

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Case No. 2018-001952

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
R. Markley Dennis, Jr. Circuit Court Judge  
Mikell R. Scarborough Master in Equity

Case No. 2012-CP-100-7592

RECEIVED  
NOV 15 2018  
SC Court of Appeals

Citibank, N.A., not in its individual capacity,  
but solely as Trustee of NRZ Pass-Through Trust VI

RESPONDENT

v.

Bondson Holdings  
(by and through Shane Haffey as Representative  
of a Marital General Partnership, *and*  
Shane Haffey  
(in his individual capacity as the owner of the property),

APPELLANT

**MOTION FOR TEMPORARY INJUNCTION**

Comes the Appellant, pursuant to Rule 240, SCACR, and respectfully files his Motion requesting that Court to enter an Order for a Temporary Injunction, enjoining the Master in Equity from selling or transferring the property and that the Circuit Court be enjoined from issuing a Master's Deed during the duration of this Appeal. The Motion is based on the following:

On November 2, 2018, Shane Haffey, in both his capacity as a General Partner of Bondson Holdings and in his individual capacity as the owner of the property, appealed the Master's Order & Judgment of Foreclosure and Sale of the Charleston County Master in Equity Mikell R. Scarborough, dated October 8, 2018; having been certified as "notice

mailed first class on Tuesday, October 9, 2018.” Appellant received written notice of entry of the Order on October 17, 2018.

On October 22, 2018, the Appellant filed a timely Motion for Reconsideration pursuant to 59 and a Motion pursuant to Rule 19, for the purpose of including the owner of the property as a necessary party. A copy of the filed Motion is attached hereto as Exhibit “A.” The required Notice to the Master in Equity is attached hereto as Exhibit “B.”

On October 2, 2018, prior to the scheduled Motion for Summary judgment hearing date, the Appellant filed a Response in Opposition of Motion for Summary Judgment, Lack of Notice for Hearing and Failure to Name Indispensible Party.

The Court had been given Notice that the owner of the property had been excluded from the proceedings. The Court was also given Notice that the former owner, Bondson Holdings, was never a corporation; was always a marital partnership; and that based on this mistake in fact, the Appellant was well within his rights under South Carolina law to represent the partnership. Summary Judgment. The Response was not addressed in the Order Granting the Motion for Summary Judgment.

The Master in Equity scheduled the sale of the property for November 6, 2018, twenty-eight (28) days after the entry of the Order for Sale, and twenty (20) days from the receipt of the Notice of the Order. The practical effect being that the property would be auctioned before the thirty (30) day time to Appeal had expired.

As of the date of this writing, the record in the case shows that there has not been an Order entered ruling on the Motion for Reconsider pursuant to Rule 59; and Rule 19; nor is there an Order of Sale or Transfer of the property in the record.

The Appellant will suffer irreparable harm without the intervention of the Court of Appeals. The property owner is a most necessary party Defendant to a foreclosure case, and therefore, the likelihood of success on the merits of the Appeal are great.

WHEREFORE, the Appellant and owner of the property asks the Court to enter an Order for a Temporary Injunction, enjoining the Master in Equity from selling or transferring the property and that he be enjoined from issuing a Master's Deed during the duration of this Appeal.

Dated: November 14, 2018

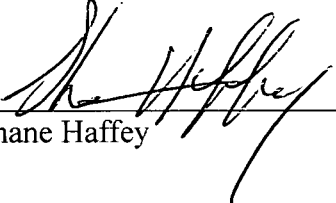
Respectfully submitted,

  
\_\_\_\_\_  
Bondson Holdings Partner Shane Haffey  
Shane Haffey Property Owner  
3250 Delong Road  
Lexington, Kentucky 40515  
fairyhousehall@me.com  
859-327-3277

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of November, 2018; a copy of the Motion was mailed via USPS to the following:

John Kelchner  
Hutchins Law Firm  
240 Stoneridge Dr. Suite 400  
Columbia , SC 29210  
ATTORNEY FOR RESPONDENT

  
\_\_\_\_\_  
Shane Haffey

**RECEIVED**  
NOV 15 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF Charleston )

IN THE COURT OF COMMON PLEAS  
\_\_\_\_ JUDICIAL CIRCUIT  
CASE NO.: 12-CP-10-07592

CITIBANK N.A. Trustee )  
NR2 Pass - Through Trust )  
vs. )  
Sara W. McMichael, et al. )  
Plaintiff. )  
Defendant. )

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Pro se Bondson Holdings  
Shere Haffey

