

EXHIBIT A

concludes there is no good cause to reverse its prior rulings and therefore *denies* Plaintiff's Motion to Reconsider.

2. PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, FILED OCTOBER 10, 2013, AND SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT, FILED MAY 30, 2014

At the hearing, Plaintiff informed the Court that he would not pursue the first six of his initial seven grounds found in his Motion for Summary Judgment filed October 10, 2013. He proceeded on the seventh ground, contending that Wells Fargo's foreclosure counterclaim was filed in contravention of the Court's order of July 9, 2010, in Case Number 09-CP-10-4700. He also proceeded on his Supplemental Motion for Summary Judgment filed May 30, 2014. Plaintiff's summary judgment motions are *denied* in their entirety.

3. PLAINTIFF'S MOTION TO COMPEL, FILED MAY 30, 2014

Plaintiff's Motion to Compel requests the Court to order Wells Fargo to produce five categories of documents. The first two categories relate to Wells Fargo's ACLS system. Plaintiff is hereby ordered to provide Wells Fargo with a list of tables and/or reports he believes are maintained in ACLS and contain information he is seeking regarding the servicing of his loan. Upon receipt of the list from Plaintiff, Wells Fargo shall conduct a timely review of the list and determine whether the requested documents relate to the servicing of Plaintiff's loan. If Wells Fargo believes that any of the documents sought are not related to the servicing of Plaintiff's loan or will be unduly burdensome to produce, then Wells Fargo is ordered to submit to the Court within fifteen (15) days of receipt of Plaintiff's list a detailed explanation of why the documents sought are either not related to the servicing of Plaintiff's loan or will be unduly burdensome for Wells Fargo to produce. Otherwise, Wells Fargo shall produce such documents

to Plaintiff. As to the remaining categories of documents requested by Plaintiff, the Court *denies* Plaintiff's motion.

4. WELLS FARGO'S MOTION FOR SUMMARY JUDGMENT, FILED MAY 19, 2014

Wells Fargo moved for summary judgment as to sixteen of Plaintiff's seventeen causes of action, the only exception being the twelfth cause of action for an Accounting. Viewing the facts in the light most favorable to Plaintiff, the Court hereby grants Wells Fargo's motion for Summary Judgment as to the following causes of action:

- Breach of Implied Covenant of Good Faith and Fair Dealing (Third Cause of Action)
- Conversion (Fifth and Tenth Causes of Action)
- Fraud/Fraudulent Misrepresentation (Sixth Cause of Action)
- Constructive Fraud (Seventh Cause of Action)
- South Carolina Unfair Trade Practices Act (Eighth Cause of Action)
- Slander of Title (Ninth Cause of Action)
- Civil Conspiracy (Eleventh Cause of Action)
- Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (Thirteenth Cause of Action)
- South Carolina Consumer Protection Code, S.C. Code Ann. § 37-5-108 (Fourteenth Cause of Action)
- Mail Fraud (Sixteenth Cause of Action)
- Declaratory Judgment (Seventeenth Cause of Action)

The Court requests further briefing as to the remaining causes of action on which Wells Fargo seeks summary judgment and takes those matters under advisement. After reviewing the

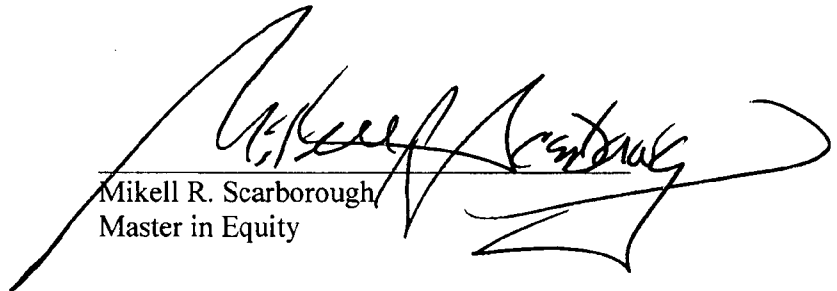
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additional briefing, the Court will issue an order either granting or denying Wells Fargo's Motion for Summary Judgment as to these causes of action.

