

EXHIBIT 1

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT SC Court of Appeals
Case No.: 2011-CP-18-1935

Wells Fargo Bank, N.A. as Trustee)
For Stanwich Mortgage Loan Trust, Series)
2011-2 Asset-Backed Pass-Through)
Certificates,)

Plaintiffs,)

v.)

Margaret Wilson, Leon Wilson, Jr.,)

Defendants.)

ORDER DENYING MOTION TO
VACATE JUDGMENT AND SALE

This matter came before the Court on March 23, 2015 on the Motion of the Defendant, Leon Wilson, Jr., to Vacate Judgment and Sale. Present at the hearing was the Defendant, Leon Wilson, Jr.; Peter Balthazor, attorney for the Plaintiff; Michael Marshall, a representative of Prime Property Group, LLC, which was the high bidder at the foreclosure sale, along with its attorney, James E. Reeves.

After reviewing the Court file and considering the arguments of the parties, this Court denies Mr. Wilson's Motion for the following reasons:

1. Mr. Wilson's motion is defective on its face as it does not provide the particular grounds required by Rule 7(b), SCRPC so that the Court and the other parties would be placed on notice of what is being complained of and the remedies sought. Further, the Motion does use the word "fraud", but if Mr. Wilson is complaining of fraud, he again does not provide the Court or the other parties with the "circumstances constituting fraud" as required by Rule 9(b), SCRPC.
2. Assuming Mr. Wilson is claiming fraud, he has not provided the Court with any evidence of any kind of the required elements of fraud, and certainly not by the required standard of clear

and convincing evidence. Instead, Mr. Wilson read to the Court certain portions of documents filed with his Motion for Continuance, which has been denied by this Court. Mr. Wilson was unable to explain the relevance of these documents to the present Motion to Vacate, and this Court finds they are not relevant to Mr. Wilson's Motion or any aspect of this foreclosure case.

3. It appears Mr. Wilson is attempting to reargue positions that he has already made before this Court and in a separate case for wrongful foreclosure that he filed in Case No. 2013-CP-18-01546, which was dismissed with prejudice and which has not appealed. Accordingly, his arguments are barred by the doctrines of res judicata, collateral estoppel or judicial estoppel.

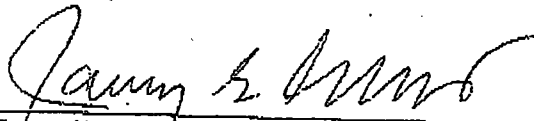
4. Mr. Wilson has not asserted or presented any evidence of any grounds to set aside this foreclosure sale. "A judicial sale will be set aside when either: (1) the sale price is so gross as to shock the conscience, or (2) the sale is accompanied by circumstances warranting the interference of the court." *Bloody Point Prop. Owners Ass'n. Inc. v. Ashton*, 410 S.C. 62, 762 S.E. 2d 729, 734 (Ct. App. 2014). First, Mr. Wilson has not attempted to argue in any way as to the sales price. Second, he has not presented any evidence of any circumstances that would warrant the interference of the court.

5. Mr. Wilson's Motion to Vacate Judgment and Sale states that the judgment should be vacated pursuant to Rule 60(b)(3) on the grounds of fraud, and pursuant to Rule 60(b)(4) on the grounds that the judgment is void. Pursuant to an Order of Reference previously filed in this action, a hearing was held on July 18, 2012. Testimony was taken, and from the testimony and evidence, a Master in Equity's Judgment of Foreclosure and Sale was filed on July 18, 2012. To the extent that Mr. Wilson's Motion to Vacate Judgment and Sale challenges the July 18, 2012 judgment, the Court finds that the motion is untimely. Rule 60(b), SCRPC, requires that motions to relieve a party from a final judgment on the grounds of fraud must be made not more than one

year after the judgment was entered. If a party is challenging a judgment on the grounds that it is void, a motion pursuant to Rule 60(b) must be made within a reasonable time. Accordingly, Mr. Wilson's motion is untimely.

For the reasons listed, this Court denies Mr. Wilson's Motion to Vacate Judgment and Sale.

IT IS SO ORDERED!


James E. Chellis, Master-in-Equity

3/30, 2015
St. George, South Carolina