

20271

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No.: 2010-CP-04-03548

Green Tree Servicing, LLC, etc .....Respondent,

Corrie A. Martin.....Appellant.

RECORD ON APPEAL

Corrie A. Martin  
Post Office Box 14042  
Anderson, SC 29624  
864-716-9926  
Appellant

B. Lindsay Crawford , III, Esquire  
Theodore Von Keller, Esquire  
Sara Christine Hutchins, Esquire  
Crawford & Von Keller, LLC  
Post Office Box 4216  
Columbia, SC 29240  
803-790-2626  
Attorneys for the Respondent

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SC Court of Appeals

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STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS

Green Tree Servicing, LLC, )

Plaintiff, )

vs. )

Corrie A. Martin, )

Defendant(s). )

2010-LP-04-00997

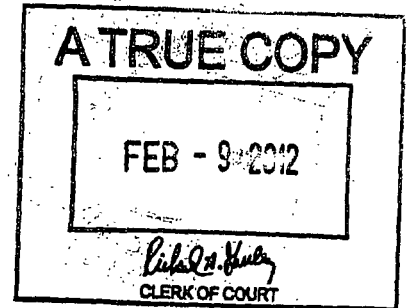
LIS PENDENS

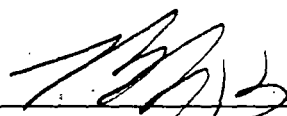
2010-CP-04-3548

NOTICE IS HEREBY GIVEN THAT an action has or will be commenced in this Court upon complaint of the above-named Plaintiff against the above-named Defendant(s) for the foreclosure of a certain mortgage of real estate given by Corrie A. Martin to Green Tree Financial Servicing Corporation, dated March 18, 1997, and subsequently recorded on March 18, 1997, in book 2574, page 189 in the Office of the Register of Deeds for Anderson County. The real property covered and affected by the said mortgage and by the foreclosure thereof, was at the time of the making thereof, and at the time of the filing of this notice, described as follows:

**EXHIBIT "A" ATTACHED**

1997 Omni Mobile Home



  
B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
Crawford & von Keller, LLC  
PO Box 4216  
Columbia, SC 29240  
803-790-2626

August 31, 2010

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ANDERSON SC  
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COMMON PLEAS AND  
GENERAL SESSIONS

1

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
CIVIL ACTION NO. )

Green Tree Servicing, LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )  
Plaintiff, )

2010 - CP - 04 - 3548

v. )

**SUMMONS AND NOTICES**  
Foreclosure of Real Estate  
Mortgage (Non-Jury)

Corrie A. Martin; the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

Deficiency Demanded

File Number: 1323.5874

FILED-CLERK'S OFFICE  
ANDERSON SC  
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CONFIDENTIAL AND  
GENERAL SESSIONS

**TO THE DEFENDANT(S) NAMED ABOVE:**

**YOU ARE HEREBY SUMMONED** and required to Answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to said Complaint on the persons whose names are subscribed below at PO Box 4216, Columbia, SC 29240, within thirty (30) days after the service hereof, exclusive of the day of such service, except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

**TO MINOR(S) OVER FOURTEEN YEARS OF AGE, AND/OR TO MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDE(S), AND/OR TO PERSON UNDER SOME LEGAL DISABILITY, INCOMPETENTS AND PERSONS CONFINED:**

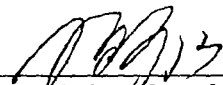
**YOUR ARE FURTHER SUMMONED AND NOTIFIED** to apply for the appointment of a Guardian *ad Litem* within thirty (30) days after service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff.

**YOU WILL ALSO TAKE NOTICE** that, pursuant to Rule 53(b) *South Carolina Rules of Civil Procedure*, as amended effective September 1, 2002, the undersigned attorneys, on behalf of the Plaintiff herein, will seek a general Order of Reference to the Master-in-Equity or Special Referee for Anderson

County, South Carolina, which order shall, pursuant to the Rule 53(b) *South Carolina Rules of Civil Procedure*, specifically provide that the Master-in-Equity or Special Referee is authorized and empowered to enter a final judgment in this action, with any appeal from the final judgment entered by the Master-in-Equity or Special Referee directly to the Supreme Court or to the Court of Appeals, whichever is appropriate.

Crawford & von Keller, LLC

By: \_\_\_\_\_

  
B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
PO Box 4216  
Columbia, SC 29240  
803-790-2626

September 28, 2010

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.

Green Tree Servicing, LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

2010 - CP - 04 - 3548

Plaintiff, )

**COMPLAINT** (Non-Jury)  
First Cause of Action - Claim and Delivery  
(Immediate Possession Not Demanded)  
Second Cause of Action - Foreclosure of Real  
Estate Mortgage

v. )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Deficiency Demanded

Defendant(s). )

COPIES FILED AS AND  
GENERAL SESSIONS

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ANDERSON SC

Green Tree Servicing, LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware (the "Plaintiff"), complaining of the above-captioned Defendant(s), alleges as follows:

1. The Plaintiff is a national banking association, corporation or other legal entity authorized to do business in the State of South Carolina.
2. The Plaintiff is the owner and holder of the Note and Mortgage covering real property, which is the subject of the foreclosure action herein, located in the County of Anderson, State of South Carolina and this Court has proper jurisdiction over the subject matter and the parties of this action.
3. That the loan subject to this action is not owned, securitized or guaranteed by Fannie Mae or Freddie Mac, however, Plaintiff is a servicer who has signed an agreement to participate in the Home Affordable Modification Program ("HMP"). Pursuant to Supplemental Directive 09-01, it has been determined that modification under HMP is not available as the property is a mobile home and is not considered real property.
4. Based upon a search of the public records of Anderson County, all persons or entities having an interest or lien or possible claim in or upon the subject property that is



subordinate to the lien of the Plaintiff as of the date and time of the filing of the Lis Pendens herein have been made defendants.

5. Any Defendant(s) herein described as judgment creditors, by filing of said judgments, have designated their attorney entering the judgment as their agent for service of process under the provisions of §15-35-840 of the *South Carolina Code of Laws* (1976 as amended).

6. Upon information and belief, the Defendant(s) Corrie A. Martin ("Ms. Martin"), is not in the military service of the United States of America pursuant to the provisions of the Servicemembers Civil Relief Act (2003).

**FOR A FIRST CAUSE OF ACTION  
(Claim and Delivery)**

7. Plaintiff reincorporates and realleges each of the foregoing allegations as fully as if repeated herein verbatim.

8. For valuable consideration given, Ms. Martin, executed and delivered to Green Tree Financial Servicing Corporation ("Green Tree"), a certain Note dated the 18th day of March, 1997 in the principal sum of Fifty-Eight Thousand Five Hundred Eighty-Seven and 52/100 (\$58,587.52) Dollars, with interest thereon at the rate of 8.99 % per annum ("Note"). Ms. Martin promised to repay Green Tree the amounts advanced under the Note.

9. Pursuant to the terms of the Note, Green Tree provided Ms. Martin financing to purchase a 1997 Omni Mobile Home, Serial #056276A&B (the "Collateral").

10. To better secure the repayment of the amounts due under the Note, Ms. Martin granted Green Tree a security interest in the Collateral pursuant to the Note. Green Tree recorded its lien on the face of the Certificate of Title of the Collateral described in the Note. Green Tree has the first lien on the Collateral.

11. The account is in default since July 20, 2010.

12. Upon information and belief, the Collateral is being wrongfully detained by Ms. Martin, and Plaintiff is informed and believes that the cause of withholding or detention is her desire to continue using the Collateral without paying for the same.

13. Pursuant to the terms of the Note, Plaintiff is entitled to possession of the Collateral, and is further entitled to collect all expenses, including reasonable attorneys' fees, incurred in the collection of the amounts payable thereunder.

14. Plaintiff is informed and believes that the Collateral that is the subject of this claim and delivery action is located in Anderson County, South Carolina, and is in the exclusive possession and control of Ms. Martin or a party holding same under and through Ms. Martin.

~~17~~ 15. On information and belief, the Collateral that is the subject of this action has not been taken for any tax, assessment, or fine pursuant to a statute, nor has it been seized under an execution or attachment against the Collateral.

16. Upon information and belief, by virtue of Ms. Martin's wrongful detention of the Collateral, Plaintiff has been damaged in that it has been denied use of the money to which it is entitled under the Note or the use of the Collateral, which Collateral is depreciating in value, and in that it has incurred attorneys' fees and other costs and expenses to which it is entitled to recover pursuant to the terms of the Note.

**FOR A SECOND CAUSE OF ACTION  
AS TO ALL DEFENDANTS  
(Foreclosure of Mortgage)**

17. Plaintiff reincorporates and realleges each of the foregoing allegations as fully as if repeated herein verbatim.

18. Simultaneously with the execution of the Note, and to better secure the repayment of the Note and the debt evidenced thereby, Ms. Martin executed and delivered unto Green Tree, a certain Mortgage dated March 18, 1997 ("Mortgage"), covering the following described property ("Mortgaged Property"):

ALL that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina, and being shown and designated as Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

TOGETHER WITH A SECURITY INTEREST in that certain 1997, 56 x 24 OMNI mobile home, serial number 056276A&B.

TMS Number: 072-04-01-001 (land) and 400-00-28-148 (mobile home)

⑤

19. Thereafter, the Mortgage was recorded on March 18, 1997, in Mortgage Book 2574, at Page 189 in the Office of the Anderson County Register of Deeds.

20. Green Tree Financial is now known as Green Tree Servicing, LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware ("Plaintiff").

21. The above-referenced instrument constitutes a purchase money mortgage on the Mortgaged Property.

22. Pursuant to the terms of the Mortgage, any sums paid by the Plaintiff for inspecting and securing the Mortgaged Property, for fire and other hazard insurance, taxes and assessments for the Mortgaged Property, and any costs of collection, including reasonable attorney's fees, are secured by the Mortgage.

23. The monthly payments due on the Note and Mortgage are in default since July 20, 2010, although demand for payment thereof has been made and the Plaintiff, as present lienholder, after providing all required notices, elects to, and does declare the entire balance due and payable, and that there is due and owing on the Note as of September 28, 2010 the sum of \$57,213.29, together with interest as provided at the rate set forth in the Note from September 28, 2010 to the date of payment, and also for the costs and disbursements of this action, including attorney's fees.

24. Pursuant to §37-3-105, *South Carolina Code of Laws* (1976 as amended), the mortgage lien, which is subject to this action, is a first lien on real estate and is not a '*consumer loan*' for the purposes of the South Carolina Consumer Protection Code. Any notices of right to cure have been given as required.

25. Pursuant to its rights under the Note, Plaintiff has and does hereby elect to declare the total unpaid balance of principal and interest on the Note due and payable and does hereby elect to foreclose the Mortgage on the Mortgaged Property, reserving however, any and all rights and remedies the Plaintiff may have under the Note and Mortgage.

26. The Plaintiff has placed this matter with the undersigned attorneys for collection.

27. Upon information and belief, said information being obtained from the public records of Anderson County, South Carolina, the Defendant(s) below-named may claim to have some interest in or lien upon the Mortgaged Property by virtue of the matters and things herein below alleged, but such interest or lien, if any, is junior and subordinate to Plaintiff's Mortgage, to wit:

6A

- a. The United States of America by and through its agency the Internal Revenue Service by virtue of that Federal Tax Lien against Corrie A. Martin in the original amount of \$6,164.21, recorded on March 28, 2007, with Serial Number 352481607.
- b. The South Carolina Department of Revenue by virtue of that state tax lien against Corrie Martin in the original amount of \$402.99, recorded on September 13, 2007, with Tax Lien Number 3-50846668-4.
- c. Anderson Area Medical Center (n/k/a Anmed Health) by virtue of that Judgment against Corrie Ann Martin in the original amount of \$984.62, recorded on February 16, 2007, with Case 2007-CP-04-0534.

28. The Plaintiff does not waive and specifically demands personal judgment against Ms. Martin for amounts due on the Note and Mortgage, with the right to enter personal judgment against Ms. Martin for any deficiency remaining after the sale of the Mortgaged Property.

WHEREFORE, having fully set forth its Complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and that:

1. The amount due upon the Note and Mortgage held by the Plaintiff be ascertained and determined under the direction of this Court, together with attorneys' fees and costs of this action;

2. The Plaintiff's Mortgage be declared a purchase money mortgage and that the Plaintiff has a judgment of foreclosure for the amount so found to be due and owing thereon, together with any taxes or insurance premiums which may be due, with a reasonable sum as attorney's fees and for the costs of this action.

