

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee, Pooling and Servicing Agreement Dated as of January 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP1,

Plaintiff,

vs.

Denise J. Forte, Associates Financial Services Company of South Carolina, Inc., and South Carolina Department of Revenue,

Defendants.

IN THE COURT OF COMMON PLEAS

FOURTH JUDICIAL CIRCUIT

C/A NO: 2012-CP-16-00636

**ORDER AND JUDGMENT OF FORECLOSURE AND SALE**

(Deficiency Waived)

RECEIVED

DEC 09 2015

SC Court of Appeals

SCOTT P. SURGES  
CLERK OF COURT  
DARLINGTON COUNTY, S.C.

2015 JAN -6 PM 12:42

FILED

Pursuant to Rule 53 SCRCF, the above captioned lawsuit was referred to the undersigned Special Referee for Darlington County, South Carolina. This order arises from adjudication of an Amended Complaint for foreclosure filed by the plaintiff, The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee, Pooling and Servicing Agreement Dated as of January 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP1, (Plaintiff). Any appeal from any order or judgment issued by the undersigned shall be to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules.

The undersigned conducted a hearing to determine the merits of the Plaintiff's Amended Complaint. Pursuant to all matters, arguments, and evidence presented at the hearing—all of which are reported in the hearing transcript— I find, conclude and order as follows:

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## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Lis Pendens was filed on July 26, 2012.
2. The Summons and Complaint was filed on July 26, 2012.
3. The Amended Lis Pendens was filed on July 1, 2014.
4. The Amended Summons and Complaint was filed July 1, 2014.
5. Service of all relevant pleadings were made upon the defendant, Denise J. Forte (Defendant) as shown by the Affidavit of Service and Certificates of Service filed in this case.
6. Defendant Associates Financial Services Company of South Carolina, Inc. failed to answer the Plaintiff's complaint and is in default.
7. Defendant South Carolina Department of Revenue did not attend the foreclosure hearing.
8. All defendants appearing in this action or all attorneys of record, or both, were notified of the time, date and place of the hearing in this matter. Only Plaintiff, through counsel and a witness, and Defendant, who appeared at the hearing *pro se*, attended the scheduled merits hearing.
9. According to the Affidavits filed herein, Defendant is not in the military service of the United States of America, as contemplated under the Servicemembers Civil Relief Act (2003), and any amendments thereto.
10. For value received, Defendant made, executed and delivered a note (Note) dated June 27, 1996. Under the Note, Defendant promised to pay twenty nine thousand nine hundred sixty and no/100 (\$29,960.00) dollars to the order of Prime Investors, Inc., with interest at the rate of 12.490% per annum. Other terms and conditions are stated in the Note, and those terms and conditions are incorporated here by reference.

11. To secure the payment of the Note, Defendant made, executed and delivered to Prime Investors, Inc., a written mortgage that is dated June 27, 1996 (Mortgage). The Mortgage was recorded on June 28, 1996, with the Office of the Register of Deeds for Darlington County (Register of Deeds) in Book M221 at Page 122. Other terms and conditions are stated in the Mortgage, and those terms and conditions are incorporated here by reference.

12. The Mortgage encumbers real property (Property) that is described as follows:

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the Beacon Hill Subdivision, City of Hartsville, County of Darlington, State of South Carolina and being bounded and described as follows: On the NORTHEAST by Askins Road and measuring thereon 136.61 feet, more or less; on the SOUTHEAST by lands of Godfrey, et al, and measuring thereon 156.79 feet, more or less; on the SOUTHWEST by lands of Smith and Jacobs, et al, and measuring thereon 136.64 feet, more or less; and on the NORTHWEST by lands of Farmer, et al and measuring thereon 155.76 feet, more or less.

Said lot of land being more particularly represented and delineated as Lot 4A on a plat thereof prepared by J. E. Tucker, Jr., RLS, dated June 20, 1996, and recorded in the office of the Clerk of Court for Darlington County, South Carolina in Plat Book 164 at page 243.

