

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.: 2010-CP-04-03548

RECEIVED

JUN 25 2012

SC Court of Appeals

Green Tree Servicing, LLC, etcRespondent,

Corrie A. Martin.....Appellant.

RECORD ON APPEAL

Corrie A. Martin
Post Office Box 14042
Anderson, SC 29624
Telephone # 864-716-9926
Appellant

Theodore Von Keller, Esquire
Crawford & Von Keller, LLC
Post Office Box 4216
Columbia, SC 29240
Telephone # 803-790-2626
Attorney for the Respondent

INDEX

Supplemental Order issued by Ellis B. Drew, Master in Equity, dated March 8, 2012 – Case No.: 2010-CP-04-03548.....	1
Verbal Order of Ellis B. Drew, Jr., Master in Equity, etc	4
Motion for Relief from Judgment issued by D. Andrew Gaines, dated January 6, 2012 – Civil Action No.: 2010-CP-04-03548.....	5
Order issued by Ellis B. Drew, Master in Equity, dated September 19, 2007 – Case No.: 2006-CP-04-4052.....	7
Order of Dismissal issued by Ellis B. Drew, Master in Equity, dated August 10, 2009 – Case No.: 2008-CP-04-04162.....	9
Judgment of Foreclosure and Order for Sale issued by Ellis B. Drew, Master in Equity, dated March 31, 2009 – Case No.: 2008-CP-04-04162.....	10
Copy of Transcript of testimony hearing January 24, 2011- Case No.: 2010-CP-04-03548.....	20
Copy of Transcript of testimony hearing January 23, 2012- Case No.: 2010-CP-04-03548.....	25
Certificate of Appellant - Case No.: 2010-CP-04-03548.....	39

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS

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

C/A NO.: 2010-CP-04-03548

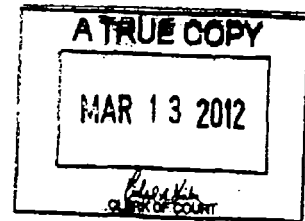
Plaintiff,)

SUPPLEMENTAL ORDER

vs.)

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.)



This matter came before me on January 23, 2012, pursuant to Defendant Corrie A. Martin's Motion for Relief from Judgment Pursuant to Rule 60(b), SCRCF. Present were Theodore von Keller, Esquire, representing the Plaintiff, Shannon Tucker, the Regional Manager of the Plaintiff, D. Andrew Gaines, representing the Defendant Corrie A. Martin and the Defendant Corrie A. Martin.

This an action to foreclose a mortgage given to the Plaintiff by Corrie A. Martin. The Summons and Complaint for foreclosure was filed on October 4, 2010, and the Defendants were personally served thereafter. No answer or notice of appearance was filed by the Defendant Corrie A. Martin. On December 2, 2010, an Order of Reference and Affidavit of Default were filed with the Court. Subsequently, a hearing was scheduled and the Plaintiff forwarded a Notice of Hearing to the Defendants on December 17, 2010. The Notice of Hearing and Certificate of Service were filed with the Court. On January 24, 2011, the foreclosure hearing was held, the Defendant Corrie A. Martin was provided with notice same and this Court granted a judgment to the Plaintiff, ordered foreclosure and

M

scheduled the foreclosure sale for March 1, 2011. Plaintiff demanded a deficiency with the final sale on March 31, 2011. The Plaintiff was the successful bidder at the sale and a Master in Equity's Deed by Foreclosure was recorded in the Office of the Anderson County Register of Deeds on April 20, 2011, in Book 10000 at Page 107. Subsequently, due to the subject property still being occupied, a Writ of Assistance was issued by this Court on June 2, 2011. The Anderson County Sheriff's Office served the Writ of Assistance on June 13, 2011. On or about June 27, 2011, the Plaintiff's attorney received a letter from Robert P. Lusk, Esquire, that there were outstanding issues that needed to be addressed and the Plaintiff cancelled the lock-out that had been scheduled with the Anderson County Sheriff's Office.

On or about January 6, 2012, the Defendant, by and through her present counsel, Andrew Gaines, filed a Motion for Relief from Judgment. After review of the file and arguments of counsel, Defendant's Motion is denied and the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court finds that, after foreclosure hearing and sale, title to the subject property was conveyed to the Plaintiff on April 20, 2011, thus terminating Defendant's interest in the subject property. Further, Rule 60(b), SCRPC, requires a movant to not only establish numerous elements to obtain relief from a judgment, but also to move within a reasonable time. This Court finds as a matter of fact that the Defendant has failed to make this motion within a reasonable time as the hearing in this matter, of which the Defendant was provided notice, was on January 24, 2011. The Defendant waited almost a year to file this motion. Defendant offered no explanation for this delay.

Accordingly,

IT IS ORDERED that based on the above Findings of Fact and Conclusions of Law, the Defendant Corrie A. Martin's Motion for Relief from Judgment Pursuant to Rule 60(b), SCRCF, is denied.

IT IS FURTHER ORDERED that the Defendant Corrie A. Martin has thirty (30) days from the date of this Order to vacate the property, after which time the Movant is entitled to possession of the subject property. If the subject property has not been vacated in the time allowed by this Order, this Court will issue the Plaintiff a Writ of Assistance without the necessity of another hearing.

IT IS FURTHER ORDERED that this Order shall supplement the Master in Equity's Order and Judgment of Foreclosure and Sale filed January 24, 2011.

AND IT IS SO ORDERED.



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

Anderson, South Carolina

3-8-, 2012.

VERBAL ORDER OF ELLIS B. DREW, Jr., MASTER IN EQUITY

See page 12 of transcript, record page 36

ELB

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 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,)

MOTION FOR RELIEF FROM JUDGMENT
ISSUED BY D. ANDREW GAINES,
DATED JANUARY 6, 2012-
CASE NO.: 2010-CP-04-03548

vs.

NOTICE OF MOTION AND MOTION
FOR RELIEF FROM JUDGMENT
PURSUANT TO RULE 60(b), SCRPC

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,)
Defendants.)

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GENERAL SESSIONS

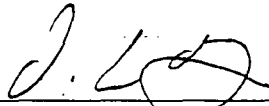
TO: B. LINDSEY CRAWFORD, III, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Defendant, **CORRIE A. MARTIN**, will move at a time and place scheduled by the Court for an Order for relief from judgment pursuant to Rule 60(b), SCRPC.

A hearing in this matter is set before the Honorable Ellis B. Drew on the 23 day of January 2012, at 2:15 a.m./(p.m.) at the Anderson County Courthouse, 100 South Main Street, Anderson, SC 29624.