3. The Mortgaged Property and Collateral be sold under the direction of this Court, the equity of redemption be barred, and the proceeds of sale be applied as follows:

**First**, to the costs and expenses of the within action and sale;

**Second**, to the payment and discharge of the amount due on Plaintiff's Note and Mortgage, together with the attorney's fees as aforesaid;

**Third**, the surplus, if any, be distributed according to law; and

**Fourth**, the Plaintiff to have judgment against Ms. Martin for the full amount found to be due on the Plaintiff's Note and Mortgage, with the right to enter personal judgment against Ms. Martin for any deficiency in this action remaining after the sale of the Mortgaged Property and Collateral;

4. An Order be entered directing and empowering the Sheriff of Anderson County, South Carolina, to place the successful purchaser at said foreclosure sale in possession of the Mortgaged Property and Collateral should the same become necessary.

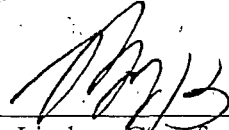
5. An Order be entered for the ejectment of the Defendants in possession herein and all persons claiming thereunder and the removal therefrom of all furnishings, fixtures and items not subject to the lien of the Plaintiff's Mortgage, which personal property, if not removed shall be deemed abandoned and shall be removed by the Plaintiff or its agents from the Mortgaged Property and Collateral, by placing said property on the public street or highway or by any other means, including by force, if necessary.

6. An Order granting the appointment of a receiver should it become necessary, to secure and supervise the rental of the property to be foreclosed with the authority to take possession thereof and collect rents, issues and profits thereon during the pendency of this action and to hold the same as further security for Plaintiff's debt;

7. An Order to be entered for reimbursement of all costs of inspecting and securing the property incurred by the Plaintiff as a result of the delinquency; and

8. And Order be entered for such other and further relief as this Court may deem just and proper.

Crawford & von Keller, LLC



B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
PO Box 4216  
Columbia, SC 29240  
803-790-2626

Date: September 28, 2010

**NOTICE REQUIRED BY THE FAIR DEBT  
COLLECTION PRACTICES ACT ("THE ACT")  
15 U.S.C. §§ 1692g AS AMENDED**

1. As of September 28, 2010, you owe \$57,213.29. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we received your check. For further information, write or call as directed in Paragraph 6 of this Notice.

2. Green Tree Servicing, LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware, the Plaintiff, is the Creditor to whom the debt is owed.

3. The debt described in this Notice will be assumed to be valid by this law firm, unless you, the debtor(s), within thirty (30) days after receipt of this Notice, dispute, in writing, the validity of the debt, or some portion thereof.

4. If you, the Debtor(s), notify this law firm in writing within thirty (30) days of the receipt of this Notice, that the debt or any portion thereof is disputed, this law firm will obtain for you a verification of the debt and a copy of such verification will be mailed to you by this law firm.

5. If the Plaintiff in this action is not the original Creditor, and if you make a written request to this law firm within thirty (30) days, the name and address of the original Creditor, will be mailed to you by this law firm.

6. Written requests should be addressed to: Crawford & von Keller, LLC, PO Box 4216, Columbia, SC 29240, or call 803-790-2626.

7. This Notice should not be construed as a thirty-(30) day grace period. Creditor may pursue collection efforts immediately and not wait thirty (30) days.

**THIS NOTICE IS AN ATTEMPT TO COLLECT THE DEBT YOU OWE TO PLAINTIFF AND ANY INFORMATION OBTAINED WILL BE USED FOR THIS PURPOSE.**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

VERIFICATION

*Green Tree v Corrie Martin, et al.*

PERSONALLY APPEARED before me, Clarence Chad Pope who, being first duly sworn on oath states that he/she is the Regional Mgr of the Plaintiff herein, Green Tree Servicing, LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware, and as such, it is an integral part of his/her employment to be familiar with Green Tree Servicing, LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware's records and accounting procedures. Further, he/she has personally reviewed the Summons and Complaint and that the allegations thereof are true to the best of his/her own knowledge, except such as are stated to be upon information and as to these he/she believes them to be true and no portion of the amounts now due have been paid or otherwise satisfied, except as indicated in the attached pleadings.

FURTHER AFFIANT SAYETH NOT.

By: *C. Pope*

Its: *Regional mgr.*

SWORN to before me this 28 day of Sept, 2010.

*Kathleen H. Davis*  
Notary Public for South Carolina  
My Commission expires: 8-28-10



STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
C/A No. 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

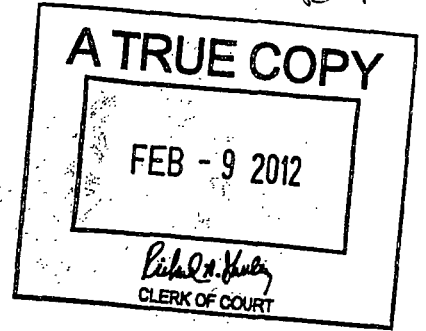
Plaintiff, )

v. )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

**AFFIDAVIT OF DEFAULT**



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2010 DEC - 2 A 9:54  
GENERAL SESSIONS AND  
COURT REPORTERS

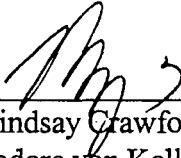
The below signed attorney, being first duly sworn, deposes and says as follows:

1. I am an attorney with the firm of Crawford & von Keller, LLC in Columbia, South Carolina, and our firm represents the Plaintiff, Green Tree Servicing LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware, in the above-captioned matter.
2. As evidenced by the Affidavit(s) of Service filed of record, the Defendant(s) were served with a copy of the Summons in the above action as required by Rule 4, *South Carolina Rules of Civil Procedure*.
3. More than thirty (30) days have elapsed since the service, and no reply, motion, notice of appearance, request for extension, or other responsive pleadings have been served on Plaintiff by Corrie A. Martin, or her counsel, within the time prescribed by Rule 55, *South Carolina Rules of Civil Procedure*.
4. I am informed and believe that Corrie A. Martin is now in default under Rules 6 and 55,


*South Carolina Rules of Civil Procedure.* The South Carolina Department of Revenue, the United States of America by and through its agency the Internal Revenue Service and Anderson Area Medical Center, Inc., n/k/a Anmed Health timely filed responsive answers and are not being held in default.

5. According to the Affidavit(s) filed of herein, no Defendant is in the Military Service of the United States of America, as contemplated under the Servicemember Relief Act, December 19, 2003, and any amendments thereto.

**FURTHER AFFIANT SAYETH NOT.**

  
\_\_\_\_\_  
B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
Crawford & von Keller, LLC  
P.O. Box 4216, Columbia, SC 29240  
803-790-2626  
Attorneys for Plaintiff

SWORN TO before me this 1st  
day of December, 2010.

  
\_\_\_\_\_  
(L.S.)

Notary Public for South Carolina  
My Commission Expires 04/29/2019

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
C/A No. 2010-CP-04-03548 )

LCB

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

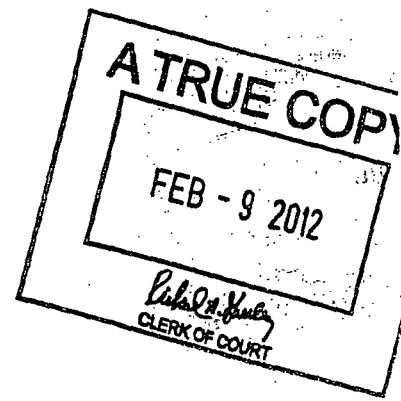
Plaintiff, )

v. )

**AFFIDAVIT OF  
NON-MILITARY SERVICE**

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )



Personally appeared before me, the undersigned attorney for the Plaintiff, who being duly sworn, says that (s)he is familiar with the provisions of 50 U.S.C.A. App. §520, Servicemembers Civil Relief Act, as amended December 19, 2003, and represents to the Court that upon information available to the Plaintiff obtained from the Department of Defense Manpower Data Center website, copy of which is attached hereto as Exhibit "A" and made a record hereof, the Defendant(s) Corrie A. Martin is not in the military service of the United States and therefore, is not entitled to the protection of the Servicemembers Civil Relief Act, as amended December 19, 2003.

FURTHER AFFIANT SAYETH NOT.

B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
Crawford & von Keller, LLC  
P.O. Box 4216, Columbia, SC 29240  
803-790-2626  
Attorneys for Plaintiff

SWORN to before me this 1st  
day of December, 2010.

(L.S.)  
Notary Public for South Carolina  
My commission expires: 04/29/2019

FILED-CLERK'S OFFICE  
ANDERSON SC  
2010 DEC - 2 A 9:54  
GENERAL SESSIONS

(14)

MOTION FEE PAID

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON  
Green Tree Servicing LLC,  
formerly known as Green Tree  
Financial Servicing Corporation, a  
Limited Liability Company under  
the laws of the State of Delaware,

Plaintiff,

v.

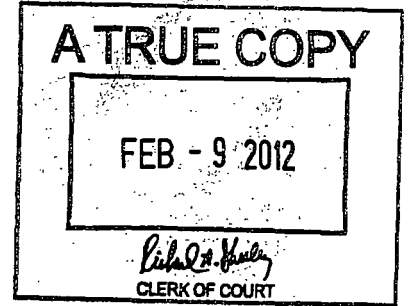
Corrie A. Martin, the South  
Carolina Department of Revenue,  
the United States of America by  
and through its agency the Internal  
Revenue Service and Anderson  
Area Medical Center, Inc., n/k/a  
Anmed Health,

Defendant(s).

IN THE COURT OF COMMON PLEAS  
C/A No. 2010-CP-04-03548

LCB

PLAINTIFF'S MOTION AND  
ORDER OF REFERENCE



**IT APPEARING**, pursuant to Rule 53(b) of the *South Carolina Rules of Civil Procedure*, that the above-entitled case is an action for foreclosure and is an appropriate action to be referred to the Master in Equity or Special Referee in the above-entitled county by order of a Circuit Court Judge or the Clerk of Court, with authority to enter a final judgment in the case;

**NOW**, upon the motion of the attorneys for the Plaintiff,

**IT IS HEREBY ORDERED** this action is referred to The Honorable Ellis B. Drew, Jr., as Master in Equity for Anderson County, who, pursuant to Rule 53(b) of the *South Carolina Rules of Civil Procedure*, shall exercise all power and authority which a Circuit Judge sitting without a jury would have, including but not limited to, making findings of fact and conclusions of law; directing entry of final judgment in the action; hearing any issues, including motions, after sale or judgment; issuing any and all Order and Supplemental Orders, Writs of Assistance, issuance of any rule to show cause, including but not limited to any rule to shown cause why a party should not be bound by the judgment of foreclosure, and hearing any issues involving possession and /or removal of property and appraisal proceeds under §29-3-360, *et seq.*, of the *South Carolina Code*. Any appeal from the final judgment entered by the Master in Equity shall be to the Supreme Court or the Court of Appeals as provided by the South Carolina Appellate Court Rules. Any judicial sale of the property subject to this action may be held on a day other than the regular judicial sale day.

**IT IS SO ORDERED.**

*Martha A. Newton*  
Presiding Judge/Clerk of Court

Anderson, SC  
*Dec. 7*, 2010.

I SO MOVE,

*[Signature]*  
B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
Crawford & von Keller, LLC  
PO Box 4216, Columbia, SC 29240  
803-790-2626

FILED-CLERK'S OFFICE  
ANDERSON SC  
2010 DEC - 2 P 2:55  
COMMON PLEAS AND  
GENERAL SESSIONS

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
C/A No. 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

vs. )

**NOTICE OF HEARING**

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s) )

File Number: 1323.5874

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU WILL PLEASE TAKE NOTICE THAT, by the virtue of the Order of Reference issued in the above-entitled case, The Honorable Ellis B. Drew, Jr., as Master in Equity for Anderson County, has appointed January 24, 2011, at 11:00 am, **100 S. Main Street, Anderson, SC 29622** as the time and place for holding a hearing, at which time and place all interested parties will appear.

You are requested but not required to notify our office at (803) 790-2626 of your intention to appear.



