

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

Gordon G. Cooper, Master-in-Equity

Case No.: 2016-CP-42-02422

Fifth Third Mortgage Company,

Respondent

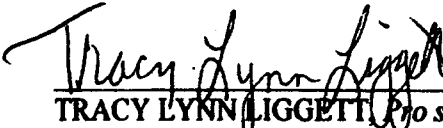
v.

Tracy Liggett,

Appellant.

APPELLANT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

April 10th, 2017


TRACY LYNN LIGGETT, *Pro se*
225 Perry Road
Greer, SC 29651
864-999-6044
Tracyliggett5@att.net

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SC Court of Appeals

Appellant proposes the following to be included in the Record on Appeal

Docket.....2

Complaint.....10

On August 24, 2016, an Amended Answer and Affirmative
Defenses.....3

On September 15, 2016, an Order of Reference was entered that referred the Foreclosure
action to Gordon G. Cooper, as Master in Equity with authority to enter a final
Judgment.....5

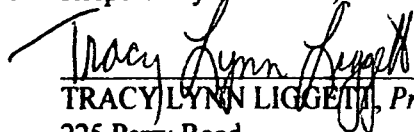
On November 16, 2016, a Notice of the hearing on December 1, 2016 was sent to
Defendant.....2

On November 29, 2016, Appellant filed a Notice of Unavailability and requested that the hearing
be Continued.....2

On December 29, 2016, Appellant filed a Notice of Appeal.....14

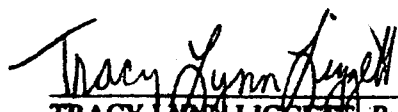
On January 5, 2017, an Order was entered Vacating the Sale.....2

Respectfully Submitted,


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Certificate of Service

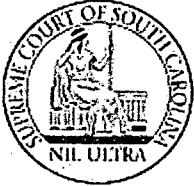
I certify that I have served Counsel with Appellant's Designation of Matter to be included in the Record on Appeal to the Initial Brief upon the following parties: Alan M. Stewart, Esq., Hutchens Law Firm, P.O. Box 8237, Columbia, SC 29202, by Email: Alan.Stewart@hutchenslawfirm.com, South Carolina Department of Motor Vehicles, C/O Frank L. Valenta, Jr., General Counsel, by United States Mail, postage prepaid to P.O. Box 1498, Blythewood, SC 29016 on this 10th day of April 2017.


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SC Court of Appeals



Spartanburg County Seventh Judicial Circuit Public Index



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[SC.GOV Home Page](#)

Switch View

Fifth Third Mortgage Company VS Tracy L Liggett , defendant, et al

Case Number:	2016CP4202422	Court Agency:	Master In Equity	Filed Date:	09/15/2016
Case Type:	Common Pleas	Case Sub Type:	Foreclosure 420	File Type:	Non-Jury
Status:	Dismissed	Assigned Judge:	Cooper, Gordon G.		
Disposition:	Stricken Due to Bankruptcy	Disposition Date:	01/05/2017	Disposition Judge:	Cooper, Gordon G.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Fifth Third Mortgage Company	Transcript/Transcript of Testimony	Filing		02/03/2017-09:00		
Fifth Third Mortgage Company	Master/Order/Other/Order Vacating Judgment	Order		01/05/2017-16:28		
Fifth Third Mortgage Company	Order/Order Cover Sheet \$25.00	Filing		01/04/2017-11:28	01/05/2017-11:28	
Liggett, Tracy L	Defendant's Notice of Appeal	Filing		12/29/2016-09:53	01/05/2017-09:53	
Fifth Third Mortgage Company	Affidavit/Publication	Filing		12/22/2016-15:14	01/05/2017-15:14	
Fifth Third Mortgage Company	Service/Certificate Of Service	Filing		12/20/2016-13:22	01/05/2017-13:22	
Fifth Third Mortgage Company	Master/Order/Foreclosure & Sale and Form 4	Order		12/01/2016-11:21	01/05/2017-11:21	
Fifth Third Mortgage Company	Master/Order/Other/Notice of Sale	Order		12/01/2016-11:18	01/05/2017-11:18	
Liggett, Tracy L	Filing w/service	Filing		11/29/2016-15:40	01/05/2017-15:40	
Fifth Third Mortgage Company	Filing	Filing		11/29/2016-15:36	01/05/2017-15:36	
Fifth Third Mortgage Company	Master/Exhibit/Affidavit of Attorney Fees	Filing		11/28/2016-14:22	01/05/2017-14:22	
Fifth Third Mortgage Company	Master/Exhibit/Affidavit of Debt	Filing		11/28/2016-14:22	01/05/2017-14:22	
Fifth Third Mortgage Company	Master/Exhibit/Foreclosure/Other	Filing		11/28/2016-14:22	01/05/2017-14:22	
Fifth Third Mortgage Company	Master/Exhibit/Note and Mortgage	Filing		11/28/2016-14:22	01/05/2017-14:22	
Fifth Third	Notice/Notice of Appearance	Filing		11/28/2016-	01/05/2017-	

Mortgage Company				14:22	14:22
Fifth Third Mortgage Company	Notice/Notice of Hearing and Service	Filing		11/16/2016-15:05	01/05/2017-15:05
Fifth Third Mortgage Company	Order/Referred to Master or Special Referee	Order		09/15/2016-15:02	01/05/2017-15:02
Fifth Third Mortgage Company	Order/Order Cover Sheet \$25.00	Filing		09/15/2016-12:17	01/05/2017-12:17
Fifth Third Mortgage Company	Notice/Notice of Appearance	Filing		09/15/2016-12:17	01/05/2017-12:17
Fifth Third Mortgage Company	Affidavit/Regarding Military Service	Filing		09/15/2016-12:17	01/05/2017-12:17
Stewart, Alan Martin	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/15/2016-10:10	01/05/2017-10:10
Valenta, Frank L. Jr.	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/15/2016-10:10	01/05/2017-10:10
Liggett, Tracy L	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/15/2016-10:10	01/05/2017-10:10
Stewart, Alan Martin	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/02/2016-11:45	01/05/2017-11:45
Liggett, Tracy L	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/02/2016-11:45	01/05/2017-11:45
Valenta, Frank L. Jr.	10/5/2016_MOTION_Roster/Notice of Motions Roster Publication	Action		09/02/2016-11:45	01/05/2017-11:45
Liggett, Tracy L	Answer/Amended Answer	Filing		08/24/2016-08:49	01/05/2017-08:49
Fifth Third Mortgage Company	Certificate/Certificate of Mortgagor Non Compliance	Filing		08/22/2016-15:28	01/05/2017-15:28
Liggett, Tracy L	Motion/Enlarge Time	Motion		07/21/2016-14:15	01/05/2017-14:15
Liggett, Tracy L	Filing/Defendants Motion for Enlargement of Time	Filing		07/20/2016-16:44	01/05/2017-16:44
South Carolina Department Of Motor Vehicles	Answer, Accept of Service, Consent to Ref & Cert of Service	Filing		07/14/2016-09:43	01/05/2017-09:43
Liggett, Tracy L	Affidavit Of Service	Filing		07/07/2016-16:18	01/05/2017-16:18
Fifth Third Mortgage Company	Summons & Complaint	Filing		06/30/2016-09:52	01/05/2017-09:52
Fifth Third Mortgage Company	Lis Pendens Filed	Filing		06/30/2016-09:51	01/05/2017-09:51