Derivation: This being the same property conveyed to Denise Forte by deed of Randolph O. Johnson executed June 27, 1996, and recorded June 27, 1996, in Deed Book D134 at page 113 in the office of the Clerk of Court for Darlington County, South Carolina.

TMS#: 054-16-01-021

Property Address: 1206 Askins Road, Hartsville, SC 29550

13. The Mortgage is a first mortgage lien on the Property.

14. The evidence for this case establishes that Plaintiff is a party entitled to enforce the Note and Mortgage.

15. By filing a Certification of Compliance with Administrative Order 2011-05-02-01 with the Court on July 24, 2013, Plaintiff's counsel has complied with the requirements of the South Carolina Supreme Court's Administrative Order for Foreclosures.

16. The titleholder of record in and to the Property as of the filing of the Lis Pendens for this action is Defendant.

17. Payment due on the Note has not been made as provided for therein, and Plaintiff, as the holder of the Note, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of an attorney for collection.

18. The amount due and owing on the Note as of November 26, 2014, with interest at the rate provided in the Note, and other costs and expenses of collection, including an attorney's fee, secured by Note and Mortgage, is as follows:

Principal	\$25,842.18
Interest (through November 26, 2014)	\$10,041.81
Escrow Advances	\$953.42
Property Inspection	\$243.00
Title Report	\$300.00
Property Valuation Expense	\$242.00
FC Thru Service Complete	\$1,000.00
Civil Litigation	\$518.25
Filing Fee Complaint	\$150.00
Sheriff Process	\$365.00
Statutory Mailings	\$223.50
Skip Trace/Search	\$5.00
Legal Filing Service	\$100.00
Mediation	\$500.00
Transaction History	\$5.00
Certified Mail	\$6.58
Satisfaction	\$5.00
Payoff	\$25.00
Attorney Fee & Collection	\$300.00
BPO	\$190.00
Miscellaneous	\$602.99
Property Inspection	\$107.00
Late Fees	\$1,289.23
Suspense Credit	-\$53.79
TOTAL DEBT secured by Note and Mortgage, including interest to date shown and attorney's fees	\$42,961.17

Interest for the period from August 27, 2011 through November 26, 2014, as shown above at the stated rate of 12.49% per annum shall be added to the Principal Balance shown above through the

date this Judgment is filed. After the date of judgment, interest at the rate of 12.49% on the total judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by the Mortgage.

19. Plaintiff does not demand a deficiency judgment in the event the sale of the real estate herein does not yield a sum sufficient to satisfy all indebtedness due unto Plaintiff, including costs and attorney's fees.

20. Based upon the Chief Justice's Administrative Order 2009-05-22-01, and the Affidavits presented pursuant thereto, I find the HMP requirements have been satisfied without resulting in modification and the within captioned action is not or is no longer stayed by the above-referenced order.

21. Based upon the Chief Justice's Administrative Order 2011-05-02-01, and the certification presented pursuant thereto, the Mortgagor has failed, refused, or voluntarily elected not to participate in any foreclosure intervention process as defined in the Order within the 30-day response period.

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22. Finally, based on all of the arguments, evidence, and submissions at the hearing for Plaintiff's Amended Complaint, the Court concludes that judgment should be granted in favor of Plaintiff as to its foreclosure action and all defenses alleged by the Defendant.

23. The following defendants claim or may claim a lien upon or interest in the Property, but all of the defendants' following liens or interests are junior in priority to Plaintiff's Mortgage and will be foreclosed upon entry of this Order and Judgment:

a. Defendant Associates Financial Services Company of South Carolina, Inc. (Associates) may claim some interest by virtue of a mortgage given by Defendant to Associates in the principal amount of nine thousand four hundred sixty-three and 99/100 dollars (\$9,463.99).

Defendant Associate's mortgage was recorded with the Register of Deeds on March 24, 1997 in Book M256 at Page 344.

b. Defendant South Carolina Department of Revenue (SCDOR) may claim some interest by virtue of a tax lien numbered 3-51255185-7 against Defendant Denise J. Forte dated April 1, 2011 and entered into the records of the Register of Deeds on April 11, 2011 as file number 2011-00001190 in the amount of one thousand six hundred thirty-seven and 78/100 dollars (\$1,637.78).

