

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CALHOUN COUNTY
Judge Martin R. Banks, Master in Equity
Court Case No. 2015-CP-09-00126

Appellate Case No. 2017-001493

Flagstar Bank, FSB.....Respondent

v.

Ruby Elaine Pinnex.....Defendants

Of whom Ruby Elaine Pinnex is the Appellant

RECORD ON APPEAL

Attorney for Respondent
Reginald Scott Corley
Andrew Michael Wilson
Post Office Box 2065
Columbia, SC 29202

Pinnex, Ruby Elaine
204 Baronet Lane
Elloree, SC 29047

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SCOTT AND CORLEY, P.A.
Attorneys and Counselors at Law

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Columbia, SC 29204

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P.O. Box 2065
Columbia, SC 29202

June 20, 2017

The Honorable Martin R. Banks
Master in Equity for Calhoun County
716 Huff Drive
St. Matthews, SC 29135-0243

RE: Flagstar Bank, FSB vs. Ruby Elaine Pinnex, et. al.
Case No. 2015-CP-09-00126
SLF No. 150855.00023

2017 JUN 22 P 1:52
FILED
CLERK OF COURT
CALHOUN COUNTY

Dear Judge Banks:

Enclosed herewith please find the original and one copy of the Petition for Writ of Assistance and Motion and Writ of Assistance. Also enclosed please find our firm's check in the amount of \$25.00 representing the Motion filing fee for the Clerk of Court and \$50.00 representing your fee for the Writ of Assistance. Please file the originals and return the clocked copies in the envelope provided for your convenience.

Thank you for your assistance in this matter. If you have any questions or need anything further, do not hesitate to contact me.


Very truly yours,

SCOTT AND CORLEY, P.A.

Stefen Ohlsson
Paralegal

Enclosures: as stated

ATTEST TRUE COPY


KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

Flagstar Bank, FSB,

PLAINTIFF,

VS.

Ruby Elaine Pinnex; et. al.,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-09-00126

PETITION FOR WRIT OF ASSISTANCE

(150855.00023)

The Plaintiff/Petitioner herein, Flagstar Bank, FSB, would respectfully show unto the Court as follows:

1. That this is an action for foreclosure of a mortgage of real property located in Calhoun County, South Carolina and designated as **204 Baronet Lane, Elloree, SC 29047**.
2. That pursuant to the Master in Equity's Report and Judgment of Foreclosure filed herein on September 7, 2016, the subject property was sold at judicial sale.
3. That the Plaintiff was the successful bidder at the judicial foreclosure sale.
4. That the Master in Equity for Calhoun County executed a judicial deed conveying title of the subject property to Flagstar Bank, FSB.
5. That as of the date of filing of this petition, the subject property continues to be occupied by said Defendant or other occupants.

WHEREFORE, the Petitioner/Plaintiff prays that the Writ of Assistance requested herein be granted, and that the Master in Equity issue an Order requiring the Sheriff of Calhoun County to commence eviction of the Defendant and/or any other occupants from the subject property, and to remove all personal property therein.


SCOTT AND CORLEY, P.A.

By: 

- Ronald C. Scott (rons@scottandcorley.com), SC Bar #4996
- Reginald P. Corley (reggiec@scottandcorley.com), SC Bar #69453
- Angelia J. Grant (angig@scottandcorley.com), SC Bar #78334
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- Louise M. Johnson (ceasiej@scottandcorley.com), SC Bar #16586
- Tasha B. Thompson (tashat@scottandcorley.com), SC Bar #76415
- Jane S. Ruschky (janer@scottandcorley.com), SC Bar #70472

ATTORNEYS FOR THE PLAINTIFF
2712 Middleburg Drive, Suite 200
Columbia, SC 29204
803-252-3340

2017 JUN 22 P 1:52
FILED
KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

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KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

Flagstar Bank, FSB,

PLAINTIFF,

VS.

Ruby Elaine Pinnex; et. al.,

DEFENDANT(S).

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-09-00126

MOTION AND ORDER INFORMATION FORM
AND COVER SHEET

SUBMITTING PARTY: PLAINTIFF

Name, SC Bar No. and Address of Plaintiff's Attorney

Ronald C. Scott, SC Bar #4996
Reginald P. Corley, SC Bar #69453
Angelia J. Grant, SC Bar #78334
Jessica S. Corley, SC Bar #80470
Allison E. Heffernan, SC Bar #68530

Matthew E. Rupert, SC Bar #100740
William P. Stork, SC Bar #100242
Louise M. Johnson, SC Bar #16586
Tasha B. Thompson, SC Bar #76415
Jane S. Ruschky, SC Bar #70472

Name, SC Bar No. and Address of Defendant's Attorney

ATTORNEYS FOR PLAINTIFF
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ceasiej@scottandcorley.com