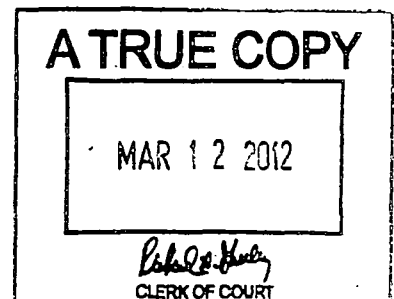
This motion may be accompanied by a memorandum of law and affidavits which will be submitted to the Court and served on the other parties in advance of the hearing as required by the South Carolina Rules of Civil Procedure.

A TRUE COPY
MAR 12 2012
Richard A. Hulley
CLERK OF COURT



D. Andrew Gaines
againes@ghmslaw.com
SC Bar ID: 75436
Glenn, Haigler, McClain, Stathakis & Gaines, LLP
121 W. Benson Street
Anderson, SC 29624
(864) 226-1885
(864) 226-0561(fax)

January 6, 2012
Anderson, South Carolina



STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)	Case No. 2006-CP-04-4052
)	
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,)	
)	ORDER
v.)	
)	
Corrie A. Martin,)	
)	
Defendant(s).)	
)	



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GENERAL SESSIONS

Pursuant to Rule 53 SCRPC, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the matter; with any appeal from this Order to the South Carolina Supreme Court or to the Court of Appeals under Rule 203 (d)(1), SCACR.

A hearing was held in the Office of the Master in Equity for Anderson County and was attended by Louise M. Johnson, attorney for 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"). Corrie A. Martin ("Ms. Martin") appeared *pro se*.

FINDINGS OF FACT

The Lis Pendens was filed November 9, 2006; the Second Lis Pendens was filed December 18, 2006. The Summons and Complaint were filed December 18, 2006. Service was made upon Ms. Martin as shown by the Affidavit(s) of Service filed of record. Ms. Martin is in default as shown by the Affidavit(s) of Default filed of record. According to the Affidavit(s) filed of record, no Defendant is in the Military Service of the United States of America, as


contemplated under 50 U.S.C.A. App. §520, Servicemembers Civil Relief Act, as amended December 19, 2003. Ms. Martin was notified of the time, date, and place of the hearing in this matter.

leg

Present and testifying on behalf of the Plaintiff was Holly Stoyanowski, Collections Assistant for the Plaintiff. After consideration of the evidence presented at the hearing and review of the Court's file, I hereby find and conclude that the Defendant reinstated her account in December, 2006, and that she has remitted regular monthly payments timely to the Plaintiff since the reinstatement in December, 2006. I further find that the Plaintiff must waive and cancel any outstanding legal fees and expenses and reflect same on the account history. I also find that no further legal fees and expenses arising out of this action shall be charged to the Defendant's account. This in no way prohibits the Plaintiff from exercising all of its rights under the Contract in the event of a future default, including, but not limited to, the charging of legal fees and expenses to the Defendant's account.

Based on the foregoing, it is hereby, ordered, adjudged and decreed that the Plaintiff's action for foreclosure is DENIED, and that, as of the date of the hearing, the Defendant's account is current, and

IT IS SO ORDERED.


Ellis B. Drew
Anderson County Master in Equity

Anderson, South Carolina
9-19, 2007



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MOTION FEE PAID

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

C/A NO.: 2008-CP-04-04162

Green Tree Servicing, LLC as successor in
interest to Green Tree Financial Servicing
Corporation,

Plaintiff,

vs.

Corrie A. Martin, ANMED Health f/d/b/a
Anderson Area Medical Center, Inc., South
Carolina Department of Revenue, United States
of America by and through its agency the
Internal Revenue Service, and South Carolina
Department of Motor Vehicles,

Defendants,

**ORDER FOR DISMISSAL,
CANCELLATION OF LIS PENDENS AND
ORDER TO VACATE
JUDGMENT**

2CB

Upon motion of the undersigned counsel, pursuant to the *South Carolina Rules of Civil Procedure, Rules 41(a)(2), and 60(b)(5)*, the Plaintiff hereby moves that this action be dismissed without prejudice, the Lis Pendens cancelled, and the Judgment of Foreclosure and Order for Sale heretofore entered on March 31, 2009, be vacated due to Plaintiff and mortgagor having reached a settlement; It is hereby

ORDERED, ADJUDGED AND DECREED that the Judgment of Foreclosure and Order for Sale entered in this matter on March 31, 2009 is hereby vacated.

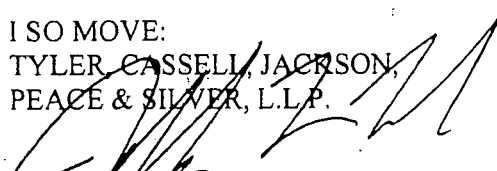
IT IS FURTHER ORDERED that this action is dismissed without prejudice and the Lis Pendens cancelled herein.



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

8-10, 2009.
Anderson County, South Carolina.

I SO MOVE:
TYLER CASSELL JACKSON,
PEACE & SILVER, L.L.P.


Jeffrey L. Silver
S.C. Bar No. 5104
1331 Elmwood Avenue, Suite 300
Post Office Box 11656
Columbia, South Carolina 29211
(803) 252-7689
ATTORNEY FOR PLAINTIFF

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EDH

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS
C/A NO.: 2008-CP-04-04162

Green Tree Servicing, LLC as successor in
interest to Green Tree Financial Servicing
Corporation,

Plaintiff,

vs.

Corrie A. Martin, ANMED Health f/d/b/a
Anderson Area Medical Center, Inc., South
Carolina Department of Revenue, United
States of America by and through its agency
the Internal Revenue Service, and South
Carolina Department of Motor Vehicles,

Defendants,

JUDGMENT OF FORECLOSURE
AND ORDER FOR SALE
(Deficiency Demanded as to Defendant
Corrie A. Martin only)

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2009 MAR 31 P 2:45
COMMON PLEAS AND
GENERAL SESSIONS

A TRUE COPY
MAY 15 2012
Richard A. Hueley
CLERK OF COURT

Pursuant to Rule 53 SCRCP, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the cause with appeal, if any, directly to the South Carolina Court of Appeals. Pursuant to the said Order of Reference, a hearing was held, attended by the attorney of record for Plaintiff, the testimony was taken, which is reported herewith, and from the testimony and evidence, I find and conclude as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on November 25, 2008 and the Amended Lis Pendens was filed on December 5, 2008.
2. The Summons and Complaint were filed on December 5, 2008.
3. Service was made upon the Defendants, named in this report as is shown by the Proofs of Service filed herein.