COUNTY OF SPARTANBURG

CIVIL ACTION COVERSHEET

2016-CP-42-2422

Fifth Third Mortgage Company .	PLAINTIFF.
vs.	
Tracy L. Liggett, et al	DEFENDANT(S)

Submitted By: John S. Kay (Bar #7914); John B. Kelchner (Bar #13589); Ashley Z. Stanley (Bar #74854); Alan M. Stewart #15576;
Hutchens Law Firm Telephone #: 803-726-2700
Address: P.O. Box 8237 Fax #: _____
Columbia, SC 29202 Email: _____

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)
**If Action is Judgment/Settlement do not complete*

JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
 This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
 This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
 This case is exempt from ADR (Proof of ADR/Exemption Attached).

NATURE OF ACTION (Check One Box Below)

<p>Contracts</p> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199)	<p>Torts - Professional Malpractice</p> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) <input type="checkbox"/> Previous Notice of Intent Case # 20__-NI-_____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299)	<p>Torts - Personal Injury</p> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399)	<p>Real Property</p> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input checked="" type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499)
<p>Inmate Petitions</p> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599)	<p>Administrative Law/Relief</p> <input type="checkbox"/> Reinstate Driver's License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture - Consent Order (850) <input type="checkbox"/> Other (899)	<p>Judgments/Settlements</p> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799)	<p>Appeals</p> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Commission (990) <input type="checkbox"/> Employment Security Commission (991) <input type="checkbox"/> Other (999)
<p>Special/Complex /Other</p> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670)			

Submitting Party Signature: Alan M. Stewart

Date: June 28, 2016

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

2016-CP-42-2422

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Fifth Third Mortgage Company,
PLAINTIFF,
vs.
Tracy L. Liggett, et al
DEFENDANT(S)

(NON-JURY MORTGAGE FORECLOSURE)
CERTIFICATION OF EXEMPTION FROM ADR
C/A NO:
DEFICIENCY WAIVED

I certify that this action is exempt from ADR because:

_____ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus or prohibition;

_____ this action is appellate in nature;

_____ this is a post-conviction relief matter;

_____ this is a contempt of court proceeding;

_____ this is forfeiture proceeding brought by the State;

X this is a case involving a mortgage foreclosure;

_____ the parties submitted the case to voluntary mediation with a certified mediator prior to the filing of this action.

Alan M. Stewart
Plaintiff/Attorney(s) for Plaintiff(s)
John S. Kay; John. B. Kelchner;
Ashley Z. Stanley; Alan M. Stewart

Defendant/Attorney(s) for Defendant(s)

Date: June 28, 2016, 2016

FILED
JUN 29 11 09 47
CLERK OF COURT

Firm Case No: 1186155 (JFCS.CAE)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company ,
vs.
Tracy L. Liggett; South Carolina Department of Motor
Vehicles

PLAINTIFF,
DEFENDANT(S)

SUMMONS
(NON-JURY MORTGAGE FORECLOSURE)
C/A NO:
DEFICIENCY WAIVED

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscriber at his office, P.O. Box 8237, Columbia, SC, 29202, within thirty (30) days after service hereof, except as to the United States of America, which shall have Sixty (60) days, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

TO MINOR(S) OVER FOURTEEN YEARS OF AGE, AND/OR TO MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDES, AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:

YOU ARE FURTHER SUMMONED AND NOTIFIED to apply for the appointment of a guardian ad litem within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff immediately and separately and such application will be deemed absolute and total in the absence of your application for such an appointment within thirty (30) days after the service of the Summons and Complaint upon you.

YOU WILL ALSO TAKE NOTICE that should you fail to Answer the foregoing Summons, the Plaintiff will move for an Order of Reference of this cause to the Master-in-Equity or Special Referee in/for this County, which Order shall, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure, specifically provide that the said Master in Equity or Special Referee is authorized and empowered to enter a final judgment in this cause with appeal only to the South Carolina Court of Appeals pursuant to Rule 203(d)(1) of the SCAR, effective June 1, 1999.

BY:

Alan M. Stewart
June 28, 2016

John S. Kay S.C. Bar # 7914
John B. Keichner S.C. Bar #13589
Ashley Z. Stanley S.C. Bar #74854
~~Alan M. Stewart S.C. Bar #15576~~
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202
803-726-2700
Attorneys for Plaintiff

2016 JUN 30 AM 9:47

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company,	PLAINTIFF,
vs.	
Tracy L. Liggett, South Carolina Department of Motor Vehicles	DEFENDANT(S)

COMPLAINT
(NON-JURY MORTGAGE FORECLOSURE)

C/A NO:
DEFICIENCY WAIVED

FILED
2016 JUN 30 AM 9:14

The Plaintiff, complaining of the Defendants above-named would respectfully show unto this Honorable Court:

1. That the Plaintiff is a company organized and existing under and by virtue of the laws of the State of Ohio; and that the Defendant, Tracy L. Liggett, is upon information and belief, a citizen and resident of the State of South Carolina. That the Defendant, South Carolina Department of Motor Vehicles is a governmental agency of the State of South Carolina and is responsible for issuing certificates of title for mobile/manufactured homes in this state.

2. Any Defendant described herein as a judgment creditor(s) has, by filing the judgment(s), designated the attorney(s) entering the judgment(s) as their agent for service of process pursuant to the provisions of Section 15-35-840 of the S.C. Code of Laws (1976) as amended.

3. That the real property hereinafter described, which is the subject of this action, is situated and located in the County of Spartanburg, State of South Carolina.

4. That on or about October 6, 2015, for value received, Tracy L. Liggett did execute and deliver to Fifth Third Mortgage Company, a certain promissory note in writing according to the terms and conditions set out therein, wherein and whereby said Tracy L. Liggett promised to pay to Fifth Third Mortgage Company the sum of Seventy-Seven Thousand One Hundred Sixty-Nine Dollars and No Cents (\$77,169.00), together with interest thereon at the rate of Three and 625/1000 percent (3.625%) per annum.

5. That in order to better secure the payments of the said note and debt, in accordance with the terms and conditions thereof, Tracy L. Liggett, did execute and deliver on October 6, 2015 unto Fifth Third Mortgage Company, a mortgage covering the following described property:

Legal description and property address:

ALL THAT CERTAIN piece, parcel or lot of land, lying and being situate in the State of South Carolina, County of Spartanburg, being shown and designated as Lot 47, containing 0.60 acres, more or less, being shown and designated on a survey for Foxbriar, Phase II, prepared by Freeland and Associates, Professional Land Surveying, dated February 01, 1999 and recorded in the Register of Deeds Office for Spartanburg County in Plat Book 146 at Page 706. For a more complete and accurate description refer to the above referenced plat.