Based on the foregoing findings of fact, **IT IS THEREFORE ORDERED:**

1. Plaintiff's Complaint is GRANTED.
2. Defendant failed to present sufficient evidence to rebut the claims alleged by Plaintiff in its Amended Complaint, and therefore, Plaintiff is entitled to judgment for its foreclosure cause of action and any defenses alleged by Defendant.
3. There is due to Plaintiff on the obligation and Mortgage set forth in the Complaint the sum of forty two thousand nine hundred sixty-one and 17/100 dollars (\$42,961.17), which represents the "Total Debt" due Plaintiff as set forth in the Findings of Fact, *supra*, together with interest at the rate provided therein from the date aforesaid to the date hereof.
4. The Total Debt constitutes the total judgment debt due the Plaintiff and shall bear interest hereafter at the rate of 12.49%.
5. Defendant Denise J. Forte is liable for the Total Debt and shall, on or before the date of sale of the Property, pay to Plaintiff or its attorney the full balance of the Total Debt together with the costs and disbursements of this action. If such debt is paid in full, then the foreclosure sale shall be cancelled.

6. On default of payment at or before the time herein indicated, the Special Referee or his agent will sell the Property that is encumbered by the Mortgage at a public auction conducted at the Darlington County Courthouse, Darlington, South Carolina on some convenient sales day (and should the regular day of judicial sales fall on a legal holiday, then and in such event, the sales day shall be on Tuesday next succeeding such holiday), on the following terms, that is to say:

- a. **FOR CASH:** The Special Referee will require a deposit of 5% on the amount of the bid (in cash or equivalent), same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within 20 days, the deposit may be forfeited without further hearing and applied to the costs and Plaintiff's debt.
- b. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 12.49%.
- c. The sale shall be subject to taxes and assessments, existing easements and easements and restrictions of record.
- d. This Mortgage constitutes a first priority lien on the subject property.
- e. Purchaser to pay for deed preparation and costs of recording the Deed, and transfer taxes.

5. If Plaintiff is the successful bidder at the said sale, for a sum not exceeding the amount of costs, disbursements and expenses and the indebtedness of Plaintiff in full, Plaintiff may pay to the Special Referee only the amount of the costs, disbursements and expenses crediting the balance of the bid on Plaintiff's indebtedness.

6. The Special Referee will, by advertisement according to law, give notice of the time, date, place of sale, and the terms thereof, which Notice of Sale is incorporated herein by

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reference; and will execute to the Purchaser, or Purchasers, a deed to the premises sold. 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 20 days after date of sale, then the Special Referee 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.

7. Should Plaintiff, Plaintiff's attorney, or Plaintiff's agent fail to appear on the day of sale, the property shall not be sold, and in that event any such sale shall be null and void and of no force and effect. The property shall be re-advertised and sold at some convenient sales day thereafter when Plaintiff, Plaintiff's attorney, or Plaintiff's agent is present.

8. That the Special Referee will apply the proceeds of the sale as follows:

**FIRST:** To 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 of Plaintiff, or Plaintiff's attorney, of the amount of Plaintiff's debt and interest, so much thereof as the purchase money will pay on the same.

**NEXT:** Any surplus funds will be held pending further order of the Court.

9. **IT IS FURTHER ORDERED** that in the event the successful bidder is other than Defendant Denise J. Forte, upon full compliance with the bid, and pursuant to the rule of this Court, the Sheriff of Darlington County is ordered and directed to eject and remove from the premises any occupants of the property sold, together with all personal property located thereon.

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and put the successful bidder or his assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession.

