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2016 MAR 29 AM 10:35  
DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014-CP-46-1638

TD Bank, N.A.

Joseph L. Huckabee, Jr., et. al.

PLAINTIFF(S)

DEFENDANT(S)

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(c), SCRPC (Settled);  Other -- \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  Other -- \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**  
 Affirmed;  Reversed;  Remanded;  Other

RECEIVED  
APR 22 2016  
SC Court of Appeals

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING ON 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 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
TD Bank, N.A.	Joseph L. Huckabee, Jr. a/k/a Joseph Levern Huckabee, Jr.	\$459,251.36

If applicable, describe the property, including tax map information and address, referenced in the order:

TMS No.: 629-05-01-001

Property Address: 315 Park Avenue, Rock Hill, South Carolina

TMS No.: 629-06-02-001

Property Address: 520 Sumter Avenue, Rock Hill, South Carolina

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.

Master in Equity

*Markin Bell*

Judge Code

*2063*

Date

*3/23/16*

For Clerk of Court Office Use Only

This judgment was entered on the 29<sup>th</sup> day of March, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 29<sup>th</sup> day of March, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

B. Keith Poston  
P.O. Box 11070, Columbia, SC 29211

John Martin Foster  
P.O. Box 106, Rock Hill SC 29731

Matthew J. Modica  
151 Meeting Street, Charleston SC 29402

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

COURT REPORTER

CLERK OF COURT

*David Hamilton*

RECEIVED  
MAR 30 2016  
By \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
 COUNTY OF YORK ) SIXTEENTH JUDICIAL CIRCUIT

TD Bank, N.A., Successor by merger ) Civil Action No. 2014-CP-46-1638  
 with Carolina First Bank, )  
 )

Plaintiff, ) **MASTER IN EQUITY'S ORDER**  
 ) **AND JUDGMENT**  
 vs. ) **OF FORECLOSURE AND SALE**

Joseph L. Huckabee, Jr. a/k/a Joseph ) **Judgment against Joseph L. Huckabee,**  
 Levern Huckabee, Jr.; Pat Huckabee; ) **Jr. a/k/a Joseph Levern Huckabee,**  
 The Huckabee, LLC and The United ) **pursuant to**  
 States of America, by and through its ) **S.C. Code §29-3-650**  
 agency, The Internal Revenue Service; )  
 )  
 Defendants. )

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 C.C.C.P. & GS  
 YORK COUNTY, SC

Pursuant to Rule 53 SCRCPP, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment. Any appeal from the final judgment entered by the Master in Equity shall be directly to the South Carolina Supreme Court or South Carolina Court of Appeals.

Pursuant to the said Order of Reference, a hearing was held, attended by the attorneys of record, the testimony was taken, 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 May 16, 2014.
2. The Summons and Complaint were filed May 16, 2014.
3. Service was made upon the Defendants named in this Report as is shown by the Affidavits of Service filed herein.
4. An Answer was filed on behalf of The United States of America, by and through its agency, The Internal Revenue Service, through its Attorney Matthew J. Modica.

*DM*  
 #1

5. An Answer and Counterclaim and Amended Answer and Counterclaim was filed on behalf of Joseph L. Huckabee, Jr. a/k/a Joseph Levern Huckabee, Jr. ("Huckabee"), Pat Huckabee and The Huckabee, LLC, through their Attorney John Martin Foster.

6. Subsequent to the filing of the Complaint, the Defendant Huckabee paid Note C as more fully described in the Complaint. Note C was secured by Property C. On or about September 25, 2014, the Plaintiff filed a Partial Release of Lis Pendens, releasing Property C, from the foreclosure. Due to the release of Property C from the foreclosure, on or about September 25, 2014, the Plaintiff filed a Stipulation of Dismissal with Prejudice as to the Fifth, Sixth and Seventh Causes of Action.

7. Subsequently, the Plaintiff filed its Motion to Strike Jury Demand and for Entry of an Order of Reference. An Order Granting Plaintiff's Motion to Strike Jury Demand and for Entry of an Order of Reference was entered on April 9, 2015 ("Jury Order"). The Defendant Huckabee filed his appeal of the Jury Order and it is currently pending in the South Carolina Court of Appeals under case number 2015-001018.

