

Office

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IISBC Bank USA, National Association, as  
Trustee for MLCC 2007-2,

Plaintiff,

v.

S Russell Fielden; Deborah M. Fielden;  
Coastal States Bank;

Defendant(s).

(011227-00448)

IN THE COURT OF COMMON PLEAS

DOCKET NO.

10-CP-07-2207  
10-UP-07-1402

LIS PENDENS  
Deficiency Judgment Demanded

2010 JUN 14 PM 1:59  
JERMI ANN ROSS  
BEAUFORT COUNTY, SC  
CLERK OF COURT

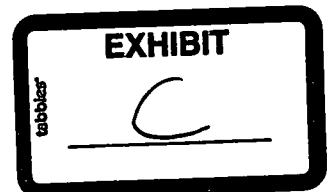
NOTICE IS HEREBY GIVEN THAT an action has been or will be commenced in this Court upon complaint of the above-named Plaintiff against the above-named Defendant(s) for the foreclosure of a certain mortgage of real estate given by S. Russell Fielden and Deborah M. Fielden to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Coastalstates Bank (MIN #1004553-0080600849-8) dated May 17, 2006, and recorded in the Office of the RMC/ROD for Beaufort County on May 19, 2006, in Mortgage Book 2376 at Page 1741.

The premises covered and affected by the said mortgage and by the foreclosure thereof were, at the time of the making thereof and at the time of the filing of this notice, described as follows:

ALL that certain piece, parcel or lot of land with improvements located in the City of Beaufort, Beaufort County, South Carolina, being shown and depicted as Lot 112. Plowmans Point, on that plat entitled, "Subdivision Plat Main Island Phase III Islands Of Beaufort", prepared for Beaufort Properties, L.L.C., prepared by Gasque & Associates, Inc., by David E. Gasque. R.L.S dated January 14, 2002 and recorded in Plat Book 87 at Page 128 with the Register of Deeds Office for Beaufort County.

Said property is subject to all Rights, Easements, Restrictions, Affirmative Obligations, Conditions, described in the Declaration of Master Covenants, Conditions And Restrictions for the Islands Of Beaufort Subdivision recorded in Book 1060 at Page 954, and Supplemental Declaration of Covenants And Restrictions Running with Phase III Of The Islands of Beaufort Subdivision recorded in Book 1255 at Page 859 with the Register of Deeds Office for Beaufort County.

This being the identical property conveyed to S. Russell Fielden and Deborah M. Fielden by deed of Michael L. Mapes and Jackie G. Clarkson dated May 11, 2006 and recorded May 19, 2006 in Deed Book 2376 at Page 1738.



Property Address: 241 De La Gaye Point  
Beaufort, SC 29902

TMS# R120-032-000-0372-0000

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Rogers Townsend & Thomas, PC  
ATTORNEYS FOR PLAINTIFF

Samuel C. Waters (SC Bar #5522) Cheryl H. Fisher (SC Bar #15213)  
Reginald P. Corley (SC Bar #69453) Jennifer W. Rubin (SC Bar #16727)  
Ellie C. Floyd (SC Bar # 68635) Michael P. Morris (SC Bar #73560)  
Eve Moredock Stacey (SC Bar # 5300) Mary R. Powers (SC Bar #16534)  
Robert P. Davis (SC Bar # 74030) William S. Koehler (SC Bar# 74935)  
Kevin T. Hardy (SC Bar #76015) ● Benjamin J. Powell (SC Bar #77205)  
John P. Fetter (SC Bar # 77460) Kelsey K. Brockbank (SC Bar # 77519)  
220 Executive Center Drive, Suite 109 Post Office Box 100200 (29202)  
Columbia, SC 29210 (803) 744-4444

Columbia, South Carolina  
June 11, 2010

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

HSBC Bank USA, National Association, as  
Trustee for MLCC 2007-2,

Plaintiff,

v.

S Russell Fielden; Deborah M. Fielden;  
Coastal States Bank;

Defendant(s).

(011227-00448)

IN THE COURT OF COMMON PLEAS

DOCKET NO.