EDH

4. The Defendants were notified of the time, date and place of hearing in this matter, a copy of said notice is filed in this action.
5. Corrie A. Martin has served no Answer or other responsive pleading upon Plaintiff and is now in default.
6. The Defendants ANMED Health f/d/b/a Anderson Area Medical Center, Inc., South Carolina Department of Revenue, United States of America by and through its agency the Internal Revenue Service and South Carolina Department of Motor Vehicles filed Answers, copies of which have been filed of record.
7. According to the Affidavit filed herein, the Defendant Corrie A. Martin is not in the Military Services of the United States of America, as contemplated under the 108 P.L. 189, 117 Stat. 2835, Servicemembers Civil Relief Act, and any amendments thereto.
8. For value received, Defendant Corrie A. Martin made, executed and delivered to Green Tree Financial Servicing Corporation a Real Estate Note ("Note") dated March 18, 1997, promising thereby to pay to Green Tree Financial Servicing Corporation the sum of \$58,687.52, upon the terms and conditions set forth therein.
9. To better secure the payment of the Note described above, Defendant Corrie A. Martin made, executed and delivered to Green Tree Financial Servicing Corporation in writing, a Mortgage dated March 18, 1997, ("Mortgage") covering real property in Anderson County, together with a 1997 Destiny/Omni (56x24) Manufactured Home (VIN: 056276A&B), which is the same as that described in



the Complaint. The Mortgage was filed on March 18, 1997, and is of record in the office of the ROD for Anderson County in Mortgage Book 2574 at Page 189.

10. This Mortgage constitutes a first lien on the subject property.
11. The titleholder of record in and to the subject property as of the filing of the Lis Pendens in this action is Defendant Corrie A. Martin who is the original mortgagor.
12. Payment due on the Note has not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to accelerate payment of the entire indebtedness and has placed the Note and Mortgage in the hands of the attorney herein for collection.
13. The sum of \$3,500.00 is a reasonable fee to allow as attorney fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of the Note and Mortgage. Services anticipated to be performed until final adjudication contemplates completion of this matter within a reasonable time and does not include exceptional circumstances delaying conclusion beyond the normal time.
14. The amount due and owing on the Note, with interest at the rate provided in the Note, and other costs and expenses of collection, including attorney's fee, secured by the Mortgage is as follows:

a.	Principal due as of March 31, 2009	\$53,892.21
b.	Interest from July 24, 2008 through March 31, 2009 at 8.250%	\$3,045.00
c.	Late Charges before being sent to attorney for collection	\$30.00
d.	Insurance	\$655.10
e.	Deferred Payments	\$1,631.31
f.	Attorney's fee	\$3,500.00
g.	Costs of collection prior to hearing	\$817.00



Total Debt secured by Note and Mortgage,
including interest to date shown

\$63,571.52

Per Diem at \$14.37

The amount due (shown above) shall accrue interest at the rate of 8.250% per annum and together with such interest shall constitute the total debt due the Plaintiff, pursuant to S.C. Code §29-3-630.

15. That the Plaintiff is seeking foreclosure of the Mortgage against all Defendants, and its right to a deficiency judgment against Defendant Corrie A. Martin is expressly demanded.
16. Upon information and belief, the Defendant ANMED Health f/d/b/a Anderson Area Medical Center, Inc. has or may claim to have an interest in the subject property by virtue of a Transcript of Judgment filed February 16, 2007 against Corrie Ann Martin in the sum of \$984.62 as Judgment Roll No. 2007-CP-04-0534; however, any such interest of said Defendant ANMED Health f/d/b/a Anderson Area Medical Center, Inc. is junior and subordinate to Plaintiff's Mortgage.
17. Upon information and belief, the Defendant South Carolina Department of Revenue has or may claim to have an interest in the subject property by virtue of a Tax Lien filed September 13, 2007 in the Office of the Register of Deeds for Anderson County against Corrie A. Martin in the sum of \$402.99 as Judgment Roll No. 52864, Tax Lien No. 3-50846668-4, Receivable No. 03854380-2; however, any such interest of said Defendant South Carolina Department of Revenue is junior and subordinate to Plaintiff's Mortgage.

18. Upon information and belief, the Defendant United States of America by and through its agency the Internal Revenue Service has or may claim to have an interest in the subject property by virtue of a Notice of Federal Tax Lien filed March 28, 2007 against Corrie A. Martin in the Office of the Register of Deeds for Anderson County in the sum of \$6,164.21 as Judgment Roll. 3905, Serial Number 352481607; however, any such interest of said Defendant United States of America by and through its agency the Internal Revenue Service is junior and subordinate to Plaintiff's Mortgage.
19. Defendant South Carolina Department of Motor Vehicles is made a party hereto as it is the governmental agency responsible for issuing certificates of title for manufactured homes in South Carolina. The Plaintiff seeks an order requiring Defendant the South Carolina Department of Motor Vehicles to issue a certificate of title for the 1997 Destiny/Omni (56x24) Manufactured Home (VIN: 056276A&B) located on the subject property and secured as part of the Plaintiff's loan, free and clear of any liens to the successful purchaser as the foreclosure sale.

CONCLUSIONS OF LAW

I, therefore, conclude as follows:

The Plaintiff should have judgment of foreclosure of the Mortgage and the mortgaged property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The Defendant(s) named herein and all persons whosoever claiming under him, them or it be forever barred and foreclosed of all right, title, interest, and equity of redemption in the said mortgaged premises so sold, or any part thereof.



2. Plaintiff's Mortgage constitutes a first lien on the subject property.

3. There is due to the Plaintiff on the obligation and Mortgage set forth in the Complaint the sum of \$63,571.52 representing the total debt due Plaintiff as set out in the Findings of Fact *supra*.

4. The amount due in the preceding paragraph (the "Total Debt" as set forth hereinabove) shall accrue interest at the rate of 8.250% per annum and together with such interest shall constitute the total debt due the Plaintiff.

5. The amount due shall be subject to increase to permit the Plaintiff to recover additional costs, commissions and expenses. Such additional costs, commissions and expenses may be established by affidavit and shall be adjudicated by the court without further hearing.

6. That on or before the date of sale of the property hereinafter described, Plaintiff or Plaintiff's attorney, is to be paid the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

7. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the undersigned Master in Equity for Anderson County at public auction, at the Anderson County Courthouse, 100 South Main Street, Anderson, County and State aforesaid, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday, then and in such event, the sales day shall be on some other day appointed by the Court), on the following terms, that is to say:

A. FOR CASH: The undersigned Master in Equity for Anderson County will require, at the time of the bid, a deposit of five (5%) percent on the amount of the bid (in cash or equivalent) same to be applied on the purchase price if compliance is made; but in the event compliance is not made, the deposit may be forfeited without further hearing and applied first to



costs of the action and then to Plaintiff's debt. Should the successful bidder at the regularly conducted sale fail or refuse to make the required deposit at the time of bid or comply with the other terms of the bid within twenty (20) days, then the property may be re-sold on the same terms and conditions on some subsequent sales day, but at the risk of the defaulting bidder(s).