8. Subsequently, the Plaintiff filed its Motion for Summary Judgment. An Order Granting in Part and Denying in Part Plaintiff's Motion for Summary Judgment was entered on October 5, 2015 (the "SJ Order"). The SJ Order established the default and liability of Huckabee as to Note A, Note B, Mortgage A and Mortgage B as set forth herein and found that the Plaintiff was entitled to proceed with this foreclosure action. The Defendant Huckabee filed his appeal of the SJ Order and it is currently pending in the South Carolina Court of Appeals, consolidated with the appeal of the Jury Order, under case number 2015-001018.

9. The Defendants were notified of the time, date, and place of the hearing in this matter.

Two handwritten signatures in black ink, one above the other, appearing to be initials or names.

10. Pursuant to the South Carolina Supreme Court's Administrative Order filed on May 22, 2009, the mortgage loans identified herein are commercial loans which are not owned, securitized or guaranteed by Fannie Mae or Freddie Mac nor is any servicer of the loans participating in the Home Affordable Modification Program (HMP), as referenced in the above Administrative Order, and the Administrative Order is not applicable to the loans and mortgages identified herein.

11. Pursuant to South Carolina Supreme Court's Administrative Order filed on May 2, 2011, the real properties involved herein are commercial properties and are not an "Owner-Occupied Dwelling" as defined in that Order. As such, the Administrative Order is not applicable to this foreclosure.

**AS TO THE FIRST CAUSE OF ACTION**

12. For value received, on or about February 18, 2004, the Defendant Huckabee, executed and delivered to Carolina First Bank a promissory note in the principal sum of One Hundred Ten Thousand Six Hundred Eighty-Eight and 00/100 (\$110,688.00) Dollars, with interest thereon the terms of which Note are more fully explained by reference thereto ("Original Note A"). Original Note A was renewed and on or about May 10, 2009, when the Defendant Huckabee for value received, executed and delivered to Carolina First Bank a promissory note in the principal sum of Eighty-One Thousand and 86/100 (\$81,000.86) Dollars, with interest thereon the terms of which note are more fully explained by reference thereto ("Renewal Note A"). Original Note A and Renewal Note A are hereafter referred to as "Note A."

13. To better secure the payment of Note A described above, Defendant Huckabee made, executed and delivered to Carolina First Bank, a Mortgage ("Mortgage A") in writing, dated February 18, 2004, covering real property in York County, which is the same as

*aa*  
*#3*

that described in the Complaint as Property A. Mortgage A was recorded on February 19, 2004 and is of record in the Office of Register of Deeds for York County in Book 6053 at Page 307.

14. TD Bank, N.A. is the successor by merger with Carolina First Bank and is the owner and holder of Note A and Mortgage A. The Plaintiff is the owner and holder of Note A and Mortgage A it is seeking to foreclose.

15. Mortgage A constitutes a first lien on Property A.

16. Payment due on Note A has not been made as provided for therein and is in default, and the Plaintiff, as the holder thereof, has placed Note A and Mortgage A in the hands of the attorney herein for collection.

17. The sum of Sixteen Thousand One Hundred and 00/100 (\$16,100.00) Dollars is a reasonable fee to allow as attorney fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of Note A and Mortgage A. Services anticipated to be performed until final adjudication contemplates completion of this matter within a reasonable time and does not include exceptional circumstances delaying conclusion beyond the normal time.

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

(A)	Principal Due	\$65,279.29
(B)	Interest to March 8, 2016 At 12.00%, Per Diem: \$21.76	\$13,865.33
(C)	Late Charges	\$1,270.49
(D)	Appraisal Fees	\$1,075.00
(E)	Official Check Fees for RE Taxes	\$16.00

02  
\$4

(F)	Cost of Collection prior to hearing (service, filing, etc.)	\$1,188.00
(G)	Attorney's Fee	\$16,100.00

Total debt secured by Note A and Mortgage A,  
including interest to March 8, 2016 \$98,794.11

Interest for the period from the date shown in (B) 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 12.00% per annum on the judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by Mortgage A through the date to which such interest is computed.