10-007-2927

SUMMONS AND NOTICES  
(NON-JURY)  
FORECLOSURE OF REAL ESTATE  
MORTGAGE  
Deficiency Judgment Demanded

2010 JUN 14 PM 1:59  
JERRI ANN ROSEBAU  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT


TO THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to appear and defend by answering the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer on the subscribers at their offices, 220 Executive Center Drive, Suite 109, Post Office Box 100200, Columbia, South Carolina 29202, within thirty (30) days after the service hereof, exclusive of the day of such service, except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of the day of such service; and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL ALSO TAKE NOTICE that Plaintiff will move for an order of reference or that the Court may issue a general order of reference of this action to a master in equity/special referee, pursuant to Rule 53, of the South Carolina Rules of Civil Procedure.

TO MINOR(S) OVER FOURTEEN YEARS OF AGE, AND/OR TO MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDES, AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:

YOU ARE FURTHER SUMMONED AND NOTIFIED to apply for the appointment of a guardian ad litem 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 HSBC Bank USA, National Association, as Trustee for MLCC 2007-2.

  
Rogers Townsend & Thomas, P.C.  
ATTORNEYS FOR PLAINTIFF

Samuel C. Waters (SC Bar #5958) Cheryl H. Fisher (SC Bar #15213)  
Reginald P. Corley (SC Bar #69453) Jennifer W. Rubin (SC Bar #16727)  
Ellie C. Floyd (SC Bar # 68635) Michael P. Morris (SC Bar #73560)  
Eve Morcdock Stacey (SC Bar # 5300) Mary R. Powers (SC Bar #16334)  
Robert P. Davis (SC Bar # 74030) William S. Koehler (SC Bar# 74935)  
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IN THE COURT OF COMMON PLEAS

DOCKET NO.

10-CP-07-2927

COMPLAINT

(NON-JURY)

FORECLOSURE OF REAL ESTATE  
MORTGAGE  
Deficiency Judgment Demanded

2010 JUN 14 PM 1:59  
JERRI ANN ROSENEAU  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

Plaintiff alleges:

1. This is an action for the foreclosure of a mortgage upon certain real estate in Beaufort County, South Carolina.
2. Pursuant to S.C. Code Section 33-15-101, Plaintiff is a corporation or other legal entity doing business in the State of South Carolina.
3. Plaintiff is the owner and holder of the Note and Mortgage described hereafter and the subject of this action.
4. The Subject note and mortgage are not owned, securitized, or guaranteed by Fannie Mae or Freddie Mac; and, the current loan servicer is not currently participating in the Home Affordable Modification Program ("HMP").
5. Some lien on or interest in the real estate, the subject of this action, may be claimed by the Defendant(s) herein.
6. The Defendant(s) herein described as judgment creditors have by filing said judgments designated their attorney entering the judgment as their agent for service of process under the provisions of South Carolina Code Section 15-35-840.

7. Heretofore, on or about May 17, 2006, S. Russell Fielden and Deborah M. Fielden made, executed and delivered a certain Note ("Note") in the principal sum of \$468,000.00, payable in monthly installments.

8. In order to secure the payment of the Note according to the terms and conditions thereof, S. Russell Fielden and Deborah M. Fielden made, executed and delivered unto Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Coastalstates Bank (M/FN #1004553-0080600849-8) a certain real estate mortgage ("Mortgage") covering the following described property and any and all improvements to the property, including but not limited to a mobile/manufactured home:

ALL that certain piece, parcel or lot of land with improvements located in the City of Beaufort, Beaufort County, South Carolina, being shown and depicted as Lot 112, Plowmans Point, on that plat entitled, "Subdivision Plat Main Island Phase III Islands Of Beaufort", prepared for Beaufort Properties, L.L.C., prepared by Gasque & Associates, Inc., by David E. Gasque, R.L.S dated January 14, 2002 and recorded in Plat Book 87 at Page 128 with the Register of Deeds Office for Beaufort County.

Said property is subject to all Rights, Easements, Restrictions, Affirmative Obligations, Conditions, described in the Declaration of Master Covenants, Conditions And Restrictions for the Islands Of Beaufort Subdivision recorded in Book 1060 at Page 954, and Supplemental Declaration of Covenants And Restrictions Running with Phase III Of The Islands of Beaufort Subdivision recorded in Book 1255 at Page 859 with the Register of Deeds Office for Beaufort County.

This being the identical property conveyed to S. Russell Fielden and Deborah M. Fielden by deed of Michael L. Mapes and Jackie G. Clarkson dated May 11, 2006 and recorded May 19, 2006 in Deed Book 2376 at Page 1738.