Ragen Kolwyck, Paralegal  
Crawford & von Keller, LLC  
P.O. Box 4216, Columbia, SC 29240  
803-790-2626  
Attorneys for Plaintiff

Columbia, SC  
December 17, 2010

16

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )  
 )  
Plaintiff, )

vs. )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )  
 )  
Defendant(s) )

IN THE COURT OF COMMON PLEAS  
C/A No. 2010-CP-04-03548

**CERTIFICATE OF SERVICE OF  
NOTICE OF HEARING**

I, the undersigned, Ragen Kolwyck, an employee of Crawford & von Keller, LLC, attorneys for the Plaintiff do hereby certify that I served the Notice of Hearing to the below-listed defendants by personally depositing a copy of same in a United States Postal Service mailbox, postage pre-paid, addressed as follows:

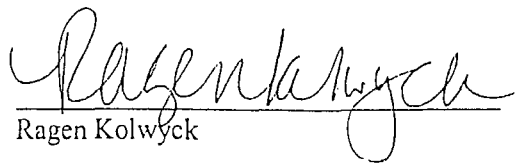
Corrie A. Martin  
112 Canter Lane  
Anderson, SC 29624

The South Carolina Department of Revenue  
Office of General Counsel for Litigation  
Attn: Milton Kimpson  
Post Office Box 12265  
Columbia, SC 29211

George J. Conits, Esq.  
Assistant U.S. Attorney  
105 North Spring Street, Suite 200  
Greenville, SC 29601

Steven C. Kirven, Esq.  
1100 North Main Street  
Anderson, SC 29621  
Attorney for Anmed Health

Columbia, South Carolina  
December 17, 2010

  
Ragen Kolwyck

F O R M 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-04-03548

*LCB*

GREEN TREE

-VS-

MARTIN, CORRIE A., ETAL

FILED - CLERK'S OFFICE  
JAN 24 P 3:26  
GENERAL SESSIONS

PLAINTIFF(S)

DEFENDANT(S)

DECISION BY COURT. THIS ACTION CAME TO TRIAL OR HEARING BEFORE THE COURT. THE ISSUES HAVE BEEN TRIED OR HEARD AND A DECISION RENDERED.

- ACTION DISMISSED (CHECK REASON):
  - Rule 12(b) SCRCP
  - Rule 41(A) SCRCP Vol Nonsuit
  - Rule 43(A) SCRCP Settled
  - OTHER

- ACTION STRICKEN (CHECK REASON):
  - Rule 40(j) SCRCP
  - Bankruptcy;  Binding Arbitration, Subject to right to Restore TO CONFIRM, VACATE OR MODIFY ARBITRATION AWARD;
  - OTHER

IT IS ORDERED AND ADJUDGED:  SEE ATTACHED ORDER;  
 STATEMENT OF JUDGMENT BY THE COURT

DATED AT ANDERSON, SOUTH CAROLINA, THIS 24 DAY OF Jan 2011

*Ellis B. Drew, Jr.*  
ELLIS B. DREW, JR., MASTER IN EQUITY

THIS JUDGMENT WAS ENTERED ON THE 24<sup>th</sup> DAY OF Jan, 2011  
AND A COPY MAILED FIRST CLASS THIS 25<sup>th</sup> DAY OF Jan, 2011  
TO ATTORNEYS OF RECORD OR TO PARTIES (WHEN APPEARING PRO SE) AS FOLLOWS:

CRAWFORD & VONKELLER, LLC

ATTORNEY(S) FOR PLAINTIFF(S)

ATTORNEY(S) FOR DEFENDANT(S)

A TRUE COPY  
FEB - 9 2012

*Richard S. Shiley*  
CLERK OF COURT

18

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-04-03548

2CB

Plaintiff,

**MASTER IN EQUITY'S ORDER AND  
JUDGMENT OF FORECLOSURE  
AND SALE**

v.

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Deficiency Demanded  
(against Corrie A. Martin)

Defendant(s).

GENERAL SESSIONS  
FEB 9 2012 PM 3:26  
CLERK OF COURT

Pursuant to Rule 53 SCRPC, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law with authority to enter a final judgment in the matter; with any appeal from this Order to the South Carolina Supreme Court or to the Court of Appeals under Rule 203 (d)(1), SCACR.

Pursuant to the Order of Reference, a hearing was held in the Office of the Master in Equity for Anderson County and was attended by the attorneys of record. Testimony was taken at said hearing and is reported herewith, and from the testimony and evidence I find, conclude and order as follows:

**FINDINGS OF FACT**

1. The Lis Pendens was filed September 23, 2010; the Amended Lis Pendens was filed October 4, 2010.
2. The Summons and Complaint were filed October 4, 2010.

19

**A TRUE COPY**  
FEB - 9 2012  
D. J. V. A.

3. That the loan subject to this action is not owned, securitized or guaranteed by Fannie Mae or Freddie Mac, however, Plaintiff is a servicer who has signed an agreement to participate in the Home Affordable Modification Program ("HMP"): Pursuant to Supplemental Directive 09-01, it has been determined that modification under HMP is not available as the property is a mobile home and is not considered real property.
4. Service was made upon all Defendants as shown by the Affidavit(s) of Service filed of record.
5. Corrie A. Martin ("Ms. Martin") is in default as shown by the Affidavit(s) of Default filed of record. The South Carolina Department of Revenue, the United States of America by and through its agency the Internal Revenue Service and Anderson Area Medical Center, Inc., n/k/a Anmed Health timely filed responsive answers and have not held in default.
6. According to the Affidavit(s) filed of record, no Defendant is in the Military Service of the United States of America, as contemplated under 50 U.S.C.A. App. §520, Servicemembers Civil Relief Act, as amended December 19, 2003.
7. All Defendants were notified of the time, date, and place of the hearing in this matter.
8. For value received, Ms. Martin made, executed and delivered a Note and Security Agreement dated the 18th day of March, 1997, promising thereby to pay to the order of Green Tree Financial Servicing Corporation ("Green Tree") the sum of Fifty-Eight Thousand Five Hundred Eighty-Seven and 52/100 (\$58,587.52) Dollars, with interest at 8.99% per annum ("Note"). Green Tree Financial is now known as Green Tree Servicing LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware ("Plaintiff").
9. To better secure the payment of the Note described above, Ms. Martin made, executed and delivered to Green Tree a Mortgage in writing dated March 18, 1997, covering real property ("Mortgaged Property") in Anderson County, which is the same as that described in the Complaint ("Mortgage"). The Mortgage was filed on March 18, 1997, in Book 2574, at Page 189, in the Office of the Register of Deeds for Anderson County, South Carolina.
10. To further secure the debt, a South Carolina Certificate of Title ("Title") was issued on a

certain 1997 Omni Mobile Home, Serial #056276A&B (the "Collateral") to Ms. Martin, as Owner, with Green Tree listed as the First Lienholder.

11. The Mortgage constitutes a purchase money mortgage on the Mortgaged Property and the Plaintiff's lien recorded on the face of the Title constitutes a first lien on the Collateral.
12. The Plaintiff in this action is the owner and holder of the Note and Mortgage it is seeking to foreclose.
13. The titleholder(s) of record in and to the Mortgaged Property and Collateral as of the filing of the Lis Pendens in this action was Ms. Martin.
14. Payment due on the Note and Mortgage has not been made as provided for therein, and the Plaintiff, as the holder thereof, has elected to accelerate payment of the entire indebtedness and has placed the Note and Mortgage in the hands of the attorney herein for collection.
15. The amount due and owing on the note, with interest at the rate provided therein, and other costs and expenses of collection, including an attorney's fee, is as follows:

(a) Principal due	\$ 52,700.61
(b) Interest from 07/20/2010 to 01/24/2011 at interest rate 8.99 % per annum	\$ 738.42
(c) Escrow adjustments: (debits or credits)	\$ 0.00
(d) Advancements properly chargeable 1. Deferred Amount	\$ 1,631.31
(e) Credit for credit life rebate or other such required credit	\$ 0.00
(f) Late Charges before being sent to Attorney for collection	\$ 14.23
(g) Costs of collection (service, filing, etc.)	\$ 928.83
(h) Attorney's Fees	\$ 2,500.00

TOTAL DEBT secured by security agreement  
and mortgage, including interest to date shown \$ 58,513.40

Interest for the period from 01/24/2011, as shown above at the stated rate of 8.99% per annum, shall be added to the Principal Balance shown through the date this Judgment is filed. After the date of judgment, interest at the rate of 8.99% per annum on the total judgment debt should be added to such judgment debt to comprise the amount of Plaintiff's

debt secured by the Mortgage.

16. The Plaintiff is seeking the usual foreclosure of the Note and Mortgage and has in its Complaint expressly demanded the right to a personal or deficiency judgment against Ms. Martin pursuant to Rule 71(b) of the South Carolina Rules of Civil Procedure. However, Plaintiff reserves the right to waive the deficiency at the time of the sale.
17. Upon information and said belief, said information being obtained from the records of Anderson County, South Carolina, the Defendants below-named may claim to have some interest in or lien upon the Mortgaged Property, but such interest or lien is junior and subordinate to Plaintiffs mortgage to wit:
  - a. The United States of America by and through its agency the Internal Revenue Service by virtue of that Federal Tax Lien against Corrie A. Martin in the original amount of \$6,164.21, recorded on March 28, 2007, with Serial Number 352481607.
  - b. The South Carolina Department of Revenue by virtue of that state tax lien against Corrie Martin in the original amount of \$402.99, recorded on September 13, 2007, with Tax Lien Number 3-50846668-4.
  - c. Anderson Area Medical Center (n/k/a Anmed Health) by virtue of that Judgment against Corrie Ann Martin in the original amount of \$984.62, recorded on February 16, 2007, with Case 2007-CP-04-0534.

#### CONCLUSIONS OF LAW

I, therefore, conclude as follows:

1. The Plaintiff should have judgment of foreclosure of the Mortgage in amount of the Total Debt due under the Note secured by the Mortgage and the Collateral.
2. The Mortgaged Property and Collateral shall be ordered sold at public auction after due

advertisement and the proceeds of sale applied to the debt due under the Note, and a deficiency judgment pursuant to Rule 71(b) of the South Carolina Rules of Civil Procedure.

The Plaintiff reserves the right to waive the deficiency at the time of the sale.

3. The Plaintiff's lien is a purchase money mortgage lien on the Mortgaged Property and the Plaintiff's lien recorded on the face of the Title is a first lien on the Collateral.
4. The Plaintiff should have possession of the mobile home described herein, and if necessary, the Sheriff of the county in which the Mortgaged Property and Collateral are located shall place the Plaintiff in possession of said mobile home upon service of this Master's Order and Judgment of Foreclosure and Sale, without further notice or hearing.
5. I also conclude that the amount of attorney fees requested by the Plaintiff is reasonable.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

1. There is due to the Plaintiff on the obligation and Mortgage set forth in the complaint the sum of fifty-eight thousand five hundred thirteen and 40/100 (\$58,513.40) Dollars representing the "Total Debt" due Plaintiff as set out in paragraph hereinabove, together with interest at the rate provided therein on the balance of principal from the date aforesaid to the date hereof. The amount due in the preceding paragraph (the "Total Debt" as set forth in paragraph hereinabove, and later accrued interest on the principal) shall constitute the total judgment debt due the Plaintiff and shall bear interest hereafter at the rate of 8.99% per annum.
2. That Plaintiff be allowed permanent possession of the 1997 Omni mobile home, Serial No. 056276A&B with the right to dispose of the Collateral in accordance with §36-9-610, *South Carolina Code of Laws*, 1976 (as amended). If necessary, the Sheriff of the county in which said mobile home is located shall place the Plaintiff in possession of said mobile

home upon service of this Master's Order and Judgment of Foreclosure and Sale, without further notice or hearing.

3. That the Defendant(s) liable for the aforesaid mortgage debt shall on or before the date of sale of the Mortgaged Property and Collateral hereinafter described, pay to the Plaintiff, or Plaintiff's attorney, the amount of Plaintiff's debt as aforesaid, together with the costs and disbursements of this action.
4. That on default of payment, at or before the time herein indicated, the Mortgaged Property and Collateral described in the Complaint, as hereinafter set forth, be sold by the Master in Equity at public auction, at the Anderson County Courthouse, in the City of Anderson, County and State aforesaid, on some convenient sales day hereinafter (and should the regular day of judicial sales fall on a legal holiday), on the following terms, that is to say:
  - (a) FOR CASH: the Master in Equity will require a deposit of five (5%) percent of the amount of the bid (in cash or equivalent), by 5:00 p.m. on the day of the sale and bid or immediately if directed by the Judge, same to be applied on the purchase money only upon compliance with the bid, but in case of non-compliance within twenty (20) days same to be forfeited and applied to the costs of Plaintiff's debt.
  - (b) Interest on the bid shall be paid to the day of compliance at the rate of 8.99% per annum.
  - (c) The sale shall be subject to taxes and assessments, existing easements and easements and restrictions of record, and any other senior encumbrances.
  - (d) Purchaser to pay for deed stamps and cost of recording deed.
5. If Plaintiff be the successful bidder at the said sale, for a sum, not exceeding the amount of costs, disbursements, expenses and indebtedness of Plaintiff in full, Plaintiff may pay to the

*lm*

Master in Equity only the amount of costs, disbursements and expenses crediting the balance of the bid on Plaintiff's indebtedness.

