

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sterling Lending Group, Inc., as agent for  
Regent Bank,

Plaintiff,

v.

Tamara L. Steiner, Thomas Williams, Jr.,  
Ben Staples, SC Housing Corp, acting  
through South Carolina State Housing  
Finance and Development Authority's  
South Carolina Homeownership and  
Employment Lending Program, Terry  
Huffstetter and Tin Huffstetter, Joan L.  
Miller, Atlantic Credit & Finance, Inc.,  
Department of the Treasury – Internal  
Revenue Service, State of South Carolina  
Department of Revenue and First  
Financial Corporation,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2013-CP-40-5959

RECEIVED

APR 29 2016

SC Court of Appeals

ORDER DENYING MOTION FOR  
RECONSIDERATION AND/OR  
AMENDMENT OF JUDGMENT, MOTION  
TO INTERVENE AND VACATE  
FORECLOSURE

2016 MAR 28 AM 10:34  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

RICHLAND COUNTY  
FILED

These matters came before me on February 23, 2016 on the following *pro se* motions of Kenneth W. Steiner, III and Amie S. Seebauer's: 1) Motion for Reconsideration and/or Amendment of Judgment filed November 13, 2015 with the Richland County Clerk of Court ("COC") ("First Motion"); 2) Motion to Intervene and Vacate Foreclosure filed December 3, 2015 with the COC ("Second Motion"); and 3) Motion to Intervene and Vacate Foreclosure filed February 2, 2016 filed with the COC ("Third Motion"). Mr. Steiner and Ms. Seebauer ("Movants") styled their appearance as Petitioners, though they were not parties or intervenors in the instant matter. The Movants appeared at the hearing and were represented by David Eugene Massey, Esq.

Drew B. Walker, Esq., appeared at the hearing for the Plaintiff Sterling Lending Group, Inc., as agent for Regent Bank ("Plaintiff").

Based upon my review of the motion, statutes, case law and oral arguments of counsel, I find and conclude that the motions are denied.

### **FINDINGS AND CONCLUSIONS OF LAW**

#### I. The First Motion

Movant's First Motion moves for reconsideration and/or amendment of judgment found in the Order Denying Motion to Vacate Sale or in the Alternative Stay of Sale dated October 29, 2015 and filed with the COC on November 3, 2015 ("Order"). All defined terms in the Order are reincorporated here for use in this instant order.

A. As to Movant's first ground in Paragraph 1 of its First Motion, Movants had ample time to obtain affidavits before or after the filing of their motion. Movant's Motion for Continuance was therefore denied. The Court takes judicial notice of the properly recorded Deed from 2008 that the Movant's knew or should have known about within the following three years, and denies the grounds in Paragraph 1 for reconsideration.

B. As to Movant's grounds in Paragraph 2 of its First Motion, it is denied for the same reasons sated in Subsection A above.

C. As to Movant's grounds in Paragraph 3 of its First Motion, it is denied because it is an erroneous interpretation of the law and statutes cited, and the reasoning in the Order stands as adjudicated therein.

D. As to Movant's grounds in Paragraph 4 of its First Motion, it is denied because of Movant's convenient and continued omission of the two words that precede "deed of distribution" in the cited statutes: "*instrument or*". The court finds that the Deed was an

instrument contemplated in the statutes, and denies the construction Movant's wish to take of the clear and unambiguous statutes that contemplates conveyances by instruments other than and in addition to deeds of distributions.

E. As to Movant's grounds in Paragraph 5 of its First Motion, it is denied for the reasons stated in Subsection A above.

F. As to Movant's grounds in Paragraph 6 of its First Motion, it is denied because this Court finds that there are no issues properly before the Court concerning a minor child of the Estate of Phillip Chappell, Jr. Further assuming a motion by the Estate or conservator or guardian were properly before the Court, the findings in the Order would remain unchanged on the same grounds as the Order denied the motion as to the Movants.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Movant's First Motion is denied.

## II. The Second Motion

The Second Motion moves to allow the Movants to Intervene on behalf of the Estate of Phillip Chappell, Jr. pursuant to SCRCP 24. Secondly, the Second Motion moves to vacate the foreclosure sale of the Subject Property pursuant to SCRCP 60.

The motion under SCRCP 24 is denied for the following reasons: the Movants are not in a proper procedural posture to represent a class of "heirs" in addition to themselves. Further, the Movants' arguments have been heard and adjudicated by this Court, and have been denied based on the reasoning above and in the Order. This Court will not allow their entry into the case as Intervenors to have a second bite of the apple on the same arguments.

