

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

The Honorable Jeffrey M. Tzerman  
Master-in-Equity

Case No. 2015-CP-28-0494  
Appellate Case No. 2016-002020

RECEIVED

OCT 14 2016

SC Court of Appeals

U.S. Bank National Association, as trustee, in trust for  
registered holders of First Franklin Mortgage Loan  
Trust, Mortgage Loan Asset-Backed Certificates, Series  
2007-FF1,.....

Respondent,

v.

Mac Arthur Day; Americredit Financial Services, Inc. .

Defendants

Of whom Mac Arthur Day is.....


Appellant.

**Return to Appellant’s “Application for Temporary Restraining Order,  
Preliminary Injunction, and Declaratory Relief”**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondent U.S. Bank National Association, as trustee, in trust for registered holders of First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1 (“Respondent”), files this return to Appellant Mac Arthur Day’s “Application for Temporary Restraining Order, Preliminary Injunction, and Declaratory Relief.” In that motion, Appellant seeks to halt the sale of the property at issue in this appeal. See Application p. 1; p. 9, ¶ 1 (requesting an order prevent Respondent from “selling, attempting to sell, or causing to be sold the property” at issue).

Appellant's request is moot. The master-in-equity sold the property and issued the Report of Sale and Disbursement on May 19, 2016. See Report of Sale and Disbursement, attached hereto as Exhibit A. Thus, the property was sold approximately 4 months before Appellant filed this request. The Court should deny the motion because an order will not have any practical effect on this appeal. See, e.g., Sloan v. Friends of the Hunley, Inc., 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006) (stating a moot case exists when "a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court"); Sloan v. Greenville Cty., 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) (stating an appellate court will not pass judgment on moot and academic questions or adjudicate a matter when no actual controversy capable of specific relief exists).

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for U.S. Bank National Association, as trustee, in trust for registered holders of First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1

Columbia, South Carolina  
October 14, 2016

STATE OF SOUTH CAROLINA  
COUNTY OF KERSHAW

IN THE COURT OF COMMON PLEAS  
CASE NO. 2015-CP-28-00494

U.S. Bank National Association, as trustee, in  
trust for registered holders of First Franklin  
Mortgage Loan Trust, Mortgage Loan Asset-  
Backed Certificates, Series 2007-FF1,

Plaintiff,

vs.

Mac Arthur Day; Americredit Financial  
Services, Inc.,

Defendant(s).

REPORT OF SALE AND  
DISBURSEMENT

JOYCE McGRAND  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

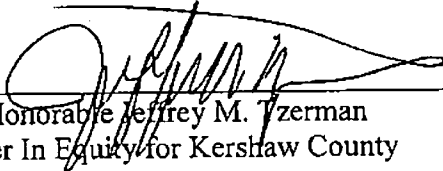
FILED FOR RECORD  
2016 JUN - 1 AM 11:08

Pursuant to a judgment of this Court made in the above entitled action on September 15, 2015, after due legal notice advertised and published according to law, I offered for sale on May 2, 2016 at 12:00PM, to the highest bidder for cash, at public auction, the premises subjected to this suit. At such sale the said premises were sold to U.S. Bank National Association, as trustee, in trust for registered holders of First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1 for \$160,676.46, being at that price the highest bidder. Therefore I have executed and delivered to the said purchaser or assignee of purchaser a good and sufficient deed of said premises, upon its complying with the terms of such sale. I have disbursed the funds.

Consideration	\$ 160,676.46
Commission (1% of total bid)	\$ 1,606.76
<b>TOTAL OF COSTS</b>	<b>\$ 162,283.22</b>

All of the funds having been disbursed, I hereby ORDER the file closed and the case ended.

Date: May 19, 2016  
Camelko, South Carolina

  
The Honorable Jeffrey M. Tzerman  
Master In Equity for Kershaw County

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-28-00494

U.S. Bank National Association, as trustee, in trust for registered holders of First Franklin Mortgage Loan Trust Mortgage Loan Asset-Backed Certificates, Series 2007-FFI

Mac Arthur Day; Americredit Financial Services, Inc.

DEFENDANT(S)

PLAINTIFF(S)

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

Attorney for :  Plaintiff  Defendant  
 or  
 Self-Represented Plaintiff

FILED FOR RECORD  
 2016 JUN - 1 AM 11:08  
 CLERK OF COURT  
 KERSHAW COUNTY, S.C.

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(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 : DEFICIENCY WAIVED / REPORT OF SALE

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)
		N/A

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

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

Judge Code

Date



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

The Honorable Jeffrey M. Tzerman  
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Of whom Mac Arthur Day is.....

Appellant.

PROOF OF SERVICE

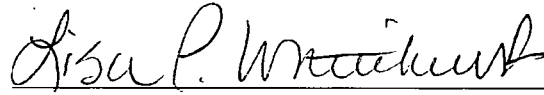
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for U.S. Bank National Association, as trustee, in trust for registered holders of First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-FF1, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Return to Appellant's "Application for Temporary Restraining Order, Preliminary Injunction, and Declaratory Relief".

Counsel Served:

Mr. Mac Arthur Day  
184 Wildwood Lane  
Lugoff, SC 29078



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Lisa Whitehurst  
Administrative Assistant

October 14, 2016

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
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October 14, 2016

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

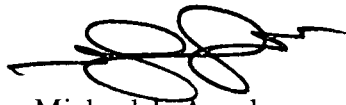
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OCT 14 2016  
SC Court of Appeals

RE: U.S. Bank National v. Mac Arthur Day  
Appellate Case No. 2016-002020  
Our File No. 33812/01596

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Return to Appellant's "Application for Temporary Restraining Order, Preliminary Injunction, and Declaratory Relief" in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier.

Very truly yours,



Michael J. Anzelmo

MJA:lpw  
Enclosure  
cc: Mr. Mac Arthur Day (w/enc.)