

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-27-00524

Deutsche Bank National Trust Company, as
Trustee for GSAA Home Equity Trust 2006-
17, Asset-Backed Certificates, Series 2006-
17,

ORDER DENYING DEFENDANT'S
OBJECTION TO HEARING SCHEDULE
AND REQUEST FOR TRIAL SCHEDULING
ORDER/MOTION TO SET AND
CERTIFICATE OF READINESS FOR TRIAL
AND

Plaintiff,

ORDER GRANTING PLAINTIFF'S
REQUEST TO RE-SET PROPERTY FOR
FORECLOSURE SALE

v.

Louise Legare-Gardner; CIT Bank, National
Association s/b/m to IndyMac Bank, F.S.B.,

Defendant(s)

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure (hereinafter "SCRCP"), the above-entitled matter was referred to the undersigned Special Referee to make appropriate findings of fact and conclusions of law, with authority to enter a final Judgment in the cause.

PROCEDURAL BACKGROUND:

1. Plaintiff filed a mortgage foreclosure action on December 7, 2015.
2. Defendant Louise Legare-Gardner (hereafter Defendant Gardner) was properly served with the Summons and Complaint on January 20, 2016.
3. In response, Defendant Gardner filed a document entitled "Notice about Citizenship," "Affidavit of Facts Concerning American Citizens" and Response to Complaint on February 16, 2016.
4. On February 24, 2016, the case was referred to the Honorable Benjamin C.P. Sapp as Special Referee.
5. Pursuant to said reference, a hearing was held on April 1, 2016.

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SC Court of Appeals

File reference: 15-23075

CID487422

DID200284

6. An Order Granting Plaintiff's Motion to Strike, pursuant to Rule 12 (f) of the South Carolina Rules of Civil Procedure was entered on April 25, 2016.
7. An Order entitled "Special Referee's Order and Judgment of Foreclosure and Sale" (hereinafter "Order") was entered on April 25, 2016.
8. The Order was not appealed.
9. On June 1, 2016, Defendant Gardner filed a Notice of Removal to Federal Court.
10. The case was remanded back to state court by order of the U.S. District Court for South Carolina filed on February 1, 2017.
11. The property was reset for the May 9, 2017 foreclosure sale and a copy of the Notice of Sale was filed on April 4, 2017.
12. In response, Defendant Gardner filed a Judicial Notice of Disclaiming Trusteeship and Affidavit in Support on April 21, 2017, as well as filed an untimely additional response to the Summons and Complaint and several other nonsensical documents.
13. On May 5, 2017, Defendant Gardner filed Chapter 13 Bankruptcy and the case was stayed by order filed June 5, 2017.
14. The bankruptcy was dismissed by order of the Bankruptcy Court dated June 9, 2017.
15. The case was restored by Order filed July 10, 2017.
16. Defendant Gardner filed a Motion to Set Trial and Request for Trial Scheduling Order and Objection to Hearing Scheduled (hereafter "Motions").
17. Said Motions were heard on September 5, 2017.

FINDINGS OF FACT:

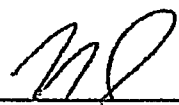
18. All findings of fact, conclusions of law, orders and judgments contained in the Special Referee's Order and Judgment of Foreclosure Sale entered April 25, 2016, remain binding and in full force and effect.

19. As Judgment, has already been granted. the Defendant's Motions are not timely and are thus rendered moot.

CONCLUSIONS OF LAW: I, therefore, conclude as follows:

1. That the Plaintiff has a valid judgment of foreclosure of its mortgage; and the mortgaged property should be ordered sold at public auction after due advertisement.
2. Defendant's Motions are denied.
3. Plaintiff may proceed to the November 7, 2017 foreclosure sale or any sale thereafter.

AND IT IS SO ORDERED.



The Honorable Benjamin C.P. Sapp
Special Referee for Jasper County

Date: 9/21/17

Walterboro, South Carolina

NOTICE OF SALE

NOTICE OF SALE CIVIL ACTION NO. 2015-CP-27-00524 BY VIRTUE of the decree heretofore granted in the case of: Deutsche Bank National Trust Company, as Trustee for GSAA Home Equity Trust 2006-17, Asset-Backed Certificates, Series 2006-17 vs. Louise Legare-Gardner; CIT Bank, National Association s/b/m to IndyMac Bank, F.S.B., the undersigned Special Referee for Jasper County, South Carolina, will sell on November 7, 2017 at 11:00AM, at the Jasper County Courthouse, City of Walterboro, State of South Carolina, to the highest bidder:

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING, BEING AND SITUATE IN JASPER COUNTY, SOUTH CAROLINA, BEING KNOWN AS LOT C, PHASE III, DELTA PLANTATION ESTATES, CONTAINING 0.87 ACRES, MORE OR LESS. FOR A MORE DETAILED DESCRIPTION REFERENCE IS CRAVED TO THAT CERTAIN SURVEY PREPARED FOR STEVE HOBBS BY SEA ISLAND LAND SURVEY, LLC, DATED JUNE 20, 2006 AND RECORDED IN PLAT BOOK 29 AT PAGE 104 IN THE OFFICE OF THE CLERK OF COURT FOR JASPER COUNTY, SOUTH CAROLINA.