19. Pursuant to Sec. 2410(c), Title 28, United States Code, the Defendant, United States of America, has a right of redemption on proper application to redeem the within property for 120 days from the date of sale of Property A.

20. The following Defendant claims or may claim a lien upon or interest in the subject Property A, and in the event there is a surplus from the sale of Property A, the validity, priority and amount of any such lien claim will be determined at a hearing subsequent to the sale, in accordance with Rule 71(c) SCRCF. The said Defendant(s) and such claims or liens are as follows:

Tax Liens filed by The Internal Revenue Service:

Tax Payer: Joseph L. Huckabee, Jr.

Filed: 8/11/08 in Book 78 at Page 284  
Amount: \$5,390.47  
Serial Number: 460627408

Filed: 2/11/11 in Book 175 at Page 39  
Amount: \$1,134.77  
Serial Number: 750807211

Filed: 4/5/13 in Book 277 at Page 263

*AL*  
*#5*

Amount: \$8,373.57  
Serial Number: 930087213

Tax Payer: Joseph Lavern Huckabee, Jr. and Huckabee Realty

Filed: 6/29/12 in Book 237 at Page 145  
Amount: \$15,447.46  
Serial Number: 877074912

Filed: 2/11/13 in Book 268 at Page 291  
Amount: \$6,536.30  
Serial Number: 920089513

Filed: 4/29/13 in Book 280 at Page 237  
Amount: \$584.99  
Serial Number: 935329313

#### AS TO THE SECOND CAUSE OF ACTION

21. A review of the deed and surveys of record shows that due to inadvertence and error, the legal description contained in Plaintiff's Mortgage A does not make reference to the recording information for the Plat.

22. I find that the Plaintiff is entitled to an Order reforming Mortgage A, *nunc pro tunc* to the date of its recordation, to reflect the recorded Plat and read as follows:

All that certain piece, parcel or lot of land lying, being and situate in the City of Rock Hill, County of York, State of South Carolina, being shown and designated on a plat of Property of Joseph L. Huckabee, Jr., prepared by J.B. Fisher, RLS, June 17, 1987, and recorded in the Office of the Clerk of Court for York County, South Carolina **on July 13, 1987 in Book 86 at Page 702**, which plat is incorporated herein by metes and bounds.

#### AS TO THE THIRD CAUSE OF ACTION

23. On or about June 25, 2008, the Defendant Huckabee for value received, executed and delivered to Carolina First Bank a promissory note in the principal sum of Three Hundred Six Thousand and 00/100 (\$306,000.00) Dollars, with interest thereon the terms of which Note are more fully explained by reference thereto ("Note B").



24. To better secure the payment of Note B described above, Defendant Huckabee made, executed and delivered to Carolina First Bank, a Mortgage ("Mortgage B") in writing, dated June 25, 2008, covering real property in York County, which is the same as that described in the Complaint as Property B. Mortgage B was recorded on August 28, 2008 and is of record in the Office of Register of Deeds for York County in Book 10276 at Page 123.

25. Simultaneously with the execution of the above referred to Note B, and in order to better secure the payment thereof, Defendant Huckabee executed and delivered to Carolina First Bank that certain Assignment of Leases and Rents ("Assignment A") dated June 25, 2008, and duly recorded in the Office of the Register of Deeds for York County, South Carolina on August 28, 2008, in Deed Book 10276 at Page 132.

26. TD Bank, N.A. is the successor by merger with Carolina First Bank and is the owner and holder of Note B, Mortgage B and Assignment A. The Plaintiff is the owner and holder of Note B, Mortgage B and Assignment A it is seeking to foreclose.

27. Mortgage B constitutes a first lien on Property B.

28. Payment due on Note B has not been made as provided for therein and is in default, and the Plaintiff, as the holder thereof, has placed Note B and Mortgage B in the hands of the attorney herein for collection.

29. The sum of Sixteen Thousand One Hundred and 00/100 (\$16,100.00) Dollars is a reasonable fee to allow as attorney fees for Plaintiff's attorney for services performed and anticipated to be performed until final adjudication of the within action, under the terms of Note B and Mortgage B. Services anticipated to be performed until final adjudication contemplates completion of this matter within a reasonable time and does not include exceptional circumstances delaying conclusion beyond the normal time.