Plaintiff's Attorney: <u>Jon Kelchner</u> ____, Bar No. _____ Address: <u>240 Stoneridge Dr.</u> <u>Suite 400 Columbia, SC</u> Phone: _____ Fax _____ E-mail: _____ Other: <u>29210</u>	Defendant's Attorney: _____ ____, Bar No. <u>3250 DeLong Rd</u> Address: <u>859 - Lexington, KY</u> Phone: <u>327-8277</u> Fax _____ E-mail: _____ Other: <u>40515</u>
--	--

- 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~~ No hearing requested  
Nature of Motion: Rule 59/60 and Rule 19  
Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**  
 Written motion attached  
 Form Motion/Order  
I hereby move for relief or action by the court as set forth in the attached proposed order.  
Shere Haffey 10-18-18  
Signature of Attorney for  Plaintiff /  Defendant Date submitted

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

**JUDGE'S SECTION**  
 Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_  
JUDGE CODE \_\_\_\_\_  
Date: \_\_\_\_\_

**CLERK'S VERIFICATION**  
Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

EXHIBIT A

STATE OF SOUTH CAROLINA  
PLEAS COUNTY OF CHARLESTON

IN THE COURT OF COMMON  
CASE: 2012-CP-10-07592  
(TRANSFERRED TO  
THE MASTER IN EQUITY)

Citbank, N.A., as Trustee of  
NRZ Pass-Trough Trust VI  
PLAINTIFF

MOTION UNDER RULES 59/60 AND  
PURSUANT TO RULE 19  
FOR FAILURE TO DISMISS CASE  
OR OTHERWISE NAME THE OWNER  
AS AN INDISPENSABLE PARTY

Vs.

Sara W. McMichael, *et al.*  
DEFENDANTS

FILED  
2018 OCT 22 PM 3:18  
CLERK OF COURT  
JAMES H. HARRINGTON

\*\*\*\*\*

Comes Shane Haffey, in his individual capacity, as the current owner of the property in this matter and as a partner in Bondson Holdings, the former owner of the property located at 986 Governor's Road, Mount Pleasant, South Carolina, 29464, title to which was transferred in February of 2015 to the general partners, in their individual capacity, and which was transferred into my own name as the sole owner in 2018. The Deed to the property is attached hereto as Exhibit A.

On October 2, 2018, the Movant filed his Response on Opposition to the Motion for Summary Judgment. The Response asked the Court to Dismiss the case, or Deny the Motion and include the Movant, (the unnamed owner of the property in question and a shareholder of the named Plaintiff, NRZ) as a party Defendant and Plaintiff to the proceedings.

The Movant's Response also gave the Court Notice that he was not provided Notice of the oral argument allegedly scheduled for October 3, 2018. It is unknown whether the oral argument actually took place.

On October 3, 2018, at a time subsequent to the time the hearing was scheduled, the record reflects that the Plaintiff Amended the Motion for Summary Judgment. The Amendment has never been served on the Movant; his actual knowledge of such having been retrieved from the Clerk of Court's online record.

The Amendment seemed to make an attempt to address some of the issues raised in the Movant's Response in Objection to the original Motion for Summary Judgment.

On October 16, 2018, the Movant received a Notice of Entry of Judgment entitled "Master's Order & Judgment of Foreclosure and Sale, CASE NO: 2012CP1007592." The Order was not attached to the Notice.

The review of the Clerk of Court's online record reveals that an Order was signed by the Court, but crafted and drafted by the Plaintiff; and was based on the Plaintiff's October 3, 2018, un-served and unheard Amended Motion for Summary Judgment.

However, the signed Order failed to address the issues raised; the least of which is the fact that the Movant, as the owner of the property, is an indispensable party to the proceedings, nor did the Order mention the existence of the Response, thereby treating the Response in Opposition to the Motion for Summary judgment as non-existent.

To this effect the Movant requests that the Order be Reconsidered and Amended. In his request for a ruling, the Movant preserves the issue for Appeal.

The Order additionally ruled on a pending Rule 59/60 Motion, filed by the Movant as a general partner of Bondson Holdings, the owner of the property prior to 2015. There is no objection to the Motion in the record. A hearing was never set or held in the matter. Nevertheless, the Court denied the Motion of its own accord.

There is no analysis or discussion in regard to the Motion which directly deals with conclusions of South Carolina law in regard to the fact the Movant and Bondson Holdings, a General Partnership between spouses, rightfully acted pro se and no time was he or she required to have hired South Carolina legal counsel to represent the interests of the partners.

