

Case# 2014-001079
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STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-10-4463

SC Court of Appeals

Springleaf Financial Services of South Carolina, Inc. PLAINTIFF(S)	Richard Singleton, Sr. DEFENDANT(S)
Submitted by: Brush & Lanning 12-A Carriage Lane Charleston, South Carolina 29407 (843) 766-5576	Attorney for : <input checked="" type="checkbox"/> Plaintiff or <input type="checkbox"/> Self-Represented Litigant

FILED
 2012 DEC 27 PM 2:26
 JULIE J. ARMSTRONG
 CLERK OF COURT

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- 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 : Foreclosure Action

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.		
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: 2172 Edward D. Singleton Drive, Charleston, SC 29412; TMS # 330-10-00-042		

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.

Circuit Court Judge

Judge Code

Date

3062

12/18/12

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

Area (person) to the clerk and (judge) on the judgment date should be stated in judgment date of _____ from and it shall be the date of judgment of the clerk. The above to be paid to the clerk in the book and TOTAL DEBIT to complete the amount of the judgment of the clerk from the date of judgment of the clerk.

[Handwritten signature]

10000	Estimated Fee
10000	Interest from date of entry
10000	Post-judgment interest
10000	Attorney's Fee
10000	Cost of Court
10000	Cost of Collection Post Hearing
10000	to December 4, 2012
10000	Interest from January 26, 2012
10000	Principal Due

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2012-CP-10-4463

Springleaf Financial Services of South)
Carolina Inc. f/k/a American General)
Financial Services, Inc., as assignee of)
Decision One Mortgage Company, LLC,)

Plaintiff,

-versus-

Richard Singleton, Sr., deceased, Bernice)
L. Harper, Richardine Singleton-Brown)
individually and as Personal)
Representative of the Estate of Richard)
Singleton Sr., Richard M. Singleton Jr.,)
Marcella T. Singleton, Kelvin Singleton,)
Sharrie Singleton Abrams a/k/a Sharrie)
Singleton, Household Finance)
Corporation II, LVNV Funding LLC,)
South Carolina Department of Revenue)
and Midland Funding LLC,)

Defendants.

(006214)

FILED
2012 DEC 27 PM 12:25
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

**MASTER IN EQUITY
ORDER AND JUDGMENT
OF FORECLOSURE AND SALE
(NO DEFICIENCY
REQUESTED)**

NOTICE: The original of this document was filed in the Office of the Clerk of Court for Charleston County on , , and copies were forwarded to the following on the same date:

TO: Thomas H. Brush
J. Chris Lanning
Milton G. Kimpson
Wylie W. Clarkson
Philip A. Middleton
Richardine Singleton-Brown

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, and upon the stipulation and agreement of all parties hereto not in default, the above-entitled matter was referred to the undersigned to make appropriate Findings of Fact and Conclusions of Law with authority to enter a final judgment in the case.

Pursuant to the said Order of Reference a hearing was held, attended by the attorney of record, the testimony was taken, which is reported herewith, and from the testimony and evidence, I find and conclude as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on July 9, 2012.
2. The Summons and Complaint were filed on July 9, 2012.
3. Service was made upon the Defendant, Bernice L. Harper, on July 16, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed October 2, 2012; the Defendant, Richardine Singleton-Brown, on July 12, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed September 19, 2012; the Defendant, Richard M. Singleton, Jr., on July 12, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed September 19, 2012; the Defendant, Marcella Singleton, on July 22, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed September 19, 2012; the Defendant, Kelvin Singleton, on July 10, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed September 19, 2012; the Defendant, Sharrie Singleton, on August 18, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed September 19, 2012; the Defendant, Household Finance Corporation II, on July 10, 2012 as evidenced by the Affidavit of Personal Service filed July 16, 2012; the Defendant, LVNV Funding

