

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
JPMorgan Chase Bank, National Association,
PLAINTIFF,
VS.
Robert W. Wazney,
DEFENDANT(S).

IN THE COURT OF COMMON PLEAS
CASE NO. 2016-CP-43-00733

ORDER DENYING DEFENDANT'S MOTION
TO ALTER OR AMEND JUDGMENT

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JUL 06 2017

SC Court of Appeals

(160268.00223)

Pursuant to the Order of Reference filed in this matter on October 18, 2016 specifically granting this Court jurisdiction in post judgment matters and the Motion to Alter or Amend Judgment filed by the Defendant pursuant to Rule 59(b), SCRPC, a hearing in this matter was held May 17, 2017 at 11:00 am. Present and representing the Plaintiff was Jessica S. Corley, Esq.. Present solely in her capacity as Guardian ad Litem for the Defendant was Kelley Yarborough Woody, Esq.. Defendant Robert W. Wazney was also present for the hearing and appeared *pro se*.

Defendant's motion, as filed, alleged that the Master in Equity's Order Granting Plaintiff's Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale filed in this matter on January 10, 2017 failed to include a ruling concerning two issues: 1. Plaintiff's negligence and 2. Payments made on the loan. Defendant orally requested a continuance of the motion hearing due to the fact that he was not able to read mail that had been sent to him by the Guardian ad Litem as a result of administrative issues with Lee Correctional Institution where he currently is incarcerated. Defendant presented several arguments, most of which were irrelevant to the motion. Defendant did not produce any physical evidence nor affidavits in support of his motion.

Plaintiff's counsel argued that the issues raised by the Defendant had been specifically and generally ruled upon within the Master in Equity's Order Granting Plaintiff's Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale namely within the findings of fact that payments had not been made as required under the Note and Mortgage and within the conclusions of law that no genuine issue of material fact existed. Plaintiff's counsel argued that Defendant's motion was an attempt to either relitigate issues previously before the court or to introduce new matters before the court that could have been raised previously but were not and that this was an improper use of the Rule 59(b) motion.

Based upon the filed motion, arguments at hearing and the evidence presented in support thereof; IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant, as the moving party, has the burden to prove it has a right to the relief requested in its Motion to Alter or Amend the Judgment. Defendant has failed to provide any argument or produce any evidence tending to show that the Master in Equity's Order Granting Plaintiff's

Motion for Summary Judgment and Order and Judgment of Foreclosure and Sale failed to address the issues presented in the motion or that the judgment is in any way insufficient or void; therefore, Defendant's Motion to Alter or Amend Judgment is denied.

2. Kelley Yarborough Woody has performed all of her duties as Guardian ad Litem for Defendant Robert W. Wazney with the utmost due care and diligence. Kelley Yarborough Woody is released as Guardian ad Litem for Robert W. Wazney in this matter as of the date of the execution of this Order and shall have no further obligations herein.

Sumter, South Carolina
_____, 2017

Richard L. Booth
Master in Equity for Sumter County

ISO MOVE:

SCOTT AND CORLEY, P.A.

S/Jessica S. Corley, SC Bar 80470

Ronald C. Scott, SC Bar #4996

Reginald P. Corley, SC Bar #69453

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MAY 30 2017

LEE CI MAIL ROOM

*signed receipt
may 31, 2017*

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