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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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DEC 23 2014

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Master in Equity

Ellis B. Drew, Jr., Master in Equity, Charleston County

Case No.: 2014-CP-04-00463

Corrie Ann Martin Respondent

v.

Green Tree Servicing, LLC Appellant.

MOTION TO DISMISS BY RESPONDENT

B. LINDSAY CRAWFORD, III
THEODORE VON KELLER
SARA C. HUTCHINS
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEYS FOR RESPONDENT

The Respondent, Green Tree Servicing, LLC,(Hereinafter referred to as “Green Tree”), pursuant to Rules 208 and 231, SCACR, moves the Court for an order dismissing the appeal filed by the appellant. In support of the motion, the respondent shows the following to the court::

1. That on October 4, 2010, Green Tree Servicing LLC (hereinafter referred to as “Green Tree”) commenced a foreclosure action bearing civil action number 2010-CP-04-03548, seeking foreclosure of that certain mortgage given by Corrie A. Martin unto Green Tree dated March 18, 1997, covering real property and a mobile home more commonly known as 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148 (1997 mobile home serial no. 056276A&B) in Anderson County. Said mortgage was filed March 18, 1997, in Book 2574, at Page 189, in the Office of the Register of Deeds for Anderson County, South Carolina.

2. Pursuant to a Master in Equity’s Order of Foreclosure and Sale in civil action 2010-CP-04-03548, and following a March 1, 2011 sale, a Master in Equity’s Deed by Foreclosure was recorded in the Office of the Register of Deeds for Anderson County On April 20, 2011 in Book 10000 at Page 107, conveying the real property and mobile home located at 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148 (1997 mobile home serial no. 056276A&B) unto Green Tree Servicing, LLC.

3. The Court issued its initial Writ of Assistance putting Green Tree in possession of the premises on June 2, 2011.

4. Plaintiff filed a Motion for Relief from Judgment pursuant to Rule 60(b) on January 6, 2012 which this Court denied on January 23, 2012. Plaintiff subsequently appealed the denial of the Motion for Relief from Default which the South Carolina Court of Appeals dismissed

on November 20, 2013.

5. Plaintiff thereafter brought an independent action in civil action number 2012-CP-04-1576 asserting related claims regarding the foreclosure. The South Carolina Court of Appeals denied Plaintiff's petition to pursue this related matter the South Carolina Supreme Court denied certiorari. Case 2012-CP-04-1576 was thereafter dismissed with prejudice.

6. Plaintiff Corrie A. Martin a second independent action bearing civil action number 2014-CP04-00463 alleging violations of the Home Affordable Modification Program, the Fair Debt Collection Practices Act, and conversion; all related to the underlying mortgage loan and foreclosure referenced in the paragraphs above.

7. That all of Plaintiff's allegations are regarding the mortgage loan that was the subject of the 2010-CP-04-03548 foreclosure action referenced in paragraph 1 above.

8. That all of Plaintiff's allegations are compulsory counterclaims that were not raised in civil action 2010-CP-04-03548 or 2012-CP-04-1576, and are therefore barred by the doctrines of res judicata and collateral estoppel.

9. That by Order Denying Motion to Vacate Writ of Assistance and Order of Dismissal dated March 31, 2014 and recorded April 2, 2014, civil action number 2014-CP-04-00463 was dismissed with prejudice.

10. That the time for filing an initial brief in this matter was extend until November 13, 2014, but order filed October 22, 2014. To date, no initial brief has been filed.

11. That this appeal should be dismissed pursuant to Rule 208, SCACR for the failure to file an initial brief.

12.. In light of the above, all issues raised in Appellant's appeal are barred by the doctrines of res judicata and collateral estoppel.

WHEREFORE, Respondent moves for dismissal of the appeal based on the doctrines of res judicata and collateral estoppel.

~~CRAWFORD & VON KELLER, LLC~~

BY: _____

B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for Respondent

Columbia, South Carolina

December 19, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

CORRIE ANN MARTIN,)

Plaintiff,)

vs.)

GREEN TREE SERVICING, LLC AND)
JOHN SKIPPER, AS SHERIFF OF)
ANDERSON COUNTY,)

Defendants.)