B. Interest on the bid shall be paid through the day of compliance at the rate of 8.250%.

C. The sale shall be subject to taxes and assessments, existing easements and restrictions and easements and restrictions of record, and any other senior encumbrances.

D. Purchaser to pay for any statutory commission on sale from the proceeds of sale, deed preparation, costs of recording the deed and deed stamps.

8. A personal or deficiency judgment being demanded, the bidding will remain open after the date of sale for thirty (30) days.

9. That the undersigned Master in Equity for Anderson County, will by advertisement according to law, give notice of the time, and place of sale, and the terms thereof; and will execute to the Purchaser, or Purchasers, a deed to the premises sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the Purchaser, or Purchasers, should fail to comply with the terms thereof within twenty (20) days after date of sale, then the undersigned Master in Equity for Anderson County may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured.

10. That the undersigned Master in Equity for Anderson County will apply the proceeds of sale as follows:



FIRST: To the payment of the amount of the costs and expenses of this action, including any Guardian Ad Litem fee or fees of attorneys appointed under Order of Court.

NEXT: To the payment to the Plaintiff or Plaintiff's attorney, of the amount of Plaintiff's debt and interest (including attorney fees) or so much thereof as the purchase money will pay on the same.

NEXT: Any surplus will be held pending further Order of this Court.

11. That Plaintiff have judgment of foreclosure against Defendant Corrie A. Martin.

That Plaintiff have the right to enter a personal judgment against Defendant Corrie A. Martin for any deficiency in this action remaining after the sale of the mortgage premises and disbursement of the proceeds of that sale according to the priorities found by the Court. Plaintiff may waive any of its rights prior to sale, including its right to a deficiency judgment, in accordance with Rule 71, South Carolina Rules of Civil Procedure. Plaintiff's waiver shall be made in writing.

12. If the Plaintiff is the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses, and the indebtedness of Plaintiff in full, Plaintiff may pay to the undersigned Master in Equity for Anderson County only the amount of the costs and expenses, crediting the balance of the bid on Plaintiff's indebtedness.

13. Should the Plaintiff, Plaintiff's attorney or agent fail to appear on sales day, the property shall not be sold, but shall be readvertised and sold at some convenient sales day thereafter when the Plaintiff, Plaintiff's attorney or agent is present.

14. In the event the successful bidder is other than the Plaintiff in possession herein, the Sheriff of Anderson County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, and put the successful bidder or his assigns in such peaceable possession.

15. That the deed of conveyance made pursuant to this sale shall be indexed in the grantor index by the Clerk of Court or Register of Deeds in the name of the owner of record of



subject property immediately prior to execution of the deed, as well as in the name of the undersigned Master in Equity for Anderson County, who executes such deed as grantor.

16. The Master in Equity for Anderson County, shall direct the Clerk of Court/Register of Deeds to release of record the mortgage lien being foreclosed, after the Order Confirming Sale and Disbursements has been executed and filed, which mortgage lien is described as follows:

That certain Mortgage given by Corrie A. Martin to Green Tree Financial Servicing Corporation dated March 18, 1997 and recorded in the Office of the Clerk of Court/Register of Deeds for Anderson County on March 18, 1997 in Book 2574 at Page 189.

17. The undersigned Master in Equity for Anderson County will retain jurisdiction to do all the necessary acts incident to this foreclosure including, but not limited to, the issuance of a Supplemental Order to evidence additional debt incurred if the sale of the property is delayed by the filing of a bankruptcy petition, transfer of service of the Note and Mortgage by the Plaintiff, or an attempt of the parties to reach a settlement, the issuance of a Supplemental Order to correct a harmless error in the action that does not substantially affect the rights of the parties, the issuance of a Writ of Assistance, disposing of any surplus funds pursuant to Rule 71(c), SCRCF, and hearing any issues involving appraisal proceedings under §29-3-680 et seq of the South Carolina Code of Laws (1976) as amended.

18. Mortgaged property to be sold by Master in Equity for Anderson County:

ALL that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina, and being shown and delineated as Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject

property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

This being the same property conveyed to Corrie A. Martin by Deed of Nu-Land, Inc. dated March 16, 1997, recorded Mach 18, 1997 in Book 2574 at Page 187.


Together with that certain 1997 Destiny/Omni (56x24) Manufactured Home (VIN: 056276A&B).

TMS No.: 072-04-01-001 (land) & 400-00-28-148 (MH)
Address: 112 Canter Lane, Anderson, South Carolina 29624

19. The Note as described hereinabove is secured by the 1997 Destiny/Omni (56x24) Manufactured Home (VIN: 056276A&B), located on the subject property and that said manufactured home is part of the real property.

20. The Defendant South Carolina Department of Motor Vehicles is ordered to issue a new Certificate of Title for the 1997 Destiny/Omni (56x24) Manufactured Home (VIN: 056276A&B), free and clear of any liens to the successful bidder and/or bidders after the foreclosure sale.


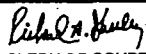
21. This property will be sold subject to a 120 day right of redemption of the United States of America, pursuant to Section 2410(c), Title 28, United States Code.



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

3-31-2009
Anderson County, South Carolina

Attorney for Plaintiff:
Jeffrey L. Silver
S.C. Bar No. 5104
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2009 MAR 31 P 2:45
COMMON PLEAS AND
GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

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)

2010-CP-04-03548)

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,)

DEFENDANTS.)

ANDERSON, SC)
JANUARY 24, 2011)

TRANSCRIPT OF TESTIMONY

BEFORE THE HONORABLE ELLIS B. DREW, JR.
MASTER IN EQUITY FOR THE TENTH JUDICIAL CIRCUIT

APPEARANCES

FOR PLAINTIFF: SARA C. HUTCHINS, ESQ.
CRAWFORD & VON KELLER
PO BOX 4216
COLUMBIA, SC 29240
803-790-2626 (T)
803-790-1277 (F)

FOR DEFENDANTS: NO ONE

COURT REPORTER: KAREN T. SENN
CIRCUIT COURT REPORTER
406 DOVE TREE LANE
ANDERSON, SC 29621
(864) 226-8170

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SARA C. HUTCHINS	3			

EXHIBITS

<u>FOR PLAINTIFF:</u>	<u>IN EVD.</u>
1. RECORD OF HEARING	4
A. NOTE	
B. MORTGAGE	
C. MOBILE HOME TITLE	
D. AFFIDAVIT OF ATTORNEY'S FEES W/STATEMENT OF FEES & COSTS	
E. AFFIDVIT OF DEBT	

FOR DEFENDANTS:

NONE

1 THE COURT: THIS IS CASE 2010-CP-04-03548
2 ENTITLED GREEN TREE SERVICING, LLC, VERSUS CORRIE A.
3 MARTIN, SOUTH CAROLINA DEPARTMENT OF REVENUE, THE UNITED
4 STATES OF AMERICA BY AND THROUGH ITS AGENCY THE INTERNAL
5 REVENUE SERVICE AND ANDERSON AREA MEDICAL CENTER, INC.,
6 NOW KNOWN AS ANMED HEALTH.