LLC, on July 10, 2012 as evidenced by the Affidavit of Personal Service filed July 16, 2012; the Defendant, South Carolina Department of Revenue, on July 18, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed July 20, 2012; the Defendant, Midland Funding LLC, on July 31, 2012 as evidenced by the Acceptance of Service and Consent to Order of Reference filed August 6, 2012. The Defendant, Bernice L. Harper, filed an answer dated August 3, 2012; the Defendant, Richardine Singleton-Brown, filed an answer dated August 11, 2012; the Defendant, Richard M. Singleton, Jr., filed an answer dated August 11, 2012; the Defendant, Marcella Singleton, filed an answer dated August 11, 2012; the Defendant, Kelvin Singleton, filed an answer dated August 11, 2012; the Defendant, Sharrie Singleton, filed an answer dated August 11, 2012; the Defendant, South Carolina Department of Revenue, filed an answer dated July 18, 2012; the Defendant, Midland Funding LLC, filed an answer dated August 31, 2012.

4. The Defendants, Household Finance Corporation II and LVNV Funding LLC, are in default as shown by the Affidavit of Default filed October 4, 2012.

5. According to the Affidavit of Default filed October 4, 2012, no Defendant in default is in the military service of the United States of America, as contemplated under the Soldiers' & Sailors' Civil Relief Act of 1940, and any Amendments thereto.

6. For value received, Richard Singleton, Sr., made, executed and delivered a Note dated December 20, 2001, promising thereby to pay to the order of Springleaf Financial Services of South Carolina Inc. f/k/a American General Financial Services, Inc., as assignee of Decision One Mortgage Company, LLC, the sum of One Hundred Sixty-One Thousand and 00/100 (\$161,000.00) Dollars, plus interest at a rate of 7.30% percent per annum. Other terms and conditions are stated in the Note, which is of record herein.

7. To better secure the payment of the Note described above, the Defendants, Richard Singleton, Sr. and Bernice L. Harper, made, executed and delivered to Springleaf Financial Services of South Carolina Inc. f/k/a American General Financial Services, Inc., as assignee of Decision One Mortgage Company, LLC, a mortgage in writing, dated December 20, 2001, covering real property in Charleston County, which is the same as that described in the Complaint. The Mortgage was filed on January 17, 2002, and is of record in the Office of the Register of Mesne Conveyances for Charleston County in Mortgage Book G-394, at Page 470, an Assignment to American General Financial Services, Inc., dated January 2, 2002 and recorded March 12, 2002 in Book Y-399, at Page 432.

8. This Mortgage constitutes a First lien on the subject property.

9. That all persons having an interest or lien or possible claim in or upon the above-described premises as of the date and filing of the Lis Pendens have been made Defendants herein by virtue of the following:

A. Richardine Singleton-Brown individually and as Personal Representative of the Estate of Richard Singleton Sr., Richard M. Singleton Jr., Marcella T. Singleton, Kelvin Singleton, Sharrie Singleton Abrams a/k/a Sharrie Singleton by virtue of being the devisees under the Last Will and Testament of Richard Singleton Sr., on file in the Probate Court for Charleston County in 2011-ES-10-430.

B. Household Finance Corporation II by virtue of assignee of the mortgage from Richard Singleton and Bernice L. Harper to Transland Financial Services Inc. in the amount of \$56,000.00 recorded in Book G307, page 426 on July 21, 1998. The Plaintiff is informed and believes that the loan is paid in full and should be marked satisfied in the public records:

C. LVNV Funding LLC by virtue of its Judgment against Richard Singleton dated July 9, 2008 in the amount of \$1,957.76, said lien is junior and subordinate.

D. South Carolina Department of Revenue by virtue of its lien recorded October 22, 2010 in the amount of \$4,292.22 against the Defendant, Richardine Brown Singleton, said lien is junior and subordinate to the lien of the Plaintiff.

E. Midland Funding LLC by virtue of its Judgment dated January 24, 2011 in the amount of \$5,230.98, said lien is junior and subordinate to the lien of the Plaintiff.

10. Payment due on the Note has not been made as provided for therein and the Plaintiff, as the holder thereof, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of its attorney for collection.

11. The sum of Six Thousand and 00/100 (\$6,000.00) Dollars is a reasonable fee to allow as attorney's fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of the Note and Mortgage.