THIS BEING THE SAME PROPERTY CONVEYED TO LOUISE LEGARE-GARDNER BY DEED OF COOK AND COOK ASSOCIATES, LLC DATED JULY 18, 2006 AND RECORDED AUGUST 1, 2006 IN BOOK 452 AT PAGE 228, AND RE-RECORDED ON NOVEMBER 1, 2011 IN BOOK 816 AT PAGE 639 IN THE RECORDS FOR JASPER COUNTY, SOUTH CAROLINA.

ALSO

THIS BEING THE SAME PROPERTY CONVEYED TO OKATYS LLC BY DEED OF LOUISE LEGARE-GARDNER DATED AUGUST 15, 2008 AND RECORDED

File reference: 15-23075

CID487422

DID200351

SEPTEMBER 2, 2008 IN BOOK 693 AT PAGE 77 IN THE RECORDS FOR JASPER COUNTY, SOUTH CAROLINA.

ALSO

THIS BEING THE SAME PROPERTY CONVEYED TO LOUISE LEGARE-GARDNER BY DEED OF OKATYS LLC DATED DECEMBER 9, 2009 AND RECORDED DECEMBER 9, 2009 IN BOOK 780 AT PAGE 190 IN THE RECORDS FOR JASPER COUNTY, SOUTH CAROLINA.

**CURRENT ADDRESS OF PROPERTY: 1471 South Okatie Highway, Hardeeville, SC 29927
TMS: 038-00-06-126**

TERMS OF SALE: The successful bidder, other than the Plaintiff, will deposit with the Special Referee, at conclusion of the bidding, five percent (5%) of his bid, in cash or equivalent, as evidence of good faith, same to be applied to the purchase price in case of compliance, but to be forfeited and applied first to costs and then to the Plaintiff's debt in the case of non-compliance. Should the last and highest bidder fail to comply with the other terms of the bid within thirty (30) days, then the Special Referee may re-sell the property on the same terms and conditions on some subsequent Sales Day (at the risk of the said highest bidder). No personal or deficiency judgment being demanded, the bidding shall not remain open after the date of sale and shall be final on that date, and compliance with the bid may be made immediately. Purchaser to pay for documentary stamps on the Deed. The successful bidder will be required to pay interest on the amount of the balance of the bid from date of sale to date of compliance with the bid at the rate of 3.375% per annum. The sale shall be subject to taxes and assessments, existing easements and restrictions, easements and restrictions of record and any other senior encumbrances.

In the event an agent of Plaintiff does not appear at the time of sale, the within property shall be withdrawn from sale and sold at the next available sales date upon the terms and conditions as set forth in the Judgment of Foreclosure and Sale or such terms as may be set

File reference: 15-23075

forth in a supplemental order.

Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
Attorneys for Plaintiff

MS

The Honorable Benjamin C.P. Sapp
Special Referee for Jasper County

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Benjamin CP Sapp Court of Common Pleas

Case No: 2015-CP-27-00524

Appellant Case No: 2017- 002286

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SC Court of Appeals

Deutsche Bank National Trust Company, as Trustee for GSAA Home Equity Trust 2006-17, Asset-Backed Certificates, Series 2006-17, Respondent,

vs.

Louise Legare Gardner; One West Bank, National Association s/b/m to IndyMac Bank F.S, B., Defendants,

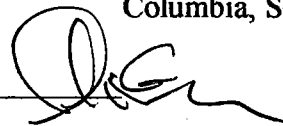
Of which Louise Legare Gardner is the Appellant.

NOTICE OF FILING
Order and Judgment challenged on Appeal

Pro Se
Louise Legare Gardner
c/o Post Office Box 3443
Bluffton, SC 29910

Attorney for Respondent
Genevieve S Johnson, Esquire
3800 Fernandina Road Suite #110
Columbia, SC 29210

Dated November 2nd, 2017





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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November 21, 2017

Louise Legare-Gardner
Post Office Box 3443
Bluffton SC 29910

Re: Deutsch Bank v. Louise Legare-Gardner
Appellate Case No. 2017-002286

Dear Ms. Gardner:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

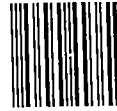
cc: Suzanne E. Brown, Esquire
William S. Koehler, Esquire
Genevieve Speese Johnson, Esquire
Wesley D. Dail, Esquire
Bradford Meekin Stokes, Esquire

Amelia

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