TOGETHER with a 2000 Dynasty Mobile Home, Serial # H851154GL&R located thereon.

THIS BEING the same property conveyed to Tracy L. Liggett by virtue of a Deed from Jackie D. Pearson dated January 18, 2008 and recorded January 25, 2008 in Book 90 N at Page 244 in the Office of the Register of Deeds for Spartanburg County, South Carolina.

225 Perry Road
Greer, SC 29651
TMS# 4-05-00-013.01 (land)
TMS# 4-05-00-013.01-0801034 (mobile home)

6. Thereafter said mortgage was recorded in Book 5061 at page 610 on January 6, 2016 in the office of the Register of Deeds of Spartanburg County.
7. The above referenced instrument constitutes a first lien priority mortgage on the subject property.
8. Pursuant to South Carolina law, Plaintiff is entitled to enforce the terms of the subject note and mortgage.
9. The manufactured home described as a 2000 Dynasty Mobile Home, Serial # H851154GL&R has been affixed to the real property described herein and that certain Manufactured Home Affidavit For Retirement of Title Certificate dated October 6, 2015 was recorded May 5, 2016 in the Register of Deeds Office for Spartanburg County, South Carolina in Book 112-B at Page 277.
10. The records of the South Carolina Department of Motor Vehicles has been searched for 2000 Dynasty Mobile Home, Serial # H851154GL&R; however, the Certificate of Title for the mobile/manufactured home has not been detitled/retired with said agency.
11. According to the terms and conditions of the said note and mortgage, it is provided that in the event of default in the payment of any installment when due, and if such default is not made good prior to the due date of the next such installment, the entire principal and accrued interest shall at once become due and payable without notice at the option of the holder, and if the same should be placed in the hands of an attorney for collection, all costs of collection, including a reasonable attorney's fee, would be secured by the said mortgage as a part of the debt secured thereby.
12. That under the terms and conditions of said mortgage, it is provided that, together with, and in addition to, the monthly payments of principal and interest payable under the terms of the note secured thereby, the mortgagor will pay to the mortgagee, on the payment due date each month until the said note is fully paid, certain additional sums, including but not limited to, certain amounts for fire and other hazard insurance and taxes and assessments due on the mortgaged premises.
13. Further, under the terms and conditions of said mortgage, it was agreed that the mortgagor would pay all taxes, assessments, water rates and other governmental or municipal charges, fines or impositions for which provisions were not otherwise made, and if they failed to do so, the mortgagee might pay same, which amount, together with interest thereon, would be secured by said mortgage.
14. According to the terms of said mortgage, and as additional security, the mortgagor assigned all rents, issues and profits of the mortgaged premises from and after any default there under,

and should legal proceedings be instituted pursuant to said mortgage, the mortgagee, its successors or assigns, was given the right to have a Receiver appointed of the rents, issues and profits, who, after deducting all charges and expenses attending such proceedings, and the execution of his trust as a Receiver, shall apply the residue of the rents, issues and profits, toward the debt secured by said mortgage.

15. The monthly payments due on said note and mortgage are in default since January 1, 2016. Therefore, the conditions of said note and mortgage have been broken and the Plaintiff elects to, and does declare, the entire balance of said indebtedness due and payable. There is due on said note and mortgage as of January 1, 2016 the sum of Seventy-Six Thousand Two Hundred Five Dollars and Eighty-Seven Cents (\$76,205.87), interest calculated at the rate of Three and 625/1000 percent (3.625%) per annum from December 1, 2015 and the costs of collection associated with this action, including attorney's fees.

16. That the Plaintiff specifically waives its rights to a deficiency judgment in the event the sale of the real estate herein does not yield a sum sufficient to satisfy all indebtedness due to the Plaintiff, including costs and attorney fees.

17. That the servicer is participating in the Home Affordable Modification Program (HAMP). The loan is not subject to HAMP because the loan was originated after January 1, 2009.

18. That upon information and belief, certain costs for inspecting and securing the subject property have been incurred by the Plaintiff as a result of this delinquency and Plaintiff is informed and believes it is entitled to reimbursement for such charges, if any.

19. The notice of consumer's right to cure, as contemplated under S.C. Code Sections 37-5-110 and 37-5-111, has been given or is not required, and all conditions precedent to the acceleration of the debt and foreclosure of the mortgage have been performed or have occurred.

WHEREFORE, having fully set forth its complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and:

(1) That the amount due upon the said note and mortgage held by the Plaintiff be ascertained and determined under the direction of this Court, together with attorney's fees and costs of this action.

(2) That the said Plaintiff's mortgage be declared a first lien priority mortgage and that the said Plaintiff have judgment of foreclosure for the amount so found to be due and owing thereon, together with any taxes or insurance premiums which may be due, with a reasonable sum as attorney's fees and for the costs of this action.

(3) That the mortgaged premises be sold under the direction of this court, the equity of redemption be barred, and that the proceeds of sale be applied as follows:

First, to the costs and expenses of the within action and sale.

Second, to the payment and discharge of the amount due on Plaintiff's note and mortgage, together with attorney's fees as aforesaid, and

Third, the surplus, if any, be distributed according to law.

(4) For an Order directing and empowering the Sheriff of Spartanburg County, South Carolina, to place the successful purchaser at said foreclosure sale in possession of the property hereinabove described should the same become necessary.

(5) For an Order granting the appointment of a receiver to secure and supervise the rental of the property sought to be foreclosed.

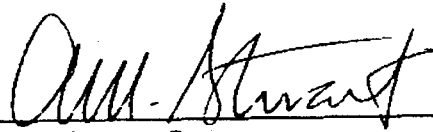
(6) For reimbursement of all costs for inspecting and securing the property incurred by the Plaintiff as a result of the delinquency.

(7) For an order satisfying any prior liens that may be of record, but have been paid in full.

(8) Pursuant to S.C. Code of Ann. 56-19-390, for an order authorizing the South Carolina Department of Motor Vehicles to issue a Certificate of Title to the mobile/manufactured home to the successful purchaser of the subject property at the foreclosure sale herein or its successors or assigns.

(9) For such other and further relief as may be just and proper.