OR  
# 7  
7

30. The amount due and owing on Note B, secured by the above-referenced Mortgage B, with interest at the rate provided in Note B and other costs and expenses of collection, including an attorney's fee, is as follows:

(A)	Principal Due	\$268,320.63
(B)	Interest to March 8, 2016 At 10.870%, Per Diem: \$81.02	\$71,064.39
(C)	Late Charges	\$2,438.23
(D)	Appraisal Fees	\$1,330.00
(E)	Official Check Fees for Real Estate Taxes	\$16.00
(F)	Cost of Collection prior to hearing (service, filing, etc.)	\$1,188.00
(G)	Attorney's Fee	\$16,100.00

Total debt secured by Note B and Mortgage B,  
including interest to March 8, 2016

\$360,457.25

Interest for the period from the date shown in (B) 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 10.870% per annum on the judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by Mortgage B through the date to which such interest is computed.

31. Pursuant to Sec. 2410(c), Title 28, United States Code, the Defendant, United States of America, has a right of redemption on proper application to redeem the within property for 120 days from the date of sale of Property B.

32. The following Defendants claim or may claim a lien upon or interest in the subject Property B, and in the event there is a surplus from the sale of Property B, the validity, priority and amount of any such lien claim will be determined at a hearing subsequent to the sale,

*OPM*  
8/8

in accordance with Rule 71(c) SCRCP. The said Defendant(s) and such claims or liens are as follows:

Tax Liens filed by The Internal Revenue Service:

Tax Payer: Joseph L. Huckabee, Jr.

Filed: 8/11/08 in Book 78 at Page 284  
Amount: \$5,390.47  
Serial Number: 460627408

Filed: 2/11/11 in Book 175 at Page 39  
Amount: \$1,134.77  
Serial Number: 750807211

Filed: 4/5/13 in Book 277 at Page 263  
Amount: \$8,373.57  
Serial Number: 930087213

Tax Payer: Joseph Lavern Huckabee, Jr. and Huckabee Realty

Filed: 6/29/12 in Book 237 at Page 145  
Amount: \$15,447.46  
Serial Number: 877074912

Filed: 2/11/13 in Book 268 at Page 291  
Amount: \$6,536.30  
Serial Number: 920089513

Filed: 4/29/13 in Book 280 at Page 237  
Amount: \$584.99  
Serial Number: 935329313

AS TO THE FOURTH CAUSE OF ACTION

33. A review of the deed and surveys of record, shows that due to inadvertence and error, the legal description contained in Plaintiff's Mortgage B does not make reference to the recording information for the Plat.

34. I find that the Plaintiff is entitled to an Order reforming Mortgage B, *nunc pro tunc* to the date of its recordation, to reflect the recorded Plat and read as follows:

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All that certain parcel or lot of land situate in the State of South Carolina, County of York and City of Rock Hill and being designated as that certain 0.203 acres shown on plat entitled "Joseph L. Huckabee, Jr." drawn by Robert R. Medford, SCPLS on May 26, 2000, and recorded on June 28, 2000 in Book B240 at Page 9, and having the following courses and distances, to wit: BEGINNING at a point marking the Intersection of Sumter Avenue and an alley, and running thence from the beginning point with the right of way for Sumter Ave. N. 66-00-00 E. for a distance of 70.11 feet to an iron; thence turning and running S. 24-02-16 E. for a distance of 127.69 feet to an iron; thence turning and running S. 67-34-00 W. for a distance of 70.05 feet to an iron on the right of way for the alley; thence turning and running with the right of way for the alley N.24-04-38 W. for a distance of 125.77 feet to an iron, the point of beginning. Said property has a current street address of 520 Sumter Ave.

#### CONCLUSIONS OF LAW

I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of Mortgage A and Mortgage B and the mortgaged property should be ordered sold at public auction after due advertisement.
2. The Plaintiff should have judgment against the Defendant Joseph L. Huckabee, Jr. a/k/a Joseph Levern Huckabee, Jr. pursuant to S.C. Code Ann. §29-3-650 for the full amount due under Note A in the amount of Ninety-Eight Thousand Seven Hundred Ninety-Four and 11/100 (\$98,794.11) Dollars, plus interest thereon, plus reasonable attorney's fees and the costs and expenses of this action.
3. The Plaintiff should have judgment against the Defendant Joseph L. Huckabee, Jr. a/k/a Joseph Levern Huckabee, Jr. pursuant to S.C. Code Ann. §29-3-650 for the full amount due under Note B in the amount of Three Hundred Sixty Thousand Four Hundred Fifty-Seven and 25/100 (\$360,457.25) Dollars, plus interest thereon, plus reasonable attorney's fees and the costs and expenses of this action.

