

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Wells Fargo Bank, N.A.,)
 Plaintiff,)
 vs.)
 William R. Hudspeth, Marcia E. Hudspeth;)
 TD Bank, N.A. s/b/m to Carolina First)
 Bank; The Lender Group, Inc.; Business)
 Carolina, Inc.; South Carolina Department)
 Of Revenue; Carapace, LLC; Wurth Wood)
 Group, Inc.; The Estate of Harry William)
 Boyd, by Joan L. Boyd, Personal)
 Representative; Adecco USA, Inc.,)
 Defendant(s).

IN THE COURT OF COMMON PLEAS
 CIVIL ACTION NO: 2014-CP-40-1233

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SC Court of Appeals
 SUPPLEMENTAL
 ORDER OF DISBURSEMENT OF
 SURPLUS FUNDS PURSUANT TO
 RULE 71(c), SCRCP

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The matter before the Court is the disbursement of surplus funds remaining after the judicial sale of real estate involved in the foreclosure lawsuit captioned above. One of the junior lienholders was the successful bidder at the judicial sale. The highest bidder was TD Bank for the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00). This amount exceeded the amount of the debt owed to Wells Fargo Bank, N.A. Thus, there are surplus funds of Two Hundred Twenty-four Thousand Nine Hundred Fifty-six and 01/100 (\$224,956.01).

There were several claims submitted in accord with Rule 71(c), SCRCP. TD Bank, N.A. now owns the property in question. Inexplicably, TD Bank claims it is entitled to the surplus funds. Counsel could not cite any South Carolina case, rule or statute to support TD Bank's position. An award of surplus funds to TD Bank would prejudice other claimants and require a change in South Carolina Law.

Additionally, counsel for TD Bank asked the surplus funds not be disbursed until after TD Bank's potential appeals have been exhausted. That motion is denied.

I have carefully reviewed all of the claims submitted and the funds shall be disbursed as follows:

Thirty-five Dollars (\$35.00) shall be disbursed to the Richland County Treasurer as court costs.


Two Hundred Twenty-four Thousand Nine Hundred Twenty-one and 01/100 Dollars (\$224,921.01) shall be disbursed to The Lender Group, Inc.

Now, TD Bank and The Lender Group, Inc. have agreed that the surplus funds shall be held by the Richland County Clerk of Court pending a ruling on TD Bank's appeal of the Order of Disbursement.

Thus, \$224,921.01, the amount of surplus funds, shall be held by the Richland County Clerk of Court in an interest bearing account until the appeals process is complete.

IT IS SO ORDERED.

Columbia, South Carolina
May 17, 2016.



JOSEPH M. STRICKLAND, MASTER IN
EQUITY FOR RICHLAND COUNTY