

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Gordon G. Cooper, Master in Equity Judge

Case No.: 2013-002811

Bayview Loan Servicing, LLC,

Respondent,

v.

Scott A. Schledwitz, Roxanne J. Schledwitz a/k/a Roxanne Johnson Schledwitz,
Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Tylor, Bean
& Whitaker Mortgage Corp., The United States of America, by and through its
agency, the Internal Revenue Service, and the South Carolina Department of
Revenue,

Defendants,

of whom Schott A. Schledwitz is the

Appellant.

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR
RECONSIDERATION

RILEY POPE & LANEY, LLC

Damon C. Wlodarczyk, Esquire
Riley, Pope & Laney, LLC
2838 Devine Street
Post Office Box 11412 (29211)
Columbia, South Carolina 29205
Telephone: (803)799-9993
Facsimile: (803) 239-1414

Attorneys for Respondent

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JUN 27 2014

SC Court of Appeals

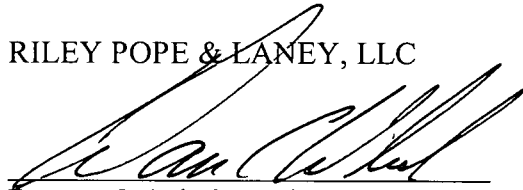
By letter from this Court dated June 16, 2014, counsel for the Respondent was instructed to file an original return to Appellant's Motion for Reconsideration to specifically address proof that the property was sold to a third party bidder on January 6, 2014.

Attached hereto as Exhibit 1 is e-mail correspondence from the Spartanburg County Master in Equity's office informing us that the property was sold to Grace Unlimited International for \$130,000.00. Although the e-mail is dated February 5, 2014 and indicates the sale was "today", initially a deficiency judgment was demanded against the borrowers. The original sale date was January 6, 2014 and, as a deficiency judgment was being demanded, a second round of bidding was scheduled to take place thirty (30) days later on February 6, 2014. Plaintiff waived its right to a deficiency judgment on or about January 16, 2014 (see Exhibit 2) and, therefore, the bidding was closed leaving Grace Unlimited International as the high bidder.

The undersigned's office has conferred with counsel for Grace Unlimited International which indicates that it is the successful bidder, that the initial required deposit has been made, that no motion or order setting aside the sale has been made or issued. The undersigned has been further informed that the remaining bid amount cannot be tendered by the purchaser until a remittitur is issued for title reasons and, accordingly, no Master's Deed has been issued at this time.

Signature Block Appears on Following Page

RILEY POPE & LANNEY, LLC



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Facsimile: (803) 239-1414

Attorneys for Respondent

Columbia, South Carolina

June 25, 2014

Tara Ingram

From: Katherine M. Cameron
Sent: Wednesday, February 05, 2014 2:09 PM
To: Tara Ingram
Subject: FW: Bayview Loan v. Scott Schlewitz/12-0899

Katherine Cameron

Paralegal
Riley Pope & Laney, LLC
Attorneys and Counselors at Law
2838 Devine Street
Columbia, SC 29205
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From: Gibson, Jennifer [<mailto:jhgibson@spartanburgcounty.org>]
Sent: Wednesday, February 05, 2014 12:02 PM
To: Katherine M. Cameron
Subject: Bayview Loan v. Scott Schlewitz/12-0899

Grace Unlimited International was the winning bidder at the sale today with a bid of \$130,000.00.

Jennifer H. Gibson
Accounting Technician
Office of the Master-in-Equity
180 Magnolia Street
P.O. Box 5666 (29304)
Spartanburg, SC 29306
(864) 596-2349 Direct Dial
(864) 596-2078 Fax



STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Bayview Loan Servicing, LLC,

Plaintiff,

vs.

Scott A. Schledwitz, Roxanne J. Schledwitz
aka Roxanne Johnson Schledwitz, Mortgage
Electronic Registration Systems, Inc.
(MERS) as nominee for Taylor, Bean &
Whitaker Mortgage Corp., The United States
of America, by and through its agency, the
Internal Revenue Service, and The South
Carolina Department of Revenue,

Defendant(s).

