

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SCBT, N. A.,

Plaintiff,

v.

Sand Dollar 31, LLC; Rhonda Meisner;

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO. 11-CP-40-6317

AFFIDAVIT OF ATTORNEY'S FEES
Deficiency Judgment Demanded

(016555-00040)

PERSONALLY appeared before me, the undersigned, who being duly sworn, deposes and says:

I am one of the attorneys for Plaintiff in the above-captioned action.

Background of Representation and Nature, Extent and Difficulty of the Representation

Plaintiff engaged my law firm, Rogers Townsend & Thomas, PC, to foreclose the mortgage that is the subject of this action. Plaintiff instructed our firm to handle this action as expeditiously as possible. Moving foreclosure cases along quickly is important to our clients because almost always our client's equity position deteriorates with time as the borrower fails to pay interest on his or her loan. Furthermore, in foreclosure cases, our clients face the increased risk that borrowers will not preserve the value of their homes as well as those borrowers who are not in default. Finally, there is a risk that they will allow their insurance to lapse or will not be able to pay their real property taxes.

Foreclosure cases typically involve multiple defendants, defendants with competing interests, and, frequently, third-party bidders. Unlike many other cases involving litigation, they require a title abstract to be performed. Foreclosure cases are governed by state statutes, specific rules of civil procedure, and an ever-growing body of common law. They also involve consumer rights protected by both federal and state statutes and case law. Frequently, homeowners will file petitions in the United States Bankruptcy Court to forestall the loss of their homes. Foreclosure cases usually involve pro se litigants who often contact our firm by telephone or in person (at the office or in court just before the hearing) to learn about the process, to learn how to reach our client directly, to try to bring their loan current, to pay off their loan, or to have their loan modified. At the time we accept a case, we do not know the full extent of the challenges we will run into and have to deal with for the fees we have agreed to handle the case for.

When RTT assumed the representation of Plaintiff in this foreclosure action, we assumed a number of risks. Those risks include the possibility that any of the parties involved (the plaintiff, the court, our own staff, a third-party bidder, or some other third party) could make an error at any stage of the process. Errors made in the process of a foreclosure case can be expensive to remediate, largely because of the value of real property, but also because our client's instruction that we complete cases as expeditiously as possible requires us to presume that, for the most part, the legal process will run smoothly and without unnecessary errors or delays. We also incurred the risk that the borrower might try to mislead us about a loss mitigation resolution or that he or she might file a bankruptcy petition just before a critical event in the case.

I am informed and believe that Plaintiff selected RTT to handle this foreclosure because we have a large staff of attorneys and other skilled non-attorney professionals who are highly trained in a legal system that enables RTT to comply with Plaintiff's instructions. RTT also has expensive computer systems, and RTT creates and maintains data about our clients and the court system in the state that enable us to move cases quickly, to comply with the law, and to deal with borrowers. RTT also has sufficient capital to allow it to advance the litigation expenses required for cases to move quickly and efficiently. RTT has a proven track record with Plaintiff for accomplishing its work expeditiously and inexpensively.

We received this file and entered data about this case into our system to enable the rest of the foreclosure process to run smoothly. We then updated that data as we learned more about the case. We examined the title to identify all parties having or claiming any interest in the subject real estate. Ultimately, my fellow counsel, our staff, and I have been responsible for the preparation of the following pleadings and other documents in this case:

1. Lis Pendens and any amendment thereto
2. Summons and Complaint and any amendment thereto
3. Affidavits and proposed Orders for publication
4. Answer to Counterclaim
5. Certificate of Non-Military Service
6. Consent(s) to Order of Reference
7. Order of Reference
8. Notice(s) of Hearing
9. Record of Hearing
10. Proposed Judgment of Foreclosure and Sale
11. Notice of Sale

Additionally, we have been responsible for preparing and serving the pleadings upon each defendant personally or by statutory/substitute service; obtaining reinstatement and payoff figures and payment histories (if requested or required); and scheduling and attending the hearing in this matter.

Our responsibilities after today include sending copies of the notice of the entry of judgment to appearing defendants, obtaining bidding instructions from Plaintiff or its designee, representing Plaintiff at the sale or arranging for such representation, preparing an Order of Sale or Report on Sale and Disbursements and Order Confirming Sale, and preparing the Foreclosure Deed and any other documents necessary in this particular action.

Plaintiff has advanced \$3,321.00 in Attorney Fees for this case to my law firm, and this amount appears in the section of the debt entitled, "Advances."

I am informed and believe that all litigation expenses were reasonably and necessarily incurred.