Finally, this Court finds the requested intervention untimely as contemplated in SCRCP

24 and Davis v. Jennings, 304 S.C. 502, 504, 405 S.E. 2d 601,603 (1991). The Deed was filed in 2008 and any purported interest in the Subject Property or in the litigation in this 2013 case should have been known and raised by Movants prior to their motions filed in 2015. Movants state their reason for delay was not knowing of the law they believe supports their motions. As discussed in the Order and above, this Court disagrees with their legal arguments and, moreover, ignorance of the law is not an appropriate reason for the delay. The litigation has progressed past judgment and sale of the Subject Property, which would cause great prejudice to the Plaintiff and other defendants by allowing intervention and re-litigation of the issues this Court has already heard through Movant's motions.

The motion under SCRPC 60 is denied for the reasons stated in subsection D of the previous section. It is also denied because the issues in the motion and attempt to vacate foreclosure was previously heard and decided in the Order, reconsidered and denied in the instant motion, and the Court finds no new grounds under SCRPC 60 to grant the motion.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Movant's Second Motion is denied.

### III. The Third Motion

This Court denies the SCRPC 24 motion to intervene for the reasons stated in the prior Section, and it does not find that any additional grounds raised in the Third Motion, in the light most favorable to the Movants, that influence its reasoning above on the intervention request.

This Court denies the SCRPC 60 motion because the issue and attempt to vacate foreclosure was previously heard and decided in the Order, and it was also reconsidered and denied in the instant motion. To the extent that Paragraphs 1-7 of the Third Motion and

supporting memorandum raise new grounds not raised in Movant's previous motions, the Court holds that the information raised is unsupported by affidavit or documents proper for the Court to consider but, even if true, was available to Movants at the time of filing its previous motions and are barred under the doctrines of res judicata. Further, any new information, viewed in the light most favorable to Movants, is unconvincing to relieve Movants or any parties from the Order of Foreclosure and Sale under the SCRCF 60 legal standard.

A. As to Movant's grounds in Paragraph 1 of its Third Motion, the error in those words, even if true, does not have bearing on the substance of the relief granted Plaintiffs, and was merely clerical.

B. As to Movant's grounds in Paragraph 2 of its Third Motion, I have previously ordered the sale of the Subject Property, reconsidered Movant's grounds for vacating the sale as outlined in the Order and above, considered the wording in the Deed prepared by Mr. Rish, and hold that the sale was a valid conveyance that should not be vacated.

C. As to Movant's grounds in Paragraph 3 of its Third Motion, I find the discrepancy cited, even if true, to be inconsequential.

D. As to Movant's grounds in Paragraph 4 of its Third Motion, I find that Mr. Shannon's presence at the closing, even if true, does not give him notice of an improper sale, the impropriety of which Movants have failed to convince this Court of.

E. As to Movant's grounds in Paragraph 5 of its Third Motion, I find this legal conclusion to be unsupported by the record presented to the Court.

F. As to Movant's grounds in Paragraph 6 of its Third Motion, I find the discrepancy cited, even if true, to be inconsequential.

G. As to Movant's grounds in Paragraph 7 of its Third Motion, I find this

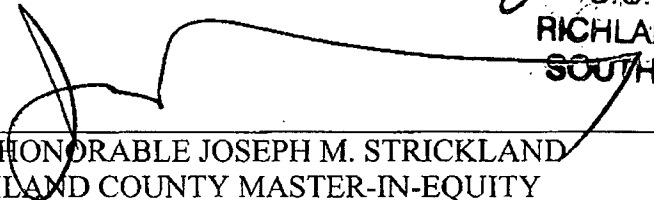
legal conclusion to be unsupported by the record presented to the Court.


Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Movant's Third Motion is denied.

AND IT IS SO ORDERED.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
*Jeanette W. McBride*  
C.C.P.&G.S. 19.4  
RICHLAND COUNTY  
SOUTH CAROLINA

  
\_\_\_\_\_  
THE HONORABLE JOSEPH M. STRICKLAND  
RICHLAND COUNTY MASTER-IN-EQUITY

  
\_\_\_\_\_, 2016  
Columbia, South Carolina

# ROGERS LEWIS

ATTORNEYS AT LAW

Pamela Baker - Paralegal  
pbaker@rogerslewis.com

March 17, 2016

FEB 21 2016  
MASTER-IN-EQUITY  
RICHLAND COUNTY

The Honorable Joseph M. Strickland  
Richland County Master in Equity  
PO Box 192  
Columbia, SC 29202-2766

Re: Sterling Lending Group, Inc. v. Tamara L. Steiner et al.  
Civil Case No.: 2013-CP-40-05959

Dear Judge Strickland:

Enclosed please find a proposed Order Denying Motion for Reconsideration and/or Amendment of Judgment, Motion to Intervene and Vacate Foreclosure for your consideration in the referenced matter.

Thank you for your assistance with this matter. Should you have any questions, please contact our office.

Sincerely,



Pamela Baker  
Paralegal for Drew B. Walker

Enclosure

cc: Alan Peace, Esq.  
David Massey, Esq.

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