2017 JUN 22 P 5:52
FILED
CLERK OF COURT
CALHOUN COUNTY

- MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
- FORM MOTION, NO HEARING REQUESTED (Complete Sections II and III)
- PROPOSED ORDER/CONSENT ORDER (Complete Sections II and III)

SECTION I: HEARING INFORMATION

Nature of Motion: _____
Estimated Time Needed: _____ Court Reporter Needed: Yes/No

SECTION II: MOTION TYPE

- Written Motion attached
- Form Motion - I hereby move for relief of action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff/Defendant

Date Submitted 6/20, 2017

SECTION III: MOTION FEE

- PAID - AMOUNT: \$25.00
- EXEMPT:
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status
 - Sexually Violent Predator Act
 - Motion for Stay in Bankruptcy
 - Motion for Publication
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
 - Other
- Stage Agency v. Indigent Party
- Post-Conviction Relief
- Motion for Execution (Rule 69, SCRCP)

JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached order.
- Other

JUDGE CODE: 3066 DATE: 6/22/17
Martin A. Banks
Judge Signature

CLERK'S VERIFICATION

Collected by: _____ DATE FILED: _____

MOTION FEE COLLECTED: \$ _____
CONTESTED - AMOUNT DUE: \$ _____

ATTEST TRUE COPY
Kenneth Hagty
KENNETH HAGTY
CLERK OF COURT
CALHOUN COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

Flagstar Bank, FSB,

PLAINTIFF,

VS.

Ruby Elaine Pinnex; et. al.,

DEFENDANT(S).

(150855.00023)

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-09-00126

WRIT OF ASSISTANCE

2017 JUN 22 P 1:52
FILED
CLERK OF COURT
CALHOUN COUNTY

THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND OTHERS (including their possessions) WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.

This matter came before me regarding the above named Defendant(s) Ruby Elaine Pinnex or any occupant of the property located at 204 Baronet Lane Elloree, SC 29047, to issue a Writ of Assistance by this Court to the Sheriff of Calhoun County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendant(s) Ruby Elaine Pinnex, together with any and all persons claiming under and through said Defendants, and this Writ of Assistance specifically and further authorizing the removal of all of their personal property, no matter the type, kind, or value, which is located within or on the subject premises described herein; and said judicial authorization herein shall be accomplished with the removal of said personal property to the curb.

It appears that the subject premises were sold by judicial sale held on May 1, 2017. As a result of said sale, the Plaintiff became the owner of the subject property by virtue of a Master's Deed filed in Book D 322, page 139 in the Office of the Register of Deeds for Calhoun County. Therefore, Plaintiff is entitled to possession of the subject premises.

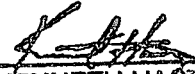
NOW, THEREFORE,

UPON MOTION OF Scott and Corley, P.A., attorney for Plaintiff,

IT IS HEREBY ORDERED that the Plaintiff is entitled to recover possession of the below described property.

All that certain piece, parcel or tract of land with any improvements thereon, situate, lying and being in Calhoun County, South Carolina, more particularly shown and delineated as 3.69 acres on a plat surveyed for Ruby Elaine Pinnex by Richardson Land Surveying, approved by Thomas B. Richardson, S.C.P.L.S., dated February 12, 1992, and recorded in the Office of the Clerk of Court for Calhoun County in Plat Book 10, Page 416, and being bounded and measuring as follows: On the northeast by property now or formerly of Edgar L. Bair and by a county dirt road for a distance of 476.97 feet; on the southeast by property now or formerly of Clifton M. Jones for a distance of 345.54 feet; on the southwest by property now or formerly of Clifton M. Jones and by property now or formerly of Felicia Bair for a distance of 479.93 feet; and on the northwest by property now or formerly of William F. Jones for a distance of 327.86 feet.

MRS

ATTEST TRUE COPY

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

This being the same property conveyed to Ruby Elaine Pinnex by Deed of Marion E. Jones dated February 18, 1992 and recorded February 19, 1992 in Book 64 at Page 339 in the ROD Office for Calhoun County.

Thereafter, said property was conveyed to Flagstar Bank, FSB by Master in Equity's Deed of Foreclosure dated May 8, 2017 and recorded May 25, 2017 in Book D-322 at Page 139.

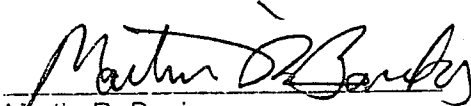
TMS No. 191-00-03-010

Property address: 204 Baronet Lane, Elloree, SC 29047

IT IS FURTHER ORDERED that, upon service of a copy of this Order, the Sheriff of Calhoun County, South Carolina or his authorized deputies be, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the occupant(s) of the referenced property.

ORDERED, ADJUDGED AND DECREED that the Sheriff of Calhoun County is herein and hereby ordered and directed to, with whatever force necessary, eject and remove from the premises the occupants and their personal possessions from the real property located at **204 Baronet Lane, Elloree, SC 29047** with the individuals occupying the property to be removed by 10AM on 7/6, 2017.

