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FEB 17 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

CASE NO. 2007-cp-46-04305

SC Court of Appeals

SunTrust Mortgage, Inc.,

Plaintiff(s)

vs.

Mark Ostendorff,

Defendant(s)

ORDER TO RESTORE CASE

DAVID HAMILTON  
C. P. & G.S.  
YORK COUNTY, SC

2014 DEC 22 AM 10:22

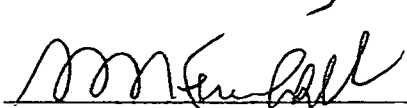
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WHEREAS, this matter comes before the Court on motion of Plaintiff, SunTrust Mortgage, Inc., to have this action restored to the active non-jury docket;

WHEREAS, Defendant's Chapter 7 Bankruptcy has been discharged and said case closed;

WHEREAS, Defendant's appeals have been exhausted,

IT IS THEREFORE ORDERED that the matter be restored to the active docket under case number 2007-CP-46-04305 and said case file will be referred to the Master in Equity for case to proceed.

  
PRESIDING JUDGE

York, South Carolina

12/17, 2014

Form 166BNC (Revised 03/02/2013)

United States Bankruptcy Court – District of South Carolina  
J. Bratton Davis United States  
Bankruptcy Courthouse  
1100 Laurel Street  
Columbia, SC 29201-2423

Case Number: 13-06566-hb

Chapter: 7

In re: (Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address)

Mark D Ostendorff  
135 Cedar Creek Court  
Central, SC 29630

Last four digits of Social Security or other Individual Taxpayer  
No(s)(if any): xxx-xx-3962

Entered By The Court  
02/20/14

ORDER  
DISCHARGE OF DEBTOR  
ORDER DISCHARGING TRUSTEE  
ORDER CLOSING CASE

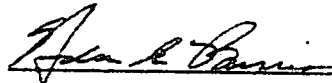
Filed By The Court

02/20/14  
Laura A. Austin  
Clerk of Court  
US Bankruptcy Court

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:**

1. The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).
2. The trustee has certified that the estate of the above-named debtor(s) has been fully administered, therefore, the case trustee, is discharged as the trustee of the above named debtors(s) and the bond is canceled.
3. The Chapter 7 case of the above-named debtor(s) is closed.

Columbia, South Carolina  
February 20, 2014  
Document 20 - 6



United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION

**EXPLANATION OF BANKRUPTCY DISCHARGE  
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

**Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a discharged debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the discharged debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

**Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

**Debts that are Not Discharged**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

STATE OF SOUTH CAROLINA

COUNTY OF YORK

SunTrust Mortgage, Inc.,  
 Plaintiff(s)

v.

Mark Ostendorff,  
 Defendant(s)

) IN THE COURT OF COMMON PLEAS

) CASE NO. 2007-cp-46-04305

) MOTION AND ORDER INFORMATION  
) FORM AND COVER SHEET

Plaintiff's Attorney:

Susan B. Shaw, Esq., SC Bar No.: 6862

ATTORNEYS FOR THE PLAINTIFF

Address: RCO Legal, P.S.  
1587 Northeast Expressway  
Atlanta, Georgia 30329

PHONE: (770) 234-9181 FAX: (770) 234-9192

Defendant's Attorney:

None

Address:

PHONE: FAX:

E-mail: Other:

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2014 DEC 15 PM 4:24  
DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion:

Estimated Time Needed: N/A Court Reporter Needed: N/A

**SECTION II: Motion/Order Type**

- Written Motion/Order attached/ Motion and Order to Restore Case
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for  Plaintiff / Defendant

Date Submitted 12/10/2014

**SECTION III: Motion Fee**

PAID - AMOUNT: \$25.00

- EXEMPT:
- Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status       State Agency v. Indigent Party
  - Sexually Violent Predator Act       Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication       Motion for Execution (Rule 69, SCRPC)
  - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: \_\_\_\_\_

Other: \_\_\_\_\_

<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.	JUDGE _____
<input type="checkbox"/> Other	CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: <u>LS</u>	Date Filed: _____
<input checked="" type="checkbox"/> MOTION FEE COLLECTED: <u>\$25<sup>00</sup></u>	CONTESTED - AMOUNT _____
	DUE: _____

STATE OF SOUTH CAROLINA

COUNTY OF YORK

SunTrust Mortgage, Inc.,

Plaintiff(s)

vs.

Mark Ostendorff,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CASE NO. 2007-cp-450430

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FEB 17 2015

SC Court of Appeals

NOTICE OF MOTION AND MOTION  
FOR ORDER TO RESTORE CASE

YOU WILL PLEASE TAKE NOTICE that Plaintiff, SunTrust Mortgage, Inc., by and through their undersigned attorney, hereby move this Court for an Order pursuant to Rule 40 of the South Carolina Rules of Civil Procedure, and any other applicable Rules, restoring this action to the docket.

Upon a previously filed Form 4 Order to Stay due to Defendant's Chapter 7 Bankruptcy Petition, the Office of the Clerk of Court on 11/06/2013 stayed this action, and said Bankruptcy now discharged and closed;

Further, upon Remittitur from the South Carolina Court of Appeals to this court on 9/3/2014;

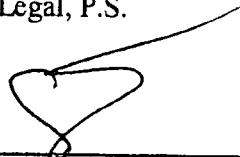
Plaintiff now wishes to restore said action to the active docket, have case file sent to the Master in Equity, and have this case set for sale.

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2014 DEC 15 PM 4: 24  
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C. B. & G. S.  
YORK COUNTY, SC

WHEREFORE, the Plaintiff respectfully requests that this Court order that the above-captioned action be restored to the active docket due to close of the Bankruptcy case, Case No. 13-06566, and Defendant's exhaustion of appeals.

