

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

LNV Corporation,

PLAINTIFF,

vs.

Walter L. Goodwin; Harbison Community Association, Inc.; South Carolina Department of Social Services Child Support Enforcement Division; Homeowners Loan Corp.; Christopher S. Doyle; Curtis B. Doyle; and Prosperity Relocation Group, Inc.,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2010-CP-40-8487

**ORDER DENYING DEFENDANT'S MOTION
TO VACATE FORECLOSURE JUDGMENT
AND SET ASIDE SALE**

THIS MATTER came before the Court upon Motion of Walter L. Goodwin (“Defendant”) to Vacate the Judgment of Foreclosure and Set Aside the Foreclosure Sale (“Motion”) herein. Plaintiff LNV Corporation filed a Return to the Motion, and a hearing was held on March 12, 2018 at which counsel for Plaintiff and Defendant were present. Defendant was also present for the hearing, and indicated to the Court that he had sufficient funds to bring the subject loan current.

After considering the arguments of counsel and Defendant’s statement regarding his ability to bring the loan current, the Court declined to vacate the judgment of foreclosure but ruled that pending reinstatement of the loan, the sale would be vacated and the property would be re-advertised for sale. The Court instructed Plaintiff’s counsel to send Defendant’s counsel a reinstatement quote. No written order was entered by the Court.

Defendant was provided a reinstatement quote, which included an itemized payment history for the loan account. However, the deadline for the quoted reinstatement expired on March 31, 2018 without payment from Defendant. In light of the foregoing and at the request of Plaintiff, the Court conducted a telephonic rehearing on April 26, 2018 at 10:30 a.m. in which counsel for Plaintiff and Defendant participated. During this hearing, the Court ruled that the property should not be re-sold due to Defendant’s inability to reinstate and asked that Plaintiff’s counsel prepare an Order denying the Motion

as one had not been entered previously. The Court also requested that the Order provide a move out date of June 11, 2018 for Defendant to vacate the subject property based on the writ of assistance previously granted in favor of Plaintiff.

Later that afternoon, Defendant filed for relief under Chapter 13 of the U.S. Bankruptcy Code. Thereafter, on November 8, 2018, Plaintiff and Defendant obtained limited stay relief from the Honorable Judge Waites of the U.S. Bankruptcy Court for the District of South Carolina to seek a written Order from this Court adjudicating Defendant's Motion.

Based upon the foregoing and ultimate ruling by this Court, Defendant's Motion to Vacate the Judgment and Foreclosure Sale is **DENIED**. Defendant is hereby ordered to vacate the subject property no later than January 1, 2019.

IT IS SO ORDERED!

ELECTRONIC SIGNATURE TO FOLLOW

The Honorable Joseph M. Strickland
Richland County Master in Equity



Richland Common Pleas

Case Caption: LNV Corporation vs Walter L Goodwin , defendant, et al

Case Number: 2010CP4008474

Type: Master/Order/Other

It is so Ordered

s/Joseph M. Strickland, 3055