12. The amount due and owing on the Note, with interest, at the rate provided in the Note, and other costs and expenses of collection, including an attorney's fee, secured by the Note and

Mortgage, is as follows:

(a)	Principal Due	\$ 143,882.87
(b)	Interest from January 26, 2012 to December 4, 2012	8,983.10
(c)	Cost of Collection Prior to Hearing	
	- Clerk of Court	200.00
	- Title Search	335.50
	- Service	650.00
	- Administrative	150.00
	- Late Charges	180.00
	- Master in Equity	125.00
(d)	Attorney's Fee	4,000.00
(e)	Estimated Publication	450.00
	Interest from hearing to date of sale	1,722.00
	Estimated Bid Fee	55.00

TOTAL DEBT SECURED BY NOTE AND MORTGAGE
INCLUDING INTEREST TO DATE SHOWN

162,733.47

Interest for the period from the date shown in (b) above through the date of this Judgment at the above stated rate to be added to the above stated "TOTAL DEBT" to comprise the amount of the Judgment debt entered herein and interest after the date of Judgment at the rate of 7.30% percent per annum (pursuant to the terms of the Note and Mortgage) on the Judgment debt should be added to such Judgment debt to comprise the amount of Plaintiff's debt secured by the Mortgage through the date to which such interest is computed.

13. The Plaintiff is seeking the usual foreclosure of the Mortgage and has in the Complaint, or by amendment thereto, or by Motion at the Reference, expressly waived the right to a deficiency judgment.


CONCLUSIONS OF LAW

I, THEREFORE CONCLUDE AS FOLLOWS:

1. The Plaintiff should have judgment of foreclosure of the Mortgage.
2. The mortgaged property should be ordered sold at Public Auction after due advertisement. The sale shall be made subject to taxes and assessments that are due on the date of sale.
3. The proceeds arising from such sale should be applied, first, to the costs and disbursements of this action, and next, to the payment and discharge of the amount of Plaintiff's debt and interest, or so much thereof as the proceeds will pay, and any surplus should be held pending further order of this Court.

NOW, ON MOTION OF PLAINTIFF'S ATTORNEY,

IT IS SO ORDERED, ADJUDGED AND DECREED:

1. That there is due to the Plaintiff on the obligation and Mortgage set forth in the Complaint the sum of One Hundred Sixty-~~Two~~ Thousand, Seven Hundred Thirty-Three and 47/100 (\$167,733.47) Dollars representing the total debt due Plaintiff as set out in Paragraph Twelve, supra, together with interest at the rate provided in said obligation on the balance of principal from the date aforesaid to the date hereof. 

2. The amount due in the preceding Paragraph (the "Total Debt" as set forth in Paragraph Twelve, supra, and later accrued interest on the principal) shall constitute the total Judgment debt due the Plaintiff and shall bear interest hereafter at the rate of 7.30% percent per annum.

3. That the Defendant(s) liable for the aforesaid Mortgage debt shall, on or before the

date of sale of the property hereinafter described, pay to the Plaintiff, or Plaintiff's attorney, the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

4. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the undersigned Master in Equity at Public Auction, at the Charleston County Courthouse, County and State aforesaid, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday, then and in such event, the sales day shall be on Tuesday next succeeding such holiday), on the following terms, that is to say:

a. FOR CASH: The undersigned Master will require a deposit of five (5%) percent on the amount of the bid (in cash or equivalent), same to be applied on the purchase price only upon compliance with the bid, but in the case of non-compliance, within thirty (30) days, same to be forfeited and applied to the costs and Plaintiff's debt, without further notice.

b. Interest on the balance of the bid shall be paid to the day of compliance at the rate of interest of 7.30% percent.

c. The sale shall be subject to taxes and assessments, existing easements, and easements and restrictions of record.

d. Purchaser to pay for the preparation of the Deed, documentary stamps and costs of recording the Deed.

5. If Plaintiff be the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff in full, Plaintiff may pay to the undersigned Master in Equity only the amount of the costs and expenses crediting the balance of the bid on Plaintiff's indebtedness.