7 THIS MATTER WAS REFERRED DECEMBER 2, 2010. A
8 HEARING IS BEING HELD JANUARY 24, 2011, ATTENDED BY SARA
9 C. HUTCHINS, ATTORNEY FOR THE PLAINTIFF.

10 THE COURT NOTES THAT GEORGE A. CONTIS HAS FILED
11 AN ANSWER ON BEHALF OF THE UNITED STATES; MILTON J.
12 KIMPSON ON BEHALF OF THE SOUTH CAROLINA DEPARTMENT OF
13 REVENUE AND STEVEN C. KIRVEN ON BEHALF OF ANMED HEALTH.

14 ARE YOU EXPECTING ANY OF THESE ATTORNEYS TO
15 APPEAR, MS. HUTCHINS?

16 MS. HUTCHINS: NO, YOUR HONOR.

17 THE COURT: RAISE YOUR RIGHT HAND AND BE
18 SWORN, PLEASE.

19 SARA C. HUTCHINS, PLAINTIFF'S WITNESS, SWORN:

20 THE COURT: YOU MAY PROCEED.

21 MS. HUTCHINS: THANK YOU, YOUR HONOR. I'M SARA
22 HUTCHINS ON BEHALF OF THE PLAINTIFF. CORRIE A. MARTIN IS
23 IN DEFAULT. THE REMAINING PARTIES HAVE FILED ANSWERS AND
24 ASKED THAT THEIR INTERESTS BE PROTECTED AFTER THE
25 FORECLOSURE SALE.

1 THE TOTAL DEBT SECURED BY THE NOTE AND MORTGAGE
2 IS FIFTY-EIGHT THOUSAND, FIVE HUNDRED AND THIRTEEN
3 DOLLARS AND FORTY-EIGHT CENTS (\$58,513.48). THIS
4 INCLUDES TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) IN
5 ATTORNEY FEES AND NINE HUNDRED AND TWENTY-EIGHT DOLLARS
6 AND EIGHTY-THREE CENTS (\$928.83) IN COSTS OF COLLECTION
7 PRIOR TO THIS HEARING.

8 I HAVE PREPARED A RECORD OF HEARING WITH
9 SUPPORTING DOCUMENTS ATTACHED AND WOULD ASK THAT IT BE
10 ADMITTED INTO THE RECORD.

11 THE COURT: ADMITTED.

12 (PLAINTIFF'S EXHIBIT 1 IN EVIDENCE.)

13 MS. HUTCHINS: WE ARE DEMANDING A DEFICIENCY
14 AGAINST CORRIE A. MARTIN AND ASKING THAT THE FIRST SALE
15 BE HELD MARCH 1ST.

16 THE COURT: ALL RIGHT, ANYTHING FURTHER FOR
17 THE RECORD.

18 MS. HUTCHINS: NO, YOUR HONOR.

19 THE COURT: THAT'S ALL.

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21 END OF HEARING.

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STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

I, KAREN T. SENN, CERTIFIED COURT REPORTER FOR
THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
FOREGOING PAGES CONSTITUTE A TRUE, ACCURATE AND COMPLETE
TRANSCRIPT OF THE HEARING HELD ON JANUARY 24, 2011 BEFORE
THE HONORABLE ELLIS B. DREW, JR., MASTER IN EQUITY FOR
THE TENTH JUDICIAL CIRCUIT IN DOCKET 2010-CP-04-03548
ENTITLED GREEN TREE SERVICING, LLC VERSUS CORRIE A.
MARTIN, ET AL.

Karen T. Senn

ANDERSON, SOUTH CAROLINA
MAY 3, 2012

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

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)

2010-CP-04-03548)

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,)

DEFENDANTS.)

ANDERSON, SC)
JANUARY 23, 2012)

TRANSCRIPT OF TESTIMONY

BEFORE THE HONORABLE ELLIS B. DREW, JR.
MASTER IN EQUITY FOR THE TENTH JUDICIAL CIRCUIT

APPEARANCES

FOR PLAINTIFF:

THEODORE VON KELLER, ESQ.
CRAWFORD AND VON KELLER
PO BOX 4216
COLUMBIA, SC 29240
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803-790-1277 (F)

FOR DEFENDANT CORRIE
A. MARTIN:

D. ANDREW GAINES, ESQ.
GLENN, HAIGLER, MCCLAIN,
STATHAKIS & GAINES, LLP
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COURT REPORTER:

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(864) 226-8170

I N D E X

WITNESSES:

DIRECT CROSS REDIRECT RECROSS

NONE

EXHIBITS

FOR PLAINTIFF:

IN EVD.

NONE

FOR DEFENDANTS:

NONE

1 THE COURT: THIS IS CASE 2010-CP-04-3548
2 ENTITLED GREEN TREE SERVICING VERSUS CORRIE A. MARTIN,
3 SOUTH CAROLINA DEPARTMENT OF REVENUE, INTERNAL REVENUE
4 SERVICE AND ANMED HEALTH OR ANDERSON AREA MEDICAL CENTER.

5 THERE ARE TWO MATTERS BEFORE THE COURT. A
6 HEARING IS BEING HELD JANUARY 23, 2012 ATTENDED BY
7 THEODORE VON KELLER ON BEHALF OF THE PLAINTIFF AND ANDREW
8 GAINES WHO IS HERE ON BEHALF OF MS. MARTIN.

9 MR. GAINES: YES, YOUR HONOR.

10 THE COURT: THERE ARE TWO MATTERS BEFORE THE
11 COURT. MR. GAINES FILED A MOTION FOR RELIEF FROM
12 JUDGMENT. THERE IS ALSO A WRIT OF ASSISTANCE THAT HAS
13 BEEN ISSUED BY THE COURT.

