

5

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master In Equity

Case No.: 2010-CP-10-5825

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MAY 12 2015  
SC Court of Appeals  
75955

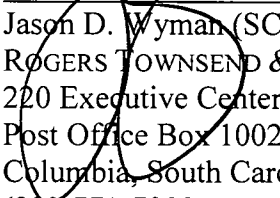
Selene RMOF REO Acquisition, LLC.....Respondent,  
v.  
Melissa Furmanchik; Masonborough at Park West Association, Inc.  
and Wells Fargo Bank, N.A.,.....Defendants,  
Of whom Melissa Furmanchik is the..... Appellant.

**RESPONDENT'S MOTION TO SUBSTITUTE RESPONDENT**

Pursuant to Rule 265, SCACR, Respondent Selene RMOF REO Acquisition, LLC respectfully moves the court for an Order substituting Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee of the American Mortgage Investment Partners Fund I Trust as the Respondent in this action.

The underlying suit here is an action for foreclosure. On February 19, 2015, an Assignment of Mortgage from Selene RMOF REO Acquisition, LLC was recorded in the Office of the Register of Mesne Conveyance for Charleston County. Immediately thereafter, Selene Finance LP assigned the subject Mortgage to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee of the American Mortgage Investment Partners Fund I Trust. A copy of the Assignments of Mortgage is attached as Exhibit A.

As Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee of the American Mortgage Investment Partners Fund I Trust is now the Mortgagee of record, I respectfully request that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee of the American Mortgage Investment Partners Fund I Trust be substituted for Selene RMOF REO Acquisition, LLC as the Respondent in this action.



---

Jason D. Wyman (SC Bar #100271)  
ROGERS TOWNSEND & THOMAS, PC  
220 Executive Center Drive – Suite 109 (29210)  
Post Office Box 100200  
Columbia, South Carolina 29202-3200  
(803)771-7900  
**ATTORNEYS FOR THE RESPONDENT**  
Rogers Townsend & Thomas, PC and its staff are debt collectors.

Columbia, South Carolina  
May 7, 2015

# RECORDER'S PAGE



**EXHIBIT**  
**A**

**NOTE:** This page **MUST** remain with the original document

**Filed By:**

FIRST AMERICAN TITLE COMPANY  
181 EAST 5600 SOUTH  
STE 330  
MURRAY UT 84107 (FEDEX)

RECORDED		
Date:	February 19, 2015	
Time:	9:58:41 AM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0457	932	Asgt
Charlie Lybrand, Register Charleston County, SC		

**MAKER:**

SELENE RMOF REO ETC

# of Sats:  # of Pages:   
# of References:

**RECIPIENT:**

SELENE FINANCE LP

Note:

Recording Fee	\$	6.00
Extra Reference Cost	\$	-
Extra Pages	\$	2.00
Postage	\$	-
Chattel	\$	-
<b>TOTAL</b>	<b>\$</b>	<b>8.00</b>

**Original Book:**

F554

**Original Page:**

170

**DRAWER**   
**CLERK**



0457  
Book



932  
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Recorded Date



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Recorded Time



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Prepared by, Recording Requested By and Return to:

AMIP Management, LLC  
2999 Westminster Ave, Ste 265  
Seal Beach, CA 90740

607535A

**RECORD FIRST ASSIGNMENT OF MORTGAGE**

**FOR VALUE RECEIVED, SELENE RMOF REO ACQUISITION LLC, ITS SUCCESSORS AND ASSIGNS,** whose address is C/O SELENE FINANCE LP, 9990 RICHMOND AVE, STE 400 SOUTH, HOUSTON, TX 77042, does hereby assign and transfer to **SELENE FINANCE LP** forever and without recourse, whose address is 9990 RICHMOND AVE, STE 400 SOUTH, HOUSTON, TX 77042, all its right, title and interest in and to the described Mortgage, together with the note dated 9/7/2005 secured by said mortgage, executed by **DAVID H. FURMANCHIK, A MARRIED MAN AND MELISSA FURMANCHIK, HIS WIFE** to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR WACHOVIA MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS** for \$464,000.00 dated 9/7/2005 of record on 9/19/2005 in Book F554 Page 170, in the **CHARLESTON** County Clerk's Office, State of **SOUTH CAROLINA**.