10. **IT IS FURTHER ORDERED** that, in the event the successful bidder is other than the Defendant Denise J. Forte and the occupants have voluntarily vacated the premises or have been ejected from the premises leaving furnishings, fixtures and items not subject to Plaintiff's Mortgage in said premises, upon full compliance with the bid, Purchaser is authorized to remove therefrom all furnishings, fixtures and items not subject to the lien of Plaintiff's mortgage, which personal property, being deemed abandoned, shall be removed by Purchaser or its agents from the subject property by placing said personal property on the public street or highway or by any other means.

11. **IT IS FURTHER ORDERED** that, in addition to all parties deemed by law to have received constructive notice of the action herein, the defendants named in this action and all persons whomsoever claiming under those defendants, 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.

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12. **IT IS FURTHER ORDERED** that the Deed of conveyance made pursuant to said sale shall contain the names of only the first named Plaintiff and the first named defendant and the defendant who was the titleholders of the mortgaged property at the time of filing of the notice of pendency of the within action, and the name of the grantee, and the Register of Deeds is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said Deed.

13. **IT IS FURTHER ORDERED** that the Special Referee will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, issuing a Writ of

Assistance and hearing any issues involving appraisal proceedings under Section 29-3-680 *et seq.*, South Carolina Code of Laws (1976), as amended.

14. Plaintiff does not warrant its title search to purchasers at foreclosure sale or other third parties, who should have their own title search performed on the subject property.

15. The lien interests of Defendant Associates and Defendant SCDOR as described in paragraph 23 of this Order and Judgment are junior in priority to Plaintiff's Mortgage, and therefore, upon entry of this Order and Judgment, the lien interests of Defendant Associates and Defendant SCDOR are foreclosed.

16. The Special Referee shall direct the Register of Deeds to release of record the Mortgage lien being foreclosed, all subordinate liens, including the liens of Defendant Associates and Defendant SCDOR, and all prior liens ordered satisfied herein, after the Order Confirming Sale and Disbursements has been executed and filed. Plaintiff's Mortgage lien is described as follows:

That certain Mortgage given by Denise J. Forte to Prime Investors, Inc. dated June 27, 1996 and recorded in the Office of the Register of Deeds for Darlington County on June 28, 1996 in Book M221 at Page 122.

17. The following is a description of the Property to be sold:

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the Beacon Hill Subdivision, City of Hartsville, County of Darlington, State of South Carolina and being bounded and described as follows: On the NORTHEAST by Askins Road and measuring thereon 136.61 feet, more or less; on the SOUTHEAST by lands of Godfrey, et al, and measuring thereon 156.79 feet, more or less; on the SOUTHWEST by lands of Smith and Jacobs, et al, and measuring thereon 136.64 feet, more or less; and on the NORTHWEST by lands of Farmer, et al and measuring thereon 155.76 feet, more or less.

Said lot of land being more particularly represented and delineated as Lot 4A on a plat thereof prepared by J. E. Tucker, Jr., RLS, dated June 20, 1996, and recorded in the office of the Clerk of Court for Darlington County, South Carolina in Plat Book 164 at page 243.

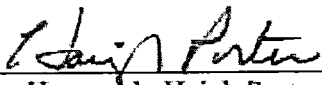
#10  
178

Derivation: This being the same property conveyed to Denise Forte by deed of Randolph O. Johnson executed June 27, 1996, and recorded June 27, 1996, in Deed Book D134 at page 113 in the office of the Clerk of Court for Darlington County, South Carolina.

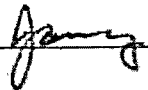
TMS#: 054-16-01-021

Property Address: 1206 Askins Road, Hartsville, SC 29550

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
The Honorable Haigh Porter  
Special Referee for Darlington County

Florence, South Carolina

 5, 2015

#11

2015 JAN -6 PM 12:42  
SCOTT B. SUGGS  
CLERK OF COURT  
DARLINGTON COUNTY, S.C.

FILED

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee, Pooling and Servicing Agreement Dated as of January 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP1.

Plaintiff,

vs.

Denise J. Forte, Associates Financial Services Company of South Carolina, Inc.. and South Carolina Department of Revenue,

Defendants.

