

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Deutsche Bank National Trust Company, as  
Trustee for Soundview Home Loan Trust 2006-  
1, Asset-Backed Certificates, Series 2006-1,

Plaintiff,

v.

Helen V. Thomas; Darrel A. Thomas; Robert  
Lee Hutchinson; Nancy Lee Hutchinson;  
Briarwood Neighborhood Association; Sonja  
Michelle Furtick,

Defendant(s)

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2012-CP-40-00009

**MASTER IN EQUITY'S ORDER AND JUDGMENT OF  
FORECLOSURE AND SALE**

**DEFICIENCY DEMANDED AS TO DEFENDANT(S)  
DARREL A. THOMAS AND HELEN V. THOMAS  
(GRANTING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT)**

2016 MAR -8 AM 10:30  
JEANETTE W. HODSON  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure (hereinafter "SCRCP"), the above-entitled matter was referred to the undersigned Master In Equity to make appropriate findings of fact and conclusions of law, with authority to enter a final Judgment in the cause. Any appeal from the decision of the Master In Equity shall be directly to the South Carolina Court of Appeals or Supreme Court.

Pursuant to the said reference, a hearing was held, a record was made, which is reported herewith, and from the testimony and evidence, I find and conclude as follows:

**FINDINGS OF FACT:**

1. The Lis Pendens was filed on January 3, 2012.
2. The Summons and Complaint were filed on January 3, 2012.
3. Service was made upon the Defendants named in this Report as is shown by the proofs of service filed herein.
4. The Defendant(s) Nancy Lee Hutchinson; Briarwood Neighborhood Association and Sonja Michelle Furtick are in default as shown by Affidavit filed herein.
5. According to an Affidavit filed herein, no Defendant in default is in the military service of the United States of America, as contemplated under the Servicemembers' Civil Relief Act fka Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto.

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MAR 29 2016

**SC Court of Appeals**



6. The Defendant(s) Helen V. Thomas; Darrel A. Thomas and Robert Lee Hutchinson answered in this action and has/have been notified of the time and date of this hearing.
7. The Defendant(s) were notified of the time, date and place of hearing in this matter.
8. For value received, Darrel A. Thomas and Helen V. Thomas made, executed and delivered a note, dated November 10, 2005, promising thereby to pay to the order of for Finance America, LLC, its successors and assigns the sum of \$150,450.00 with interest at the rate of 9.6% per annum (hereinafter "Note"). Other terms and conditions are stated in the note, which is of record herein.
9. To better secure the payment of the Note described above, the said Darrel A. Thomas and Helen V. Thomas made, executed and delivered a mortgage to Mortgage Electronic Registration Systems, Inc. as nominee for Finance America, LLC, its successors and assigns, in writing, dated November 10, 2005, covering real property in Richland County, which is the same as that described in the Complaint. The Mortgage was recorded on November 16, 2005, and is of record in the Richland County Registry in Book R1121 at page 2955.
10. This mortgage constitutes a valid purchase money first lien on the subject property.
11. Thereafter, the Mortgage was assigned to Deutsche Bank National. as Trustee, its successors and assigns by assignment recorded on November 14, 2006 in Book R1251 at Page 02692. Thereafter, the Mortgage was assigned to Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1 by assignment recorded on January 13, 2012 in Book 1734 at Page 955.
12. The Plaintiff's servicing agent for the mortgage loan described in this foreclosure action is participating in the Home Affordable Modification Program ("HMP"), but the subject loan is not eligible for modification because the borrower did not provide all necessary documents after those documents had been requested.
13. Furthermore, Plaintiff complied with Administrative Order 2011-05-02-1 issued by the South Carolina Supreme Court.
14. The titleholder(s) of record of the Property as of the filing of the Lis Pendens in this action were Darrel A. Thomas and Helen V. Thomas.

15. Payment due on the Note has not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to accelerate payment of the entire indebtedness and has placed the Note and Mortgage in the hands of its attorney of record herein for collection.