6. If the Plaintiff does not waive a personal or a deficiency judgment at or prior to sale, the sale will remain open for thirty (30) days pursuant to S.C. Code Ann. Section 15-39-720 (1976).

7. That the Master in Equity will by advertisement according to law; give notice of the time, and place of such sale, and the terms thereof, and will execute to the purchaser, or purchasers, a deed to the Mortgaged Property and Collateral sold. The Plaintiff or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the purchaser; or purchasers, should fail to comply with the terms thereof within twenty (20) days after date of sale, then the Master in Equity may advertise the Mortgaged Property and Collateral for sale on the next, or some other subsequent sales day, at the risk of the former highest bidder, and so from time to time thereafter until full compliance shall be secured.

8. That the Master in Equity will apply the proceeds of sale as follows:

FIRST: To the payment of the amount of the costs, disbursements, and expenses of this action.

NEXT: To the payment of the Plaintiff or the Plaintiff's attorney, of the amount of Plaintiff's debt and interest, including attorney fees, or so much thereof as the purchase money will pay on the same; if the proceeds of the sale be insufficient to pay the amounts herein before authorized to be paid out of said proceeds, the parties hereto entitled to such deficiency have monetary judgment against Ms. Martin pursuant to S.C. Code Ann. Sec. 29-3-660 (1976) and such judgment will be entered without further notice of hearing.

NEXT: That any surplus be held pending further Order of the Court.

**IT IS FURTHER ORDERED** that in the event the successful bidder is other than the Defendant(s) in possession herein, the Sheriff of Anderson County is ordered and directed to eject and remove the Defendant(s) from the Mortgaged Property and Collateral sold, together with all personal property located thereon, and put the successful bidder or his assigns in such peaceable possession.

**IT IS FURTHER ORDERED** that each Defendant, including those subordinate lien holders, if any name in Paragraph, hereinabove, and all persons whosoever claiming under him, them or it, be forever barred and foreclosed of all right, title, interest, and equity of redemption, with the exception of the United States of America by and through its agency the Internal Revenue Service, which has exercised its right to a 120 day right of redemption, in the said Mortgaged Property and Collateral so sold, or any part thereof.

**IT IS FURTHER ORDERED** that, pursuant to South Carolina Code Ann. Section 30-9-31 (Supp. 1987), the deed of conveyance made pursuant to this sale shall be indexed in the grantor index by the Register of Mesne Conveyance in the name of the owner of record of Mortgaged Property immediately prior to execution of the deed, as well as in the name of the Master in Equity, who executes such deed as grantor.

1. The undersigned Master in Equity will retain jurisdiction to do all necessary acts incident to this foreclosure including, but not limited to, the issuance of a Supplemental Order to evidence additional debt incurred if the sale of the Mortgaged Property and Collateral is delayed by the filing of a bankruptcy petition, transfer of service of the Note and Mortgage by the Plaintiff or an attempt of the parties to reach a settlement, the issuance of a Supplemental Order to correct a harmless error in the action that does not substantially affect the rights of the parties, the issuance of a Writ of Assistance and disposing of any

surplus funds pursuant to Rule 71(c), South Carolina Rules of Civil Procedure.

2. The following is a description of the Mortgaged Property and Collateral herein ordered to be sold:


ALL that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina, and being shown and designated as Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

TOGETHER WITH A SECURITY INTEREST in that certain 1997, 56 x 24 OMNI mobile home, serial number 056276A&B.

This being the identical property conveyed to Corrie A. Martin by deed from Nu-Land, Inc., dated March 17, 1997 recorded March 18, 1997 in the Office of the Anderson County Register in Book 2574 Page 187.

TMS#: 072-04-01-001 (land) and 400-00-28-148 (mobile home)

**IT IS FURTHER ORDERED** that if the Plaintiff or the Plaintiff's representative does not appear at the scheduled sale of the above-referenced Mortgaged Property and Collateral, then the sale of the Mortgaged Property will be null, void and of no force and effect. In such event, the sale will be rescheduled for the next available sale day.

  
Ellis B. Drew, Jr.

Anderson County Master in Equity

Anderson, South Carolina

1-74, 2011

A TRUE COPY

FEB - 9 2012

27  
CLERK'S OFFICE



NOTICE OF MASTER IN EQUITY SALE  
CASE NO. 2010-CP-04-03548

UB

BY VIRTUE OF A DECREE of the Court of Common Pleas for Anderson County, South Carolina, heretofore issued in the case of Green Tree Servicing LLC, formerly known as Green Tree Financial Servicing Corporation, a Limited Liability Company under the laws of the State of Delaware, against Corrie A. Martin, et al., the Master in Equity for Anderson County, or his agent, will sell on March 8, 2011, at 11:00 am, at Anderson County Courthouse, Anderson, SC, to the highest bidder.

ALL that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina, and being shown and designated as Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

TOGETHER WITH A SECURITY INTEREST in that certain 1997, 56 x 24 OMNI mobile home, serial number 056276A&B.

This being the identical property conveyed to Corrie A. Martin by deed from Nu-Land, Inc., dated March 17, 1997, recorded March 18, 1997, in the Office of the Anderson County Register in Book 2574, Page 187.

TMS Number: 072-04-01-001 (land) and 400-00-28-148 (mobile home)

**TERMS OF SALE:** For cash. The purchaser to pay for papers and recording fees for deed, and that the successful bidder, other than the Plaintiff herein, do, upon the acceptance of his or her bid, deposit with the Master in Equity for Anderson County a certified check or cash in the amount equal to 5% of the amount of the bid, by 5:00 pm on the day of the sale and bid or immediately if directed by the Judge, same to be applied on the purchase money only upon compliance with the bid, but in case of non-compliance within twenty (20) days, the deposit of 5% is to be forfeited and applied to Plaintiff's Judgment debt and the property re-advertised for sale upon the same terms at th risk of the former highest bidder. Purchaser to pay for deed recording fees and deed stamps.

Deficiency judgment being demanded, bidding will not close on sales day, but will remain open for a period of 30 days from the date of the sale. **THE PLAINTIFF RESERVES THE RIGHT TO WAIVE DEFICIENCY UP TO AND INCLUDING THE DATE OF THE SALE.**

The property will be sold subject to any past due or accruing property taxes, assessments, existing easements and restrictions of record and any other senior encumbrances.

This Property will be sold subject to the 120 day right of redemption of the United States of America.

The successful bidder will be required to pay interest on the amount of the bid from the date of sale to date of compliance with the bid at the interest rate of 8.99% per annum.

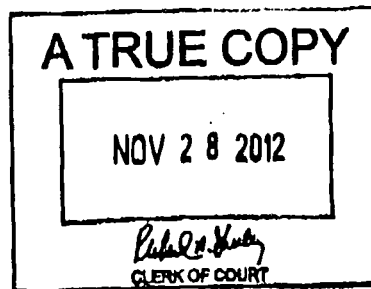
The Plaintiff does not warrant its title search to purchases at foreclosure sale or other third parties, who should have their own title search performed on the subject property.



Ellis B. Drew, Jr.  
Master in Equity for Anderson County

Anderson, South Carolina

1-24-2011  
CRAWFORD & VON KELLER, LLC  
PO Box 4216  
Columbia, SC 29240  
Attorneys for Plaintiff



RECORDED  
2011 NOV 28 3:26  
CLERK OF COURT

22

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF ANDERSON )

GREEN TREE SERVICING, LLC, )  
FORMERLY KNOWN AS GREEN TREE )  
FINANCIAL SERVICING CORPORATION, )  
A LIMITED LIABILITY COMPANY UNDER )  
THE LAWS OF THE STATE OF DELAWARE, )  
 )  
PLAINTIFF, )

VS

2010-CP-04-03548

CORRIE A. MARTIN, THE SOUTH )  
CAROLINA DEPARTMENT OF REVENUE, )  
THE UNITED STATES OF AMERICA BY )  
AND THROUGH ITS AGENCY THE INTERNAL )  
REVENUE SERVICE AND ANDERSON AREA )  
MEDICAL CENTER, INC. N/K/A ANMED )  
HEALTH, )  
 )  
DEFENDANTS. )

ANDERSON, SC  
JANUARY 24, 2011

TRANSCRIPT OF TESTIMONY

BEFORE THE HONORABLE ELLIS B. DREW, JR.  
MASTER IN EQUITY FOR THE TENTH JUDICIAL CIRCUIT

APPEARANCES

FOR PLAINTIFF: SARA C. HUTCHINS, ESQ.  
CRAWFORD & VON KELLER  
PO BOX 4216  
COLUMBIA, SC 29240  
803-790-2626 (T)  
803-790-1277 (F)

FOR DEFENDANTS: NO ONE

COURT REPORTER: KAREN T. SENN  
CIRCUIT COURT REPORTER  
406 DOVE TREE LANE  
ANDERSON, SC 29621  
(864) 226-8170

I N D E X

WITNESSES:

DIRECT   CROSS   REDIRECT   RECROSS

SARA C. HUTCHINS

3

EXHIBITS

FOR PLAINTIFF:

IN EVD.

1. RECORD OF HEARING

4

- A. NOTE
- B. MORTGAGE
- C. MOBILE HOME TITLE
- D. AFFIDAVIT OF ATTORNEY'S FEES  
W/STATEMENT OF FEES & COSTS
- E. AFFIDVIT OF DEBT

FOR DEFENDANTS:

NONE

1 THE COURT: THIS IS CASE 2010-CP-04-03548  
2 ENTITLED GREEN TREE SERVICING, LLC, VERSUS CORRIE A.  
3 MARTIN, SOUTH CAROLINA DEPARTMENT OF REVENUE, THE UNITED  
4 STATES OF AMERICA BY AND THROUGH ITS AGENCY THE INTERNAL  
5 REVENUE SERVICE AND ANDERSON AREA MEDICAL CENTER, INC.,  
6 NOW KNOWN AS ANMED HEALTH.

7 THIS MATTER WAS REFERRED DECEMBER 2, 2010. A  
8 HEARING IS BEING HELD JANUARY 24, 2011, ATTENDED BY SARA  
9 C. HUTCHINS, ATTORNEY FOR THE PLAINTIFF.

10 THE COURT NOTES THAT GEORGE A. CONTIS HAS FILED  
11 AN ANSWER ON BEHALF OF THE UNITED STATES; MILTON J.  
12 KIMPSON ON BEHALF OF THE SOUTH CAROLINA DEPARTMENT OF  
13 REVENUE AND STEVEN C. KIRVEN ON BEHALF OF ANMED HEALTH.

14 ARE YOU EXPECTING ANY OF THESE ATTORNEYS TO  
15 APPEAR, MS. HUTCHINS?

16 MS. HUTCHINS: NO, YOUR HONOR.

17 THE COURT: RAISE YOUR RIGHT HAND AND BE  
18 SWORN, PLEASE.

19 SARA C. HUTCHINS, PLAINTIFF'S WITNESS, SWORN:

20 THE COURT: YOU MAY PROCEED.

21 MS. HUTCHINS: THANK YOU, YOUR HONOR. I'M SARA  
22 HUTCHINS ON BEHALF OF THE PLAINTIFF. CORRIE A. MARTIN IS  
23 IN DEFAULT. THE REMAINING PARTIES HAVE FILED ANSWERS AND  
24 ASKED THAT THEIR INTERESTS BE PROTECTED AFTER THE  
25 FORECLOSURE SALE.

1 THE TOTAL DEBT SECURED BY THE NOTE AND MORTGAGE  
2 IS FIFTY-EIGHT THOUSAND, FIVE HUNDRED AND THIRTEEN  
3 DOLLARS AND FORTY-EIGHT CENTS (\$58,513.48). THIS  
4 INCLUDES TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00) IN  
5 ATTORNEY FEES AND NINE HUNDRED AND TWENTY-EIGHT DOLLARS  
6 AND EIGHTY-THREE CENTS (\$928.83) IN COSTS OF COLLECTION  
7 PRIOR TO THIS HEARING.

8 I HAVE PREPARED A RECORD OF HEARING WITH  
9 SUPPORTING DOCUMENTS ATTACHED AND WOULD ASK THAT IT BE  
10 ADMITTED INTO THE RECORD.

