

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

Founders Federal Credit Union,

Civil Action No. 2014-CP-12-00134

Plaintiff,

vs.

Kay S. Cassells Hoag,

**ORDER DENYING DEFENDANT'S
MOTION TO REQUIRE
FORECLOSURE INTERVENTION
AND VACATE DEFAULT**

Defendant.

THIS MATTER CAME BEFORE THE COURT for a hearing on September 8, 2014, on Defendant Kay S. Cassells Hoag's ("Defendant Hoag") *Motion to Require Foreclosure Intervention and Vacate Default* filed on or about July 28, 2014 (the "Motion"). Defendant Hoag appeared at the hearing and was represented by J. Edwin McDonnell, Esq. Plaintiff was represented by Suzanne Taylor Graham Grigg, Esq. and objected to the Motion. Based on the pleadings filed in the case, the arguments made at the hearing and the testimony presented, the Court denies the Motion on the following grounds.

Plaintiff filed the *Verified Complaint* (the "Complaint") seeking foreclosure on March 3, 2014, which is designated by Case No. 2014-CP-12-00134 (the "Current Foreclosure Action"). Prior to filing the Current Foreclosure Action, Plaintiff complied with certain regulations promulgated by the Consumer Financial Protection Bureau (the "CFPB") which required Plaintiff to engage in the foreclosure intervention process in an effort to prevent Defendant Hoag from losing her personal residence.

Additionally, in an earlier foreclosure action filed on May 3, 2013, which was designated by Case No. 2013-CP-12-00198 (the "Earlier Foreclosure Action")¹, Plaintiff engaged in the foreclosure intervention process pursuant to Administrative Order 2011-05-02 issued by the

¹ The Earlier Foreclosure Action was dismissed due to Defendant Hoag filing for bankruptcy relief under the United States Bankruptcy Code 11 U.S.C. §§ 101, et seq.

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Supreme Court of South Carolina. Defendant Hoag submitted certain documents to Plaintiff in order to be considered for foreclosure intervention. Plaintiff issued a denial to Defendant Hoag due to various factors. Based on Plaintiff's offering of foreclosure intervention to Defendant Hoag in compliance with the CFPB regulations and through the Earlier Foreclosure Action, the Court denies the Motion.

Accordingly, IT IS SO ORDERED, ADJUDGED AND DECREED that Defendant Hoag's Motion is denied;

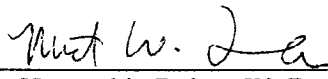
It is further ORDERED, ADJUDGED AND DECREED that Plaintiff's prior engagement in the foreclosure intervention process is sufficient to comply with Administrative Order 2011-05-02;

And it is further ORDERED, ADJUDGED AND DECREED that Defendant Hoag is in default by failing to respond to the Complaint in the Current Foreclosure Action;

AND IT IS SO ORDERED.

Sept. 30, 2014

Chester, South Carolina


The Honorable Robert W. Davis
Special Referee
~~405 E. Arch Street~~ 118 E. Hilltop St.
~~P.O. Box 1149~~ P.O. Box 356
Lancaster, SC 29721-1149 Kershaw, SC 29067