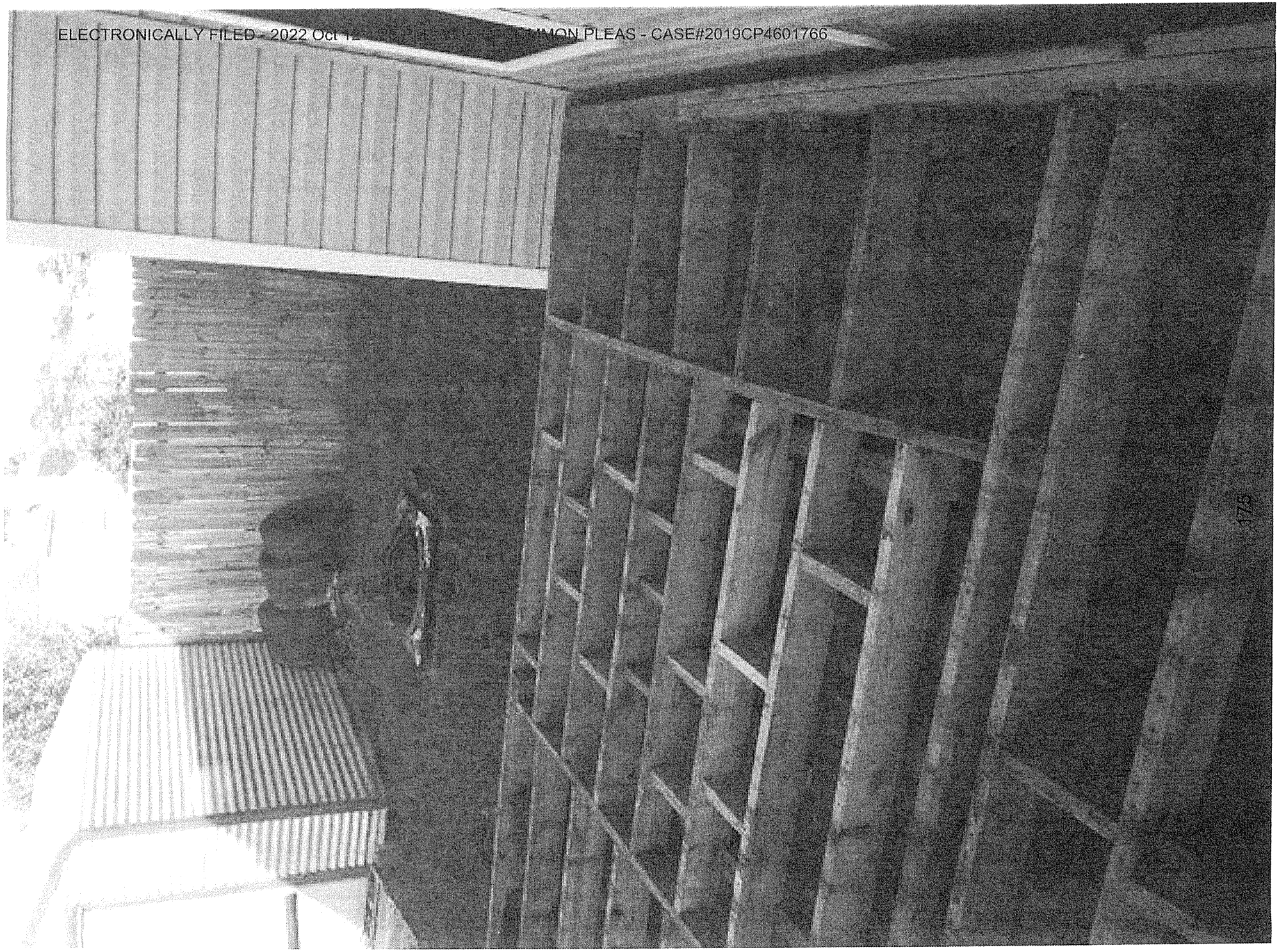

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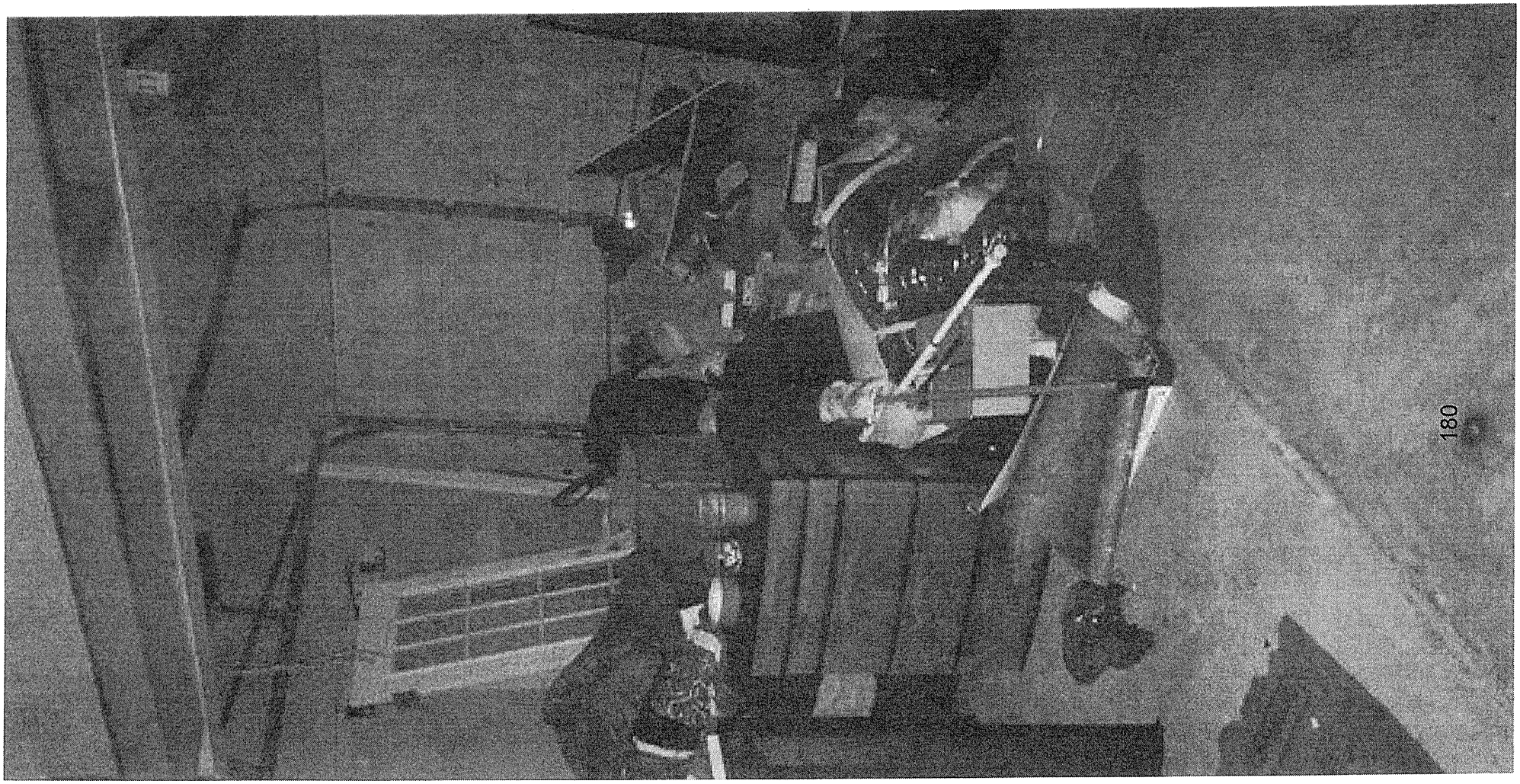
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ELECTRONICALLY FILED - 2022 Oct 12 4:20 PM - YORK - COMMON PLEAS - CASE#2022CP4601765

ELECTRONICALLY FILED - 2022 Oct 13 11:33 AM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK)	
)	
Aracely Sanchez,)	
)	
Petitioner,)	
v.)	
)	
Vanessa M. Sumpter,)	
)	MEMO IN OPPOSITION
Respondent,)	TO DEFENDANT SUMPTER'S
)	MOTION FOR RELIEF FROM
IN RE:)	FORECLOSURE ORDER
)	
Pennington Place Home Owners)	
Association of York, Inc.,)	
)	
Plaintiff,)	
vs,)	CASE NO.: 2019-CP-46-01766
)	
Vanessa M. Sumpter,)	
)	
Defendant.)	

There are a number of reasons which would support this Court's denial of the Defendant Sumpter's Motion for Relief from Foreclosure Order. The Defendant seeks relief under Rule 60(b)(5) SCRCP. The first issue can be disposed of very quickly. The Defendant claims that the Plaintiff in this action failed to comply with Administrative Order of the Supreme Court 2020-05-06-01. This order is dated May 6, 2020 and the Master in Equity's Report and Judgment of Foreclosure Sale in this action is dated October 3, 2019. Therefore, the administrative order waws not applicable to the foreclosure order.

Additionally, the respondent has abandoned any claim for relief under Rule 60(b)(5) SCRCP by virtue of having vacated the property as shown in the Affidavit of the Petitioner. Since she has vacated the property, there is no basis for setting aside the Writ of Assistance.

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The South Carolina Court of Appeals in the case of *Perry v Heirs at Law of Gadsden, 357 S.C. 42, 48, 590 S.E.2d 502, 505* stated: "Rule 60(b)(5) is based upon the historical power of a court of equity to modify its decree 'in light of subsequent conditions.'" In the within action, there are no subsequent conditions which have occurred since the Court's issuance of its writ of assistance and there fore the motion should fail. The Court also noted that the moving party has the burden of proof to establish grounds for relief under this Rule.