14 ALL RIGHT, I'LL FIRST HEAR YOUR MOTION, MR.
15 GAINES.

16 MR. GAINES: YOUR HONOR, AS TO OUR MOTION FOR
17 RELIEF FROM JUDGMENT, WE BELIEVE THAT WE ARE ENTITLED TO
18 HAVE THE JUDGMENT REVERSED BECAUSE THE ORDER THAT WAS
19 ENTERED DID NOT TAKE INTO ACCOUNT THE FACT THAT MS.
20 MARTIN WAS MAKING PAYMENTS THE ENTIRE TIME AND GREEN TREE
21 WAS ACCEPTING THOSE PAYMENTS THE ENTIRE TIME THE
22 FORECLOSURE WAS GOING ON.

23 THE ORIGINAL COMPLAINT THAT WAS FILED IN THIS
24 ACTION STATES THAT SHE WAS DELINQUENT AS OF JULY OF 2010.
25 I HAVE HER BANKING RECORDS RIGHT HERE THAT SHOW ALL THE

1 PAYMENTS FOR 2010, INCLUDING THAT SHE WAS LATE FOR JULY,
2 2010, BUT SHE MADE EVERY PAYMENT DURING THE YEAR 2010 AND
3 SHE'S MADE EVERY PAYMENT SINCE THAT TIME. SHE'S BEEN
4 MAKING THEM IN 2011 AND GREEN TREE HAS BEEN ACCEPTING THE
5 PAYMENTS THE ENTIRE TIME.

6 THERE WAS SOME CONFUSION, AS WE UNDERSTAND IT.
7 THERE WAS A FORECLOSURE THAT WAS FILED PREVIOUSLY BY
8 GREEN TREE AGAINST MS. MARTIN IN 2008. AT THE COURT'S
9 DIRECTION THE PARTIES WERE ABLE TO COME TO AN AGREEMENT
10 AS TO A PAYOFF AMOUNT WHICH MS. MARTIN PAID IN A LUMP
11 SUM. IT WAS HER UNDERSTANDING THAT ONCE SHE PAID THAT
12 AMOUNT THAT HER LOAN WAS PUT BACK IN PLACE AND SHE
13 CONTINUED THEREAFTER MAKING HER PAYMENTS IN THE AMOUNT OF
14 FOUR HUNDRED AND FORTY DOLLARS AND FIFTEEN CENTS
15 (\$440.15) WHICH THE BANKING RECORDS SHOW THAT AS
16 CONSISTENT THROUGHOUT.

17 GREEN TREE, HOWEVER, STARTED TACKING ON AN
18 ADDITIONAL AMOUNT ONTO HER PAYMENTS THAT I CAN ONLY
19 ASSUME IS BASED ON SOME TYPE OF ATTORNEY'S FEES THEY WERE
20 ADDING ON. I CAN'T SPEAK FOR THEM IN THAT MATTER. MS.
21 MARTIN CONTINUED TO MAKE THE PAYMENTS AND THEY CONTINUED
22 TO ACCEPT THEM.

23 AT THIS POINT WHAT HAS OCCURRED IS MS. MARTIN
24 IS BASICALLY NOT ABLE TO LIVE IN HER HOUSE BECAUSE HER
25 HEAT HAS GONE OUT. THE DEED IS NO LONGER IN HER NAME

1 BECAUSE IT'S IN GREEN TREE'S NAME AND WE BELIEVE THAT THE
2 ENTIRE FORECLOSURE SHOULD HAVE BEEN REVERSED TO BEGIN
3 WITH AND THAT THEY FILED IT -- THEY HAD NO RIGHT TO FILE
4 IT TO BEGIN WITH BECAUSE SHE WASN'T DELINQUENT.

5 IF I MAY OFFER THESE BANKING RECORDS AND I HAVE
6 COPIES THAT MIGHT BE HELPFUL TO YOUR HONOR. IF I MAY
7 APPROACH?

8 THE COURT: YES, SIR..

9 MR. GAINES: WOULD YOU LIKE TO HEAR FROM MS.
10 MARTIN, YOUR HONOR?

11 THE COURT: NO.

12 MR. GAINES: WE ALSO HAVE AN ISSUE WITH
13 REGARDS TO YOUR ORDER FROM THE PREVIOUS FORECLOSURE
14 INCLUDING ATTORNEY'S FEES.

15 THE FORECLOSURE THAT WE ARE HERE ABOUT RIGHT
16 NOW FROM 2010 HAS ALSO INCLUDED ATTORNEY'S FEES AND TO
17 THE EXTENT THAT WE COULD GET THE PROPERTY PUT BACK IN HER
18 NAME AND WE ARE ABLE TO GO BACK UNDER THIS ORDER WE DON'T
19 BELIEVE WE WOULD BE RESPONSIBLE FOR ANY ATTORNEY'S FEES
20 ON GREEN TREE'S BEHALF AND WE ACTUALLY WOULD REQUEST
21 DAMAGES IN THAT SHE HAS LOST THE USE OF HER HOME AND HAS
22 BEEN UNABLE TO LIVE IN IT FOR THE LAST -- SHE HAS BEEN
23 UNABLE TO LIVE IN HER HOUSE FOR ABOUT NINETY (90) DAYS.

24 MR. VON KELLER: YOUR HONOR, TO BE CLEAR ON THE
25 RECORD, IT IS NOT HER HOUSE. YOUR HONOR SOLD THIS HOUSE

1 MARCH 1 OF 2011, THE DEED WAS PLACED IN MY CLIENT'S NAME
2 ON APRIL THE 7TH OF 2011. THAT IS WHY WE ARE BEFORE YOU
3 HERE TODAY ON A WRIT OF EVICTION.

4 LET ME JUST RESPOND TO A COUPLE OF THINGS
5 COUNSEL HAS SAID.

6 HE INDICATED THAT MS. MARTIN TAKES THE POSITION
7 THAT SHE HAS MADE EVERY PAYMENT. THAT IS INCORRECT. IN
8 THE 2009 FORECLOSURE THAT WAS FINALIZED ON MARCH 31 OF
9 2009, JEFF SILVER WAS THE ATTORNEY REPRESENTING MY CLIENT
10 IN THAT MATTER.

11 AFTER THAT MATTER NEGOTIATIONS WERE MADE TO
12 REINSTATE THE LOAN. IT IS THE PRACTICE OF GREEN TREE TO
13 REQUIRE FULL REINSTATEMENT OF ALL FEES AND COSTS.

14 THE PROBLEM HERE, YOUR HONOR, IS THAT MS.
15 MARTIN CONTENDS THAT SHE HAD NO REQUIREMENT TO PAY THE
16 THREE THOUSAND DOLLARS (\$3,000.00) IN THE ORDER. I HAVE
17 A COPY OF THE ORDER HERE. IN THE 2009 FORECLOSURE WHICH
18 WAS 2008-CP-04-4162 WHERE YOUR HONOR FOUND THAT MY CLIENT
19 WAS ENTITLED TO THREE THOUSAND DOLLARS (\$3,000.00) IN
20 ATTORNEY'S FEES. THAT HAS DEVELOPED THE PROBLEM.