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4. The judgment entered against Joseph L. Huckabee, Jr. a/k/a Joseph Levern Huckabee, Jr. shall be credited by the amount of the high bid entered at any subsequent foreclosure sale of Property A and Property B, as provided in the statute.

5. Mortgage A shall be reformed *nunc pro tunc* to the date of its recordation, to reflect the recorded Plat.

6. Mortgage B shall be reformed *nunc pro tunc* to the date of its recordation, to reflect the recorded Plat.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Pursuant to the South Carolina Supreme Court's Administrative Order filed on May 22, 2009, the mortgage loans identified herein are commercial loans which are not owned, securitized or guaranteed by Fannie Mae or Freddie Mac nor is any servicer of the loans participating in the Home Affordable Modification Program (HMP), as referenced in the above Administrative Order, and the Administrative Order is not applicable to the loans and mortgages identified herein.

2. Pursuant to South Carolina Supreme Court's Administrative Order filed on May 2, 2011, the real properties involved herein are commercial properties and are not an "Owner-Occupied Dwelling" as defined in that Order. As such, the Administrative Order is not applicable to this foreclosure.

3. The subject Mortgage A and Mortgage B are hereby ordered reformed to correct the legal description to reference the correct date shown on the plat for the real property.

4. That there is due to the Plaintiff on the obligation and Mortgage A set forth in the Complaint the sum of Ninety-Eight Thousand Seven Hundred Ninety-Four and 11/100 (\$98,794.11) Dollars, representing the Total Debt due Plaintiff as set out in paragraph eighteen



*supra*, together with interest at the rate provided therein on the balance of principal from the date aforesaid to the date hereof.

5. The amount due in the preceding paragraph (the "Total Debt" as set forth in paragraph eighteen *supra* and later accrued interest on the principal) shall constitute the total judgment debt against Huckabee and shall bear interest hereafter at the rate of 12.00% per annum.

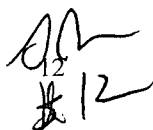
6. That there is due to the Plaintiff on the obligation and Mortgage B set forth in the Complaint the sum of Three Hundred Sixty Thousand Four Hundred Fifty-Seven and 25/100 (\$360,457.25) Dollars, representing the Total Debt due Plaintiff as set out in paragraph thirty *supra*, together with interest at the rate provided therein on the balance of principal from the date aforesaid to the date hereof.

7. The amount due in the preceding paragraph (the "Total Debt" as set forth in paragraph thirty *supra* and later accrued interest on the principal) shall constitute the total judgment debt against Huckabee and shall bear interest hereafter at the rate of 10.870% per annum.

8. The judgment entered against Huckabee shall be credited by the amount of the high bid entered at any subsequent foreclosure sale of the mortgaged Property A and Property B, as provided in the statute.

9. That the Defendant liable for the aforesaid debt on Mortgage A and Mortgage B shall on or before the date of sale of Property A and Property B hereinafter described, pay to the Plaintiff, or Plaintiff's attorney the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

10. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the undersigned Master in Equity at public auction, at York County and State aforesaid, on some convenient sales day hereafter (and should the regular day of judicial sales fall on a legal holiday,

Handwritten signature and date: 12/12

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) The undersigned Master in Equity 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 thirty (30) days same to be forfeited 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 12.00% as to Note A and at the rate of 10.870% as to Note B.

(c) The sale shall be subject to taxes and assessments, existing easements and easements and restrictions of record, and any other senior encumbrances.

(d) The sale shall also be subject to the Right of Redemption by the Defendant, United States of America, pursuant to Sec. 2410(c), Title 28, United States Code, for a period of 120 days from the date of sale of Property A and Property B.

(e) Purchaser to pay for deed stamps and cost of recording the deed.

