

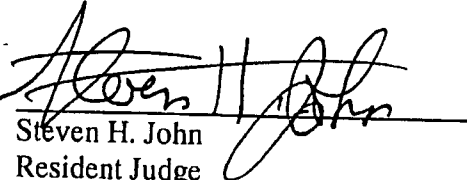


3. The Court finds that Phyllis Hufton, individually, was not a party to the Foreclosure Action. As a result, in the Foreclosure Action, the Special Master lacked personal jurisdiction over Phyllis Hufton, individually, *see, e.g. Roche v. Young*, 456 S.E.2d 897, 899, 318 S.C. 207, 209 (1995)(compliance with Rule 4 confers personal jurisdiction on the court), and subject matter jurisdiction over the Deeded Interest.

4. In light of the findings above, the Court finds that the Deeded Interest was not affected by the Foreclosure Action and that Phyllis Hufton, individually, remains the owner of the Deeded Interest. *See, e.g. Walker v. Williams*, 46 S.E.2d 249, 250, 212 S.C. 32, 37 (1948)(“It is a fundamental principle that a party cannot be affected by a proceeding in court to which he was not a party ... he is in no sense bound by that judgment.”)

At the June 24, 2014 hearing, the parties notified the Court of several outstanding issues on which the Court makes no ruling or order at present; chiefly, the Plaintiff’s claim for partition, and Flagstar’s claimed right to foreclose a mortgage or to establish and foreclose an equitable lien. On the latter two questions, enforceability of a mortgage or of an equitable lien, the Court finds that these issues have been raised by the Plaintiff’s existing filings and that no further filing is necessary to bring these matters to a hearing. The Court continues the motion on these issues. It is therefore

ORDERED that the Plaintiff’s Motion for Summary Judgment on the question of whether Phyllis Hufton’s Deeded Interest survived the Foreclosure Action is granted.

  
Steven H. John  
Resident Judge  
Fifteenth Judicial Circuit

July 14, 2014  
Conway, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS  
) FIFTEENTH JUDICIAL CIRCUIT

Phyllis Hufton,

) Case No.: 2013-CP-26-02861  
)

Plaintiff,

) **ORDER DENYING DEFENDANT'S MOTION**  
) **TO ALTER OR AMEND PARTIAL SUMMARY**  
) **JUDGMENT AND FINDINGS**  
)

v.

Flagstar Bank, FSB, and John Doe,

)

Defendant.

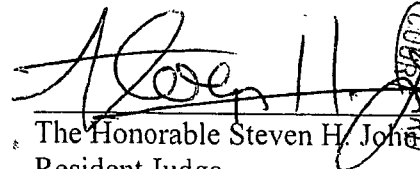
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This matter came before the Court on Defendant's Motion to Alter or Amend Partial Summary Judgment and Findings regarding the Court's Order on Plaintiff's Motion for Summary Judgment. The Court has considered Defendant's Motion, the written response of the Plaintiff, both filed with the Horry County Clerk of Court, and all other matters in the Clerk of Court's file. The Court finds that oral arguments would not assist it in this matter and that any additional arguments would be redundant and unnecessary. It is therefore

ORDERED that Defendant Flagstar Bank, FSB's Motion to Alter or Amend Partial Summary Judgment and Findings is denied.

  
The Honorable Steven H. Johnson  
Resident Judge  
Fifteenth Judicial Circuit

MELANIE HUGGINS  
CLERK OF COURT  
2014 SEP 19 AM 8:09  
HORRY COUNTY  
FILED

September 16, 2014  
Conway, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
Phyllis Hufton, )  
Plaintiff, )  
vs. )  
Flagstar Bank, FSB, and John Doe, )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

Case No. 2013-CP-26-2861

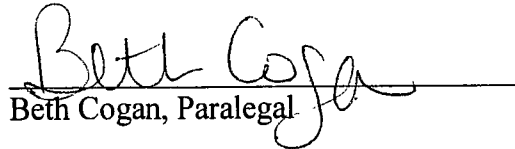
**CERTIFICATE OF SERVICE**

I, Beth Cogan, a paralegal with Ballard & Watson, Attorneys at Law, do hereby certify that on September 23, 2014, I served a copy of the **Notice of Appeal** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

**The Honorable Melanie Huggins-Ward  
Horry County Clerk of Court  
Post Office Box 677  
Conway, South Carolina 29528**

**David Traywick, Esquire  
Post Office Box 564  
Isle of Palms, South Carolina 29451**

**Benjamin Traywick, Esquire  
Post Office Box 564  
Isle of Palms, South Carolina 29451**

  
Beth Cogan, Paralegal

September 23, 2014  
West Columbia, South Carolina