BY:



June 28

2016

John S. Kay S.C. Bar # 7914
John B. Kelchner S.C. Bar #13589
Ashley Z. Stanley S.C. Bar #74854
~~Alan M. Stewart S.C. Bar #15576~~
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202
803-726-2700
Attorneys for Plaintiff

2016 JUN 30 AM 9:47

NOTICE REQUIRED BY THE
FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. Section 1601 As Amended

Tracy L. Liggett
225 Perry Road
Greer, SC 29651

1. The amount of the debt is \$77,926.06 as of July 7, 2016. Because of interest, late charges that may vary from day to day, the amount due on the day you, the Debtor(s), pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after the Creditor receives the funds, in which event the Creditor will inform you before depositing the funds for collection. For further information, write as directed in Paragraph 6 of this Notice.
2. Fifth Third Mortgage Company is the creditor to which the debt is owed.
3. Unless, within thirty (30) days after receipt of this notice, you dispute the validity of the debt, or any portion thereof, Hutchens Law Firm will assume the debt to be valid.
4. If you notify Hutchens Law Firm in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, this Firm will obtain verification of the debt or a copy of a judgment against you and this Firm will mail you a copy of such verification or judgment.
5. Upon your written request within the thirty (30) day period, Hutchens Law Firm will provide you with the name and address of the original creditor if different from the current creditor.
6. Written requests should be addressed to Hutchens Law Firm, P.O. Box 8237 Columbia, SC 29202.
7. This notice should NOT be construed as a thirty (30) day grace period. Creditor may pursue collection efforts immediately and not wait thirty (30) days.
8. This notice concerns your dealings with Hutchens Law Firm, as a debt collector. The notice of your rights we provided to you above, namely to dispute the validity of the debt, to dispute in writing all or a portion of the debt, or to write to us asking for the name and address of the original creditor if different from the current creditor, is not affected by the Summons and Complaint have filed against you and served upon you at the same time that we have provided you with this notice.
9. The notice described above does not affect your dealings with the court, and in particular it does not change the time at which you must answer the Complaint. The Summons is a command from the Court, not from the law firm, and you must follow its instructions even if you dispute the validity or amount of the debt or request the name and address of the original creditor. The notice described above also does not affect this law firm's relations with the Court. As a law firm, we may file papers in the lawsuit according to the Court's rules and the Judge's instructions.
10. If you, the Debtor(s), have received a discharge of the debt described in Paragraph 1 of this Notice pursuant to the United States Bankruptcy Code, then neither the Creditor nor its law firm is seeking to collect any portion of the debt and all information contained herein is supplied for information purposes only. Any pending or ensuing legal action by Creditor's law firm will undertake to foreclose a valid security interest only and neither is intended nor will operate as any effort to collect upon any debt that has been so discharged.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THE PURPOSE OF THIS COMMUNICATION IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE, except as stated below in the instance of bankruptcy protection.

IF YOU ARE UNDER THE PROTECTION OF THE BANKRUPTCY COURT OR HAVE BEEN DISCHARGED AS A RESULT OF A BANKRUPTCY PROCEEDING, THIS NOTICE IS GIVEN TO YOU PURSUANT TO STATUTORY REQUIREMENT AND FOR INFORMATIONAL PURPOSES AND IS NOT INTENDED AS AN ATTEMPT TO COLLECT A DEBT OR AS AN ACT TO COLLECT, ASSESS, OR RECOVER ALL OR ANY PORTION OF THE DEBT FROM YOU PERSONALLY.

Common Pleas

Clerk : M Hope Blackley

Spartanburg County

Spartanburg, SC 29304

Phone:(864) 596-2591 Fax:(864) 596-2239

Received From: Stewart, Alan Martin
PO Box 8237
Columbia, SC 292028237

Date: 6/30/2016
Receipt #: 98659
Clerk: c42amiller

Paying for: Fifth Third Mortgage Company,

Transaction Type: Payment

Reference #: 11591

Payment Type: Check \$150.00

Comment:
Non-Refundable

Total Paid: \$150.00

Total Received: \$150.00

Change Due: \$0.00

You may check the status of your Spartanburg case at:

<http://www.sccourts.org/caseSearch/>

<u>Case #</u>	<u>Caption</u>	<u>Previous Balance</u>	<u>Amount Paid</u>	<u>Balance Due</u>
2016CP4202422	Fifth Third Mortgage Company VS Tracy L Liggett	\$150.00	\$150.00	\$0.00

Total Cases: 1

\$150.00

\$150.00

\$0.00

IN THE COURT OF COMMON PLEAS
STATE OF SOUTH CAROLINA, COUNTY OF SPARTANBURG

FIFTH THRID MORTGAGE COMPANY,

Plaintiff,

v.

: CASE NO.: 2016-CP-42-2422

TRACY L. LIGGETT; SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES,

Defendant.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 AUG 24 PM 3:47
M. HOPE BLACKLEY

AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

COME NOW, Defendant, TRACY L. LIGGETT, (hereafter "Defendant") Pro Se, who admit and deny Plaintiff's, FIFTH THRID MORTGAGE COMPANY (hereafter "Plaintiff") Complaint, along with raising the following affirmative defenses in response to Plaintiff's Complaint, as alleged below and herein:

I. GENERAL ANSWERS

1. Defendant is without knowledge and strict proof thereof demanded, but admits only that she is a resident of the State of South Carolina.
2. Defendant is without knowledge and strict proof thereof demanded.
3. Defendant is without knowledge and strict proof thereof demanded.
4. Denied strict proof thereof demanded.
5. Denied strict proof thereof demanded.
6. Defendant is without knowledge and strict proof thereof demanded.
7. Defendant is without knowledge and strict proof thereof demanded.

8. Defendant is without knowledge and strict proof thereof demanded.
9. Defendant is without knowledge and strict proof thereof demanded.
10. Defendant is without knowledge and strict proof thereof demanded.
11. Denied, strict proof thereof demanded.
12. Denied, strict proof thereof demanded.
13. Denied, strict proof thereof demanded.
14. Denied, strict proof thereof demanded.
15. Denied, strict proof thereof demanded.
16. Denied, strict proof thereof demanded.
17. Denied, strict proof thereof demanded.
18. Denied, strict proof thereof demanded.
19. Denied, strict proof thereof demanded.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 AUG 24 PM 3:47
M. HOPE BLACKLEY

WHEREFORE, Defendant respectfully request that this Court enter an Order in favor of the Defendant, denying all relief sought in Plaintiff's Complaint and dismissing the Complaint, further awarding Defendant attorney's fees and costs pursuant to South Carolina Code §15-36-10 and other applicable rules and law and applicable contract provisions, and for all such and further relief as this Court deems just and appropriate.

L. DEFENDANT'S ENTITLEMENT TO ATTORNEY'S FEES

20. Defendant retains the right to obtain counsel at any point in time in this instant action and will be obligated to pay said attorney a reasonable fee for their services when provided. Pursuant to the loan documents and South Carolina Code §15-36-10 Defendant are entitled to an award of attorney's fees at the successful conclusion of this case if applicable.

DEFENDANTS' ASSERTIONS

21. Defendant requests a jury trial in this matter.
22. Defendant reserves the right to amend this Answer.

WHEREFORE, Defendant respectfully requests that this Court enter an Order in favor of the Defendant, denying all relief sought in Plaintiff's Complaint and dismissing the Complaint, further awarding Defendant attorney's fees and costs pursuant to South Carolina Code §15-36-10 and other applicable rules and law and applicable contract provisions, and for all such and further relief as this Court deems just and appropriate.