IN THE COURT OF COMMON PLEAS)

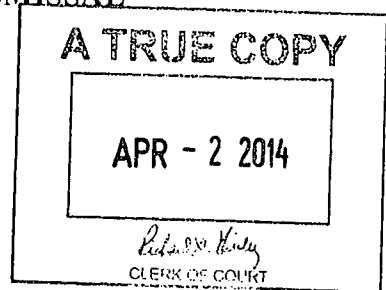
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DEC 23 2014

C/A NO.: 2014-CP-04-00)

Court of Appeals

ORDER DENYING MOTION TO
VACATE WRIT OF ASSISTANCE AND
ORDER OF DISMISSAL



This matter came before me on March 25, 2014, pursuant to Plaintiff Corrie A. Martin's Motion to Vacate a Writ of Assistance filed in civil action number 2010-CP-04-03548. Present were Clifford F. Gaddy, Jr., representing Plaintiff, Corrie Ann Martin, the Plaintiff, Sara C. Hutchins, representing Defendant Green Tree Servicing, LLC, and Michael D. Owens, representing Defendant John Skipper, as Sheriff of Anderson County. After review of the file and arguments of counsel, Plaintiff's Motion is denied and the within action is dismissed with prejudice. The Court makes the following findings of fact and conclusions of law:

1. That on October 4, 2010, Green Tree Servicing LLC (hereinafter referred to as "Green Tree") commenced a foreclosure action bearing civil action number 2010-CP-04-03548, seeking foreclosure of that certain mortgage given by Corrie A. Martin unto Green Tree dated March 18, 1997, covering real property and a mobile home more commonly known as 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148

(1997 mobile home serial no. 056276A&B) in Anderson County. Said mortgage was filed March 18, 1997, in Book 2574, at Page 189, in the Office of the Register of Deeds for Anderson County, South Carolina.

2. Pursuant to a Master in Equity's Order of Foreclosure and Sale in civil action 2010-CP-04-03548, and following a March 1, 2011 sale, a Master in Equity's Deed by Foreclosure was recorded in the Office of the Register of Deeds for Anderson County On April 20, 2011 in Book 10000 at Page 107, conveying the real property and mobile home located at 112 Canter Lane, Anderson, SC 29626 and bearing tax map number 072-04-01-001(land) and 400-00-28-148 (1997 mobile home serial no. 056276A&B) unto Green Tree Servicing, LLC.

3. The Court issued its initial Writ of Assistance putting Green Tree in possession of the premises on June 2, 2011.

4. Plaintiff filed a Motion for Relief from Default on January 6, 2012 which this Court denied on January 23, 2012. Plaintiff subsequently appealed the denial of the Motion for Relief from Default which the South Carolina Court of Appeals dismissed on November 20, 2013.

5. Plaintiff thereafter brought an independent action in civil action number 2012-CP-04-1576 asserting related claims regarding the foreclosure. The South Carolina Court of Appeals denied Plaintiff's petition to pursue this related matter the South Carolina Supreme Court denied certiorari. Case 2012-CP-04-1576 was thereafter dismissed with prejudice.

6. Plaintiff Corrie A. Martin filed the present action alleging violations of the Home Affordable Modification Program, the Fair Debt Collection Practices Act, and conversion; all related to the underlying mortgage loan and foreclosure.

7. That all of Plaintiff's allegations are regarding the mortgage loan that was the subject of the 2010-CP-04-03548 foreclosure action referenced in paragraph 1 above.

8. That all of Plaintiff's allegations are compulsory counterclaims that were not raised in civil action 2010-CP-04-03548 or 2012-CP-04-1576, and are therefore barred by the doctrines of res judicata and collateral estoppel.

Accordingly,

IT IS ORDERED that based on the above Findings of Fact and Conclusions of Law, the Plaintiff Corrie A. Martin's Motion to Vacate Writ of Assistance is denied.