The South Carolina Court of Appeals in construing Rule 60(b)(5), stated: "When determining whether to grant relief, the factors to consider are: (1) the timing of the motion for relief, (2) whether the party requesting relief has a meritorious defense, and (3) the decree of prejudice to the opposing party if relief is granted." *Williams v. Watkins 384 S.C. 319, 324, 681 S.E.2d 914, 918.* If the Court were to set aside its Writ of Assistance, it would be extremely prejudicial to the Petitioner. The Defendant has vacated the property and the Petitioner now has possession and control of the property. The Petitioner will have to make extensive repairs to the property due to the malicious acts of the Defendant which preceded her relinquishment of the property.

It is clear that there is no basis for modifying this Court's Judgement of Foreclosure. In the event the Court were to modify its Writ of Assistance, or vacate its Writ of Assistance, the Defendant would nonetheless have no right of possession to the Property. This Court's Judgement of Foreclosure provided in part: "10. IT IS FURTHER ORDERED that in the event the successful bidder is other than the Defendants in possession herein, the Sheriff of York 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 or his assigns in full, quiet and peaceable possession of said premise without delay, and to keep

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said successful bidder or his assigns in such peaceable possession. 11. IT IS FUTHER ORDERED that each Defendant, all defendants served, and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right of title, interest and equity of redemption in the Property so sold, or any part thereof." The Defendant has been forever barred and foreclosed of all right of title, interest and equity of redemption in the property so sold or any part thereof. The Petitioner would still be allowed to maintain possession and ownership of the property even if the Writ of Assistance were to be vacated,.