Respectfully submitted,

Tracy Liggett

/s/ Tracy Lynn Liggett

TRACY LYNN LIGGETT, Pro se

225 Perry Road

Greer, SC 29651

864-999-6044

Tracyliggett5@att.net

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2016 AUG 24 PM 3:47
 M. HOPE BLACKLEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the following was served by U.S. Mail and/or e-mail upon the following party: Alan M. Stewart, Esq., Hutches Law Firm, P.O. Box 8237, Columbia, SC 29202 on this 24th day of August, 2016.

Tracy Liggett

/s/ Tracy Lynn Liggett

TRACY LYNN LIGGETT, Pro se

225 Perry Road

Greer, SC 29651

864-999-6044

Tracyliggett5@att.net

Synthia L. Lane
 SC Notary, Expires 4-5-2020



HIGH PERFORMANCE LAW™

Foreclosure Department
Phone: 803-726-2700
Fax: 803-252-8822
HutchensLawFirm.com

Offices in:
Fayetteville, Charlotte, Wilmington, NC |
Columbia, SC

260 Stoneridge Drive
Columbia, SC 29210

P.O. Box 8237
Columbia, SC 29202

September 15, 2018

The Honorable Gordon G. Cooper
Master in Equity
PO Box 5666
Spartanburg, SC 29304-5666

Re: Fifth Third Mortgage Company vs. Tracy L. Liggett, South Carolina Department of Motor
Vehicles
Docket Number: 2016-CP-42-02422
Firm Case Number: 1186155 (JFCS.CAE)

Dear Judge Cooper

Enclosed is filed Order of Reference along with the Order of Reference fee in the amount of \$100.00.

Sincerely,

Kayla Browder

cc: Tracy L. Liggett
225 Perry Road
Greer, SC 29651

South Carolina Department of Motor Vehicles
c/o Frank L. Valenta, Jr., Esquire
PO Box 1498
Blythewood, SC 29016

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Firm Case No: 1186155 (JFCS.CAE)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Fifth Third Mortgage Company

Plaintiff

vs.

Tracy L Liggett et al

Defendant

IN THE COURT OF COMMON PLEAS

CASE NO: 2016-CP-42-02422

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: Hutchens Law Firm John S. Kay #7914; John B. Ketchner #13589; Ashley Z. Stanley #74854 Address: P.O. Box 8237 Columbia, SC 29202 Phone: 803-726-2700 E-mail:		Defendant's Attorney:	
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: ORDER OF REFERENCE		Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
Estimated Time Needed:			
SECTION II: Motion/Order Type			
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order			
I hereby move for relief or action by the court as set forth in the attached proposed order.			
s/Ashley Z. Stanley <i>Ashley Z. Stanley</i> Ashley Z. Stanley SC Bar #74854 Attorney for Plaintiff		September 15, 2016 Date Submitted	
SECTION III: Motion Fee			
<input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00			
<input type="checkbox"/> EXEMPT: (check reason)			
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support			
<input type="checkbox"/> Domestic Abuse or Abuse and Neglect			
<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party			
<input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief			
<input type="checkbox"/> Motion for Stay in Bankruptcy			
<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)			
<input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions			
Name of Court Reporter: _____			
<input type="checkbox"/> Other: _____			
JUDGE'S SECTION			
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.		JUDGE CODE: _____ Date: _____	
<input type="checkbox"/> Other: _____			
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____			
<input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company,

PLAINTIFF,

vs.

Tracy L Liggett, South Carolina Department of
Motor Vehicles

DEFENDANT(S)

AFFIDAVIT REGARDING
MILITARY SERVICE

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2016-CP-42-02422

PERSONALLY appeared before me the undersigned attorney, who first being duly sworn,
deposes and says:

Tracy L Liggett, the Defendant(s) above named, is not in the Military Service of the United States.
The source of information on which I base my belief is as follows: The attached status report from the
Department of Defense Manpower Data Center.

BY: s/Ashley Z. Stanley *Ashley Z. Stanley*
John S. Kay S.C. Bar # 7914
John B. Keichner S.C. Bar #13589
Sarah O. Leonard S.C. Bar #80165
Ashley Z. Stanley S.C. Bar #74854
Alan M. Stewart S.C. Bar #15576
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202
803-726-2700
Attorneys for Plaintiff
Ashley.Stanley@hutchenslawfirm.com

September 15, 2016

SWORN to before me this

15 day of September, 2016

Gene A. Boyd (SEAL)

Notary Public for South Carolina

My Commission Expires: 10/28/2019



**Status Report
Pursuant to Servicemembers Civil Relief Act**

Last Name: LIGGETT

First Name: TRACY

Middle Name:

Active Duty Status As Of: Sep-15-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects when the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or Member Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or Member unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snaveley-Dixon

Mary M. Snaveley-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via this URL: [https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating Service Members or Getting a Mailing Address](https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating%20Service%20Members%20or%20Getting%20a%20Mailing%20Address). If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: HDZ2640BN387970

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company,
PLAINTIFF,

vs.

Tracy L Liggett; South Carolina Department
of Motor Vehicles

DEFENDANT(S)

NOTICE OF HEARING AND
CERTIFICATE OF MAILING

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2016-CP-42-02422

DEFICIENCY WAIVED

A hearing has been scheduled in this matter before the Honorable Gordon G. Cooper Master in Equity for Spartanburg County at 180 Magnolia Street, Judicial Center, 3rd Floor, Suite 901, Spartanburg, SC 29306 on December 1, 2016 at 10:00 AM. You will take notice that the Plaintiff's attorney intends to submit written testimony on behalf of the Plaintiff pursuant to South Carolina Code Ann. §14-11-110 (as amended).

s/ Alan M. Stewart

John S. Kay S.C. Bar #7914

John B. Kelchner S.C. Bar #13589

Sarah O. Leonard S.C. Bar #80165

Ashley Z. Stanley S.C. Bar #74854

Alan M. Stewart S.C. Bar #15576

Hutchens Law Firm

P.O. Box 8237

Columbia, SC 29202

803-726-2700

Attorneys for Plaintiff

Alan.Stewart@hutchenslawfirm.com

November 16, 2016

Firm Case No: 1188155 (JFCS.CAE)

I certify that I Virginia Shropshire have deposited on this date in the US Mail, with proper first class postage attached, a copy of this hearing notice to each of the defendants above at the following address(es):

This the 10th date of November, 2016.

BY: Virginia Shropshire

Virginia Shropshire

Tracy L. Liggett
225 Perry Road
Greer, SC 29651

South Carolina Department of Motor Vehicles
c/o Frank L. Valenta, Jr. - General Counsel
P.O. Box 1498
Blythewood, SC 29016

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. THE PURPOSE OF THIS COMMUNICATION IS TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE, except as stated below in the instance of bankruptcy protection.