Time Necessarily Devoted to the Case

To date, we have spent 16 hours and incurred \$3,321.00 in attorney fees on this foreclosure case. After today, however, I estimate that, in addition to the time and effort we have expended to date in prosecuting this action, our firm will spend a minimum of four more hours working on the case. Moreover, depending upon the interest shown by defendants, third parties, or counsel for either and the inherent negotiations required thereby, other time may also be committed to the completion of the case. In that regard, I reserve the right to re-visit the question of attorney's fees should the action proceed in an unexpected way.

Professional Standing of Counsel

I have been the attorney primarily involved in this representation. However, other attorneys at RTT who primarily work on foreclosure cases in South Carolina are Samuel C. Waters, Cheryl H. Fisher, Reginald P. Corley, Jennifer W. Rubin, Ellie C. Floyd, Michael P. Morris, Eve M. Stacey, Mary R. Powers, Robert P. Davis, and William S. Koehler and collectively they have more than 100 years of experience in foreclosure and lender representation. Some or all of the lawyers previously named have worked on this case. We occasionally call on other lawyers in the firm to help us out.

I concentrate my practice in the areas of commercial foreclosure, banking and finance and commercial real estate. I was formerly State Counsel for five years for a national title insurance underwriter. I am an adjunct professor at the USC School of Law teaching Real Estate Transactions II and a frequent author and presenter for continuing legal education programs sponsored by the South Carolina Bar, Palmetto Land Title Association, American Land Title Association and private organizations. I was awarded the Gold Compleat Lawyer Award in 2009 and maintain an "AV® Preeminent" rating by Martindale-Hubbell, the highest possible rating in both legal ability and ethical standards. I have practiced law since 1992 with an emphasis on real estate transactions and litigation, lender representation and creditors' rights.

Furthermore, this fee is in line with the fee customarily awarded to counsel with similar experience in this particular locality. Also, the Plaintiff's attorneys have achieved the beneficial result of a prompt foreclosure of the mortgage. In addition, we have available to us other attorneys in the firm who handle non-routine or contested litigation matters more than we do. Finally, we are able to provide more cost-effective legal services because we use a staff or highly trained and efficient non-attorney professionals, all of whom are supervised by some or all of the attorneys listed above

Contingency of Compensation

We work on an hourly fee basis for our commercial foreclosure clients.

In any event, in almost all of our cases our clients do not pay us until long after it has referred the case to us. Because of the long delay between the work we perform and when we are paid, we run the risk that our client will go into insolvency proceedings or transfer a loan to another entity during the foreclosure proceeding and never pay us. Our experience has confirmed the reality of such risk of non-payment.

Beneficial Results Obtained

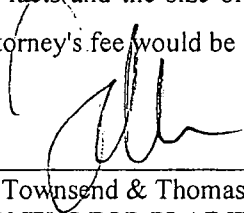
I have submitted this affidavit because I believe the Court will enter a judgment of foreclosure and sale consistent with the relief we requested in the pleadings. Therefore, if the court is considering this affidavit, it is only because my law firm has obtained a beneficial result for my client.

Customary Legal Fees for Similar Services

Under the foregoing recitals, I have found that courts generally award attorney's fees of \$4,500.00 or more for similar residential foreclosure cases in South Carolina. The fee I am requesting in this case is in line with those awards. This sum is contemplated in language contained in the mortgage previously offered into evidence in this action.

Conclusion

In view of all of the foregoing facts, and the size of the mortgage debt involved in this case, in my professional opinion a reasonable attorney's fee would be \$6,000.00 plus expenses.



Rogers Townsend & Thomas, PC
ATTORNEYS FOR PLAINTIFF
Teri K. Stomski
220 Executive Center Drive
Columbia, SC 29210
Post Office Box 100200 (29202)
(803) 771-7900

Sworn to before me this 24th day of April, 2012.
Karen R. Clark
Notary Public for South Carolina
My Commission Expires: 11-5-19

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SCBT, N. A.,

Plaintiff,

v.