6. No personal or deficiency judgment being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately.

7. That the undersigned Master in Equity will, by advertisement according to law, give notice of the time, date and place of sale and the terms thereof; which Notice of Sale is incorporated herein by reference, and will execute to the purchaser, or purchasers, a Deed to the premises sold. The Plaintiff, or any other party to this action, may become purchaser at such sale, and that if, upon such sale being made, the Purchaser, or Purchasers, should fail to comply with the terms thereof within thirty (30) days after date of sale, then the undersigned Master may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured. In the event the Plaintiff is the successful bidder, at its option, or the option of its assignee, the Deed may be taken subject to payment by Grantee of any taxes or assessments constituting a lien against the property sold under this Order and hereinafter more fully described.

8. That the undersigned Master apply the proceeds of the sale as follows:

FIRST: To the payment of the amount of the costs and expenses of this action, including any Guardian ad Litem fee or fees of attorney's appointed under order of Court;

NEXT: To the payment of the Plaintiff or Plaintiff's attorney, of the amount of Plaintiff's debt and interest or so much thereof as the purchase money will pay on the same;

NEXT: Any surplus will be held pending further order of the Court.

9. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the successful bidder is other than the Defendant in possession herein, the Sheriff of Charleston County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold,

together with all personal property located thereon, and put the successful bidder or its assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession.

10. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each Defendant named herein and all persons whosoever claiming under him, them or it, be forever barred and foreclosed of all right, title, interest, and equity of redemption in the said mortgaged premises so sold, or any part thereof.

11. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Deed of Conveyance made pursuant to said sale shall contain the names of only the first-named Plaintiff and the first-named Defendant, and the Defendant who was the titleholder of the mortgaged property at the time of the filing of the notice of pendency of the within action, and the name of the grantee, and the Register of Mesne Conveyances is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said Deed.

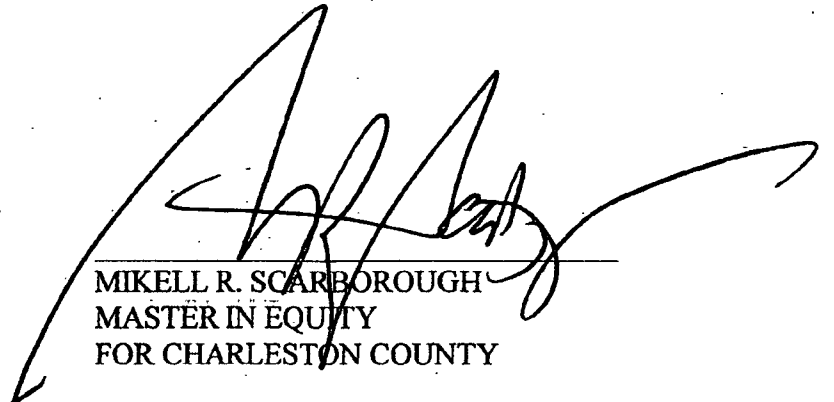
12. The following is a description of the premises herein ordered to be sold:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being on James Island, Charleston County, South Carolina, known and designated as Lot 8 on a plat entitled "Subdivision for Toby T. Singleton of TMS 330-10-00-22 and 23 into Lots 5 through 11 and Residual, James Island, Charleston County, S.C." by R. T. Dubis, PE & LS, which plat is dated December 2, 1980 and recorded in the ROD Office for Charleston County, South Carolina in Plat Book AS at page 50. Said plat is incorporated herein by reference.

This being the same property conveyed to Richard Singleton by Deed of Toby T. Singleton dated September 27, 1983 and recorded October 10, 1983 in the ROD Office for Charleston County in Book 0133 at page 303, and a Deed from Roger M. Young, as Master in Equity for Charleston County dated February 1, 1996 and recorded February 9, 1996 in Book D265 at page 14 in said ROD Office. Thereafter, the said Richard Singleton conveyed a one-half interest in subject property to Bernice L. Harper by Deed dated September 12, 1996, and recorded September 13, 1996, in Book D274 at Page 195 in the ROD Office for Charleston County, South Carolina.

TMS #330-10-00-042

Property Address - 2172 Edward D. Singleton Drive, Charleston, South Carolina 29412



MIKELL R. SCARBOROUGH
MASTER IN EQUITY
FOR CHARLESTON COUNTY

12/18, 2012
Charleston, South Carolina