IF YOU ARE UNDER THE PROTECTION OF THE BANKRUPTCY COURT OR HAVE BEEN DISCHARGED AS A RESULT OF A BANKRUPTCY PROCEEDING, THIS NOTICE IS GIVEN TO YOU PURSUANT TO STATUTORY REQUIREMENT AND FOR INFORMATIONAL PURPOSES AND IS NOT INTENDED AS AN ATTEMPT TO COLLECT A DEBT OR AS AN ACT TO COLLECT, ASSESS, OR RECOVER ALL OR ANY PORTION OF THE DEBT FROM YOU PERSONALLY.

IN THE COURT OF COMMON PLEAS
STATE OF SOUTH CAROLINA, COUNTY OF SPARTANBURG

FIFTH THIRD MORTGAGE COMPANY,

Plaintiff,

v.

CASE NO.: 2016-CP-42-02422

TRACY L. LIGGETT; SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES,

Defendants.

2016 NOV 29 PM 12:38
CLERK OF COURT
SPARTANBURG COUNTY

**DEFENDANT'S NOTICE OF UNAVAILABILITY and MOTION for CONTINUANCE of
December 1, 2016 HEARING**

Defendant, TRACY L. LIGGETT, (hereafter "Defendant") Pro Se, hereby files this Notice of Unavailability and Motion for Continuance of December 1, 2016 hearing and states that she will be unavailable and absent from the jurisdiction of this Court from November 29, 2016 through December 10, 2016 and requests that no court appearances, hearings, depositions, trials, or other proceedings or events be scheduled in this action during that period.

Defendant requests a continuance of the hearing scheduled on December 1, 2016 in front of the Honorable Gordon G. Cooper Master in Equity for Spartanburg County.

WHEREFORE, Defendant respectfully requests that this Court enter an Order continuing the hearing scheduled for December 1, 2016 to a new date mutually agreeable to the parties, and requests that no additional proceedings be set in this matter prior to December 11, 2016.

Respectfully submitted,

Tracy Lynn Liggett

TRACY LYNN LIGGETT, Pro se
225 Perry Road
Greer, SC 29651
864-999-6044
Tracyliggett5@att.net

CERTIFICATE OF SERVICE

I do certify that a true and correct copy of the following was served by U.S. Mail and/or e-mail upon the following party: Alan M. Stewart, Esq., Hutchens Law Firm, P.O. Box 8237, Columbia, SC 29202, Alan.Stewart@hutchenslawfirm.com on this 29th day of November, 2016.

/s/ Tracy Lynn Liggett
TRACY LYNN LIGGETT, Pro se
225 Perry Road
Greer, SC 29651
864-999-6044
Tracyliggett5@att.net

NOV 29 PM 12:39
U.S. DISTRICT COURT
SOUTH DISTRICT OF SOUTH CAROLINA
COLUMBIA

IN THE COURT OF COMMON PLEAS
STATE OF SOUTH CAROLINA, COUNTY OF SPARTANBURG

FIFTH THIRD MORTGAGE COMPANY,

Plaintiff,

v.

CASE NO.: 2016-CP-42-02422

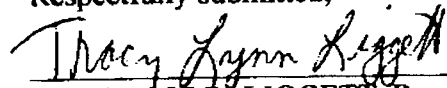
TRACY L. LIGGETT; SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES,

Defendants.

DEFENDANT'S NOTICE OF APPEAL

Notice is hereby given that Defendant, TRACY L. LIGGETT, *Pro Se*, in the above captioned case hereby appeals to the South Carolina Court of Appeals the Judgment of Foreclosure entered in this action of the 1st day of December, 2016 by Judge Gordon G. Cooper, in the County of Spartanburg. A copy of the Judgment is attached hereto.

Respectfully submitted,


TRACY LYNN LIGGETT, Pro se

225 Perry Road

Greer, SC 29651

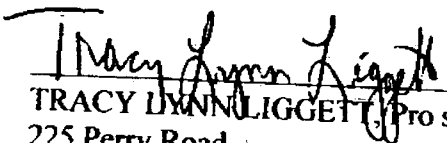
864-999-6044

Tracyliggett5@att.net

2016 DEC 29 PM 3:51

CERTIFICATE OF SERVICE

I do certify that a true and correct copy of the following was served by U.S. Mail and/or e-mail upon the following party: Alan M. Stewart, Esq., Hutchens Law Firm, P.O. Box 8237, Columbia, SC 29202, Alan.Stewart@hutchenslawfirm.com, South Carolina Department of Motor Vehicles, C/O Frank L. Valenta, Jr., General Counsel, P.O. Box 1498, Blythewood, SC 29016 on this _____ day of December, 2016.


TRACY LYNN LIGGETT, Pro se
225 Perry Road
Greer, SC 29651
864-999-6044
Tracyliggett5@att.net

2016 DEC 29 PM 3:51



Spartanburg Common Pleas

Case Caption: Fifth Third Mortgage Company VS Tracy L Liggett , defendānt, ct al
Case Number: 2016CP4202422
Type: Master/Order/Foreclosure & Sale and Form 4

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2016-12-01 10:53:14 page 12 of 12

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company ,
PLAINTIFF,
vs.
Tracy L. Liggett; South Carolina Department
of Motor Vehicles
DEFENDANT(S)

MASTER'S ORDER AND JUDGMENT OF
FORECLOSURE AND SALE
(NON-JURY MORTGAGE FORECLOSURE)

C/A NO: 2016-CP-42-02422

DEFICIENCY WAIVED

TO:
Hutchens Law Firm
Attorney for Plaintiff

Frank L. Valenta, Jr., Esquire
Attorney for South Carolina Department of Motor Vehicles

Tracy L. Liggett
Pro Se Defendant

Pursuant to Rule 53 SCRPC, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the case. Pursuant to the said Order of Reference a hearing was held, attended by the attorneys of record, the testimony was taken, which is reported herewith, and from the testimony and evidence, I find conclude and order as follows:

PROCEDURAL HISTORY

1. The Lis Pendens was filed on June 30, 2016.
2. The Summons and Complaint were filed on June 30, 2016.
3. Service was made upon the Defendant(s) named in this Order as is shown by the Proof(s) of Service filed herein.
4. The Defendant(s) and/or all attorneys of record were notified of the time, date, and place of the hearing in this matter.
5. According to the Affidavit filed herein, no Defendant in default is in the Military Service of the United States of America, as contemplated under the Service members Civil Relief Act, and any amendments thereto.

6. The loan is no longer subject to the Supreme Court of South Carolina's Administrative Order 2011-05-02-01 because the Mortgagor(s) have been served with the required notice of rights, and more than 30 days have elapsed since service upon the Mortgagor(s), and, the Mortgagor(s) have failed, refused, or voluntarily elected not to participate in any foreclosure intervention process.