IT IS FURTHER ORDERED that this Court will issue a final Writ of Assistance in civil action 2010-CP-04-03548, under the terms of which Corrie A. Martin has twenty (20) days from service of the Writ of Assistance on Clifford F. Gaddy, Jr., as counsel for Corrie A. Martin, to vacate the subject property.

IT IS FURTHER ORDERED that Corrie A. Martin may make no further applications for injunction of stay of the aforementioned Writ of Assistance; nor may Corrie A. Martin file any further actions related to the underlying mortgage or foreclosure..

IT IS FURTHER ORDERED that the above captioned action is hereby dismissed and forever ended with prejudice.

AND IT IS SO ORDERED.

/s/ Ellis B Drew, Jr.

Ellis B. Drew, Jr.
Anderson County Master in Equity

Anderson, South Carolina

March 31, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
Case/JR Number: 2010-CP-04-03548

Green Tree Servicing LLC,)
formerly known as Green Tree)
Financial Servicing Corporation, a)
Limited Liability Company under)
the laws of the State of Delaware,)

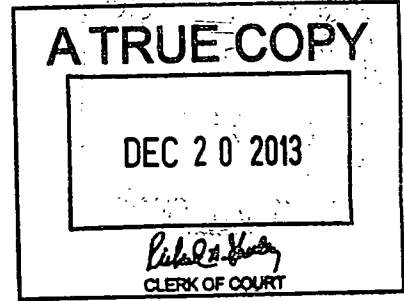
Plaintiff,)

vs.)

WRIT OF ASSISTANCE

Corrie A. Martin, the South)
Carolina Department of Revenue,)
the United States of America by)
and through its agency the Internal)
Revenue Service and Anderson)
Area Medical Center, Inc., n/k/a)
Anmed Health,)

Defendant(s).)



This matter came before me upon Motion of the Plaintiff seeking a Writ of Assistance to be issued by this Court to the Sheriff of Anderson County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendant, Corrie A. Martin, together with any and all persons claiming under said Defendant and all their personal property located within or on the subject premises located at **commonly known as 112 Canter Lane, Anderson, SC 29626, TMS# 072-04-01-001 (land) and 400-00-28-148 (mobile home) including that certain 1997 Omni mobile home, serial no. 056276A&B.**

It appears that the plaintiff was the successful bidder at the public sale of the subject premises on March 1, 2011, at 11:00 am, deficiency demanded, with bidding closed on March 31, 2011, and has complied with its bid and been issued a deed.

NOW THEREFORE, IT IS ORDERED that the Defendant, Corrie A. Martin, together with any and all occupant(s) claiming through them shall vacate the premises on or before twenty-one (21) days after a copy of the Writ is served or posted, and that the Plaintiff is entitled to recover possession of the premises on said date.

The Anderson County Sheriff's Office shall serve a copy of this Writ on the occupants or post a copy on the property at 072-04-01-001 (land) and 400-00-28-148 (mobile home), in the absence of finding the occupants.

IT IS FURTHER ORDERED that if the premises is not vacant on the said date, the

Sheriff of Anderson County, or his authorized deputies, be and hereby is directed and authorized to enter upon the aforescribed premises, by force if the same be necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all possessions therein, including the Defendant Corrie A. Martin, and to put the Plaintiff in full, peaceful, and quiet possession of the premises without delay, thereafter, and within twenty-one (21) days, make due return to the Clerk of Court for Anderson County, South Carolina, showing how this Order has been executed, the date of execution, and all costs of execution. A copy of such return shall also be sent to Crawford & von Keller, LLC, attorneys for the Plaintiff herein.

IT IS FURTHER ORDERED that should personal service not be affected by the Sheriff of Anderson County, the copies of the Writ of Assistance be posted in a conspicuous place at or near the front entrance of the subject premises.

IT IS FURTHER ORDERED that if the occupants have voluntarily vacated the premises or have been ejected from the premises leaving personal property, automobiles, boats, furnishings, fixtures, or other items, the Plaintiff is authorized to remove therefrom all personal property, automobiles, boats, furnishings, fixtures, or other items, which personal property, being deemed abandoned, shall be removed by the Plaintiff or its agents from the subject property by placing said personal property on the public street or highway or by any other means.