11 THE COURT: ADMITTED.  
12 (PLAINTIFF'S EXHIBIT 1 IN EVIDENCE.)

13 MS. HUTCHINS: WE ARE DEMANDING A DEFICIENCY  
14 AGAINST CORRIE A. MARTIN AND ASKING THAT THE FIRST SALE  
15 BE HELD MARCH 1ST.

16 THE COURT: ALL RIGHT; ANYTHING FURTHER FOR  
17 THE RECORD.

18 MS. HUTCHINS: NO, YOUR HONOR.

19 THE COURT: THAT'S ALL.

20  
21 END OF HEARING.  
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STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON)

I, KAREN T. SENN, CERTIFIED COURT REPORTER FOR  
THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE  
FOREGOING PAGES CONSTITUTE A TRUE, ACCURATE AND COMPLETE  
TRANSCRIPT OF THE HEARING HELD ON JANUARY 24, 2011 BEFORE  
THE HONORABLE ELLIS B. DREW, JR., MASTER IN EQUITY FOR  
THE TENTH JUDICIAL CIRCUIT IN DOCKET 2010-CP-04-03548  
ENTITLED GREEN TREE SERVICING, LLC VERSUS CORRIE A.  
MARTIN, ET AL.

Karen T. Senn

ANDERSON, SOUTH CAROLINA  
MAY 3, 2012

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

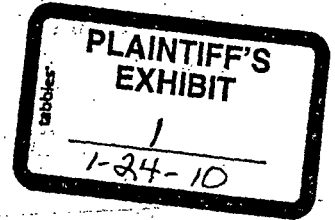
Plaintiff, )

v. )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-04-03548



RECORD OF HEARING  
THE 24TH DAY OF JANUARY, 2011

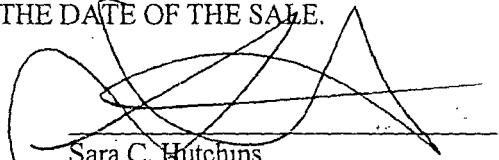
Deficiency Demanded  
(against Corrie A. Martin)

CLERK OF COURT  
GENERAL SESSIONS  
JAN 24 2011 PM 3:26  
CLERK OF COURT'S OFFICE

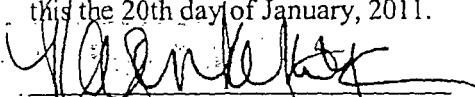
Following a review of the court file, it appears that the Defendants were served and are in default and that the case has been properly referred to the Master in Equity for Anderson County with authority to issue a final judgment. Sara C. Hutchins offered the Notice of Hearing as Plaintiff's Exhibit 1. She then offered the Promissory Note, Mortgage and Certificate of Title as Exhibits 2, 3 and 4, and offered an Affidavit of debt figures and an Affidavit in support of the Plaintiff's request for an award of attorney's fees as Plaintiff's Exhibits 5 and 6.

The Plaintiff, having proved its case for the foreclosure of its mortgage, is entitled to a Judgment of Foreclosure and Sale as prayed for in its Complaint. An attorney's fee of \$2,500.00 was approved, and the Judgment debt was set at \$58,513.40 effective the 24th day of January, 2011. The property is to be advertised for sale on March 8, 2011, at 11:00 am.

Deficiency judgment being demanded, bidding will not close on sales day, but will remain open for a period of 30 days from the date of the sale. THE PLAINTIFF RESERVES THE RIGHT TO WAIVE DEFICIENCY UP TO AND INCLUDING THE DATE OF THE SALE.

  
Sara C. Hutchins  
Crawford & von Keller, LLC  
P.O. Box 4216, Columbia, SC 29240  
(803)790-2626

SWORN to and subscribed before me  
this the 20th day of January, 2011.

  
Notary Public for South Carolina  
My Commission Expires: 04/29/2019

34

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
C/A No. 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

vs. )

**CERTIFICATE OF SERVICE**

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendants )

I, the undersigned, Gwen E. Drescher, an employee of Crawford & von Keller, LLC, attorneys for the Plaintiff do hereby certify that I served a copy of the Order and Judgment of Foreclosure and Sale and Notice of Sale, to the below-listed Defendant(s) this date, by personally depositing copies of same in a United States Postal Service mailbox, postage pre-paid, addressed as follows:

Corrie A. Martin  
112 Canter Lane  
Anderson, SC 29624

The South Carolina Department of Revenue  
Office of General Counsel for Litigation  
Attn: Milton Kimpson  
Post Office Box 12265  
Columbia, SC 29211

George J. Conits, Esq.  
Assistant U.S. Attorney  
105 North Spring Street, Suite 200  
Greenville, SC 29601

Steven C. Kirven, Esq.  
1100 North Main Street  
Anderson, SC 29621  
Attorney for Anmed Health

FILED-CLERK'S OFFICE  
ANDERSON SC  
2011 FEB 17 A 11:38  
COMMON PLEAS AND  
GENERAL SESSIONS

35

*Gwen E. Drescher*  
Gwen E. Drescher

**A TRUE COPY**  
FEB - 9 2012

# 11



STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
Case No. 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

**ORDER OF DEFICIENCY JUDGMENT**  
(Foreclosure Action)

Plaintiff, )

(Plaintiff as Purchaser)

v. )

(against defendant(s) Corrie A. Martin only)

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

FILED - CLERK'S OFFICE  
2011 FEB 12 A 9:51  
GENERAL SESSIONS

Pursuant to the Judgment of the Master-In-Equity Court given in the above case on January 24, 2011, at 11:00 am, the Plaintiff is entitled to have a personal and deficiency judgment against the Defendant(s), Corrie A. Martin with interest accruing at 8.99% per annum from March 31, 2011, as follows:

Amount of judgment of foreclosure entered by the Equity Court: \$58,513.40

Plus: Interest at \$11.91 from 01/24/2011, date in judgment to 03/31/2011: \$ 786.06

Costs incurred through Equity Court Proceedings: \$ 362.91

TOTAL JUDGMENT: \$59,662.37

LESS: Amount of Plaintiff's bid (\$36,291.75)

LESS: Allowable attorney fee not billed to Plaintiff

AMOUNT OF PERSONAL JUDGMENT OF DEFICIENCY ENTERED AGAINST THE ABOVE NAMED DEFENDANT: \$21,620.62  
IT IS SO ORDERED.

36

*Ellis B. Drew, Jr.*  
Ellis B. Drew, Jr.  
Master in Equity for Anderson County

**A TRUE COPY**  
FEB - 9 2012  
*Lila D. Huey*  
CLERK OF COURT

Date: 4-17-2011  
Anderson, South Carolina

F/A

ENTERED  
PCB

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-04-03548

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

v. )

MASTER IN EQUITY'S TAXATION  
OF COSTS

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

RECORDS SECTION  
FEB 12 A 9 51  
CLERK OF COURT'S OFFICE

Ellis B. Drew, Jr. Fee..... \$125.00

Commission..... \$362.91

TOTAL COSTS..... \$487.91

Less Reference Fee..... \$125.00

NET COSTS DUE FROM PLAINTIFF..... \$362.91

Sale Price \$ 36,291.75

A TRUE COPY  
FEB - 9 2012  
*Richard A. Harty*  
CLERK OF COURT

37

#13  
FILED  
JCS

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
Case No. 2010-CP-04-03548

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

v. )

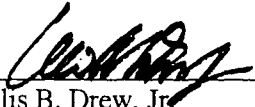
Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendants. )

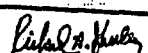
**REPORT ON SALE  
AND DISBURSEMENTS**

FILED-COURT CLERK'S OFFICE  
2011 APR 12 A 9 51 AM  
RECEIVED

1. Pursuant to a prior Order of this Court and after due notice and publication, I sold the property, subject of this action, to Plaintiff for the sum of thirty-six thousand two hundred ninety-one and 75/100(\$36,291.75) Dollars, that amount being the highest bid made on Sales Day.
2. The Plaintiff thereafter paid only the costs as provided in said Order.
3. I have executed and delivered to said Plaintiff a good and sufficient deed.
4. I have received and disbursed the costs and proceeds of sale as set out on the Taxation of Costs.

  
\_\_\_\_\_  
Ellis B. Drew, Jr.  
Anderson County Master in Equity

4-7, 2011.  
Anderson, South Carolina

**A TRUE COPY**  
FEB - 9 2012  


38

14

**CRAWFORD & VON KELLER, LLC**

PRACTICE LIMITED TO COMMERCIAL LITIGATION & CREDITORS RIGHTS WITH  
EMPHASIS ON CONSTRUCTION & ENVIRONMENTAL LAW

**POST OFFICE BOX 4216, COLUMBIA, SOUTH CAROLINA 29240**

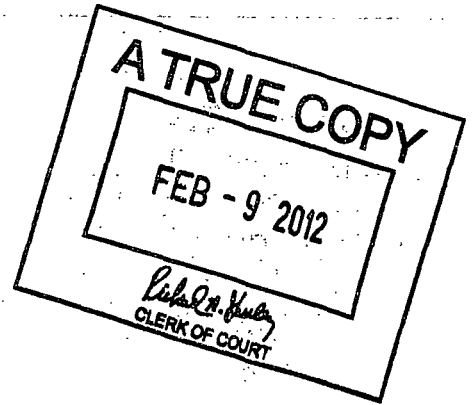
TELEPHONE NUMBER (803) 790-2626

FACSIMILE NUMBER (803) 790-1277

April 18, 2011

The Honorable Richard Shirley  
Anderson County Clerk of Court  
PO Box 8002  
Anderson, SC 29622

RE: Green Tree v. Corrie A. Martin, et al.  
C/A No. 2010-CP-04-03548



Dear Mr. Shirley:

Please find enclosed for filing an original and one copy of a Certificate of Service in the above-referenced matter. Please file the original in your usual manner and return the clocked in copies to our office in the enclosed envelope. Should you need anything further, please do not hesitate to contact our office.

Sincerely,

CRAWFORD & VON KELLER, LLC

B. Lindsay Crawford, III  
Theodore von Keller  
Sara A. Hutchins

/rmk  
Enc.

FILED-CLERK'S OFFICE  
ANDERSON SC  
2011 APR 21 P 12:27  
COMMON PLEAS AND  
GENERAL SESSIONS

29

14  
BKS

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
C/A No. 2010-CP-04-03548

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff,

vs.

**CERTIFICATE OF SERVICE**

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendants

A TRUE COPY  
FEB - 9 2012  
Richard A. Harty  
CLERK OF COURT

I, the undersigned, Ragen Kolwyck, an employee of Crawford & von Keller, LLC, attorneys for the Plaintiff do hereby certify that I served a copy of the Order of Deficiency Judgment, to the below-listed Defendant(s) this date, by personally depositing copies of same in a United States Postal Service mailbox, postage pre-paid, addressed as follows:

Corrie A. Martin  
112 Canter Lane  
Anderson, SC 29624

*Ragen Kolwyck*  
Ragen Kolwyck

Columbia, South Carolina  
April 18, 2011

FILED-CLERK'S OFFICE  
ANDERSON SC  
2011 APR 21 P 12: 27  
SUPERIOR PLEAS AND  
GENERAL SESSIONS

5

*EW* Prepared by:  
CRAWFORD & von KELLER, LLC  
P.O. Box 4216, Columbia, SC 29240

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
C/A NO. 2010-CP-04-03548

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

v. )

**MASTER IN EQUITY'S  
DEED BY FORECLOSURE**  
(to a corporation)

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendants. )

File No. 1323.5874

WHEREAS a foreclosure action involving the above- named parties was decided by Ellis B. Drew, Jr., Master in Equity, by an Order of Reference from the Court of Common Pleas; and

WHEREAS Ellis B. Drew, Jr., Master in Equity, did Order and Decree on January 24, 2011, at 11:00 am, that the property hereinafter described should be sold at public sale by said Master in Equity on the terms and for the purposes stated in the Order and Decree of the said Master in Equity; and

WHEREAS the Master in Equity after public advertisement of the said property as required by law, openly and publicly, at public auction, sold the said property for the highest bid received to Green Tree Servicing LLC, on March 1, 2011, at 11:00 am, for the sum of thirty-six thousand two hundred ninety-one and 75/100 (\$36,291.75) Dollars and bidding remained open for 30 days and closed on March 31, 2011.

