

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.: 2012-CP-04-01526

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SC Court of Appeals

Green-Tree Servicing, LLC, etc Respondent,

Corrie A. Martin Appellant.

REPLY BRIEF OF APPELLANT

Corrie A. Martin
Post Office Box 14042
Anderson, SC 29624
Appellant

B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for the Respondent

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APPELLANT DISAGREES WITH RESPONDENT'S STATEMENT OF THE CASE

Respondent states on page 2 of the Respondent's Brief that "***the issues before this Court are whether an Order denying the Motion for Relief from Judgment as untimely should be affirmed where the following facts were undisputed:"

1. Appellant was not personally served with the Summons and Complaint seeking foreclosure on October 7, 2010. Appellant did not answer or otherwise plead to the Summons and Complaint because she was unaware that the Summons and Complaint existed because they were never served upon her. She became aware of the foreclosure when the Sheriff of Anderson County placed a Writ of Assistance upon her door during June 2011.

2. Appellant did not personally attend the foreclosure hearing on January 23, 2011 and knew nothing about the foreclosure hearing held on January 23, 2011. The Order of the Master stating that she was in attendance is false.

3. Appellant was not served with the Order of Foreclosure and Sale on February 15, 2011. Respondent made an alleged service by mail, but mailed the Order of Foreclosure and Sale to an incorrect address.

4. Appellant was not served with the Notice of Sale on February 15, 2011. Respondent made an alleged service by mail, but mailed the Notice of Sale to an incorrect address.

5. The Sheriff of Anderson County left a Writ of Assistance on June 13, 2011 on the door of the Appellant's residence. This was the first information that Appellant had of the foreclosure action.

STATEMENT OF FACTS

Respondent's Statement of Facts recites that on October 7, 2010 the Amended Lis Pendens and Summons and Complaint were personally served upon Appellant (Affidavit of Service).(Respondent's Brief, page 3, Lines 20,21.) The Affidavit of Service is false. The Lis Pendens, Summons and Complaint were not served upon Appellant.

Respondent's Statement of Facts recites that Respondent forwarded a Notice of Hearing to the Defendants on December 17, 2010. (Respondent's Brief, page 4, Line 5)They may have forwarded a Certificate of Service of Notice of Hearing, but Respondent sent the Notice of Hearing to an incorrect address as will appear by

reference to the Certificate of Service of Notice of Hearing included in the Record on Appeal (Record page 17) Respondent used the address

Corrie A. Martin
112 Canter Lane
Anderson, SC 29624

The correct ZIP CODE is 29626. The United States Postal Service did not deliver the envelope containing the Certificate of Service of Notice of Hearing to Corrie A. Martin because of the incorrect ZIP. She knew nothing about the hearing and did not attend the hearing.

Elsewhere in Respondent's Brief Respondent refers to the Master in Equity's Order which recites that Corrie Martin was present at the hearing. She was not present.

A review of the various Certificates of Service included in the Record will reveal that Respondent's attorneys never used the correct address of Corrie A. Martin when sending out their various papers concerning the foreclosure. She never knew about the foreclosure until the Sheriff of Anderson County left a Writ of Assistance upon the door of her residence on June 13, 2011.

The tragedy of this situation is that when Respondent commenced its foreclosure and on through January 2012 , Appellant had faithfully made her payments since the ending of the foreclosure in April 2009 and was current in her payments. Respondent gave improper and erroneous information about the account of Corrie Martin to commence its foreclosure.

With respect to whether or not the Court abused its discretion in denying Appellant's Motion to Set Aside the Default, Respondent represented erroneous information to the Court during the Motion hearing. Respondent never gave the Court information that upon the end of Respondent's Foreclosure in Civil Action

2008-CP-04-04162 that Appellant was current in her payments and that the Court had issued its order dismissing the action which included a dismissal of attorney fees. Furthermore, Respondent hid from the Court that Appellant had faithfully made her mortgage payments from the ending of the 2008 foreclosure action in April 2009 and continuing through January 2012. No-- Respondent was busy representing to the Master in Equity in a hearing during January 2011 that Corrie Martin was in default and in arrears on her mortgage which entitled Respondent to sell her house. Then Respondent in the Motion hearing was maintaining that the foreclosure was valid because Appellant didn't file a Motion sooner to set aside a Default Judgment.

Respectfully submitted,

December 31, 2012

A handwritten signature in cursive script that reads "Corrie A. Martin". The signature is written in black ink and is positioned above the printed name and title.

Corrie A. Martin
Appellant

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

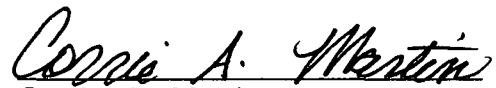
C.A. # 2010-CP-04-03548

CERTIFICATE OF COUNSEL

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SC Court of Appeals

The undersigned certifies that this Reply Brief complies with Rule 211(b), of the South Carolina Court Rules, SCACR.

December 31, 2012


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

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Ellis B. Drew, Jr., Master in Equity Judge

Case No. 2012-210846

GREEN TREE SERVICING,
LLC, as Successor in Interest
to Green Tree Financial
Servicing Corporation

Respondent,

v.

CORRIE A. MARTIN,

Appellant.

PROOF OF SERVICE

I certify that I have served the Reply Brief of Appellant on Green Tree Servicing by depositing a copy of it in the United States Mail, postage prepaid, on December 31, 2012 addressed to attorney of record Theodore Von Keller Post Office Box 4216, Columbia, South Carolina 29240.

February 28, 2013

Corrie A. Martin

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

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SC Court of Appeals