

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

69664

APPEAL FROM YORK COUNTY
CIRCUIT COURT

Clyde N. Davis, Jr., Special Referee for York County

Cases No. 2009-CP-46-03996

JPMorgan Chase Bank,
National Association,

Respondent,

v.

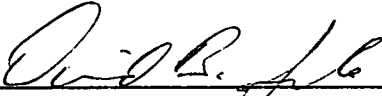
Leah B. Sample,

Appellant.

NOTICE OF APPEAL

Leah B. Sample appeals the Special Referee's Order Denying Defendant's Motion to Set Aside Foreclosure Sale and Supplemental Order issued by The Honorable Clyde N. Davis, Jr. by Order dated July 20, 2013 and filed July 25, 2013.

August 23, 2013


David B. Sample
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Attorney for Appellant

Other Counsel of Record:
Andrew M. Sullivan
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SC Court of Appeals

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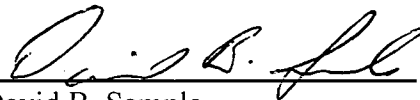
v.

Leah B. Sample,

Appellant.

CERTIFICATE OF SERVICE

I certify that I have served the Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on August 23, 2013, addressed to the Respondent's attorney of record, Andrew M. Sullivan, P.O. Box 2065, Columbia, SC 29202.



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STATE OF SOUTH CAROLINA

COUNTY OF YORK

JPMorgan Chase Bank, National Association

PLAINTIFF,

VS.

Leah B. Sample and JPMorgan Chase Bank,
National Association s/b/m to Providian
National Bank

DEFENDANTS.

(090268.00910)

IN THE COURT OF COMMON PLEAS

CASE NO. 2009-CP-46-03996

**SPECIAL REFEREE'S ORDER
DENYING DEFENDANT'S MOTION TO
SET ASIDE FORECLOSURE SALE AND
SUPPLEMENTAL ORDER**

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2013 JUL 25 PM 12:06
DAVID HAMILTON
C.C. CP. & GS
YORK COUNTY, S.C.

Upon motion of the Defendant, Leah B. Sample, by and through her counsel, David B. Sample, this Court convened at 10:00AM the 23rd day of May, 2013, for hearing to determine whether there was sufficient cause to set aside: (1) the sale of the mortgaged premises, the subject in this foreclosure action, which occurred on February 5, 2013; and, (2) the Supplemental Motion and Order to the Special Referee's Order and Judgment of Foreclosure and Sale filed on January 11, 2013. Attending on behalf of the Plaintiff, JPMorgan Chase Bank, National Association, was Andrew M. Sullivan of the Scott Law Firm, P.A.

Following the oral arguments presented, the testimony offered and the facts ascribed to by the respective counsels for each party at hearing and upon consideration of same by this Court, I find insufficient grounds to grant the Defendant relief from either the foreclosure sale or the Supplemental Order as petitioned. I find that once an attorney makes an appearance in a case and provides an address to opposing counsel and the Clerk of Court, it is incumbent upon the attorney to notify opposing counsel and the Clerk of any change in address. To rule otherwise

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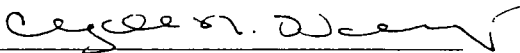
SC Court of Appeals

would place an unreasonable burden on opposing counsel and the Clerk of Court to check the Attorney Information System before sending any hearing notice or other correspondence in the case.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's Motion to Set Aside Foreclosure Sale and Supplemental Order is **DENIED**.

IT IS FURTHER ORDERED that the foreclosure sale occurring on February 5, 2013 remains valid and in effect with the highest bidder at sale free to enforce its rights consistent with those afforded it by any and all applicable laws.

AND IT IS SO ORDERED.



The Honorable Clyde N. Davis, Jr.
Special Referee for York County

York, South Carolina
July 20, 2013