Sand Dollar 31, LLC; Rhonda Meisner;

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO. 11-CP-40-6317

SCHEDULE OF ADVANCES
Deficiency Judgment Demanded

(016555-00040)

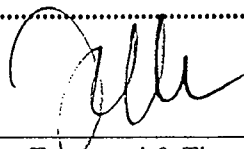
The following advances have been made by the Plaintiff on behalf of the Defendant(s)/Mortgagor(s):

Appraisal Fees	\$ _____
Property Inspection/BPO	\$ _____
Property Maintenance	\$ _____
Attorney Fees from Previous Foreclosure and/or Bankruptcy	\$ _____
Costs and Expenses from Previous Foreclosure and/or Bankruptcy	\$ _____
Paid Attorney Fees for Current Foreclosure.....	\$3321.00
Paid Costs and Expenses for Current Foreclosure.....	
Filing fees (Lis Pendens, Complaint etc)	\$150.00
Service.....	\$270.00
Master's Deposit	\$125.00
Motion Fee	\$25.00
Abstract	\$412.80
Hazard Insurance.....	\$ _____
Real Estate Taxes	\$1,681.42
Mobile Home Taxes	\$ _____
Private Mortgage Ins. Premium	\$ _____

Other Advances.....\$ _____

Misc. Suspense Balance.....\$ _____

TOTAL**\$5985.22**



Rogers Townsend & Thomas, PC
ATTORNEYS FOR PLAINTIFF
Teri K. Stomski
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Post Office Box 100200 (29202)
(803) 771-7900

Columbia, South Carolina
April 12, 2012

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SCBT, N. A.,

Plaintiff,

v.

Sand Dollar 31, LLC; Rhonda Meisner;

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO. 11-CP-40-6318

AFFIDAVIT OF ATTORNEY'S FEES
Deficiency Judgment Demanded

(016555-00039)

PERSONALLY appeared before me, the undersigned, who being duly sworn, deposes and says:

I am one of the attorneys for Plaintiff in the above-captioned action.

Background of Representation and Nature, Extent and Difficulty of the Representation

Plaintiff engaged my law firm, Rogers Townsend & Thomas, PC, to foreclose the mortgage that is the subject of this action. Plaintiff instructed our firm to handle this action as expeditiously as possible. Moving foreclosure cases along quickly is important to our clients because almost always our client's equity position deteriorates with time as the borrower fails to pay interest on his or her loan. Furthermore, in foreclosure cases, our clients face the increased risk that borrowers will not preserve the value of their homes as well as those borrowers who are not in default. Finally, there is a risk that they will allow their insurance to lapse or will not be able to pay their real property taxes.

Foreclosure cases typically involve multiple defendants, defendants with competing interests, and, frequently, third-party bidders. Unlike many other cases involving litigation, they require a title abstract to be performed. Foreclosure cases are governed by state statutes, specific rules of civil procedure, and an ever-growing body of common law. They also involve consumer rights protected by both federal and state statutes and case law. Frequently, homeowners will file petitions in the United States Bankruptcy Court to forestall the loss of their homes. Foreclosure cases usually involve pro se litigants who often contact our firm by telephone or in person (at the office or in court just before the hearing) to learn about the process, to learn how to reach our client directly, to try to bring their loan current, to pay off their loan, or to have their loan modified. At the time we accept a case, we do not know the full extent of the challenges we will run into and have to deal with for the fees we have agreed to handle the case for.

When RTT assumed the representation of Plaintiff in this foreclosure action, we assumed a number of risks. Those risks include the possibility that any of the parties involved (the plaintiff, the court, our own staff, a third-party bidder, or some other third party) could make an error at any stage of the process. Errors made in the process of a foreclosure case can be expensive to remediate, largely because of the value of real property, but also because our client's instruction that we complete cases as expeditiously as possible requires us to presume that, for the most part, the legal process will run smoothly and without unnecessary errors or delays. We also incurred the risk that the borrower might try to mislead us about a loss mitigation resolution or that he or she might file a bankruptcy petition just before a critical event in the case.

I am informed and believe that Plaintiff selected RTT to handle this foreclosure because we have a large staff of attorneys and other skilled non-attorney professionals who are highly trained in a legal system that enables RTT to comply with Plaintiff's instructions. RTT also has expensive computer systems, and RTT creates and maintains data about our clients and the court system in the state that enable us to move cases quickly, to comply with the law, and to deal with borrowers. RTT also has sufficient capital to allow it to advance the litigation expenses required for cases to move quickly and efficiently. RTT has a proven track record with Plaintiff for accomplishing its work expeditiously and inexpensively.

We received this file and entered data about this case into our system to enable the rest of the foreclosure process to run smoothly. We then updated that data as we learned more about the case. We examined the title to identify all parties having or claiming any interest in the subject real estate. Ultimately, my fellow counsel, our staff, and I have been responsible for the preparation of the following pleadings and other documents in this case:

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Additionally, we have been responsible for preparing and serving the pleadings upon each defendant personally or by statutory/substitute service; obtaining reinstatement and payoff figures and payment histories (if requested or required); and scheduling and attending the hearing in this matter.

