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APR - 2 2014

Richard A. Hines
CLERK OF COURT

ENTERED

STATE OF SOUTH CAROLINA)
 COUNTY OF ANDERSON) IN THE COURT OF COMMON PLEAS

CORRIE ANN MARTIN,

C/A NO.: 2014-CP-04-00463

Plaintiff,

vs.

**ORDER DENYING MOTION TO
 VACATE WRIT OF ASSISTANCE AND
 ORDER OF DISMISSAL**

GREEN TREE SERVICING, LLC AND)
 JOHN SKIPPER, AS SHERIFF OF)
 ANDERSON COUNTY,)

Defendants.)

FILED
 CLERK OF COURT
 ANDERSON COUNTY
 APR 2 2014

This matter came before me on March 25, 2014, pursuant to Plaintiff Corrie A. Martin's Motion to Vacate a Writ of Assistance filed in civil action number 2010-CP-04-03548. Present were Clifford F. Gaddy, Jr., representing Plaintiff, Corrie Ann Martin, the Plaintiff, Sara C. Hutchins, representing Defendant Green Tree Servicing, LLC, and Michael D. Owens, representing Defendant John Skipper, as Sheriff of Anderson County. After review of the file and arguments of counsel, Plaintiff's Motion is denied and the within action is dismissed with prejudice. The Court makes the following findings of fact and conclusions of law:

1. That on October 4, 2010, Green Tree Servicing LLC (hereinafter referred to as "Green Tree") commenced a foreclosure action bearing civil action number 2010-CP-04-03548, seeking foreclosure of that certain mortgage given by Corrie A. Martin unto Green Tree dated March 18, 1997, covering real property and a mobile home more commonly known as 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148

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(1997 mobile home serial no. 056276A&B) in Anderson County. Said mortgage was filed March 18, 1997, in Book 2574, at Page 189, in the Office of the Register of Deeds for Anderson County, South Carolina.

2. Pursuant to a Master in Equity's Order of Foreclosure and Sale in civil action 2010-CP-04-03548, and following a March 1, 2011 sale, a Master in Equity's Deed by Foreclosure was recorded in the Office of the Register of Deeds for Anderson County On April 20, 2011 in Book 10000 at Page 107, conveying the real property and mobile home located at 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148 (1997 mobile home serial no. 056276A&B) unto Green Tree Servicing, LLC.

3. The Court issued its initial Writ of Assistance putting Green Tree in possession of the premises on June 2, 2011.

4. Plaintiff filed a Motion for Relief from Default on January 6, 2012 which this Court denied on January 23, 2012. Plaintiff subsequently appealed the denial of the Motion for Relief from Default which the South Carolina Court of Appeals dismissed on November 20, 2013.

5. Plaintiff thereafter brought an independent action in civil action number 2012-CP-04-1576 asserting related claims regarding the foreclosure. The South Carolina Court of Appeals denied Plaintiff's petition to pursue this related matter the South Carolina Supreme Court denied certiorari. Case 2012-CP-04-1576 was thereafter dismissed with prejudice.

6. Plaintiff Corrie A. Martin filed the present action alleging violations of the Home Affordable Modification Program, the Fair Debt Collection Practices Act, and conversion; all related to the underlying mortgage loan and foreclosure.



7. That all of Plaintiff's allegations are regarding the mortgage loan that was the subject of the 2010-CP-04-03548 foreclosure action referenced in paragraph 1 above.

8. That all of Plaintiff's allegations are compulsory counterclaims that were not raised in civil action 2010-CP-04-03548 or 2012-CP-04-1576, and are therefore barred by the doctrines of res judicata and collateral estoppel.

Accordingly,

IT IS ORDERED that based on the above Findings of Fact and Conclusions of Law, the Plaintiff Corrie A. Martin's Motion to Vacate Writ of Assistance is denied.

IT IS FURTHER ORDERED that this Court will issue a final Writ of Assistance in civil action 2010-CP-04-03548, under the terms of which Corrie A. Martin has twenty (20) days from service of the Writ of Assistance on Clifford F. Gaddy, Jr., as counsel for Corrie A. Martin, to vacate the subject property.

IT IS FURTHER ORDERED that Corrie A. Martin may make no further applications for injunction of stay of the aforementioned Writ of Assistance; nor may Corrie A. Martin file any further actions related to the underlying mortgage or foreclosure..

IT IS FURTHER ORDERED that the above captioned action is hereby dismissed and forever ended with prejudice.

AND IT IS SO ORDERED.

Ellis B. Drew, Jr.
Anderson County Master in Equity

Anderson, South Carolina

March 31, 2014