To this effect the Movant requests that the Order be Reconsidered and Amended in relation to the Rule 59/60 Motion of Movant as the partner of Bondson Holdings. In his request for a ruling, on the unopposed Motion, the Court is requested to make note of the fact that according to the public record, that Bondson Holdings is a general partnership, whose partners under South Carolina law had every legal right to speak pro se on behalf of the partnership.

As such, the Movant preserves the issue for Appeal.

As previously brought to the Court's attention, the owner is an indispensable party to the proceedings. In its Order, the Court ignored the issue and the undisputed fact that the Movant has been an owner in his individual capacity since 2015 and is currently the sole owner of the property:

#### RULE 19

##### JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

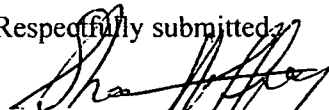
(a) Persons to Be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party. If he should join as a plaintiff but refuses to do so, he may be made a defendant, or, in a proper case, an involuntary plaintiff.

To this effect, the Movant requests that the Order is Reconsidered, the Motion for Summary Judgment Denied and the case Dismissed. In the alternative, the Movant asks to be added and named as both a party Defendant and Plaintiff and given the due process owed in regard to such.

In his request for a ruling, the Movant preserves the issue for Appeal as well as preserves every issue raised in the Response. He also preserves the issues for purposes of any intervening Federal Bankruptcy or District Court cases currently filed or filed in the future addressing the Court's failure to Dismiss or otherwise include a property owner in a foreclosure of property, subsequent to the Court's Notice of such.

Dated; October 18, 2018

Respectfully submitted,

  
\_\_\_\_\_  
Shane Haffey/Bondson Holdings  
3250 Delong Road  
Lexington, Kentucky 40515  
fairyhousehall@me.com  
859-327-3277

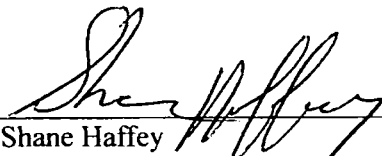
CERTIFICATE OF SERVICE

This is to certify that on the 18th day of October, 2018, I served a copy of the Motion to the parties on the following:

Parker Barnes, Jr.  
P.O. Box 1729  
Beaufort, SC 29901  
ATTORNEY FOR McMICHAEL

Mortgage Electronic Registration Systems  
1901 E. Voorhees St. Suite C  
Danville, IL 61834

John Kelchner  
Hutchins Law Firm  
240 Stoneridge Dr. Suite 400  
Columbia, SC 29210  
ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
Shane Haffey





BP0734305

# PGS:

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QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 18th day of April, 2018, by the first Party, the Grantor, Heather Boone McKeever with ownership 50/50 tenancy in common between husband and wife, whose mailing address is 3250 Delong Road, Lexington, Kentucky 40515, all of her interest to the Second Party, Shane M. Haffey, whose mailing address is 3250 Delong Road, Lexington, Kentucky 40515.

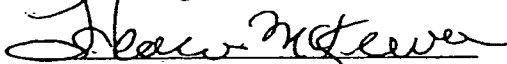
WITNESSETH, that the said first party, for good and valuable consideration in the sum of \$1.00 paid by the said second parties, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto, in the County of Charleston, State of South Carolina, TMS #562-02-00-152, to wit:  
ADDRESS: 986 Governor's Road, Mount Pleasant, South Carolina 29464;

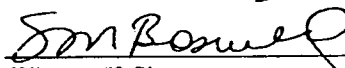
ALL that lot, piece or parcel of land situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina and known and designated as Lot 5 Block K on a Plat entitled: "Snee Farm Town of Mount Pleasant, South Carolina," by E.M. Seabrook, Jr., Inc. RLS and CE date July 28, 1977 and recorded August 19, 1977, in Plat Book AJ at Page 60 in the RMC Office for Charleston County, South Carolina. Said lot having such size, shape, dimensions, buttings and boundaries as will by reference to said plat more fully and at large to appear.

Said Property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record. This being the same property conveyed to Shane M. Haffey and Heather Boone McKeever by virtue of a deed from Bondson Holdings on February 17, 2015 and recorded February 17, 2015 in Deed Book 0457 Page 426 of the Register of Deeds, Charleston County, South Carolina.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Witness #1 Signature

  
\_\_\_\_\_  
Heather Boone McKeever

  
\_\_\_\_\_  
Witness #2 Signature

  
\_\_\_\_\_  
Heather Boone McKeever

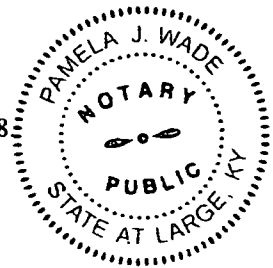
COMMONWEALTH OF KENTUCKY )  
COUNTY OF FAYETTE ) ACKNOWLEDGEMENT  
)

I, the undersigned Notary Public do certify that Heather Boone McKeever, personally appeared before me this day and acknowledged the due execution of the foregoing Quit Claim Deed.