16. Having considered the nature, extent and difficulty of the services rendered (the field of mortgage foreclosures being a specialized area of practice); the time involved in reviewing the various loan documents, performing the title search, preparing the pleadings and preparing for and attending hearings; the professional standing of the Plaintiff's attorney; the fee customarily charged in this jurisdiction for similar services; and the beneficial results obtained for the Plaintiff, I find that the sum of \$8,530.00 is a reasonable attorney's fee for the Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of the note and mortgage. Services anticipated to be performed until final adjudication contemplates completion of this matter within a reasonable time and does not include exceptional, unanticipated circumstances delaying conclusion beyond the normal time. The amount due and owing on the Note and Mortgage, with interest at the rate provided in the Note, and other costs and expenses of collection, including attorney's fees, secured by the Note and Mortgage, is as follows:

Principal due as of today's date:	02/23/16		\$ 151,298.39
Accrued interest from:	01/01/09	to: 02/17/16	\$ 86,274.05
Accruing at:	8% per annum		
Advancements to Escrow			\$ 29,892.80
Corporate Advances			\$ 5,382.23
Late charges:			\$ 1,536.43
Costs of collection prior to hearing:			\$ 300.00
Attorney's fees:			\$ 8,530.00

Total Debt secured by Note and Mortgage, including interest to date is \$283,213.90. Interest for the period from the date shown above through the date of this judgment, at above stated rate, to be added to the above stated "Total Debt" to comprise the amount of the Judgment debt entered herein, and interest after the date of Judgment at the rate of 8% per annum, the Note's current rate, pursuant to the terms of the Note and Mortgage on the judgment debt should be added to such judgment debt to comprise the

amount of the Plaintiff's debt secured by the Mortgage through the date to which such interest is computed.

17. The Plaintiff is seeking foreclosure of its mortgage and has, in the Complaint or subsequently thereto in writing, expressly Demanded the right to a personal or deficiency Judgment pursuant to Rule 71(b), SCRPC.

18. The Defendant(s), below listed, claim or may claim liens upon or interests in the subject property; and in the event there is a surplus from the sale of the subject property, the validity, priority and amount of any such lien claims will be determined at a hearing subsequent to the sale, in accordance with Rule 71(c), SCRPC. The said Defendants and such claims or liens are as follows:

The Defendant, Sonja Michelle Furtick, has or may claim to have some interest in the Property by virtue of a judgment lien against Helen Valencia Thomas, in the original principal amount of \$3,555.00, which lien was filed in the Richland County Records on 10/22/2003 in Jmt Roll No. 250986. Said lien is junior and subordinate to Plaintiff's Mortgage and is hereby ordered removed from the title to the Property.

The Defendant, Briarwood Neighborhood Association, has or may claim to have some interest in the Property by virtue of the following:

Any unrecorded homeowners' liens or assessments due or that may become due in the future.

Any interest that this Defendant presently has or may acquire in the future is or would be junior and subordinate to Plaintiff's Mortgage and is hereby removed from the title to the Property upon the completion of a properly held foreclosure sale.

The Defendant, Robert Lee Hutchinson and Nancy Lee Hutchinson, has or may claim to have some interest in the Property by virtue of a mortgage given by Darrel A. Thomas and Helen V. Thomas, in the original principal amount of \$26,300.00, which mortgage was recorded/filed or assigned to Defendant in the Richland County Records on 11/16/2005 in Book R1121 at Page 2975. Said lien is junior and subordinate to Plaintiff's mortgage and is hereby ordered removed from the title to the Property.

CONCLUSIONS OF LAW: I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of its Mortgage; and the Property should be ordered sold at public auction after due advertisement.