As a final point, were the Court's Writ of Assistance to be vacated and the Defendant were to be allowed possession (which relief is not requested under the Defendant's motion), the Petitioner could still file a new Writ of Assistance and the Supreme Court's Administrative Order of 2020-05-06-01 would not be applicable to the Motion as 2020-05-06-01 has been rescinded by Administrative Order 2022-09-12-01. This would be a tremendous waste of time and judicial economy.

The Petitioner respectfully request that the Defendants Motion for Relief from a Judgment be denied.

s/ Thomas B. Roper
Thomas B. Roper. SC BAR 4908
1721 Ebenezer Road, Suite 295
Rock Hill, South Carolina 29732
803-327-1123 Telephone
803-327-5458 Fax
Attorney for Petitioner, Aracely Sanchez

Rock Hill, South Carolina

ELECTRONICALLY FILED - 2022 Oct 13 12:02 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	
Aracely Sanchez,	
	Case No. 2019-CP-46-01766
Petitioner,	
-vs-	
	AFFIDAVIT OF RESPONDENT
Vanessa M. Sumpter,	VANESSA M. SUMPTER
Respondent.	October 13, 2022
IN RE:	
Pennington Place Home Owners Asociation Of York, Inc.,	
Plaintiff,	
-vs-	
Vanessa M. Sumpter,	
Defendant.	

Personally appeared before me, Vanessa M. Sumpter, who first being duly sworn, deposes and states as follows :

1. I am the respondent in this action. This court issued a Writ of Assistance on August 17, 2022 requiring me to vacate my home at 3052 Rocket Road, Rock Hill, South Carolina 29732 on or before 12:00 pm noon on September 12, 2022. It was my understanding that if I did not vacate, that the Sheriff's offices would remove my belongings to the roadside. I complied with the Order of this court as best I could but ran out of time.

2. I tried to vacate the home by the deadline, and I had my attorney file a motion for stay as I could not get all of my belongings out in time. The door locks changed on me and I was locked out on September 13. I have neighbors who observed work crews change the locks. I returned to the house twice but could not get inside.

3. 3052 Rocket Road was my primary residence. I lived in this home for the last eighteen (15) years, and the amount of belongings I had to relocate by the court's deadline was overwhelming. I was not able to obtain all my personal items from the property, including the out-building, prior to being locked out .

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4. I believe the door locks on the house and garage were changed by the petitioner, and I did not have access to the home any longer once the locks were changed. I returned to the home twice, and I observed improvement work being done inside the home.

5. The appliances and lights I removed are personal property of mine, they were upgrades to the standard equipment sold to me by Crestwood Homes, the builder.

6. No wood was removed from the decking as cited by petitioner Sanchez. The back deck on the home was already in disrepair and we were attempting to repair wooden boards that had become rotten. This was going on before the Writ of Assistance issued by this court on August 17.

7. I believe Mrs. Sanchez is now trying to get me to pay for improvements that she is making at the property, which began after my attorney filed motions in this case. It is my opinion that at all times Mrs. Sanchez knew she purchased a foreclosure deed arising out of a home owners association collections case. This court's order of foreclosure and sale ordered the equity of redemption forever barred, which I believe was error. I have offered money to Mrs. Sanchez and had my attorney file a confession of judgment seeking to pay Mrs. Sanchez. but she is not interested and has not responded.

8. I still have two (2) mortgages on the property which have not been paid and which I continue to pay.

Further, affiant sayeth naught.

Vanessa M. Sumpter

SWORN to and subscribed before me this
13th day of October, 2022.

Notary Public for ~~South Carolina~~ North Carolina
My Commission Expires: 03/25/2023

DAVID M. WALLACE
Notary Public
Mecklenburg Co., North Carolina
My Commission Expires March 25, 2023

ELECTRONICALLY FILED - 2022 Oct 13 12:41 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK	IN THE COURT OF COMMON PLEAS SIXTEENTH JUDICIAL CIRCUIT
Aracely Sanchez, Petitioner, -vs- Vanessa M. Sumpter, Respondent. IN RE: Pennington Place Home Owners Asociation Of York, Inc., Plaintiff, -vs- Vanessa M. Sumpter, Defendant.	Case No. 2019-CP-46-01766 REPLY TO MEMORANDUM IN OPPOSITION October 13, 2022

TO: THOMAS ROPER, ATTORNEY FOR PETITIONER
HON. TEASA K. WEAVER, MASTER IN EQUITY

Defendant Sumpter here files her reply to the Memorandum in Opposition filed by petitioner. As cited by counsel for petitioner, administrative order of the Supreme Court dated September 12, 2022 *rescinded* all prior administrative orders regarding Certification of Compliance with the CARES act. Petitioner, in two magistrate court evictions, and the Rule to Show Cause and Petition for Writ of Assistance filed with this court July 26, 2022 did not comply with the Supreme Court's Administrative Orders in effect at the relevant time.

Moreover, this court ordered writ of assistance requiring Sumpter to vacate or be set out by **12pm noon on September 12, 2022**, the very date of latest administrative order 2022-09-12-

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01, and not before the prior administrative order is rescinded. This court's order is dated August 17, 2022. The petition for writ was filed July 26. The rescission order of the court is dated September 12, 2022, twenty six (26) days afterward. Until that time, the prior administrative orders of Chief Justice Beaty were in full force and effect.

