

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS

C/A # 2016-CP-43-00733

JPMorgan Chase Bank National)
Association)

Plaintiff,)

vs.)

Robert W. Wazney)

Defendant.)

ORDER

This litigation has a contentious history. It was instituted as a foreclosure action by JPMorgan Chase Bank (the Bank) against Robert W. Wazney on property located at 2040 Hideway Drive, Sumter County, South Carolina. At the time the action was commenced, Wazney was (and still is) an inmate at the South Carolina Department of Corrections. As a result of this legal disability, Kelly Yarborough Woody, Esq. was appointed as Guardian ad Litem for him.

A number of hearings have been held in connection with this matter and on at least one occasion, before the Honorable Richard L. Booth (now deceased), Wazney was transported and testified in a proceeding where he moved to alter or amend the judgment for foreclosure entered by Judge Booth. The motion was denied and the services of the Guardian ad litem were terminated.

After the death of Judge Booth, I was appointed as the Interim Master in Equity for Sumter County and a hearing was held to update the Total Debt from the previous foreclosure decree and

to schedule a sale. No substantive changes were made in the decree except the updated total debt figures and resulted in the judgement and notice of sale dated June 14, 2018.

Wazney has made a motion to alter or amend that judgement pursuant to South Carolina Rules of Civil Procedure (SCRCP) rule 59 (g). Although there is some question as to whether that motion has been properly filed and served, the Court wishes to address the motion in order to avoid further delay.

First, Wazney contends he was not permitted to attend the hearing on June 14th “so that I may bring my complaints and defenses and objections to Plaintiffs standing and service of applicable banking or consumer laws” These issues have been resolved at previous hearings where Wazney was either present or represented by the Guardian ad Litem, Kelly Woody. This Court has no jurisdiction or authority to alter or amend the judgment decree of Judge Booth.

Second, Wazney claims that “the Court has not ruled upon my Motions issued and presented to the Court e.g. attached Complaint”. There are no motions filed that have not been heard, only a document entitled “Complaint” and purports to be asking for damages. This would be a separate cause of action and would have to be filed separately in accordance with the SCRCP.

Third, Wazney complains that he has not been supplied with transcripts of the proceedings. There are no transcripts of the proceedings, only the record of the hearings which are filed with the Clerk of Court and available to him.

Fourth, Wazney claims he “denied Plaintiffs allegations in this case because Plaintiff has violated terms of our agreement”. This issue has been resolved by previous orders that are the law of the case and cannot now be challenged by a motion to amend.

Fifth, a contention that the Clerk of Court has not performed his duty is not a proper grounds for amending a judgement or decree. There are appropriate remedies available to Wazney if he wishes to pursue this complaint.

Finally, there is no pending appeal and the Court is not aware of any bankruptcy. A previous appeal to the South Carolina Court of Appeals was dismissed and a remitter sent to this Court reinstating the Circuit Court jurisdiction. No notice of bankruptcy has been filed or served in this case.

For the forgoing reasons, the Motion to Alter or Amend is DENIED.

AND IT IS SO ORDERED!

Howard P. King
Interim Master in Equity
Sumter County

Sumter, SC

July _____, 2018



Sumter Common Pleas

Case Caption: Jpmorgan Chase Bank National Association VS Robert W Wazney

Case Number: 2016CP4300733

Type: Master/Order/Other

So Ordered

s/Howard P. King, 2017