(File No. 4028.02911)

IN THE COURT OF COMMON PLEAS

C/A NO.: 2012-CP-42-0899

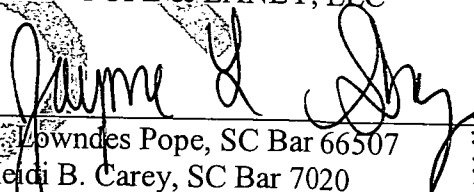
WAIVER OF DEFICIENCY

(Non-Jury)

Foreclosure of Real Estate Mortgage

Pursuant to Rule 71, SCRCP, the Plaintiff hereby waives its right to a Deficiency
Judgment in the above captioned matter.

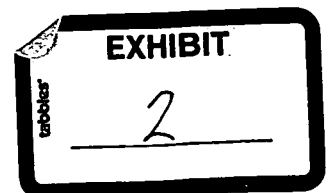
RIDEY POPE & LANEY, LLC


T. Lowndes Pope, SC Bar 66507
Heidi B. Carey, SC Bar 7020
Nikole D. Haltiwanger, SC Bar 70491
Damon C. Wlodarczyk, SC Bar 70460
- Jayme L. Shy, SC Bar 81551
2838 Devine Street
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Columbia, South Carolina 29205
(803) 799-9993
Attorneys for Plaintiff

CLERK OF COURT
SPARTANBURG COUNTY

FILED
2014 JAN 22 AM 10:41

January 16, 2014



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Gordon G. Cooper, Master in Equity Judge

Case No.: 2013-002811

Bayview Loan Servicing, LLC,

Respondent,

v.

Scott A. Schledwitz, Roxanne J. Schledwitz a/k/a Roxanne Johnson Schledwitz,
Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Tylor, Bean
& Whitaker Mortgage Corp., The United States of America, by and through its
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Defendants,

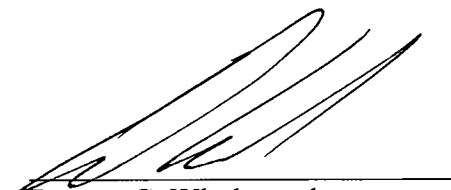
of whom Schott A. Schledwitz is the

Appellant.

CERTIFICATE OF SERVICE

I do hereby certify that I served the Respondent's Return to Appellant's Motion
for Reconsideration upon the parties below herein by depositing a copy of same, this date,
in the U.S. Mail, first class postage prepaid, and addressed as follows:

Scott Allen Schledwitz
13118 Sunkiss Loop
Windermere, FL 34786



Damon C. Wlodarczyk

Columbia, SC
June 25, 2014

RILEY POPE & LANEY, LLC
ATTORNEYS AND COUNSELORS AT LAW

2838 DEVINE STREET
POST OFFICE BOX 11412 (29211)
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE
(803) 799-9993

FACSIMILE
(803) 239-1414

June 25, 2014

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Bayview Loan Servicing, LLC, Respondent,
vs.

Scott A. Schledwitz, Roxanne J. Schledwitz aka Roxanne Johnson Schledwitz, Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Taylor, Bean & Whitaker Mortgage Corp., The United States of America, by and through its agency, the Internal Revenue Service, and The South Carolina Department of Revenue, Defendants

Of whom

Scott A. Schledwitz is the Appellant

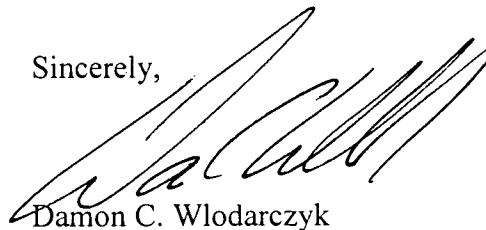
Appeal No.: 2013-002811

Our File No. 4028.02911

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Respondent's Return to Appellant's Motion for Reconsideration and proof of service. Please file the enclosed documents and return the clocked copy to me in the self-addressed, postage paid envelope I have included for your convenience.

Sincerely,



Damon C. Wlodarczyk

DCW/
Enclosures

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JUN 27 2014

SC Court of Appeals

RILEY POPE & LANEY, LLC

ATTORNEYS AND COUNSELORS AT LAW

Post Office Box 11412

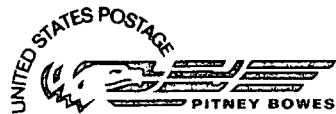
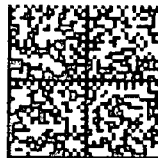
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SC Court of Appeals

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
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Columbia, SC 29211



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JUN 25 2014

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