21 WHEN MS. MARTIN AGAIN WAS SENDING IN HER
22 PAYMENT SHE INCLUDED NOTHING FOR THE REIMBURSEMENT OF
23 THOSE ATTORNEY FEES. SHE CONTENDS, DESPITE THE FACT THAT
24 THERE IS A FILED ORDER THAT REQUIRED HER TO PAY THAT AND
25 MY CLIENT -- IF SHE HAS PAID THAT IN PREVIOUS

1 FORECLOSURES, SHE CONTENDS THAT SHE DIDN'T HAVE TO PAY
2 THAT. SO WHEN SHE SENT IN THE FOUR HUNDRED AND FORTY
3 DOLLARS (\$440.00), OBVIOUSLY THERE WERE TWO SUMS THAT
4 WERE BEING REQUIRED OR TECHNICALLY THERE WERE THREE.
5 THERE WAS THE PRINCIPAL AND INTEREST PAYMENT, THERE WAS
6 THE ATTORNEY'S FEES REIMBURSEMENT AND THEN THERE WERE
7 TAXES AND INSURANCE. HER RECORDS, WHICH I WAS JUST
8 GLANCING OVER, ONLY SHOW FOUR HUNDRED AND FORTY DOLLARS
9 AND FIFTEEN CENTS (\$440.15). I ALSO NOTICE THAT I DON'T
10 HAVE ANY STATEMENTS FOR FEBRUARY, MARCH, APRIL. I WAS
11 JUST LOOKING THROUGH THIS VERY QUICKLY AS THIS IS THE
12 FIRST TIME I'VE SEEN IT -- FEBRUARY, MARCH, APRIL AND MAY
13 OF 2010. SO WE HAVE NOTHING BEFORE US ON THAT.

14 YOUR HONOR, THE POINT IS, THE ATTORNEY'S FEES
15 WERE PRORATED IN THE AMOUNT OF THREE HUNDRED DOLLARS
16 (\$300.00) AND THE MORTGAGE PAYMENT OF PRINCIPAL AND
17 INTEREST WAS FOUR FORTY (\$440.00) AND SHE'S ONLY SENDING
18 IN FOUR FORTY (\$440.00) IF WE ARE APPLYING IT TO
19 ATTORNEY'S FEES THERE'S NOT ENOUGH TO PAY THE MONTHLY
20 PAYMENT SO WE SIMPLY -- SHE STARTED TO RUN EACH MONTH A
21 LITTLE MORE AND A LITTLE MORE BEHIND. THAT'S THE
22 SITUATION THAT WE'RE DEALING WITH AND I THINK MS. MARTIN
23 WILL STIPULATE THAT SHE HAS NOT PAID THOSE ATTORNEY'S
24 FEES. THE ONLY THING YOU HAVE IN FRONT OF YOU, YOUR
25 HONOR, IS THE ORDER OF 2008 WHICH REQUIRED HER TO PAY

1 THAT. THAT IS AN ORDER OF THIS COURT THAT'S NOT BEEN
2 APPEALED FROM AND IS BINDING ON THE PARTIES.

3 MY CLIENT, MS. SHANNON TUCKER, THE REGIONAL
4 MANAGER OF GREEN TREE IS HERE. WE ARE PREPARED TO OFFER
5 TESTIMONY HERE YOUR HONOR THAT WE HAVE NOT RECEIVED
6 PAYMENTS ON THIS MATTER SINCE MAY OF 2010.

7 WE ARE ALSO HOLDING FOUR PAYMENTS IN ESCROW AND
8 WE HAVE SET UP A BLOCK ON THE ACCOUNT SO THAT SHE CAN'T
9 SEND IN HER PAYMENTS AND WE ARE UNAWARE OF IT ANYMORE.
10 THAT TOOK SOME DOING FOR US TO DO BECAUSE THESE PAYMENTS
11 ARE MADE TO A LOCK BOX BUT I MAKE A PROFFER TO YOU, YOUR
12 HONOR, THAT SHE IS PAST DUE FOR MAY THROUGH JANUARY --
13 MAY OF 2010 THROUGH JANUARY OF 2011. THERE IS NO
14 EVIDENCE TO THE CONTRARY THAT SHE HAS NOT PAID THE
15 FORECLOSURE ATTORNEY'S FEES AS STIPULATED IN YOUR ORDER
16 OF 2009 OR THE ONES THAT WE ARE HERE BEFORE YOU TODAY IN
17 2010. NOR HAS SHE PAID THE TAXES. THAT ACCOUNT IS STILL
18 SIGNIFICANTLY PAST DUE.

19 WE ARE ENTITLED TO STAND ON THIS ORDER, YOUR
20 HONOR, AND WE ARE ENTITLED TO A WRIT OF EJECTMENT.

21 THE COURT: THANK YOU. YOU ARE HOLDING FOUR
22 MONTHS' PAYMENTS IN ESCROW?

23 MR. VON KELLER: WE ARE, YOUR HONOR. FOUR
24 HUNDRED AND FORTY DOLLARS AND FIFTEEN CENTS (\$440.15) OR
25 SO, YOUR HONOR, EACH.

1 THE COURT: SIXTEEN (\$1,600.00) OR SEVENTEEN
2 (\$1,700.00) DOLLARS?

3 MR. VON KELLER: I THINK MY CALCULATIONS ARE
4 SEVENTEEN HUNDRED AND SIXTY DOLLARS AND SIXTY CENTS
5 (\$1,760.60) IS MY CALCULATION.

