RECEIVED
May 05 2026
SC Court of Appeals

ELECTRONICALLY FILED - 2026 Apr 24 10:44 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3201094

FORM 4

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON IN THE COMMON PLEAS COURT	JUDGMENT IN A CIVIL CASE CASE NO. 2024-CP-32-01094
The Bank of New York Mellon, f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, N.A. as Trustee for NovaStar Mortgage Funding Trust, Series 2004-1, NovaStar Home Equity Loan Asset-Backed Certificates, Series 2004-1 PLAINTIFF(S)	Timothy Allen Nunally, as Personal Representative for the Estate of Carl Alvin Nunally, Sr., deceased; Timothy Allen Nunally, as Trustee for the CAN Irrevocable Trust; Carl Alvin Nunally, Jr.; Mark Anthony Nunally; Timothy Allen Nunally DEFENDANT(S)
Submitted by: Brock & Scott, PLLC Westpark Center 3800 Fernandina Road, Suite 110 Columbia, SC 29210	**Attorney for :** ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT**. This action came to trial or hearing before the court.
The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a),
SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

ELECTRONICALLY FILED - 2026 Apr 24 10:44 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3201094

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		N/A

If applicable, describe the property, including tax map information and address, referenced in the order:
All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being in the County of Lexington, State of South Carolina, the same being shown and designated as Lot No. 283, Block W, on a plat of Murraywood II by Heaner Engineering Co., dated October 27, 1972, revised July 1, 1975, and recorded in the Office of the ROD for Lexington County in Plat Book 139-G at Page 23. Also being shown on a plat prepared for Dane C. Frost and Terri L. Frost by Belter & Associates, Inc., dated June 14, 1993, and recorded in Plat Book 262 at Page 70. Reference being made to said latter plat which is incorporated herein for a more complete and accurate description; all measurements being a little more or less.

This being the same property conveyed to Carl A. Nunally and Frankie L. Nunally by deed of Dane C. Frost and Terri L. Frost dated August 8, 1994, and recorded March 12, 1999, in Book 5145 at Page 97 in the Office of the Register of Deeds for Lexington County, South Carolina. Thereafter, Frankie L. Nunally passed away on January 14, 2019, leaving the subject property to her heirs Carl Alvin Nunally, Sr., Carl Alvin Nunally, Jr., Mark Anthony Nunally, and Timothy Allen Nunally, as is more fully preserved in Probate File No. 2019-ES-32-01345 in said Records. Subsequently, Carl A. Nunally passed away on September 4, 2021, leaving the subject property to his devisees, Timothy Allen Nunally, as Trustee of the CAN Irrevocable Trust, as is more fully preserved in Probate File No. 2022-ES-32-01253. See also the Deed of Distribution dated May 30, 2023, and recorded September 6, 2023, in Book 21073 at Page 1408 and re-recorded September 27, 2023, in Book 21075 at Page 5539 in said Records.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

This judgment was entered on the ___ day of _____, 2026 and a copy mailed first class or placed in the appropriate attorney's box on this ___ day of _____, 2026 to attorneys of record
or
to parties (when appearing pro se) as follows:

Brock & Scott, PLLC
Westpark Center
3800 Fernandina Road, Suite 110
Columbia, SC 29210

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

ELECTRONICALLY FILED - 2026 Apr 24 10:44 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3201094

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Lexington Common Pleas

Case Caption: The Bank Of New York Mellon, F/K/A The Bank Of New York As , plaintiff, et al VS Timothy Allen Nunally Prs , defendant, et al

Case Number: 2024CP3201094

Type: Master/Order/Other

AND IT IS SO ORDERED.

S/JUDGE JAMES O. SPENCE-3068

ELECTRONICALLY FILED - 2026 Apr 24 10:44 AM - LEXINGTON - COMMON PLEAS - CASE#2024CP3201094