Property Address: 1820 WEST CANNING DRIVE, MT. PLEASANT, SOUTH CAROLINA 29466  
Legal description: SEE ATTACHED EXHIBIT "A"

Executed this 1-9-2015

**SELENE RMOF REO ACQUISITION LLC**

Witness:   
Printed Name: N. GUTWILLIG

Witness: **Robert Ortega**   
Printed Name: R. ORTEGA

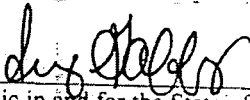
By: **DONNA BRAMMER**  
Title: VICE PRESIDENT

ACKNOWLEDGMENT

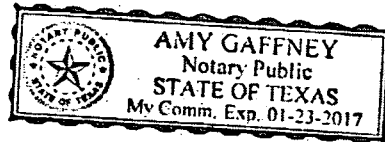
STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on 1-9-15 by DONNA BRAMMER the VICE PRESIDENT of SELENE RMOF REO ACQUISITION LLC, ITS SUCCESSORS AND ASSIGNS, on behalf of said limited liability company.



Notary Public in and for the State of Texas  
Notary's Printed Name: AMY GAFFNEY  
My Commission Expires: 01/23/2017



For \$464,000.00 dated 9/7/2005

COURTESY RECORDING

THIS DOCUMENT IS BEING RECORDED SOLELY AS A  
COURTESY AND AN ACCOMODATION. FIRST AMERICAN  
TITLE EXPRESSLY DISCLAIMS ANY RESPONSIBILITY  
OR LIABILITY FOR THE ACCURACY CONTAINED WITHIN  
SAID DOCUMENT.

EXHIBIT 'A'

LEGAL DESCRIPTION:

ALL that certain piece, parcel, or lot of land, together with the improvements thereon, if any, situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina, shown and designated as LOT 57 on a plat entitled, "A CONDITIONAL SUBDIVISION PLAT OF WINTERBROOKE SUBDIVISION, PHASE 4, PHASE III PARK WEST, FORMERLY A PORTION OF MASONBOROUGH SUBDIVISION, OWNED BY PARK WEST DEVELOPMENT, INC., LOCATED IN THE TOWN OF MOUNT PLEASANT, CHARLESTON COUNTY, SOUTH CAROLINA" prepared by Southeastern Surveying of Charleston, Inc., dated February 26, 2004 and recorded March 23, 2004 in the RMC Office for Charleston County in Plat Book EG at Pages 968 and 969. Said lot having such size, shape, dimensions, and boundaries as will by reference to said plat more fully appear.

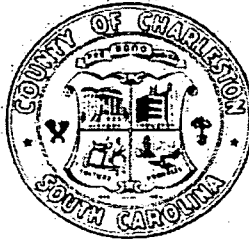
THIS being a portion of the property conveyed to David H. Furmanchik herein by deed of Park West Development, Inc., dated April 20, 2004 and recorded on May 7, 2004 in the RMC Office for Charleston County in Book R 493, Page 580.

TMS#: 594-12-00-781

GRANTEE'S ADDRESS: 1820 West Canning Drive, Mt. Pleasant, SC 29466

THIS CONVEYANCE IS MADE SUBJECT TO all covenants, conditions, restrictions and easements of record, including any shown or noted on the above referenced plat and those set forth in Exhibit "A" attached hereto and incorporated herein by reference (collectively the "Permitted Exceptions").

# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

FIRST AMERICAN TITLE COMPANY  
 181 EAST 5600 SOUTH  
 STE 330  
 MURRAY, UT 84107 (FEDEX)

<b>RECORDED</b>		
Date:	February 19, 2015	
Time:	10:00:36 AM	
Book	Page	DocType
0457	933	Asgt
Charlie Lybrand, Register Charleston County, SC		

**MAKER:**

SELENE FINANCE LP

# of Pages:   
 # of Sats:   
 # of References:

**RECIPIENT:**

WILMINGTON SVGS FUND ETC

Note:

Recording Fee	\$ 6.00
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**CLERK**



0457  
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10:00:36  
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Prepared by, Recording Requested By and Return to:

