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STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)
)
James C. Kincannon, James J. Kincannon, and)
Carolyn R. Kincannon,)
 Plaintiff)

IN THE COURT OF COMMON PLEAS

CASE NO.

2013-CP-15-1023

v.

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

U.S. Bank National Association, U.S. Bank National)
Association ND, Unknown U.S. Bank Entities,)
Greenville Process Service, Five Brothers Mortgage)
Company Services And Securing Inc., And John)
Does #1-50,)
 Defendant.)

RECEIVED
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SC Court of Appeals

Plaintiff's Attorney: J. Todd Kincannon, Bar No. Address: PO Box 7901, Columbia, SC 29201 phone: fax: e-mail: other:	Defendant's Attorney: John C. Hawk; Jana B. Baker, Bar No. Address: WCSR, 5 Exchange Street, Charleston, SC 29401 phone: 843-722-3400 fax: e-mail: jhawk@wcsr.com; jabaker@wcsr.com other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	

2015 MAY -6 AM 11:37
PATRICIA C. GRANT
COLLETON COUNTY
COMMON PLEAS

SECTION I: Hearing Information

Nature of Motion: Order Granting US Bank's Motion for Summary Judgment

Estimated Time Needed: Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached

Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant

May 4, 2015

Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$25.00

EXEMPT:

Rule to Show Cause in Child or Spousal Support

(check reason) Domestic Abuse or Abuse and Neglect

Indigent Status State Agency v. Indigent Party

Sexually Violent Predator Act Post-Conviction Relief

Motion for Stay in Bankruptcy

Motion for Publication Motion for Execution (Rule 69, SCRPC)

Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter:

Other:

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.

Other:

JUDGE

CODE:

Date:

CLERK'S VERIFICATION

Date Filed:

Collected by: _____

MOTION FEE COLLECTED: _____

CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
 COUNTY OF COLLETON) CASE NUMBER: 2013-CP-15-1023
)
)

James C. Kincannon, James J. Kincannon, and
 Carolyn R. Kincannon,

Plaintiffs,

vs.

U.S. Bank National Association and U.S. Bank
 National Association ND,

Defendants.

**ORDER GRANTING U.S. BANK'S
 MOTION FOR SUMMARY JUDGMENT**

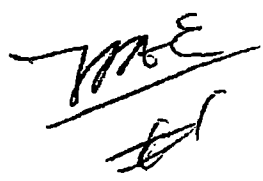
Judge: The Honorable Doyet A. Early, III
 Plaintiffs' Attorney: Todd Kincannon, Esquire
 Defendants Attorney: John C. Hawk, Esquire

2015 MAY -6 AM 11:37
 PATRICIA J. GRANT
 COLLETON COUNTY
 COMMON PLEAS

This matter came before the Court on April 14, 2015, for a hearing on Defendant U.S. Bank's Motion for Summary Judgment. Plaintiffs James C. Kincannon, James J. Kincannon, and Carolyn R. Kincannon ("Plaintiffs") were represented by Todd Kincannon of The Kincannon Firm. Defendants U.S. Bank National Association and U.S. Bank National Association ND ("U.S. Bank") were represented by John Hawk of Womble Carlyle Sandridge & Rice, L.L.P. At the hearing, Plaintiffs' counsel argued that summary judgment was inappropriate because the Plaintiffs had effectively dismissed their case by filing a Judgment of Retraxit. However, on April 17, 2015, Plaintiffs' counsel advised the Court by letter that, after further consideration, Plaintiffs consented to U.S. Bank's Motion for Summary Judgment.¹

Following entry of Judge Buckner's Order Granting Defendants' Motion to Dismiss, in Part, and Denying Defendants' Motion to Dismiss, in Part, filed on January 6, 2014, only one of Plaintiffs' original four causes of action remains in this case. The remaining claim is a request

¹ A copy of Mr. Kincannon's letter is attached as Exhibit A.



for a permanent injunction which would prevent U.S. Bank from performing property inspections on the Plaintiffs' mortgaged property "without Plaintiffs' express prior permission." Complaint, ¶ 59. Considering the Plaintiffs' consent, and after carefully reviewing memoranda and proposed orders submitted by the parties, hearing arguments from counsel for both parties, and considering the applicable law and facts related to this Motion, the Court finds it is proper to enter an Order Granting U.S. Bank's Motion for Summary Judgment.

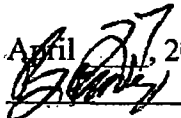
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. U.S. Bank's Motion for Summary Judgment is **GRANTED** as to Plaintiffs' last remaining cause of action.
2. This Order ends the case.

AND IT IS SO ORDERED.



The Honorable Doyet A. Early, III

April 27, 2015

_____, South Carolina