FINDINGS OF FACT

1. For value received, Tracy L. Liggett made, executed and delivered a Note dated October 6, 2015, promising thereby to pay to the order of Fifth Third Mortgage Company the sum of Seventy-Seven Thousand One Hundred Sixty-Nine Dollars and No Cents (\$77,169.00) with interest at 3.625 percent per annum. Other terms and conditions are stated in the Note, which is of record herein.

2. To better secure the payment of the Note described above, the said Tracy L. Liggett made, executed and delivered to Fifth Third Mortgage Company a mortgage in writing, dated October 6, 2015, covering real property in Spartanburg County, which is the same as that described in the Complaint. The mortgage was filed on January 6, 2016, and is of record in the Office of the Register of Deeds for Spartanburg County in Mortgage Book 5061 at page 610.

3. The above referenced instrument constitutes a first lien priority mortgage.

4. Payment due on the Note has not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to require immediate payment of the entire amount due thereon and has placed the Note and Mortgage in the hands of the attorney herein for collection.

5. I find that since the inception of this action, plaintiff's attorney has assumed responsibility for the institution of this action and has searched and updated the title on the subject property from the date the current owner received the property or the date the mortgage was executed to the date of the filing of the Lis Pendens.

The Firm has been responsible for the preparation of the following pleadings.

- 1. Notice of Foreclosure Intervention
- 2. Lis Pendens
- 3. Summons and Complaint
- 4. Affidavit of Default

5. Order of Reference
6. Notice of Hearing
7. Proposed Master's Order and Judgment of Foreclosure and Sale
8. Notice of Sale
9. Record of Hearing
10. Other documents as applicable pertaining to service, foreclosure intervention and prosecution of the action.

Additionally, the Firm has arranged for service of process on the Defendant(s), and has scheduled and attended the hearing in the matter, has provided reinstatement/payoff figures to the primary Defendant(s), if requested, and has had telephone conversations with the Defendant(s), if requested. Future duties include forwarding copies of the Master's Order and Judgment of Foreclosure and Sale to the Defendant(s), advising the Defendant(s) of the date that the property will be sold, arranging and coordinating the amount to be bid by Plaintiff, representation of Plaintiff at sale and preparation of after sale documentation as required. In light of the potential liabilities inherent in a foreclosure matter, the attendant responsibilities and the outcome obtained for the Plaintiff, I find that the contractual attorneys' fees in the amount of Two Thousand Two Hundred Seventy-Five Dollars and No Cents (\$2,275.00) are reasonable.

6. The amount due and owing on the Note, with interest at the rate provided in the Note, and other costs and expenses of collection, including attorneys' fees, secured by the Note and Mortgage, is as follows:

(a)	Total Principal due as of January 1, 2016	\$ 76,205.87
(b)	Interest from December 1, 2015 through December 1, 2016 @ 3.625%	\$ 2,532.31
(c)	Escrow adjustments (debits or credits)	\$ 175.26
(d)	Late Charges	\$ 139.10
(e)	Property Inspections	\$ 120.00
(f)	Foreclosure Costs	\$ 610.27
(g)	Attorney Fees	\$ 2,275.00
	TOTAL DEBT	\$ 82,057.81

Interest for the period from the date shown in (b) above, through the date of this Judgment at the above stated rate to be added to the above stated "Total Debt" to comprise the amount of the judgment debt entered herein and interest after the date of judgment at the rate of Three and 625/1000 (3.625%) per annum (pursuant to the terms of the Note and Mortgage) on the judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's debt secured by the mortgage through the date to which such interest is computed.

7. The manufactured home described as a 2000 Dynasty Mobile Home, Serial # H851154GL&R has been affixed to the real property described herein and that certain Manufactured Home Affidavit For Retirement of Title Certificate dated October 6, 2015 was recorded May 5, 2016 in the Register of Deeds Office for Spartanburg County, South Carolina in Book 112-B at Page 277.

8. The records of the South Carolina Department of Motor Vehicles has been searched for 2000 Dynasty Mobile Home, Serial # H851154GL&R; however, the Certificate of Title for the mobile/manufactured home has not been detitled/retired with said agency.

9. That the Plaintiff specifically waives its rights to a deficiency judgment in the event the sale of the real estate herein does not yield a sum sufficient to satisfy all indebtedness due to the Plaintiff, including costs and attorney fees.

10. Since a personal or deficiency judgment is being waived, the bidding will not remain open but compliance with the bid may be made immediately.

11. That the servicer is participating in the Home Affordable Modification Program (HAMP). The loan is not subject to HAMP because the loan was originated after January 1, 2009.

CONCLUSION OF LAW

I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of the mortgage and the mortgaged property should be ordered sold at public auction after due advertisement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. There is due to the Plaintiff on the obligation and mortgage set forth in the Complaint the sum of Eighty-Two Thousand Fifty-Seven Dollars and 81/100 Dollars

(\$82,057.81) representing the "Total Debt" due Plaintiff as set forth supra, together with interest at the rate provided therein on the balance of principal from the date aforesaid to the date hereof.

2. The amount due in the preceding paragraph (the "Total Debt" as set forth supra and later accrued interest on the principal) shall constitute the total judgment debt due the Plaintiff and shall bear interest hereafter at the rate of 3.625% percent per annum.

3. That the Defendants liable for the aforesaid mortgage debt shall, on or before the date of sale of the property hereinafter described, pay to the Plaintiff, or Plaintiff's attorney the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.

4. That on default of payment at or before the time herein indicated, the mortgaged premises described in the Complaint, as hereinafter set forth, be sold by the Master in Equity at public auction at the County Court House in Spartanburg County, South Carolina, on some convenient sales day hereafter, on the following terms, that is to say:

A. FOR CASH: The Master in Equity will require a deposit of Five percent (5%) on the amount of the bid (in cash or equivalent) at the time of the sale, same to be applied on the purchase price only upon compliance with the bid, but in case of non-compliance within Twenty (20) days same to be forfeited and applied to the costs and Plaintiff's debt.

B. Interest on the balance of the bid shall be paid to the day of compliance at the rate of 3.625% percent.

C. The sale shall be subject to taxes and assessments, existing easements and easements and restrictions of record.

D. The above referenced instrument constitutes a first lien priority mortgage.

E. The Purchaser is to pay for the deed preparation, for Deed Stamps and costs of recording the Deed.

F. If the successful bidder is a third party other than the Plaintiff, interest on the balance of the bid shall be paid to the date of compliance at the rate listed in the figures above.

5. If Plaintiff be the successful bidder at the said sale, for a sum not exceeding the amount of costs, expenses and the indebtedness of the Plaintiff in full, Plaintiff may pay to the undersigned Master in Equity only the amount of the costs and expenses crediting the balance of the bid on Plaintiff's indebtedness.

6. Personal or deficiency judgment having been waived, the bidding will not remain open after the date of sale and compliance with the bid may be made immediately.

