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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

DOCKET NO. 11-CP-04-3677

Federal National Mortgage Association

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AND DENYING DEFENDANT'S MOTION
TO COMPEL**

v.

Leonard C. Jones;

Defendant(s).

(016477-00261)

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This matter came before the Court for a hearing on Plaintiff's Motion for Summary Judgment. The motion hearing was held on December 9, 2014 at ten o'clock. All parties were given notice of the time, date, and place of the hearing. Also before the Court was the Defendant's Motion to Compel, filed on December 8, 2014. Present for the Plaintiff was Robert P. Davis, Esquire. Present for the Defendant Leonard C. Jones was Joseph S. Lyles, Esquire.

This mortgage foreclosure action was instituted by Plaintiff filing its Lis Pendens, Summons, and Complaint on December 20, 2011, and serving Defendant with the same on December 20, 2011. The Complaint alleges that Defendant's loan is in default and due for December 1, 2010.

The Defendant filed an Answer to the Plaintiff's complaint on January 9, 2012.

The Plaintiff moved for summary judgment on November 6, 2014. Defendant responded to Plaintiff's Motion for Summary Judgment on December 8, 2014, by way of a "Motion to Compel" mailed to Plaintiff's counsel. In the Motion, Defendant moved the Court for a dismissal of the foreclosure action, arguing that Plaintiff lacked standing to bring the instant action, and moved the court to compel Plaintiff to respond to Defendant's discovery request, arguing the Plaintiff failed to properly respond to Defendant's first discovery request.



Summary judgment is appropriate when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits,” show there is no genuine issue of material fact such that the moving party must prevail as a matter of law. SCRCP, Rule 56(c). The primary function of summary judgment is to expedite the disposition of cases, hence the court should grant summary judgment when “reasonable minds cannot differ on plain, palpable, and indisputable facts.” *See George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001); *Ellis v. Davidson*, 358 S.C. 509, 518, 595 S.E.2d 817, 822 (Ct. App. 2004).

With respect to the Plaintiff’s Motion for Summary Judgment the Defendant offered no evidence to call into question the evidence submitted with Plaintiff’s motion.

After review of all of the submissions and evidence, and hearing the arguments of the parties at hearing, I find there is no genuine issue of material fact and Plaintiff is entitled to judgment as a matter of law.

After considering the Defendant’s arguments, I find that the Defendant did not articulate any specific documents which the Plaintiff should be compelled to produce. Thus, the Defendant’s Motion to Compel is denied.

THEREFORE, IT IS ORDERED that Plaintiff’s Motion for Summary Judgment is GRANTED, and Defendant’s Motion to Compel is DENIED.

IT IS SO ORDERED.

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

JAN 15, 2015
 Anderson, South Carolina

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