While petitioner seeks to invoke the doctrine of the defendant's cause being moot due to Sumpter *vacating possession* of the proeprty, it is Petitioner and not Defendant who did not comply with the administrative orders of the Supreme Court. As such, pursuant to the administrative order *then in effect* 2020-04-30-02, the eviction under writ of assistance should, pursuant to the order, should have "*terminated without the necessity of any action taken*".

As such, defendant Sumpter prays that the order be vacated, as the administrative orders of the chief justice Donald Beaty applied to writs of ejectment and evictions arising out of foreclosures, including the Order and Decree of Foreclosure dated October 3, 2019 whereunder a Writ might issue pursuant to further orders of the Master in Equity.

Respectfully submitted this 13th day of October, 2022.

HALFORD LAW FIRM, LLC
/s/ J. Cameron Halford
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw.net

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CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for the defendant Vanessa Sumpter in the above case and that I did on October 13, 2022 serve a copy of the foregoing reply to memorandum in opposition upon counsel for petitioner by electronic filing through the court's ECF filing system and email this same date as follows:

Thomas B. Roper, Esq.
1721 Ebenezer Road, Suite 295
Rock Hill, South Carolina 29732
Attorney for Aracely Sanchez

HALFORD LAW FIRM, LLC
/s/ J. Cameron Halford
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Lake Wylie, South Carolina 29710
(803) 619-4177
e-mail: cam@halfordlaw.net

ELECTRONICALLY FILED - 2022 Dec 14 12:04 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	IN THE COURT OF COMMON PLEAS Docket No. 2019-CP-46-01766 **ORDER DENYING DEFENDANT'S MOTIONS** **Rules 59(e) and 60(b)(5), SCRCP**

This matter came before me for a hearing on October 13, 2022 upon Defendant's motions though Rules 59(e) and 60(b)(5), SCRCP. The Defendant filed a third motion to stay the execution of the Writ of Assistance, but at the time of the hearing, the Defendant had vacated the premises. Present at the hearing: Defendant Vanessa Sumpter with her counsel, J. Cameron Halford; and Aracely Sanchez with her counsel Thomas Roper. No other party appeared.

The Defendant argues, pursuant to Rules 59(e) and Rule 60(b)(5), that the Writ of Assistance should be vacated because the Defendant's equitable interests in the subject property are superior to any interests conveyed to Sanchez through the Master's Deed, or due to Sanchez's failure to file a certification of compliance with the CARES Act pursuant to the Administrative Order of the Supreme Court 2020-05-06-01. The Defendant further argues, pursuant to Rule 60(b)(5), that the October 2019 judgment order and the December 2019 sale should be vacated due to noncompliance with the aforementioned Supreme Court order. I disagree.

FINDINGS OF FACT

This action was a foreclosure action brought by a homeowners' association. A final order of judgment and sale was issued on October 3, 2019, and pursuant to that order, the subject property was sold at public auction on December 2, 2019. Sanchez was highest bidder at

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foreclosure sale, having complied with her bid on the day of sale. A Master's Deed was issued to Sanchez, which was recorded with the York County Register of Deeds on December 4, 2019 in Book 17945, page 1.

On May 6, 2020, the Supreme Court issued the order regarding the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms ("Certification Order").

A few weeks before the Supreme Court issued the Certification Order, Sanchez filed an action for eviction against the Defendant in Magistrate Court. This action was dismissed in July 2020. Sanchez did not pursue an eviction against the Defendant again until 2022. Sanchez claims she would have pursued an eviction sooner, but was unable to proceed due to COVID restrictions placed upon Magistrate Courts. In 2022, Sanchez filed two more actions in Magistrate Court seeking to have the Defendant evicted, but both actions were dismissed. Shortly following the last dismissal, Sanchez, through her counsel, filed a motion for Writ of Assistance in Circuit Court on July 26, 2022.

CONCLUSIONS OF LAW

The Certification Order was not applicable to Sanchez upon her filing of the motion for Writ of Assistance. The Certification Order provides as follows:

> IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action ***until the party pursuing the foreclosure*** has complied with the provisions of this Order. (emphasis added.)

Sanchez was not a party pursuing foreclosure, and thus was under no obligation to comply with the Order. Nonetheless, the Defendant was not in a forbearance plan as contemplated by the CARES Act at the time of the hearing regarding the Writ of Assistance, or thereafter. As shown in the form, a hearing could proceed as long as the party pursuing foreclosure certified that the

mortgagor was not currently in a forbearance plan under the CARES Act. Additionally, any interests the Defendant had in the subject property ended upon the sale of the subject property to Sanchez in December 2019.

As for the Judgment Order or December 2019 sale, the Defendant is not entitled to relief pursuant to Rule 60(b)(5). The order was issued and the sale was conducted prior to the effective date of the Certification Order, so Plaintiff was not under any obligation to comply with the order.

Based on the foregoing finding and conclusions, IT IS ORDERED that the Defendant's motions be denied.

Judge's Signature Page to Follow

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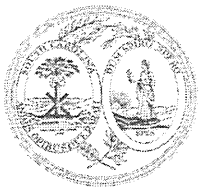

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc , plaintiff, et al VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order/Other

So Ordered

s/ Teasa K. Weaver 3084

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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

Hon. Teasa K. Weaver
Master in Equity

Case No. 2019-CP-46-01766

Aracely Sanchez,

Respondent

v.

Vanessa M. Sumpter,
IN RE:
Pennington Place Home Owners Association of York, Inc.

v.

