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Jun 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
Case No. 2024-CP-46-3010

Ricky Gerald Masters II and Angela Denise Masters, aka Angela D. Elliott, Defendants,
v.
Guardian Fidelity Mortgage, Inc., Plaintiff.

MOTION TO SET ASIDE FORECLOSURE SALE

COME NOW, Ricky Gerald Masters II and Angela Denise Masters, appearing pro se, pursuant to SCRCP Rule 60(b), and move to set aside the foreclosure sale conducted on JUNE 2, 2025, for the property at 460 Howell Road, York, SC 29745.

In support, Defendants state:

1. The property, valued at \$128,000, has a \$70,000 payoff, leaving \$58,000 equity. The property includes 2.04 acres, gifted to Angela Denise Masters by her father, Ronnie Maree, a mobile home, improvements, and a 15-foot right of way from Howell Road, all encumbered by Plaintiff's lien. Defendants have had no income since November 2022 due to disability, relying on \$1,639 monthly disability, and filed Chapter 7 bankruptcy (Case No. 25-828-HB) on February 7, 2025, discharged on May 8, 2025 (Exhibit E: Bankruptcy Documents). Moss & Associates LLC stopped the February 2025 sale but did not file extra motions.
2. Hurricane Helene (September 25, 2024) caused severe damage to the property's improvements, including a severed power pole, damaged electrical systems, and outages, requiring \$5,000–\$10,000 in repairs, preventing an appraisal for son David's \$70,000 purchase offer (Exhibit C: Pre-Qualification Letter; FEMA Declaration, York County).
3. Defendants' Social Security Disability Reconsideration appeal, assigned to an examiner on April 21, 2025, due to Dire Need, could provide income to resolve the default. Senator Graham's office is authorized to speak on Defendants' behalf (Exhibits I, J: Senator Graham's Letters, April 22 and April 30, 2025).
4. The sale was improper due to:
 - a. Plaintiff's failure to provide foreclosure intervention notice, despite Defendants' communication attempts since September 2023 (Exhibit D: Howard Wright Texts,

September 2023–January 2025; Administrative Order 2011-05-02-01).

b. FEMA's referral to the South Carolina Department of Resiliency, with an application filed May 30, 2025, pending approval, delayed by a fraudulent claim (Exhibit B: Senator Graham's Letter, May 12, 2025).

c. Foremost's contradictory claim handling, implying finalization with a \$479 payment on May 28, 2025, yet confirming ongoing estimate review, as per Joshua Drury's email (May 28, 2025), insufficient for repairs (Exhibits A, H; Case No. 255828).

d. Son David's pre-qualification to buy for \$70,000, blocked by appraisal issues due to Foremost and SCDR/FEMA delays (Exhibit C).

e. The June 2, 2025, denial of Defendants' Motion for Stay and Conference overlooked Helene's impact, SSA appeal, SCDR, Foremost, the lien's scope, equity, communication efforts, and hardship (Exhibit F: Denial Order).

f. Plaintiff's refusal to stay, per email on June 2, 2025, ignored Defendants' rights and federal relief precedents (Exhibit G; FEMA Declaration).

5. The sale deprives Defendants of \$58,000 equity, Angela's family-gifted land, and the right of way, causing irreparable harm.

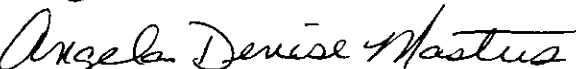
WHEREFORE, Defendants request the sale be set aside, a hearing scheduled, and such other relief as needed.

Attached: Hardship Letter; Exhibits A–J; Motion to Proceed In Forma Pauperis; Affidavit.

Dated: June 3, 2025



Ricky Gerald Masters II



Angela Denise Masters

460 Howell Road, York, SC 29745

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AFFIDAVIT IN SUPPORT OF MOTION TO SET ASIDE FORECLOSURE SALE

Personally appeared before me, Ricky Gerald Masters II and Angela Denise Masters, who, being duly sworn, depose and state:

1. We are the Defendants in the above-captioned case, residing at 460 Howell Road, York, SC 29745, and make this affidavit based on personal knowledge to support our Motion to Set Aside Foreclosure Sale.
2. We own the property at 460 Howell Road, York, SC 29745, valued at \$128,000, with a \$70,000 payoff owed to Plaintiff, leaving approximately \$58,000 in equity. The property includes 2.04 acres, gifted to Angela Denise Masters by her father, Ronnie Maree, a mobile home, improvements (e.g., electrical systems), and a 15-foot right of way from Howell Road, all encumbered by Plaintiff's lien, as recorded with the York County Register of Deeds.
3. I, Ricky Gerald Masters II, am a US Army and Navy veteran (1988–1995), and have had no income since November 2022 due to non-service-related health conditions. We rely on Angela's \$1,639 monthly disability income, causing severe financial hardship.
4. On February 7, 2025, we filed Chapter 7 bankruptcy (Case No. 25-828-HB) through Moss & Associates LLC, stopping a February 2, 2025, foreclosure sale. The stay was lifted on May 6, 2025, and the case discharged on May 8, 2025 (Exhibit E).
5. Hurricane Helene (September 25, 2024) caused severe damage to the property's improvements, including a severed power pole, damaged meter box, circuit box, breakers, wiring, and outages in four rooms, requiring \$5,000–\$10,000 in repairs, as estimated on May 21, 2025. This damage prevented an appraisal for our son David's \$70,000 purchase offer (Exhibit C; FEMA Declaration, York County).
6. My Social Security Disability Reconsideration appeal was assigned to an examiner on April 21, 2025, due to Dire Need, and could provide income to resolve the default. Senator Graham's office is authorized to speak on my behalf (Exhibits I, J).

7. FEMA referred us to the South Carolina Department of Resiliency (SCDR) due to a fraudulent Hurricane Helene claim. We filed an SCDR application on May 30, 2025, which could fund repairs or the payoff (Exhibit B).
8. Foremost Insurance mishandled claim #7008177982-1, issuing only \$479 on May 28, 2025, while implying finalization yet confirming ongoing estimate review, delaying repairs (Exhibits A, H; Case No. 255828).
9. Since September 2023, we attempted to resolve the default through payment plans and a payoff request in January 2025 (Exhibit D).
10. On June 2, 2025, the Master-in-Equity denied our Motion for Stay and Conference without reasons (Exhibit F). Plaintiff's counsel refused a stay on June 2, 2025 (Exhibit G).
11. Plaintiff failed to offer foreclosure intervention (Exhibit D; Administrative Order 2011-05-02-01).
12. The foreclosure sale on [insert sale date, e.g., June 2, 2025], was improper due to Plaintiff's failure to comply with Administrative Order 2011-05-02-01, and the Court's oversight of our hardship, Helene's damage, SSA appeal, SCDR application, Foremost delays, and the lien's scope, risking loss of \$58,000 equity, Angela's gifted land, and the right of way.
13. All attached Exhibits A-J and the Hardship Letter are true and correct copies to the best of our knowledge.

FURTHER AFFIANTS SAYETH NOT.

Ricky Gerald Masters II

Ricky Gerald Masters II
460 Howell Road, York, SC 29745

Angela Denise Masters

Angela Denise Masters
460 Howell Road, York, SC 29745

Sworn to and subscribed before me this 3rd day of June, 2025.

Katherine Rodriguez

Notary Public for South Carolina
My Commission Expires: Feb. 25, 2026



Katherine Rodriguez
Notary Public, State of South Carolina
My Commission Expires Feb. 25, 2026