NOW, KNOW ALL MEN, That I, the undersigned as Master in Equity for Anderson County, in consideration of the sum of thirty-six thousand two hundred ninety-one and 75/100 (\$36,291.75) Dollars, paid to said Master in Equity, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents, do grant, bargain, sell and release unto said Green Tree Servicing LLC, its successors and assigns:

ALL that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina, and being shown and designated as Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of

41

record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

TOGETHER WITH A SECURITY INTEREST in that certain 1997, 56 x 24 OMNI mobile home, serial number 056276A&B.

This being the identical property conveyed to Corrie A. Martin by deed from Nu-Land, Inc., dated March 17, 1997, recorded March 18, 1997, in the Office of the Anderson County Register in Book 2574, Page 187.

TMS #: 072-04-01-001 (land) and 400-00-28-148 (mobile home)

Together with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anyway incident or appertaining; and all the estate, right, title, claim and interest whatsoever of the parties to the cause aforesaid, and each of them, in and to the same, and any and all other persons rightfully claiming from, under, or by these or any of them.

TO HAVE AND TO HOLD, all and singular, the premises before mentioned unto the said Green Tree Servicing LLC, its successors and assigns forever.

Grantee's Address:  
2000 Center Point Road, Suite 2375  
Columbia, South Carolina 29210

IN WITNESS WHEREOF, I, the said Master in Equity for Anderson County, under and by virtue of the aforesaid Order and Decree, have here unto set my hand and seal, this 7 day of ~~March~~ April, 2011.

Signed, Sealed and Delivered  
in the Presence of:

Harold J. Senn  
Witness

Donna McCallister  
Notary

Ellis B. Drew, Jr.  
Ellis B. Drew, Jr.  
Anderson County Master in Equity

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ANDERSON )

ACKNOWLEDGMENT

I, Donna McClellion, do hereby certify that Ellis B. Drew, Jr. as Master in Equity for Anderson County, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand this 17 day of March, 2011.

*Donna McClellion*

Notary Public for South Carolina  
My Commission Expires: 4-18-16

*Harold J. Senn*

Witness

- |                         |    |                                      |
|-------------------------|----|--------------------------------------|
| Enter in Grantor Index: | 1. | Master in Equity for Anderson County |
| Prior owner of record:  | 2. | Corrie A. Martin                     |

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

Affidavit

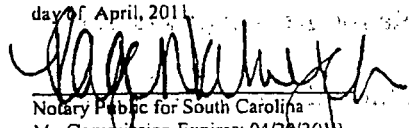
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 112 Canter Lane, Anderson, SC. 29626, hearing Anderson County Tax Map Number 072-04-01-001 (land) and 400-00-28-148 (mobile home) was transferred by the Honorable Ellis B. Drew, Jr., Anderson Master in Equity to Green Tree Servicing LLC on March \_\_\_\_\_, 2011.
3. Check one of the following: The deed is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c)  exempt from the deed recording fee because (see information section of affidavit): **SC Code Section 12-24-40(13) transfer of property subject to mortgage pursuant to foreclosure** (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \_\_\_\_\_
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \_\_\_\_\_
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_
5. Check Yes \_\_\_\_\_ or No \_\_\_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "yes" the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_
6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: \_\_\_\_\_
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here)
  - (c) Subtract line 6(b) from line 6(a) and place result here: \_\_\_\_\_
7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: \_\_\_\_\_
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **Attorney for Grantee**.
9. I understand that a person required to furnish this affidavit who willfully 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.

  
Responsible Person Connected with the Transaction

B. Lindsay Crawford, III/Theodore von Keller/Sara C. Hutchins  
Print or Type Name Here

SWORN to before me this 5th  
day of April, 2011

  
Notary Public for South Carolina  
My Commission Expires: 04/29/2011

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
Case/JR Number: 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

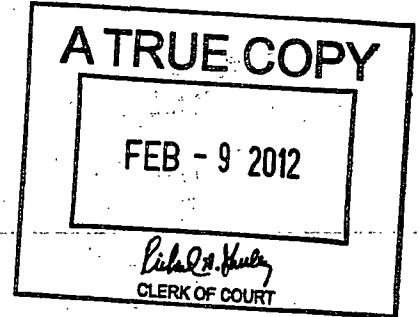
Plaintiff, )

vs. )

MOTION FOR WRIT )  
OF ASSISTANCE )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )



FILED - CLERK'S OFFICE  
ANDERSON SC  
2011 JUN - 21 P 12:02  
COMMON PLEAS AND  
GENERAL SESSIONS

The Plaintiff, through its attorneys, would respectfully show unto the Court:

1. That on or before October 4, 2010, Plaintiff commenced a foreclosure action against Defendant(s), seeking to foreclose a mortgage more fully set forth in the Complaint; thereafter, pursuant to a Judgment of Foreclosure and Sale of this Court, deficiency demanded, filed January 24, 2011, and after due legal notice advertised, published according to law, the property hereafter described was sold to the highest bidder on March 1, 2011, at 11:00 am, by Ellis B. Drew, Jr., as Master in Equity for Anderson County.
2. That the Plaintiff was the highest bidder at said sale for the sum of \$36,291.75, and Ellis B. Drew, Jr., as Master in Equity for Anderson County, thereafter executed a deed to the property hereinafter described, conveying same unto Green Tree Servicing LLC, by Deed recorded April 20, 2011, in Book 1000, at Page 00107, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference.
3. Pursuant to the requirements of the *Protecting Tenants at Foreclosure Act*,

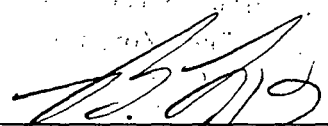
Pub.L.No. 111-22. § 702-703 (2009) (the "Act"), a Notice to Vacate, which included a notice of some of the rights of bona fide tenants, was mailed to the Defendants, Corrie A. Martin, as well as to "Occupants", on , giving them 20 days to vacate the property or notify this office if they were protected by the Act, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference.

4. The Plaintiff, through its attorneys, is informed and believes that the subject property is currently occupied by the Defendant and/or other persons who have refused, and continue to refuse, to vacate the premises.

5. The Judgment of Foreclosure and Sale referenced above orders the Sheriff of Anderson County to eject and remove from the said premises the occupants of the property, together with all personal property located therein, and to put the successful bidder or his assigns in full, quiet and peaceable possession of the premises.

6. That the real property which is the subject of this Petition and was the subject of the aforementioned foreclosure action is **commonly known as 112 Canter Lane, Anderson, SC 29626, TMS# 072-04-01-001 (land) and 400-00-28-148 (mobile home) including that certain 1997 Omni mobile home, serial no. 056276A&B.**

**WHEREFORE**, the Plaintiff prays that this Court issue its Order Granting Writ of Assistance and ordering the Sheriff of Anderson County to remove any occupants and all personal property located therein from the premises described herein, either peaceably or forcibly.



B. Lindsay Crawford, III  
Theodore von Keller  
Sara C. Hutchins  
CRAWFORD & VON KELLER, LLC  
Attorneys for Plaintiff

5/10, 2011  
Columbia, South Carolina

46

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS )  
Case/JR Number: 2010-CP-04-03548 )

Green Tree Servicing LLC, )  
formerly known as Green Tree )  
Financial Servicing Corporation, a )  
Limited Liability Company under )  
the laws of the State of Delaware, )

Plaintiff, )

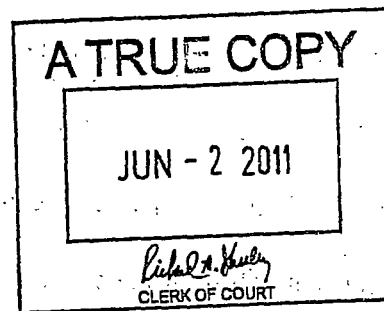
vs. )

WRIT OF ASSISTANCE )

Corrie A. Martin, the South )  
Carolina Department of Revenue, )  
the United States of America by )  
and through its agency the Internal )  
Revenue Service and Anderson )  
Area Medical Center, Inc., n/k/a )  
Anmed Health, )

Defendant(s). )

17  
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**THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND OTHERS (Including their possessions) WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.**

This matter came before me regarding the above named Defendants, Corrie A. Martin, or any occupant of the property located at 112 Canter Lane, Anderson, SC 29626; TMS # 072-04-01-001 (land) and 400-00-28-148 (mobile home), including that certain 1997 Omni mobile home VIN 056276A&B, to issue a Writ of Assistance by this Court to the Sheriff of Anderson County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendants Corrie A. Martin, together with any and all persons claiming under said defendants; and all of their personal property located within or on the subject premises described herein.

It appears that the subject premises were sold by judicial sale on March 1, 2011, at 11:00 am, with bidding closed on March 31, 2011. As a result of said sale, the Movant became the owner of the subject property by virtue of a Master's Deed filed on in Book 10000, at Page 00107 in the office of the Register of Deeds for Anderson County. Therefore, Movant is entitled to possession of the subject premises.

NOW, THEREFORE,

UPON MOTION OF B. Lindsay Crawford, III, Crawford & von Keller, LLC, attorneys for the Movant,

IT IS HEREBY ORDERED that the Movant is entitled to recover possession of the below described property.

All that certain piece, parcel or lot of land situate, lying and being in the County of Anderson,

State of South Carolina, and being shown and designated at Lot #35, containing 0.75 acres, more or less, on that certain plat prepared by Nu-South Surveying, Inc. Earl B. O'Brien, S.C. R.L.S. #10755, under date of September 16, 1995, said plat being duly of record in the Office of the Clerk of Court for Anderson County, South Carolina, in Plat Slide 746 at Page 5. As shown on said plat, Lot #35, herein described, is bounded on the North by lands of Nu-Land, Inc. (Plat Slide 462 at Page 3); on the East/Southeast by Lot #36; and on the South/Southwest by the right of way for Canter Lane, whereon the subject property fronts. The metes, bounds, courses, and distances as are shown on said plat are incorporated herein by reference and made a part of this description hereof.

This being the identical property conveyed to Corrie A. Martin by deed from Nu-Land, Inc., dated March 17, 1997 recorded March 18, 1997 in the Office of the Anderson County Register in Book 2574 Page 187.

Commonly known as 112 Canter Lane, Anderson, SC 29626

TMS# 072-04-01-001 (land) and 400-00-28-148 (mobile home)

Including that certain 1997 Omni mobile home, VIN 056276A&B

IT IS FURTHER ORDERED that, upon service of a copy of this Order, the Sheriff of Anderson County, South Carolina or his authorized deputies be, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the occupant(s) of the referenced property.

IT IS FURTHER ORDERED that not less than twenty-one (21) days subsequent to said posting or service, the Sheriff shall be authorized to enter upon the aforescribed premises; by force if necessary, and seize the said premises and to remove therefrom any and all such person who may be occupying the same, together with all of their possessions, and to put the Plaintiff in full, peaceful and quiet possession of the premises without delay, thereafter, within ten (10) days, make due Return to the Clerk of Court for Anderson County, South Carolina, showing how this Order has been executed.

IT IS FURTHER ORDERED that the Sheriff shall have discretion to extend the date of seizure, but not more than thirty (30) days from date of said service or posting, absent a further Order.

IT IS FURTHER ORDERED that, if the Defendant(s) and/or occupant(s) of the property challenge Plaintiff's right to possession, said Defendant(s) and/or occupant(s), upon filing a Motion to Stay Writ of Ejectment, shall be entitled to an expedited hearing, which may be scheduled with the Court by calling (864)260-4052, but only after filing the motion with the Clerk of Court.

IT IS SO ORDERED.



ELLIS B. DREW, JR.  
MASTER IN EQUITY FOR THE TENTH  
JUDICIAL CIRCUIT

Anderson, South Carolina

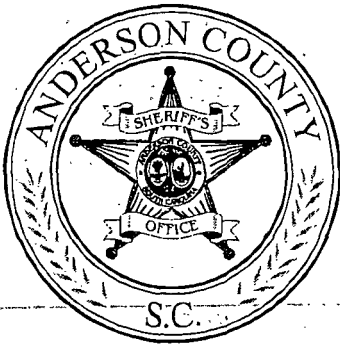
MAY 27, 2011

A TRUE COPY

JUN - 2 2011

P. B. O'Brien

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## Office of the Sheriff Special Operations

Anderson County SC

April 6, 2012

Dear Ms. Martin,

You have inquired of our office of the date and time that you were served with the Writ of Assistance concerning the property at 112 Canter Lane Anderson, SC. Our office received the Writ of Assistance on June 10, 2011 and it was posted to the door of the residence on June 13, 2011 at 11:15 a.m. South Carolina law does not require that a Writ of Assistance be served personally. Our office also received a supplemental order on March 30, 2012 to be served to you that stated that you have 30 days to vacate said property and that order was served to you personally on March 30, 2012 at 2:40 p.m.