FORM 4  
JUDGMENT IN A CIVIL CASE

C/A NO: 2012-CP-16-00636

FILED  
2015 JAN -6 PM 12:41  
SCOTT B. SUGGS  
CLERK OF COURT  
DARLINGTON COUNTY, S.C.

Submitted by: Hunoval Law Firm, PLLC  
Brian A. Calub

Attorney for:  Plaintiff,  Defendant;  
or  Self-Represented

**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: \_\_\_\_\_

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

**IT IS ORDERED AND AJUDGED:**  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: Case will end upon the filing of the final report on sale.

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or in 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)
The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee, Pooling and Servicing Agreement Dated as of January 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP1	Denise J. Forte	\$
If applicable, describe the property, including tax map information and address referenced in the order:  TMS#: 054-16-01-021 Property Address: 1206 Askins Road, Hartsville, SC 29550		

FILED  
 2015 JAN -6 PM 12:41  
 SCOTT B. SUGGS  
 CLERK OF COURT/RD. D.  
 DARLINGTON COUNTY, S.C.

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.**

*Haigh Porter*  
 Haigh Porter, Special Referee

Judge Code

*January 5, 2015*  
 Date



**DARLINGTON COUNTY SHERIFF'S OFFICE**  
 Sheriff J. Wayne Byrd

15/4-33CP

State of South Carolina  
 County of Darlington

**AFFIDAVIT OF SERVICE  
 OR  
 NON-SERVICE**

Plaintiff(s) THE BANK OF NEW YORK MELLON TRUST CO.

- VS -

Defendant(s) DENISE FORTE, ET AL.

6-5 Aug 4 51 DEPUTY SHERIFF, with the Darlington County Sheriff's Office, being duly sworn says that he / she served or attempted to serve the following civil paper(s)

1. COVER SHEET

3. Judgement of Foreclosure and Sale

5. \_\_\_\_\_

2. \_\_\_\_\_

4. \_\_\_\_\_

6. \_\_\_\_\_

In this action on the Defendant DENISE FORTE, ET AL. By delivering same to  
1206 ASKINS RD  
HARTSVILLE, SC 29550

- The Defendant \_\_\_\_\_, personally.
- \_\_\_\_\_ the \_\_\_\_\_ of the party served, and a Person of discretion  
NAME SERVED RELATIONSHIP  
 residing at the residence of the party served.
- \_\_\_\_\_ the \_\_\_\_\_ at its place of business and leaving with him / her  
NAME SERVED TITLE  
 copy (ies) of the same at \_\_\_\_\_  
ADDRESS WHERE SERVED

**UNABLE TO LOCATE** and serve the above process on the defendant, after diligent efforts: **THE PROCESS IS RETURNED UNEXECUTED.**

DATE	TIME	COMMENTS
5-7-15	4:30	posted on Front Door

On the 7 day of MAY, 2015, at 4:30 o'clock P. M.

Sworn to before me this  
11 Day of May, 2015  
MAR HUBER

Notary Public For South Carolina  
 My Commission Expires 09-15-2014

[Signature]  
 Deputy Sheriff / Signature  
Colby Aug 51  
 Deputy - Print Name  
[Signature]  
 Supervisor signature

110.005284

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

The Bank of New York Mellon Trust Company, N.A.  
f/k/a The Bank of New York Trust Company, N.A.,  
as successor- in- interest to JPMorgan Chase Bank,  
National Association, as Trustee, POOLING AND  
SERVICING AGREEMENT Dated as of January 1,  
2005 Mortgage Asset- Backed- Pass- Through  
Certificates, Series 2005- RP1

PLAINTIFF,

vs.

Denise Forte; Associates Financial Services  
Company of South Carolina, Inc.; South Carolina  
Department of Revenue

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS  
C/A NO:2012-CP-16-0636

WRIT OF ASSISTANCE

**THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND OTHERS (Including their possessions) WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.**

This matter came before me regarding the above named Defendant(s), Denise Forte, or any occupant of the property located at 1206 Askins Road, Hartsville, SC 29550, for this Court to issue a Writ of Assistance to the Sheriff of Darlington County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendant(s), together with any and all persons claiming under said defendants, and all of their personal property located within or on the subject premises described herein.

