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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

RECEIVED

MAR 15 2016

SC Court of Appeals

Gordon G. Cooper, Master in Equity

Case No.
2013-CP-42-0362

US Bank National Association as Trustee on behalf of Manufactured Housing Contract
Senior/Subordinate Pass-Through Certificates 1996-6 by Green Tree Servicing LLC, as Servicer
with delegated authority under the transaction documents

Respondent

v.

Kim Byrd and the South Carolina Department of Revenue, Defendants
Of whom Kim Byrd is the Appellant

PETITION FOR REHEARING

J. Edwin McDonnell, 3786
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Attorney for Appellant

Pursuant to Rule 221 (a) and Rule 240 (j), SCACR Appellant Kim Byrd respectfully petitions this Court of a rehearing of Opinion No. 2016-UP-126 dated February 1, 2016 and filed March 2, 2016. Rehearing is warranted when the Court has overlooked or misapprehended an argument. *Kennedy v. S.C. Retirement System*, 349 S.C. 531, 564 S.E.2d 322 (2001).

SUMMARY OF ARGUMENT

This Court found that the note was sold to the Trust (Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate 1996-6). The only evidence of such sale was the assignment of the mortgage and a few pages of the Pooling and Service Agreement creating the Trust. The pages from the Pooling and Service Agreement in the Record on Appeal do not state the contracts actually sold to the Trust. The note in the Record on Appeal was not endorsed to the Trust.

There was no evidence that the subject note was sold or transferred to the Trust. Kathryn Davis's affidavit makes the summary statement that "Plaintiff is the holder of the subject note . . ." There is no evidence in that affidavit to show that the note was transferred in any way to the Trust. It is the ownership of the note that creates standing. The mortgage follows the note, not vice versa. *Bank of America, N.A. v. Draper*, 405 S.C. 214, 746 S.E. 2d 478 (Ct. App. 2013). In *Draper*, the note was specifically endorsed to Plaintiff. There is no endorsement in this case. There is no proof in this case that the note was transferred to Plaintiff except the Pooling and Service agreement. The agreement did not show what notes were transferred to the Trust, if any.

CONCLUSION

Appellant Kim Byrd asks this Court to reconsider its opinion of February 1, 2016.

Appellant asks this Court to allow oral argument or to issue an order reversing the Master in Equity order of November 4, 2015.

Respectfully submitted,



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March 14, 2016

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CERTIFICATE OF SERVICE

Appellant's Motion to Reconsider was served by mailing a copy of the
same, on the date below, postage pre-paid, to the attorney stated below at the
address given:

Sara C. Hutchins, Esq.
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PO Box 4216
Columbia SC 29240
Attorney for Respondent


J. Edwin McDonnell

March 14, 2015

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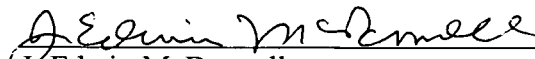
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