6 THE COURT: ALL RIGHT.

7 MR. GAINES: YOUR HONOR, MAY I RESPOND?

8 THE COURT: YES, SIR.

9 MR. GAINES: I BELIEVE MR. VON KELLER HAS
10 REPEATEDLY SAID THAT SHE HAS BEEN DELINQUENT AND THEY ARE
11 OWED PAYMENTS THROUGH MAY OF 2010 WHEN THE RECORDS IN
12 FRONT OF YOU WILL SHOW QUITE CLEARLY THAT THERE ARE
13 PAYMENTS ALL THROUGH SEPTEMBER ---

14 THE COURT: ALL RIGHT. MR. GAINES, WHEN
15 WERE YOU RETAINED ON THIS CASE?

16 MR. GAINES: I WAS RETAINED IN ABOUT
17 SEPTEMBER OF 2011, AND MS. MARTIN HAS MADE EVERY PAYMENT
18 THROUGH ---

19 THE COURT: DO YOU REALIZE THIS CASE HAS
20 GONE THROUGH A FORECLOSURE AND SALE?

21 MR. GAINES: I DO, YOUR HONOR.

22 THE COURT: WELL, IT SOLD ON OR ABOUT APRIL
23 7, 2011 AND A DEED HAS ALREADY BEEN ISSUED. ACCORDING TO
24 WHAT YOU AND THE PLAINTIFF SAY AND YOU MAY DISAGREE ON
25 IT, I DON'T HAVE ANY CONCLUSIVE EVIDENCE TO GRANT YOUR

1 MOTION. I'M GOING TO DENY YOUR MOTION.

2 NOW, THOSE ESCROW ACCOUNTS, MR. VON KELLER,
3 YOUR CLIENT IS WILLING TO REFUND THOSE?

4 MR. VON KELLER: WE WILL, YOUR HONOR. WE
5 CAN DO THAT WITHIN FORTY-EIGHT (48) HOURS.

6 THE COURT: ALL RIGHT. WHERE SHOULD THE
7 CHECK BE MAILED? TO YOU, MR. GAINES?

8 MR. GAINES: THAT WILL BE FINE, YOUR HONOR.

9 THE COURT: ALL RIGHT. THEY WILL REFUND
10 THOSE FOUR MONTHS' ESCROW ACCOUNTS THAT THEY HOLD FOR THE
11 MONTHLY PAYMENTS TO MR. GAINES. HE WILL DELIVER THEM TO
12 HIS CLIENT.

13 ALL RIGHT, NOW IS ANYONE LIVING IN THE HOUSE?

14 MR. GAINES: YOUR HONOR, MS. MARTIN LIVES IN
15 THE HOUSE.

16 THE COURT: ALL RIGHT.

17 MR. GAINES: TO THE EXTENT SHE CAN WITH THE
18 HEAT SITUATION.

19 THE COURT: PARDON?

20 MR. GAINES: I DON'T THINK SHE CAN STAY THERE
21 TONIGHT. IT'S TOO COLD.

22 THE COURT: WELL, WE HAVE A WRIT OF
23 EJECTION BEFORE THE COURT OR WRIT OF ASSISTANCE. ALL
24 RIGHT, MR. VON KELLER, I'LL HEAR YOU ON THAT.

25 MR. VON KELLER: YOUR HONOR, AS I INDICATED TO

1 YOU, YOU ISSUED A FINAL ORDER OF FORECLOSURE IN THIS
2 MATTER IN JANUARY OF 2011. YOU CONDUCTED A SALE ON MARCH
3 1 OF 2011 WHERE IT WAS SOLD AND YOU ISSUED A DEED TO MY
4 CLIENT ON APRIL 7TH OF 2011.

5 THE DEFENDANT HAS HELD OVER INTO THAT HOME
6 IMPROPERLY AND ILLEGALLY AND WE BELIEVE THAT WE ARE
7 ENTITLED TO A WRIT OF ASSISTANCE EVICTING HER FROM OUR
8 PROPERTY.

9 THE COURT: ALL RIGHT.

10 MR. GAINES: YOUR HONOR, WE WOULD JUST
11 RESTATE OUR POSITION THAT THE ORDER THAT WAS ISSUED DOES
12 NOT TAKE INTO ACCOUNT ---

13 THE COURT: I'VE ALREADY RULED AGAINST YOU
14 ON THAT, MR. GAINES. I DENIED YOUR MOTION.

15 NOW THE WRIT OF ASSISTANCE THAT HAS BEEN ISSUED
16 WAS ISSUED MAY 27, 2011. APPARENTLY SHE HAS NOT VACATED
17 THE PROPERTY. IF SHE'S NOT OUT WITHIN THIRTY (30) DAYS
18 THIS WRIT IS GOING TO BE REISSUED TO THE SHERIFF AND HE
19 WILL EVICT HER.

20 THANK YOU. I'LL GIVE YOU BACK THIS STATEMENT
21 YOU GAVE ME, MR. GAINES.

22 ALL RIGHT, MR. VON KELLER, SEND ME AN ORDER.
23 SEND A COPY TO MR. GAINES DENYING HIS MOTION AND A WRIT
24 OF ASSISTANCE ALONG WITH IT WHICH I'LL SIGN WITHIN THIRTY
25 (30) DAYS IF SHE HAS NOT VACATED.

1 MR. VON KELLER: I WILL, SIR. I'LL SEND IT
2 TO MR. GAINES FOR REVIEW.

3 THE COURT: MS. MARTIN, IT'S TOO BAD YOU
4 DIDN'T GET A LAWYER PRIOR TO ALL OF THIS COMING UP. IT'S
5 A LITTLE TOO LATE NOW.

6 THANK YOU ALL.

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8 END OF HEARING.

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF ANDERSON)

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4 I, KAREN T. SENN, CERTIFIED COURT REPORTER FOR
5 THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
6 FOREGOING PAGES CONSTITUTE A TRUE, ACCURATE AND COMPLETE
7 TRANSCRIPT OF THE HEARING HELD BEFORE THE HONORABLE ELLIS
8 B. DREW, JR., MASTER IN EQUITY FOR THE TENTH JUDICIAL
9 CIRCUIT ON JANUARY 23, 2010 IN DOCKET NUMBER 2010-CP-04-
10 03548 ENTITLED GREEN TREE SERVICING, LLC VERSUS CORRIE A.
11 MARTIN, ET AL.

12
13 Karen T. Senn
14

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16 ANDERSON, SOUTH CAROLINA
17 MAY 3, 2012

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STATE OF SOUTH CAROLINA)
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COUNTY OF ANDERSON)
)
CORRIE A. MARTIN)
)
)
Plaintiff,)
)
vs.)
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)
GREEN TREE SERVICING, LLC, as)
Successor in Interest to Green Tree)
Financial Serving Corporation,)
)
)
Defendant.)
)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. # 2010-CP-04-03548

CERTIFICATE OF SERVICE

I hereby certify that I served the Respondent's Attorney Theodore Von Keller with a copy of the **Brief of Appellant and Record on Appeal** by placing a copy thereof in an envelope deposited in the United States Mail on June 22, 2012 with proper postage attached thereto. Addressed to:

Theodore Von Keller
Crawford & Von Keller, LLC
Post Office Box 4216
Columbia, SC 29240
Telephone # 803-790-2626
Attorney for the Respondent

RECEIVED

JUL 05 2012

SC Court of Appeals

June 22, 2012

Corrie A. Martin

Corrie A. Martin
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Appellant