It appears that the subject premises were sold by judicial sale on February 3, 2015. As a result of said sale, the Plaintiff became the owner of the subject property by virtue of a Master's Deed recorded on March 17, 2015, in Book 1074 at Page 9702-9705 in the office of the Register of Deeds for Darlington County. Plaintiff is entitled to possession of the subject premises. Therefore,

**IT IS HEREBY ORDERED** that the Plaintiff is entitled to recover possession of the premises described as follows:

All that certain piece, parcel or lot of land, together with any improvements thereon, situate, lying and being Beacon Hill Subdivision, City of Hartsville, County of Darlington, State of South Carolina and being bounded and described as follows: On the NORTHEAST by Askins Road and measuring thereon 136.61 feet, more or less; on the SOUTHEAST by lands Godfrey, et al, and measuring thereon 156.79 feet, more or less; on the SOUTHWEST by lands of Smith and Jacobs, et al, and measuring thereon 136.64 feet, more or less; and on the NORTHWEST by lands of Farmer, et al and measuring thereon 155.76 feet, more or less.

RECORDED  
101 AUG 13 AM 10:59  
SECRET B. SUGGS  
CLERK OF COURT/R.M.C.  
DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY,

*Scott B. Suggs*

CLERK OF COURT/RMC

Exhibit C Page 1 of 3

Said lot of land being more particularly represented and delineated as Lot 4A on a plat thereof prepared by J.E. Tucker, Jr., RLS, dated June 20, 1996, and recorded in the office of the Clerk of Court for Darlington County, South Carolina in Plat Book 164 at page 243.

Derivation: This being the same property conveyed to Denise Forte by deed of Randolph O. Johnson executed June 27, 1996, and recorded June 27, 1996, in Deed Book D134 at page 113 in the office of the Clerk of Court for Darlington County, South Carolina

TMS#:054-16-01-021

**IT IS FURTHER ORDERED** that, upon service of a copy of this Order, the Sheriff of Darlington County, South Carolina or his authorized deputies be, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the Occupant(s) of the referenced property.

**IT IS FURTHER ORDERED** that not less than ten (10) days subsequent to said posting or service, the Sheriff shall be authorized to enter upon the aforescribed premises, by force if necessary, and seize the said premises and to remove therefrom any and all such persons who may be occupying the same, together with all of their possessions, and to put the Plaintiff in full, peaceful and quiet possession of the premises without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Lexington County, South Carolina, showing how this Order has been executed.

**IT IS FURTHER ORDERED** that the property described herein be vacated by 11 o'clock A m. on Sept. 22, 2015

**IT IS FURTHER ORDERED** that, should the Defendant(s) and/or Occupant(s) of the property challenge Plaintiff's right to possession, said Defendant(s) and/or Occupant(s), upon filing a Motion to Stay Writ of Ejectment, shall be entitled to an expedited hearing, which may be scheduled with the Court, but only after filing the motion with the Clerk of Court.

**AND IT IS SO ORDERED.**

*Haigh Porter*  
Special Referee

The Honorable Haigh Porter  
Special Referee of Darlington County

Darlington, South Carolina

8/10, 2015

SCOTT B. SUGGS  
CLERK OF COURT/R.M.C.  
DARLINGTON COUNTY, S.C.

2015 AUG 13 AM 10:58

FILED

TRUE CERTIFIED COPY,

*Scott B. Suggs*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

110.005284-2

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

The Bank of New York Mellon Trust Company, N.A. f/k/a The Bank of New York Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee, POOLING AND SERVICING AGREEMENT Dated as of January 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP1 "

PLAINTIFF,

vs.

Denise Forte; Associates Financial Services Company of South Carolina, Inc; South Carolina Department of Revenue

DEFENDANT(S).

