

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	EIGHTH JUDICIAL CIRCUIT
COUNTY OF ABBEVILLE)	CIVIL ACTION NO. 2024-CP-01-00372
)	
Abbeville First Bank, SSB,)	
)	
Plaintiff,)	
)	
vs.)	ORDER ON SURPLUS
)	
Panthers AutoSource, LLC a/k/a Panther)	
AutoSource LLC, Tequila J. Baxter,)	
Donnie Baxter, Upper Savannah Council)	
of Governments and Dealer Financial)	
Holdings, LLC,)	
)	
Defendants.)	

This matter is before the Court pursuant to a mortgage foreclosure action that resulted in certain real estate being sold in Abbeville County, South Carolina. As a result of the sale of this property, surplus funds in the amount of \$12,867.37 remain on deposit with the Court, pursuant to Rule 71(c) of the South Carolina Rules of Civil Procedure.

By way of background, the sale of the property initially generated a surplus of \$10,344.78. A first Notice of Surplus was sent to all parties on or about June 26, 2025. A claim form was received from Upper Savannah Council of Governments (“USCOG”) through its attorney on or about July 15, 2025. The Court was notified by the Plaintiff that the sales proceeds received by it generated an additional overage of \$2,522.59. Therefore, an Amended Notice of Surplus for \$12,867.37 was sent to all parties on or about September 11, 2025. A claim form in response to the amended notice was received from Mr. Donnie Baxter on or about September 23, 2025. A hearing on the surplus funds was held on November 19, 2025. Charles M. Watson, Jr., Esq. appeared on behalf of his client, Upper Savannah Council of Governments, and Donnie Baxter appeared pro se.

Donnie Baxter argued in various pre-and post-hearing filings and at the hearing that his claim form is the only valid claim since he was the only party to respond to the amended notice of surplus. In support of this argument, Mr. Baxter cites Matrix Fin. Servs. Corp. v. Frazer, 394 SC 134, 714 Se2d 532 (2011). However, Frazer is a case dealing with equitable subrogation of mortgages and not the handling of surplus funds. Mr. Baxter contends that USCOG had a duty to file a second claim form after the amended claim notice was sent. The only difference in the two claim notices is that the amount of the surplus increased. USCOG's claim was for an amount of \$42,165.32, an amount well in excess of the amounts set forth in both claim notices. The Court finds USCOG's claim was timely filed for the full amount of the surplus.

After hearing the parties and review of their claim forms, the Court finds that the surplus funds should be paid to Upper Savannah Council of Governments in the amount of \$12,867.37.

Now, therefore, it is ORDERED, ADJUDGED AND DECREED that \$12,867.37 be paid to Upper Savannah Council of Governments following thirty-five (35) days after the filing of this order; and,

IT IS SO ORDERED.

Roy R. Hemphill
Master In Equity for Abbeville County

December 3, 2025
Greenwood, South Carolina



Abbeville Common Pleas

Case Caption: Abbeville First Bank, Ssb VS Panthers Autosource Llc , defendant, et al
Case Number: 2024CP0100372
Type: Master/Order Surplus Funds

So Ordered

s/ Roy R. Hemphill (3086)