AMIP Management, LLC  
2999 Westminster Ave, Ste 265  
Seal Beach, CA 90740

607535B

**RECORD  
SECOND**

**ASSIGNMENT OF MORTGAGE**

**FOR VALUE RECEIVED, SELENE FINANCE LP, ITS SUCCESSORS AND ASSIGNS**, whose address is 9990 RICHMOND AVE, STE 400 SOUTH, HOUSTON, TX 77042, does hereby assign and transfer to **WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST AS TRUSTEE OF THE AMERICAN MORTGAGE INVESTMENT PARTNERS FUND I TRUST** forever and without recourse, whose address is 2999 WESTMINSTER AVE., SUITE 265, SEAL BEACH, CA 90740, all its right, title and interest in and to the described Mortgage, together with the note dated 9/7/2005 secured by said mortgage, executed by **DAVID H. FURMANCHIK, A MARRIED MAN AND MELISSA FURMANCHIK, HIS WIFE** to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR WACHOVIA MORTGAGE CORPORATION, ITS SUCCESSORS AND ASSIGNS** for \$464,000.00 dated 9/7/2005 of record on 9/19/2005 in Book F554 Page 170, in the CHARLESTON County Clerk's Office, State of **SOUTH CAROLINA**.

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Legal description: SEE ATTACHED EXHIBIT "A"

Executed this 1-9-2015

**SELENE FINANCE LP**

Witness:   
Printed Name: N. GUTWILLIG

Witness:   
Printed Name: R. ORTEGA

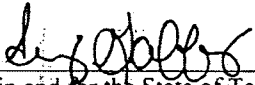
By: JASON BURR  
Title: ASSISTANT VICE PRESIDENT

ACKNOWLEDGMENT

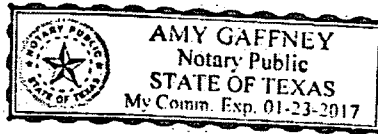
STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on 1-9-15 by JASON BURR the ASSISTANT VICE PRESIDENT of SELENE FINANCE LP, ITS SUCCESSORS AND ASSIGNS, A DELAWARE LIMITED PARTNERSHIP on behalf of said limited partnership.



Notary Public in and for the State of Texas  
Notary's Printed Name: AMY GAFFNEY  
My Commission Expires: 01/23/2017



For \$464,000.00 dated 9/7/2005

COURTESY RECORDING

THIS DOCUMENT IS BEING RECORDED SOLELY AS A COURTESY AND AN ACCOMMODATION. FIRST AMERICAN TITLE EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE ACCURACY CONTAINED WITHIN SAID DOCUMENT.

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APPEAL FROM CHARLESTON COUNTY  
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The Honorable Mikell R. Scarborough, Master In Equity

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v.

Melissa Furmanchik; Masonborough at Park West Association, Inc.  
and Wells Fargo Bank, N.A., .....Defendants,

Of whom Melissa Furmanchik is the .....Appellant.

PROOF OF SERVICE

I certify that I have served the **Respondent's Motion to Substitute Respondent** on Appellant by depositing a copy in the United States Mail, postage prepaid, on May 7, 2015, addressed to Appellant's attorney Mary Leigh Arnold, Esquire, 749 Johnnie Dodds Blvd., Suite B, Mt. Pleasant, SC 29465.

\_\_\_\_\_  
Jason D. Wyman (SC Bar # 100271)  
ROGERS TOWNSEND & THOMAS PC  
220 Executive Center Drive – Suite 109 (29210)  
P.O. Box 100200  
Columbia SC 29202-3200  
Telephone (803) 744-1305  
Attorneys for Respondent

Dated: May 7, 2015

ROGERS TOWNSEND & THOMAS, PC  
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220 EXECUTIVE CENTER DRIVE  
COLUMBIA, SOUTH CAROLINA 29210  
P 803.771.7900 F 803.343.7017  
W RTT-LAW.COM

JASON D. WYMAN  
ASSOCIATE  
JASON.WYMAN@RTT-LAW.COM  
P 803.744.5303  
F 803.343.7017

LICENSED IN SOUTH CAROLINA



May 7, 2015

The Honorable Jenny A. Kitchings  
Clerk of Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**

MAY 12 2015

**SC Court of Appeals**

Re: *Selene RMOF v. Melissa Furmanchik*  
Appeal Case No.: 2014-00906  
RTT File No.: 514332.00072

Dear Madam Clerk:

Please find enclosed the original and six (6) copies of Respondent's Motion to Substitute Respondent along with my firm's check in the amount of \$25.00 to cover the filing fee. Please file the original and return the clocked in the envelope provided for your convenience.

By copy of this letter, I am serving the same on counsel of record.

Sincerely,

A handwritten signature in black ink, appearing to be "Jason D. Wyman", written over a printed name. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jason D. Wyman

JDW/rd

Enclosures

cc:

Mary Leigh Arnold, Esq.  
749 Johnnie Dodds Blvd., Suite B  
Mt. Pleasant, SC 29465