

FILED

CASE NO. 2013 CP-10-112

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Christiana Trust

2015 MAY 12 PM 12:10

Magwood

DEC 31 2015

PLAINTIFF(S)

JULIE J. ARMSTRONG
 CLERK OF COURT

DEFENDANT(S)

SC Court of Appeals

Submitted by:

Attorney for: Plaintiff Defendant
 or
 Self-Represented Litigant

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.
- 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 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 :

Defendant's Rule 60(b) Motions are patently without merit. The record reflects, not only was Ms. Magwood sent notice of the hearing, but that she appeared in Court on October 22, 2014. The Court's notes also reflect Ms. Magwood's appearance. The court informed Ms. Magwood the property would be sold on January 6, 2015. On that date the property was purchased by Plaintiff after deficiency judgement was waived. No excusable neglect or meritorious defense having been shown, Defendant's Motion to vacate the Judgment is accordingly DENIED!



INFORMATION FOR THE PUBLIC INDEX

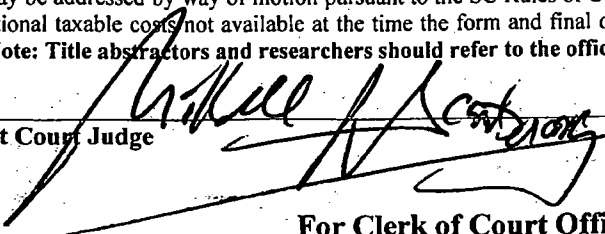
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

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.

Circuit Court Judge



3062

Judge Code

Date

5/7/15

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

C/A NO: 2013-CP-10-0112

COUNTY OF CHARLESTON

LEX SPECIAL ASSETS, LLC,

MOTION TO VACATE
JUDGMENT AND SALE

Plaintiff,

vs.

Andrea J. Magwood, et al.

Defendant(S).

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2015 MAY -5 PM 12:35
JULIE J. ARMSTRONG
CLERK OF COURT

PROOF OF SERVICE

I, Magwood, Andrea J., certify that I am of such age and discretion to be competent to serve papers.

That on the 5 day of May, 2015, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following persons at the locations stated below, which is the last known location, and by depositing said envelope and contents in the U.S Mail.

Documents: -Motion to Vacate Judgment and Sale
 -Proof of Service

Party(ies) Served:

JoAnn Jennings
FINKEL LAW FIRM, LLC
PO Box 71727
North Charleston, SC 29415

RECEIVED
DEC 31 2015
SC Court of Appeals

By: Magwood, Andrea J.
Magwood, Andrea J. UCC 1-20711-308
1836 Greenmore Drive
Charleston, SC 29407

May 5, 2015
Date

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

C/A NO: 2013-CP-10-0112

COUNTY OF CHARLESTON

LEX SPECIAL ASSETS, LLC,

Plaintiff,

vs.

Andrea J. Magwood, et al.

Defendant(s).

MOTION TO VACATE
JUDGMENT AND SALE

FILED
2015 MAY -5 PM 12:35
J. ARMSTRONG
CLERK OF COURT

MOTION TO VACATE JUDGMENT AND SALE

I, Magwood, Andrea J., a living, breathing, self-aware woman is the Executor, Beneficiary, and Grantor of the TRUST (ANDREA J. MAGWOOD). I move this Court to Vacate Judgment and Sale pursuant to:

1. FRCP 60b 1 (excusable neglect) – The Plaintiff's Attorney never notified me of a hearing that the Court said that was held on October 22, 2014. In support of this claim, there is no evidence in the case records that shows any notice that was sent out to me in reference of a hearing date.
2. FRCP 60b 3 (Fraud) – According to the Court Records, it indicates that I was present at the hearing, when in fact I was not there. This claim is supported with a probated Affidavit.

In Conclusion I am demanding a Motion for expedience vacating the Judgment of Sale that has been executed upon the corporate name defendant ANDREA J. MAGWOOD, involving the property known as 1836 Greenmore Drive, Charleston, SC 29407.

By:

Magwood Andrea J.
Magwood, Andrea J. UCC 1-2071-308
1836 Greenmore Drive
Charleston, SC 29407

May 3, 2015
Date

2013-CP-10-0112

STATE OF SOUTH CAROLINA)
COUNTY OF _____)
Lex Special Asset, LLC)
Plaintiff,)
vs.)
Andrea Maywood)
Defendant.)

IN THE COURT OF COMMON PLEAS
_____ JUDICIAL CIRCUIT

CASE NO.: _____-CP-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Emergency

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Pro Se</u> _____, Bar No. _____ Address: _____ Phone: <u>8-2</u> Fax <u>460-7729</u> E-mail: _____ Other: _____														
<input checked="" 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 type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)															
SECTION I: Hearing Information															
Nature of Motion: <u>VACATE</u> Estimated Time Needed: <u>1.5</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO															
SECTION II: Motion/Order Type															
<input type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Andrea Maywood</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted _____															
SECTION III: Motion Fee															
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication</td> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td></td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Indigent Status	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Sexually Violent Predator Act	<input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)	<input type="checkbox"/> Motion for Publication	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	<input type="checkbox"/> 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: _____	<input type="checkbox"/> Other: _____	
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<input type="checkbox"/> Other: _____															
JUDGE'S SECTION															
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____														
CLERK'S VERIFICATION															
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____															

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
C/A NO: 2013-CP-10-0112

LEX SPECIAL ASSETS, LLC,
Plaintiff,

AFFIDAVIT IN SUPPORT OF
MOTION TO VACATE
JUDGMENT AND SALE

vs.

Andrea J. Magwood, et al.