Sincerely,  
Special Services Division

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MOTION FEE PAID

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LB

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO: 2010-CP-04-03548

Green Tree Servicing, LLC,  
formerly known as Green Tree  
Financial Servicing Corporation, a  
Limited Liability Company under  
The laws of the State of Delaware,

Plaintiff,

vs.

Corrie A. Martin, the South Carolina  
Department of Revenue, the United  
States of America by and through its  
agency the Internal Revenue Service )  
and Anderson Area Medical Center, )  
Inc., n/k/a Anmed Health, )

Defendants.

A TRUE COPY  
FEB - 9 - 2012  
Richard A. Huley  
CLERK OF COURT

NOTICE OF MOTION AND MOTION  
FOR RELIEF FROM JUDGMENT  
PURSUANT TO RULE 60(b), SCRPC

FILED-CLERK'S OFFICE  
ANDERSON SC  
2012 JAN - 6 P 2:18  
COMMON PLEAS AND  
GENERAL SESSIONS

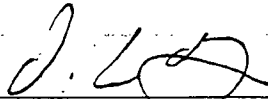
TO: B. LINDSEY CRAWFORD, III, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the  
Defendant, **CORRIE A. MARTIN**, will move at a time and place scheduled by the Court for an  
Order for relief from judgment pursuant to Rule 60(b), SCRPC.

A hearing in this matter is set before the Honorable Ellis B. Drew on the 23 day  
of January 2012, at 2:5 a.m./p.m. at the Anderson County Courthouse,  
100 South Main Street, Anderson, SC 29624.

This motion may be accompanied by a memorandum of law and affidavits which will be  
submitted to the Court and served on the other parties in advance of the hearing as required by  
the South Carolina Rules of Civil Procedure.

50



D. Andrew Gaines  
againes@ghmslaw.com  
SC Bar ID: 75436

Glenn, Haigler, McClain, Stathakis & Gaines, LLP

121 W. Benson Street

Anderson, SC 29624

(864) 226-1885

(864) 226-0561(fax)

January 6, 2012

Anderson, South Carolina

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF ANDERSON )

GREEN TREE SERVICING, LLC, )  
FORMERLY KNOWN AS GREEN TREE )  
FINANCIAL SERVICING CORPORATION, )  
A LIMITED LIABILITY COMPANY UNDER )  
THE LAWS OF THE STATE OF DELAWARE, )

PLAINTIFF, )

VS )

2010-CP-04-03548 )

CORRIE A. MARTIN, THE SOUTH )  
CAROLINA DEPARTMENT OF REVENUE, )  
THE UNITED STATES OF AMERICA BY )  
AND THROUGH ITS AGENCY THE INTERNAL )  
REVENUE SERVICE AND ANDERSON AREA )  
MEDICAL CENTER, INC., N/K/A ANMED )  
HEALTH, )

DEFENDANTS. )

ANDERSON, SC )  
JANUARY 23, 2012 )

TRANSCRIPT OF TESTIMONY

BEFORE THE HONORABLE ELLIS B. DREW, JR.  
MASTER IN EQUITY FOR THE TENTH JUDICIAL CIRCUIT

APPEARANCES

FOR PLAINTIFF:

THEODORE VON KELLER, ESQ.  
CRAWFORD AND VON KELLER  
PO BOX 4216  
COLUMBIA, SC 29240  
803-790-2626 (T)  
803-790-1277 (F)

FOR DEFENDANT CORRIE  
A. MARTIN:

D. ANDREW GAINES, ESQ.  
GLENN, HAIGLER, MCCLAIN,  
STATHAKIS & GAINES, LLP  
121 W. BENSON STREET  
ANDERSON, SC 29624  
864-226-1885 (T)  
864-226-0561 (F)

COURT REPORTER:

KAREN T. SENN  
CIRCUIT COURT REPORTER  
406 DOVE TREE LANE  
ANDERSON, SC 29621  
(864) 226-8170

I N D E X

WITNESSES:

DIRECT

CROSS

REDIRECT

RECROSS

NONE

EXHIBITS

FOR PLAINTIFF:

IN EVD.

NONE

FOR DEFENDANTS:

NONE

1 THE COURT: THIS IS CASE 2010-CP-04-3548  
2 ENTITLED GREEN TREE SERVICING VERSUS CORRIE A. MARTIN,  
3 SOUTH CAROLINA DEPARTMENT OF REVENUE, INTERNAL REVENUE  
4 SERVICE AND ANMED HEALTH OR ANDERSON AREA MEDICAL CENTER.

5 THERE ARE TWO MATTERS BEFORE THE COURT. A  
6 HEARING IS BEING HELD JANUARY 23, 2012 ATTENDED BY  
7 THEODORE VON KELLER ON BEHALF OF THE PLAINTIFF AND ANDREW  
8 GAINES WHO IS HERE ON BEHALF OF MS. MARTIN.

9 MR. GAINES: YES, YOUR HONOR.

10 THE COURT: THERE ARE TWO MATTERS BEFORE THE  
11 COURT. MR. GAINES FILED A MOTION FOR RELIEF FROM  
12 JUDGMENT. THERE IS ALSO A WRIT OF ASSISTANCE THAT HAS  
13 BEEN ISSUED BY THE COURT.

14 ALL RIGHT, I'LL FIRST HEAR YOUR MOTION, MR.  
15 GAINES.

16 MR. GAINES: YOUR HONOR, AS TO OUR MOTION FOR  
17 RELIEF FROM JUDGMENT, WE BELIEVE THAT WE ARE ENTITLED TO  
18 HAVE THE JUDGMENT REVERSED BECAUSE THE ORDER THAT WAS  
19 ENTERED DID NOT TAKE INTO ACCOUNT THE FACT THAT MS.  
20 MARTIN WAS MAKING PAYMENTS THE ENTIRE TIME AND GREEN TREE  
21 WAS ACCEPTING THOSE PAYMENTS THE ENTIRE TIME THE  
22 FORECLOSURE WAS GOING ON.

23 THE ORIGINAL COMPLAINT THAT WAS FILED IN THIS  
24 ACTION STATES THAT SHE WAS DELINQUENT AS OF JULY OF 2010.  
25 I HAVE HER BANKING RECORDS RIGHT HERE THAT SHOW ALL THE

1 PAYMENTS FOR 2010, INCLUDING THAT SHE WAS LATE FOR JULY,  
2 2010, BUT SHE MADE EVERY PAYMENT DURING THE YEAR 2010 AND  
3 SHE'S MADE EVERY PAYMENT SINCE THAT TIME. SHE'S BEEN  
4 MAKING THEM IN 2011 AND GREEN TREE HAS BEEN ACCEPTING THE  
5 PAYMENTS THE ENTIRE TIME.

6 THERE WAS SOME CONFUSION, AS WE UNDERSTAND IT.  
7 THERE WAS A FORECLOSURE THAT WAS FILED PREVIOUSLY BY  
8 GREEN TREE AGAINST MS. MARTIN IN 2008. AT THE COURT'S  
9 DIRECTION THE PARTIES WERE ABLE TO COME TO AN AGREEMENT  
10 AS TO A PAYOFF AMOUNT WHICH MS. MARTIN PAID IN A LUMP  
11 SUM. IT WAS HER UNDERSTANDING THAT ONCE SHE PAID THAT  
12 AMOUNT THAT HER LOAN WAS PUT BACK IN PLACE AND SHE  
13 CONTINUED THEREAFTER MAKING HER PAYMENTS IN THE AMOUNT OF  
14 FOUR HUNDRED AND FORTY DOLLARS AND FIFTEEN CENTS  
15 (\$440.15) WHICH THE BANKING RECORDS SHOW THAT AS  
16 CONSISTENT THROUGHOUT.  
17 GREEN TREE, HOWEVER, STARTED TACKING ON AN  
18 ADDITIONAL AMOUNT ONTO HER PAYMENTS THAT I CAN ONLY  
19 ASSUME IS BASED ON SOME TYPE OF ATTORNEY'S FEES THEY WERE  
20 ADDING ON. I CAN'T SPEAK FOR THEM IN THAT MATTER. MS.  
21 MARTIN CONTINUED TO MAKE THE PAYMENTS AND THEY CONTINUED  
22 TO ACCEPT THEM.  
23 AT THIS POINT WHAT HAS OCCURRED IS MS. MARTIN  
24 IS BASICALLY NOT ABLE TO LIVE IN HER HOUSE BECAUSE HER  
25 HEAT HAS GONE OUT. THE DEED IS NO LONGER IN HER NAME

1 BECAUSE IT'S IN GREEN TREE'S NAME AND WE BELIEVE THAT THE  
2 ENTIRE FORECLOSURE SHOULD HAVE BEEN REVERSED TO BEGIN  
3 WITH AND THAT THEY FILED IT -- THEY HAD NO RIGHT TO FILE  
4 IT TO BEGIN WITH BECAUSE SHE WASN'T DELINQUENT.

5 IF I MAY OFFER THESE BANKING RECORDS AND I HAVE  
6 COPIES THAT MIGHT BE HELPFUL TO YOUR HONOR. IF I MAY  
7 APPROACH?

8 THE COURT: YES, SIR.

9 MR. GAINES: WOULD YOU LIKE TO HEAR FROM MS.  
10 MARTIN, YOUR HONOR?

11 THE COURT: NO.

12 MR. GAINES: WE ALSO HAVE AN ISSUE WITH  
13 REGARDS TO YOUR ORDER FROM THE PREVIOUS FORECLOSURE  
14 INCLUDING ATTORNEY'S FEES.

15 THE FORECLOSURE THAT WE ARE HERE ABOUT RIGHT  
16 NOW FROM 2010 HAS ALSO INCLUDED ATTORNEY'S FEES AND TO  
17 THE EXTENT THAT WE COULD GET THE PROPERTY PUT BACK IN HER  
18 NAME AND WE ARE ABLE TO GO BACK UNDER THIS ORDER WE DON'T  
19 BELIEVE WE WOULD BE RESPONSIBLE FOR ANY ATTORNEY'S FEES  
20 ON GREEN TREE'S BEHALF AND WE ACTUALLY WOULD REQUEST  
21 DAMAGES IN THAT SHE HAS LOST THE USE OF HER HOME AND HAS  
22 BEEN UNABLE TO LIVE IN IT FOR THE LAST -- SHE HAS BEEN  
23 UNABLE TO LIVE IN HER HOUSE FOR ABOUT NINETY (90) DAYS.

24 MR. VON KELLER: YOUR HONOR, TO BE CLEAR ON THE  
25 RECORD, IT IS NOT HER HOUSE. YOUR HONOR SOLD THIS HOUSE

1 MARCH 1 OF 2011, THE DEED WAS PLACED IN MY CLIENT'S NAME  
2 ON APRIL THE 7TH OF 2011. THAT IS WHY WE ARE BEFORE YOU  
3 HERE TODAY ON A WRIT OF EVICTION.

4 LET ME JUST RESPOND TO A COUPLE OF THINGS  
5 COUNSEL HAS SAID.

6 HE INDICATED THAT MS. MARTIN TAKES THE POSITION  
7 THAT SHE HAS MADE EVERY PAYMENT. THAT IS INCORRECT. IN  
8 THE 2009 FORECLOSURE THAT WAS FINALIZED ON MARCH 31 OF  
9 2009, JEFF SILVER WAS THE ATTORNEY REPRESENTING MY CLIENT  
10 IN THAT MATTER.

11 AFTER THAT MATTER NEGOTIATIONS WERE MADE TO  
12 REINSTATE THE LOAN. IT IS THE PRACTICE OF GREEN TREE TO  
13 REQUIRE FULL REINSTATEMENT OF ALL FEES AND COSTS.

14 THE PROBLEM HERE, YOUR HONOR, IS THAT MS.  
15 MARTIN CONTENDS THAT SHE HAD NO REQUIREMENT TO PAY THE  
16 THREE THOUSAND DOLLARS (\$3,000.00) IN THE ORDER. I HAVE  
17 A COPY OF THE ORDER HERE. IN THE 2009 FORECLOSURE WHICH  
18 WAS 2008-CP-04-4162 WHERE YOUR HONOR FOUND THAT MY CLIENT  
19 WAS ENTITLED TO THREE THOUSAND DOLLARS (\$3,000.00) IN  
20 ATTORNEY'S FEES. THAT HAS DEVELOPED THE PROBLEM.

