

EXHIBIT 1

COPY OF ORDER APPEALING

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1/11/14

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-06-0195

US Bank Trust, N.A as Trustee for LSF8 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact

Ronnie Thomas; Shuman-Owens Supply Co., Inc.; SRP Federal Credit Union

RECEIVED

PLAINTIFF(S)

DEFENDANT(S)

JUL 22 2015

Submitted by: J. MARTIN HARVEY, Special Referee

Attorney for : Plaintiff Defendant
or Self-Represented Litigant

SC Court of Appeals

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

FILED FOR RECORD
2015 JUL 7 PM 3:10
CLERK OF COURT
SOUTH CAROLINA

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]
Circuit Court Judge

Judge Code

July 7, 2015

Date

STATE OF SOUTH CAROLINA

COUNTY OF BARNWELL

U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, by Caliber Home Loans, Inc., as its attorney in fact,

Plaintiff,

v.

Ronnie Thomas; Shuman-Owens Supply Co., Inc.; SRP Federal Credit Union;

Defendant(s).

(016426-00349)

IN THE COURT OF COMMON PLEAS

DOCKET NO. 14-CP-06-0195

ORDER DENYING DEFENDANT'S MOTION TO DISMISS, MOTION TO VACATE, MOTION TO OBJECT SALE, AND CONSTITUTIONAL CHALLENGE RULE 5.1

Deficiency Judgment Waived

FILED FOR RECORD
2015 JUL -7 PM 3:10
RHONDA D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

These matters came before the Court for hearing on December 8, 2014, on Defendant Ronnie Thomas's ("Defendant") Motion to Dismiss, Motion to Vacate, Motion to Object the Sale and Notice of Constitutional Challenge Rule 5.1 and Injunction. Kevin Brown, Esquire, appeared on behalf of Plaintiff, and Defendant appeared pro se. The Court makes the following finding of fact and conclusions of law based on the evidence presented and the arguments of counsel.

FINDINGS OF FACT

This is a foreclosure action filed on May 20, 2014. Despite having been served with the Summons and Complaint, the Defendant Ronnie Thomas did not file an answer or otherwise plead. The case was referred to the undersigned on or about July 22, 2014. The case was scheduled for hearing on September 10, 2014. Plaintiff appeared through counsel at the hearing. The Defendant Ronnie Thomas did not appear at the hearing. The undersigned issued Judgment in favor of the Plaintiff at the hearing and set the property for sale on November 3, 2014.

On or about September 29, 2014, the Defendant Ronnie Thomas filed a Motion to Dismiss. This motion was scheduled for hearing on October 29, 2014, to allow it to be heard in advance of the scheduled sale. Once again Plaintiff appeared through counsel and the Defendant Ronnie Thomas did not appear at the hearing. The Defendant's motion was denied.

Admit #1

The sale went forward with the Plaintiff being the highest bidder with a bid of \$45,000.00. After the sale the Defendant Ronnie Thomas filed the motions outlined above. These motions were scheduled for argument on December 8, 2014. The Plaintiff appeared through counsel and the Defendant appeared pro se. All pending motions were fully argued at this hearing.

CONCLUSIONS OF LAW

Motion to Vacate

The Court DENIES Defendant's Motion to Vacate the Sale and Judgment of foreclosure property pursuant to Rule 60(B) filed December 5, 2014. I find that Defendant does not have a basis of excusable neglect under Rule 60(B)(1) for the September 10, 2014 judgment because Defendant was mailed a copy of the Notice of Hearing as part of the Record of Hearing.

Furthermore, there is no basis for excusable neglect under Rule 60(B)(1) for the October 27, 2014 order denying the Defendant's motion to dismiss because, as previously noted, Defendant was mailed a copy of the Notice of Hearing.. Rule 5 of the South Carolina Rules of Civil Procedure does not contain a requirement for certified mail, *Wiggins v. Todd*, 373 S.E.2d 704, 705 (S.C. Ct. App. 1988); thus, serving of the Notice of Hearing was complete upon mailing.

Motion to Object Sale

The Court DENIES Defendant's Motion Objecting the Sale of the Foreclosure property. I find Defendant's claims to be without merit and conclusory allegations. Furthermore, paragraph 31 of the Judgment of Foreclosure and Sale allows the Plaintiff to be present at the sale of the foreclosed property, and if the Plaintiff was not present, the same paragraph dictated that the foreclosure sale would not proceed at that time but would be rescheduled for the next available date. The undersigned was informed that Plaintiff's bidder was in route to the sale, and it was not improper to delay the sale until his arrival. Nowhere in his motion does Defendant put forth a legal argument as to why the Motion should be granted, and THEREFORE his Motion must be DENIED.

Notice of Constitutional Challenge Rule 5.1 and Injunction

The Court finds Defendant's Constitutional Challenge to the laws governing foreclosures in South Carolina to be without merit and finds no violation of Defendant's Constitutional rights. I find that Defendant was not entitled to, nor did he request, a jury trial because an action to foreclose on a mortgage is an equitable action, thus his claim of being improperly denied to a right to a jury trial is without merit. The Statutes regarding foreclosures in South Carolina are determined to be constitutional, and therefore, Defendant does not have a claim to a violation of a Constitutional right to Due Process.


Am H #2

Furthermore, Defendant has not provided any facts in support of any of his claims, and as such, Defendant fails to plead with specificity according to Rule 8(c) of the South Carolina Rules of Civil Procedure. THEREFORE, Defendant's claims are without merit.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Defendant's Motion to Vacate Foreclosure Sale and Judgment is DENIED;
2. Defendant's Motion to Oppose Sale is DENIED; and
3. NO CONSTITUTIONAL VIOLATION of Defendant's rights or State statutes.

IT IS SO ORDERED



J. Martin Harvey, Jr.
Special Referee for Barnwell County

Barnwell, South Carolina

July 7, 2014

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