

STATE OF SOUTH CAROLINA  
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS

**RECEIVED**

NO.: 2011-CP-29-35

DEC 02 2013

H&R Block Bank,

Plaintiff,

**SC Court of Appeals**

vs.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey,  
WKFC Living Trust Under Trust Agreement  
Dated June 4, 2010 by and through its Trustee  
Wellesley K. Clayton and American Home  
Mortgage Servicing, Inc. s/b/m to Option One  
Mortgage Corporation,

Defendant(s).

SUMMONS AND NOTICES

(Non-Jury)

FORECLOSURE  
OF REAL ESTATE  
MORTGAGE

CLERK OF COURT  
LANCASTER COUNTY  
SOUTH CAROLINA

2011 JAN 14 AM 10:41

FILED  
OFFICE OF 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, a copy of which is hereby served upon you, and to serve a copy of your Answer on the subscribers at their offices, 3800 Fernandina Road, Suite 110, Columbia, SC 29210, 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.

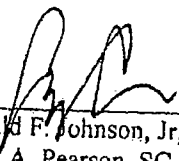
TO MINOR(S) OVER FOURTEEN YEARS OF AGE, AND/OR TO MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDES, AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:

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 Attorney for Plaintiff.

YOU WILL ALSO TAKE NOTICE that Plaintiff will move for an Order of Reference or 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.

YOU WILL ALSO TAKE NOTICE that under the provisions of South Carolina Code 29-3-100, effective June 16, 1993, any collateral assignment of rents contained in the attached mortgage is perfected and Attorney for Plaintiff hereby gives notice that all rents shall be payable directly to it by delivery to its

undersigned attorneys from the date of default. In the alternative, Plaintiff will move before a judge of this Circuit on the 10<sup>th</sup> day after service hereof, or as soon thereafter as counsel may be heard, for an Order enforcing the assignment of rents, if any, and compelling payment of all rents covered by such assignment directly to the Plaintiff, which motion is to be based upon the original note and mortgage and the Complaint attached hereto.



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Ronald F. Johnson, Jr, SC Bar #16931  
Mark A. Pearson, SC Bar #15926  
Brian L. Campbell, SC Bar #74521  
Suzanne E. Brown, SC Bar #76440  
Jason L. Branham, SC Bar #72902  
Adam J. Russo, SC Bar #78676  
Brock & Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
Phone 888-726-9953 Fax 866-676-7658  
Attorneys for Plaintiff

Dated: 1 / 17 / 11  
Wilmington, North Carolina

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H&R Block Bank,

Plaintiff,

**SC Court of Appeals**

**COMPLAINT**

(Non-Jury)

vs.

**FORECLOSURE  
OF REAL ESTATE  
MORTGAGE**

(Deficiency Judgment Demanded as to Defendant  
Ziraili M. Elbey (a/k/a Ziraili Mohassan El Bey))

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey,  
WKFC Living Trust Under Trust Agreement Dated  
June 4, 2010 by and through its Trustee Wellesley  
K. Clayton and American Home Mortgage  
Servicing, Inc. s/b/m to Option One Mortgage  
Corporation,

Defendant(s).

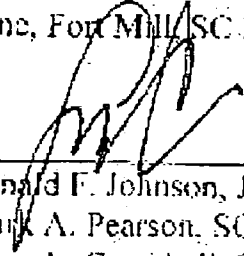
The Plaintiff above named, complaining of the Defendant(s) herein alleges that:

1. Plaintiff, H&R Block Bank, is a business entity duly authorized to conduct business in the State of South Carolina.
2. Upon information and belief, the Defendant Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey is a resident and citizen of the County of Lancaster, State of South Carolina; Defendant WKFC Living Trust Under Trust Agreement Dated June 4, 2010 by and through its Trustee Wellesley K. Clayton is a trust organized under the laws of the State of South Carolina which owns real property in the State of South Carolina; and, Defendant American Home Mortgage Servicing, Inc. s/b/m to Option One Mortgage Corporation is a business entity and is duly authorized to conduct business in the State of South Carolina.
3. The real property hereinafter described, that is the subject of this action, is situated and located in the County of Lancaster, State of South Carolina, and this Court has proper jurisdiction over the subject matter and the parties of this action.
4. Heretofore, on March 29, 2006, Ziraili M. Elbey (a/k/a Ziraili Mohassan El Bey) (hereinafter "Borrower(s)") made, executed, and delivered to Option One Mortgage Corporation (hereinafter "Lender") a certain Fixed Rate Note in writing (hereinafter "Note"), wherein and whereby Ziraili

This being the identical property conveyed to Ziraili M. Elbey by deed from The Ryland Group, Inc. dated March 29, 2006 and recorded April 7, 2006 in Book 329 at Page 170. Subsequently, said property was conveyed to KMJ Trust, dated December 15, 2006 (Trustees: Ziraili Mohassan El Bey and Mark Antonio Findletter Clayton) by Deed of Ziraili M. Elbey dated January 19, 2007 and recorded January 29, 2007 in Book 378 at Page 7. Thereafter, the property was conveyed to WKFC Living Trust Under the Provisions of a Trust Agreement Dated June 4, 2010 (Trustee: Wellesley K. Clayton) by deed of Ziraili Mohassan El Bey and Mark Antonio Findletter Clayton as Trustees of The KMJ Trust, dated December 15, 2006 dated June 11, 2010 and recorded June 22, 2010 in Book 569 at Page 85.