Our responsibilities after today include sending copies of the notice of the entry of judgment to appearing defendants, obtaining bidding instructions from Plaintiff or its designee, representing Plaintiff at the sale or arranging for such representation, preparing an Order of Sale or Report on Sale and Disbursements and Order Confirming Sale, and preparing the Foreclosure Deed and any other documents necessary in this particular action.

Plaintiff has advanced \$4,924.00 in Attorney Fees for this case to my law firm, and this amount appears in the section of the debt entitled, "Advances."

I am informed and believe that all litigation expenses were reasonably and necessarily incurred.

Time Necessarily Devoted to the Case

To date, we have spent 21.90 hours and incurred \$4924.00 in attorney fees on this foreclosure case. After today, however, I estimate that, in addition to the time and effort we have expended to date in prosecuting this action, our firm will spend a minimum of eight more hours working on the case. Moreover, depending upon the interest shown by defendants, third parties, or counsel for either and the inherent negotiations required thereby, other time may also be committed to the completion of the case. In that regard, I reserve the right to re-visit the question of attorney's fees should the action proceed in an unexpected way.

Professional Standing of Counsel

I have been the attorney primarily involved in this representation. However, other attorneys at RTT who primarily work on foreclosure cases in South Carolina are Samuel C. Waters, Cheryl H. Fisher, Reginald P. Corley, Jennifer W. Rubin, Ellie C. Floyd, Michael P. Morris, Eve M. Stacey, Mary R. Powers, Robert P. Davis, and William S. Koehler and collectively they have more than 100 years of experience in foreclosure and lender representation. Some or all of the lawyers previously named have worked on this case. We occasionally call on other lawyers in the firm to help us out.

I concentrate my practice in the areas of commercial foreclosure, banking and finance and commercial real estate. I was formerly State Counsel for five years for a national title insurance underwriter. I am an adjunct professor at the USC School of Law teaching Real Estate Transactions II and a frequent author and presenter for continuing legal education programs sponsored by the South Carolina Bar, Palmetto Land Title Association, American Land Title Association and private organizations. I was awarded the Gold Compleat Lawyer Award in 2009 and maintain an "AV® Preeminent" rating by Martindale-Hubbell, the highest possible rating in both legal ability and ethical standards. I have practiced law since 1992 with an emphasis on real estate transactions and litigation, lender representation and creditors' rights.

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Beneficial Results Obtained

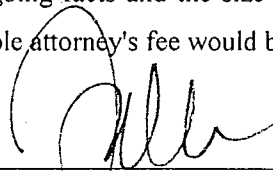
I have submitted this affidavit because I believe the Court will enter a judgment of foreclosure and sale consistent with the relief we requested in the pleadings. Therefore, if the court is considering this affidavit, it is only because my law firm has obtained a beneficial result for my client.

Customary Legal Fees for Similar Services

Under the foregoing recitals, I have found that courts generally award attorney's fees of \$4,500.00 or more for similar residential foreclosure cases in South Carolina. The fee I am requesting in this case is in line with those awards. This sum is contemplated in language contained in the mortgage previously offered into evidence in this action.

Conclusion

In view of all of the foregoing facts and the size of the mortgage debt involved in this case, in my professional opinion a reasonable attorney's fee would be \$8,000.00 plus expenses.



Rogers Townsend & Thomas, PC
ATTORNEYS FOR PLAINTIFF

Teri K. Stomski
220 Executive Center Drive
Columbia, SC 29210

Post Office Box 100200 (29202)
(803) 771-7900

Sworn to before me this 24th day of April, 2012.

Kathleen R. Clark
Notary Public for South Carolina
My Commission Expires: 11-5-19

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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Plaintiff,

v.

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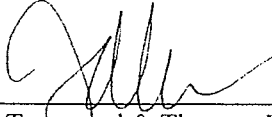
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Costs and Expenses from Previous Foreclosure and/or Bankruptcy	\$ _____
Paid Attorney Fees for Current Foreclosure	\$4924.00
Paid Costs and Expenses for Current Foreclosure	
Filing fees (Lis Pendens, Complaint ets)	\$150.00
Service	\$270.00
Master's Deposit	\$125.00
Motion Fee	\$25.00
Title Abstract	\$769.60
Hazard Insurance	\$ _____
Real Estate Taxes	\$ _____
Mobile Home Taxes	\$ _____
Private Mortgage Ins. Premium	\$ _____

Other Advances.....\$ _____

Misc. Suspense Balance.....\$ _____

TOTAL\$6,263.60



Rogers Townsend & Thomas, PC
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Columbia, South Carolina
April 12, 2012