Heather Boone McKeever  
Heather Boone McKeever

Witness my official seal this 18 day of April, 2018.

Pamela Wade ID 567395  
Notary Public for the Commonwealth of Kentucky  
My commission expires 10-24-2020



STATE OF SOUTH CAROLINA }  
COUNTY OF Charleston

AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located at 986 Governors Road Mt. Pleasant SC  
bearing Charleston County Tax Map Number 2946A  
was transferred by Heather \* McKeever and Sharon Haffey  
to Shane M Haffey by Quit claim deed on  
April 18, 2018  
\* Boone

3. The deed is exempt from the deed recording fee because ( See Information section of affidavit):  
The transfer is between a husband and wife  
where the wife has transferred her interest  
to the husband.

If exempt under exemption # 14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes  or No  Not applicable.

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:

The owner

5. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Shane Haffey  
Responsible Person Connected with the transaction

Shane M. Haffey  
Print or Type Name Here

Sworn this 19 Day of July 20 18  
Sheri L. Wahl

Notary Public for South Carolina

My Commission Expires: 2/11/2025



BP0457426

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 17th day of February, 2015, by the first Party, the Grantor, Bondson Holdings, a general partnership with 50/50 tenancy in common ownership between husband and wife, Shane M. Haffey and Heather Boone McKeever, whose mailing address is 986 Governor's Road, Mount Pleasant, South Carolina, 29464, to the Second Parties, husband and wife, Shane M. Haffey and Heather Boone McKeever, as tenants in common; and whose mailing address is 986 Governor's Road, Mount Pleasant, South Carolina 29464.

WITNESSETH, that the said first party, for good and valuable consideration in the sum of \$1.00 paid by the said second parties, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto, in the County of Charleston, State of South Carolina, TMS #562-02-00-152, to wit:

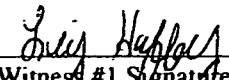
ADDRESS: 986 Governor's Road, Mount Pleasant, South Carolina 29464;

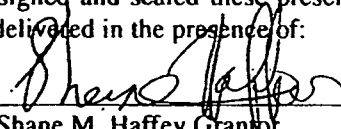
ALL that lot, piece or parcel of land situate, lying and being in the Town of Mount Pleasant, County of Charleston, State of South Carolina and known and designated as Lot 5 Block K on a Plat entitled: "Snee Farm Town of Mount Pleasant, South Carolina," by E.M. Seabrook, Jr., Inc. RLS and CE date July 28, 1977 and recorded August 19, 1977, in Plat Book AJ at Page 60 in the RMC Office for Charleston County, South Carolina. Said lot having such size, shape, dimensions, buttings and boundaries as will by reference to said plat more fully and at large to appear.


Said Property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record.

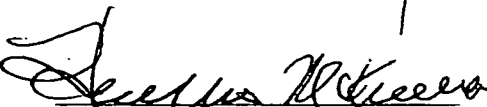
This being the same property conveyed to Bondson Holdings by virtue of a deed from Sara W. McMichael on June 14, 2011 and recorded November 9, 2011 in Deed Book O216 Page 836 of the Register of Deeds, Charleston County, South Carolina.

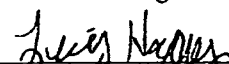
IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in the presence of:


  
Witness #1 Signature

  
Shane M. Haffey Grantor  
Owner Bondson Holdings

  
Witness #2 Signature

  
Heather Boone McKeever Grantor  
Owner Bondson Holdings

  
Witness #1 Signature

  
Witness #2 Signature

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

ACKNOWLEDGEMENT

I, the undersigned Notary Public do certify that Shane M. Haffey, of Bondson Holdings, personally appeared before me this day and acknowledged the due execution of the foregoing Quit Claim Deed.

Witness my official seal this 17<sup>th</sup> day of February, 2015.



Notary Public for South Carolina  
My commission expires Nov 1 2017



STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )


ACKNOWLEDGEMENT

I, the undersigned Notary Public do certify that Heather Boone McKeever of Bondson Holdings, personally appeared before me this day and acknowledged the due execution of the foregoing Quit Claim Deed.

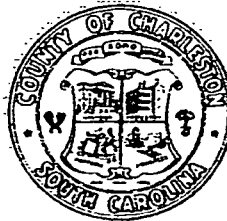
Witness my official seal this 17<sup>th</sup> day of February, 2015.