*TMS No. 0006M-0A-261.00*

*Property Address: 13132 Wilburn Park Lane, Fort Mill, SC 29715*



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Brock & Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
Phone 888-726-9953 Fax 866-676-7658  
Attorneys for Plaintiff

Dated: 1 / 13 / 11

Wilmington, North Carolina

COUNTY OF LANCASTER

C/A NO.: 11-Lp-29-17

H&R Block Bank,

Plaintiff,

vs.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey,  
WKFC Living Trust Under Trust Agreement  
Dated June 4, 2010 by and through its Trustee  
Wellesley K. Clayton and American Home  
Mortgage Servicing, Inc. s/b/m to Option One  
Mortgage Corporation,

Defendant(s).

LIS PENDENS

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SC Court of Appeals

RECEIVED  
CLERK OF COURT  
12/10/13

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 Ziraili M. Elbey (a/k/a Ziraili Mohassan El Bey) to Option One Mortgage Corporation dated March 29, 2006 and recorded on April 7, 2006 in Book 1486 at Page 1, in the Lancaster County Registry, hereinafter Mortgage. Thereafter the Mortgage and its accompanying Promissory Note were transferred to the Plaintiff herein by assignment and/or corporate merger.

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, more particularly described in the said Mortgage and are more commonly described as:

All that certain piece, parcel or lot of land located in Lancaster County, South Carolina, and being designated as Lot 261 on that certain Plat of Clairemont, Phase 2, Map 5, prepared by Yarbrough, Williams & Houle, Inc. dated January 18, 2005, and recorded January 28, 2005, as Plat Doc #2005 at Page 0047 in the Office of the Clerk of Court for Lancaster County, South Carolina.

Also being shown as Lot 261 of Clairemont on a Plat of Ziraili Elbey prepared by Hucks and Associates, PC, dated March 3, 2006, and recorded in Plat Doc 2006 at Page 198.

COUNTY OF LANCASTER

C/A NO.: \_\_\_\_\_

H&R Block Bank,  
Plaintiff,

vs.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey,  
WKFC Living Trust Under Trust Agreement Dated  
June 4, 2010 by and through its Trustee Wellesley  
K. Clayton and American Home Mortgage  
Servicing, Inc. s/b/m to Option One Mortgage  
Corporation,

Defendant(s).

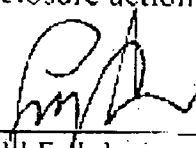
**CERTIFICATE OF  
EXEMPTION/WITHDRAWAL FROM  
ARBITRATION AND MEDIATION**

(Deficiency Judgment Demanded as to Defendant  
Ziraili M. Elbey (a/k/a Ziraili Mohassan El Bey))

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION AND  
MEDIATION BECAUSE:

- This is a special proceeding or action seeking extraordinary relief such as mandamus, habeas, corpus or prohibition;
- This action is appellate in nature;
- This is a post-conviction relief matter;
- This is a contempt of court proceeding;
- This is forfeiture proceeding brought by the State; or,
- This is a mortgage or HOA lien foreclosure action.

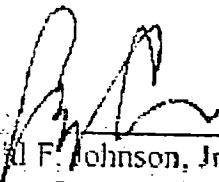
Date: January 13, 2011

  
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 Columbia, SC 29210  
 Phone 888-726-9953 Fax 866-676-7658  
 Attorneys for Plaintiff

Dated: 1/13/11  
Wilmington, North Carolina

NOTE: Motion must be presented to the court, a hearing held, and a finding made, for exemption or withdrawal from arbitration for "strong and compelling reason" sought pursuant to Rule 1(d), Rules of Circuit Court Arbitration.

undersigned attorneys from the date of default. In the alternative, Plaintiff will move before a judge of this Circuit on the 10<sup>th</sup> day after service hereof, or as soon thereafter as counsel may be heard, for an Order enforcing the assignment of rents, if any, and compelling payment of all rents covered by such assignment directly to the Plaintiff, which motion is to be based upon the original note and mortgage and the Complaint attached hereto.

  
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Dated: 1 / 13 / 11

Wilmington, North Carolina