21 WHEN MS. MARTIN AGAIN WAS SENDING IN HER  
22 PAYMENT SHE INCLUDED NOTHING FOR THE REIMBURSEMENT OF  
23 THOSE ATTORNEY FEES. SHE CONTENDS, DESPITE THE FACT THAT  
24 THERE IS A FILED ORDER THAT REQUIRED HER TO PAY THAT AND  
25 MY CLIENT -- IF SHE HAS PAID THAT IN PREVIOUS

1 FORECLOSURES, SHE CONTENDS THAT SHE DIDN'T HAVE TO PAY  
2 THAT. SO WHEN SHE SENT IN THE FOUR HUNDRED AND FORTY  
3 DOLLARS (\$440.00), OBVIOUSLY THERE WERE TWO SUMS THAT  
4 WERE BEING REQUIRED OR TECHNICALLY THERE WERE THREE.  
5 THERE WAS THE PRINCIPAL AND INTEREST PAYMENT, THERE WAS  
6 THE ATTORNEY'S FEES REIMBURSEMENT AND THEN THERE WERE  
7 TAXES AND INSURANCE. HER RECORDS, WHICH I WAS JUST  
8 GLANCING OVER, ONLY SHOW FOUR HUNDRED AND FORTY DOLLARS  
9 AND FIFTEEN CENTS (\$440.15). I ALSO NOTICE THAT I DON'T  
10 HAVE ANY STATEMENTS FOR FEBRUARY, MARCH, APRIL. I WAS  
11 JUST LOOKING THROUGH THIS VERY QUICKLY AS THIS IS THE  
12 FIRST TIME I'VE SEEN IT -- FEBRUARY, MARCH, APRIL AND MAY  
13 OF 2010. SO WE HAVE NOTHING BEFORE US ON THAT.  
14 YOUR HONOR, THE POINT IS, THE ATTORNEY'S FEES  
15 WERE PRORATED IN THE AMOUNT OF THREE HUNDRED DOLLARS  
16 (\$300.00) AND THE MORTGAGE PAYMENT OF PRINCIPAL AND  
17 INTEREST WAS FOUR FORTY (\$440.00) AND SHE'S ONLY SENDING  
18 IN FOUR FORTY (\$440.00) IF WE ARE APPLYING IT TO  
19 ATTORNEY'S FEES THERE'S NOT ENOUGH TO PAY THE MONTHLY  
20 PAYMENT SO WE SIMPLY --- SHE STARTED TO RUN EACH MONTH A  
21 LITTLE MORE AND A LITTLE MORE BEHIND. THAT'S THE  
22 SITUATION THAT WE'RE DEALING WITH AND I THINK MS. MARTIN  
23 WILL STIPULATE THAT SHE HAS NOT PAID THOSE ATTORNEY'S  
24 FEES. THE ONLY THING YOU HAVE IN FRONT OF YOU, YOUR  
25 HONOR, IS THE ORDER OF 2008 WHICH REQUIRED HER TO PAY

1 THAT. THAT IS AN ORDER OF THIS COURT THAT'S NOT BEEN  
2 APPEALED FROM AND IS BINDING ON THE PARTIES.

3 MY CLIENT, MS. SHANNON TUCKER, THE REGIONAL  
4 MANAGER OF GREEN TREE IS HERE. WE ARE PREPARED TO OFFER  
5 TESTIMONY HERE YOUR HONOR THAT WE HAVE NOT RECEIVED  
6 PAYMENTS ON THIS MATTER SINCE MAY OF 2010.

7 WE ARE ALSO HOLDING FOUR PAYMENTS IN ESCROW AND  
8 WE HAVE SET UP A BLOCK ON THE ACCOUNT SO THAT SHE CAN'T  
9 SEND IN HER PAYMENTS AND WE ARE UNAWARE OF IT ANYMORE.  
10 THAT TOOK SOME DOING FOR US TO DO BECAUSE THESE PAYMENTS  
11 ARE MADE TO A LOCK BOX BUT I MAKE A PROFFER TO YOU, YOUR  
12 HONOR, THAT SHE IS PAST DUE FOR MAY THROUGH JANUARY --  
13 MAY OF 2010 THROUGH JANUARY OF 2011. THERE IS NO  
14 EVIDENCE TO THE CONTRARY THAT SHE HAS NOT PAID THE  
15 FORECLOSURE ATTORNEY'S FEES AS STIPULATED IN YOUR ORDER  
16 OF 2009 OR THE ONES THAT WE ARE HERE BEFORE YOU TODAY IN  
17 2010. NOR HAS SHE PAID THE TAXES. THAT ACCOUNT IS STILL  
18 SIGNIFICANTLY PAST DUE.

19 WE ARE ENTITLED TO STAND ON THIS ORDER, YOUR  
20 HONOR, AND WE ARE ENTITLED TO A WRIT OF EJECTMENT.

21 THE COURT: THANK YOU. YOU ARE HOLDING FOUR  
22 MONTHS PAYMENTS IN ESCROW?

23 MR. VON KELLER: WE ARE, YOUR HONOR. FOUR  
24 HUNDRED AND FORTY DOLLARS AND FIFTEEN CENTS (\$440.15) OR  
25 SO, YOUR HONOR, EACH.

60

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF ANDERSON)

3

4 I, KAREN T. SENN, CERTIFIED COURT REPORTER FOR

5 THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE

6 FOREGOING PAGES CONSTITUTE A TRUE, ACCURATE AND COMPLETE

7 TRANSCRIPT OF THE HEARING HELD BEFORE THE HONORABLE ELLIS

8 B. DREW, JR., MASTER IN EQUITY FOR THE TENTH JUDICIAL

9 CIRCUIT ON JANUARY 23, 2010 IN DOCKET NUMBER 2010-CP-04-

10 03548 ENTITLED GREEN TREE SERVICING, LLC VERSUS CORRIE A.

11 MARTIN, ET AL.

12

Karen T. Senn

13

14

15

16 ANDERSON, SOUTH CAROLINA

17 MAY 3, 2012

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2)  
RCB

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )

IN THE COURT OF COMMON PLEAS

Green Tree Servicing, LLC, formerly )  
known as Green Tree Financial )  
Servicing Corporation, a Limited )  
Liability Company under the laws of )  
the State of Delaware, )

C/A NO.: 2010-CP-04-03548

Plaintiff, )

SUPPLEMENTAL ORDER

vs. )

Corrie A. Martin; the South Carolina )  
Department of Revenue, the United )  
States of America by and through its )  
agency the Internal Revenue Service )  
and Anderson Area Medical Center, Inc. )  
n/k/a Anmed Health, )

Defendant. )

A TRUE COPY  
MAR 29 2012  
Richard H. Huley  
CLERK OF COURT

COMMON PLEAS AND  
GENERAL SESSIONS

2012 MAR 13 A 8:19

FILED-CLERK'S OFFICE  
ANDERSON SC

This matter came before me on January 23, 2012, pursuant to Defendant Corrie A. Martin's Motion for Relief from Judgment Pursuant to Rule 60(b), SCRCF. Present were Theodore von Keller, Esquire, representing the Plaintiff, Shannon Tucker, the Regional Manager of the Plaintiff, D. Andrew Gaines, representing the Defendant Corrie A. Martin and the Defendant Corrie A. Martin.

This an action to foreclose a mortgage given to the Plaintiff by Corrie A. Martin. The Summons and Complaint for foreclosure was filed on October 4, 2010, and the Defendants were personally served thereafter. No answer or notice of appearance was filed by the Defendant Corrie A. Martin. On December 2, 2010, an Order of Reference and Affidavit of Default were filed with the Court. Subsequently, a hearing was scheduled and the Plaintiff forwarded a Notice of Hearing to the Defendants on December 17, 2010. The Notice of Hearing and Certificate of Service were filed with the Court. On January 24, 2011, the foreclosure hearing was held, the Defendant Corrie A. Martin was provided with notice same and this Court granted a judgment to the Plaintiff, ordered foreclosure and

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scheduled the foreclosure sale for March 1, 2011. Plaintiff demanded a deficiency with the final sale on March 31, 2011. The Plaintiff was the successful bidder at the sale and a Master in Equity's Deed by Foreclosure was recorded in the Office of the Anderson County Register of Deeds on April 20, 2011, in Book 10000 at Page 107. Subsequently, due to the subject property still being occupied, a Writ of Assistance was issued by this Court on June 2, 2011. The Anderson County Sheriff's Office served the Writ of Assistance on June 13, 2011. On or about June 27, 2011, the Plaintiff's attorney received a letter from Robert P. Lusk, Esquire, that there were outstanding issues that needed to be addressed and the Plaintiff cancelled the lock-out that had been scheduled with the Anderson County Sheriff's Office.

On or about January 6, 2012, the Defendant, by and through her present counsel, Andrew Gaines, filed a Motion for Relief from Judgment. After review of the file and arguments of counsel, Defendant's Motion is denied and the Court makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Court finds that, after foreclosure hearing and sale, title to the subject property was conveyed to the Plaintiff on April 20, 2011, thus terminating Defendant's interest in the subject property. Further, Rule 60(b), SCRPC, requires a movant to not only establish numerous elements to obtain relief from a judgment, but also to move within a reasonable time. This Court finds as a matter of fact that the Defendant has failed to make this motion within a reasonable time as the hearing in this matter, of which the Defendant was provided notice, was on January 24, 2011. The Defendant waited almost a year to file this motion. Defendant offered no explanation for this delay.

Accordingly,

67

LCB

**IT IS ORDERED** that based on the above Findings of Fact and Conclusions of Law, the Defendant Corrie A. Martin's Motion for Relief from Judgment Pursuant to Rule 60(b), SCRCPC, is denied.

**IT IS FURTHER ORDERED** that the Defendant Corrie A. Martin has thirty (30) days from the date of this Order to vacate the property, after which time the Movant is entitled to possession of the subject property. If the subject property has not been vacated in the time allowed by this Order, this Court will issue the Plaintiff a Writ of Assistance without the necessity of another hearing.

**IT IS FURTHER ORDERED** that this Order shall supplement the Master in Equity's Order and Judgment of Foreclosure and Sale filed January 24, 2011.

**AND IT IS SO ORDERED.**



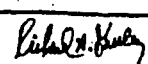
Ellis B. Drew, Jr.  
Anderson County Master in Equity

Anderson, South Carolina

3-8-, 2012.

68



**A TRUE COPY**  
MAR 29 2012  
  
CLERK OF COURT

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No.: 2010-CP-04-03548

Green Tree Servicing, LLC, etc .....Respondent,

Corrie A. Martin.....Appellant.

I, hereby certify that I served the Record On Appeal upon the Respondent Green Tree Servicing, LLC, etc on January 7, 2013 by placing the same in an envelope deposited in the United States Postal Service, with proper postage addressed to:

B. Lindsay Crawford, III, Esquire  
Theodore Von Keller, Esquire  
Sara C. Hutchins, Esquire  
Crawford & Von Keller, LLC  
Post Office Box 4216  
Columbia, South Carolina 29240  
Attorneys for the Respondent

*Corrie A. Martin*

Corrie A. Martin  
Post Office Box 14042  
Anderson, SC 29624  
Tel # 864-716-9926

**RECEIVED**

JAN 08 2013

**SC Court of Appeals**



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ANDERSON )  
 )  
CORRIE A. MARTIN, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GREEN TREE SERVICING, LLC, as )  
Successor in Interest to Green Tree )  
Financial Serving Corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )

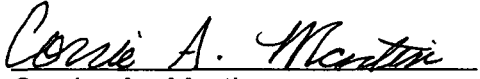
IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

C.A. # 2012-CP-04-01576

CERTIFICATE OF APPELLANT

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 29, 2012

  
Corrie A. Martin  
Post Office Box 14042  
Anderson, SC 29624  
Telephone # 864-716-9926  
Appellant

**RECEIVED**  
MAR 04 2013  
Clerk of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity

Case No.: 2010-CP-04-03548

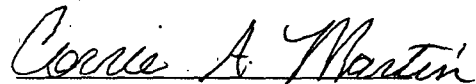
Green Tree Servicing, LLC, etc .....Respondent,

Corrie A. Martin.....Appellant

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2012 I served Theodore von Keller, Esquire, Attorney for the Respondent, with a copy of the Record on Appeal by placing a copy thereof in an envelope which I deposited in the United States Mail on November 30, 2012, with proper postage attached thereto, addressed to

Theodore von Keller  
Crawford & von Keller, LLC  
Post Office Box 4216  
Columbia, SC 29240



Corrie A. Martin  
Appellant

Post Office Box 14042  
Anderson, SC 29624  
864-716-9926

November 30, 2012

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**SC Court of Appeals**