Notary Public for South Carolina  
My commission expires Nov 1 2017



# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

HEATHER BOONE MCKEEVER  
986 GOVERNOR'S ROAD  
MT PLEASANT, SC 29464

RECORDED		
Date:	February 17, 2015	
Time:	12:08:04 PM	
<u>Book</u>	<u>Page</u>	<u>Doc Type</u>
0457	426	Q/Claim
Charlie Lybrand, Register Charleston County, SC		

**MAKER:**

BONDSON HOLDINGS LLC

Note:

**RECIPIENT:**

HAFFEY SHANE M AL

# of Pages:

**Original Book:**

**Original Page:**

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County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ 0.50
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 10.50</b>

AUDITOR STAMP HERE  
**RECEIVED From RMC**  
  
FEB 18 2015  
  
PETER J. TECKLENBURG  
Charleston County Auditor

PID VERIFIED BY ASSESSOR  
REP **FEB 19 2015**  
  
DATE **ASTRJB**  
  
31

**DRAWER**   
**CLERK**



0457  
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Page



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Recorded Date



4  
# Pgs



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12:08:04  
Recorded Time

**SHANE HAFFEY  
FAIRYHOUSE HALL  
3250 DELONG ROAD  
LEXINGTON, KENTUCKY 40515  
FAIRYHOUSEHALL@ME.COM  
859-327-3277**

November 2, 2018 (By overnight delivery UPS)

**NOTICE OF APPEAL  
South Carolina Court of Appeals  
CASE NO. 2018-001952**

Charleston County Master in Equity Mikell R. Scarborough  
100 Broad Street Suite 266  
Charleston, South Carolina 29401-2210

RE: Case number 2012-CP-07592 *Citibank, N.A. vs. Sara W. McMichael, et al.*  
Address: 986 Governor's Road, Mount Pleasant, South Carolina 29464

DATE OF MASTER'S SALE SCHEDULED FOR NOVEMBER 6, 2018

Dear Mr. Scarborough and Ms. Dennis,

The purpose of this letter is to give you personal service that the Notice of Appeal has been filed with the South Carolina Court of Appeals for the above-referenced case. The Notice is attached.

It is my understanding that jurisdiction in the matter now rests with the Court of Appeals and I am respectfully asking you to please remove the property from the auction list for November 6, 2018.

If a Bankruptcy Petition has been filed, the property will be under control of the bankruptcy estate. In this regard, it is unlikely that a Notice of the Federal Stay directed to the Charleston County Court of Common Pleas, will be on file prior to your scheduled sale date as the Federal Bankruptcy Court provides service through the United States Postal Service.

Thank you.

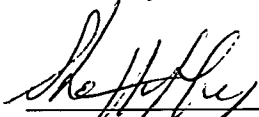
  
Shane Haffey

EXHIBIT B

BRUCE JONES  
(859) 273-6188  
THE UPS STORE #3287  
STE 150  
4101 TATES CREEK CENTRE DR  
LEXINGTON KY 40517-3096

0.3 LBS LTR 1 0  
SHP WT: LTR  
DATE: 14 NOV 2018

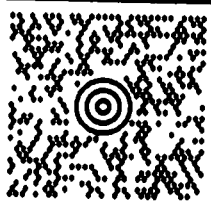
PS Next Day Air®  
PS Worldwide Express®  
PS 2nd Day Air®

SHIP ATTN JENNY ABBOTT KITCHINGS  
TO: CLERK OF S CAROLINA COURT OF APPEAL  
1220 SENATE ST

do not use this envelope

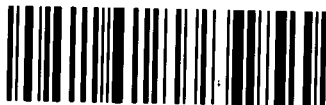
PS Ground  
PS Standard  
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PS Worldwide Expedite

COLUMBIA SC 29201-3769



SC 292 9-01

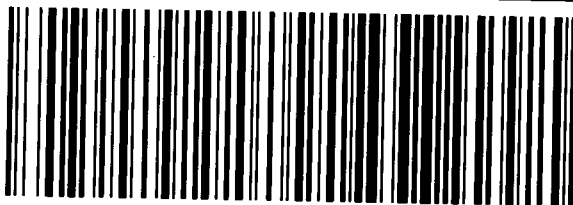
Apply shipping document



UPS NEXT DAY AIR

1

TRACKING #: 1Z 4F8 52F 01 9490 5158



BILLING: P/P

42A-1096  
GREEN ST MIDORC-GR3  
1220 SE 1030  
X

ISH 19.00H Z2P 450 86.5U 10/2018