December 10<sup>th</sup>, 2014

RCO Legal, P.S.



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Susan B. Shaw, Esq., SC Bar No.: 6862  
1587 Northeast Expressway  
Atlanta, GA 30329  
540-545-4160  
ATTORNEYS FOR THE PLAINTIFF

STATE OF SOUTH CAROLINA

COUNTY OF YORK

SunTrust Mortgage, Inc.,

Plaintiff(s),

vs.

Mark Ostendorff

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2007-cp-46-04305

CERTIFICATE OF MAILING

DAVID HAMILTON  
CLERK, C.P. & G.S.  
YORK COUNTY, SC

2014 DEC 22 AM 10: 22

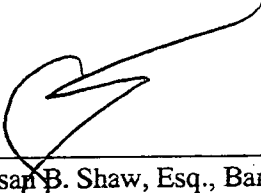
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The undersigned hereby certifies that a true and correct copy of the foregoing Motion and Order to Restore Case was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Mark Ostendorff  
1207 Cabin Creek Court  
Fort Mill, SC 29715

RECEIVED  
FEB 17 2014  
SC Court of Appeals

This 18<sup>th</sup> day of December, 2014

  
Susan B. Shaw, Esq., Bar#6862  
1587 Northeast Expressway  
Atlanta, Georgia 30329

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STATE OF SOUTH CAROLINA  
COUNTY OF YORK  
SunTrust Mortgage, Inc.,  
Plaintiff(s)  
vs.  
Mark Ostendorff,  
Defendant(s).

2015 JAN 12 AM 11:43  
DAVID HAMILTON  
C.C.C.P. & GS  
YORK COUNTY, SC

IN THE COURT OF COMMON PLEAS

CASE NO.: 2007-CP-46-04305

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FEB 17 2015  
SC Court of Appeals

**NOTICE OF SALE**  
**Deficiency Judgment Demanded Against**  
**Mark Ostendorff**

Under and by virtue of an Order of the Court of Common Pleas for York County, South Carolina, heretofore granted in the above entitled case, I the undersigned, as Master in Equity on Monday, February 2, 2015 commencing at 11:00 a.m. during the legal hours of sale, at the York County Equity Court, 1 North Congress Street, York, South Carolina, will sell at public outcry to the highest bidder the following described property:

All that certain piece, parcel or lot of land with the improvements thereon, if any, situate, lying and being in the County of York, State of South Carolina, being shown and delineated as Lot 86 on a plat of Oxford Subdivision, Phase V, drawn by Precision Surveying, Inc., dated April 23, 2001 and recorded in the Office of the R.M.C. for York County in Plat Book B-339, Page 6 reference being made to the same for a more complete and accurate description; all measurements being a little more or less.

Being the same property conveyed to Mark Douglas Ostendorff by Deed from Penton Group, Inc., dated September 27, 2001, recorded October 2, 2001 in Book 3890, Page 190, York County, South Carolina Records.

TMS# - 7760000107

PROPERTY ADDRESS: 1207 Cabin Creek Court, Fort Mill, SC 29715

DM  
B1

TERMS OF SALE

FOR CASH. The undersigned will require a deposit of 5% of the amount of the bid (in cash or equivalent) to be applied on the purchase price only upon compliance with the bid. In the of case of noncompliance of the bid within 30 days the successful bidder's deposit shall be forfeited and applied to the Court's costs and to Plaintiff's debt and the property will be re-advertised for sale upon the same terms (at the risk of the former highest bidder).

The Plaintiff does demand a deficiency judgment. As a deficiency judgment is being demanded, the bidding will remain open thirty (30) days after the date of sale.

Interest at the legal rate shall be paid through the day of compliance on the amount of the bid.

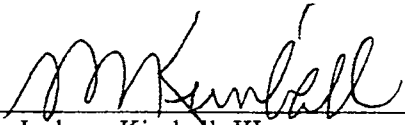
The purchaser shall pay for preparation and recording of the deed and required transfer taxes by any governmental authority.

If the Plaintiff or its representative is not present at the sale, the sale shall be postponed to the next available sale date.

DC  
BZ

The sale shall be subject to taxes and assessments, existing easements and restrictions of record.

Date: 1/9/15

  
S. Jackson Kimball, III  
Master-In-Equity for York County

RCO Legal, P.S.  
Susan B. Shaw, Esq., SC Bar No.: 6862  
1587 Northeast Expressway  
Atlanta, Georgia 30329 (770) 234-9181  
ATTORNEYS FOR THE PLAINTIFF

#3

190613

February 12, 2015

Jenny Abbott Kitchens  
SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

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FEB 17 2015  
**SC Court of Appeals**

Re: SunTrust Mortgage, Inc., Respondent, v.  
Mark Ostendorff, Appellant.  
Appellate Case No. 2015 – 000198

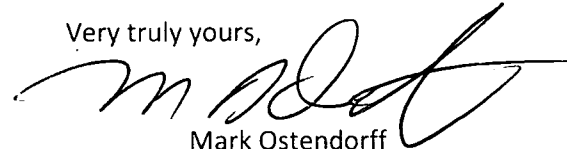
Dear Ms. Kitchens:

This letter is in response of your letter dated February 03, 2015, requesting me to provide a copy of the trial judge's order.

I have included:

- 1) Order To Restore Case
- 2) Notice Of Motion And Motion For Order To Restore Case
- 3) Notice Of Sale Deficiency Judgment Demanded Against Mark Ostendorff

Very truly yours,



Mark Ostendorff  
135 Cedar Creek Circle  
Central, SC 29630  
(864) 640-3340  
Appellant, Pro Se

cc: Brian S. Tatum  
Susan B. Shaw