2. That there is due to the Plaintiff on its Note and Mortgage the sum of \$283,213.90, representing the Total Debt due to the Plaintiff as outlined above, together with interest thereon at the rate provided in the Note to the date hereof.
3. That the amount due in the preceding paragraph (the "Total Debt") and later accrued interest and costs shall constitute the total judgment debt due to the Plaintiff and shall bear interest hereafter at the rate of 8% per annum, the current interest rate of the Note.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the Defendant(s) liable for the aforesaid Mortgage debt shall, prior to the date and time of the sale of the Property, hereinafter described, pay to the Plaintiff, or the Plaintiff's attorney, the amount of the Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.
2. That on default of payment prior to the date and time of the sale, the Property, hereinafter described, shall be sold by the undersigned Master In Equity at public auction, at the Richland County Courthouse, City of Columbia, County and State aforesaid, on some convenient sales day hereafter, on the following terms, that is to say:
  - A. FOR CASH: The undersigned Master In Equity shall require a deposit of 5% on the amount of the bid (in cash or equivalent) the same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within twenty (20) days the same to be forfeited and applied to the costs and then to the Plaintiff's debt.
  - B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 8% per annum, which is the Note's current interest rate.
  - C. The sale shall be subject to taxes and assessments, existing easements and restrictions of record, and any other senior encumbrances.
  - D. Purchaser to pay for the deed and the cost of recording the deed.
3. If the Plaintiff is the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff in full, the Plaintiff may pay to the undersigned Master In Equity only the amount of the costs and expenses, crediting the balance of the bid on the Plaintiff's indebtedness.

File reference: 13-18819

4. That a personal or deficiency Judgment being Demanded, the bidding will remain open for thirty (30) days after the date of sale (pursuant to S.C. Code Ann. § 15-39-760(1976) but compliance with the bid may be made immediately.
5. That the undersigned Master In Equity will, by advertisement according to law, give notice of the time and place of sale and the terms thereof; and that he will execute to the purchaser, or purchasers, a deed to the Property sold. The Plaintiff, or any other party to this action, or any other person may become a purchaser at such sale. If such sale is made to anyone other than the Plaintiff or its assignee, should the successful bidder, or his assignee, fail to comply with the terms thereof within twenty (20) days after the date of sale, then the undersigned Master In Equity may re-advertise the Property for sale on the next, or some other subsequent, sales day, at the risk of the highest bidder, and so on from time to time thereafter until a full compliance shall be secured.
6. In the event an agent of the Plaintiff does not appear at the time of sale, the within property shall be withdrawn from sale and sold at the next available sales date upon the terms and conditions as set forth in the Judgment of Foreclosure and Sale or such terms as may be set forth in a supplemental order.
7. That the undersigned Master In Equity shall apply the proceeds of the sale as follows:
  - FIRST: To the 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; and
  - NEXT: To the payment of the amount to the Plaintiff, or the Plaintiffs Attorney, of the amount of the Plaintiff's debt and interest (including attorney fees) or so much thereof as the purchase money will pay on the same; and
  - NEXT: Any surplus will be held pending further Order of this Court pursuant to Rule 71(c), SCRPC.
8. That it is further ORDERED, ADJUDGED AND DECREED that each Defendant named herein, and all persons whomsoever claiming under him, them or it, 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.
9. That it is further ORDERED ADJUDGED AND DECREED that the deed of conveyance made pursuant to this judgment and said sale shall contain the names of only the Plaintiff, the first-named Defendant, who was the title holder of the mortgaged property at the time of the filing of the Lis

File reference: 13-18819

Pendens, and the Grantee; and that the Richland County Register of Deeds is hereby authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said deed.

10. It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder to whom the deed of conveyance has been issued subsequent to the sale is other than the Defendants in possession herein, the Sheriff of Richland County may be ordered and directed to eject and remove from the premises the occupants of the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued 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.
11. That it is further ORDERED ADJUDGED AND DECREED that after the Order Confirming Sale and Disbursements has been issued and filed, the undersigned Master In Equity shall direct the Register of Deeds to release of record the lien(s) being foreclosed, which lien(s) are described in the Findings of Fact herein above.
12. That it is further ORDERED ADJUDGED AND DECREED that the following is a description of the Property herein ordered to be sold:

**ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, TOGETHER WITH IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE COUNTY OF RICHLAND, STATE OF SOUTH CAROLINA, BEING SHOWN AND DESIGNATED AS LOT 1A, A PORTION OF LOT 2B AND A PORTION OF LOT 28B, BLOCK H, ON A PLAT OF A REVISION OF LOTS 1 AND 28, BLOCK H, BRIARWOOD SUBDIVISION, PREPARED BY WILLIAM WINGFIELD, DATED NOVEMBER 17, 1970, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 39, PAGE 714. BEING MORE SPECIFICALLY SHOWN AND DELINEATED ON A PLAT PREPARED FOR ROBERT L. HUTCHINSON AND NANCY L. HUTCHINSON BY COX AND DINKINS, INC., DATED JULY 29, 1991, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 54 AT PAGE 8878. REFERENCE TO SAID LATTER PLAT IS MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION. BE ALL MEASUREMENTS A LITTLE MORE OR LESS.**

**THIS BEING THE SAME PROPERTY CONVEYED TO DARREL A. THOMAS AND HELEN V. THOMAS BY DEED OF ROBERT LEE HUTCHINSON AND NANCY LEE HUTCHINSON DATED NOVEMBER 10, 2005 AND RECORDED NOVEMBER 16, 2005 IN BOOK R1121 AT PAGE 2953 IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY.**

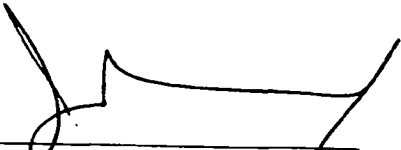
CURRENT ADDRESS OF PROPERTY: 3002 Knightbridge Road, Columbia, SC 29223

File reference: 13-18819

TMS: R19907-05-05

AND IT IS SO ORDERED.

Date: March 7, 2016  
Columbia, South Carolina



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The Honorable Joseph M. Strickland  
Master In Equity for Richland County

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FORM 4

SC Court of Appeals

JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COMMON PLEAS COURT

CASE NO. 2012-CP-40-00009

Deutsche Bank National Trust Company, as Trustee for  
Soundview Home Loan Trust 2006-1, Asset-Backed  
Certificates, Series 2006-1

Helen V. Thomas; Darrel A. Thomas; Robert Lee  
Hutchinson; Nancy Lee Hutchinson; Briarwood  
Neighborhood Association; Sonja Michelle Furtick

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Brock & Scott, PLLC  
Westpark Center  
3800 Fernandina Road Suite 110  
Columbia, SC 29210

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, 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 :

INFORMATION FOR THE JUDGMENT 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)
Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1	Darrel A. Thomas and Helen V. Thomas	To be determined upon completion of foreclosure sale

If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as Lot 1A, a portion of Lot 2B and a portion of Lot 28B, Block H, on a plat of a revision of Lots 1 and 28, Block H, Briarwood Subdivision, prepared by William Wingfield, dated November 17, 1970, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 39, Page 714. Being more specifically shown and delineated on a plat prepared for Robert L. Hutchinson and Nancy L. Hutchinson by Cox and Dinkins, Inc., dated July 29, 1991, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 54 at Page 8878. Reference to said latter plat is made for

RICHLAND COUNTY  
FILED  
2016 MAR -8 AM 10:32  
JEANETTE W. MCGRIDE  
Clerk, S.C.S.

a more complete and accurate description. Be all measurements a little more or less.

This being the same property conveyed to Darrel A. Thomas and Helen V. Thomas by Deed of Robert Lee Hutchinson and Nancy Lee Hutchinson dated November 10, 2005 and recorded November 16, 2005 in Book R1121 at Page 2953 in the Office of the Register of Deeds for Richland County.

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 MASTER

2097  
Judge Code

MARCH 7, 2016  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 9 day of Nov, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_ day of \_\_\_\_\_, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Helen V. Thomas; Darrel A. Thomas; Robert Lee Hutchinson; Nancy Lee Hutchinson; Briarwood Neighborhood Association; Sonja Michelle Furtick

ATTORNEY(S) FOR THE DEFENDANT(S)

*Jeanette W. McGrade*

ATTORNEY(S) FOR THE PLAINTIFF(S)

CLERK OF COURT

**Court Reporter:**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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