NOTICE TO OCCUPANTS OF THE PROPERTY:

IT IS FURTHER ORDERED that if the occupants of the property that is subject to this Writ are not the mortgagors, but are tenants occupying pursuant to one of the following rental agreements: (1) a written lease, (2) a month to month rental agreement whether in writing or not, or (3) is a Federal or State subsidized rent tenant, including a "Section 8" tenant; then the occupant or tenant shall notify the below Master in Equity in writing at this office at **100 S. Main Street, Anderson, SC 29622**, not later than twenty-one (21) days of the service or posting of this Writ of Assistance and the Writ shall not be carried out and a hearing on the status of the tenant shall be scheduled and heard after notice to all affected parties prior to the Writ of Assistance being enforced. This provision is made pursuant to the provisions of the Federal "Protecting tenants at Foreclosure Act of 2009", and is effective through December 31, 2012.

IT IS FURTHER ORDERED that this Order shall constitute a final judgment and Writ

of Assistance pursuant to Rule 53(b), SCRCP; and,

IT IS SO ORDERED.

/s/ Ellis B. Drew, Jr.

Ellis B. Drew, Jr.

Master in Equity for Anderson County

Anderson, South Carolina

DEC 20 .2013

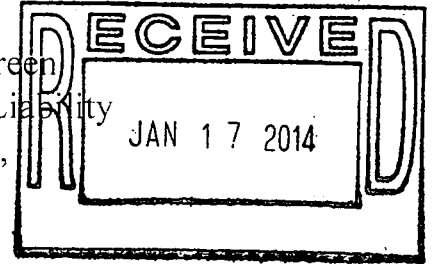
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DEC 20 2013

Richard A. Harty
CLERK OF COURT

The South Carolina Court of Appeals

Green Tree Servicing LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware, Respondent,



v.

Corrie Ann Martin, the South Carolina Department of Revenue, the United States of America by and through its agency the Internal Revenue Service and Anderson Area Medical Center, Inc., n/k/a Anmed Health, Plaintiffs,

Of Whom Corrie Ann Martin is Appellant.

Appellate Case No. 2012-210846

The Honorable The Honorable Ellis B. Drew, Jr.
Anderson County
Trial Court Case No. 2010CP0403548

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SC Court of Appeals

ORDER

Appellant's motion to allow late Petition for Rehearing is denied.

FOR THE COURT

BY Joy A. Kitchin
CLERK

Columbia, South Carolina

cc:

Theodore Von Keller, Esquire
B. Lindsay Crawford, III, Esquire
Sara Christine Hutchins, Esquire
Clifford F. Gaddy, Jr., Esquire
Douglas Andrew Gaines, Esquire

FILED

1/15/14 AT

The South Carolina Court of Appeals

Corrie Ann Martin, Appellant,

v.

Green Tree Servicing, LLC and John Skipper, as Sheriff
of Anderson County.

Appellate Case No. 2014-000796

The Honorable Ellis B. Drew, Jr.
Anderson County
Trial Court Case No. 2014CP0400463

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ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until November 13, 2014.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Corrie Ann Martin

Sara Christine Hutchins, Esquire

Clifford F. Gaddy, Jr.

FILED

10/22/2014

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No.: 2014-CP-04-00463

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SC Court of Appeals

Green Tree Servicing, LLC, et al Respondent,

v.

Corrie A. Martin Appellant.

PROOF OF SERVICE

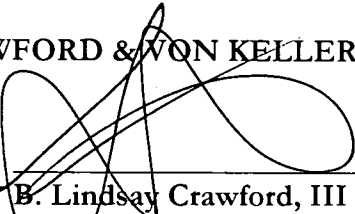
I certify that I have served the Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on December 19, 2014, addressed to its Appellant at the following address:

Corrie A. Martin
Post Office Box 14042
Anderson, SC 29624

Clifford F. Gaddy, Jr.
408 N. Church Street, Suite B
Greenville, SC 29601
Attorney for Appellant

CRAWFORD & VON KELLER, LLC

BY:



B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for Respondent

Columbia, South Carolina
December 18, 2014

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