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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Clyde N. Davis, Jr., Special Referee

RECEIVED

JUL 30 2015

SC Court of Appeals

Case No.: 2009-CP-46-03996

Appellate Case No. 2013-001930

JP Morgan Chase Bank, National Association, Respondent,

v.

Leah B. Sample and JP Morgan Chase Bank, National Defendants,
Association s/b/m to Providian National Bank,

Of whom Leah B. Sample is the Appellant.

PETITION FOR REHEARING

David B. Sample
1506 Ebenezer Road
Rock Hill, South Carolina 29732
(803) 981-9900
ATTORNEY FOR APPELLANT

Other counsel of record:

Michael J. Anzelmo
Nelson Mullins Riley & Scarborough, LLP
P.O. Box 11070
Columbia, SC 29211
Attorney for Respondent

MEMORANDUM

STATEMENT OF THE CASE

Respondent filed a foreclosure action against Appellant on September 16, 2009. Subsequently the parties entered into negotiations and the action was put on hold until June 8, 2011, when the Respondent filed a Notice of Mortgagors Right to Foreclosure Intervention as required by South Carolina Supreme Court Administrative Order 2011-05-02-01. It is undisputed that this document, as well as all subsequent filings and notices in the case were served upon the Appellant by sending them to her counsel at a former address that was no longer being forwarded by the U.S. Postal Service. Subsequently a foreclosure sale took place and the Appellant's property was purchased by the Respondent. Also, a deficiency judgment was entered against the Appellant.

On March 6, 2013, Appellant filed a Motion to Set Aside Foreclosure Sale and Supplemental Order seeking to set aside the foreclosure sale and the deficiency judgment on the grounds that service upon Appellant's counsel at an outdated address of the Notice of Mortgagors Right to Foreclosure Intervention and all subsequent notices and filings was a violation of the Appellant's due process rights. By order filed on July 25, 2013, the Court denied the Appellant's motion to set aside the sale and subsequent order. By order filed on July 15, 2015, the Court of Appeals affirmed the Circuit Court.

POINT ALLEGEDLY OVERLOOKED

1. The address listed in the Attorney Information System is the proper address for serving an attorney, and it is undisputed that Appellant's counsel kept his entry in the system up to date.

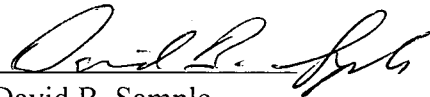
As stated in the Appellant's Final Brief, it is undisputed that the Appellant's attorney's address was at all times listed correctly in the Attorney Information System. By order of the South Carolina Supreme Court, "Each attorney and foreign legal consultant must, at a minimum, have a mailing address, an e-mail address and a phone number listed on the AIS. The mailing and e-mail address shown in the AIS shall be used for all purposes of notifying and serving the attorney or foreign legal consultant." South Carolina Supreme Court Order 2011-10-17-01.

CONCLUSION

For the reasons set forth above, the July 15, 2015 order of the Court of Appeals decision affirming the Circuit Court should be, and the foreclosure sale and all subsequent orders of the Circuit Court should be vacated.

Respectfully submitted,

July 30, 2015


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ATTORNEY FOR APPELLANT

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**CERTIFICATE OF SERVICE
BY MAIL**

I certify that I have served the Final Brief of Appellant on Respondent JP Morgan Chase Bank National Association by placing a copy of same in the United States Mail to the attorney for the Respondent, Michael J. Anzelmo, Post Office Box 11070, Columbia, South Carolina 29211 on July 30, 2015.



July 30, 2015

David B. Sample
1506 Ebenezer Road
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