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Beaufort, SC 29902

TMS# R120-032-000-0372-0000

9. The Mortgage was signed, witnessed and probated May 17, 2006; thereafter the Mortgage was recorded in the Office of the RMC/ROD for Beaufort County on May 19, 2006, in Mortgage Book 2376 at Page 1741.

10. The Mortgage evidences and secures the repayment of money advanced by Plaintiff or its predecessor in interest to, or on behalf of, the mortgagor(s) and constitutes a purchase money first lien on the mortgaged premises.

11. Any notice required by the terms of the Mortgage or by state or federal law has been given to the applicable Defendant(s) prior to the commencement of this action.

12. After all payments received by the Plaintiff have been credited to the subject loan, the loan is in default and due for January 1, 2010, and the conditions of the Note and Mortgage have been broken. Plaintiff elects to and does declare the entire balance of said indebtedness due and payable, and that there is due on the Note and Mortgage as of January 1, 2010, the principal sum of \$468,000.00, with interest from December 1, 2009, advances, late charges, and also for the costs and disbursements of this action, including attorney's fees.

13. Plaintiff's right to a personal or deficiency judgment pursuant to South Carolina Code Sections 29-3-650 and 29-3-660 is expressly demanded against S. Russell Fielden and Deborah M. Fielden.

14. Pursuant to the terms of the Mortgage, Plaintiff has employed counsel to prosecute this action and a reasonable value of services of counsel in this action is the sum as the Court may find appropriate.

15. Plaintiff may be forced to pay sums for taxes and insurance and costs for securing the property, which sums, according to the terms of the Mortgage, should be added to the amount of the debt.

16. Pursuant to the terms of the Mortgage and applicable state law, Plaintiff requests the mortgage be foreclosed and that the property be sold at public auction in accordance with law, subject to any liens for taxes, special assessments of record against such property, and existing easements or restrictions of record.

17. The hereinafter named Defendant(s) may have some interest in or lien upon the premises covered by the Mortgage set forth above, or some part thereof, but that such interests or liens are junior and subsequent to the lien of Plaintiff's Mortgage or, if specified below, have been paid in full and either should be satisfied of record or the lien released from the subject real estate. Said liens or interests are of record in the Office of the RMC or Clerk of Court of the aforesaid county and are described as follows:

A. CoastalStates Bank, by virtue of a mortgage given by S. Russell Fielden and Deborah M. Fielden in the amount of \$380,000.00, dated November 19, 2007, and recorded November 30, 2007 in Book 2656 at Page 1126.

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

(1) Under the direction of this Court, ascertain and determine the amount due upon the Note and Mortgage held by Plaintiff together with attorney's fees and costs of this action.

(2) Declare Plaintiff's Mortgage a purchase money first lien and render judgment of foreclosure for the amount so found to be due and owing thereon, together with any ad valorem taxes, or insurance premiums, and any other expenses which may be due and have been advanced by Plaintiff, with reasonable attorney's fees, and for the costs of this action.

(3) Order the reimbursement of all costs for inspecting and securing the property incurred by the Plaintiff as a result of the delinquency.

(4) Appoint a Receiver to collect the rents, issues, profits or designated sums from the mortgagor(s), and/or the grantee(s) of the mortgagor(s), and/or tenant(s) occupying or exercising control over the mortgaged premises and hold the same subject to the further order of this Court.

(5) Under the direction of this Court, sell the mortgaged premises, bar any equity of redemption, and apply the proceeds of sale as follows:

First, to the costs and expenses of the within action and sale;

Second, to the payment and discharge of the amount due on Plaintiff's Note and Mortgage, together with attorney's fees as aforesaid; and

Third, to the distribution of any surplus pursuant to Rule 71, of the South Carolina Rules of Civil Procedure;

(6) Issue an order directing the Sheriff of Beaufort County, South Carolina, to place the successful purchaser at said foreclosure sale in possession of the property should the same become necessary;

(7) Order such other and further relief as may be just and proper.

~~Rogers Townsend & Thomas, PC~~  
ATTORNEYS FOR PLAINTIFF

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Reginald P. Corley (SC Bar #69453) Jennifer W. Rubin (SC Bar #16727)  
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