Vanessa M. Sumpter,

Appellant

NOTICE OF APPEAL

Vanessa M. Sumpter here files Notice of Appeal of the attached orders of December 14, 2021, August 17, 2022 Writ of Assistance Order, and Foreclosure Order dated October 3, 2019 issued by the Hon. Teasa K. Weaver, Master in Equity for York County. Appellant received written notice of entry of the Order denying Appellant motions for reconsideration of the above orders on the date of December 14, 2022.

Respectfully submitted January 13, 2023.

J. CAMERON HALFORD, LLC

/s/ J. Cameron Halford, Esq.
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Other Counsel of Record :

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Attorney for Respondent

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ELECTRONICALLY FILED - 2019 Oct 03 12:57 PM - YORK - COMMON PLEAS - CASE#2019CP4601766
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State of South Carolina

County of York

In The Court of Common Pleas

Docket No. 2019-CP-46-1766

Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	**MASTER IN EQUITY'S REPORT AND JUDGMENT OF FORECLOSURE SALE** (DEFICIENCY WAIVED)

Pursuant to Rule 53 SCRCP, 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 Default and Reference, a hearing was held on October 2, 2019 attended by Timothy G. Sellers, attorney for the Plaintiff. Defendant Vanessa M. Sumpter appeared *pro se*. Exhibits filed by the Plaintiff on September 25, 2019 were received into evidence without objection, and from the evidence and other filings, I find, conclude and order as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on May 20, 2019.

2. The titleholder(s) of record in and to the subject property as of the filing of the Lis Pendens in this action is Vanessa M. Sumpter, which Property is more particularly described as follows:

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

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The subject property is referred to herein as the "Property."

3. The Property is subject to and encumbered by the Declaration of Covenants, Conditions and Restrictions for Pennington Place Home Owners Association of York, Inc. recorded in 6594 at Page 51 of the York County Public Registry ("Declaration".)

4. This action was commenced with the filing of a Summons and Complaint by the Plaintiff on May 20, 2019.

5. Vanessa M. Sumpter was served with process as required by Rule 4 of the South Carolina Rules of Civil Procedure as specifically set forth in the Affidavit of Service filed by the Plaintiff, as well as other returns and entries of service which appear in the court file.

6. Vanessa M. Sumpter failed to plead or otherwise defend within the time limits provided and as otherwise required by the South Carolina Rules of Civil Procedure.

7. An Order of Default and Reference was filed on August 22, 2019.

8. No Defendant is a minor or incompetent person.

9. The Plaintiff filed and served its Affidavit in Response to Temporary Restraining Order Issued by the Supreme Court of the State of South Carolina, in accordance with the Supreme Court's Administrative Order dated May 22, 2009. Vanessa M. Sumpter filed no response in accordance with said Administrative Order.

10. No Defendant is in the military service of the United States so as to be entitled to protection under the terms of the Service Members Civil Relief Act of 2003 ("Act").

11. The Plaintiff is entitled under the terms of the Declaration to recover reasonable attorney fees incurred and the plaintiff's attorney has filed an Affidavit of Attorney's Fees in support of that request which details services performed and costs incurred prior to the hearing,

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and expenses incurred in connection with this hearing and an estimate of services that will be required after this hearing in connection with the sale of the Property.

12. Having considered the nature, extent and difficulty of the services rendered and expected (the field of association lien foreclosures being a specialized area of practice), the time involved in reviewing the various documents, performing title searches, preparing the pleadings, attendance at the hearings and argument, the professional standing of counsel, the fee customarily charged for similar services and the beneficial results obtained for the Plaintiff, I find that the sum of $2,112.00 for Plaintiff's Attorney for services performed and anticipated to be performed until final adjudication and completion of the within action to be reasonable. In addition, I find that reasonable costs in the amount of $542.06 have been incurred to and through the date of this hearing.

13. The amount due and owing by the Defendant, levied and charged by the Association pursuant to the Declaration and with interest at the rate provided in the Declaration, and other costs and expenses of collection, including an attorney's fee is:

(a)	Association Payoff through September 17, 2019 ("Calculation Date")	$427.50
(b)	Costs of collection prior to hearing	$542.06
(c)	Attorney's Fees	$2,112.00
TOTAL DEBT		$3,081.56

Interest shall accrue on the Total Debt after the date of judgment at the rate of at an annual rate of fifteen percent (15%) and should be added to such Total Debt to comprise the amount of Plaintiff's debt secured by the Lien, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

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14. Repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final is secured by Plaintiff's lien as provided in the Declaration and as memorialized in the Notice of Delinquent Assessments and Lien filed in the Office of the Register of Deeds Office for York County on February 22, 2019 in Book 467; Page 491. ("Lien")

15. Plaintiff is entitled to have Judgment entered against the Defendant(s):

(a) adjudging the Defendant(s) indebted to the Plaintiff in the amount of the Total Debt including attorney's fees.

(b) granting the Plaintiff equitable relief by declaring the Property of the Defendant(s) subject to the Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and which Lien attached to the Property as of February 22, 2019, and

(c) ordering that the Property be sold under the direction of the Court and the proceeds applied to the costs and expenses of this action and to payment of the Total Debt plus interest as prayed for in the Complaint, as well as assessments that may become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final.

16. The Plaintiff 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 unto the Plaintiff, including costs and attorney fees.

CONCLUSION OF LAW:

I, therefore, conclude that the Plaintiff should have judgment allowing foreclosure of the Lien and the Property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED:

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1. The amount due and owing to the Plaintiff which is secured by the Lien is $3,081.56 ("Total Debt") plus any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final.

2. The "Total Debt" shall bear interest hereafter at the rate of at an annual rate of fifteen percent (15%).

3. The Property of the Defendant(s) located at 3052 Rocket Road, Rock Hill, SC 29732, and more particularly in Paragraph 2 above, is subject to a Lien in favor of the Plaintiff which secures repayment of the Total Debt plus interest and any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, which lien relates back to and attaches to the Property as of February 22, 2019.