IT IS SO ORDERED


Martin R. Banks
Master in Equity for Calhoun County

St. Matthews, South Carolina
6/22, 2017

STATE OF SOUTH CAROLINA

FILED

2015-CP-09-00126
CIVIL CASE NUMBER

COUNTY OF CALHOUN

2017 MAY 31 P 2:53

SLF NO. 150855.00023

FLAGSTAR BANK, FSB

Plaintiff(s)

-v-

RUBY ELAINE PINNEX

Defendant(s)

KENNETH HASTY
CLERK OF COURT IN THE COURT OF COMMON PLEAS
CALHOUN COUNTY
ST. MATTHEWS, SC

NOTICE OF REMOVAL

NOTICE OF REMOVAL

Please take notice that I, Ruby Elaine Pinnex is moving this case Flagstar Bank, FSB, Plaintiff(s) vs RUBY ELAINE PINNEX, Defendant(s), Civil Case Number(s) 2015-CP-09-00126 (SLF NO. 150855.00023) from the Calhoun County Court of Common Pleas to the Federal District Court of South Carolina pursuant to Title 5 U.S. Code § 702 - Right of review for violation of Treaties involving false claims and counterfeit securities against an American.

Pinnex, Ruby Elaine
Pinnex, Ruby Elaine Grantee/Beneficiary
204 Baronet Lane
Elloree, South Carolina Republic [29047]

May 31, 2017
Date

ATTEST TRUE COPY
Kenneth Hasty
KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

5 U.S. Code § 702 - Right of review

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: *Provided*, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

STATE OF SOUTH CAROLINA **FILED**

2015-CP-09-00126
CIVIL CASE NUMBER

COUNTY OF CALHOUN

2017 MAY 31 P 2:53

SLF NO. 150855.00023

FLAGSTAR BANK, FSB

KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

IN THE COURT OF COMMON PLEAS

Plaintiff(s)

-v-

RUBY ELAINE PINNEX

Defendant(s)

NOTICE OF REMOVAL

CERTIFICATE OF SERVICE

I, Pinnex, Ruby Elaine certify that I am of such age and discretion to be competent to serve papers. That on the 31st day of May, 2017, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following persons at the locations stated below, which is the last known location, and by depositing said envelope and contents in the U.S Mail.

Document(s): **NOTICE OF REMOVAL**

Party(ies) Served:

SCOTT AND CORLEY, P.A.
ANDREW M. SULLIVAN, SC Bar #100464
REGINALD P. CORLEY, SC Bar #69453
2712 Middleburg Drive, Suite 200
PO Box 2065
Columbia, SC 29202
803-252-3340

Pinnex, Ruby Elaine
Pinnex, Ruby Elaine Grantee/Beneficiary
204 Baronet Lane
Elloree, South Carolina Republic [29047]

May 31, 2017
Date

ATTEST TRUE COPY
Kenneth Hasty
KENNETH HASTY
CLERK OF COURT
CALHOUN COUNTY

SIGNATURE PAGE

Pinnex, Ruby Elaine

Pinnex, Ruby Elaine
204 Baronet Lane
Elloree, South Carolina Republic [29047]

October 2, 2017

Date

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CALHOUN COUNTY
Judge Martin R. Banks, Master in Equity
Trial Court Case No. 2015-CP-09-00126

Appellate Case No. 2017-001493

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OCT 02 2017
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Flagstar Bank, FSB.....Respondent

v.

Ruby Elaine Pinnex.....Defendants

Of whom Ruby Elaine Pinnex is the Appellant

CERTIFICATE OF COUNSEL

I, Pinnex, Ruby Elaine certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Pinnex, Ruby Elaine

Pinnex, Ruby Elaine
204 Baronet Lane
Elloree, South Carolina Republic [29047]

October 2, 2017

Date

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CALHOUN COUNTY
Judge Martin R. Banks, Master in Equity
Trial Court Case No. 2015-CP-09-00126

Appellate Case No. 2017-001493

Flagstar Bank, FSB.....Respondent

v.

Ruby Elaine Pinnex.....Defendants

Of whom Ruby Elaine Pinnex is the Appellant

CERTIFICATE OF SERVICE

I, Pinnex, Ruby Elaine certify that I am of such age and discretion to be competent to serve papers. That on the 2nd day of October, 2017, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following persons at the locations stated below.

Documents: DESIGNATION OF MATTER

Party(ies) Served:

SCOTT AND CORLEY, P.A.
Reginald Scott Corley
Andrew Michael Wilson
Post Office Box 2065
Columbia, SC 29202

Pinnex, Ruby Elaine

October 2, 2017

Pinnex, Ruby Elaine
204 Baronet Lane
Elloree, South Carolina Republic [29047]

Date