

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

The Bank of New York Mellon, f/k/a The Bank of New York, as trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-16,

Plaintiff,

vs.

Janet M. Smith, Portfolio Recovery Associates, LLC and James E. Brydic,

Defendant(s).

(File No. 2523.0281)

IN THE COURT OF COMMON PLEAS

C/A NO.: 2016-CP-22-0334

RECEIVED

JUN 14 2019

SC Court of Appeals

ORDER SETTING ASIDE SALE,
VACATING JUDGMENT, AND
DISMISSING CASE NUNC PRO TUNC

FILED
JAN 16 AM 11:42
ALPHA Y. WHIT
CLERK OF COURT
GEORGETOWN COUNTY

It appears that this is an action to foreclose a mortgage given by Janet M. Smith to Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc. dated November 15, 2005, and recorded in the Office of the Register of Deeds for Georgetown County on December 28, 2005 at 10:14 am in Book 2836 at Page 109.

It further appears that a Special Referee's Order Report and Order of Judgment of Foreclosure and Sale Decree was entered on September 20, 2016. The property was sold at public auction on November 7, 2016. Subsequently, Plaintiff has determined that it no longer wishes to pursue this action. Therefore, the Plaintiff wishes to vacate the Judgment of Foreclosure and Sale without waiving any of its rights under the note, mortgage, or the property secured thereby. Now, therefore, on motion of Crawford & von Keller LLC, attorneys for the Plaintiff, it is

ORDERED, ADJUDGED AND DECREED as follows:

1. That the Judgment of Foreclosure and Sale previously entered on September 20, 2016 is hereby vacated nunc pro tunc;
2. That the Judicial Sale conducted by this Court on November 7, 2016 be set aside and vacated nunc pro tunc;
3. That the recorded Release of Lien heretofore executed by this Court and recorded in the Georgetown County Register of Deeds office on November 28, 2016 in Book 2925 at Page 301 be cancelled and be declared void nunc pro tunc and that the Georgetown County Register of Deeds be and is hereby ordered to make the necessary notation on the Georgetown County records to put the public on notice that said Release is cancelled and voided and to refer to this Order in the Judgment Roll of this case;

4. That the recorded Deed from the Special Referee for Georgetown County to The Bank of New York Mellon, fka The Bank of New York, as Trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-16, recorded in the Georgetown County Register of Deeds on November 28, 2016 in Book 2925 at Page 296 be cancelled and be declared void and of no effect nunc pro tunc and that the Georgetown County Register of Deeds be and is hereby ordered to make the necessary notation on the Georgetown County records to put the public on notice that said Deed is cancelled and voided and to refer to this Order in the Judgment Roll of this case;

5. That the Special Referee's Report on Sale be vacated nunc pro tunc;

6. That the within action be and the same is hereby dismissed and ended of record without prejudice and that the Lis Pendens pertaining thereto be marked canceled on the records of the Clerk of Court for Georgetown County, South Carolina; and

7. IT IS FURTHER ORDERED that the Note and Mortgage be reinstated as if judgment had never been rendered to April 19, 2016, and

IT IS SO ORDERED.

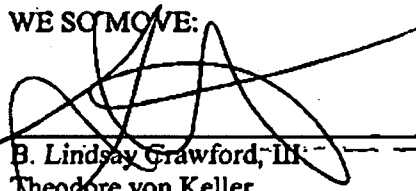


Daniel W. Stacy, Jr., Special Referee for
Georgetown County

October _____, 2018

Georgetown, South Carolina

WE SC MOVE:



B. Lindsay Crawford, III
Theodore von Keller
Sara C. Hutchins
B. Lindsay Crawford, IV
Crawford & von Keller, LLC.
PO Box 4216
Columbia, SC 29240
803-790-2626
Email: court@crawfordvk.com