5. SCHEDULING

The Court has set a status conference for January 12, 2015, at 11:00 a.m. to discuss further scheduling issues.

AND IT IS SO ORDERED.



Mikell R. Scarborough
Master in Equity

CHARLESTON, SC
October 16, 2014

EXHIBIT B

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Brent E. Bentrin)
)
Plaintiff,)
)
)
)
v.)
)
Wells Fargo Bank, N.A.)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2011-CP-10-2946

**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION
TO RECONSIDER**

FILED
2015 JAN 26 PM 2:11
JULIE J. ARMSTRONG
CLERK OF COURT

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SC Court of Appeals

This matter came before the Court on January 12, 2015, for a hearing on a motion to reconsider a prior Order entered on October 28, 2014. At the hearing, the Plaintiff, Brent E. Bentrin ("Plaintiff" or "Bentrin"), was represented by Robert B. Varnado of Brown & Varnado, LLC. The Defendant, Wells Fargo Bank, N.A. ("Defendant" or "Wells Fargo"), was represented by Charles J. Baker III, S. Sterling Laney III, and John C. Hawk IV of Womble Carlyle Sandride & Rice, L.L.P.

After carefully reviewing the motions and memoranda submitted by the parties, hearing arguments from counsel for both parties, considering the applicable law and facts related to the motions, the Court rules as follows:

Rule 59(e) permits a court to amend a judgment to accommodate a change in controlling law, account for new evidence not available at trial, or correct a clear error of law. Rule 59(e), SCRPC. A party cannot raise an issue for the first time in a Rule 59(e) motion which could have been raised at trial. MailSource, LLC v. M.A. Bailey & Associates, Inc., 356 S.C. 370, 374, 588 S.E.2d 639, 641 (Ct. App. 2003).

Unlike the federal courts, South Carolina courts do not recognize “the plain error” rule. Washington v. Whitaker, 317 S.C. 108, 114, 451 S.E.2d 894, 898 (S.C. 1994). Instead, it is well settled that a contemporaneous objection must be made to preserve an argument for appellate review. Id.

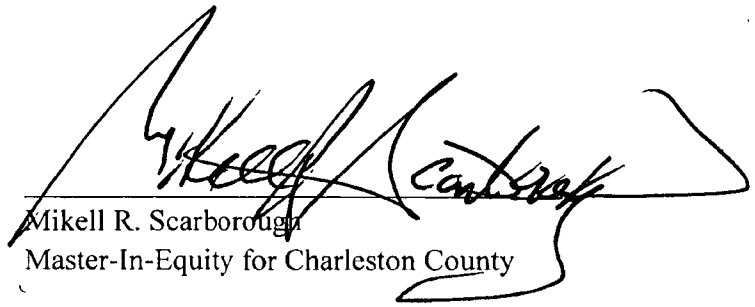
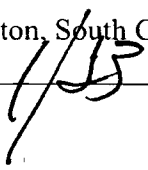
As to Plaintiff’s eighth cause of action, South Carolina Unfair Trade Practices (SCUTPA), this Court reverses its October 28, 2014 finding on this issue only. When viewing the facts in the light most favorable to Plaintiff, the Court finds Bentrin has provided this court with sufficient evidence and law to establish a genuine issue of material fact on this cause of action.

As to the other eleven (11) causes of action, Plaintiff offers no new law or any new evidence that would change this Court’s prior Order from October 28, 2014. As such, Plaintiff’s motion is denied as to the other causes of action.

IT IS THEREFORE ORDERED that Plaintiff’s motion to reconsider section 4 of the October 28, 2014 order is hereby granted in part as to SCUTPA and denied in part.

IT IS SO ORDERED!

Charleston, South Carolina
_____, 2015



Mikell R. Scarborough
Master-In-Equity for Charleston County