7. That the Master in Equity will, by advertisement according to law, give notice of the time, and place of sale, and the terms thereof; and will execute to the Purchaser, or Purchasers, a deed to the premises sold. The Plaintiff, or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the Purchaser, or Purchasers, should fail to comply with the terms thereof within Twenty (20) days after date of sale, then the Master in Equity may advertise the said premises for sale on the next, or some other subsequent sales day, at the risk of the highest bidder, and so from time to time thereafter until a full compliance shall be secured.

8. That the Master in Equity will apply the proceeds of the sale as follows:

FIRST: To payment of the amount of the costs and expenses of this action, including any Guardian Ad Litem fee or fees of attorneys appointed under Order of Court.

NEXT: To the payment to the Plaintiff or Plaintiff's attorney, of the amount of Plaintiff's debt and interest, so much thereof as the purchase money will pay on the same.

NEXT: Any surplus will be held pending further order of the court.

9. It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder to whom the deed of conveyance has been issued subsequent to the sale is other than the Defendants in possession herein, the Sheriff of Spartanburg County is ordered and directed to eject and remove from the premises the occupants of the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued or his assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession.

10. And it is further ORDERED, ADJUDGED AND DECREED that each Defendant and all persons whomsoever claiming under him, her or them, be forever barred and foreclosed of all right, title, interest and equity of redemption in the said mortgaged premises so sold, or any part thereof.

11. And it is further ORDERED, ADJUDGED AND DECREED that any prior lien that has been paid in full is hereby satisfied and canceled of record.

12. And it is further ORDERED that the Court authorize the South Carolina

Department of Motor Vehicles to register the mobile home if necessary and issue a Certificate of Title free of liens on the mobile home listed in the legal description to the successful bidder at the foreclosure sale.

13. IT IS FURTHER ORDERED that the Deed of conveyance made pursuant to said sale shall contain the names of only the first named Plaintiff and the first named Defendant and the Defendant who was the titleholder of the mortgaged property at the time of filing of the Notice of Pendency of the within action, and the name of the Grantee, and the Master in Equity is authorized to omit from the indices pertaining to such conveyance the names of all parties not contained in said Deed.

14. The Master in Equity will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Writ of Assistance.

15. Upon issuance of a Master in Equity's Report on Sale and Disbursements, the Register of Deeds is directed to release of record the mortgage lien being foreclosed, which mortgage lien is described as follows:

That Mortgage originally given to Fifth Third Mortgage Company by Tracy L. Liggett, dated October 6, 2015 and recorded January 6, 2016, in Mortgage Book 5061 at page 610 .

16. The following is a description of the premises herein ordered to be sold:

ALL THAT CERTAIN piece, parcel or lot of land, lying and being situate in the State of South Carolina, County of Spartanburg, being shown and designated as Lot 47, containing 0.60 acres, more or less, being shown and designated on a survey for Foxbriar, Phase II, prepared by Freeland and Associates, Professional Land Surveying, dated February 01, 1999 and recorded in the Register of Deeds Office for Spartanburg County in Plat Book 146 at Page 706. For a more complete and accurate description refer to the above referenced plat.

TOGETHER with a 2000 Dynasty Mobile Home, Serial # H851154GL&R located thereon.

THIS BEING the same property conveyed to Tracy L. Liggett by virtue of a Deed from Jackie D. Pearson dated January 18, 2008 and recorded January 25, 2008 in Book 90 N at Page 244 in the Office of the Register of Deeds for Spartanburg County, South Carolina.

225 Perry Road
Greer, SC 29651
TMS# 4-05-00-013.01 (land)
TMS# 4-05-00-013.01-0801034 (mobile home)

16. IT IS FURTHER ORDERED that if the Plaintiff or the Plaintiff's representative

does not appear at the scheduled sale of the above-described property, then the sale of the property will be null, void and of no force and effect. In such event, the sale will be rescheduled for the next available sales day.

Gordon G. Cooper
Master in Equity for Spartanburg County

Spartanburg, South Carolina
_____, 2016.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

JUDGMENT IN A CIVIL CASE
C/A NO: 2016-CP-42-02422

Fifth Third Mortgage Company,
PLAINTIFF,

Tracy L Liggett, South Carolina Department of
Motor Vehicles
DEFENDANT(S).

Submitted by: Hutchens Law Firm

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

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 (CIRCLE REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____

ACTION STRICKEN (CIRCLE 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 (CIRCLE APPLICABLE): 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 : Foreclosure Action

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)
Fifth Third Mortgage Company	Tracy Liggett	\$ N/A
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.
 Property Address: 225 Perry Road, Greer, SC 29651 TMS# 4-05-00-013.01 (land)

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.**

 GORDON G. COOPER, Master in Equity Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Hutchens Law Firm
 P.O. Box 8237
 Columbia, SC 29202
ATTORNEY FOR THE PLAINTIFF

 SPARTANBURG CLERK OF COURT

Court Reporter: _____

FORM 4 ATTACHMENT

**Tracy L. Liggett
225 Perry Road
Greer, SC 29651**

**South Carolina Department of Motor Vehicles
c/o Frank L. Valenta, Jr. - General Counsel
P.O. Box 1498
Blythewood, SC 29016**

ELECTRONICALLY FILED - 2016 Dec 01 11:21 AM - SPARTANBURG - COMMON PLEAS - CASE#2016CP4202422

1186155 (JFCS.CAE)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Fifth Third Mortgage Company,
PLAINTIFF,
vs.
Tracy L. Liggett; South Carolina Department
of Motor Vehicles;
DEFENDANT(S)

ORDER VACATING SALE
(NON-JURY MORTGAGE
FORECLOSURE)
C/A NO: 2016-CP-42-02422
DEFICIENCY WAIVED

The property which is the subject of this action was sold at public auction on January 3, 2017. Subsequently, the Defendants filed a Chapter 13 petition in the U.S. Bankruptcy Court on January 3, 2017. The Plaintiff was unaware of the Defendant(s)' bankruptcy filing at the time of sale.

It is therefore ORDERED that the foreclosure sale of the subject property was void and of no force and effect due to the filing of the bankruptcy petition and the sale is set aside. It is further ordered that the Plaintiff may sell the property at foreclosure sale if the bankruptcy is concluded.

Gordon G. Cooper
Master in Equity

_____, 2017
Spartanburg, South Carolina

I SO MOVE:

s/Alan M. Stewart
John S. Kay S.C. Bar # 7914
John B. Kelchner S.C. Bar #13589
Ashley Z. Stanley S.C. Bar # 74854
Alan M. Stewart S.C. Bar # 15576
Sarah O. Leonard S.C. Bar #80165
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202
803-726-2700/Attorneys for Plaintiff
Alan.Stewart@hutchenslawfirm.com
January 4, 2017

Firm Case No: 1186155



Spartanburg Common Pleas

Case Caption: Fifth Third Mortgage Company VS Tracy L Liggett , defendant, et al

Case Number: 2016CP4202422

Type: Master/Order/Other

It is So Ordered

s/Judge Gordon G Cooper-3065