

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Nationstar Mortgage LLC,
PLAINTIFF,

VS.

Cheryle W. Jeffcoat; Harold L. Jeffcoat
a/k/a Harold L. Jeffcoat, Jr.; CitiMortgage,
Inc.; and Chestnut Hill Plantation
Homeowner's Association, Inc.,

DEFENDANT(S).

Nationstar Mortgage LLC,
PETITIONER,

VS.

Regime Solutions, LLC,
RESPONDENT.

(151070.00533)

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-40-06516

SUPPLEMENTAL ORDER

RICHLAND COUNTY
FILED
2016 SEP 22 PM 12:12
JEANNETTE W. HODGSON
C.C.P. & G.S.

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OCT 26 2016

SC Court of Appeals

THIS MATTER came to be heard by me pursuant to a Summons, Rule to Show Cause and Rule 60 motion filed by the Petitioner. Subsequent to its receipt of the Summons and Notice of Hearing, Respondent filed a Motion to Vacate the Foreclosure Sale previously held in this matter. A hearing to address these matters was held September 7, 2016. Jessica S. Corley, Esq. appeared as counsel for the Petitioner and Elias Fain, Esq. appeared as counsel for the Respondent.

Petitioner seeks an Order of the Court binding Respondent to the Master in Equity's Order of Foreclosure and Sale previously filed in this matter and finding its ownership interest was at all times subordinate to Petitioner's rights as mortgagee of the property. At hearing Petitioner asserted that the grounds for such relief are that the deed held by Respondent was at all times junior to the mortgage lien of the Plaintiff, and further, that the Respondents would

have realized no proceeds through the foreclosure process had it been identified as a party defendant and therefore, would not be prejudiced by said Order. Respondent asserted that it was a necessary party to the action such that the foreclosure sale should be vacated and it be joined as a party hereto.

After reviewing all of the pleadings, memorandums, and based on arguments made at the hearing, **I MAKE THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Petitioner filed this foreclosure action and obtained the subject property pursuant to the Judicial Sale for an amount less than the total debt awarded by the Master in Equity's Order of Foreclosure and Sale.
2. Respondent obtained title to the property by virtue of the Master in Equity's Deed of Foreclosure filed approximately a month before petitioner filed its Lis Pendens, Summons and Complaint. Any ownership interest held by Respondent was at all times subordinate and inferior to the mortgage held by the Plaintiff.
3. That had Respondent had been named as party defendants in the within captioned action, it would have realized no monies from the foreclosure process as the subject real property was purchased for a sum of money insufficient to satisfy the superior mortgage lien of the Plaintiff and the costs properly payable to the Court. Moreover, it is clear that a resale of the property would not generate proceeds which would reach the Respondent.
4. Respondent was provided notice and the opportunity to be heard in the foreclosure matter at the Rule to Show Cause hearing held in this matter. Respondent raised the issue that it was a necessary party to the foreclosure action and; therefore, should have received prior notice of the action. However, Respondent was unable to provide

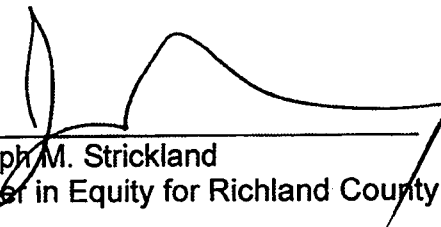
persuasive South Carolina law stating that, as a party that has been issued a deed pursuant to the foreclosure of a subordinate lienholder's foreclosure action it was a necessary party to the mortgagee's foreclosure action. Respondent did not raise any additional issues or objections to the underlying foreclosure action.

5. Under these circumstances, Respondent will not be prejudiced by the outcome of an order binding it to the previous Master in Equity's Order of Foreclosure and Sale. Failing to issue the Rule to Show Cause and Supplemental Order and granting Respondent's Motion will only cause delay in coming to a final determination of this matter, which appears to have no chance of changing from its present condition. Therefore, it is proper in light of judicial economy and equitable that Respondent be bound by the foreclosure proceedings. (see, Union National Bank of Columbia v. Cook, 110 S.C. 99, 96 S.E. 484 (1918) *allowing same for omitted lienholders*).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Respondent is bound to the Master in Equity's Order of Foreclosure and Sale previously filed in this matter.
2. As a result, Petitioner's ownership interest is superior to that of Respondent, such that Petitioner is the owner of the subject property.

AND IT IS SO ORDERED.



Joseph M. Strickland
Master in Equity for Richland County

Columbia, South Carolina

Sept. 19, 2016