Check box above indicating submitting party

IN THE COURT OF COMMON PLEAS

C/A NO: 2012-CP-16-0636

(NON-JURY MORTGAGE FORECLOSURE)

Name, S.C. Bar Number and Address of Plaintiff's Attorney <input checked="" type="checkbox"/> Michael P. Morris SC Bar # 73560 <input type="checkbox"/> Kimberly R. Thompson, SC Bar #79161 <input type="checkbox"/> Christina Rampey Hunoval SC Bar # 69387 <input type="checkbox"/> Brian A. Calub SC Bar #: 72009 THE HUNOVAL LAW FIRM, PLLC 501 Minuet Lane, #104A Charlotte, NC 28217 Telephone #: (704) 334-7114 Fax #: (704) 612-4872 Email: christi@hunovallaw.com		Name, S.C. Bar Number and Address of Defendant's Attorney  Telephone #:  Fax #: Email:	
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete Sections II and III)			
<b>SECTION I: Hearing Information</b>			
Nature of Motion: Writ of Assistance			
Estimated Time Needed:		Court Reporter Needed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>SECTION II: Motion Type</b>			
Written Motion Attached			
<input checked="" type="checkbox"/> Form Motion:			
I hereby move for relief as set forth in the attached proposed order.			
Signature of Attorney		Date Submitted	
_____		July 22, 2015	
<b>Section III: Motion Type</b>			
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ _____			
<input type="checkbox"/> 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 Execution	
Motion for Publication		(Rule 69, SCRCP)	
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:		_____	
<b>JUDGE'S SECTION</b>			
Motion Fee to be paid upon filing of the attached Order.		_____	
Other: _____		<b>Special Referee</b>	
		_____	
		JUDGE	
CODE: _____		DATE: 8/10/15	
<b>CLERK'S VERIFICATION</b>			
Collected by: _____		DATE FILED: _____	
(Print Name)			
MOTION FEE COLLECTED: _____			
CONTESTED AMOUNT DUE: _____			
SCCA/233(11/2003)			

5284

# DARLINGTON COUNTY SHERIFF'S OFFICE

Sheriff J. Wayne Byrd

15/8-29CP

State of South Carolina  
County of Darlington

## AFFIDAVIT OF SERVICE OR NON-SERVICE

Plaintiff(s) THE BANK OF NEW YORK MELLON TRUST COMPANY

- VS -

Defendant(s) DENISE FORTE

Cary August DEPUTY SHERIFF, with the Darlington County Sheriff's Office, being duly sworn says that he / she served or attempted to serve the following civil paper(s)

- |                               |          |          |
|-------------------------------|----------|----------|
| 1. <u>COVER SHEET</u>         | 3. _____ | 5. _____ |
| 2. <u>Writs of Assistance</u> | 4. _____ | 6. _____ |

SCOTT B. SUGGS  
CLERK OF COURT/RMG  
DARLINGTON COUNTY, S.C.

2015 SEP 11 PM 12:34

In this action on the Defendant DENISE FORTE  
1206 ASKINS RD  
HARTSVILLE, SC 29550

- The Defendant \_\_\_\_\_, personally.
- \_\_\_\_\_ the \_\_\_\_\_ of the party served, and a Person of discretion residing at the residence of the party served.  
NAME SERVED RELATIONSHIP
- \_\_\_\_\_ the \_\_\_\_\_ at its place of business and leaving with him / her copy (ies) of the same at \_\_\_\_\_  
NAME SERVED TITLE ADDRESS WHERE SERVED

**UNABLE TO LOCATE** and serve the above process on the defendant, after diligent efforts. **THE PROCESS IS RETURNED UNEXECUTED.**

DATE	TIME	COMMENTS
8-31-15	2:30pm	2nd Time this was posted on door. 1st affidavit of service was 5-7-15

On the 31 day of August 2015, at 2:30 o'clock P. M.

Sworn to before me this 1 Day of September, 2015.  
[Signature]

[Signature]  
Deputy Sheriff / Signature  
Cary August  
Deputy - Print Name

Notary Public For South Carolina  
My Commission Expires 09-15-2015

TRUE CERTIFIED COPY.  
Supervisor signature

[Signature]  
CLERK OF COURT/RMG