

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON

JPMorgan Chase Bank, National Association,
Successor by Merger to Chase Home Finance,
LLC s/b/m to Chase Manhattan Mortgage
Corporation,

Plaintiff,

vs.

Demetric Hayes,

Defendant.

Case No. 2010-CP-32-00669

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MAY 18 2016

SC Court of Appeals

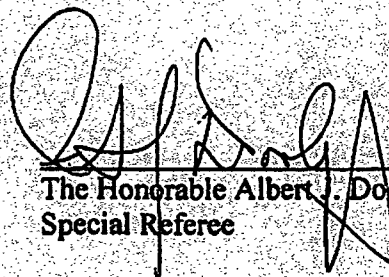
ORDER DENYING DEFENDANT'S MOTION TO VACATE SALE

Pursuant to Rule 53, SCRPC, this matter was referred to me with authority to enter final judgment in this case. I am in receipt of Defendant's Motion to Vacate Sale filed on December 2, 2015 ("Motion"), in which Defendant requests that the Court set aside the sale of the property that is the subject of this foreclosure action, which occurred on November 2, 2015. At the time Defendant filed his Motion, this case had been appealed pursuant to Defendant's Notice of Appeal filed with the Court of Appeals on November 4, 2015 (the "Appeal"). As a result, this Court did not have jurisdiction over this Motion when it was filed. The Appeal was dismissed by Order of the Court of Appeals on January 13, 2016. Appellant filed a petition for the appeal to be reinstated, and that petition was denied by order dated March 18, 2016. This matter was remanded on April 26, 2016.

Notwithstanding the jurisdictional issues, the determination of whether to set aside a foreclosure sale is a matter within the discretion of the trial court. *Wells Fargo Bank, NA v. Turner*, 378 S.C. 147, 150, 662 S.E.2d 424, 425 (Ct.App.2008). Here, the Motion raises no legitimate deficiencies with the sale of the subject property or any of the foreclosure proceedings

prior to the sale, and provides no basis for relief. Based on the foregoing, the Motion is DENIED.

AND IT IS SO ORDERED.



The Honorable Albert J. Dooley
Special Referee

May 9, 2016

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CERTIFICATE OF SERVICE

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have caused the foregoing to be served via U.S. mail, postage prepaid to all parties of record at the addresses shown below.

Documents: 1. Order Denying Defendant's Motion to Vacate Sale

Parties of Record

Demetric Hayes
232 Edinfield Court
Gaston, SC 29053
Pro Se Defendant

HAYNSWORTH SINKLER BOYD, P.A.

By:


Julie Fish

May 11, 2016