Defendant(S).

AFFIDAVIT IN SUPPORT OF MOTION TO VACATE JUDGMENT AND SALE

I, Magwood, Andrea J., a living, breathing, self-aware woman, ~~is~~ the
Executor, Beneficiary, and Grantor of the TRUST (ANDREA J. MAGWOOD). I do
hereby, depose and say:

That I am over 18 years of age and competent enough to testify of my own
knowledge of the facts stated herein, I was not present nor did I receive a Notice of
a Hearing date for October 22, 2014.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 3rd, 2015. Magwood, Andrea J.
Magwood, Andrea J.

WITNESSES:

BY: Jackson, Linda

PRINT NAME: Jackson, Linda DATE: May 3, 2015

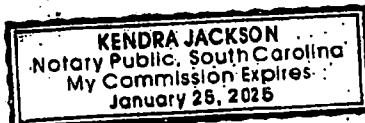
BY: Wright, Ronald

PRINT NAME: Wright, Ronald DATE: 6/3/15

Subscribe and sworn to (or affirmed) before me on this 3rd day of
May, 2015, by Magwood, Andrea J., proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

Kendra Jackson
(Signature of Notary Public)
(Seal)

My Commission Expires: January 25, 2025



FILED
2015 MAY - 3 PM 12:35
JUDGE
COURT



70150.F40621

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Lex Special Assets, LLC,

PLAINTIFF,

vs.

Andrea J. Magwood; South Carolina Department of Revenue; and Countrywide Home Loans, Inc.,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS
C/A NO: 2013-CP-10-0112

(NON-JURY MORTGAGE FORECLOSURE)

NOTICE OF FORECLOSURE HEARING

TO THE DEFENDANTS ABOVE NAMED:

PLEASE TAKE NOTICE THAT a hearing will be held before Mikell R. Scarborough, Master in Equity for Charleston County, on October 22, 2014 at 10:00 AM. This hearing will be held at the Charleston County Judicial Center, 100 Broad St., Courtroom 2A, Charleston, SC.

You will also take notice that the Plaintiff's attorney will submit written testimony on behalf of the Plaintiff pursuant to South Carolina Code Ann. §14-11-110 (as amended). All issues raised in the pleadings will be decided at this hearing.

If you would like to receive advance notification in the event your scheduled hearing is canceled or postponed for any reason, please contact the firm's scheduling clerk at (843) 577-5460 with a telephone number where you may be reached.

FINKEL LAW FIRM LLC
Post Office Box 71727
North Charleston, SC 29415
(843) 577-5460

By:

- Thomas A. Shook, SC Bar # 68340
- Susan S. White, SC Bar # 5453
- Elizabeth S. Moore, SC Bar # 69236
- Teresa D. Van Vlakte, SC Bar #11118
- Joanne A. Tomasini-Muñiz, SC Bar #100438

Attorneys for Plaintiff

10/8, 2014

F40621

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Lex Special Assets, LLC,

PLAINTIFF,

vs.

Andrea J. Magwood; South Carolina
Department of Revenue; and Countrywide
Home Loans, Inc.,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

C/A NO: 2013-CP-10-0112

(NON-JURY MORTGAGE FORECLOSURE)

CERTIFICATE OF SERVICE BY MAIL

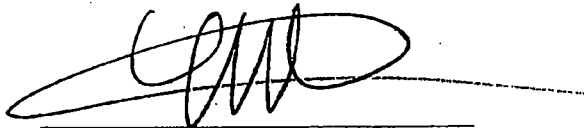
I, Kathy Heavner, do hereby certify that I served a copy of the Notice of Foreclosure Hearing on the persons as listed below, by depositing same in the United States Mail, postage prepaid, at Charleston, South Carolina, where there is regular communication by mail, on 10/8/14.

Andrea J. Magwood
1836 Greenmore Dr.
Charleston, SC 29407

Milton G. Kimpson
South Carolina Department of Revenue
P.O. Box 12265
Columbia, SC 29211

Bank of America, N.A., s/b/m to Countrywide Home Loans, Inc.
Dean Hayes, Esq.
PO Box 12369
Columbia, SC 29211

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SC Court of Appeals



Kathy Heavner, Foreclosure Paralegal
FINKEL LAW FIRM LLC
Post Office Box 71727
North Charleston, SC 29415
(843) 577-5460



MAGALIE A. CREECH
MCREECH@FINKELLLAW.COM

REPLY TO:
CHARLESTON LITIGATION

December 29, 2015

V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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DEC 31 2015

SC Court of Appeals

RE: Lex Special Assets, LLC v. Andrea Magwood
Appellate Case: 2015-001202
Our File: 47495.49988

Dear Ms. Allen:


The trial court confirmed that the Appellant's *Motion to Vacate Judgment and Sale* was denied without a hearing. A copy of the trial court order, which as we understand it is the subject appeal, is enclosed.

Please do not hesitate to contact us should anything further be required.

With kind personal regards, we are

Sincerely,

FINKEL LAW FIRM LLC


Magalie A. Creech

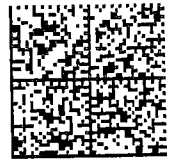
Enclosures

CC: Andrea J. Magwood

COLUMBIA
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 252-0786

CHARLESTON
Litigation, Real Estate & REO
4000 Faber Place Drive, Suite 450
Post Office Box 41489 (29423)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 577-5135

CHARLESTON
Foreclosure
4000 Faber Place Drive, Suite 450
Post Office Box 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 725-0015



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FINKEL
LAW FIRM LLC

P.O. Box 41489
Charleston, SC 29423

V.Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