4. The Master in Equity shall give notice of the sale of the Property in satisfaction of the Lien on some convenient sales day hereafter as by law provided.

5. The Defendant(s) shall pay to the Plaintiff, or Plaintiff's attorney, the amount of the Total Debt plus interest, any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, and the costs and expenses of sale on or before the date set for sale of the Property.

6. Should the Defendant(s) fail to make payment in full on or before the date set for sale, the Property shall be sold by the Master in Equity, at public auction, at the Courtroom of the Master in Equity in York, South Carolina, on the following terms:

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), same to be applied on the purchase price only upon compliance with the bid. In case of non-compliance, the same will be forfeited and delivered to the Plaintiff for application to the costs and Plaintiff's debt. If the required deposit is not by the

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high bidder, the property may be sold to the next high bidder, subject to the deposit requirements set forth herein.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of at an annual rate of fifteen percent (15%).

C. The sale shall be subject to prior mortgages, taxes and assessments, to easements, restrictions and rights-of-ways of record, and to any other senior or superior liens or encumbrances.

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

7. If Plaintiff be the successful bidder at the sale, for a sum not exceeding the amount of costs, disbursements and expenses and the Total Debt owing to the Plaintiff with interest, plus any assessments that become due and owing to the Plaintiff after the entry of judgment and before the foreclosure sale is final, Plaintiff may pay to the Master in Equity only the amount of the costs, disbursements and expenses crediting the balance of the bid on the Plaintiff's indebtedness.

8. 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 Property sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale. If the Purchaser, or Purchasers, should fail to comply with the bid and the terms thereof within twenty (20) days after date of sale, then the Master in Equity may advertise the Property 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 full compliance with the high bid and the terms thereof is secured.

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

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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 Total Debt and interest, as well as any assessments that become due and owing to the Plaintiff after the Calculation Date and before the foreclosure sale is final, so much thereof as the purchase money will pay on the same to the Plaintiff or Plaintiff's attorney.

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

10. **IT IS FURTHER ORDERED** that in the event the successful bidder is other than the Defendants in possession herein, the Sheriff of York 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 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.

11. **IT IS FURTHER ORDERED** that each Defendant, all defendants served, and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right of title, interest and equity of redemption in the Property so sold, or any part thereof.

12. **IT IS FURTHER ORDERED** that the Deed of conveyances made pursuant to said sale shall contain the names of the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the Property at the time of filing of the Notice of Lis Pendens, and the name of the Grantee, and the Clerk of Court/RMC 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 Writ of Assistance and hearing any

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issues involving appraisal proceedings under Section 29-3-680 et seq., South Carolina Code of Laws (1976) as amended.

14. The Master in Equity shall direct the Register of Deeds to release of record the Lien being foreclosed, after the Order Confirming Sale and Disbursements has been executed and filed.

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

All that certain piece, parcel or lot of land lying and being situated in the County of York, State of South Carolina, designated as Lot 27 of Pennington Place Subdivision Phase 2, shown in Plat Book C318 at Page 9, Office of the Clerk of Court for York County, south Carolina, reference to which hereby is made for a more particular description.

Being the same property described in the deed recorded in Deed Book 13003, at Page 133 of the York County Public Registry.

TMS# 589-06-01-035

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2019-CP-46-1766

Pennington Place Home Owners Association of York. Inc.
PLAINTIFF(S)

Vanessa M. Sumpter
DEFENDANT(S)

Submitted by: Timothy G. Sellers	**Attorney for :** ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Pennington Place Home Owners Association of York, Inc.	Vanessa M. Sumpter	$3081.56
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.

Master in Equity **Judge Code** **Date**

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For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)	**ATTORNEY(S) FOR THE DEFENDANT(S)**
	CLERK OF COURT

Court Reporter:

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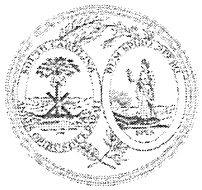

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order/Foreclosure & Sale and Form 4

So Ordered

s/ Teasa K. Weaver 3084

Electronically signed on 2019-10-03 12:53:25 page 11 of 11

ELECTRONICALLY FILED - 2022 Aug 17 11:10 AM - YORK - COMMON PLEAS - CASE#2019CP4601766
ELECTRONICALLY FILED - 2023 Jan 13 12:15 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK)	
)	
Aracely Sanchez,)	
)	
Petitioner,)	
v.)	
)	
Vanessa M. Sumpter,)	
)	WRIT OF ASSISTANCE
Respondent,)	
)	
IN RE:)	
)	
Pennington Place Home Owners)	
Association of York, Inc.,)	
)	2019-CP-46-01766
Plaintiff,)	
vs,)	
)	
Vanessa M. Sumpter,)	
)	
Defendant.)	

TO THE SHERIFF OF YORK COUNTY, SOUTH CAROLINA:

This matter is before me on August 10, 2022, upon Petition of the Petitioner who seeks an order directing the Sheriff to eject the Respondent who still occupies and remains in possession of the subject property as well as any and all tenants and other occupants who claim under the Respondent. Present at the hearing were the Petitioner, her attorney, Thomas B. Roper, the Respondent, her attorney, J. Cameron Halford and Anthony Ailer, a tenant of the Respondent.