11. Should the Plaintiff or Plaintiff's agent fail to appear at the time of the sale, the within property shall be withdrawn from sale and sold at the next available sales day upon the terms and conditions as set forth in this Judgment of Foreclosure and Sale.

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

13. Deficiency judgment being entered, the sale will remain open for thirty (30) days pursuant to S.C. Code Ann. §15-39-720 (1976).



13

14. 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 will execute to the Purchaser, or Purchasers, a deed to the premises sold. The 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 thirty (30) days after date of sale, then the undersigned Master in Equity 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.

15. That the undersigned Master in Equity will 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;

NEXT: To the payment to the Plaintiff or Plaintiff's attorney, of the amount of Plaintiff's debt and interest or so much thereof as the purchase money will pay on the same;

NEXT: Any surplus will be held pending further Order of this Court.

16. It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder is other than the Defendant in possession herein, the Sheriff of York County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, 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.

17. And it is further ORDERED, ADJUDGED AND DECREED that the Defendant named herein, Huckabee, and all persons whosoever claiming under them or it, be

Handwritten signature and the date 14.

forever barred and foreclosed of all right, title, interest, and equity of redemption in the said mortgaged premises so sold, or any part thereof.

18. IT IS FURTHER ORDERED that, pursuant to S.C. Code Ann. §30-9-31 (Supp. 1987), 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 titleholder of the mortgaged property at the time of the filing of the notice of pendency of the within action, and the name of the grantee. Said deed of conveyance shall be indexed in the grantor index by the York County Register of Deeds in the name of the owner of record of subject property immediately prior to execution of the deed, as well as in the name of the undersigned Master in Equity who executes such deed as grantor.

19. The undersigned Master in Equity will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance, any issues concerning the appraisal statutes, and disposing of any surplus funds pursuant to Rule 71(c), SCRCF.

20. The following is a description of the premises herein ordered to be sold:

Property A

All that certain piece, parcel or lot of land lying, being and situate in the City of Rock Hill, County of York, State of South Carolina, being shown and designated on a plat of Property of Joseph L. Huckabee, Jr., prepared by J.B. Fisher, RLS, June 17, 1987, and recorded in the Office of the Clerk of Court for York County, South Carolina on July 13, 1987 in Book 86 at Page 702, which plat is incorporated herein by metes and bounds.

This being the same property conveyed to Joseph L. Huckabee, Jr. by deed of Thomas A. Shealy, recorded in the Office of the Register of Deeds for York County on July 13, 1987 in Book 965 at Page 16.

TMS No.: 629-05-01-001

Property Address: 315 Park Avenue, Rock Hill, South Carolina

Property B

DC  
LS

All that certain parcel or lot of land situate in the State of South Carolina, County of York and City of Rock Hill and being designated as that certain 0.203 acres shown on plat entitled "Joseph L. Huckabee, Jr." drawn by Robert R. Medford, SCPLS on May 26, 2000, and recorded on June 28, 2000 in Book B240 at Page 9, and having the following courses and distances, to wit: BEGINNING at a point marking the Intersection of Sumter Avenue and an alley, and running thence from the beginning point with the right of way for Sumter Ave. N. 66-00-00 E. for a distance of 70.11 feet to an iron; thence turning and running S. 24-02-16 E. for a distance of 127.69 feet to an iron; thence turning and running S. 67-34-00 W. for a distance of 70.05 feet to an iron on the right of way for the alley; thence turning and running with the right of way for the alley N.24-04-38 W. for a distance of 125.77 feet to an iron, the point of beginning. Said property has a current street address of 520 Sumter Ave.

The within property is conveyed subject to all existing easements and restriction appearing in the chain of title, which said easements and restrictions are not intended to be reimposed hereby.

This being the same property conveyed to Joseph L. Huckabee, Jr. by deed of Lawrence K. Leonard and Teibelle W. Leonard, recorded in the Office of the Register of Deeds for York County on June 28, 2000 in Book 3174 at Page 340.

TMS No.: 629-06-02-001

Property Address: 520 Sumter Avenue, Rock Hill, South Carolina



S. Jackson Kimball

Master in Equity for York County

York, South Carolina

3/23, 2016

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