

STATE OF SOUTH CAROLINA  
 COUNTY OF SUMTER  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2013 CP-43-153

Donna Erickson

Felicia Ruff

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Joseph K. Coffey, Esquire	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK 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 (CHECK APPLICABLE BOX):**  
 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 : Real property to be advertised and sold

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)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

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.

Circuit Court Judge

*Special Referee*

Judge Code

Date

For Clerk of Court Office Use Only

ELECTRONICALLY FILED - 2018 Jun 22 10:52 AM - SUMTER - COMMON PLEAS - CASE#2013CP4300153

**RECEIVED**  
 JUL 09 2018  
 SC Court of Appeals



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SUMTER )  
 )  
 Donna Erickson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Felicia Ruff, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 THIRD JUDICIAL CIRCUIT  
 CASE NO.: 2013-CP-43-153

ORDER

**RECEIVED**  
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A hearing was held May 22, 2018 at 10:00AM. Evidence was presented, which is reported herewith, and from the evidence, I find and conclude as follows:

FINDINGS OF FACT:

1. The Lis Pendens was filed on January 28, 2013.
2. The Summons and Complaint were filed on January 28, 2013.
3. The Complaint seeks a foreclosure and such other relief as the court deems just and proper.
4. Service was made upon all Defendant as shown by the proof of service and or Affidavits of Publication filed herein or as shown as evidence at hearing.
5. The Defendant Felicia Ruff upon information and belief is not in the Military Service of the United States of America, as contemplated under The Service members Civil Relief Act, 50 U.S.C. 3901 et. seq. as shown by affidavit, certificate or order filed herein.
6. Defendant filed an Answer February 26, 2013, filed herein.
7. Pursuant to the South Carolina Supreme Court Administrative Order 2009-05-22-01 dated May 22, 2009, the Plaintiff set forth its belief in its Complaint which is already of record in this case, that the Installment Contract of Sale which is the subject of this action, is not eligible for modification pursuant to the terms of the Home Affordable Modification Program (HMP). Pursuant to the South Carolina Supreme Court Administrative Order dated May 22, 2009, Plaintiff's attorney has not received a counter affidavit from any Defendant.
8. Attorney for the Plaintiff has fully complied with the South Carolina Supreme Court Administrative Order 2011-05-02-01 dated May 2, 2011.
9. All Pro Se Defendant and all attorneys of record were notified of the time, date,

and place of the hearing by publication of record herein.

10. Felicia Ruff for value received, made, executed and delivered an Installment Contract of Sale dated November 2, 2010 promising thereby to pay to Plaintiff or its predecessor the sum of \$18,000.00. Other terms and conditions are stated in the Installment Contract of Sale, of record herein.

11. Plaintiff has the legal right to enforce the Installment Contract of Sale and is the real party in interest as defined by Rule 17(a) of the South Carolina Rules of Civil Procedure.

12. Payment due on the Installment Contract of Sale has not been made as provided for therein, and the Plaintiff, has elected to terminate the contract.

13. The sum of \$5,000.00 is a reasonable fee to allow Plaintiff's counsel for services performed and anticipated to be performed until final adjudication of this action, under the terms of the Installment Contract of Sale. This fee is likewise reasonable based on the time necessarily devoted to representation of Plaintiff during the several month course of these proceedings. The services of counsel performed for Plaintiff, which include the number and types of pleadings and documents prepared, the incumbent liabilities, and the difficulties involved in this particular case also support the fee awarded. The fee is also reasonable given the professional standing of Plaintiff's counsel and their experience in handling foreclosure matters. The fee awarded herein is also reasonable in light of the fees customarily awarded by this court for similar services in this locality. Moreover, the efforts of Plaintiff's counsel have had the beneficial result of a prompt foreclosure of the Installment Contract of Sale. Services anticipated to be performed until final adjudication contemplate completion of this matter within a reasonable time and does not include exceptional circumstances delaying conclusion beyond the normal time.

14. According to Plaintiff's accounting, after all payments received by Plaintiff have been credited to the subject Installment Contract of Sale, the amount due and owing on the Installment Contract of Sale, advances made by Plaintiff, and other costs and expenses of the action, including a reasonable attorney fee, all secured by the Installment Contract of Sale, is as follows:

- (a) Principal due January 1, 2013.....\$12,660.00
- (b) Real Estate Property Taxes.....\$880.54
- (c) Deduction of Bankruptcy Payments.....(\$7,335.40)
- (d) Allowable Advances (Escrow advances, paid attorney fees, paid costs and expenses from the foreclosure action, and/or other charges).....\$4,765.91
- (e) Attorney fee (awarded herein, but unpaid).....\$1,500.00
- (f) Other Costs (Notice of Sale Publication, Commission).....\$850.00

TOTAL debt secured by Installment Contract of Sale,  
to date shown .....\$13,321.04

15. Plaintiff expressly waived the right to any personal or deficiency judgment. The property remains in the Plaintiff's name and the Plaintiff is requesting the property not be placed for sale at public auction.

16. While the Defendant, in her answer, alleges that she has equity in the property, no evidence was introduced at the hearing supporting that contention. Consequently, she has not established a right of redemption, nor any other legal or equitable interest in the property.

17. The Plaintiff has demonstrated entitlement to enforce the Installment Contract according to its terms, to wit, terminating the Installment Contract of Sale with all payments considered rent for the property.

IT IS THEREFORE ORDERED:

18. Plaintiff has fully complied with The South Carolina Supreme Court Administrative Orders 2009-05-22-01 dated May 22, 2009 and 2011-05-02-01 dated May 2, 2011.

19. The Defendant named herein, and all persons whosoever claiming under Defendant, are forever barred and foreclosed of all right, title, interest, equity of redemption or lien in the said property, or any part thereof.

20. The undersigned will retain jurisdiction to do all necessary acts incident to this action including that necessary to put Plaintiff in possession.

21. The following is a description of the property herein subject to this Order:

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being situate in the Middletown Township, County of Sumter, State of South Carolina, and being shown as Lot Number 50A, containing 2.46 acres on that certain plat of Hidden Oaks Subdivision, by Edmunds Land Surveyors, Inc., RLS dated February 11, 1987, and recorded at the Office of the Sumter County RMC in Plat Book 87 at Page 341. Pursuant to Section 30-5-250, of the Code of Laws of South Carolina (1976); reference to said plat is hereby craved for the particulars of the boundaries, metes, courses and/or distances of the property delineated thereon.

Together with a 1981 Champion Mobile Home, Serial No. F2310094181AB, which is permanently affixed to the Real Property so as to constitute a part of the Real Estate, intended to be real property for all purposes, and it is the intention of the parties that the mobile home is also conveyed herewith.

This being the same property conveyed to Donna Erickson by deed of Citifinancial, Inc. n/k/a Citicorp Trust Bank, FSB, dated May 5, 2004 and recorded May 18, 2004 in the Office of the Register of Deeds for Sumter County in Deed Book 938 at Page 507.

Sumter County Tax Map Number: 100-00-02-022

AND IT IS SO ORDERED.

s/Thomas E. Player, Jr.  
Thomas E. Player, Jr.  
Special Referee for Sumter County

May 29, 2018

June 29 2018

Felicia Ruff

Enclosed is Court Papers  
returning this property to  
me.

I will give you two weeks  
to get / remove you and  
your personal belonging from  
the property or I will return  
with Sumter Sheriff to  
remove you from the property on  
1755 Hidden Oaks Drive

Donna Eucher Bell