After reviewing the Petition, the Order of Foreclosure filed in this case, hearing testimony from the Petitioner and Respondent, considering arguments of counsel and other matters which have been brought to my attention, I find and conclude that:

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1. By Order of Judgment of Foreclosure and Sale dated October 3, 2019, in Case Number 2019-CP-46-01766, this Court reserved jurisdiction to issue a Writ of Assistance or otherwise decreed that in the event the successful bidder at the foreclosure sale is other than the Respondent in possession, that the County Sheriff remove the occupant(s) from the property and to place the successful bidder or her heirs, successors or assigns, in permanent peaceable possession of the subject property; or, further decreed that, if furnishings, fixtures, or other items are left at the subject property after the occupant(s) have been removed or have voluntarily vacated the premises, the Petitioner, or her assigns, are authorized to consider the property as abandoned and remove the property to the public street or highway, or remove it by some other means.

2. The Petitioner was the successful bidder at the foreclosure sale, has fully complied with the terms of her bid and has been issued a deed to the property.

3. The Respondent and others occupying under the Respondent still occupy and remain in possession of the subject property. Personal property, apparently belonging to the Respondent or other occupiers, remains at the subject property which has the address of 3052 Rocket Road, Rock Hill, South Carolina 29732 in York County.

NOW, THEREFORE, it is

ORDERED that the Respondent and those claiming under her, shall vacate the subject property no later than **12 o'clock noon on September 12, 2022**, and you, finding the Respondent and any others still occupying the subject property after that date, shall forthwith, or as soon as practicable thereafter, by force if the same be necessary, seize the subject property, eject and remove from the subject property the Respondent who still occupies and remains in possession of the subject property as well as any and all tenants and other persons claiming under the said

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Respondent who still occupy the subject property or their assigns in full, quiet and peaceable possession of the subject property without delay, and keep the Petitioner or her assigns in full, peaceful and quiet possession of the subject property without delay and thereafter make immediate return to the undersigned showing how this Order has been executed. As the undersigned has granted the Respondent thirty-three (33) days from the date of this hearing before the Writ of Assistance is to be effective, the Sheriff is directed to comply with this Writ of Assistance on the date and time set forth above and not grant the Respondent additional time before vacating the property.

AND IT IS SO ORDERED.

[SIGNATURE PAGE TO FOLLOW]

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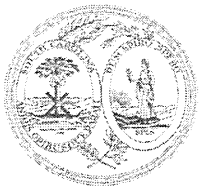

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc , plaintiff, et al VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Order/Writ Of Assistance

So Ordered

s/ Teasa K. Weaver 3084

ELECTRONICALLY FILED - 2022 Dec 14 12:04 PM - YORK - COMMON PLEAS - CASE#2019CP4601766
ELECTRONICALLY FILED - 2023 Jan 13 12:15 PM - YORK - COMMON PLEAS - CASE#2019CP4601766

STATE OF SOUTH CAROLINA COUNTY OF YORK Pennington Place Home Owners Association of York, Inc. Plaintiff, vs. Vanessa M. Sumpter, Defendant.	IN THE COURT OF COMMON PLEAS Docket No. 2019-CP-46-01766 **ORDER DENYING DEFENDANT'S MOTIONS** **Rules 59(e) and 60(b)(5), SCRCP**

This matter came before me for a hearing on October 13, 2022 upon Defendant's motions though Rules 59(e) and 60(b)(5), SCRCP. The Defendant filed a third motion to stay the execution of the Writ of Assistance, but at the time of the hearing, the Defendant had vacated the premises. Present at the hearing: Defendant Vanessa Sumpter with her counsel, J. Cameron Halford; and Aracely Sanchez with her counsel Thomas Roper. No other party appeared.

The Defendant argues, pursuant to Rules 59(e) and Rule 60(b)(5), that the Writ of Assistance should be vacated because the Defendant's equitable interests in the subject property are superior to any interests conveyed to Sanchez through the Master's Deed, or due to Sanchez's failure to file a certification of compliance with the CARES Act pursuant to the Administrative Order of the Supreme Court 2020-05-06-01. The Defendant further argues, pursuant to Rule 60(b)(5), that the October 2019 judgment order and the December 2019 sale should be vacated due to noncompliance with the aforementioned Supreme Court order. I disagree.

FINDINGS OF FACT

This action was a foreclosure action brought by a homeowners' association. A final order of judgment and sale was issued on October 3, 2019, and pursuant to that order, the subject property was sold at public auction on December 2, 2019. Sanchez was highest bidder at

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foreclosure sale, having complied with her bid on the day of sale. A Master's Deed was issued to Sanchez, which was recorded with the York County Register of Deeds on December 4, 2019 in Book 17945, page 1.

On May 6, 2020, the Supreme Court issued the order regarding the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms ("Certification Order").

A few weeks before the Supreme Court issued the Certification Order, Sanchez filed an action for eviction against the Defendant in Magistrate Court. This action was dismissed in July 2020. Sanchez did not pursue an eviction against the Defendant again until 2022. Sanchez claims she would have pursued an eviction sooner, but was unable to proceed due to COVID restrictions placed upon Magistrate Courts. In 2022, Sanchez filed two more actions in Magistrate Court seeking to have the Defendant evicted, but both actions were dismissed. Shortly following the last dismissal, Sanchez, through her counsel, filed a motion for Writ of Assistance in Circuit Court on July 26, 2022.

CONCLUSIONS OF LAW

The Certification Order was not applicable to Sanchez upon her filing of the motion for Writ of Assistance. The Certification Order provides as follows:

> IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action ***until the party pursuing the foreclosure*** has complied with the provisions of this Order. (emphasis added.)

Sanchez was not a party pursuing foreclosure, and thus was under no obligation to comply with the Order. Nonetheless, the Defendant was not in a forbearance plan as contemplated by the CARES Act at the time of the hearing regarding the Writ of Assistance, or thereafter. As shown in the form, a hearing could proceed as long as the party pursuing foreclosure certified that the

mortgagor was not currently in a forbearance plan under the CARES Act. Additionally, any interests the Defendant had in the subject property ended upon the sale of the subject property to Sanchez in December 2019.

As for the Judgment Order or December 2019 sale, the Defendant is not entitled to relief pursuant to Rule 60(b)(5). The order was issued and the sale was conducted prior to the effective date of the Certification Order, so Plaintiff was not under any obligation to comply with the order.

Based on the foregoing finding and conclusions, IT IS ORDERED that the Defendant's motions be denied.

Judge's Signature Page to Follow

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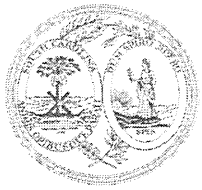

York Common Pleas

Case Caption: Pennington Place Home Owners Association Of York Inc , plaintiff, et al VS Vanessa M Sumpter

Case Number: 2019CP4601766

Type: Master/Order/Other

So Ordered

s/ Teasa K. Weaver 3084

FORM 11
LETTER ORDERING TRANSCRIPT FROM COURT REPORTER

April 28, 2023

Shirley Gerrald
Via email only: Shirley.gerrald@gmail.com

RE: Aracely Sanchez vs Vanessa M. Sumpter
Appellant, Case No. 2023-000044

Pennington Place Home Owners Association of York, Inc. vs Vanessa M. Sumpter
Common Pleas Case No.: 2019-CP-46-01766

Dear Shirley:

On October 2, 2019, February 18, 2020 and October 13, 2022, the above case was before the Honorable Tease Weaver, Master In Equity Judge, in York County.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record for the above dates.

I agree to pay the per page charge for this transcript as provided by Rule 607,SCACR.

Witnesses: Vanessa M. Sumpter and Aracely Sanchez

I look forward to working with you once again, and I have copied opposing counsel, The Office of Court Administration and Court of Appeals.

Thank you

Sincerely,

J. Cameron Halford
4609 Charlotte Highway Suite 3
Lake Wylie, South Carolina 29710
(803) 619-4177
Attorney for Appellant

cc: Timothy G. Sellers, Esquire
Thomas B. Roper, Esquire
S.C. Court Administration
Clerk, Court of Appeals

estherbeckley@comporium.net

From: Kimberly Branham <Kimberly@halfordlaw.net>
Sent: Friday, April 28, 2023 3:29 PM
To: shirley.gerrald@gmail.com; J Cameron Halford
Cc: Thomas Roper; estherbeckley@comporium.net; ctappfilings@sccourts.org; Transcripts
Subject: Letter Ordering Transcript from Court Reporter
Attachments: Letter Ordering Transcript.pdf

Shirley,

Attached please find the Letter Ordering Transcript.

Please let me know if there is any further information you may need from me.

Thank you

Kimberly Branham
Paralegal

J. Cameron Halford, LLC
4609 Charlotte Highway, Suite 3
Lake Wylie, South Carolina 29710
kimberly@halfordlaw.net
803-524-8659 Telephone
803-831-0180 Fax

********** N O T I C E **********

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From: Shirley Gerrald <shirley.gerrald@gmail.com>
Sent: Tuesday, May 16, 2023 12:05 PM
To: Kimberly Branham <Kimberly@halfordlaw.net>; cam@fortmilllaw.com <cam@fortmilllaw.com>
Subject: Re: Pennington Place Homeowners Association of York -vs- Vanessa M. Sumpter

Just making sure you received the above transcripts and invoice. Please confirm. Thanks so much - Shirley

On Wed, May 10, 2023 at 5:14 PM Shirley Gerrald <shirley.gerrald@gmail.com> wrote:

> Attached are the transcripts of the audio files of the hearings in York County Equity court from 10-2-2019 and 2-18-2020 requested by Cam. I have spoken with him to let him know the transcript he requested of a hearing on October 13, 2020, is not available. I am told by the court that the audio of that hearing did not record. They have had their IT person try to retrieve it but to no avail. I am also attaching the invoice Cam and I discussed. Please mail the check directly to me at the address on the invoice. If you have any questions, please give me a call. Thanks so much - Shirley

RECEIVED
Aug 01 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Honorable Teasa K. Weaver
Circuit Court Judge

Appellant Case No.: 2023-000044

Aracely Sanchez, Respondent,

v.

Vanessa M. Sumpter, Appellant,

IN RE: Pennington Place Home Owners Association of York, Inc., Plaintiff,

v.

Vanessa M. Sumpter, Appellant.

CERTIFICATE OF SERVICE FOR
RESPONDENT'S RECORD ON APPEAL

I hereby Certify that I have served upon counsel for the Appellant this 1st day of August, 2024, by electronic filing and delivery and by United States Postal Service, the Respondent's Record on Appeal and that the same contains no matters irrelevant to this appeal pursuant to Rule 209(c) of the South Carolina Appellate Court Rules, served electronically and by U.S. mail addressed as follows:

J. Cameron Halford, Esq.
Post Office Box 172
Barnwell, South Carolina 29812
cam@halfordlaw.net

J. Cameron Halford, Esq.
Post Office Box 172
Barnwell, South Carolina 29812
cam@halfordlaw.net

Thomas B. Roper, SC Bar 4908
1721 Ebenezer R p d, Suite 295
Rock Hill, South Carolina 29732
803-327-1123
roperlaw@comporium.net
Attorney for Respondent, Aracely Sanchez

Rock Hill, SC